

MINUTES  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
APRIL 24, 1990 MEETING

Chair Gladys McCoy convened the meeting at 9:40 a.m. with Vice-Chair Gretchen Kafoury, Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present.

1. C 1-88 PERIODIC REVIEW DECISION

The Board to adopt an ESEE Analysis Designation for Site #4, Angell Brothers, Inc. Quarry which will become part of the Local Review Order to be submitted to the Department of Land Conservation and Development, to fulfill Periodic Review Requirements (Continued from April 17, 1990)

Planning and Development Director Lorna Stickel presented the staff report on the Angell Brothers site, advising that last week a position was reached on the solution and that today they have the Final Order document with the Goal 5 Economic, Social, Environmental, and Energy Analysis language and map which puts that understanding into effect and changes the 3-C designation to apply to the 42 acre expansion area, less the 7 acre leave area. Ms. Stickel advised of an addition to 3B, of the Final Order, adding to last sentence: "Where possible, existing trees and vegetation will be preserved on the 111 acres." In response to a question of Commissioner Anderson, Ms. Stickel explained that for the area approved for clay mining earlier, every attempt will be made to preserve and protect the vegetation. Ms. Stickel requested an addition to page 5, 2B of the ESEE Analysis stating: "Angell Brothers has been permitted to operate during the hours of 6:00 a.m. to 10:00 p.m. since 1980, which operating hours were confirmed by its 1986 permit. Because of few conflicting or sensitive uses nearby, this facility should be allowed to continue current operating hours." In response to a question of Commissioner Anderson, Ms. Stickel advised that the operating hours can only be changed if the ESEE Analysis indicates that some longer operating period is possible. In response to a question of Commissioner Kelley, Ms. Stickel advised that blasting is restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Saturday, with no variation allowed under the County code. In response to a question of Commissioner Kafoury, Ms. Stickel reported that staff has not received many trucking movement complaints.

Carol Canning of NW Riverview Drive, reported that at the ESEE hearings there was quite a bit of testimony and a petition from the approximately 20 households of the Bridgeview Moorage concerning the noise and dust.

In response to a question of Commissioner Kafoury, Ms. Stickel advised the new code states that the hours of operation allowed are from 7:00 a.m. to 6:00 p.m.; that no operation shall be allowed during specific holidays; and that the approval authority may allow alternate hours on sites for which the ESEE Analysis has identified other potential operating time periods.

Ms. Stickel advised that the operating hours issue could be discussed at the hearing held when applicants apply for a conditional use under the new code, and that shorter hours could be set; but that if the ESEE Analysis is silent on the operational hours issue, there is no option to discuss longer operating hours. In response to a question of Commissioner Anderson, Ms. Stickel stated that longer operating hours could be granted if there were no conflicts. In response to a question of Chair McCoy, Ms. Stickel reported that staff identified no substantive evidence of significant conflicts at the Angell Brothers site.

Commissioner Kafoury moved and Commissioner Kelley seconded, for approval of the Final Order with the discussed amendments.

Commissioner Anderson advised that she would want to restrict the hours to much less than 6:00 a.m. to 10:00 p.m. when the conditional use comes up, but that she would be willing to support the Final Order.

Ms. Stickel advised that staff could ask for more substantive evidence regarding noise impact on the other side of U.S. Highway 30 or for those people who live to the south and east of the operation during the application process for the conditional use. In response to Commissioner Anderson's concern regarding noises magnified by water, Ms. Stickel stated that on Sauvie Island, the closest residences are thousands of feet away from the site and noise impact that distance seems unlikely. Ms. Stickel reported that both parties have suggested and staff concurs with adding the following language to 4B of the Final Order: "Where possible, 6 feet of topsoil around streams."

Robert Price of David Evans and Associates, testified that his clients have said all that needed to be said over the last six months; that they agree with Carol Canning on the last wording changes; and that Angell Brothers is perfectly willing to go with the amended Final Order and proposed ESEE.

Carol Canning thanked the Board for its patience and time and for providing the parties with a negotiation process. Ms. Canning advised that her group is satisfied with the wording in the amended Final Order, except for the hours, but that they will be happy to address that issue during the conditional use permit process.

Final Order 90-59 with recommended amendments  
UNANIMOUSLY APPROVED.

2. RPD 1-90 PUBLIC HEARING - De Novo  
LD 1-90

Review the decision of the Planning Commission of February 26, 1990, approving change in zone designation from MUF-19, multiple use forest district to MUF-19, RPD, rural planned-development, and approving, subject to conditions, tentative plan for Type I land division, resulting in a 12-lot land division, all for property located at 11000 NW Saltzman Road  
Scope of Review: De Novo

Planner Mark Hess presented the staff report, advising the Board was given a supplemental staff report packet April 24, 1990, in addition to other pertinent materials. Mr. Hess outlined the background and chronology of the Planning process, advising that the proposal is to take a 120 acre site off NW Skyline and apply an RPD designation to the site, which would allow it to be divided into 12 lots rather than the current designation allowing 6. Mr. Hess advised that criteria to approve the proposed request must demonstrate that it is consistent with the character of the area, which staff advises it is not; and that the site is a resource zone immediately adjacent to the UGB which should be preserved for possible future urbanization; that criteria must demonstrate it is consistent with the Comprehensive Framework Plan, which staff advises it is not; and that the designation would be in variance with Policy 4 of the Plan regarding intergovernmental coordination, as evidenced by testimony received from the City of Portland and the Metropolitan Service District; and that criteria must demonstrate it is unsuitable for forest use. Mr. Hess advised that staff feels they have substantial evidence to show that the site is suitable for forest use and recommends denial of the request. Mr. Hess assured the Board it has broad discretionary powers of interpretation in this matter, and advised that the hearing today is a standard, quasi-judicial proceeding.

Commissioner Kafoury reported that she has had no direct contact with any of the parties, but that she has received political contributions from both sides, but does not believe that it has in any way impacted her ability to be objective on this matter.

Commissioner Bauman advised he is dealing with Ball, Janik and Novack in a pro bono relationship on the development of Articles of Incorporation and Bylaws of the Urban Youth Corps.

Steven Janik, attorney representing applicant Forest Park Estate Joint Venture, introduced representatives of the applicant, Ms. Anne Thompson and Mr. Bob Hartford; Mr. Janik's associate, Mr. Richard Whitman; Lisa Hahn from David Evans and Associates; and John Davis of Timber Net. Mr. Janik reported that the supplemental staff report was delivered less than 7 days prior to the hearing and that pursuant to ORS 197.763(4)(b), does not comply with statutory requirements and should be disregarded and excluded from the Record.

At the request of Commissioner Bauman, Assistant County Counsel John DuBay advised that Mr. Janik is correct, but the Board cannot erase having read the Report and that the issue now is whether it is part of Record, which could be decided at another time. Mr. DuBay concurred in response to Commissioner Bauman's suggestion that another option would be to postpone the hearing.

Planning and Development Director Lorna Stickel asked that the Board give County Counsel an opportunity to give a legal opinion on the issue, as it was staff's assumption that the 7 day requirement applied to submission of a staff report at the initial Planning Commission hearing, which was met, and that this is a supplement to that report which met the 7 day standard.

Mr. DuBay suggested that the Board reserve its judgment on whether the supplemental staff report be considered part of the Record until he has researched the matter.

Mr. Janik reported that pursuant to ORS 215.428, the County is required to render a final decision within 120 days of the filing of the application. Mr. Janik read the specific statute and stated that the 120 day period expired March 30th; that a decision was rendered by the Planning Commission and findings of fact were adopted, which but for the action of this Board in calling a de novo hearing, is otherwise final; and that pursuant to statute, the Board of Commissioners does not have authority to proceed with a de novo hearing.

In response to Chair McCoy's request for a ruling on the matter, Mr. DuBay advised that the question now is when the application became complete.

Mr. Janik responded that the application was submitted December 1, 1989 with no indication thereafter that it was incomplete.

Mr. DuBay advised that if the 120 days has expired, the matter is subject to a writ of review and applicant may apply to Circuit Court for an order requiring the permit to be issued. In response to Commissioner Bauman's request as to whether the Court order would require approval of the permit or approval of the Planning Commission decision, Mr. DuBay advised that the Court would grant approval of whatever was applied for.

Mr. Janik stated that the County's RPD code authorizes final action by the Planning Commission and does not require final action by this Board. In response to Chair McCoy's statement that Planning Commission matters come before the Board when there is an appeal, Mr. Janik advised there had been no appeal in this case.

Chair McCoy directed Mr. DuBay to establish his recommendation as to how the Board should proceed.

The Board recessed at 10:10 a.m. and reconvened at 10:30 a.m.

Mr. DuBay reported that the statute referred to by Mr. Janik has only been cited in two Oregon Appeals cases, stating that Simon vs. Marion County, advises that once a decision is made, this statute no longer applies and that after action by the local governing body, the issue becomes a land use decision appealable by the Land Use Board of Appeals and the Court no longer has jurisdiction to require approval. Mr. DuBay recommended that the Board take action today, allowing the matter to become a land use decision appealable only to LUBA, advising that in a Circuit Court action applicants are entitled to get the approval granted unless the governing body can prove that approval would violate a substantive provision of the County Comprehensive Plan or land use regulations. Mr. DuBay recommended that the Board retain its jurisdiction in this case by proceeding to a decision.



In response to Chair McCoy's request for clarification as to why in this instance Planning staff is rejecting the Planning Commission's decision, Mr. DuBay advised that staff recommended that the Board call up this decision for review, and the matter is before the Board on the Board's own motion.

In response to Chair McCoy's directive, Ms. Stickel related that staff asked the Board to consider calling this case up on its own motion, and that staff did not provide any substantive arguments but simply made documents from the Record available to the Board.

Mr. Janik advised that the decision to hear the matter was made prior to the 120 day period in response to a question of Chair McCoy.

Commissioner Bauman suggested that the Board decide whether to proceed with a hearing.

Mr. Janik requested that the County acknowledge that his clients are not waiving any of their arguments; expressed concern about whether the Board had adequate time to review all the materials in this case; suggested that the Board had not received copies of his January 20, 1990 letter to the Planning Commission, the application, Timber Net's response to the first staff report, a Timber Net summary report, and a report from GeoTechnical Resources; and expressed concern that the Board may not have had sufficient time to review applicants response to the supplemental staff report.

In response to Commissioner Kafoury's question of County Counsel regarding the risk with continuing the hearing, Mr. DuBay advised that applicants could go to Circuit Court with a Writ of Review and ask that the application be granted. Mr. DuBay advised he has no problem with the County stipulating that it would not waive any objections to the arguments presented by Mr. Janik, and that if Mr. Janik would stipulate that he would waive any objections to the 120 day period, he sees no objection to a continuance.

In response to Commissioner Bauman's question as to whether there were any procedural advantages if the case were appealed to Circuit Court or LUBA, Mr. DuBay stated that it would be in the County's best interest that the case be appealed to LUBA as the issues would be on the merits of the case.

Mr. Janik clarified that any continuance would not affect whether his clients go to Circuit Court under a Writ or to LUBA. Mr. Janik advised that in addition to those legal approaches, his clients could file an action either in Circuit Court or LUBA seeking a declaration that the Board should not be holding this hearing and that any decision that results from that is an invalid decision because it is outside the 120 days.

UPON MOTION of Commissioner Kafoury, seconded by Commissioner Anderson, it was APPROVED that the matter proceed to hearing, with Commissioner Bauman voting nay.

In response to Mr. Janik's request, Chair McCoy stated that the County acknowledges that Mr. Janik's clients are not waiving any of their arguments regarding whether or not the County has authority to conduct a hearing and whether the County has acted within 120 days.

Mr. Janik asked to have the entire Planning Commission Record, including transcripts, and all documents submitted to the Planning Commission, as well as his letter of April 23, 1990 incorporated into the Record. Mr. Janik testified that his clients propose a development of 1 unit per every 10 acres as allowed under the County's RPD zoning, stating that at issue is whether they meet the RPD approval standards. Mr. Janik advised that an extensive application with expert reports was submitted; Planning staff issued a negative staff report; there was a 7 hour hearing before the Planning Commission; Planning staff issued a staff report recommending approval of both the RPD and the lot division and then subsequently issued a supplemental staff report recommending denial. Mr. Janik stated that despite Planning staff assertions that it is suitable for use as forest land, there are no merchantable trees presently on the property and it would not be practical for his clients to clear cut the hardwood vegetation, plant it with Douglas Fir, burn the slash, spray, and wait 40 or 50 years for a commercial return on the timber. Mr. Janik advised that Planning staff assert the property should not be used for rural development because it is needed for future urban development and that if the County allows 12 houses, it will somehow preclude this property being developed at urban density levels at some time in the future, but that applicants site plan allows for future urban development if that becomes appropriate. Mr. Janik stated there are no County policies which speak to saving land outside the UGB for urban development. Mr. Janik showed the Board an aerial photo, giving a general overview of the property and zoning of the neighboring areas, advising the average lot size in the vicinity is 6.85 acres, and that 67% of the land is currently zoned or planned for rural development. Mr. Janik showed the Board another aerial photo, giving a general overview of the vegetation and open meadow areas, stating that there is a 60 acre parcel on the north half of the property, characterized by an existing vegetative cover of non-commercially usable hardwood trees, with very steep ravines, intermittent creeks and slopes between 30% and 70%; a 21 acre meadowland area where they propose to site the houses to be built on the 12 lots; and a 40 acre area which contains non-commercial trees with slopes ranging between 15% to 30%. Mr. Janik showed the Board a slope map and advised that the slopes are a severe limiting factor for any kind of commercial forest use or urban development, and reiterated that the property is not suitable for farm use, forest use, or urban development. Mr. Janik showed the Board the site plan and pointed out the proposed siting, fire break, fire access road and main access off Saltzman Road, advising that the plan tries to develop the rural residential character on the most suitable portions of the property, leaving approximately 100 acres in its present condition.

Mr. John Davis, Vice-President of Timber Net, Inc. at Timberland Marketing Company, outlined his educational and

employment history and testified that he inspected the Skyline Meadows property 3 times to determine its suitability to be managed as commercial forest land. Mr. Davis advised it is his opinion that the site is average in soil productivity for forest soils in Oregon and could grow Douglas Fir trees at commercial levels, but would be a poor site for hardwood growth as even after 30 years, the hardwood trees covering most of the forested portion of Skyline Meadows are not near a merchantable size. Mr. Davis stated that the property is non-productive as timberland in its current conditions as it was harvested 30 to 40 years ago and now consists of a forest of small hardwood trees. Mr. Davis submitted copies of photos taken from the meadow and northern forest areas; advising that the practices necessary to convert the site to a productive forest represent a substantial investment, with minimum financial return to justify the large upfront expenses; and that the property is unsuitable for commercial forestry use due to its steep topography, hardwood thickets, close proximity to downtown Portland and the number of surrounding rural homesites. Mr. Davis commented that Oregonians are discovering ways to use the political process to control what others may do on their own land and there are no guarantees of landowner freedom to conduct forest practices. Mr. Davis responded to Planning staff fire hazard concerns by stating the property has virtually no build up of flammable woody debris on the forest floor due to the fact that hardwood limbs decay rapidly; and that the proposed improvements will eliminate most of the current hazard.

In response to Commissioner Anderson's request for clarification regarding the statement that 100 acres would be left undeveloped, Mr. Janik advised that the 12 home sites would be developed on 20 acres and that the 100 acre balance would be left undeveloped by means of placing restrictions on the sale of each lot and specifying that each property owner obtain an approved County resource management plan before any building is done on each lot.

In discussing the County's RPD standards and criteria at issue in this case, Mr. Janik advised that if the area is used as forest there will be serious problems in terms of cutting, burning and the attendant soil erosion on the steep slopes; that the 2 adjacent parcels are very steep, do not contain commercial trees, and are not presently used for agricultural or forestry activities; but that to the extent anyone chooses in the future to conduct farming or forestry activities, the proposed 100 acre buffer is more than sufficient to protect them. Mr. Janik reported that water would be provided by 63 on-site wells producing an average of 26.2 gallons per minute; there is a City of Portland line which the City has approved for use in fire protection; they have City of Portland approved access off Saltzman Road; and that there is room for 12 septic tanks in the proposed development area. Mr. Janik suggested that it would be appropriate for the Board to approve his client's proposed RPD.

In response to Commissioner Anderson's question as to who would pay for the City line for fire protection, Mr. Janik advised that his clients would pay for any extension of the existing line at the edge of the site.

Mr. DuBay advised that he has researched the supplemental staff report issue and it appears to him that the 7 day limit is a procedural requirement and that LUBA would probably be concerned as to what prejudice it has caused the other side. Mr. DuBay stated that inasmuch as applicants filed its response yesterday afternoon, it would be appropriate to ask Mr. Janik to advise as to what extent the 1 or 2 day delay prejudiced his clients rights; and that the Board should then vote on whether or not to allow the supplemental staff report as part of the Record.

Mr. Janik advised that his clients were adversely affected because they had to make a very hurried response and that he is concerned whether the Board has had an adequate opportunity to review it before today's hearing.

In response to Chair McCoy's question as to the pleasure of the Board, Commissioner Kafoury advised she wished to hear testimony from the opposing side.

Chair McCoy related that it is her sense the delay has not prejudiced applicant's case.

In response to Chair McCoy's question regarding whether there was sufficient time to review applicants response, Commissioner Bauman suggested that the Board proceed with the testimony and resolve that issue at a later time.

Ethan Seltzer of the Metro Planning and Development, testified against the proposed development, advising that policy issues are at stake as referred to in a January 22, 1990 letter sent to the Planning Commission by Richard Carson, Director of Metro's Planning and Development. Mr. Seltzer advised the issue is not necessarily the character of the rural area, but the question of suitability for forest use inasmuch as the County Comprehensive Plan made a conscious decision to designate the site MUF-19 which allows a 38 acre minimum for a single family dwelling, or 19 acres if there is a resource management plan; and that under the RPD category, it is not necessarily the case that for each specific lot you would have a resource management plan. Mr. Seltzer noted that it is not the cost of forest activities and forest practices, but its suitability at issue; and that the argument that the current vegetative cover on the property is not merchantable timber so the property is not suitable for resource could be applied to virtually any piece of rural land that has been logged and then not managed for a period of time, which would be like rewarding bad management. Mr. Seltzer stated that while adjacency to the UGB or other rural residential lands may be relevant to aspects of character of the rural area, whether or not the property is suitable for forest use is not a relevant argument in this case. Mr. Seltzer commented that contrary to Mr. Janik's observation, the findings note that the proposed homesite area is least suited for open space, wildlife and small woodlots; and that the fact there is a resource management plan requirement to the conditions of approval suggests there is a resource value to the property. Mr. Seltzer advised that parcelization of a large contiguous piece of property on the edge of the UGB is a policy issue in terms of suitability of the property for resource use as

well as how it may fit into a future pattern of urbanization; and that if the property is not suitable for resource use as applicant contends, then perhaps applicant should apply for some kind of comprehensive plan change which recognizes its lack of value for resource use and therefore puts it into what could be determined as an exception land status.

In response to Commissioner Kelley's request that he expand on the resource management plan, Mr. Seltzer advised that the requirement was added by the Planning Commission because of its concern about the use of the bulk of the property for potential resource purposes.

In response to Commissioner Kelley's question as to who would approve a resource management plan, Mr. Hess explained it would be approved administratively through the County Planning Department and would require a certification or review by the Department of Forestry or other recognized expert.

Carol Canning of NW Riverview Drive, advised her testimony is in collaboration with Nora Rich from the Skyline Neighborhood Association who was not able to attend today's hearing. Ms. Canning read a statement in opposition to the proposed development, advising that if the designation were approved, the County would be sacrificing its natural areas and livability.

Nancy Rosenlund of NW Cornell Road and the Forest Park Neighborhood Association, testified against the proposed development, advising that land outside the UGB should not be used for urban purposes and that the burden of proof should be exceedingly high for a development project which would divide potentially productive farm or forest land into housing estates. Ms. Rosenlund urged the Board to deny the proposed development, advising that because a property is not commercially viable today is no reason to put houses on it.

Bob Clay, City of Portland, Bureau of Planning, testified that the City recommends denial of the proposed development, advising that this case raises important urban growth management public policy issues of concern to the City because the site is large and immediately adjacent to the Portland city limits and UGB. Mr. Clay advised that the City's 1985 Northwest Hills Study estimated a demand for over 2,200 residential units in the next 20 years and that while there is plenty of capacity and development potential to accommodate that demand, the City is concerned that if the UGB is expanded in the future, this proposed development would preclude the City's ability to efficiently provide urban services, by creating lots that are not suitable for future division. Based on the City's review of the proposed development, Mr. Clay stated that if it were annexed to the City in the future, the City would probably zone it R-10, or approximately 4 units per acre on the 120 acre site, which would result in as many as 480 units to the City.

Karin Hunt, Multnomah County Planning Commission member, testified she was one of the Commissioners who voted against approval of the proposed development; and reported that some of

the information referred to by Mr. Janik was hand delivered to the Planning Commission the day of the hearing; and that Planning staff did not have a chance to review applicants hand delivered response to the staff report. Ms. Hunt submitted copies of an April 23, 1990 letter from Ted Lawrence at the Oregon State Department of Forestry in response to applicants economic analysis; a cost share assistance pamphlet; and an April 20, 1990 letter from the Clackamas-Multnomah County Agricultural Stabilization and Conservation Committee relative to eligible Reforestation Projects. Ms. Hunt stated she does not believe the evidence before Board justifies allowing the proposed development.

Ivy Frances of NW 112th Avenue, representing the West Multnomah Soil and Water Conservation District, submitted a copy of a December 28, 1989 joint memorandum from the District and the Portland Field Office of the USDA, Soil Conservation Service in opposition to the proposed development; and refuted applicants assertions that the property on the proposed development is unsuitable for agriculture or forest use. Ms. Frances cited data which estimated that Douglas Fir trees planted on the property could be expected to be 115 feet high in 50 years and stated that the District sees no factual evidence to support applicants assertions that once a land is logged, it is not economically feasible to replant and continue forestry as a renewable resource. Ms. Frances advised the District urges the Board to sustain the future by to assuring economic diversity where possible by restricting development of forest productive land.

George Sowder of NW Skyline Boulevard, President of the Skyline Neighborhood Association, discussed the commercial sale of trees other than Douglas Fir located in the area of the proposed development and advised he feels the Timber Net expert overstated the case of potential conflicts with surrounding land residents and the cost of producing merchantable timber on the property. Mr. Sowder stated he feels the area is of singular importance due to its proximity to Portland, the West Hills, Forest Park and the Wildlife Corridor, and that the critical nature of the area is underscored by future forest products, which is in the public's interest. Mr. Sowder urged the Board to maintain the current resource zoning for the area.

Brian Lightcap of NW Newberry Road, testified in opposition to the proposed development, advising that he and his wife currently own 54 contiguous acres adjacent to Forest Park on which they raise, produce and manage for profit sheep, hides, manure, Douglas Fir, black walnut, hybrid American chestnut, natural maple railings and banisters, specialty timber trees and maple lumber. Mr. Lightcap stated he is against the proposed RPD designation and does not believe it will comply with the County's Goal 3 and rules adopted February, 1990; and that he feels the 120 acre parcel is more suited to division into 4 or 5 MUF zoned parcels, provided the landowners have responsible forestland management plans.

Anthony Boutard, staff forester for 1,000 Friends of Oregon, testified against the proposed development, stating the site productivity is well suited for forestry uses, with an annual increment average or slightly above average for western Oregon.



Mr. Boutard concluded by stating that the property has the potential for conducting an economically viable forestry operation which would be good for individual owners.

Mr. Janik observed that the Board has had an opportunity to see two conflicting viewpoints in today's opposing testimony, with some arguing the site should be designated for urban and others for forestry use. Mr. Janik advised that he has rarely heard the argument in Multnomah County that houses on 10 acres or 12 houses on 120 acres would adversely affect livability, and pointed out that no one other than Mr. Davis of Timber Net testified they had performed an on-site evaluation of the property. Mr. Janik reiterated the legal conditions for determining suitability for forestry use, advising applicants purchased the property 10 years ago and were not in anyway responsible for its prior history or cutting. Mr. Janik's response to the testimony suggesting that applicants apply to amend the County's Comprehensive Plan was that it would not be appropriate; and stated that the City argued without facts when inferring the property could not be subdivided for future urban uses. Mr. Janik addressed other concerns raised today and stated applicants have expert evidence that the property is not usable for commercial forestry production; and that protection of the scenic open space, soil erosion and wildlife habitat resource values are being addressed with a resource management plan.

In response to Commissioner Kafoury's question as to how this stands in the long-term land use planning review process, Ms. Stickel reported that the County's Plan does not address the issue very clearly; that the County is working with Metro in devising a process to determine potential urban growth areas existing outside the current UGB; hope within the next couple of years to address the issue of potential future urban reserves which will establish the need to protect some of these areas for future urban and natural resource purposes; and advised that the the RPD designation has been removed from the current County code to alleviate future arguments. In response to Commissioner Kafoury's comments, Ms. Stickel advised that there is no need in the immediate future to reserve this particular piece of property for potential urban land needs.

In response to Chair McCoy's question as to the County's options, Mr. DuBay advised that the Board could continue the matter, affirm the Planning Commission decision approving the development, or deny the Planning Commission decision and deny the proposed development.

Commissioner Bauman moved and Commissioner Kafoury seconded, for a one week continuance of the matter.

In response to a question of Commissioner Kelly, Commissioner Bauman advised he wants a continuance so he may visit the site; more clearly understand County's options under the rural and forest designations; and more clearly understand the procedural dilemma the County may be entering.

MOTION FAILED with Commissioners Anderson, Kelley and McCoy voting nay.



In response to Commissioner Bauman's comments, Commissioner Kelley stated she felt the Board had heard sufficient testimony to make a decision today.

UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, to DENY the Planning Commission decision allowing the proposed development, it was APPROVED, with Commissioner McCoy voting nay.

Commissioner Bauman advised that having voted on the side of the majority, he moves for reconsideration next week, and serves notice of possible reconsideration of the matter on Tuesday, May 1, 1990.

There being no further business, the meeting was adjourned at 12:14 p.m.

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON

By Deborah Rogers

0775C/6-17/dr

ANNOTATED AGENDA

Monday, April 23, 1990 - 10:00 AM  
Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

Items Affecting Sheriff's Department Budget will be discussed first

BUDGET WORK SESSION AND FORMAL ADOPTION  
CONTINUED TO THURSDAY, APRIL 26, 1990,  
FOLLOWING FORMAL MEETING

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SUPPLEMENTAL AGENDA

Tuesday, April 24, 1990 - 8:30 AM  
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) for the purpose of discussing labor negotiations

EXECUTIVE SESSION HELD, NO DECISIONS MADE

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Tuesday, April 24, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

PLANNING ITEMS

1. C 1-88 PERIODIC REVIEW DECISION

The Board to adopt an ESEE Analysis Designation for Site #4, Angell Brothers, Inc. Quarry which will become part of the Local Review Order to be submitted to the Department of Land Conservation and Development, to fulfill Periodic Review Requirements (Continued from April 17, 1990)

FINAL ORDER 90-59 APPROVED WITH RECOMMENDED  
AMENDMENTS

2. RPD 1-90 PUBLIC HEARING - De Novo  
LD 1-90

Review the decision of the Planning Commission of February 26, 1990, approving change in zone designation from MUF-19, multiple use forest district to MUF-19, RPD, rural planned-development, and approving, subject to conditions, tentative plan for Type I land division, resulting in a 12-lot land division, all for property located at 11000 NW Saltzman Road

Scope of Review: De Novo

MOTION DENYING PLANNING COMMISSION DECISION  
APPROVED. COMMISSIONER BAUMAN SERVED NOTICE OF  
POSSIBLE RECONSIDERATION OF MATTER ON TUESDAY,  
MAY 1, 1990

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Tuesday, April 24, 1990 - 1:30 PM  
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Review of April 26, 1990 Formal Agenda Item R-1 presented by Lee Moore.
2. Library Transition Team Report presented by Ginnie Cooper and Margaret Epting.
3. Briefing on Children and Youth Services Plan for addressing requirements of State Youth Commission with regard to intervention dollars, presented by Judge Linda Bergman and Michael Morrissey.
4. Briefing on Community Restoration Budget presented by Norm Monroe.

DISCUSSED FUNDING OA II POSITION FOR OPERATION  
AND IMPLEMENTATION OF PROPOSED FAMILY  
DEVELOPMENT CENTERS

5. Update on North/Northeast Youth Gang Outreach presented by Maceo Pettis.

TO BE RESCHEDULED

6. Informal Review of Formal Agenda of April 26, 1990.

COUNTY COUNSEL SUBMITTED A RESOLUTION FOR  
CONSIDERATION ALONG WITH BUDGET MODIFICATION  
DGS #15, ITEM R-2

COMMISSIONER ANDERSON ADVISED AN ORDER HAD BEEN  
SUBMITTED FOR CONSIDERATION ALONG WITH  
INTERGOVERNMENTAL AGREEMENT, ITEM R-5

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Thursday, April 26, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

- C-1 In the Matter of Appointments of R. Douglas Rogers, Micki Clay and Virginia Jellison to Metropolitan Community Action Private Sector, for terms expiring 1991.

APPROVED

- C-2 Proclamation in the Matter of Proclaiming April 30 through May 7, 1990 as COMMUNITY LAW WEEK in Multnomah County, Oregon.

**PROCLAMATION 90-60 APPROVED**

**DEPARTMENT OF GENERAL SERVICES**

- R-1 In the Matter of Approval of Multnomah County Regulatory Commission, Multnomah Cable Access Corporation, and the PCTV Budgets pursuant to an Intergovernmental Agreement between the jurisdictions of Gresham, Troutdale, Fairview, Wood Village and Multnomah County.

**APPROVED**

- R-2 Budget Modification DGS #15 requesting approval of the transfer of \$10,000 from the General Fund Contingency to provide consulting services for the processing of a new Cable Franchise application.

**TABLED**

- R-3 Ratification of an Intergovernmental Agreement to allow the County's contract for the purchase of Herman Miller furnishings to be used by Portland State University in accordance with Bid No. B43-100-3028.

**APPROVED**

**PUBLIC CONTRACT REVIEW BOARD**

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-4 Order in the Matter of an Exemption from Public Bidding to Exceed the 20% Limitation for Contract Change Orders for the Broadway Bridge Renovation Project.

**ORDER 90-61 APPROVED**

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

**DEPARTMENT ENVIRONMENTAL SERVICES**

- R-5 Ratification of an Intergovernmental Agreement between Multnomah County and the City of Gresham for the sale of properties which have been deeded to the County through tax foreclosure on which there are special City assessments.

**ORDER 90-62 - IN THE MATTER OF AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF  
GRESHAM AND MULTNOMAH COUNTY FOR FORECLOSURE  
SALES FOR COLLECTION OF CITY AND COUNTY LIENS  
- APPROVED**

**INTERGOVERNMENTAL AGREEMENT APPROVED**

DEPARTMENT OF JUSTICE SERVICES

- R-6 Budget Modification DJS #19 requesting reclassification of Program Supervisor to a Program Manager I in the Alternative Community Services Program.

APPROVED

- R-7 Budget Modification DJS #21 requesting reclassification of Office Assistant II position in the Office of Women's Transition Services to an Office Assistant III in accordance with the findings of Employee Relations.

APPROVED

NON-DEPARTMENTAL

- R-8 Resolution in the Matter of Declaring Intention of Multnomah County to Establish, Equip and Maintain a Public Library under ORS 357.410; and Authorizing an Agreement with Directors of the Library Association of Portland to Transfer to the County all Real and Personal Property Used to Conduct Operations of the Multnomah County Public Library.

RESOLUTION 90-63 APPROVED

- R-9 Resolution in the Matter of Prohibiting Use of Polystyrene Foam Products in County Operated Facilities Absent a Board Approved Recycling Program.

RESOLUTION 90-64 APPROVED

DEPARTMENT OF HUMAN SERVICES

- R-10 Budget Modification DHS #46 requesting various internal housekeeping adjustments within the DD Program in the Social Services Division.

APPROVED

- R-11 Budget Modification DHS #47 requesting increase in the Social Services Division Developmental Disabilities program contracts budget of \$231,905 to reflect amendment #17 of the State Mental Health Grant which implements an increase in direct care wages.

APPROVED

- R-12 Budget Modification DHS #48 requests several unrelated classification changes for positions within the Health Division, and transfers salary savings to cover start up costs at the three new school based clinics.

APPROVED

- R-13 Budget Modification DHS #49 requests approval to enter into a testing agreement with Epitepe Corp. to assist in data collection for a new hepatitis test.

**APPROVED**

- R-14 Ratification of an Intergovernmental Agreement between State Senior & Disabled Services Division and Aging Services Division to provide a total \$33,333 State General Revenue funds, \$8,328 for FY 89/90 and the remainder of \$25,005 for FY 90/91 to funding the development and implementation of Geriatric Mental Health specialists and services.

**APPROVED**

- R-15 Budget Modification DHS #51 requests addition of \$8,328 of a new mental health grant from the State Senior and Disabled Services Division to Social Services Division.

**APPROVED**

- R-16 Ratification of amendment #3 to Intergovernmental Agreement between Developmental Disabilities Program and Portland Public Schools to provide continual early intervention services to ten children.

**APPROVED**

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POSSIBLE DATE FOR CONSIDERATION OF APPROVAL OF A RESOLUTION  
IN THE MATTER OF ACCEPTING THE EXECUTIVE BUDGET AS AMENDED, AND  
PREPARING THE APPROVED MULTNOMAH COUNTY BUDGET FOR SUBMITTAL TO  
THE TAX SUPERVISING AND CONSERVATION COMMISSION

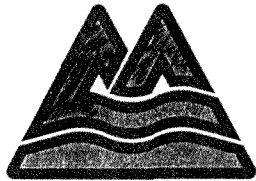
**PUBLIC TESTIMONY TAKEN**

**BOARD APPROVED AMENDED EXECUTIVE BUDGET WITH  
ADDITIONAL AMENDMENTS AND MOVED A BALANCE OF  
\$428,906 INTO THE CONTINGENCY ACCOUNT**

**(RESOLUTION 90-65 APPROVED)**

**BOARD DIRECTED STAFF TO PREPARE AND  
INCORPORATE CERTAIN NON-FINANCIAL AMENDMENTS  
INTO THE BUDGET**

0775C/1-5/dr  
4/26/90



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

Annotated  
#0775C

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

APRIL 23 - 27, 1990

Monday, April 23 - 10:00 AM - Budget Work Session . . . . Page 2  
Tuesday, April 24 - 9:30 AM - Planning Items . . . . . Page 2  
Tuesday, April 24 - 1:30 PM - Informal Briefings . . . . Page 2  
TO FOLLOW: - Informal Agenda Review . . Page 3  
Thursday, April 26 - 9:30 AM - Formal Meeting . . . . . Page 3

### PUBLIC TESTIMONY WILL BE TAKEN DURING PUBLIC HEARINGS

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers  
Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers  
Saturday, 12:00 PM, Channel 21 for East Portland and East County subscribers



Monday, April 23, 1990 - 10:00 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

Items Affecting Sheriff's Department Budget will be discussed first

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Tuesday, April 24, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

1. C 1-88 PERIODIC REVIEW DECISION

The Board to adopt an ESEE Analysis Designation for Site #4, Angell Brothers, Inc. Quarry which will become part of the Local Review Order to be submitted to the Department of Land Conservation and Development, to fulfill Periodic Review Requirements (Continued from April 17, 1990)

2. RPD 1-90 PUBLIC HEARING - De Novo  
LD 1-90

Review the decision of the Planning Commission of February 26, 1990, approving change in zone designation from MUF-19, multiple use forest district to MUF-19, RPD, rural planned-development, and approving, subject to conditions, tentative plan for Type I land division, resulting in a 12-lot land division, all for property located at 11000 NW Saltzman Road

Scope of Review: De Novo

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POSSIBLE DATE FOR CONSIDERATION OF APPROVAL OF A RESOLUTION IN THE MATTER OF ACCEPTING THE EXECUTIVE BUDGET AS AMENDED, AND PREPARING THE APPROVED MULTNOMAH COUNTY BUDGET FOR SUBMITTAL TO THE TAX SUPERVISING AND CONSERVATION COMMISSION

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Tuesday, April 24, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Review of April 26, 1990 Formal Agenda Item R-1 presented by Lee Moore. (Time Certain 1:30 PM)
2. Library Transition Team Report presented by Ginnie Cooper and Margaret Epting. (Time Certain 2:00 PM)

3. Briefing on Children and Youth Services Plan for addressing requirements of State Youth Commission with regard to intervention dollars, presented by Judge Linda Bergman and Michael Morrissey.
  4. Briefing on Community Restoration Budget presented by Norm Monroe.
  5. Update on North/Northeast Youth Gang Outreach presented by Maceo Pettis.
  6. Informal Review of Formal Agenda of April 26, 1990.
- 

Thursday, April 26, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

- C-1 In the Matter of Appointments of R. Douglas Rogers, Micki Clay and Virginia Jellison to Metropolitan Community Action Private Sector, for terms expiring 1991.
- C-2 Proclamation in the Matter of Proclaiming April 30 through May 7, 1990 as COMMUNITY LAW WEEK in Multnomah County, Oregon.

DEPARTMENT OF GENERAL SERVICES

- R-1 In the Matter of Approval of Multnomah County Regulatory Commission, Multnomah Cable Access Corporation, and the PCTV Budgets pursuant to an Intergovernmental Agreement between the jurisdictions of Gresham, Troutdale, Fairview, Wood Village and Multnomah County.
- R-2 Budget Modification DGS #15 requesting approval of the transfer of \$10,000 from the General Fund Contingency to provide consulting services for the processing of a new Cable Franchise application.
- R-3 Ratification of an Intergovernmental Agreement to allow the County's contract for the purchase of Herman Miller furnishings to be used by Portland State University in accordance with Bid No. B43-100-3028.

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-4 Order in the Matter of an Exemption from Public Bidding to Exceed the 20% Limitation for Contract Change Orders for the Broadway Bridge Renovation Project.

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT ENVIRONMENTAL SERVICES

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DEPARTMENT OF JUSTICE SERVICES

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- R-7      Budget Modification DJS #21 requesting reclassification of Office Assistant II position in the Office of Women's Transition Services to an Office Assistant III in accordance with the findings of Employee Relations.

NON-DEPARTMENTAL

- R-8      Resolution in the Matter of Declaring Intention of Multnomah County to Establish, Equip and Maintain a Public Library under ORS 357.410; and Authorizing an Agreement with Directors of the Library Association of Portland to Transfer to the County all Real and Personal Property Used to Conduct Operations of the Multnomah County Public Library.
- R-9      Resolution in the Matter of Prohibiting Use of Polystyrene Foam Products in County Operated Facilities Absent a Board Approved Recycling Program.

DEPARTMENT OF HUMAN SERVICES

- R-10     Budget Modification DHS #46 requesting various internal housekeeping adjustments within the DD Program in the Social Services Division.
- R-11     Budget Modification DHS #47 requesting increase in the Social Services Division Developmental Disabilities program contracts budget of \$231,905 to reflect amendment #17 of the State Mental Health Grant which implements an increase in direct care wages.
- R-12     Budget Modification DHS #48 requests several unrelated classification changes for positions within the Health Division, and transfers salary savings to cover start up costs at the three new school based clinics.
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- R-16 Ratification of amendment #3 to Intergovernmental Agreement between Developmental Disabilities Program and Portland Public Schools to provide continual early intervention services to ten children.
- 

POSSIBLE DATE FOR CONSIDERATION OF APPROVAL OF A  
RESOLUTION IN THE MATTER OF ACCEPTING THE EXECUTIVE BUDGET AS  
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SUBMITTAL TO THE TAX SUPERVISING AND CONSERVATION COMMISSION

0701C/22-26/df/dr  
4/19/90



# MULTNOMAH COUNTY OREGON

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BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

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JANE McGARVIN • Clerk • 248-3277

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## SUPPLEMENTAL AGENDA

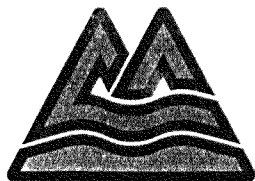
Tuesday, April 24, 1990 - 8:30 AM

Multnomah County Courthouse, Room 602

## EXECUTIVE SESSION

The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) for the purpose of discussing labor negotiations

0701C/27/dr  
4/20/90



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

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JANE McGARVIN • Clerk • 248-3277

Tuesday, April 24, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

## PLANNING ITEM

### 1. C 1-88 PERIODIC REVIEW DECISION

The Board to adopt an ESEE Analysis Designation for Site #4, Angell Brothers, Inc. Quarry which will become part of the Local Review Order to be submitted to the Department of Land Conservation and Development, to fulfill Periodic Review Requirements (Continued from April 17, 1990)

**FINAL ORDER 90-59 APPROVED WITH RECOMMENDED AMENDMENTS**

0699C/18/dr  
4/25/90

~~#1~~ #1

Date 4-25-90

NAME

ROBERT PRICE

ADDRESS

2828 S.W. CORBETT

Street

PORTLAND, OR

City

97201

Zip

I wish to speak on Agenda Item #

ANGEL BROS.

Subject

+

FOR

       AGAINST

PLEASE WRITE LEGIBLY!



#3 #2

Date 4-24-90

NAME

CAROL CANNING

ADDRESS

13838 NW Riverview Dr

Street

PORTLAND

City

97231

Zip

I wish to speak on Agenda Item #

ANGEL BROS.

Subject

FOR

AGAINST

~~##~~ #3

Date

4/24/90

NAME

THAN SBITZER

ADDRESS

METRO, 2000 SW 1<sup>ST</sup>

Street

PORTLAND, OR 97201

City

Zip

I wish to speak on Agenda Item #

2 (SKYLINE)

Subject

RAD-1

FOR

✓ AGAINST

PLEASE WRITE LEGIBLY!

~~#1~~ #4

Date

4-24-90

NAME

CAROL CANNING

ADDRESS

13832 NW RIVERVIEW DR

Street

PORTLAND

City

OR 97231

Zip

I wish to speak on Agenda Item #

Subject

SALTZMAN  
DEVELOPMENT

FOR

X

AGAINST

PLEASE WRITE LEGIBLY!

#5 / #5

Date 4/24/90

NAME

Nancy ROSENBLUND

ADDRESS

5830 N.W. CORNELL ROAD

Street

P.D.X.

City

97210

Zip

RPD, 100

I wish to speak on Agenda Item #

Subject

FOR

X

AGAINST

PLEASE WRITE LEGIBLY!

#6

Date 4-24-90

NAME

Bob Clay

ADDRESS

Bureau of Planning

Street

City of Portland

97204

City

Zip

1120 SW 5th Ave, Rm #1002

De Novo Planning

Forest Park Estate  
Joint Venture

I wish to speak on Agenda Item #

Subject

       FOR

  X   AGAINST

PLEASE WRITE LEGIBLY!

~~#1~~ #7

Date 4/24/90

NAME

Karin Hunt

ADDRESS

16340 N.W Rock Creek Rd

Street

Portland

City

97231

Zip

I wish to speak on Agenda Item # 2

Subject RPD 1-90

       FOR

  X   AGAINST

~~#8~~ #8

Date 4/24/90

NAME Ivy Frances

ADDRESS 735 NW 112<sup>th</sup> Ave

Street  
Portland OR 97229  
City Zip

I wish to speak on Agenda Item # 2

Subject RPD 190

       FOR

  ✓   AGAINST



~~#9~~ ~~#9~~

Date 4/24/90

NAME

George Souder

ADDRESS

11661 1/2 NW Skyline Blvd

Street

Portland Ore

City

97231

Zip.

I wish to speak on Agenda Item #

2

Subject

       FOR

  X   AGAINST

PLEASE WRITE LEGIBLY!

~~#10~~ #10

Date 24 Apr 90

NAME

ADIAN LIGHTAP

ADDRESS

13342 NW Newberry Rd

Street

Peetland, OR

City

97231

Zip

I wish to speak on Agenda Item  
Subject

# Saltzman RPI

       FOR

  X   AGAINST

PLEASE WRITE LEGIBLY!

#11

Date 24 April

NAME

Anthony Boutard

ADDRESS

534 SW THIRD Suite 300

Street

Portland

City

97201

Zip

I wish to speak on Agenda Item #

2

Subject

       FOR

☒ AGAINST

PLEASE WRITE LEGIBLY!



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
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SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

## BOARD OF COUNTY COMMISSIONERS

**Tuesday, April 24, 1990**

**9:30 a.m., Room 602**

### A G E N D A

#### **C 1-88      Periodic Review**

The Board to adopt an ESEE Analysis Designation for Site #4, Angell Brothers, Inc. Quarry.

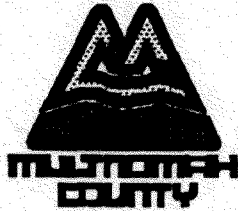
The ESEE will be part of the Local Review Order to be submitted to the Department of Land Conservation and Development, to fulfill Periodic Review Requirements..

#### **RPD 1-90      Public Hearing - De Novo** **LD 1-90**

Review the decision of the Planning Commission of February 26, 1990, **approving** change in zone designation from MUF-19, multiple use forest district to MUF-19, RPD, rural planned-development, and **approving, subject to conditions**, tentative plan for a Type I land division, resulting in a 12-lot land division, all for property located at **11000 NW Saltzman Road**

#### **Scope of Review**

De Novo.



**DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214**

**RPD 1-90/LD 1-90 Supplemental Staff Report  
April 24, 1990**

**Background:**

Forest Park Estate Joint Venture requests County approval of a Rural Planned Development (RPD) and a 12-lot Land Division (LD) on a 120-acre site near the intersection of NW Saltzman Road and Skyline Drive. The site is outside the Urban Growth Boundary (UGB) and presently zoned MUF-19 (Multiple Use Forest, 19-acre minimum lot size).

At the RPD hearing before the Planning Commission, applicant's legal counsel submitted a letter (from Richard Whitman) responding to the original Staff Report; the letter is addressed to the Planning Commission and dated January 20, 1990. This Supplemental Staff Report primarily provides Staff comments to statements presented in the applicant's above referenced letter.

**Chronology of RPD 1-90/LD 1-90:**

- The Planning Commission held a public hearing on the RPD request on January 22, 1990. After receiving testimony (both verbal and written) the Commission approved the RPD in a 3-2 split vote.
- The Commission adopted findings supporting the approval decision on February 26, 1990.
- The Commission heard and approved the LD on February 26, 1990; they adopted findings that same date.
- On March 20, 1990, the Board, by its own motion, scheduled a "de novo" hearing to review the Planning Commission's approval of the RPD and LD.
- The hearing before the Board is scheduled for April 24, 1990.

## Staff Comments to Applicant's 1/20/90 Letter:

On page 2, section II. titled "Concerns Raised by Staff", the applicant reminds us that the RPD section of the zoning ordinance was adopted to allow "... **orderly development of rural land demonstrated as not suitable for . . . forest use, but adequate for rural residential purposes.**" (MCC .7705). Aside from the *suitability for forest use* question (discussed below), staff contends that this land is not *adequate for rural residential purposes* because it is located so close to the UGB. Division of the site into 12 lots (as proposed) doubles the number allowed by the current zoning. Allowing an increase in the number of lots just beyond the UGB limits the public's ability to plan and manage growth for the adjacent urban area. This concern is discussed in more detail below; refer to items B(6) (Consistency with the Area Character) and B(8) (Urbanization).

### A. Economic and Environmental Suitability For Commercial Forest Use:

(Referring to items III.A.1 & 2; pg.3-5) In approving an RPD, the County must find that the gross site acreage *is generally unsuited for forest use* (Reference Staff Rept.:pg.8-9, and 18-26). Applicant presents two basic arguments on site suitability: 1) economic; and, 2) environmental.

**Economic Suitability** — The Commission received extensive evidence (pro and con) analyzing the economic suitability of the site for forest use. It should be noted that despite all the discussion on both sides of this question, RPD approval criteria do not require a finding of economic viability, nor do they specify a profit threshold or minimum rate of return to determine a site *generally* suited or unsuited for forest use. The Board may choose to consider economic viability when assessing the general suitability of a site for forest use; approval criteria do not require such a test. Applicant's claim of unsuitability for forest use in large part relies on their economic analysis — and the SWCD, SCS, and State Forestry Dept. responded to this analysis (see Staff Rept.pgs. 21-24). However, the relevant approval criteria specifies the following factors to assess a site's suitability for forest use:

- **terrain; adverse soil conditions; drainage or flooding; vegetation; site location; or site size.**

The fact that projected economic returns from forest use of the site are lower than the applicant's expectations or desires does not render the site unsuitable for forest use. State Goals for protection of forest lands do not require an economic viability test to determine which lands are suitable for forest use. We cannot predict what future economic factors will ultimately determine if an investment in forest management on this site would yield adequate economic returns for the investor. However, we observe that timber prices are rising (long term), and as public lands become more constrained and/or depleted of timber, new or underused forest lands will likely become more valuable for timber production.

**Environmental Suitability** — Environmental factors effecting this site do not support applicant's claim of unsuitability for forest use (Applicant's letter, pages 4-5). The soils and slopes on this site are typical of productive forest resource lands throughout northwest Multnomah County. The State Forest Practices Act provides rules and minimum standards to enhance the growing and harvesting of trees. The Act also protects other environmental resources (air, water, soil, and wildlife) through regulation of slash removal, road construction, chemical applications, and impacts to streams. The physical character of the site is well suited to forest practices common to northwest Oregon. Private forest lands at lower elevations (such as this site) enjoy a longer growing season and can grow trees faster than many public forest lands in higher areas. 1000 Friends of Oregon presents substantial evidence regarding the site's suitability for forest use in their January 4, 1990 letter to the Planning Commission; their findings are incorporated by reference.

We do not agree that proximity to rural residential land and land inside the UGB necessarily renders the site unsuitable for forest use. The management of forest land for timber production is protected under State Law. Surrounding non-forest uses cannot be used to restrict common forest practices on the site (Reference 1000 Friends letter).

Looking beyond State protection of forest practices, Staff examined a 1986 air photo of the area; it indicates the nearest residence (in the Bonny Slope addition) is approximately 300-feet from the site boundary. These rural residential sites to the south are generally 5-acre sites; most are undeveloped. Each of these rural residential sites could easily provide several 100-feet of wooded buffer area between any future residence and potential forest operations on the subject property. The adjacent urban lands (to the east) are not now developed. Adjacent zoning allows one house on 2-acres. This low residential density, coupled with the large size of the subject site (120-acres), provides some opportunity to buffer future urban residences from potential forest management activities on the site; however, as noted above, the a forest operator is not obligated (and cannot be required) to buffer or mitigate off-site effects associated with most forest practices.

The 120-acre site is the largest single ownership within a 220-acre (approximately) MUF District. Resource use on the remaining 100-acres of MUF land may be compromised by introduction 12 non-forest dwellings on the subject site.

## **B. Other Staff Concerns**

### **(1) Agricultural Suitability**

Staff concurs with applicant's response.

## **(2) Water Service**

The proposed extension of city water to forest resource land is contrary to Policy 12 of the County Framework Plan (Ref. Staff Report: pgs.28-29).

If approved, it is advisable to assure adequate water sources to protect residences from fire.

## **(3) Access for Fire Protection**

There is conflicting evidence regarding the proposal's effect on forest fire potential in the area. The SWCD has expressed concern regarding increased forest fire potential if the plan is approved. The conservation district also offers design solutions to reduce fire risks (see Staff Rept. pgs. 14-15). The applicant indicates fire breaks, house siting, and other site design features (enforced through C.C.&R's) will minimize forest fire potential from the new residences.

Many forest management and fire protection agencies consider new houses and people living in or near forest areas an increased risk of fire — both for the forest land and the houses. The U.S. Forest Service and other forest management agencies warn that allowing more houses in or adjacent to forest lands often diminishes resources available to fight forest fires; in many cases, firefighters must sacrifice control of a forest fire to save houses and lives. The present zoning allows a maximum of six houses; applicant proposes twelve houses. Compared to current zoning provisions, the proposal could conceivably double the fire risk (by doubling the number of houses allowed); however, applicant's proposed design solutions and C.C.&R's would reduce this increased risk; to what extent is difficult to measure.

## **(4) Development Hazards**

Staff concurs with applicant's response.

## **(5) Access**

Staff concurs with applicant's response.

## **(6) Consistency With the Character of the Area**

In their original submittal, the applicant observed that "...the area around the site is expected to become increasingly more urban in the coming years. In time, the UGB may be shifted outward to include areas surrounding the site." Staff concurs with this observation regarding the changing nature of the area (Ref. Staff Rept, pg.17). This prospect of change in the character of urban fringe lands raises challenging policy questions:



- **How should the County respond to and plan for land use change on critical urban fringe lands characteristic of this area?**

*(Staff Recommendation — Recognize that land uses approved near the UGB today may limit our ability to plan for and accommodate other uses needed in the future; avoid such long term effects when possible.)*

- **Should limits on “non-resource” uses in forest and farm areas be strictly or liberally applied near the UGB?**

*(Staff Recommendation — Strictly enforce limits on new non-resource uses; resource lands near the UGB are typically under greater pressure from non-resource uses; rural non-farm residences on a few acres, golf courses, and churches are examples of uses which in part depend on proximity to an urban area. Allowing non-resource dwellings and other uses to proliferate in urban fringe resource areas diminishes effective use of the land for its intended resource; it encourages conversion of more lands to non-resource use; and if allowed to divide into small acreages, the uses will inhibit efficient conversion to urban uses when urban land needs dictate an expansion of the UGB.)*

- **Is it important to protect large parcel sizes near the UGB fringe?**

*(Staff Recommendation — Yes; lands divided into small sizes — roughly 20-acres or less — are more difficult to convert and develop for urban use. Extending urban services is more costly and cumbersome due to multiple ownerships and existing rural residences. Subdivision developers frequently avoid development of five and ten acre parcels; typically the costs of street improvements and utilities exceeds projected revenues from selling the lots. The difficulty in converting these small acre sites into residential areas at urban densities often results in “not-quite-urban — not-quite-rural” areas (Dunthorpe is an example close to home). This pattern of land use neither contributes to protection of productive forest land or long term management of urban growth.)*

- **Should existing rural “exception” lands near the UGB justify new non-resource uses on adjacent farm or forest lands?**

*(Staff Recommendation — No: the fact that existing rural residential “exception” lands exist near resource lands should not justify new non-resource uses or a conversion of farm or forest areas for rural residential use. The State’s Land use Goals do not ask counties to provide land for rural residential use; the Goals do not identify a need for rural residential land. And the County is not charged with protecting rural exception areas from conflicts with forest or farm lands.)*

The Planning Directors for Metro and the City of Portland both urge the County to consider long term negative effects to urban growth management in this area if the site is divided into 12 lots; both request a denial of the proposal.

## **(7) Conflict With Adjacent Farming and Forestry Uses**

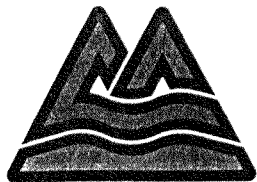
As noted above, the 120-acre site is the largest single ownership within a 220-acre (approximately) MUF District. Resource use on the remaining 100-acres of MUF land may be compromised by introduction 12 non-forest dwellings on the subject site.

## **(8) Urbanization**

The discussion above regarding *consistency with the area character* also addresses the urbanization issue. As mentioned above, the Commission received comments from the Planning Directors for Metro and the City of Portland; both urge the County to consider the implications for effective urban growth management if the land is divided as proposed. Both agencies request a denial of the proposal. An RPD approval would allow division of this site into 12 parcels (some as small as 3-acres); without an RPD, only 6 parcels could be created (none less than 19-acres). The applicant observes that the proposed development (houses, roads, drainfields, *etc.*) will occupy only 15% of the site. Staff suggests that the critical issue effecting urbanization potential is the ownership and lot size pattern, not the amount of land developed for roads or houses.

Staff disagrees with the finding that those portions of the site with development limitations and steep sloped areas are unlikely to contribute to future urban land base needs. This conclusion is difficult to accept, when within a short distance of this site (in Portland's West Hills, Sylvan area, *etc.*) there are numerous examples of dense urban scale development on slopes equal or similar to those on this site — and with similar soil and erosion conditions to contend with. We acknowledge that development limitations constrain large portions of the site, but similar limitations on other nearby urban land have not prevented urban densities from being realized. These more difficult development sites do get developed for urban use in many instances, especially when the real estate market and buyer demand (for sites offering a house-in-the-hills and/or panoramic views) defrays the additional expenses needed to develop steeper land. In situations where development limitations cannot be resolved, urban zoning provisions usually allow clustering of the houses on less constrained portions of the site, and thereby maintain urban residential density goals.

In conclusion, the above comments regarding urbanization supports a determination that the proposed division of the site — double the number of lots allowed by the base zone — immediately adjacent to the UGB is not consistent with Framework Plan policies regarding growth management and arrangement of land uses.



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

Tuesday, April 24, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

## PLANNING ITEM

2. RPD 1-90 PUBLIC HEARING - De Novo  
LD 1-90

Review the decision of the Planning Commission of February 26, 1990, approving change in zone designation from MUF-19, multiple use forest district to MUF-19, RPD, rural planned-development, and approving, subject to conditions, tentative plan for Type I land division, resulting in a 12-lot land division, all for property located at 11000 NW Saltzman Road

Scope of Review: De Novo

MOTION DENYING PLANNING COMMISSION DECISION APPROVED.  
COMMISSIONER BAUMAN SERVED NOTICE OF POSSIBLE  
RECONSIDERATION OF MATTER ON TUESDAY, MAY 1, 1990

0699C/19/dr  
4/25/90



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
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## BOARD OF COUNTY COMMISSIONERS

Tuesday, April 24, 1990

9:30 a.m., Room 602

### AGENDA

RPD 1-90      Public Hearing - De Novo  
LD 1-90

Review the decision of the Planning Commission of February 26, 1990, **approving** change in zone designation from MUF-19, multiple use forest district to MUF-19, RPD, rural planned-development, and **approving, subject to conditions**, tentative plan for a Type I land division, resulting in a 12-lot land division, all for property located at **11000 NW Saltzman Road**

### Scope of Review

De Novo.

BOARD OF  
COUNTY COMMISSIONERS  
1990 APR 17 PM 4:34  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING  
AND DEVELOPMENT  
2115 S.E. MORRISON STREET  
PORTLAND, OREGON 97214  
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

*Sharon-2010*

3/21/90

## MEMORANDUM

**TO:** Bob Hall, Mark Hess, Sharon Cowley, & Myrna Blanchard

**FROM:** Lorna Stickel *LS*

**RE:** Land Use Appeals

The Board has accepted the following appeals:

**RPD 1-90 and LD 1-90 - Skyline Meadows** To be heard de novo on April 24 at 9:30 a.m. Mark Hess will cover this appeal and a supplemental report should be prepared providing written staff answers to the points raised by the applicants the night of the first Planning Commission hearing. It is also expected that a site visit should occur before the Board Hearing. Ms. Cowley will be responsible for getting copies of all the written testimony over to the Board.

**ZC 1-90 & PD 1-90 - Mobile Home subdivision at 13300 SE Holgate** To be heard May 1 at 9:30 a.m. on the record plus additional testimony regarding the topographic aspects of the site and flooding. The time allotted per side is 20 minutes. Mr. Hall will cover this appeal and should be responsible for notifying Mr. Payne (221-1700) of the date of the appeal. Myrna Blanchard will prepare the transcripts, Mrs. Cowley will be responsible for printing the transcripts and getting them to the Board at least one week before the hearing. In addition Ms. Cowley should also get printed copies of all written testimony for this case and include it with the transcript.

cc. Board of County Commissioners

1990 MAR 21 PM 2:20  
CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

PD1-90  
201-90  
Jelling  
See  
#57525  
Last  
day to  
file  
Notice  
of Review  
Monday  
3/19/90  
pc



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214 (503) 248-3043

## NOTICE OF REVIEW

6012 11 1305002 4001  
6012 11 1305002 4001

1. Name: Payne , L. , Jeffrey
2. Address: P.O. Box 69253 , Portland , OR 97201  
*Last Middle First*  
*Street or Box City State and Zip Code*
3. Telephone: ( 503 ) 221 - 1700
4. If serving as a representative of other persons, list their names and addresses:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?  
denial of zone change and Planned Development request  
\_\_\_\_\_
6. The decision was announced by the Planning Commission on February 26, 1990
7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?  
See supplemental information  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Grounds for Reversal of Decision (use additional sheets if necessary):

See supplemental information

9. Scope of Review (Check One):

(a) ☐ On the Record

(b) ☒ On the Record plus Additional Testimony and Evidence

(c) ☐ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

See supplemental information

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

3-19-90

**For Staff Use Only**

Fee:

Notice of Review = \$150.00

Transcription Fee:

Length of Hearing \_\_\_\_\_ x \$1.75/minute = \$ \_\_\_\_\_

Total Fee = \$ \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Case No. \_\_\_\_\_

## SUPPLEMENTAL MATERIALS

NOTICE OF REVIEW  
JEFFREY L. PAYNE, APPLICANT  
PD 1-909, #421  
ZC 1-90, #421

ITEM #7: On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

Response: The Request for Review is submitted by the Applicant.

ITEM #8: Grounds for Reversal of Decision

Response: In its Decision (February 26, 1990), the Planning Commission denied the applicant's request for a zone change from LR-10 to LR-7 and a Planned-Development to allow a 124 unit mobile home park. The Planning Commission found that the request met all of the criteria except Comprehensive Plan Policy No. 14 - Development Limitations.

Specifically, the Planning Commission found that:

"...the volume and depth of fill required to elevate the entire area planned for development would not be in keeping the [sic] [with] the character of the surrounding area and could possible increase the potential for flooding in that surrounding area..." (Finding 5.C.(b).

The Planning Commission erred in this finding because it disregarded or did not understand staff and applicant testimony and supporting evidence and incorrectly concluded that both the existing fill and any additional fills that might be required by the project design, would create additional flooding impacts and would be out of character with the area. The Planning Commission failed to correctly account for the following:

- 1) Testimony of staff and the which applicant demonstrated that considerable filling had ocured on the property since 1963 county topographic maps had been prepared and the Federal Emergency Management Agency (FEMA) had plotted the 100 year floodplain.
- 2) Evidence submitted by the Division of State Lands (February 22, 1990) in a letter which demonstrated that the fills were legal and that no wetlands were involved in the existing filled areas nor in any other locations. Therefore any additional filling that might be required to construct the proposed project would not fall within the state's jurisdiction.
- 3) Evidence submitted by the applicant from Northwest Testing Labratories (soils testing) which demonstrated that while the fill contained debris that would have to be removed prior to any construction and that the fill had not been placed as compacted, engineered fill in accordance with county standards, the fill was nonetheless capable of being used to create proper compacted, engineered fill that would meet county standards.



- 4) That the fill that has been legally placed on the property over the years has dramatically altered the historic character of the property and substantially changed the location of the 210 foot floodplain elevation line as established by FEMA and as identified on county zoning maps.
  - 5) That the county development code does not prohibit filling within the Flood Fringe District and so neither the existing fills or any additional fills that may be required to accommodate the development are in violation of the code.
  - 6) Slides and other information presented in the hearing illustrated the physical conditions on the site and clearly demonstrated that the majority of the proposed development area is already filled and that the character of the area has already been substantially altered from its historic state and that the proposed development will not dramatically change the present conditions.
  - 7) Staff and the applicant explained to the Planning Commission that flooding that occurs on the applicant's property and in the adjacent area does not result from surface water runoff or from the flooding of any stream in the area, but occurs as a result of the rising of the underground water table.
- Testimony presented by staff and the applicant identified that the "Holgate Lake" area is so named because it is low ground in comparison to the surrounding area and so as the groundwater table rises, it reaches the ground surface in low lying areas such as the applicant's property and surrounding area.
- 8) Staff and the applicant presented testimony that demonstrated that the existing fill and any additional fill required by the proposed development would not cause additional flooding but would only serve to raise the ground surface level so that the water table would not break through the surface of the ground as it rises during heavy regional rainfall.

ITEM #9(b) Scope of Review

Response: The applicant requests that the Board's review be on the record but with additional information presented only about historic and present topographic conditions on the site and surrounding area, and about the nature of flooding in "Holgate Lake" and the reasons why existing and any additional fill will not effect flooding within the area.

During the hearings, both staff and applicant testified that fills that already exist on the property and the minor amount of additional fills required by the project design, will not alter either the predominant character of the area or negatively impact flooding on or adjacent to the property. Despite this testimony, the Planning Commission did not appear to have sufficient information to fully understand the character and form of the existing property and the underlying reasons for flooding and thereby the lack of impact that fills would have on the property and surrounding area.

Were this review to be conducted without allowing the applicant to bring in this additional information, it is possible that the Board, like the Planning Commission would not be able to fully understand the issues.

# BEFORE THE BOARD OF COUNTY COMMISSIONERS

## FOR MULTNOMAH COUNTY, OREGON

In the Matter of Adopting an Economic, )  
Social, Environmental, and Energy (ESEE) ) **FINAL ORDER** #90-59  
Analysis for Mineral and Aggregate )  
Inventory Site #4, Angell Brothers, Inc. )

Oregon Revised Statute 197.640 requires counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up to date and in compliance with the statewide planning goals. A Proposed Local Review Order intended to bring the County into compliance was presented to the Department of Land Conservation and Development (DLCD) on February 28, 1989. DLCD recommended changes to selected items in the Proposed Local Order which included revising the Statewide Planning Goal 5 Economic, Social, Environmental, and Energy Analysis of the mineral and aggregate sites. The Oregon Administrative Rule guiding this analysis is found in Chapter 660, Division 16.

During the process of revising the subject mineral and aggregate ESEE Analysis public hearings were held before the Board of County Commissioners on December 19, 1989, January 9, 1990, February 20, 1990, March 6, 1990, March 27, April 17, and April 24. On each of those dates written and oral testimony was taken and heard regarding this site.

Based upon that testimony the Board adopts the following ESEE Analysis for Site #4, Angell Brothers, Inc. Quarry, which concludes the following:

1. The appropriate classification of the 113.22 acres in the easterly center of the site, as depicted on the attached map as existing quarry site (cross hatching) and area for expansion (large dot pattern), is "3C, Specifically Limit Conflicting Use".
2. The ESEE Analysis for the remainder of the site, 283.37 acres, is at "Step 2, Identify Conflicting Uses" until on-going wildlife studies described in the analysis are completed at the time schedule specified.

The Board further finds that, with the encouragement of the Board, an agreement regarding mine operation expansion during the wildlife corridor study has been reached at the conclusion of three informal meetings of the quarry operator and neighborhood groups representatives. The Board is in agreement with the following results of those discussions which were confirmed at the Board Hearing of April 17, 1990:

1. An additional 42 acres of aggregate and clay material should also be included with the present operation area in an ESEE analysis designation of "3C" in order to ensure a continued amount of aggregate and clay material needed for operation of the mine during the wildlife study period.
2. This expansion area should be toward the south as shown on the attached map. The southerly boundary line is at two angles drawn as to have the least protru-

sion into a potential wildlife corridor area to the southwest and also provide a 100 foot buffer to a stream to the southeast.

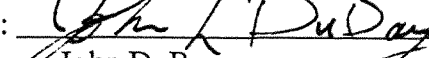
3. The attached map also shows two areas which Angell Bros. Inc. has agreed not to mine during the study time period. The areas are:
  - A. A 400 foot by 800 foot area in the northwest corner of tax lot "2" which may be important for scenic view considerations; and
  - B. An 111 acre area which was the subject of a conditional use approval for clay mining in 1989. The southerly 42 acre expansion area will provide the clay material that would have been mined from the 111 acres to the north and west of the present operation. Where possible, existing trees and vegetation will be preserved on the 111 acre area.
4. The reclamation plan for a site will have a very important influence on wildlife and views. The neighborhood groups and wildlife organizations with an interest in the reclamation plan are to participate in an informal review of any proposed reclamation plans before the plans are submitted with a conditional use application. There are five guidelines which should be part of the reclamation plan which are in addition to those required by State regulations:
  - A. Twenty four inches of top soil for adequate reforestation;
  - B. Where possible, six feet of top soil around streams to insure reforestation and wildlife habitat;
  - C. Landscaping for wildlife access and ease of moving across restored area;
  - D. Streams restored to the land surface (not confined to drain pipes); and
  - E. A bond to insure that the above reclamation is achieved.

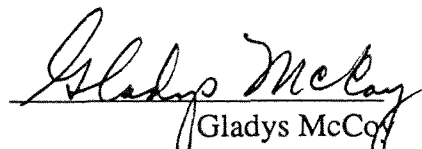
This order and the foregoing are to become attachments to the Local Review Order to be submitted to the Department of Land Conservation and Development.

Approved the 24th day of April, 1990.

(Seal)

Reviewed:  
Lawrence Kressel, Multnomah County Counsel

By:   
John DuBay  
Chief Deputy County Counsel

  
Gladys McCoy  
Multnomah County Chair


Angell Brothers, Inc.  
Existing & Proposed  
Quarry Site


Multnomah County-Columbia River Hwy

Legend

MUF-19 MULTIPLE USE FOREST  
19 ACRES

MUF-38 MULTIPLE USE FOREST  
38 ACRES

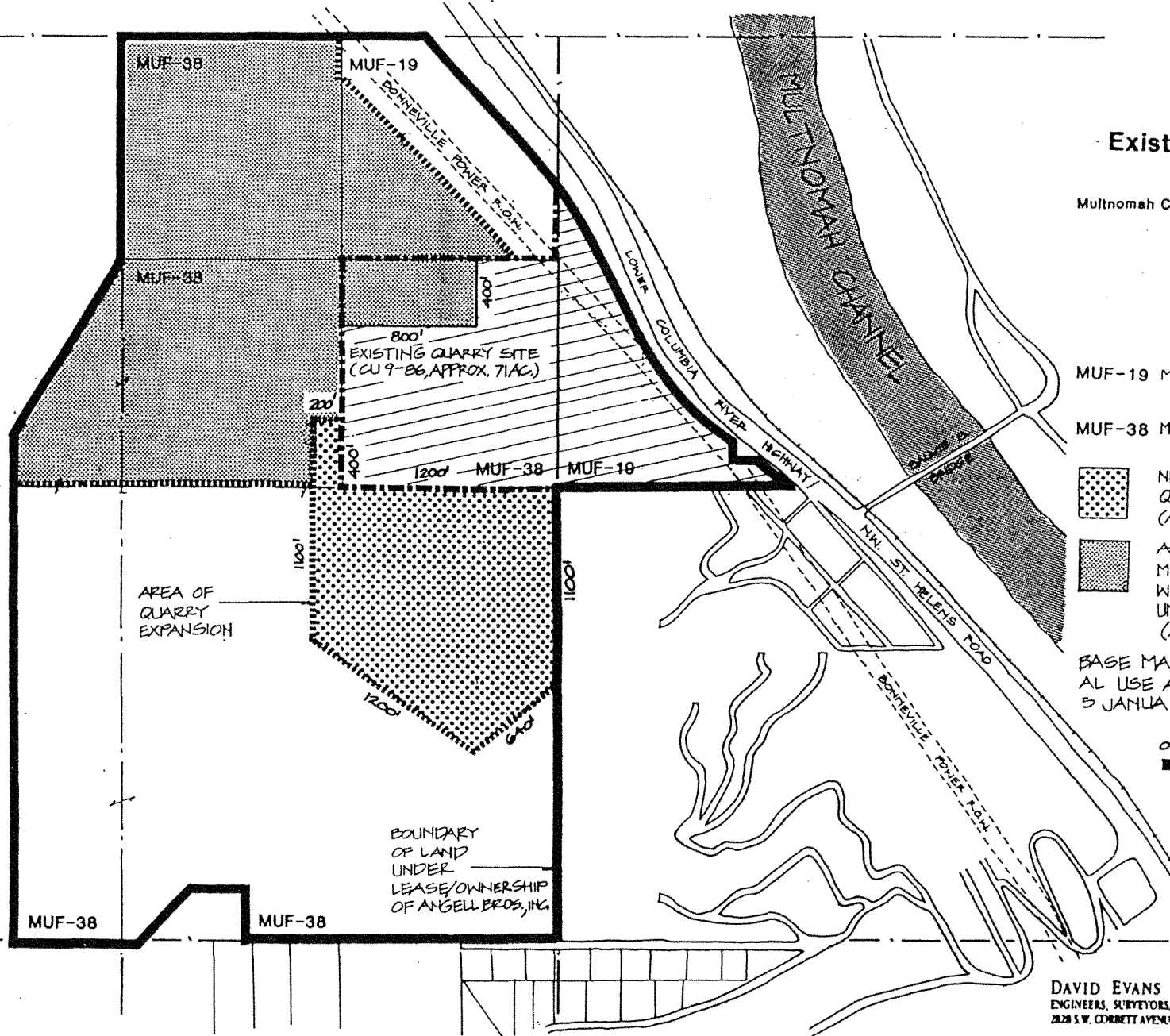
 NEW AREA FOR  
QUARRY EXPANSION  
(APPROX. 42 ACRES)

 AREA APPROVED FOR  
MINING OF OVERBURDEN  
WHICH WILL BE LEFT  
UNMINED  
(APPROX. 111 ACRES)

BASE MAP FROM CONDITIONAL  
USE APPLICATION OF  
5 JANUARY 1990.



DAVID EVANS AND ASSOCIATES, INC.  
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS  
2828 S.W. CORBETT AVENUE - PORTLAND, OR 97201 (503) 223-6663



**Multnomah County**  
**GOAL 5 INVENTORY**  
(4/24/90)

**Type of Resource:** Mineral and Aggregate  
Mult. Co. Inv. Site #4  
**Angell Brothers, Inc.**

**Location:**

Tax Lot '12 in the Northwest 1/4 of Sec. 28, T. 2 N., R. 1 W.; Tax Lots '2', '6', '8', and '11' in the eastern one-half of Sec. 29, T. 2 N., R. 1 W.

**Description:**

DOGAMI I.D. #26-0019

This operating rock quarry is located on the west side of State Highway 30, just north of the Sauvie Island Bridge. The present size of the approved extraction activities cover the majority of two tax lots totalling 71.22 acres in area. The easternmost parcel of 31.22 acres (TL '12', Sec. 28, T. 2 N. R. 1 W.) contains the processing equipment and stockpiles. The existing general mining and operations master plan calls for retaining the north and south knob type hills at the entrance for screening of the operation to viewing from the east.

A 1978 DOGAMI publication estimated that reserves of the mineral and aggregate resource were 7 million cubic yards of material. A study by H. G. Schlicker and associates was submitted in August, 1989 which covered an adjoining 325.37 acres. That report concluded that based upon their materials tests, borings, and seismic studies, the potential expansion area most likely contains approximately 220 million cubic yards of very good aggregate material.

**A. Available information indicates site is important (ability to yield more than 25,000 cubic yards of material in less than 5 years):**

NO—Designate 1A: Do not include in plan inventory.

**X** YES – Go to B.

**B. Is available information sufficient to determine the location, quality and quantity of resource at the site ?**

NO – Designate 1B : Address the site in future when information becomes available.

**X** YES – Include in plan inventory and go to C.

**C. Zoning:**

Multiple Use Forest - 19 and Multiple Use Forest - 38

**OAR 660-16-005: *"It is the responsibility of local government to identify conflicts with inventoried Goal 5 Resource Sites."***

**Are there conflicting uses ?**

NO – Designate 2A : Preserve resource.

**X** YES – Go to D.

**D. Describe existing or potential conflicting uses:**

Single family residences: In the MUF-19 zone as a primary use on a lot of 38 acres, as a use under prescribed conditions on a new lot of between 19 and 38 acres with a forest or farm management plan, as a use under prescribed conditions on a lot of record of between 10 and 38 acres with a forest or farm management plan, or as a conditional use on a lot of record of less than 10 acres. The MUF-38 zone requirements are identical to the MUF-19 zone except that new lots must be at least 38 acres in area.

A range of potential conditional uses and community service uses are listed in the MUF zoning districts but to be approved the approval authority shall find that the proposed use "Will not adversely affect natural resources" (MCC 11.15.7120(B)). In the MUF zone such uses include churches, schools, cottage industries, service commercial, and tourist commercial establishments.

There is the possibility of a "Wildlife Corridor" in the West Hills that provides migrating routes and intermingling of species between Forest Park and the Coast Range. If such a corridor exists, the impact on this corridor by an expansion of the subject mineral and aggregate operation would be relevant. There are studies in progress that are investigating this potential conflict and until that research and field studies are completed during calendar year 1991, the County cannot adequately identify conflicting uses as required by OAR 660-16-005.

Although OAR 660-16-000 (5) (c) states that when a site is included on the inventory then it "...must proceed through the remainder of the Goal 5 process", it is the County's position that the gathering of information on potential conflicting uses based upon a committed expenditure of funds and a published timetable is "proceeding" through the process. The County is at step designation "2" on the OAR flow chart at this time. Also see 3.A.(1).(b).in the Environmental section below and the Wildlife Habitat Goal 5 Inventory.

Another potential conflict which is under study are the scenic views of the Tualatin Mountains from the Multnomah Channel and the State owned wildlife areas on Sauvie Island. See Scenic Views Goal 5 Inventory.

#### **Describe consequences of allowing conflicting uses:**

***OAR 660-16-005 (2): "...Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."***

#### **ECONOMIC:**

##### **1. Impacts on resource:**

Potential loss of site which is the largest in operation in the County which also contains significant remaining reserves of the resource. The location, less than one mile outside the Urban Growth Boundary and with direct access to a State Highway, has many advantages in supplying this resource to the metropolitan area.

## **2. Impacts on conflicting uses:**

Homes and tourist commercial uses too near the noise or dust of an extraction operation will have reduced value. This quarry has operated for many years, so reductions in value, if any, may have already occurred.

## **3. Requirements of other applicable State Goals:**

### **A. Transportation Goal 12:**

Direct access is onto State Highway 30 which is capable of handling all anticipated traffic.

### **B. Areas Subject to Natural Disasters and Hazards, Goal 7:**

The majority of the entire site is located in a slope hazard area. This should not present a problem due to the requirement in MCC 11.15.7325 (D) that all proposed operations be certified by competent professionals (such as a registered mining engineer) to not result in the creation of a geologic hazard to surrounding properties.

## **SOCIAL:**

### **1. Impacts on resource: N/A**

## **2. Impacts on conflicting uses:**

A. The nearest conflicting uses are two homes which are 700 feet away from the subject property. At 1000 feet away to the northeast are 29 houseboats. The impact on houseboats will decrease as the excavation area moves to the west or south. The closest house to the mapped 55 acre potential expansion area is approximately 1200 feet away to the south.

B. Residences near Multnomah Channel, houseboats on the channel, and residences on the southerly 2 miles of Sauvie Island which are east and northeast of the gap in the ridge at the entrance to the mining operation are able to view the slopes under excavation. Screening can mitigate part but not all of this potential impact.

## **3. Requirements of other applicable State Goals: N/A**



## **ENVIRONMENTAL:**

### **1. Impacts on resource: N/A**

### **2. Impacts on conflicting uses:**

A. Noise, dust particulates, and blasting are potential impacts on such sensitive land uses as homes, schools, and public parks. However, the site is in compliance with DEQ noise and particulate regulations.

B. Angell Bros. Inc. has been permitted to operate during the hours of 6:00 A.M. to 10:00 P.M. since 1980, which operating hours were confirmed in its 1986 permit. Because of few conflicting or sensitive uses nearby, this facility should be allowed to continue current operating hours.

### **3. Requirements of other applicable State Goals:**

#### **A. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources:**

##### **(1).Fish and wildlife areas and habitat:**

##### **(a).Existing 71.22 acre approved extraction operation:**

An intermittent stream flows northeasterly through the center of tax lot '12' (the 32 acre parcel fronting on the highway). In conjunction with the present operation most of the length of the stream near the mining has been enclosed in a culvert. The stream is classified Class II by the State Department of Forestry and the decision to allow piping through the site was made because "the stream is not considered a 'fishing' creek" and it dries up in late summer. The State Department of Environmental Quality has approved the water discharge system. The value of the mineral and aggregate resource in this location outweighs the value the stream may have for fish and wildlife habitat at this time, considering that at some time in the future the fish and wildlife potential may be restored. No significant wildlife area exists on the area currently approved for extraction activities.

##### **(b).Adjoining 325.37 acres (potential expansion area):**

Recent studies suggest that the wide variety of wildlife found in Forest Park may be directly attributable to the opportunity for species interaction with the Coast Range ecosystem. Such interaction may be possible due to the rural, relatively undeveloped

character of the Tualatin Range (West Hills), which enables this area to function as a "corridor" for animal movement. Thus, the wildlife diversity of Forest Park may result from either migratory patterns or general long-term recruitment from more rural reservoirs. If this is the situation, the "wildlife corridor" should be located and recognized for its role in maintaining the species diversity of Forest Park.

The County and City of Portland have budgeted and expect to spend up to \$25,000 on studies of this issue. Phase 1, the initial research, is currently underway. Phase 2, the field survey work and the application of research and field evaluation results to specific land use recommendations, will be completed by early 1991. Staff will then complete the ESEE Analysis and propose Plan amendments to complete the Goal 5 process for this factor by the end of 1991.

The property owner has requested a "3C" designation on the entire potential expansion area of 325.37 acres, but has agreed to an immediate "3C" designation of approximately 42 acres of the expansion area to permit operation during and after the corridor study. Following the study, the designation of the remaining expansion area of 283.37 acres would be determined.

The owner submitted a memorandum from Lawrence L. Devroy, Natural Resources Manager at David Evans & Associates, regarding a wildlife inspection on the proposed 42 acre expansion area performed on March 21, 1990. The report concludes that "... no well-defined wildlife corridor appears to exist in the (42 acre) area of the proposed expansion since no areas of heavy use were observed." In addition, the 42 acre area is located far to the eastern edge of the potential corridor area to minimize any impacts which the expansion may cause in the corridor.

(2).Outstanding scenic views and sites:

Testimony from several citizens at public hearings points to some concern over the potential adverse impacts on scenic views of the Tualatin Mountains at the subject property if the mining is extended into the adjoining lands. Considering the Sauvie Island Wildlife areas have the most public use of any other wildlife area in the Northwest, a great many people are exposed to those views. Therefore, a study of this potential conflicting Goal 5 resource has been started and the

timetable should closely follow that of the Wildlife Corridor studies. A "3C" designation of the 42 acre expansion area will minimize view impacts until such time as a view study is prepared relating to the entire area.

## **ENERGY:**

### **1. Impacts on resource:**

Allowing noise and dust sensitive uses too close to the resource could alter the manner, location and extent of extraction activities, resulting in greater use of energy to the operator. This close-in site is energy efficient for transporting the materials to the largest market.

### **2. Impacts on conflicting uses: N/A**

### **3. Requirements of other applicable State Goals: N/A**

## **CONCLUSION:**

### **The resource at this site should:**

Be fully protected – Designate 3A.

Not be protected due to overriding benefits from allowing conflicting uses – Designate 3B.

**X** FOR THE MAPPED EASTERLY CENTER 113.22 ACRES CONTAINING THE EXISTING MINING OPERATION AND AN EXPANSION AREA: Be partially protected by conditions which minimize the impact of conflicting uses - Designate 3C.

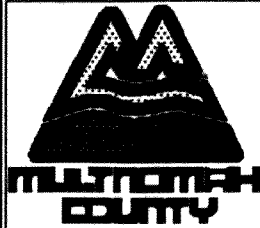
**X** FOR THE ADJOINING REMAINDER OF THE SITE, 283.37 ACRES: No ESEE designation assigned until more information is available from on-going studies of potential conflicting uses. At this time the ESEE analysis is at step "2" on the OAR flow chart.

## **PROGRAM:**

The existing approved mining operation of 71.22 acres and an expansion area of 42 acres are designated "3C". This designation will allow the mining operator to apply for renewal of the Conditional Use approval for the existing mining operation area and apply for an expansion area that would meet their aggregate needs for at least the wildlife and scenic views study period.

The expansion area is due south of the area to be worked next in the existing operation. This expansion direction appears to be the least intrusive into where a wildlife corridor would most likely be located. It is also in the direction of least visibility from Sauvie Island due to the ridgeline on the property to the east. This program will allow uninterrupted operation of the mine during the time needed to complete the wildlife studies and, if warranted, put appropriate protection measures in place.

Designation of the adjoining acreage of 283.37 acres will be completed when the needed information is obtained on potential conflicting uses. Multnomah County and the City of Portland expect to spend up to \$25,000 during the time period 1989-1991 in the contracting of studies in an attempt to verify the existence of a "Wildlife Corridor" in the area of further potential aggregate extraction expansion. The Goal 5 ESEE process for this remainder area is expected to be completed during 1991.



DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING AND DEVELOPMENT  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214 (503) 248-3043

## Decision

This Decision consists of Conditions of Approval, Findings of Fact and Conclusions

February 26, 1990

RPD 1-90, #109/LD 1-90, #109

### MUF-19, RPD, Multiple Use Forest-Rural Planned Development Twelve-Lot Land Division

Applicant requests amendment of Sectional Zoning Map #109, changing the described property from MUF-19, multiple use forest district, to MUF-19, RPD, multiple use forest-rural planned-development district, for this 120-acre parcel.

Applicant requests approval for a twelve-lot land division in the MUF-19 zoning district, which could each be developed with a single family residence.

<b>Location:</b>	11000 NW Saltzman Road.
<b>Legal:</b>	Tax Lot '4', Section 22, 1N-1W, 1988 Assessor's Map
<b>Site Size:</b>	120 Acres
<b>Size Requested:</b>	Same
<b>Property Owner:</b>	Forest Park Estate Joint Venture 117 SW Taylor Street, 97204
<b>Applicant:</b>	Same
<b>Comprehensive Plan:</b>	Multiple Use-Forest
<b>Present Zoning:</b>	MUF-19, Multiple Use Forest District Minimum lot size of 19 acres
<b>Sponsor's Proposal:</b>	MUF-19, RPD, Multiple Use Forest, Rural Planned-Development; Lot sizes vary, average 10 acres and a twelve-lot land division

### PLANNING COMMISSION

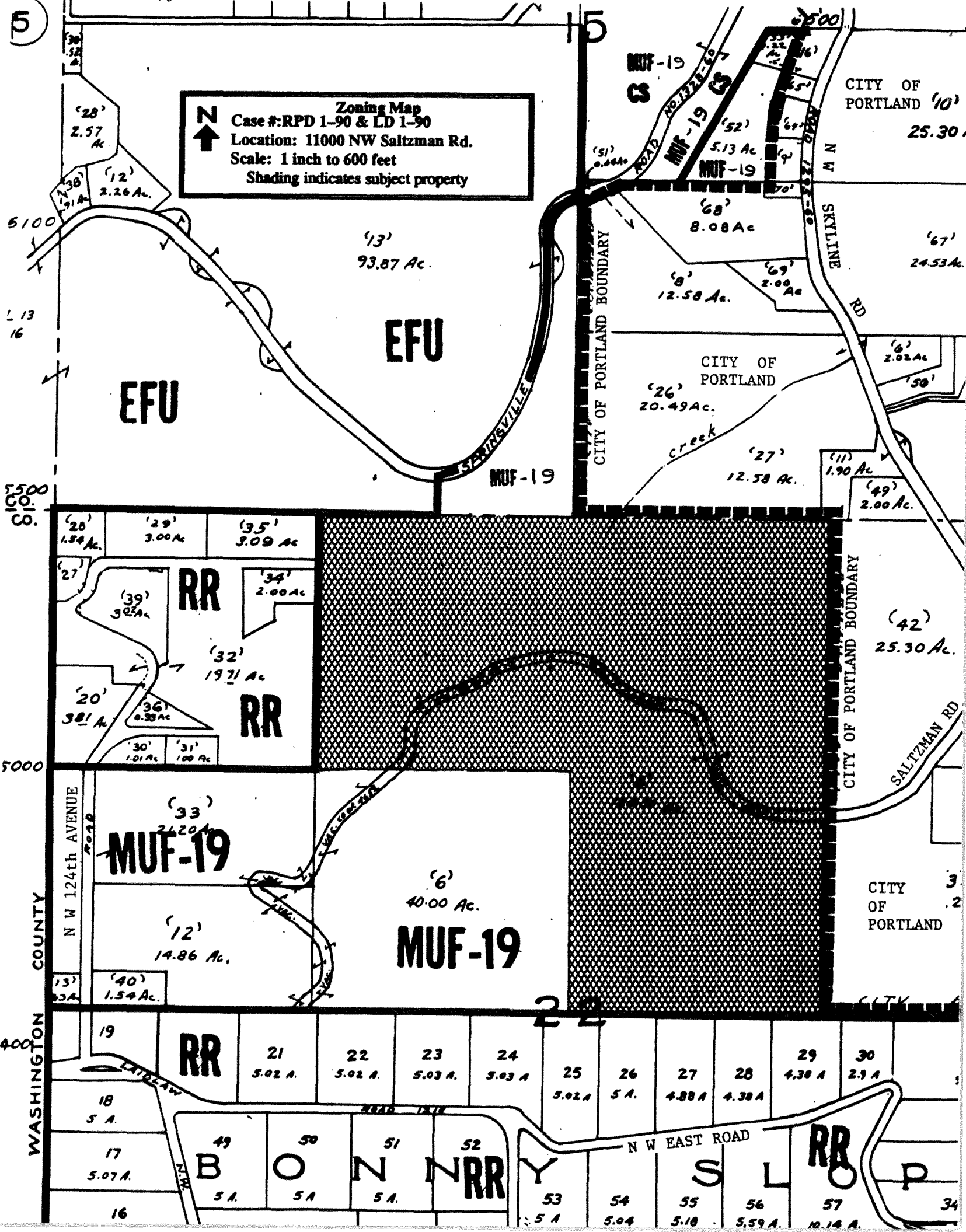
**DECISION: #1:** Approve amendment of Sectional Zoning Map #109, changing the described property from MUF-19 to MUF-19, RPD, rural planned-development, based on the following Findings and Conclusions.

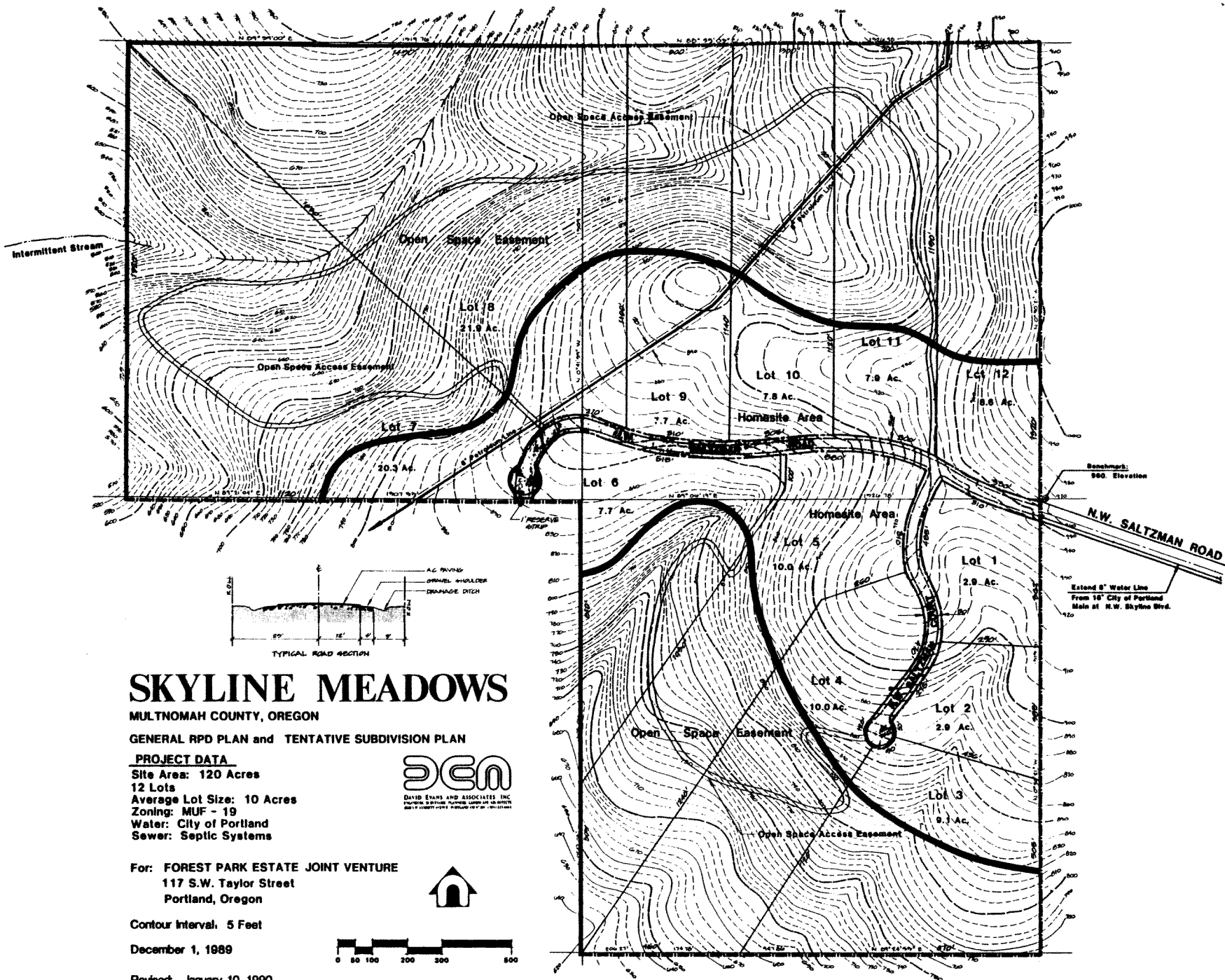
**DECISION: #2.** Approve the Tentative Plan for the Type I Land Division requested, a rural area subdivision resulting in 12 lots, all subject to the following conditions and based on the following Findings and Conclusions.

RPD 1-90/LD 1-90

5

**Zoning Map**  
Case #: RPD 1-90 & LD 1-90  
Location: 11000 NW Saltzman Rd.  
Scale: 1 inch to 600 feet  
Shading indicates subject property





# **SKYLINE MEADOWS**

MULTNOMAH COUNTY, OREGON

GENERAL RPD PLAN and TENTATIVE SUBDIVISION PLAN

## **PROJECT DATA**

Site Area: 120 Acres  
 12 Lots  
 Average Lot Size: 10 Acres  
 Zoning: MUF - 19  
 Water: City of Portland  
 Sewer: Septic Systems



For: FOREST PARK ESTATE JOINT VENTURE  
 117 S.W. Taylor Street  
 Portland, Oregon



Contour Interval: 5 Feet

December 1, 1989

Revised: January 10, 1990  
 February 8, 1990



EXHIBIT 1

LD 1-90

Dated 2/15/90

RPD 1-90/LD 1-90

# SKYLINE MEADOWS

MULTNOMAH COUNTY, OREGON

GENERAL RPD PLAN and TENTATIVE SUBDIVISION PLAN

## PROJECT DATA

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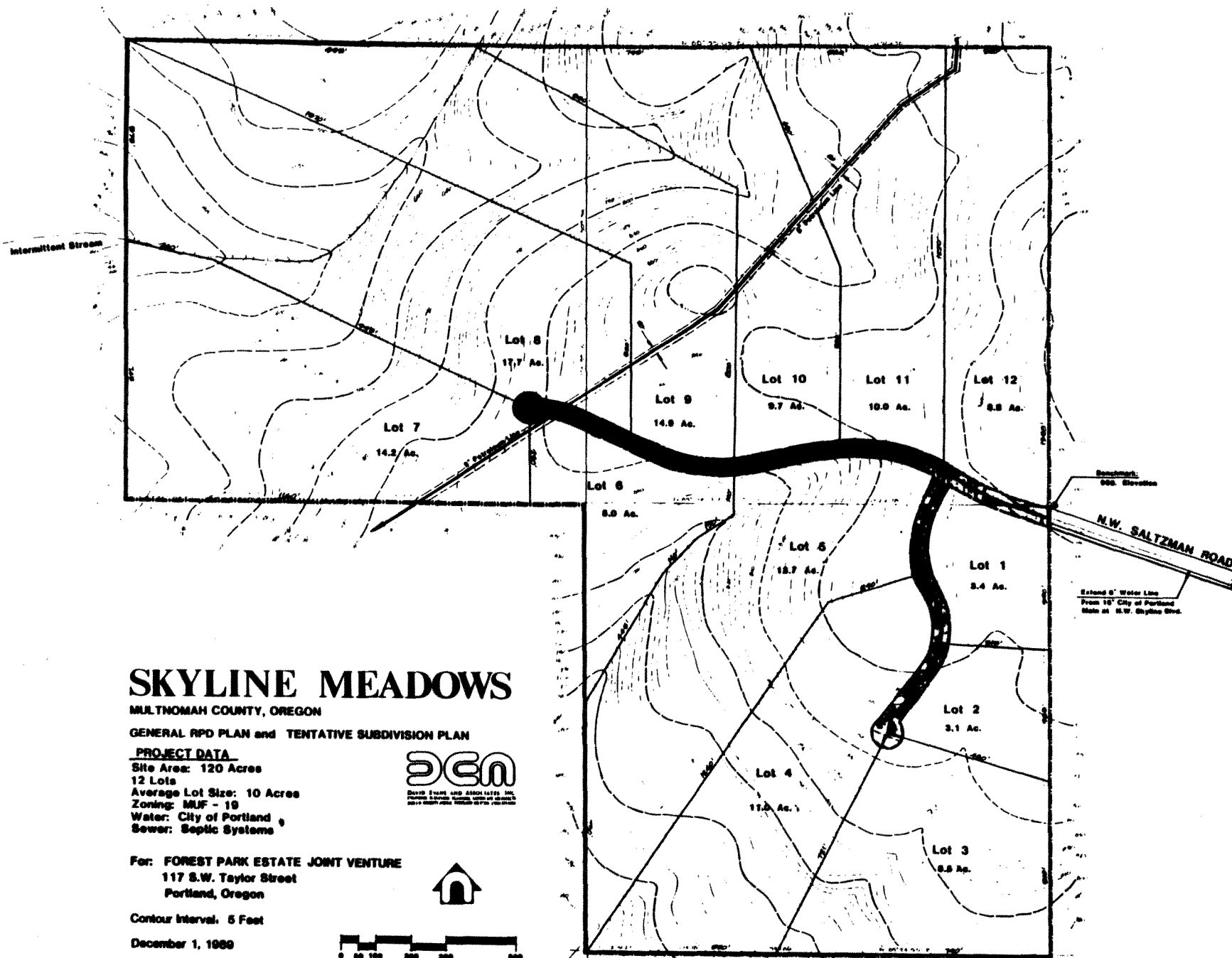
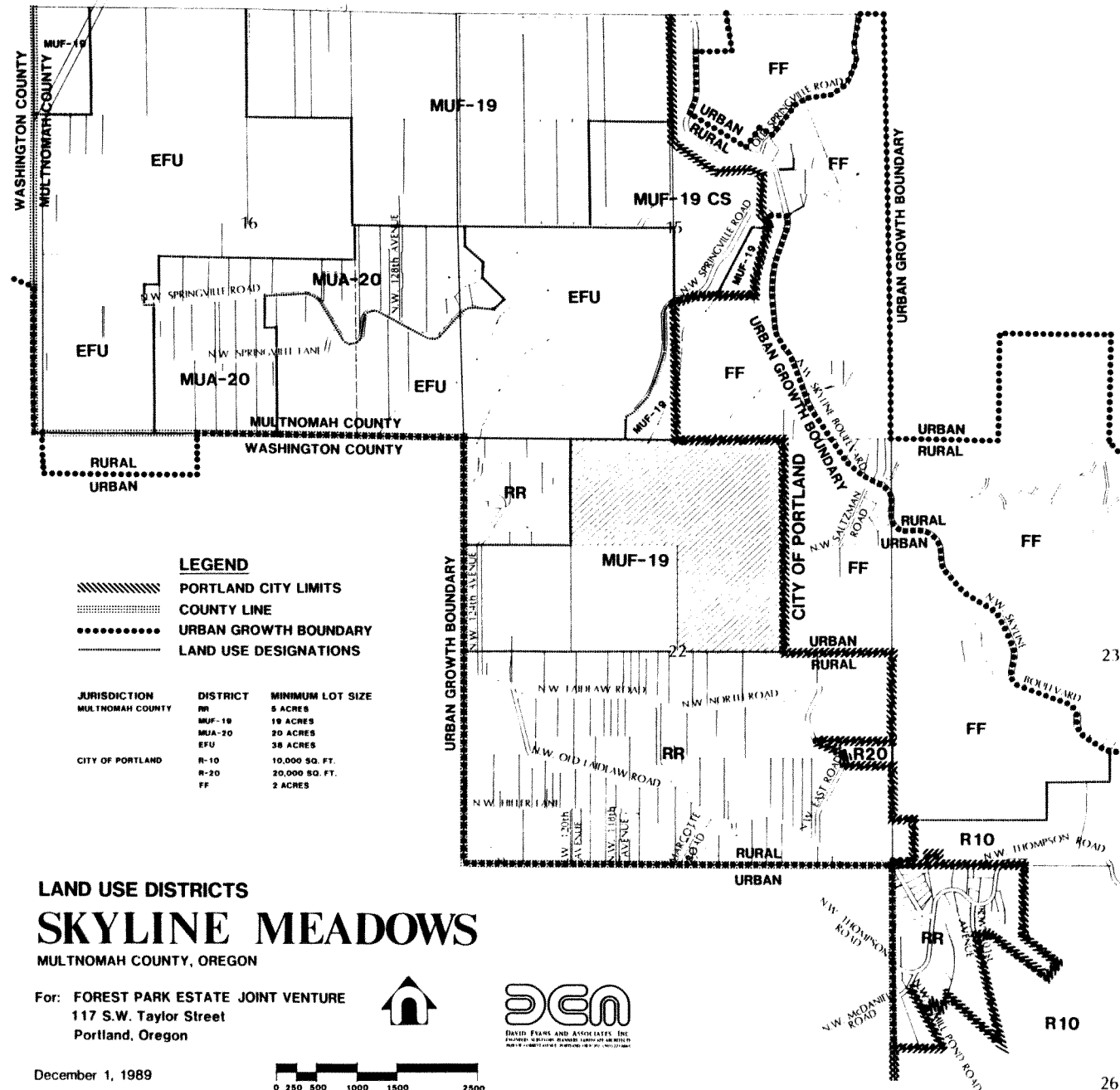
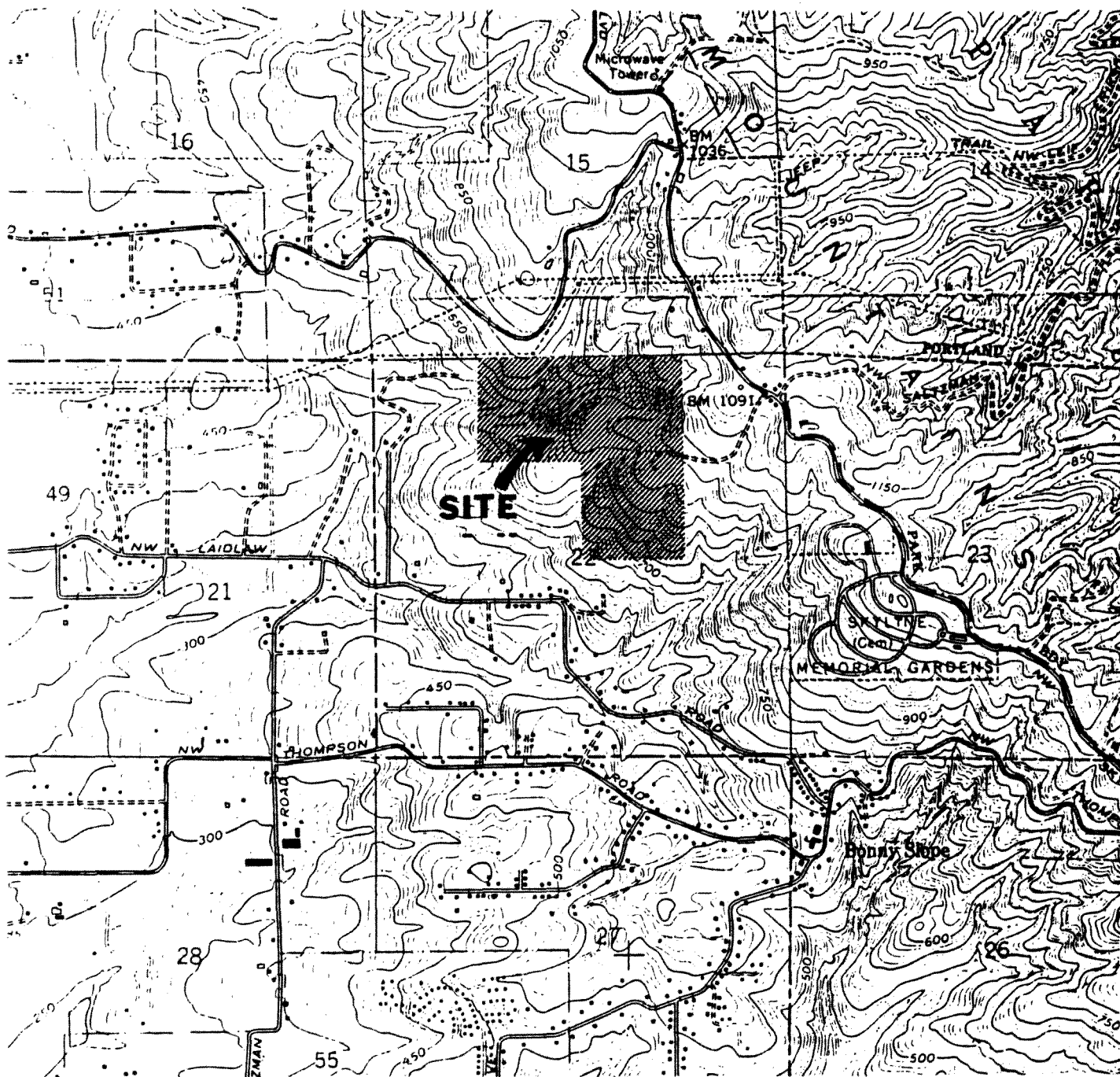


EXHIBIT 1



RPD 1-90/LD 1-90





USGS TOPOGRAPHIC MAP  
LINTON, OREG. QUAD PR 1975



0 1/2 1 MILE

**GEOTECHNICAL RESOURCES, INC.**

CONSULTING ENGINEERS AND GEOLOGISTS

HGW, INC.

120-ACRE SITE N.W. SALTZMAN ROAD

**VICINITY MAP**

DATE NOV. 1989 JOB NO. 597

FIG. 1

RPD 1-90/LD 1-90

## **Conditions of Approval (LD 1-90)**

1. Within **one year** of the date of this decision, deliver the final plat and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with ORS Chapter 92 as amended. **Please obtain Instructions for Finishing a Type I Land Division from the Planning and Development office.**
2. Prior to recording the final plat, comply with the following Engineering Services Division requirements:
  - A. Dedicate 50 feet of right-of-way for the westerly extension of N.W. Saltzman Road over the subject property as shown on the Tentative Plan Map.
  - B. Provide a 1-foot street plug at the end of N.W. Saltzman Road between the southerly lines of Lots 6 and 7. The street plug shall be identified as Tract A and shall be deeded to Multnomah County.
  - C. Dedicate 50 feet of right-of-way for a cul-de-sac identified on the Tentative Plan Map as N.W. Saltzman Court. The radius of the bulb at the end of the cul-de-sac shall be 50 feet unless otherwise approved by the County Engineer.
  - D. Improve the new roads to provide a pavement width of 28 feet with gravel shoulders. Improvements shall be to standards specified by the County Engineer.
3. In conjunction with road construction for the land division, construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600. Plans for the retention and/or control facilities shall be subject to approval by the County Engineer with respect to potential surface runoff on the adjoining public right-of-way.
4. Prior to issuance of building permits for each lot, apply for and obtain a Land Feasibility Study confirming the ability to use an on-site sewage disposal system on that lot.
- 5.. Prior to issuance of a building permit for any lot, show the slope of the building site on the plot plan. If any portion of the slope of the building site exceeds 20 percent, provide written certification from a geotechnical engineer or engineering geologist, licensed by the State of Oregon, that the lot is suitable for the construction of a residence. Specifics to be covered include:
  - A. The ability to construct a single-family, detached dwelling, including two uncovered off-street parking spaces built to county standards even though the slopes are steep;
  - B. Measures to be taken to prevent soil erosion; and
  - C. That areas of the lot with slopes exceeding 20 percent are not subject to slumping, earth slides, or movement.
6. Prior to endorsement of the final plat by the Multnomah County Planning Divi-

**Decision**

**February 26, 1990**

sion, provide evidence that water in sufficient amounts and pressure will be available to serve a house on each lot. Evidence that a private well in feasible may consist of:

- A. Written testimonials from drillers of successful wells in the area, or
  - B. Data regarding private wells in the immediate area from the Department of Water Resources in Salem (378-3066) which would substantiate the likelihood of a successful well being drilled on the property.
- 7. Develop and utilize an erosion and sediment control plan to mitigate erosion hazards during homesite and road construction, as specified in the County's erosion control ordinance.
  - 8. Prior to issuance of building permits on any of the proposed lots, construct site improvements and record open space easements, access easements and Covenants, Conditions and Restrictions substantially as represented in the application – except as modified by any conditions of approval for LD 1-90.
  - 9. Prior to recording the final plat, obtain approval of a resource management plan for the open space easement area shown on the Tentative Plan Map, and prior to issuance of a building permit for any lot of 10 acres or more in size, obtain approval of a supplemental resource management plan for that lot in accordance with MCC 11.15.2170(A)(2).
  - 10. Within the Portland city limits, to the extent reasonably possible in view of city standards, the applicant shall improve N.W.Saltzman Road so as to avoid entry problems for abutting lots and so as to avoid runoff onto abutting lots except into natural ravines.

## **Findings of Fact Regarding the RPD Request:**

The Multnomah County Planning Commission conducted a public hearing on this request on January 22, 1990. The Commission approved the RPD request in a 3–2 vote. The Applicant and Staff were directed to prepare a written decision detailing the findings and conclusions on which the approval was based.

### **1. Summary of the Proposal:**

The proposed development consists of 12 single family residences clustered in the open areas of the site, with lot sizes ranging from 3.1 to 17.7 acres. Under MCC §11.15.7720(A) the number of dwelling units allowed in an RPD is calculated by dividing the acreage of the proposed RPD by a factor based on the underlying zoning designation. A divisor of 10 is applied within the MUF-19 district—yielding 12 dwelling units in this case. Individual lots may vary from the average lot size of 10 acres so long as the average is maintained, as it is in this proposal [Reference MCC § 11.15.7720(B)]. The homesite portion of each lot exceeds the minimum acreage required for a septic system and drainfield [MCC § 11.15.7720(C)].

Due to the physical limitations, a substantial majority of the RPD will not be

developed. The applicant will maintain the undeveloped portion of the property in its current state through an open space easement. The terms of this easement will prohibit any use that interferes with the resource values of this portion of the property.

Domestic water service to the site can be provided by private wells, although an extraterritorial extension of city water is the applicant's preference. The City of Portland, at the applicant's expense, will extend a water line from an existing 16-inch line in NW Skyline Boulevard to the city limits at the property's eastern edge. A hydrant will be provided at the city boundary to enhance fire fighting capability within the site. Extension of city water beyond the city limits requires approval of the Portland Metropolitan Area Local Government Boundary Commission.

The 12 lots will be on individual septic systems. Fire protection is provided by the Tualatin Valley Fire and Rescue. PGE provides electric service and US West telephone service.

The applicant indicates construction of improvements necessary to provide basic services to the RPD should begin in the summer of 1990 or 1991, depending on market conditions. The improvements will be constructed in a single phase. Individual lots will be sold as the improvements are completed.

2. **Site and Vicinity Information:** The 120-acre site proposed for this Rural Planned Development (RPD) is located in unincorporated Multnomah County, approximately 1/4 mile west of the intersection of NW Saltzman Road and NW Skyline Boulevard, and immediately to the north of the Bonny Slope subdivision. The Urban Growth Boundary (UGB) borders the site on the east and north, and is in close proximity to the site on the south and west. The eastern and northern boundaries are also adjacent to the Portland City Limits. The entire site is identified as Tax Lot 4, Section 22, 1N-1W.
3. **Zoning and Comprehensive Plan Designations.** The property is zoned MUF-19 and has a Comprehensive Plan designation of Multiple Use Forest.
4. **Access.** Access to the property is currently provided by NW Saltzman Road, west of NW Skyline Boulevard. This portion of NW Saltzman Road, a dedicated public right-of-way under City of Portland jurisdiction, is graded but unimproved and terminates at the site's eastern boundary. The Portland Office of Transportation indicates Saltzman Road may be used to access the proposed subdivision if the developer upgrades the road to City standards. The corresponding Land Division case (LD 1-90) specifies access requirements for the new lots.

Access within the RPD will be provided by a westward extension of Saltzman Road across the site. It will be dedicated and improved to County standards. Additional access will be provided by a cul-de-sac (tentatively called NW Saltzman Court) extending south from Saltzman Road. It too will be dedicated and built to County

standards. The alignments of the roads have been located in relatively level portions of the site, avoiding steep, hazardous and forested areas.

5. **Terrain and Vegetation.** The 120-acre site is described by the applicant as three subareas that have distinct characteristics. The first subarea consists of 60 acres in the north one-half of the property. This subarea is characterized by a steep ravine, with slopes ranging from 30 to 70 percent, leading to an intermittent stream running from east to west. The primary vegetative cover is hardwood trees.

The second subarea is 21 acres of relatively flat open meadows along the ridge top in the center of the property. This includes the proposed private access easements and home sites for this RPD. This area is not forested and affords views of the Tualatin Valley.

The third subarea is the southern 40 acres of the site. It consists of moderate slope ranging to 30 percent. The vegetative cover is a mixture of heavy brush, grass, and hardwoods.

The site is completely undeveloped. A 20-foot wide utility easement for a high-pressure petroleum products pipe line crosses the site from the northeast to the southwest.

6. **Ordinance Considerations:** There are three areas in the Zoning Ordinance which specify criteria for RPD applications in the MUF district. The first group are within the MUF section of the Ordinance [reference MCC 11.15.2172(C)(1-3a)]; it cross references *Conditional Use Approval Criteria* in MCC .7105 – .7640 and required *Findings* for approval of an RPD in MCC .7705 – .7760.

The Multiple Use Forest District provides that Rural Planned Developments – a type of *Conditional Use* – may be permitted only upon affirmative findings as follows:

**A. The proposal satisfies *Conditional Use Approval Criteria* required by MCC .7105 through .7640:**

- (1) Is consistent with the character of the area;
- (2) Will not adversely affect natural resources;
- (3) Will not conflict with farm or forest uses in the area;
- (4) Will not require public services other than those existing or programmed for the area;
- (5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

(6) Will not create hazardous conditions; and

(7) Will satisfy the applicable policies of the Comprehensive Plan.

**B. The RPD (Conditional Use) meets the following standards for the MUF district:**

(1) The capability of the land for resource production is maintained;

(2) The use will neither create nor be affected by any hazards; and

(3) Access for fire protection of timber is assured;

**C. Rural Planned Developments for single family residences shall satisfy provisions of MCC .7705 through .7760:**

(1) Substantially maintain or support the character and the stability of the overall land use pattern of the area;

(2) Utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil conditions, drainage or flooding, vegetation or the location or size of the tract;

(3) Be compatible with accepted farming or forestry practices on adjacent lands;

(4) Be consistent with the Comprehensive Plan and the purposes described in MCC.7705.

(5) Satisfy applicable standards of water supply, sewage disposal, and minimum access; and

(6) Not require public services beyond those existing or programmed for the area.

The following section presents findings regarding the proposed Rural Planned Development; the applicable standard is in ***bold italics***, followed by findings and conclusions.

***A. General Conditional Use Criteria (MCC .7120)***

MCC .2172(C) states in part that "...[t]he following Conditional Uses may be permitted upon findings in addition to those required by MCC .7105 through .7640 ...".

***A(1) Is consistent with the character of the area;***

The purpose of the RPD section is to allow development of properties suitable for rural residential uses where productive resource use is not viable. MCC § 11.15.7705. Most of the area surrounding the proposed RPD is already committed to rural residential use. Sixty-seven percent of the land area immediately surrounding this site is already committed to rural residential level development based on Washington County, City of Portland, and Multnomah County map designations. Lot sizes in 1N, 1W Sections 15, 16, 22, and 26 (the one-mile area surrounding the site) average 6.85 acres reflecting this rural residential character. A substantial portion of this area, the Bonny Slope subdivision, has an average lot size of 5.18 acres.

Of the 120 acres in this proposal, a large portion will be maintained in a resource state through an open space easement. Since between three and six residential units are allowed on this site under the MUF-19 text without an RPD, the marginal effect of twelve units on resource uses will be insignificant, particularly since the majority of the site will be maintained as open space.

**Conclusion.**

For the reasons stated above, the proposed RPD is consistent with the character of the area.

***A(2) Will not adversely affect natural resources;***

The 120-acre site does not contain any of the natural resources listed in Policy 16 of the Multnomah County Comprehensive Plan. The Department of Fish and Wildlife has verified that the site does not include big game habitat. Although the site is not a domestic water supply watershed, it does include an intermittent stream which is a tributary to Bronson Creek. This watershed will be protected through resource management plans and an open space easement (see Land Division 1-90).

**Conclusion.**

For the reasons stated above, the proposed RPD will not adversely affect natural resources.

***A(3) Will not conflict with farm or forest uses in the area;***

There are two MUF parcels adjoining the RPD site, one small parcel of approximately 20 acres on the northern edge, and one 40-acre parcel on the southwestern corner. Both of these sites are characterized by the same physi-



cal limitations for forest use that motivated this proposal. That is, they are made up of steep terrain and are forested with non-commercial trees. Commercial timber harvesting in both parcels would lead to substantial erosion. As a result neither parcel is currently managed for either commercial timber and no conflict with the RPD is present.

In the event either parcel were used for such purposes, there would still be no conflict with the RPD due to the siting of the RPD homesites in the center of the property, the surrounding steep terrain, and the maintenance of forest cover as a buffer for noise and visual impacts. In addition, the MUF property on the north is separated from the homesites by an intermittent stream. The presence of a stream lessens potential conflicts from herbicide use on MUF lands because the Forest Practices Act prevents spraying next to streams. The open space easement and resource management plans for the RPD will insure that these buffering features remain in place. The owner has agreed to record a statement that the owner and the successors in interest acknowledge the rights of owners of nearby properties to conduct accepted forestry or farming practices with the Division of Records and Elections (Reference Condition #3.).

#### Conclusion.

For the above reasons, the proposed RPD will not conflict with farm or forest uses in the area.

#### ***A(4) Will not require public services other than those existing or programmed for the area;***

##### **a. Water Supply.**

Domestic water can be supplied by wells. Well logs from the State Department of Water Resources were reviewed for properties surrounding this site (IN IW Sections 14, 15, 16, 21, 22, 23, 26, 27, and 28). According to these records a total of 63 wells have been drilled in this area with average flows of 26.2 gallons per minute (gpm). A flow of 10 gpm is generally considered to be more than adequate for single family dwellings.

Several wells have been drilled on the Skyline Memorial Gardens property, which is similar to the subject property in terms of elevation and geologic formation. These wells have flows averaging 195 gpm, providing a good indication of groundwater availability at the Skyline Meadows site. The applicant's preferred alternative for domestic water, however, is an extraterritorial extension of city water to the site.

Regarding the availability of water for fighting fires, service is provided by

Tualatin Valley Fire and Rescue, with additional assistance through mutual aid agreements with the City of Portland and the Oregon State Department of Forestry. Forest fires are seldom fought primarily by applying water, nevertheless the Applicant will extend a six-inch line from the existing 16-inch main in NW Skyline Boulevard down NW Saltzman Road (as per City requirements) to a hydrant adjacent to the property line. The willingness of the City to do this has been verified in a letter to the Applicant from Mr. Hampton, City of Portland Water Bureau. This capability will allow faster and more effective domestic and forest fire suppression.

**Conclusion.**

For the reasons stated above, the RPD will not require water service beyond that existing or programmed for the area.

**b. Sewer.**

The Applicant proposes to provide sewage disposal through individual septic systems. It has been noted that the Cascade soils present on the site commonly have development limitations for septic systems in the form of a fragipan and a seasonal perched water table. The Applicant's consultant, Cascade Earth Sciences, Ltd. performed an on-site evaluation of whether septic systems were feasible on the property. See Skyline Meadows RPD Application, Appendix F. This study found that such a system is feasible — with the only issue being whether standard disposal fields or a sand filter system will be needed.

**Conclusion.**

For the reasons stated above, the RPD will not require sewer service beyond that existing or programmed for the area.

**A(5) *Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;***

The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

**Conclusion.**

For the reasons stated above, the RPD is not located within a big game winter habitat as defined by the Oregon Department of Fish and Wildlife.

***A(6) Will not create hazardous conditions;***

The area designated for homesites within the RPD contains soils rated as having moderate development limitations (soil classes 7B and C), which the U.S. Soil Conservation Service defines as meaning that "limitations can be overcome or minimized by special planning and design." U.S. SCS Soil Survey of Multnomah County (1983) at 98, 162. Homesites are located in the central portion of the property along the ridgetop where slopes generally range from zero to ten percent — avoiding any severe soils or water hazards.

The Applicant will develop and utilize an erosion and sediment control plan to deal with any erosion hazards during homesite and road construction, as required by the County's erosion control ordinance. Applicant indicates construction will occur during the dry summer months to avoid erosion problems. In addition, the homes will utilize drainage improvements to control any moisture problems associated with a perched water table.

**Conclusion.**

For the reasons stated above, the RPD will not create hazardous conditions.

***A(7) Will satisfy the applicable policies of the Comprehensive Plan.***

The following policies of the County's Comprehensive Plan are applicable to this RPD: Policy 3 (Citizen Involvement), Policy 8 (Rural Residential Land), Policy 12 (Multiple Use Forest), Policy 13 (Air, Water and Noise Quality), Policy 14 (Development Limitations), Policy 19 (Community Design), Policy 21 (Housing Choice), Policy 22 (Energy Conservation), Policy 24 (Housing Location), Policy 33A (Trafficways), Policy 38 (Public Facilities),

- a. **Policy 3 – Citizen Involvement.** The public will be informed of the proposed development through the County's notification procedures and given an opportunity to comment at the Planning Commission public hearing.
- b. **Policy 8 – Rural Residential Land Area.** Although the proposed development is not designated as Rural Residential, it is consistent with these policies. In fact, the primary purpose of the RPD District is to provide for rural residential scale development on lands generally unsuited for productive resource use, MCC § 11.15.7705. Policy 8 calls for rural residential development in an area that is not a cohesive commercial farm or forest resource area. Policy 8(B).

A large-lot RPD for single family dwellings is a compatible land use with adjacent rural residential, and farm and forest uses. Limited, but adequate services including water, electricity, telephone, and fire protection are avail-

**Decision**

**February 26, 1990**

**10**

**RPD 1-90/LD 1-90**

able to serve development at the site. Each lot will be served by a septic system.

- c. **Policy 12 – Multiple Use Forest Area.** Although the site is designated Multiple Use Forest, it is not suitable for either commercial use or as small woodlots due to the physical and economic limitations described in Section IV. C., above.

Policy 12 specifically states that the County will allow nonforest uses along with forest uses, provided that such non-forest uses are compatible with adjacent forest lands. This policy directly supports this RPD application since the proposed development utilizes lands not suitable for commercial forest uses and is compatible with forest practices on adjacent lands as detailed above.

- d. **Policy 13 – Air, Water, and Noise Quality.** A large lot RPD, with 12 dwelling units would not create air, water, or noise impacts beyond standard temporary construction impacts.
- e. **Policy 14 – Development Limitations.** The application of this policy to the RPD has been discussed above in Section III. B. (in the application)
- f. **Policy 19 – Community Design.** The proposed development has been designed to be complementary to the existing land use pattern in the area. The RPD has been designed to provide privacy as well as flexibility in design and orientation of future residences. The private access easements within the site have been designed to serve the development and avoid known development hazards.

As the surrounding area becomes increasingly more urban, the large-lot design of the RPD will contribute towards the maintenance of the area's rural residential character. Additionally, the RPD will maintain the existing forested appearance of the site, providing an important and long-lasting visual amenity to the larger community.

- g. **Policy 21 – Housing Choice.** The 12-unit RPD will contribute to the variety of housing types currently available within the County. There are a number of single family dwellings located on small lots along NW Skyline Boulevard. The large-lot RPD will provide homesites on larger properties ranging from 3.1 to 17.7 acres in size. The RPD has been designed to strengthen the rural residential character of the area and contribute to housing choices in this section of Multnomah County.
- h. **Policy 22 – Energy Conservation.** The RPD has been designed to provide 12 homesites with maximum solar access.

- i. **Policy 24 – Housing Location.** According to this policy, the proposed 12 unit RPD will have a minimal impact on surrounding areas and the support system. Policy 24, Table 1. As a “minor residential project” the proposed RPD is to have direct access to a public street, which it does through NW Saltzman Road. At the same time the proposed development will increase housing choices within the County in an area where services are available to support the new development. As documented above, the RPD is compatible with adjacent land uses and will help maintain the rural residential nature of the surrounding area.
- j. **Policy 34 – Trafficways.** Access to the site is provided by a an existing public right-of-way. The private access easements within the site have been designed as local streets to serve the 12 dwelling units. The traffic generated by a 12-lot RPD is not anticipated to create a discernible difference in existing levels of service on the adjacent street system.
- k. **Policy 38 – Facilities.** Fire Protection to the site is provided by Tualatin Valley Fire and Rescue. The RPD is within Portland School District #1. Police protection is through the County Sheriff’s Office.

## ***B. Specific Criteria For RPD's in MUF District [MCC .2172(C)]***

### ***B(1) The capability of the land for resource production is maintained;***

As documented in Section C(2), below, the site is generally unsuited for productive agricultural or forest uses. The land’s primary capability for resource uses is in noncommercial uses including the preservation and enhancement of open space, wildlife habitat, watershed protection, and in the management of existing forested areas for small woodlot uses. These capabilities will be maintained through the implementation of resource management plans for those lots exceeding ten acres in size, and for that-portion of the site designated by the Applicant in Applicant’s Exhibit 6 as being within an open space easement. The terms of the resource management plans are outlined in proposed LD 1-90, # 109.

The homesites proposed for this RPD will be located on portions of lots that are least suited for open space, wildlife habitat, watershed protection and small woodlot uses, leaving the areas that are suitable for these uses undeveloped (see Applicant’s Exhibit 6). The open space easement and resource management plans encompassed in this development insure that the negative impacts that would result from commercial resource use (see Applicant’s Appendices D and E) will be avoided.

## Conclusion.

For the above reasons, the proposed RPD will maintain the capability of the land for resource production.

### ***B(2) The use will neither create nor be affected by any hazards;***

Reference A(6) above

### ***B(3) Access for fire protection of timber is assured;***

The applicable legal standard is MCC § 11.15.2194(A)(I) which requires fire lanes of at least 30 feet wide between each dwelling and adjacent forested areas. This standard will be met initially by the developer and maintained through conditions, covenants, and restrictions (CC&Rs) on the Skyline Meadows Subdivision.

Concern has been expressed regarding access for fire suppression and the risk of explosive fires. The risk of fire on this site is substantially lower than for other forested areas of the Northwest hills and, in particular, Forest Park for the following reasons. Explosive fires are most likely to occur in areas where a forest cover of conifers exists in combination with a large number of people. The vastly predominant cover on the proposed RPD site is hardwood maples, which do not burn explosively. The forest floor cover now present on the site indicates that the amount of forest fire fuel being added is in balance with natural rates of decay, meaning that dangerous fuel conditions are unlikely to occur without a major change in the existing forest cover.

The most effective control for forest fires is fire breaks, particularly on ridge tops. The ridge-top portions of the property are not forested, and this natural fire control feature will be maintained and enhanced through fire breaks between each dwelling and the surrounding forested areas as described above. Homeowners will be required to maintain these fire breaks, and to use plantings and ground cover recommended by the Oregon Department of Forestry for fire control.

Additional access for fire protection in the unoccupied portions of the property will be provided by an open space access easement as a component of the open space easement. A site map showing the location of this fire break has been submitted to the Planning Commission. This access will substantially enhance the capability to fight forest fires beyond existing conditions drainage which limit available management practices under the Forest Practices Act, would result in costs that preclude a viable commercial forest use on this site. Additional constraints on commercial forest uses are imposed by conflicts between necessary management practices (clearcutting, herbicide

use, slash burning, and log transport) and surrounding residential uses.

**Conclusion.**

For the above reasons, the site is generally unsuited for forest uses.

***C. Findings Required to Approve an RPD (MCC .7750)***

***C(1) Substantially maintain or support the character and the stability of the overall land use pattern of the area;***

The 120-acre site is located in unincorporated Multnomah County. The site is currently undeveloped and surrounded primarily by rural residential land uses (see Exhibit 4). The site is bordered on its eastern and northern sides by both the Urban Growth Boundary (UGB) and the Portland City Limits. The western boundary of the site is approximately one quarter mile from the Washington County Line and the UGB. The southern boundary of the site is adjacent to a 40-acre undeveloped parcel which is zoned MUF-19, and the Bonny Slope Subdivision which is zoned Rural Residential (RR), with a five-acre minimum lot size. The UGB is located approximately one-half mile from the southern boundary of the site. The Bonny Slope subdivision, which is adjacent to the site on the southern boundary includes 57 lots, and has an average lot size of 5.18 acres. This area is zoned RR-5 and is characterized by rural residential land uses.

Forest lands encompass a large proportion of the surrounding lands uses ... However, much of these lands are within the City of Portland and the UGB. These areas are zoned Farm and Forest (FF), with a two acre minimum lot size. Land uses to the east of the site, along Skyline Boulevard, include a number of small lots that comprise less than one acre of land and are developed with single family residences. Those parcels within the UGB are already programmed for non-resource dwellings. See City of Portland Planning and Zoning Code §33.18.030. There does not appear to be any recent commercial logging activity in these areas.

The forest lands in Multnomah County in the vicinity of the site are to the west and north. As in the City of Portland, the parcelization and lack of recent logging on forest land in the County suggests that the RPD is consistent with, and will maintain existing land use patterns on forested lands.

**Conclusion.**

For the reasons stated above, the RPD will substantially maintain and support the rural residential character of the area.

***C(2) Utilize as gross site acreage, land generally unsuited for agricultural or forest uses, considering the terrain, adverse soil conditions, drainage or flooding, vegetation or the location or size of the tract;***

**Agricultural Capability:**

The capability of MUF District lands for farming is defined in MCC § 11.15.2172(D)(2)(a-c). That section states that lands are incapable of sustaining a farm use if there is "[a] Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area."

Of the 120-acre site, 103 acres (86 percent of the site) have slopes of greater than 15 percent and are in an Agricultural Capability Class of IV or greater (see Exhibit 3). These areas also are designated by the Soil Conservation Service as having an erosion hazard. Thus, under the terms of the MCC, the land is incapable of sustaining an agricultural use.

**Conclusion.**

For the above reasons, the site is generally unsuited to agricultural use.

**Forestry Capability:**

The capability of RPD lands in an MUF District for forestry is defined in two parts. First, the MUF District standards establish a process for demonstrating unsuitability. MCC § 11.15.2172(D)(2)(a-c). That section states that lands are incapable of sustaining a forest use if there is a "[c]ertification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar expertise, that the land is inadequate for forest uses" and the person or group states the basis for the conclusion.

Secondly, the RPD section of the MCC lists the substantive criteria that are to be considered in evaluating suitability. MCC § 11.15.7750(B). These criteria are: terrain, adverse soil or land conditions, drainage or flooding, vegetation or the location or size of the tract. These criteria are evaluated for their effect on the viability of commercial forest uses as described in the Applicant's proposal at pages 14-15.

The Applicant's consultants have documented the constraints imposed on forest use of the site by terrain, adverse soil and land conditions, drainage and the existing vegetation (Reference Applicant's Appendices D and E). In sum, the combination of the existing non-commercial vegetative cover, the need to clear and replant, steep slopes and drainage which limit available management practices under the Forest Practices Act, would result in cost that preclude a viable commercial forest use on this site. Additional constraints on commercial forest uses are imposed by conflicts between necessary manage-



ment practices (clearcutting, herbicide use, slash burning, and log transport) and surrounding residential uses.

**Conclusion.**

For the above reasons, the site is generally unsuited for forest use.

***C(3) Be compatible with accepted farming or forestry practices on adjacent lands;***

Reference A(3) above

***C(4) Be consistent with the Comprehensive Plan and the purposes described in MCC .7705.***

Reference A(7) above regarding applicable Comprehensive Plan Policies

MCC Section 11.15.7705 includes four stated purposes for the RPD subdistrict:

- a. To provide standards and procedures for the orderly development of rural land demonstrated as not suitable for agriculture or forest use, but suitable for rural residential purposes.***

This property is unsuited for forest or agricultural resource use as documented above. Development of the site as 12 large lots within an RPD is consistent with existing development in the area and will help maintain the rural residential character along Skyline Boulevard. The UGB and Portland City limits' location adjacent to the site's eastern boundary indicate that the site is suitable for a slightly more intensive level of development than that allowed by the MUF-19 zone generally. The development complies with all applicable development standards and does not call for the extension of urban services beyond what is already programmed in the area.

**Conclusion.**

For the above reasons, the proposed RPD is not suitable for agricultural or forest use; it is suitable for rural residential purposes.

- b. To promote desirable rural living environments while preserving rural character.***

The RPD includes 12 lots ranging in size from 2.9 to 21.9 acres. These lots are generally larger than the average parcel in the surrounding area (6.85 acres). In addition, the RPD will maintain the existing forested portions of the site in their current condition. This combination will both create a desirable rural living environment and help preserve the rural character of the sur-

rounding area.

By precluding development of a large portion of the site and regulating resource uses through a management plan, the RPD will protect the rural character of the site. The site affords excellent views of the Tualatin Valley to the west and south and its generally wooded undeveloped character provides an important visual amenity to surrounding areas.

#### **Conclusion.**

For the above reasons, the proposed RPD promotes a desirable rural living environment while preserving rural character.

- c. To encourage innovative approaches to the development of rural areas within the limits of topography and the natural resources while recognizing that residents will be adjacent to normal and accepted farming or forestry practices.***

The RPD has been designed with homesites in those portions of the site least important for natural resources and relatively free of development hazards. The homesites are surrounded by a perimeter of steep slopes and forested areas. These topographical and vegetative features will buffer future homesites from adjacent farming or forestry practices, while maintaining the visual character of the area. The owner has agreed to record a statement that the owner and the successors in interest acknowledge the rights of owners of nearby properties to conduct accepted forestry or farming practices with the Division of Records and Elections.

- d. To realize economies of cost and energy savings in rural land development and to limit the extension of accesses and public services.***

By clustering development in the relatively flat, open and central portion of the site, this RPD will realize economies of scale in both overall cost and in energy savings. The siting of homesites under the RPD will lower the per unit cost of providing services while maintaining the rural nature of the property.

Public services and access to the RPD will only be extended as necessary to serve the RPD. The existing NW Saltzman Road right-of-way currently provides access to the property. This public right-of way is graded but unimproved, and is under City of Portland jurisdiction. Suitable road improvements will be made as required by the City. Access within the RPD will be provided by two dedicated public roads built to county standards.

A six-inch water line, providing fire flow to the east boundary of the site, will be extended from the existing 16-inch line in NW Skyline Boulevard. Wells will provide water to the homesites unless the Boundary Commission allows

extraterritorial extension of city water to the site. Individual septic systems will serve the future homesites. Other public services such as electricity and telephone are currently available in the area.

**Conclusion:**

For the reasons stated above, the proposed RPD realizes economies of cost and energy savings in rural land development while limiting extension of accesses and urban services.

***C(5) Satisfy applicable standards of water supply, sewage disposal, and minimum access;***

- a. Water Supply and Sewage Disposal. Reference A(4) above.
- b. Minimum Access. Reference Finding #4. above regarding access. The standard for access in the MUF District is that lots shall abut a street, or have other access determined to be safe and convenient for pedestrians and passenger and emergency vehicles. MCC § 11.15.2188.

The Portland Office of Transportation requests the County impose improvement requirements for Saltzman Road in a memo dated January 4, 1990. Portland requests that any approval be conditioned to require "...[a]s a minimum, ... curbs, 28 foot wide hard surface paving, sidewalk, drainage facilities and street lighting. The roadway width may need to be increased to 32 feet wide, depending on whether NW Saltzman is to continue through the site, and on on-street parking needs." The associated Land Division case will address access improvement requirements for the new lots.

***C(6) Not require public services beyond those existing or programmed for the area.***

Reference A(4) above.

**Conclusion Regarding the RPD Request:**

1. Based on the findings and conclusions above, the applicant has demonstrated compliance with applicable criteria and required findings for approval of a Rural Planned Development.

## Findings Of Fact Regarding the LD Request:

1. **Applicant's Proposal:** The applicant proposes to develop a 12-lot subdivision on a 120-acre parcel. The subdivision proposal is in conjunction with the accompanying Rural Planned Development (RPD) request. The applicant proposes to provide access to the lots by extending, dedicating and improving N.W. Saltzman Road across the site, and by providing a new road, N.W. Saltzman Court, to connect the southerly part of the site with N.W. Saltzman Road. As stated in the findings for RPD 1-90, N.W. Saltzman Road runs west from N.W. Skyline Boulevard to the easterly edge of the subject site, where one of the proposed private road easements would begin. The Comprehensive Plan designates the site as Multiple Use Forest. The zoning is MUF-19, Multiple Use Forest District
2. **Site and Vicinity Information:** Finding 1 for RPD 1-90 describes the site and its relationship to the surrounding area.
3. **Terrain and Vegetation:** Finding 5 for RPD 1-90 describes terrain and vegetation characteristics for the three subareas of the site as identified by the applicant.
4. **Land Division Ordinance Considerations (MCC 11.45)**
  - A. The proposed land division is closely related to the accompanying Rural Planned Development (RPD) request. Approval of the land division cannot occur without approval of the RPD.
  - B. The proposed land division is classified as a Type I because it is *a rural area subdivision* [MCC 11.45 .080(A)]. A subdivision is defined by MCC 11.45.015(JJ) as a land division resulting in the creation of four or more lots. This proposal is in the rural area and would create 12 lots. Therefore the proposal is a rural subdivision; as such it is a Type I Land Division. The proposal is also a Type I Land Division because it is associated with an application (the RPD) that requires Planning Commission approval.
  - C. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:
    - (1) *The Tentative Plan is in accordance with:*
      - a) *the applicable elements of the Comprehensive Plan;*
      - b) *the applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and*
      - c) *the applicable elements of the Regional Plan adopted under ORS Chapter 197. [MCC 11.45.230(A)]*
    - (2) *Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances; [MCC 11.45.230(B)]*
    - (3) *The Tentative Plan or Future Street Plan complies with the applicable provisions, including the purposes and intent of this*

- (4) *The Tentative Plan or Future Street Plan complies with the Zoning Ordinance or a proposed change thereto associated with the Tentative Plan proposal; [MCC 11.45.230(D)]*
- (5) *If a subdivision, the proposed name has been approved by the Division of Assessment and Taxation and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "Town", "City", "Place", "Court", "Addition" or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed; [MCC 11.45.230(E)]*
- (6) *The streets are laid out so as to conform, within the limits of the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; [MCC 11.45.230(F)] and*
- (7) *Streets held for private use are clearly indicated on the Tentative Plan and all reservations or restrictions relating to such private streets are set forth thereon. [MCC 11.45.230(G)]*

5. **Response to Type I Land Division Approval Criteria:**

A. **Applicable Elements of the Comprehensive Plan**

**Applicant's Response:** *The County has identified the following policies of the Comprehensive Plan as being applicable to a Type I Land Division: Policies 13, 16, 19, 21, 22, 24, 35, 36-39.*

**Staff Comment:** In addition to those identified by the applicant, staff finds that due to the location and nature of the proposal, Policies 12 and 14 are applicable.

(1). **Policy No. 12, Multiple Use Forest Lands**

**Applicant's Response:** *The proposed land division would create lots with sizes ranging between 2.9 and 21.9 acres, and averaging 10 acres. Under the MUF-19 /RPD zone, 10 acres is the minimum average lot size (individual lots may be smaller).*

**Staff Comment:** Since some proposed lots are less than the 19-acre minimum required in the underlying MUF-19 zone, approval of the land division is dependent on approval of the related RPD request. For reasons stated in the findings for RPD 1-90, the proposed RPD meets the applicable RPD approval criteria. As a result, the lots as proposed do not need to meet the minimum MUF-19 area standard of 19 acres. Therefore the proposal complies with Policy 12.

(2). **Policy No. 13, Air, Water, and Noise Quality:**

**Applicant's Response:** *A large-lot RPD, with 12 dwelling units would not create air, water, or noise impacts beyond standard construction impacts. Obtaining a Land Feasibility Study from the County Sanitarian for each lot will be a condition of approval*

**Staff Comment:** Staff concurs with the applicant's statements.

(3). **Policy No. 14, Development Limitations:**

**Staff Comment:** The applicant addresses Policy 14 in its February 15, 1990 revised narrative in the last paragraph on page 6 and the first paragraph on page 7. For the reasons stated by the applicant, the proposal satisfies Policy 14.

(4). **Policy No. 15, Significant Environmental Concerns:**

**Applicant's Response:** *The site of the RPD is not identified as an Area of Significant Environmental Concern in the Comprehensive Plan.*

**Staff Comment:** Staff concurs with the applicant's finding.

(5). **Policy No. 16, Natural Resources:**

**Applicant's Response:** *The site does not include the natural resources which are listed in Policy 16. The Department of Fish and Game has verified that the site does not include big game habitat.*

**Staff Comment:** Staff concurs with the applicant's finding.

(6). **Policy No. 19, Community Design:**

**Staff Comment:** The applicant addresses Policy 19 in its February 15, 1990 revised narrative on page 7. For the reasons stated by the applicant, the proposal satisfies Policy 19.

(7). **Policy No. 22, Energy Conservation:**

**Applicant's Response:** *The RPD has been designed to provide 12 homesites with maximum solar access.*

**Staff Comment:** Staff does not disagree with the applicant.

(8). **Policy No. 36, Transportation System Development Requirements:**

**Applicant's Response:** *The 12 dwelling units will use a single access point on NW Skyline Boulevard, therefore consolidating ingress and egress. The applicant will construct and dedicate roads within the parcel to County standards. The City of Portland has indicated that it will allow use of Saltzman Road as access.*

**Staff Comment:** As stated below, the proposed road system as

revised by the applicant conforms to the County Street Standards Ordinance. For these reasons, and those stated by the applicant, the proposal satisfies Policy 36.

(9). **Policy No. 37, Utilities:**

**Staff Comment:** The applicant addresses Policy 37 in its February 15, 1990 revised narrative on page 8. For the reasons stated by the applicant, the proposal satisfies Policy 37.

(10). **Policy No. 38, Facilities:**

**Staff Comment:** The applicant addresses Policy 38 in its February 15, 1990 revised narrative on page 8. For the reasons stated by the applicant, the proposal satisfies Policy 38.

**B. Development of Property [MCC 11.45.230(B)]**

**Applicant's Response:** *"The entire acreage of Tax Lot 4 is included in this application for an RPD and Subdivision. The applicant will extend N.W. Saltzman Road to the western boundary of the property, adjacent to Tax Lot 6, to make future access to this parcel possible. Roads within Tax Lot 4 will be dedicated to the County with a right-of-way width of 59 feet, and improved in accordance with the County Street Standards Ordinance (see tentative plan map for typical road section)."*

**Staff Comment:** Under the revised tentative plan, access to the proposed lots is by two public roads, including an extension of N.W. Saltzman Road. The proposed 50-foot right-of-way width meets the requirements of the Street Standards Ordinance (MCC 11.60). The City of Portland has jurisdiction over the portion of N.W. Saltzman Road that runs between N.W. Skyline Boulevard and the subject site, and will require the applicant to improve that section of Saltzman Road to a pavement width of 28 feet with curbs and sidewalks. The applicant's revised tentative plan map includes a typical road section showing a 24-foot pavement width with gravel shoulders and drainage ditches. Gravel shoulders, instead of curbs and sidewalks, meet County standards for the proposed roads in the subdivision. However, in order to provide a smoother transition between the City and County portions of the improved Saltzman Road and safer travel conditions, the pavement width on the proposed roads on the site should be 28 feet instead of 24 feet. The County Engineer has stated that a 28-foot pavement width with gravel shoulders would meet the requirements of the Street Standards Ordinance. The access proposed by the applicant under the revised tentative plan will permit development of the site and Tax Lot 6 in accordance with the Street Standards Ordinance. For these reasons and those stated by the applicant, the proposal satisfies MCC 11.45.230(B).

**C. Compliance with Applicable Provision, Including Purpose and Intent of Land Division Ordinance [MCC 11.45.230(C)]:**

**Applicant's Response:** *The Tentative Subdivision Plan has been prepared in accordance with the Multnomah County Zoning and Ordinance Subdivision Standards. The RPD has been designed to provide an attractive and environmentally sound development which is consistent with these requirements. The large-lot design allows the development of a*

*rural residential RPD while maintaining the existing visual character of the site and land use character of the surrounding area.*

*The density of development is in accordance with the RPD requirements of the Code and will not create traffic congestion or add a significant burden to public facilities in the area.*

*All necessary public facilities and services are currently available to the site or in the area, or can be readily provided to future homesites. Domestic water can be provided from private wells, although an extension of a water line from NW Saltzman Road is the preferred alternative. Lots within the RPD will be serviced by septic systems. Other utilities, including electricity and telephone are available in the area.*

Staff Comments: The proposal complies with the submittal requirements for a Type I Land Division, and the companion RPD meets the applicable approval criteria for the reasons stated in the findings for RPD 1-90. For these reasons, the proposed land division satisfies MCC 11.45.230(C).

**D. Zoning Ordinance Considerations:** The applicable Zoning Ordinance criteria (MCC 11.15) are as follows:

- a. The site is zoned MUF-19, Multiple Use Forest District.
- b. The following minimum area standards apply per MCC 11.15.2178:
  - (i) MCC 11.15.2178(A) states that except as provided by the density requirements for Rural Planned Developments (RPD's) under MCC 11.15.7720, the minimum lot size shall be 19 acres, including one-half of the road right-of-way adjacent to the parcel being created. As shown on the Tentative Plan Map, all of the proposed lots except for Lots 5 and 8 contain less than 19 acres. However, for reasons stated in the findings for RPD 1-90, the proposal meets the standards for approval as a Rural Planned Development. Therefore, the proposed land division this requirement.
  - (ii) In response to concerns expressed by the Planning Commission, the applicant, in its February 15, 1990 revised narrative on page 10, proposes resource management plans for the areas within the opens space easement and for each lot 10 acres in size or more. Condition 9 requires approval of those resource management plans prior to recording the final plat (for the areas within the open space easement) and before building permit issuance (for lots having 10 acres or more)..

**E. Subdivision Name [MCC 11.45.230(E)]:**  
**Applicant's Response:** *Skyline Meadows has been reserved with the Multnomah County Division of Assessment and Taxation as the name of the subdivision*



**Staff Comment:** Staff has no objection to the proposed subdivision name "Skyline Meadows."

**F. Street Layout [MCC 11.45.230(F)]:**

**Staff Comment:** The applicant has addressed this criterion in Finding 5.B and in the findings for RPD 1-90. For the reasons stated therein, the proposal satisfies MCC 11.45.230(F)

**G. Private Streets [MCC 11.45.230(G)]:**

**Staff Comments:** In its revised tentative plan, the applicant has substituted public roads for the private roads propose originally. Therefore, MCC 11.45.230(G) is not applicable

**Conclusions Regarding the LD Request:**

1. The proposed land division satisfies the applicable policies of the Comprehensive
2. The proposed land division satisfies the approval criteria for Type I Land Divisions.
3. The proposed land division satisfies the requirements of the Zoning Ordinance.

**In the Matters of RPD 1-90 and LD 1-90**

Signed February 26, 1990

By Dean Alterman, Vice, Chairman

Filed With the Clerk of the Board on March 8, 1990

**Appeal to the Board of County Commissioners**

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 PM. on Monday, March 19, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

*The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday March 20, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.*

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RICHARD M. WHITMAN

April 23, 1990

County Board of Commissioners  
Multnomah County  
1021 S.W. 4th Street  
Portland, OR 97204

Re: Statement by the Applicant in Support of Skyline Meadows;  
RPD 1-90, and LD 1-90.

Dear Commissioners:

The issue before you today is whether an RPD should be approved for a 120-acre parcel in the Northwest Hills, near the intersection of N.W. Saltzman Road and Skyline Drive. The RPD, as a conditional use in the MUF District, would allow a 12-lot subdivision instead of the 6 lots allowable (with resource management plans) under the MUF Zone.

The major criteria in the Multnomah County Code for determining when an RPD is appropriate are whether the site is generally unsuited for agricultural or forest use. All parties agree that the site is unsuited for agriculture. As we will demonstrate tomorrow, the property is also unsuited for forest use.

The primary reason why we feel an RPD is appropriate in this case is that in order to convert our property into a productive forest use we would have to clear the entire site of its current forest cover (which is now made up of brush and hardwoods with no commercial value), plant new trees and wait for fifty years before harvest. The high up-front costs associated with preparing this site for douglas fir make it clear that productive forest use is uneconomical. We are not alone in this conclusion, no one else in the Northwest Hills with similar property is making this type of up-front investment. The logging that is occurring now is occurring on properties that already have douglas fir growing on them.

Managing the property for a commercial forest operation does not make sense from a policy perspective either. To be viable on this land, such a use would require stripping a major tract of open space that benefits the entire community, planting douglas fir seedlings, and then waiting fifty years for them to grow to maturity. During that time no other use could be made of

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Planning Commission  
April 23, 1990  
Page 2

the property. The Planning Division has indicated that it would like to see the property retained both for forest use and as a source of land for urbanization within the next twenty years. Realistically, the RPD (which will also include resource management plans) is the only way both these goals can be met. The RPD would do this by clustering residential development on less than 20 percent of the site -- leaving the remainder available as open space to be managed for its natural values until such time as other uses become desirable.

The Planning Division issued a supplemental staff report for this application on Thursday, April 19, 1990. The supplemental report is in response to a letter we sent to the Planning Commission on January 20, 1990, and focuses on two main issues: 1) whether our parcel is generally unsuited for forest use, and 2) whether (by increasing the number of permitted units from six to twelve) future development at urban densities will be precluded.

Both of these issues were considered at length (in over seven hours of testimony and discussion) by the Planning Commission. Despite the lengthy proceedings before the Commission, the only evidence presented that was based on site-specific analysis supported the Commission's findings that

[t]he Applicant's consultant's have documented the constraints imposed on forest use of the site by terrain, adverse soil and land conditions, drainage and the existing vegetation (Reference Applicant's Appendices D and E). . . . For the above reasons, the site is generally unsuited to forest use. Planning Commission, Decision at 14 (Feb. 26, 1990).

and that

[d]ue to physical limitations, a substantial majority of the RPD will not be developed. The applicant will maintain the undeveloped portion of the property in its current state through an open space easement. Planning Commission, Decision at 2 (Feb. 26, 1990).

It is notable that the findings and conclusions of the Planning Commission were not appealed to the Board. Based on the testimony at the Planning Commission hearings, it appears that many of the neighbors concur with the basic premise of this application that an RPD will protect the open space values this property now provides to the area.

While the supplemental report raises no new evidence to support the Division's arguments, to assist you in focusing on the key issues of suitability for forest use and future urbanization, we are providing you the following information drawn from the Planning Commission's record.

**I. Suitability of the Site for Forest Use.**

**A. Multnomah County Code Standards.**

The capability of RPD lands in an MUF District for forestry is defined in two parts. First, the MUF District standards establish a process for demonstrating unsuitability. MCC § 11.15.2172(D)(2)(a-c). That section states that lands are incapable of sustaining a forest use if there is a "[c]ertification by the Oregon State University Service, the Oregon Department of Forestry, or a person having similar expertise, that the land is inadequate for forest uses" and the person or group states the basis for the conclusion.

Secondly, the RPD section of the MCC lists the substantive criteria that are to be considered in evaluating suitability. MCC § 11.15.7750(B). These criteria are: terrain, adverse soil or land conditions, drainage or flooding, vegetation or the location or size of the tract.

The Division has suggested that the "RPD approval criteria do not require a finding of economic viability, nor do they specify a profit threshold or minimum rate of return to determine a site generally suited or unsuited to forest use." Supplemental Staff Report at 2 (April 24, 1990). While it is true that the Code does not specify a profit threshold or minimum rate of return, it is nonsensical to argue that economic viability is not a central criterion for whether a property is suited for forest use.

The physical and biological criteria for suitability are meaningful only if they are evaluated in relation to a landowner's ability to carry out the primary uses allowed within the underlying district. In this case, the underlying district is Multiple Use Forestry (MUF), and the primary forest uses are "[forestry practices associated with the production, management and harvesting of timber, . . . and wood processing operations." MCC § 11.15.2168. Evaluating whether the property is generally suited or unsuited to these commercial uses necessarily requires considering what effect physical and biological attributes of the site have on economic viability.

In past RPD applications the County has evaluated suitability for forest use in terms of whether the property can sustain commercial timber management, looking at both physical and economic constraints. This continues to be the only viable interpretation of the Code standards. Staff suggest that the site may be viable for forest use in the future. That is neither the correct legal standard, nor is it the question we must ask ourselves as land owners. The question is whether this property is suitable for forest use now.

#### **B. The Evidence on Suitability.**

The Planning Commission's determination that this site is generally unsuited to forest use was not made casually. This property has been inspected and evaluated by both a professional forester (with ten years experience with the Oregon Department of Forestry) and a registered professional engineer. These experts determined that such uses would be both environmentally damaging and economically unsound. Their testimony is the only evidence based on an on-site inspection of the property. All other evidence is based on general assumptions in secondary sources that do not account for the unique problems presented by the terrain and vegetation now present on this property.

There are two fundamental problems with managing this site for forest use. First, much of the property is steeply sloped (86 percent of the land area has slopes over 15 percent -- some approaching 60 percent) and suffers from unstable soil conditions. Second, the site is now covered with unmerchantable vegetation (80 percent of the site is covered by brush and low quality hardwoods with no commercial value). Because the existing vegetation makes it impossible to establish a commercial stand (douglas fir), the brush and hardwoods must be cleared from the property before a viable forest of douglas fir can be planted and a commercial forest use can be reestablished.

These conditions have two consequences. They mean that costs of managing our land for timber or agriculture are such that we can not ever expect to make a profit. And they mean that if we tried to do so, the environmental consequences (clearcutting, slash burning, erosion, herbicide spraying and over 1,600 logging truck trips on local streets) would be damaging to both the property and the surrounding community.

Developing a commercial forest use on our property would require the following steps: removing the current forest

cover, burning the slash, replanting, herbicide application, thinning, and (in 50 years) harvesting. While it is true that other sites with similar soils and slopes are being harvested in Northwest Multnomah County, these are sites that already have mature douglas fir in place. The problem here is that a substantial investment will be required to reestablish douglas fir, an investment of both money and time. The bottom line, as documented in our application, is that because of this up front cost of reestablishing a commercial forest cover no prudent timber operator would try to manage this property for forest use.

Staff cites the letter from 1000 Friends of Oregon, dated January 4, 1990, as substantial evidence that the site is suitable for forest use. The letter from 1000 Friends is based solely on the Multnomah County Soil Survey, no on site evaluation was performed, and the costs and constraints of existing vegetation are not addressed in the Survey and the 1000 Friends' letter. What information is drawn from the Soil Survey is done so selectively. 1000 Friends omitted the Survey's description of the recommended management methods for most of the site, which are that

[b]ecause of the steep slopes, such logging methods as aerial, high-lead or skyline should be used for tree harvesting. Roads and landings can be protected from erosion by constructing water bars and seeding cuts and fills. Slumping occurs on road cuts and requires additional maintenance. U.S. Dept. of Agriculture, Soil Conservation Service, Soil Survey of Multnomah County, Oregon (1983) at 27.

The fact that these management prescriptions are required to avoid severe soil erosion was confirmed by an inspection by a geotechnical engineering firm. While the soils may be physically capable of producing douglas fir in fifty years, the costs associated with site clearance (described above), replanting, and harvesting to avoid the substantial risk of soil erosion make this property unsuitable for forest use. Furthermore, while it is true that the site is now buffered from most surrounding residences, the critical time for conflict between a forest use on this site and surrounding areas is not now but fifty years from now, when the Planning Division, Metro and the City of Portland anticipate that the area will be developed to urban densities.

**II. Compatibility of the RPD with Current and Future Land Uses.**

The Planning Division asserts that the RPD is inconsistent both with current and future land use patterns in the area. Notwithstanding the incongruity of the argument that less density is needed for consistency with current uses, and more density is needed for consistency with future uses, the Division's concerns are misguided for both policy and legal reasons.

**A. By Clustering Development the RPD Will Retain Over Eighty Percent of the Land Area for Future Development.**

This RPD is designed to cluster development in a small portion of the 120-acre site, with the remainder left in open space. This design has two benefits. In terms of the current land use pattern in the area, the retention of open space will help maintain the rural residential/resource mix now present. In terms of future uses, which may involve urbanization, the clustering of development in a small portion of the site facilitates conversion to urban densities should this become desirable.

In contrast, if the property is developed as six individual properties under the MUF District, the benefit of a single open space area will be lost, and conversion to urban densities is likely to be more difficult. During the interim, the ability to manage the undeveloped portion of the property as a single resource area will be lost. Development of this property as an RPD allows a better balance between current and future land use goals.

**B. Retention of Resource Lands Adjacent to the UGB for Future Urbanization is not a Goal of the Comprehensive Plan.**

Staff have recommended a number of policies for long-range planning in areas near the Urban Growth Boundary (UGB). Regardless of the merits of these policies, this is a quasi-judicial proceeding, and the standards applicable to this RPD application are those now in the County's Comprehensive Plan. The Comprehensive Plan's provisions governing multiple use forest areas specifically provide for rural planned developments and say nothing about maintaining such lands for urbanization. The Planning Division's proposed policies for addressing development proposals in the vicinity of the UGB should be addressed in a legislative forum where the full range of conditions prevailing throughout the county can be addressed. As described above, even if this was an existing goal of the Comprehensive Plan, the RPD

is a more effective means of land banking for future urbanization because it allows for concentrating development into a more efficient and flexible form.

### **III. Other Issues.**

#### **A. Access for Fire Protection.**

The applicant has followed the Soil and Water Conservation District's recommendations for reducing fire risks by proposing that a fire access lane/fire break be incorporated into the RPD. This, in conjunction with the City of Portland's requirement that a hydrant be located at the end of Saltzman Road, on the property's boundary, will actually reduce the potential for forest fire from what now exists. There is no question that by providing access, fire breaks and water to the site the potential for forest fire will be reduced.

#### **B. Water Service.**

The applicant has demonstrated that water can be provided to the site (by wells) without extending services beyond those programmed for the area. This application does not propose extending urban services beyond those already programmed for the area. The placement of a hydrant at the end of Saltzman Road is a requirement of the City of Portland for the road's improvement, and will provide a water source for fighting residential and forest fires.

#### **C. Compatibility With Accepted Farming or Forestry Practices on Adjacent Lands.**

As indicated above, the residences associated with the RPD would be clustered in the center of the property. This will leave substantial buffers between the proposed development and adjoining MUF lands, particularly since the bulk of this RPD will be maintained under an open space easement. Furthermore, the applicant will record a statement that the owner and the successors in interest acknowledge the rights of owners of nearby properties to conduct accepted forestry or farming practices. None of the owners of adjoining MUF lands have contested this application, in fact, at least one nearby resident testified in support of the RPD before the Planning Commission. Again, by retaining most of the property as open space, the RPD will actually lessen the potential for conflict with adjoining resource lands.



Planning Commission  
April 23, 1990  
Page 8

In sum, we have carefully analyzed what it would take to use our property for forest use. The physical reality is that attempting such a use would only result in economic losses for the landowner and environmental losses to the surrounding community. A rural planned development will retain and enhance the resource values of our land while making an efficient use of its limited current potential for residential development. The only result of disallowing the RPD would be to marginally reduce the density of residential development and place the value of this property as open space at risk. For these reasons we ask that you approve RPD 1-90 and LD 1-90.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Whitman", written over a horizontal line.

Richard Whitman  
Counsel for the Applicant, Forest  
Park Estates

cc. Lorna Stickel, Planning Director

RMW\CNTYBRD.442

## The Small Woodland Owner

Do you own a tract of forest land? Are you satisfied that your woods are healthy, growing, and helping to provide all of the timber, wildlife, and outdoor experiences that you and your family want?

You may not be aware that there are two Federal cost-sharing programs available to help you improve your forests or to help plant new trees.

### Your Forests are Important

The demand for wood is expected to exceed supply within 30 years given present timber management. Were small ownerships fully productive, demand and supply would more nearly balance. Congress has recognized this with programs designed to increase the productivity of small woodlands.

Reforestation can be a good private investment. A recent study showed a 9 to 12 percent return on such an investment. Foreseeable price increases may well increase this return.

Traditionally, the small landowner lacked the funds to do the job. The Forestry Incentives Program (FIP) and the Agricultural Conservation Program (ACP) are available to help meet this situation. FIP has, as its goal, increased timber production on the more productive forest lands. ACP uses forestry as a conservation measure. Both Programs offer cost-sharing for help with tree planting and timber stand improvement.

Applications for assistance can be made at your local Agricultural Stabilization and Conservation Service office. This is an agency of the U.S. Department of Agriculture. Landowners may receive up to 65 percent of the cost of doing forestry practices under FIP and up to 75 percent under ACP.

## Application Eligibility

### FIP Forestry Incentives Program

1. Any individual, group, association, or corporate landowner may be eligible provided they are not regularly engaged in the business of manufacturing forest products, provide public utility services of any type, or have publically traded stock. Federal, State, or local agencies or entities are not eligible.	1. Any individual, group, association, or corporation may be eligible.
2. A person must own a tract of not more than 1,000 acres of eligible forest land. Exceptions to this maximum are possible.	2. There are no ownership size restrictions.
3. Land must be suitable for forestation (if presently not in trees), for reforestation or for improved forest management.	3. Land must be suitable for forestation (if presently not in trees), for reforestation, or for improved forest management.
4. Land must be capable of producing marketable timber crops and meet minimum productivity standards established for this program by the state in which the land is located.	4. Land must be capable of growing trees as a conservation measure.
5. Applicant must have had no commercial harvest on lands for which a FIP cost-sharing application has been made within the past 5 years. Salvage cutting, cuttings to regenerate unproductive stands, and cuttings to convert unproductive species are not considered commercial harvest, so are exempted from this rule.	5. Local Agricultural Stabilization and Conservation County Committee establishes the policies governing eligibility.
6. Program is available in designated counties only.	6. Program is available in all counties.

## Eligible Practices

### FIP Forestry Incentives Program

<b>Planting Trees</b> This practice is intended to increase the production of timber and improve the environment. Site preparation and moisture conservation measures are authorized parts of the practice if certified necessary by the forester. Minimum practice acreage is 10 acres.	<b>Planting Trees</b> May be used where timber production is the primary objective, but also applicable to general soil and water conservation purposes where the productivity or size of the tract may not be conducive to cost-effective timber production. Minimum practice size is 3 acres, less if needed to solve a specific conservation problem.
<b>Improving a Stand of Forest Trees</b> This practice is aimed at increasing growth of trees on sites suitable for production of saw timber and veneer logs. Precommercial thinning, releasing desirable seedlings and young trees from competing vegetation, and buffering devices to protect seedlings from wild animal browse are acceptable measures.	<b>Improving a Stand of Forest Trees</b> In all counties, may be used on productive sites where timber production is the primary objective, but also applicable for general soil and water conservation purposes where the productivity or size of the tract may not be conducive to cost-effective timber production.
<b>Limitations</b> The maximum cost-sharing that a person can earn annually for forestry practices under FIP is \$10,000.	<b>Limitations</b> The maximum cost-share that a person can earn annually under an ACP annual agreement is \$3,500. This amount may be increased for larger projects under long-term agreements.

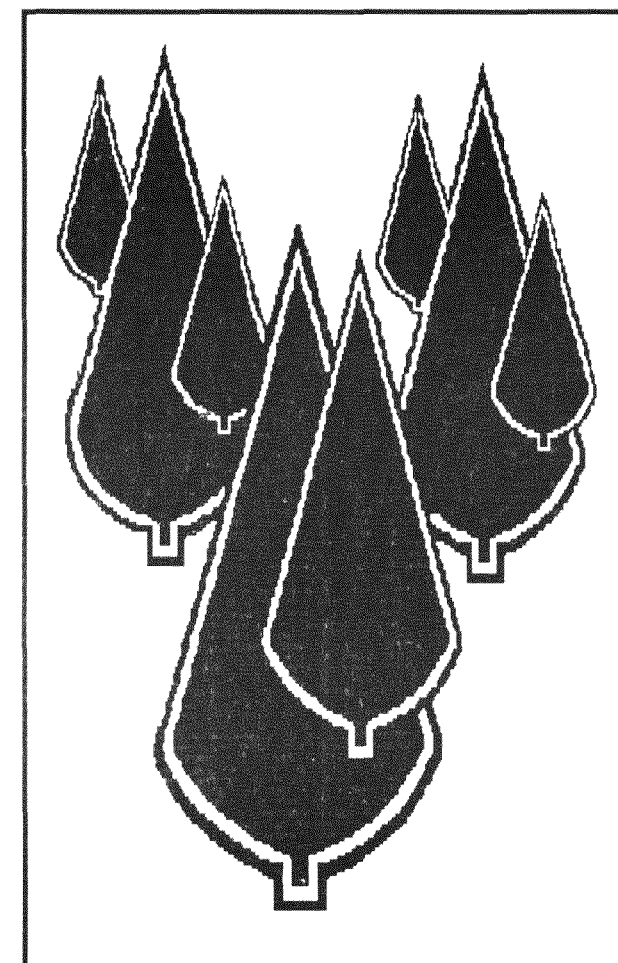
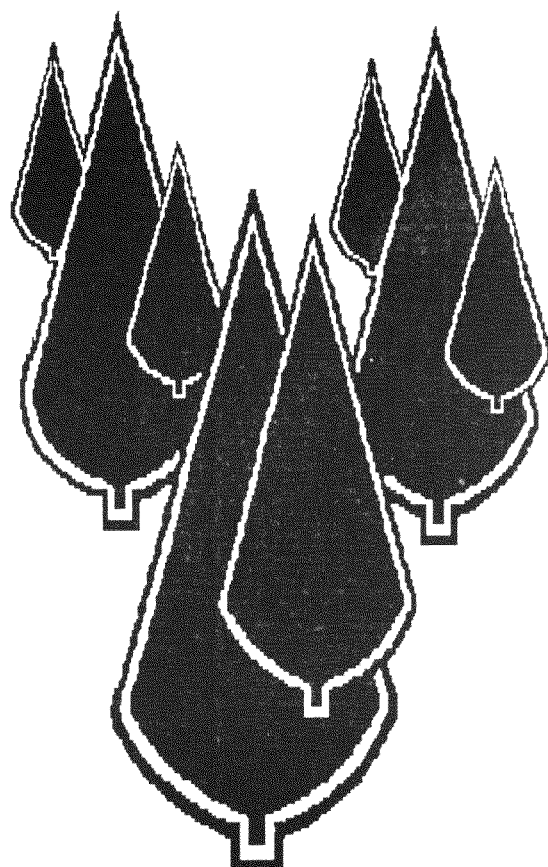
Contact the USDA Forest Service, your State Forester, your County ASCS Office, Agricultural Service Center, or Extension Service Office for more details. These agencies can be reached by consulting your phone book. Extension Service offices are given under County listings. The Federal Forest Service, County ASCS Office, and the Agricultural Service Center are found under U.S. Government, Agriculture, Department of.

**Assistance available from the  
following offices:**

COUNTY	ASCS	COUNTY	ASCS
Baker <del>Lincoln</del>	3990 Midway Drive P.O. Box 630 Baker, OR 97814 523-3621	Jefferson	324 S. 5th St. Madras, OR 97741 475-3869
Benton <b>LINCOLN</b>	Suite 2, Pioneer Plaza 305 S.W. "C" Street Corvallis, OR 97333 757-4534	Klamath	2455 Patterson Suite 3 Klamath F., OR 97603 883-6924
Clackamas Multnomah	254 Warner Millne Rd Oregon City, OR 97045 655-3144	Lake	301 P.O. Building Box 669 Lakeview, OR 97630 947-2367
Clatsop Tillamook	2204 4th Street Suite B Tillamook, OR 97141 842-7672	Lane	952 W. 13th Avenue Eugene, OR 97402 687-6630
Columbia Washington	235 W. Main Street Hillsboro, OR 97123 648-3174	Linn	33945 Hwy. 99 E. Tangent, OR 97389 967-5925
Coos Curry	380 N. Central Blvd. Coquille, OR 97423 396-4323	Malheur	M/A P.O. Box 338 Ontario, OR 97914 889-9689
Crook Deschutes	889 N. Main Street Prineville, OR 97754 447-5171	Marion	1665 25th St. S.E. Salem, OR 97302 399-5741
Douglas	1376 N.E. Walnut Suite N Roseburg, OR 97470 673-6071	Morrow	430 Heppner/ Lexington Hwy. P.O. Box 786 Heppner, OR 97836 676-9011
Gilliam Wheeler	Courthouse P.O. Box 467 Condon, OR 97823 384-2281	Polk	124 S.W. Walnut Dallas, OR 97338 623-2396
Grant	721 S. Canyon Blvd. John Day, OR 97845 575-1274	Sherman	302 Scott Street Box 305 Moro, OR 97039 565-3551
Harney	120 S.W. Circle Drive P.O. Box 1200 Hines, OR 97738 573-6446	Umatilla	1229 S.E. 3rd. Pendleton, OR 97801 276-3811 Ext. 433
Hood River Wasco	1505 W. 1st. Street Suite 1 The Dalles, OR 97058 298-8559	Union	Rt. 1, Box 1704 La Grande, OR 97850 963-4178
Jackson Josephine	150 Manzanita Street Central Point, OR 97502 776-4270	Wallowa	Federal Bldg. Box 387 Enterprise, OR 97828 426-3033
		Yamhill	1120 S. Baker Street McMinnville, OR 97128 472-1474

# FORESTRY COST-SHARE ASSISTANCE

For the Forest Landowner



Oregon



United States  
Department of  
Agriculture

Agricultural  
Stabilization and  
Conservation Service

Clackamas-Multnomah County  
ASC COMMITTEE  
256 Warner Milne Road  
Oregon City, Oregon 97045

April 20, 1990

Karin Hunt  
16430 N.W. Rock Creek Rd.  
Portland, OR 97231

Dear Karin:

This is to inform you and other interested parties that cost share funds are available for eligible Reforestation Projects in the Multnomah County ASCS office at 256 Warner Milne Road in Oregon City. We also publish this information four to six times annually in a newsletter. If you need more information feel free to call me at 655-3144.

Sincerely,

Paul C. Maggard  
County Executive Director

cdc

*Forestry Department***OFFICE OF STATE FORESTER**

2600 STATE STREET, SALEM, OREGON 97310 PHONE 378-2560

April 23, 1990

Karin Hunt

West Multnomah Soil &amp; Water Conservation

Multnomah County Planning Commission

Re: Oregon State Department Of Forestry response to the Skyline  
Meadows RPD 1-90, #109 and LD 1-90, #109

Dear Ms. Hunt:

Arguments about the proposed rural planned development (RPD) west of Skyline Blvd. seem to have centered on whether the property "is economically viable" for commercial timber production. In our opinion a stand level discounted cash flow analysis is not the criterion which this decision should be based upon. Further, the use of "economic viability" as the criterion for basing a decision sets a dangerous precedent.

Using the same kind of analysis and a slightly different set of equally defensible assumptions could lead to adoption of an opposite land use decision on the same property. For example if the landowner wanted to justify the need for a forest management dwelling which was "necessary for" commercial timber production on this property, only a few assumptions would need to be changed to prove that the land was commercially suited to timber, and therefor a dwelling was necessary.

On Area C the practices listed include:

1. Clear the area of competing vegetation (year 1, \$100/acre)
2. Plant (year 1, \$120/acre)
3. Grass control (years 1 & 3, \$50/acre each)
4. Precommercial thin (year 15, \$90)
5. Final harvest (year 50, \$4141/acre)

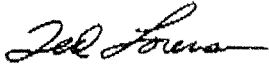
If the assumptions for this area were changed to included using Forestry Incentives Program funds (65%) to clear, plant, and control vegetation, did not assume a need for precommercial thinning would exist in the future, and assumed real timber prices would continue to increase at 1.5% then the real rate of return for this land would be 8.33% (instead of -3.67% quoted in the "Economic Analysis"). With a rate of return like this, it would be easy to justify the need for a forest management dwelling located on the land if an economic analysis was the only criterion used.

We feel the key issue in this, and other land use cases, is whether the proposed use conflicts with the current land use pattern in the area. If this land was located in another area, where the predominant land use pattern was commercial forestry, we would feel that this kind of development would be inappropriate because it would conflict with normal forestry operations.

In the current setting, where the predominant land use seems to be rural residential, we have serious doubts that the land will ever be put to commercial forest use, even though it has the potential. In our opinion it is more likely that the land will continue to be held for speculation or a forest use other than timber production.

The county must decide whether conflicts exist between the proposed land use and the land use plan for the area.

Thank you for the opportunity to comment on this matter,



Ted Lorensen  
Land Use Planning Coordinator

# *Soil and Water Conservation District*

2115 S. E. Morrison  
Portland, OR 97214

503-231-2270

December 28, 1989

TO: Lorna Stickel  
Multnomah County Planning Division

FROM: Dick Courter, ACF, Director  
West Multnomah Soil and Water Conservation District

Peggy Olds, District Conservationist  
Portland Field Office  
USDA, Soil Conservation Service

RE: Forest Park Estate Joint Venture  
Rural Planned Development

We would like to offer the following comments concerning the above mentioned rural planned development:

1. The applicant has stated this 120 acre site is unsuitable for agricultural or forest use (Page 3). Current technical information regarding the productive potential of the soils in this area refutes this assertion.

The Cascade soil is one of the more productive forest soils in Multnomah County. Site index is a measure of the productive potential of a soil for tree growth. For the Cascade soil, the Multnomah County Soil Survey Interpretive Record (see attached) lists a site index of 115 for Douglas fir. Trees planted on these soils could be expected to be 110 feet high at 50 years of age. Site Indices are grouped into site classes for forestry purposes. Site Class I has the highest productive potential, Site Class V the lowest. Cascade soils are generally rated a low site class II or high Site Class III in this area.

This site is generally suitable for practicing forestry based on the soil's productive potential. Portions of this property where slopes do not exceed 25% might be suitable for growing Christmas trees. Portions of the site are also suitable for farming. Soil Map Units 7B and 7C, with slopes less than 15% have been used in this area for agricultural production. As noted in the

Multnomah County Soil Survey (page 23 and 24) Cascade silt loam, 3-15% is suited for farming. If the soil is drained, most climatically adapted crops do well. The major crops are grain, berries, vegetables, nursery stock, hay and pasture. Soils interpretive records for Cascade silt loam, 3-15% show historical evidence of average production yields on these soils for the following crops:

- a. Winter wheat (non-irrigated) 60 bushels/acre
- b. Blackberries - 3 tons/acre
- c. Pasture - 8-11 animal unit months/acre

At the lower slopes, the land is given an agriculture capability classification 3E. On a scale of capability Class 1-8, these are considered agriculturally productive soils.

2. The applicant references "maintenance of the undeveloped portion of the property in its current state through an open spaces easement. Terms of this easement will prohibit any use that interferes with the resource values of this portion of the property". (Page 2)

Should this easement prohibit commonly accepted forest management practices, then the site cannot be managed for timber production as allowed under current zoning. Effectively, the entire 120 acres is removed from the timber land base, even though a rather large percentage (estimated to be approximately 90% assuming one acre per homesite) as presented in this proposal would remain treed. This is an extremely inefficient use of potentially productive land.

Without proper management of the natural resource, fuel build-up would create potentially explosive conditions. Fuel build-up refers to dead/dying plant debris accumulation on the soil surface. Given the density of neighboring residences coupled with proposed residences on this property, fire incidence becomes a concern within treed or brush areas. This area has a history of large devastating brush and timber fires. Not only is proper fuel management necessary, but fire access roads are required.

Current road and lot layout plans do not address fire control on the estimated 90% of this acreage to remain under tree cover.

3. Assuming restrictive easements are not applied, one cannot be assured that construction of residences will prevent owners whose lots range in size from 8 to 17 acres from being good land stewards. Managing those lots for firewood production, Christmas trees, or



commercial timber gives the owner the opportunity to be a good land steward. Some undoubtedly will choose that option. Providing these owners the necessary tools to accommodate their desire to be good land stewards is an important consideration that must be addressed before lot lines and access streets are plotted.

Secondary access roads to the adjoining acreage becomes a paramount concern while addressing the need to conserve soil and water. Access might be via a community access road or individual private access roads. Concerns such as soil erosion due to access grade, construction requirements, and the ability to access the given acreage are several of many issues that must be addressed in order to provide the lot owner the tools with which to work. The Oregon Forest Practices Act provides guidelines for road construction and grade.

Current plans submitted by the applicant does not address potential use outside of the residential site and access to that site. The prepared configuration concentrates homesites, roads, septic systems, and water supply along a narrow area. Access for routine management activities, heavy equipment, and fire fighting vehicles would be arduous.

4. Who will provide forest fire control? The applicant discusses (Page 8) the construction of fire lanes between residences and adjacent forested areas and the amendments used to prevent fire from spreading from a dwelling to the forest.

What measures will be taken to prevent fires spontaneously started in the forest land from spreading to adjacent lands or dwellings?

Given the number of residences, private wells are not adequate water supplies for forest fire control. Who will be responsible for developing and maintaining fire lanes and buffers for fire control? Who would provide the initial attack effort for forest land generated fires? With or without an open space easement, precautions should be taken to reduce the probability of forest fire damage to adjacent properties and dwellings.

5. Homesite construction on this site for all slope phases has severe limitations. The Cascade soil commonly exhibits a strongly compacted fragipan layer at a depth of 20-30 inches. A perched water table is usually found from December through April at 1.5 to 2.5 foot depths.

The soils are rated "severe" for septic tank filter

fields, shallow excavations, and dwellings with basements primarily due to the seasonal water table perched on top of the fragipan layer.

Soil erosion potential is high for this unit due to the slope and is a major concern on construction sites. Temporary erosion and sediment control plans should be prepared if homesite and road construction is allowed on this parcel.

6. The economic analysis provides some points of contention. Appendix D, Page 8 suggests the landowner's required rate of return is 8% (real). A real rate of return excludes an inflation factor, most NPV analysis for long lived projects suggests a historical real rate of return is closer to 3-4%. The analysis also excludes current federal incentives for forest land management. In Multnomah County, on a parcel this size managed for forest use, the landowner can apply for USDA Agricultural Stabilization and Conservation Service (ASCS) cost sharing for forest tree stand improvement and forest tree planting. Cost sharing may be provided for up to 65 percent of the cost of trees and planting. site preparation and pre-commercial thinning activities, not to exceed local hold-down rates.

## SOIL INTERPRETATIONS RECORD

78 CASCADE SILT LOAM, 3 TO 6 PERCENT SLOPES

THE CASCADE SERIES CONSISTS OF DEEP SOMEWHAT POORLY-DRAINED SOILS FORMED FROM SILTY MATERIAL ON CONVEX SLOPES AND RIDGETOPS ON UPLANDS. TYPICALLY, THE SURFACE LAYER IS DARK BROWN SILT LOAM, ABOUT 8 INCHES THICK. THE SUBSOIL IS DARK BROWN SILT LOAM, ABOUT 19 INCHES THICK. IT IS UNDERLAIN BY A MOTTLED FRAGIPAN 3 OR MORE FEET THICK. ELEVATION IS 250 TO 1400 FEET. THE MEAN ANNUAL PRECIPITATION IS 50 TO 60 INCHES. THE MEAN ANNUAL AIR TEMPERATURE IS 50 TO 54 DEGREES F. THE FROST FREE PERIOD IS 165 TO 210 DAYS.

ANNUAL AIR TEMPERATURE		FROST FREE DAYS		ANNUAL PRECIPITATION		ELEVATION (FT)		DRAINAGE CLASS		SLOPE (PCT)			
50-54		165-210		50-60		250-1400		SP		3-8			
ESTIMATED SOIL PROPERTIES													
DEPTH (IN)	USDA TEXTURE		UNIFIED		AASHTO		FRACT >10 IN (PCT)	FRACT 3-10 IN (PCT)	PERCENT OF MATERIAL LESS THAN 3 PASSING SIEVE NO.				CLAY (PCT)
									4	20	40	200	
0-8	SIL		ML		A-1		0	0	55-100	80-100	80-100	75-100	15-19
8-27	SIL, SICL		ML		A-1 A-6		0	0	95-100	95-100	95-100	85-100	18-30
27-60	SIL, SICL		ML		A-1		0	0	100	100	95-100	85-100	17-28
DEPTH (IN)	LIQUID LIMIT	PLASTICITY INDEX	MOIST BULK DENSITY (G/CM3)	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SAR	CEC (ME/100G)	CACD (PCT)	GYP SUM (PCT)		
0-8	25-35	HP-10	1.10-1.20	0.6-2.0	0.17-0.21	5.1-6.0	-	-	-	-	-		
8-27	25-40	HP-15	1.30-1.40	0.6-2.0	0.17-0.21	5.1-6.0	-	-	-	-	-		
27-60	25-35	HP-10	1.60-1.75	0.06-0.2	0-0.01	5.1-6.0	-	-	-	-	-		
DEPTH (IN)	ORGANIC MATTER (PCT)	SHRINK-SWELL POTENTIAL	EROSION FACTORS K T	WIND EROD GROUP	WIND EROD INDEX	CORROSIVITY							
0-8	1-7	LOW	37 3	6	48	STEEL	CONCRETE						
8-27		LOW	28			MODERATE	MODERATE						
27-60		LOW	20										
FLOODING			HIGH WATER TABLE			CEMENTED PAN		BEDROCK		SUBSIDENCE		H2O POTENTIAL	
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INITIAL (IN)	TOTAL (IN)	CRP FROST ACTION	
NONE			1.5-2.5	PERCHED	DEC-APR			>60				C	
SANITARY FACILITIES						CONSTRUCTION MATERIAL							
SEPTIC TANK ABSORPTION FIELDS						ROADFILL		FAIR-WETNESS					
SEWAGE LAGOON AREAS						SAND		IMPROBABLE-EXCESS FINES					
SANITARY LANDFILL (TRENCH)						GRAVEL		IMPROBABLE-EXCESS FINES					
SANITARY LANDFILL (AREA)						TOPSOIL		FAIR-SMALL STONES					
DAILY COVER FOR LANDFILL						POUD RESERVOIR AREA		WATER MANAGEMENT MODERATE-SEEPAGE, SLOPE					
BUILDING SITE DEVELOPMENT													
SHALLOW EXCAVATIONS						EMBANKMENTS, DIKES AND LEVEES		SEVERE-PIPING					
DWELLINGS WITHOUT BASEMENTS						EXCAVATED PONDS, AQUIFER FED		SEVERE-NO WATER					
DWELLINGS WITH BASEMENTS						DRAINAGE		PERCS SLOWLY, SLOPE					
SMALL COMMERCIAL BUILDINGS						IRRIGATION		WETNESS, PERCS SLOWLY, ROOTING DEPTH					
LOCAL ROADS AND STREETS						TERRACES AND DIVERSIONS		WETNESS, ROOTING DEPTH					
LAWNS, LANDSCAPING AND GOLF FAIRWAYS						GRASSED WATERWAYS		ROOTING DEPTH, PERCS SLOWLY					

## RECREATIONAL DEVELOPMENT

CAMP AREAS	MODERATE-WETNESS, PERCS SLOWLY	PLAYGROUNDS	MODERATE-SLOPE, SMALL STONES, WETNESS
PICNIC AREAS	MODERATE-WETNESS, PERCS SLOWLY	PATHS AND TRAILS	MODERATE-WETNESS

## CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE

CAPABILITY		WHEAT WINTER (BU)		BARLEY (BU)		BLACK-BERRIES (TONS)		PASTURE (AUM)		FILBERTS (TONS)		STRAW-BERRIES (CRATES)	
NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR
3W	3W	60		60		3.5		8	11	0.8		280	

## WOODLAND SUITABILITY

ORD. SYM.	MANAGEMENT PROBLEMS					POTENTIAL PRODUCTIVITY			TREES TO PLANT	
	ERDS. HAZARD	EQUIP. LIMIT	SEED. HAZARD	WINDTH. HAZARD	PLANT. COMPET.	COMMON TREES		SITE INDX		
11W	SLIGHT	MODER	SLIGHT	MODER	MODER	DOUGLAS FIR BIGLEAF MAPLE WESTERN RED CEDAR RED ALDER		115	11	DOUGLAS FIR

## WINDBREAKS

SPECIES	HT	SPECIES	HT	SPECIES	HT	SPECIES	HT
NONE							

## WILDLIFE HABITAT SUITABILITY

POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR					
GRAIN & SEED	GRASS & LEGUME	WILD HERB	HARDWOOD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD WILDLF	WOODLD WILDLF	WETLAND WILDLF	RANGELD WILDLF
FAIR	GOOD	GOOD	GOOD	GOOD	GOOD	V POOR	V POOR	GOOD	GOOD	V POOR	

## POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)

COMMON PLANT NAME	PLANT SYMBOL (NLSPN)	PERCENTAGE COMPOSITION (DRY WEIGHT)									
POTENTIAL PRODUCTION (LBS./AC DRY WT):											
FAVORABLE YEARS											
NORMAL YEARS											
UNFAVORABLE YEARS											

## FOOTNOTES

## SOIL INTERPRETATIONS RECORD

7C CASCADE SILT LOAM, 4 TO 15 PERCENT SLOPES

THE CASCADE SERIES CONSISTS OF DEEP SOMEWHAT POORLY-DRAINED SOILS FORMED FROM SILTY MATERIAL ON CONVEX SLOPES AND RIDGETOPS ON UPLANDS. TYPICALLY, THE SURFACE LAYER IS DARK BROWN SILT LOAM, ABOUT 4 INCHES THICK. THE SUBSOIL IS DARK BROWN SILT LOAM, ABOUT 15 INCHES THICK. IT IS UNDERLAIN BY A MOTILED FRAGIPAN 3 OR MORE FEET THICK. ELEVATION IS 250 TO 1400 FEET. THE MEAN ANNUAL PRECIPITATION IS 50 TO 80 INCHES. THE MEAN ANNUAL AIR TEMPERATURE IS 50 TO 54 DEGREES F. THE FROST FREE PERIOD IS 185 TO 210 DAYS.

LANDSCAPE AND CLIMATE PROPERTIES		LANDSCAPE AND CLIMATE PROPERTIES		LANDSCAPE AND CLIMATE PROPERTIES	
ANNUAL AIR TEMPERATURE	FROST FREE DAYS	ANNUAL PRECIPITATION	ELEVATION (FT)	DRAINAGE CLASS	SLOPE (PCT)
50-54	185-210	50-80	250-1400	SP	4-15

ESTIMATED SOIL PROPERTIES											
DEPTH (IN)	USDA TEXTURE		UNIFIED	AASHTO	FRACT 0-10 IN (PCT)	FRACT 10-100 IN (PCT)	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				CLAY
							4	10	40	200	(PCT)
0-8	SIL		ML	A-4	0	0	85-100	80-100	40-100	70-90	15-19
8-27	SIL, SILCL		ML	A-4, A-6	0	0	95-100	95-100	35-100	80-90	18-30
27-60	SIL, SILCL		ML	A-4	0	0	100	100	35-100	85-95	17-22

DEPTH (IN)	LIQUID LIMIT	PLASTICITY INDEX	MOISTURE DENSITY (G/CM <sup>3</sup> )	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHDS/CM)	SAR	CEC (ME/100G)	CAC03 (PCT)	GYPHUM (PCT)
0-8	25-35	NP-10	1.10-1.20	0.6-2.0	0.17-0.21	5.1-6.0					
8-27	25-40	NP-15	1.30-1.40	0.6-2.0	0.17-0.21	5.1-5.0					
27-60	25-35	NP-10	1.60-1.75	0.05-0.2	0.0-0.01	5.1-5.0					

DEPTH (IN)	ORGANIC MATTER (PCT)	SHRINK-SWELL POTENTIAL	EROSION FACTORS	WIND EROD GROUP	WIND EROD INDEX	CORROSION	
0-8	4-7	LOW	37	3	6	48	STEEL MODERATE
8-27		LOW	28				CONCRETE MODERATE
27-60		LOW	20				

FLOODING			HIGH WATER TABLE			CEMENTED PAV.		BEDROCK		SUBSIDENCE		H2O	POTENTIAL
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS (IN)	DEPTH (IN)	HARDNESS (IN)	INIT (IN)	TOTAL (IN)	GRP	FROST ACTION
NONE			1.5-2.5	PERCHED	DEC-APR			360				C	

SANITARY FACILITIES		CONSTRUCTION MATERIAL	
SEPTIC TANK ABSORPTION FIELDS	SEVERE-WETNESS, PERCS SLOWLY	ROADFILL	FAIR-WETNESS
SEWAGE LAGOON AREAS	SEVERE-SLOPE, WETNESS	SAND	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (TRENCH)	SEVERE-WETNESS	GRAVEL	IMPROBABLE-EXCESS FINES
SANITARY LANDFILL (AREA)	MODERATE-WETNESS, SLOPE	TOPSOIL	FAIR-SMALL STONES, SLOPE
DAILY COVER FOR LANDFILL	FAIR-TOO CLAYEY, SLOPE, WETNESS	WATER MANAGEMENT	
		POND RESERVOIR	SEVERE-SLOPE

BUILDING SITE DEVELOPMENT			CONSTRUCTION MATERIAL		
SHALLOW EXCAVATIONS	SEVERE-WETNESS		EMBANKMENTS DICES AND LEVES	SEVERE-PIPING	
DWELLINGS WITHOUT BASEMENTS	MODERATE-WETNESS, SLOPE		EXCAVATED PONDS	SEVERE-NO WATER	
DWELLINGS WITH BASEMENTS	SEVERE-WETNESS		DRAINAGE	PERCS SLOWLY, SLOPE	
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE		IRRIGATION	WETNESS, PERCS SLOWLY, ROOTING DEPTH	
LOCAL ROADS AND STREETS	MODERATE-LOW STRENGTH, WETNESS, SLOPE		TERRACES AND DIVERSIONS	SLOPE, WETNESS, ROOTING DEPTH	
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	MODERATE-WETNESS, SLOPE		GRASSED WATERWAYS	SLOPE, ROOTING DEPTH, PERCS SLOWLY	

CAMP AREAS		MODERATE-SLOPE, WETNESS, PERCS SLOWLY								RECREATIONAL DEVELOPMENT				SEVERE-SLOPE			
PICNIC AREAS		MODERATE-SLOPE, WETNESS, PERCS SLOWLY								PLAYGROUNDS				MODERATE-WETNESS			
		CAPABILITY AND YIELDS PER ACRE OF CROPS AND PASTURE								HIGH LEVEL MANAGEMENT							
		CAPABILITY		WHEAT, WINTER (BU)		BARLEY (BU)		BLACK-BERRIES (TONS)		PASTURE (AUM)		FILBEATS (TONS)		STRAW-BERRIES (CRATES)			
		NIRA	IRR	NIRA	IRR	NIRA	IRR	NIRA	IRR	NIRA	IRR	NIRA	IRR	NIRA	IRR		
		3E	3E	60		80		3	5	8	11	0	8	260			
WOODLAND SUITABILITY																	
ORD SYM		MANAGEMENT PROBLEMS					POTENTIAL PRODUCTIVITY					TREES TO PLANT					
		EROSION	EQUIP	SEED	WINDTH	PLANT	COMMON TREES					SITE	PROD				
		HAZARD	LIMIT	MORTY	HAZARD	COMPET						INCL	CLAS				
		IIW	MODER	MODER	SLIGHT	MODER	DOUGLAS FIR BIGLEAF MAPLE WESTERN REDCEDAR RED ALDER					115	11	DOUGLAS FIR			
WINDBREAKS																	
SPECIES		HT		SPECIES		HT		SPECIES		HT		SPECIES		HT			
NONE																	
WILDLIFE HABITAT SUITABILITY																	
POTENTIAL FOR HABITAT ELEMENTS								POTENTIAL AS HABITAT FOR									
GRAIN & SEED	GRASS & LEGUME	WILD WOOD	HARDWD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLD WILDLF	WOODLD WILDLF	WETLAND WILDLF	RANGELD WILDLF						
FAIR	GOOD	GOOD	GOOD	GOOD	GOOD	V POOR	V POOR	GOOD	GOOD	V POOR							
POTENTIAL NATIVE PLANT COMMUNITY (RANGELAND OR FOREST UNDERSTORY VEGETATION)																	
COMMON PLANT NAME		PLANT SYMBOL (NLSPN)		PERCENTAGE COMPOSITION (DRY WEIGHT)													
POTENTIAL PRODUCTION (LBS /AC OR/ WT)																	
FAVORABLE YEARS																	
NORMAL YEARS																	
UNFAVORABLE YEARS																	

## FOOTNOTES

## SOIL INTERPRETATIONS RECORD

7D CASCADE SILT LOAM, 15 TO 30 PERCENT SLOPES

THE CASCADE SERIES CONSISTS OF DEEP SOMEWHAT POORLY DRAINED SOILS FORMED FROM SILTY MATERIAL ON CONVEX SLOPES AND RIDGETOPS ON UPLANDS. TYPICALLY, THE SURFACE LAYER IS DARK BROWN SILT LOAM, ABOUT 8 INCHES THICK. THE SUBSOIL IS DARK BROWN SILT LOAM, ABOUT 19 INCHES THICK. IT IS UNDERLAIN BY A MOTTLED PRAGIPAN 3 OR MORE FEET THICK. ELEVATION IS 250 TO 1400 FEET. THE MEAN ANNUAL PRECIPITATION IS 50 TO 80 INCHES. THE MEAN ANNUAL AIR TEMPERATURE IS 50 TO 54 DEGREES F. THE FROST FREE PERIOD IS 165 TO 210 DAYS.

LANDSCAPE AND CLIMATE PROPERTIES											
ANNUAL AIR TEMPERATURE		FROST FREE DAYS		ANNUAL PRECIPITATION		ELEVATION		DRAINAGE CLASS		SLOPE	
50-54		165-210		50-60		250-1400		SP		15-30	
ESTIMATED SOIL PROPERTIES											
DEPTH (IN)	USDA TEXTURE	UNIFIED	AASHTO	FRACT. 1/10 IN (PCT)	FRACT. 3/10 IN (PCT)	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				CLAY (PCT)	
						4	10	40	200		
0-8	SIL	ML	A-4	0	0	45-100	80-100	80-100	70-90	15-19	
8-27	SIL, SICL	ML	A-4, A-5	0	0	95-100	95-100	95-100	80-90	18-30	
27-60	SIL, SICL	ML	A-4	0	0	100	100	95-100	85-95	17-28	
DEPTH (IN)	LIQUID LIMIT	PLASTICITY INDEX	MOIST. SULK. DENSITY (G/CM <sup>3</sup> )	PERMEABILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SAR	CEC (ME/100G)	CACO <sub>3</sub> (PCT)	GYP SUM (PCT)
0-8	25-35	NP-10	1.10-1.20	0.6-2.0	0.17-0.21	5.1-6.0					
8-27	25-40	NP-15	1.30-1.40	0.6-2.0	0.17-0.21	5.1-6.0					
27-60	25-35	NP-10	1.60-1.75	0.06-0.2	0.0-0.01	5.1-6.0					
DEPTH (IN)	ORGANIC MATTER (PCT)	SHRINK-SWELL POTENTIAL	EROSION FACTORS K T	WIND EROD. GROUP	WIND EROD. INDEX	CORROSIVITY					
						STEEL	CONCRETE				
0-8	4-7	LOW	37 3	5	48	MODERATE	MODERATE				
8-27		LOW	28								
27-60		LOW	20								
FLOODING			HIGH WATER TABLE			CEMENTED PAV.		BEDROCK		SUBSIDENCE	
FREQUENCY	DURATION	MONTHS	DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INIT (IN)	TOTAL (IN)
NONE			1.5-7.5	PERCHED	DEC-APR			260			
SANITARY FACILITIES						CONSTRUCTION MATERIAL					
SEPTIC TANK ABSORPTION TIELDS	SEVERE-WETNESS, PERCS SLOWLY, SLOPE					CELOFILL	FAIR-WETNESS, SLOPE				
SEWAGE LAGOON AREAS	SEVERE-SLOPE, WETNESS					SAND	IMPROBABLE-EXCESS FINES				
SANITARY LANDFILL (TRENCH)	SEVERE-WETNESS, SLOPE					GRAVEL	IMPROBABLE-EXCESS FINES				
SANITARY LANDFILL (AREA)	SEVERE-SLOPE					TOPSOIL	POOR-SLOPE				
DAILY COVER FOR LANDFILL	POOR-SLOPE					POND RESERVOIR AREA	WATER MANAGEMENT				
							SEVERE-SLOPE				
BUILDING SITE DEVELOPMENT						EMBANKMENTS DICES AND LEVES	SEVERE-PIPING				
SHALLOW EXCAVATIONS	SEVERE-WETNESS, SLOPE										
DWELLINGS WITHOUT BASEMENTS	SEVERE-SLOPE					EXCAVATED PONDS BUFFER FEO	SEVERE-NO WATER				
DWELLINGS WITH BASEMENTS	SEVERE-WETNESS, SLOPE					DRAINAGE	PERCS SLOWLY, SLOPE				
SMALL COMMERCIAL BUILDINGS	SEVERE-SLOPE					IRRIGATION	WETNESS, PERCS SLOWLY, ROOTING DEPTH				
LOCAL ROADS AND STREETS	SEVERE-SLOPE					TERRACES AND DIVERSIONS	SLOPE, WETNESS, ROOTING DEPTH				
LAWNS, LANDSCAPING AND GOLF FAIRWAYS	SEVERE-SLOPE					GRASSED WATERWAYS	SLOPE, ROOTING DEPTH, PERCS SLOWLY				





## SOIL INTERPRETATIONS RECORD

7E CASCADE SILT LOAM, 30 TO 80 PERCENT SLOPES

THE CASCADE SERIES CONSISTS OF DEEP SOMEWHAT POORLY-DRAINED SOILS FORMED FROM SILTY MATERIAL ON CONVEX SLOPES AND RIDGETOPS ON UPLANDS. TYPICALLY, THE SURFACE LAYER IS DARK BROWN SILT LOAM, ABOUT 8 INCHES THICK. THE SUBSOIL IS DARK BROWN SILT LOAM, ABOUT 15 INCHES THICK. IT IS UNDERLAIN BY A MOTTLED FRAGIPAN 3 OR MORE FEET THICK. ELEVATION IS 250 TO 1400 FEET. THE MEAN ANNUAL PRECIPITATION IS 50 TO 80 INCHES. THE MEAN ANNUAL AIR TEMPERATURE IS 50 TO 54 DEGREES F. THE FROST FREE PERIOD IS 165 TO 210 DAYS.

LANDSCAPE AND CLIMATE PROPERTIES																
ANNUAL AIR TEMPERATURE		FROST FREE DAYS		ANNUAL PRECIPITATION		ELEVATION		DRAINAGE CLASS		SLOPE						
50-54		165-210		50-60		250-1400		SP		30-80						
ESTIMATED SOIL PROPERTIES																
DEPTH (IN)	USDA TEXTURE	UNIFIED	ASSHTO	FRACT >10 IN (PCT)	FRACT 3-10 IN (PCT)	PERCENT OF MATERIAL LESS THAN 3" PASSING SIEVE NO.				CLAY (PCT)						
						4	10	40	200							
0-8	SIL	ML	3-4	0	0	85-100	40-100	40-100	10-90	15-19						
8-27	SIL, SICL	ML	3-4, A-6	0	0	95-100	95-100	95-100	10-90	18-30						
27-80	SIL, SICL	ML	A-4	0	0	100	100	95-100	15-95	17-28						
DEPTH (IN)	LIQUID LIMIT	PLAS- TICITY INDEX	MOIST BULK DENSITY (G/CM <sup>3</sup> )	PERME- BILITY (IN/HR)	AVAILABLE WATER CAPACITY (IN/IN)	SOIL REACTION (PH)	SALINITY (MMHOS/CM)	SAR	CEC (ME/100G)	CACCD (PCT)	GYPSUM (PCT)					
0-8	25-35	NP-10	1.10-1.20	0.6-2.0	0.17-0.21	5.1-6.0	-	-	-	-	-					
8-27	25-40	NP-15	1.30-1.40	0.6-2.0	0.17-0.21	5.1-6.0	-	-	-	-	-					
27-80	25-35	NP-10	1.60-1.75	0.06-0.2	0-0.01	5.1-6.0	-	-	-	-	-					
DEPTH (IN)	ORGANIC MATTER (PCT)	SHRINK- SWELL POTENTIAL	EROSION FACTORS K T	WIND EROD GROUP	WIND EROD INDEX	CORROSIIVITY										
						STEEL	CONCRETE									
0-8	4-7	LOW	3-4	3	8	MODERATE	MODERATE	-	-	-	-					
8-27	4-7	LOW	25	3	8	-	-	-	-	-	-					
27-80	4-7	LOW	25	3	8	-	-	-	-	-	-					
FLOODING																
FREQUENCY			DURATION MONTHS			HIGH WATER TABLE			CEMENTED PAN		BEDROCK		SUBSIDENCE		HYD. POTENTIAL	
NONE						DEPTH (FT)	KIND	MONTHS	DEPTH (IN)	HARDNESS	DEPTH (IN)	HARDNESS	INIT (IN)	TOTAL (IN)		GRF
						1.5-2.5	PERCHED	DEC-APR	-	-	250	-	-	-	-	C
SANITARY FACILITIES													CONSTRUCTION MATERIAL			
SEPTIC TANK ABSORPTION FIELDS						ROADFILL						POOR-SLOPE				
SEVERE-WETNESS SLOPE																
SEVERE-SLOPE, WETNESS						SAND						IMPROBABLE-EXCESS FINES				
SEVERE-WETNESS SLOPE						GRAVEL						IMPROBABLE-EXCESS FINES				
SEVERE-SLOPE						TOPSOIL						POOR-SLOPE				
POOR-SLOPE						POND RESERVOIR AREA						WATER MANAGEMENT				
BUILDING SITE DEVELOPMENT																
SHALLOW EXCAVATIONS						EMBANKMENTS DIKES AND LEVEES						SEVERE-PIPING				
SEVERE-SLOPE						EXCAVATED PONDS AQUIFER PRO						SEVERE-NO WATER				
SEVERE-WETNESS, SLOPE						DRAINAGE						PERCS SLOWLY, SLOPE				
SEVERE-SLOPE						IRRIGATION						WETNESS, PERCS SLOWLY, ROOTING DEPTH				
SEVERE-SLOPE						TERRACES AND DIVERSIONS						SLOPE, WETNESS, ROOTING DEPTH				
SEVERE-SLOPE						GRASSED WATERWAYS						SLOPE, ROOTING DEPTH, PERCS SLOWLY				



TESTIMONY BEFORE THE MULTNOMAH COUNTY  
COMMISSIONERS - APRIL 24, 1990

PRESENTED BY: Brian Lightcap 13342 NW Newberry Rd. Portland, OR 97231

SUBJECT: RPD 1-90 11000 NW Saltzman Rd, Forest Park Estate Joint Venture

My name is Brian Lightcap representing myself and my wife Christine. We have owned and operated a mixed use forest/pasture operation (Woodland Products) on a 23 acre parcel from 1972 to 1989. We currently own 54 contiguous acres, with Newberry Rd running down the middle of our operation. We also are immediately adjacent to Forest Park. We raise, produce, and/or manage for profit sheep, hides, manure, douglas fir, black walnut, hybrid american chestnut, natural maple railings and bannisters, specialty timber trees, and maple lumber.

Based upon our experience as land managers we believe that this RPD is poor substitute for the traditional MUF20 zoning. The 20 acre average parcel size is the most appropriate mechanism for encouraging future land owners interested in farm/forest land stewardship and personal initiative. The proposed RPD is not within the urban growth boundary and RPD's are not inherently intended to be the mechanism used in Oregon to encourage the development, conservation and wise use of natural resources.

We know that the land is suitable for a profitable, non-corporate, private farm forest operation. We support the Soil and Water Conservation District December 28, 1989 letter that states that viable forestry operations can be sustained on 120 acres. We would also add that a single family with a residence on the property would have singular advantage to manage a very efficient farm/forest operation. We have no doubt that a timber company would be not interested in managing this urban forest property. They would be unable to match the efficiency of a small private managers.

1. Page 5, Decision Document. It says that 67% of the adjacent lands are said to be committed to rural residential development. This is very misleading. The percentage is closer to 35-40 percent. There are three major land units adjacent to this 120 acre parcel, a 93 acre EFU parcel, a 40 acre MUF parcel, and a 21 acre MUF parcel. Also there are two parcels in the City limit over 20 acres. Since this 120 acre parcel is essentially in the middle of all these parcels, there is little doubt that the adjacent large holdings would have very high potential for being broken up into a fragmented patchwork of ownerships whose presence will inextricably erode the chances that there would be any management of these farm and forest lands. The color infra-red photo that we have examined also confirms the timber resource lands that actually surround this 120 acres. It is far greater than the forest resources that my wife and I started with in 1975.

2. We are very skeptical of the present owners (of this 120 acre parcel) abilities to promote future landowner activity oriented to resourceful forest land uses and conservation. If this were the case they would have proposed parcel with an average size of 20 acres which would produce a wide range of parcel sizes from 2 to forty acres. The promoters have not recognized all the farm and forest resources because the area suitable for pasture is being cut up into small segments with potential view lots. The promoters of this RPD would be hard pressed to gain the confidence of potential buyers or new owners when the current

owners have done nothing to manage these forest resources. There has been no interest until very recently to address the most important issue of "management plans". The sale of each land unit within the RPD is up to the current owner's decision to sell to people who are truly interested in managing trees or natural resource lands. Does the current landowner's example of land stewardship indicate they could assess future owners' intentions, capability, and ability?

3. Our first clue that the owners were not aware of the needs of future landowners was that the plan is for a 28' wide road with curbs. This is not at all relevant to people who are thinking of homesteading a parcel of land. This sort of improvement ultimately increases the cost of property and of course taxes as well. There have been very few roads with curbs anywhere in the West Hills, including Skyline Blvd itself. The curbed road is clearly a highly urban feature that does nothing but concentrate storm water runoff into a culvert that quickly leads to erosion and water pollution.

The promoter of this RPD could act to preserve the character of this rural development by seeking a variance to the curbed, paved road, and by seeking to dissuade the City from doing so as well. The City of Portland is posturing a blind adherence to curbed street codes. Why should we make the assumption that this area will be urbanized and therefore might need tidy streets with curbs? This idea needs to be abandoned once and for all. The most important act that is needed to preserve the intent of this any land division on this 120 acres is to VACATE the remainder of NW Saltzman. Unless this is done, pressure by other major landowners will ultimately mount to connect Saltzman to either Laidlaw or Springville Rd. Future landowners need to have the freedom to build roads to their preferences which preserve the rural appearance of the RPD. The lack of meaningful cooperation between the City and the County has created an absurd situation. Curbed streets are not needed because there are no important housing needs to be satisfied in the West Hills. They only serve to satisfy an urban insecurity regarding soft paved roads.

4. This RPD appears to be a springboard to continued urbanization particularly because of the stated interest of the owner to encourage city water to all future owners. The cost of a well \$5,000 to \$8,000 is a very minor cost to the future homesteader/homebuilder, but most urban dwellers are not familiar with wells. The well is the very symbol of rural life and the water is far superior to chlorinated, Bullrun water. We have a 500 foot deep well (25 GPM) and I would not hesitate to drill one again even if City water came right down Newberry Rd. Again, City water brings with it the satisfaction of a very urban lifestyle not well adapted to wells. The expectation of city water piped to each house may raise taxes and land prices since water abundance could be used to satisfy future non-resource housing. Availability of city water always seems to be an excuse to further subdivide.

5. Ultimately, I do not believe that this RPD will comply with Goal 3 and the new rules adopted February 1990. The 120 acre parcel is more suited to division into 4 or 5 MUF parcels provided landowners have management plans. The Soil Conservation Service and the Oregon State University Agricultural Extension Service stand ready to work with any future owner, including the current owner. The Small Woodland Owners Association can provide hundreds of names of people who are successfully and creatively managing parcels of land from 10 to 150 acres in size. We as neighbors are an example and I know several people in this area who are gaining and polishing their own land management skills.

Unfortunately, I can point my finger at 100's<sup>f</sup> acres of forest land that are foolishly unmanaged, and are even abused by ignorance and trespass. Let not the examples of natural resource abuse be the reason we should acquiesce to the weak reasons for allowing an average lot size of 10 acres proposed in this RPD. It is the time to establish a land purchasing and development ethic that encourages good examples of forestland management. Such examples can be established without taking away a reasonable financial return on the current landowner's speculative investment.

  
Brian Wm Lightcap

  
Christine Ann Lightcap



# SKYLINE MEADOWS



30 YR. OLD HARDWOODS - AREA A



RAVINE IN AREA A





RIDGETOP MEADOW



RIDGETOP MEADOW - FIR TREES ON ADJACENT PROPERTY



HARDWOOD IN AREA A



HARDWOOD IN AREA A