ANNOTATED MINUTES

Tuesday 9, August, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PLANNING ITEMS

Chair Beverly Stein convened the meeting at 1:30 p.m., with Vice-Chair Tanya Collier and Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

P-1 *C 1-94a* *Board Deliberation and Possible Adoption of the West Hills Reconciliation Report, a Quasi-Judicial Plan Amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Documents*

CHAIR STEIN REVIEWED PARAMETERS AND FORMAT FOR DELIBERATIONS AND DIRECTED THAT AUGUST 1, 1994 LETTER FROM CHRIS FOSTER BE ENTERED INTO RECORD.

UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER COLLIER, IT WAS UNANIMOUSLY AFFIRMED THAT AGGREGATE, WILDLIFE, STREAMS AND SCENIC RESOURCES BE DESIGNATED AS SIGNIFICANT.

BOARD DISCUSSED ESEE ANALYSIS. COMMISSIONER COLLIER SUBMITTED POSITION PAPERS INTO RECORD AND COMMENTED IN SUPPORT OF MOVING MINING OPERATION UP HILL, SLIGHTLY INTO WILDLIFE CORRIDOR. COMMISSIONER SALTZMAN COMMENTED IN SUPPORT OF 3C DESIGNATION FOR STREAMS, WILDLIFE AND SCENIC, AND 3B DESIGNATION FOR AGGREGATE EXPANSION AREAS. COMMISSIONERS HANSEN AND KELLEY COMMENTED IN SUPPORT OF NO EXPANSION AT THIS TIME. CHAIR STEIN SUBMITTED POSITION PAPER INTO RECORD AND COMMENTED IN SUPPORT OF 3C DESIGNATION FOR WILDLIFE, STREAMS AND SCENIC, AND 3B DESIGNATION FOR AGGREGATE. COMMISSIONER COLLIER COMMENTED IN SUPPORT OF 3C DESIGNATION FOR AGGREGATE. BOARD DISCUSSION AND COMMENTS.

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, IT WAS

APPROVED THAT THE WILDLIFE, SCENIC AND STREAMS RESOURCES BE DESIGNATED 3C, AND THE AGGREGATE RESOURCE BE DESIGNATED 3B, WITH COMMISSIONERS KELLEY, HANSEN, SALTZMAN AND STEIN VOTING AYE, AND COMMISSIONER COLLIER VOTING NO.

BOARD DIRECTION FOR STAFF TO PREPARE FINDINGS TO INCLUDE BURLINGTON BOTTOMS IN THE IMPACT AREA.

P-2 *C 2-94a* *Board Deliberation and Possible Adoption of the Howard Canyon Reconciliation Report, a Quasi-Judicial Plan Amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Documents*

CHAIR STEIN REVIEWED PARAMETERS AND FORMAT FOR DELIBERATIONS.

UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER COLLIER, IT WAS UNANIMOUSLY AFFIRMED THAT THE AGGREGATE AND STREAMS RESOURCES BE DESIGNATED AS SIGNIFICANT.

BOARD DISCUSSED ESEE ANALYSIS. COMMISSIONER KELLEY SUBMITTED POSITION PAPER AND COMMENTED IN SUPPORT OF 3B DESIGNATION FOR AGGREGATE. COMMISSIONER COLLIER SUBMITTED POSITION PAPER AND COMMENTED IN SUPPORT OF 3C DESIGNATION FOR AGGREGATE. CHAIR STEIN COMMENTED IN SUPPORT OF 3C DESIGNATION FOR STREAMS AND AGGREGATE, AND ESTABLISHING A STRONG PROTECTION PLAN AS OUTLINED IN HER JULY 29, 1994 MEMORANDUM. BOARD DISCUSSION. JOHN DuBAY AND SCOTT PEMBLE RESPONSE TO BOARD QUESTIONS CONCERNING IMPLEMENTING ORDINANCES AND CAP ON MINING. COMMISSIONERS HANSEN AND SALTZMAN COMMENTS IN SUPPORT OF 3C DESIGNATION FOR AGGREGATE. BOARD DISCUSSION OF PROTECTION PLAN.

FOLLOWING CLARIFICATION BY MR. DuBAY AND UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER HANSEN, IT WAS

APPROVED THAT THE AGGREGATE RESOURCE BE DESIGNATED 3C, PROVIDED A BOARD APPROVED PROTECTION PLAN IS ADOPTED, WITH COMMISSIONERS HANSEN, COLLIER, SALTZMAN AND STEIN VOTING AYE, AND COMMISSIONER KELLEY VOTING NO.

MR. PEMBLE ADVISED STAFF WILL PREPARE AMENDMENTS TO THE RECONCILIATION REPORTS PURSUANT TO BOARD INSTRUCTIONS AND THEY WILL COME BACK AS AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN ON SEPTEMBER 13, 1994 FOR FIRST READING AND SEPTEMBER 22, 1994 FOR THE SECOND READING. CHAIR STEIN DIRECTED THAT A DRAFT OF THE AMENDMENTS BE DISTRIBUTED PRIOR TO THE FIRST READING. MR. PEMBLE RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

There being no further business, the meeting was adjourned at 2:50 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L Bogstad

Deborah L. Bogstad

Thursday 11, August, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Tanya Collier and Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-10) WAS UNANIMOUSLY APPROVED.

COMMUNITY AND FAMILY SERVICES DIVISION

C-1 Ratification of Intergovernmental Revenue Agreement Contract 102845,

Between Multnomah County Community and Family Services Division and the City of Portland, Bureau of Community Development, to Pay for Resident Relocation Services When the City's Bureau of Buildings Closes a Residential Structure, Effective July 1, 1994 through June 30, 1995

C-2 *RESOLUTION in the Matter of Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody*

RESOLUTION 94-141.

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-3 *ORDER in the Matter of Cancellation of Land Sale Contract 15312 Between Multnomah County, Oregon and Joseph Coppedge Upon Default of Payments and Performance of Covenants*

ORDER 94-142.

C-3a *ORDER in the Matter Contract 15312R for the Sale of Certain Real Property to Joseph Coppedge*

ORDER 94-143.

C-4 *ORDER in the Matter of Contract 15768 for the Sale of Certain Real Property to Brian D. Parham*

ORDER 94-144.

C-5 *ORDER in the Matter of Contract 15769 for the Sale of Certain Real Property to Brian D. Parham*

ORDER 94-145.

C-6 *ORDER in the Matter of the Execution of Deed D941020 Upon Complete Performance of a Contract to Karen Kramer and Matthew Kramer*

ORDER 94-146.

JUVENILE JUSTICE DIVISION

C-7 *Ratification of Intergovernmental Revenue Agreement Contract 102955, Between Multnomah County Juvenile Justice Division and Clackamas County for the Continued Utilization of Bed Space for the Detention of Juveniles Referred to the Clackamas County Juvenile Justice System, Effective July 1, 1994 through June 30, 1995*

C-8 *Ratification of Intergovernmental Revenue Agreement Contract 102965, Between Multnomah County Juvenile Justice Division and Washington County for the Continued Utilization of Bed Space for the Detention of Juveniles Referred to the Washington County Juvenile Justice System, Effective July 1, 1994 through June 30, 1995*

C-9 *Ratification of Intergovernmental Revenue Agreement Contract 103015, Between Multnomah County Juvenile Justice Division and Portland Public Schools to Add $300,000 to the Juvenile Justice Division Budget to Fund Alternative School Educational Services to 30 High-Risk Juvenile Offenders, Effective July 1, 1994 through June 30, 1995*

DEPARTMENT OF HEALTH

C-10 *Ratification of Amendment #1 to Intergovernmental Agreement Contract 200015, Between Multnomah County Health Department and the Oregon Health Division to Provide $90,961 Additional Funds for Various County Programs, Effective July 1, 1994 through June 30, 1995*

REGULAR AGENDA

NON-DEPARTMENTAL

R-1 *In the Matter of the Presentation of the 1994 National Association of Counties (NACo) Achievement Awards to Multnomah County for the Affordable Housing Development Program, Cultural Diversity Awareness Training, No Place Like Home, Pen Computers in Civil Engineering and Residential Development Project*

CECILE PITTS EXPLANATION OF AFFORDABLE HOUSING DEVELOPMENT PROGRAM AND ACKNOWLEDGEMENT OF AWARD PRESENTED BY VICE-CHAIR COLLIER. CURTIS SMITH AND SARA MARTIN EXPLANATION OF CULTURAL DIVERSITY AWARENESS TRAINING AND ACKNOWLEDGEMENT OF AWARD PRESENTED BY COMMISSIONER HANSEN. CECILE PITTS AND JUNE SCHUMANN EXPLANATION OF NO PLACE LIKE HOME PROGRAM AND ACKNOWLEDGEMENT OF AWARD PRESENTED BY CHAIR STEIN. LARRY NICHOLAS EXPLANATION OF PEN COMPUTERS IN CIVIL ENGINEERING PROGRAM AND ACKNOWLEDGEMENT OF AWARD PRESENTED BY COMMISSIONER KELLEY. NANCY HESSELMAN AND KAREN MARKINS EXPLANATION OF RESIDENTIAL DEVELOPMENT PROGRAM AND ACKNOWLEDGEMENT OF AWARD PRESENTED BY COMMISSIONER SALTZMAN. COMMISSIONER

KELLEY COMMENTS REGARDING HER ATTENDANCE AT NACo AND BENCHMARKS CONFERENCES.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 *ORDER Setting a Date for PUBLIC HEARING in the Matter of Surrendering Jurisdiction to the City of Troutdale, a Portion of NE Cherry Park Road (SW 18th Way), a Portion of County Road No. 571 Lying Within the Corporate Limit of the City of Troutdale*

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. BOB PEARSON EXPLANATION. ORDER 94-147 SETTING PUBLIC HEARING FOR THURSDAY, SEPTEMBER 8, 1994 UNANIMOUSLY APPROVED.

COMMUNITY AND FAMILY SERVICES DIVISION

R-3 *Ratification of Intergovernmental Agreement Contract 102865, Between Multnomah County Community and Family Services Division and the City of Gresham for Implementation of the Landlord Tenant Mediation Program, Effective July 1, 1994 through June 30, 1995*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-3. BILL THOMAS EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

R-4 *Ratification of Intergovernmental Agreement Contract 102895, Between the City of Portland Parks and Recreation and Multnomah County Community and Family Services to Fund $5,700 to Support El Club Summer Camps for Spanish Speaking Children, Effective Upon Execution through September 30, 1994*

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. REY ESPAÑA EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

R-5 *ORDER in the Matter of an Exemption from Public Bidding to Contract with Unistrut Portland to Design, Install, Test and Certify the "Mansafe" Fall*

Protection System

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. FRANNA HATHAWAY AND BOB PEARSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 94-148 UNANIMOUSLY APPROVED.

R-6 *ORDER in the Matter of an Exemption from Public Bidding to Contract with Landis Gyr Powers for Energy Management and Control Systems*

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-6. CRAIG CALKINS EXPLANATION. ORDER 94-149 UNANIMOUSLY APPROVED.

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

PUBLIC COMMENT

R-7 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

Thursday 11, August, 1994 - 10:00 AM or
IMMEDIATELY FOLLOWING REGULAR MEETING
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

B-1 *Briefing on the Finding of the Community Action Program's Homeless Families Project. Presented by Dr. James O'Connell & Alan Katz, Robert Wood Johnson Foundation; and Barbara Hershey & Bill Thomas, Community Action Program.*

BILL THOMAS, JAMES O'CONNELL, BARBARA HERSHEY AND ALAN KATZ PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

Thursday 11, August, 1994 - 10:45 AM or
IMMEDIATELY FOLLOWING BRIEFING ITEM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

EXECUTIVE SESSION

E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Deliberations with Labor Relations Staff Regarding Labor Negotiations.*

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 12:02 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

Deborah L Bogstad

Deborah L. Bogstad

MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

AUGUST 8, 1994 - AUGUST 12, 1994

Tuesday, August 9, 1994 - 1:30 PM - Planning Items . . . . . Page 2

Thursday, August 11, 1994 - 9:30 AM - Regular Meeting . . . . . Page 2

Thursday, August 11, 1994 - 10:00 AM - Board Briefing . . . . . Page 4*

Thursday, August 11, 1994 - 10:45 AM - Executive Session . . . . . Page 5*

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen by Paragon Cable subscribers at the following times:

Thursday, 6:00 PM, Channel 30
Friday, 10:00 PM, Channel 30
Saturday, 12:30 PM, Channel 30
Sunday, 1:00 PM, Channel 30

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

Tuesday 9, August, 1994 - 1:30 PM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PLANNING ITEMS

P-1 ***C 1-94a*** *Board Deliberation and Possible Adoption of the West Hills Reconciliation Report, a Quasi-Judicial Plan Amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Documents. 1 HOUR REQUESTED.*

P-2 ***C 2-94a*** *Board Deliberation and Possible Adoption of the Howard Canyon Reconciliation Report, a Quasi-Judicial Plan Amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Documents. 1 HOUR REQUESTED.*

Thursday 11, August, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

COMMUNITY AND FAMILY SERVICES DIVISION

C-1 *Ratification of an Intergovernmental Revenue Agreement, Contract #102845, between Multnomah County Community and Family Services Division and the City of Portland Bureau of Community Development, to Pay for Resident Relocation Services when the City's Bureau of Buildings Closes a Residential Structure, Effective July 1, 1994 through June 30, 1995*

C-2 *RESOLUTION in the Matter of Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody*

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-3 *ORDER in the Matter of Cancellation of Land Sale Contract 15312 between Multnomah County, Oregon and* ***JOSEPH COPPEDGE*** *upon Default of Payments and Performance of Covenants*

C-4 *ORDER in the Matter of Contract 15768 for the Sale of Certain Real Property to* ***BRIAN D. PARHAM***

C-5 *ORDER in the Matter of Contract 15769 for the Sale of Certain Real Property to **BRIAN D. PARHAM***

C-6 *ORDER in the Matter of the Execution of Deed D941020 Upon Complete Performance of a Contract to **KAREN KRAMER, MATTHEW KRAMER***

JUVENILE JUSTICE DIVISION

C-7 *Ratification of an Intergovernmental Revenue Agreement, Contract #102955, between Multnomah County Juvenile Justice Division and Clackamas County for the Continued Utilization of Bed Space for the Detention of Juveniles Referred to the Clackamas County Juvenile Justice System, Effective July 1, 1994 through June 30, 1995*

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DEPARTMENT OF HEALTH

C-10 *Ratification of Amendment #1 to Intergovernmental Agreement, Contract #200015, between Multnomah County Health Department and the Oregon Health Division to Provide $90,961 Additional Funds for Various County Programs, Effective July 1, 1994 through June 30, 1995*

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NON-DEPARTMENTAL

R-1 *In the Matter of the Presentation of the 1994 National Association of Counties (NACo) Achievement Awards to Multnomah County for the: **Affordable Housing Development Program, Cultural Diversity Awareness Training, No Place Like Home, Pen Computers in Civil Engineering and Residential Development Project***

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 *ORDER Setting a Date for PUBLIC HEARING in the Matter of Surrendering Jurisdiction to the City of Troutdale, a Portion of NE Cherry Park Road (SW*

18th Way), a Portion of County Road No. 571 Lying within the Corporate Limit of the City of Troutdale

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PUBLIC CONTRACT REVIEW BOARD

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

R-5 *ORDER in the Matter of an Exemption from Public Bidding to Contract with Unistrut Portland to Design, Install, Test and Certify the "Mansafe" Fall Protection System*

R-6 *ORDER in the Matter of an Exemption from Public Bidding to Contract with Landis Gyr Powers for Energy Management and Control Systems*

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

PUBLIC COMMENT

R-7 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

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*Thursday 11, August, 1994 - *APPROX. 10:00 AM or*
IMMEDIATELY FOLLOWING REGULAR MEETING

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

B-1 *Briefing on the Finding of the Community Action Program's Homeless Families Project. Presented by* ***Dr. James O'Connell & Alan Katz, Robert Wood***

Johnson Foundation; and Barbara Hershey & Bill Thomas, Community Action Program. *IMMEDIATELY FOLLOWING REGULAR MEETING. 40 MINUTES REQUESTED.*

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*Thursday 11, August, 1994 - *APPROX. 10:45 AM or*
IMMEDIATELY FOLLOWING BRIEFING ITEM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

EXECUTIVE SESSION

E-1 *The Multnomah County Board of Commissioners will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Deliberations with Labor Relations Staff Regarding Labor Negotiations. IMMEDIATELY FOLLOWING BRIEFING ITEM. 1 HOUR REQUESTED.*

1994-3.AGE/21-25/cap

MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
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TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

SUPPLEMENTAL AGENDA

Thursday, August 11, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR BOARD MEETING

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-3a *ORDER in the Matter of Contract 15312R for the Sale of Certain Real Property to Joseph Coppedge*

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
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

Date: August 22, 1994

To: Board of County Commissioners

From: Planning Division

Subject: West Hills and Howard Canyon Report revisions

On August 9, 1994 the Board made decisions on whether to protect wildlife, streams, scenic views, and mineral and aggregate resources in the West Hills and Howard Canyon areas, as part of Periodic Review Remand Order requirements. The Board decisions, particularly the decision not to protect the Angell Brother's aggregate resource, resulted in the need to make revisions to the Findings and Conclusions in the Reconciliation Reports.

Attached are sections of the Reconciliation Reports that have been revised to reflect the Board decision. Please review these changes to see if they adequately address the reasons given for the Board decision. Please return your comments to us by 4:30 p.m., August 24, 1994, so that we may complete any additional revisions you feel are necessary in time for the first reading of the ordinances to formally adopt the Reconciliation Reports. You may FAX us your comments at 248-3389, or call the staff person responsible for the particular resource section you wish to comment on. All staff can be reached at 248-3043. The name of the staff person to contact is on the revised pages, or as follows:

Gary Clifford	-	Howard Canyon
Bob Hall	-	Angell Brothers
Gordon Howard	-	wildlife, streams
Sandy Mathewson	-	scenic

Thank you for taking the time to review these revisions.

BOARD OF COUNTY COMMISSIONERS
1994 AUG 22 PM 3:31
MULTNOMAH COUNTY
OREGON

WEST HILLS

mately 75 houses might be built on RR zoned land. This combined potential is about half the number of existing houses in the study area. The actual number of new houses that are built will likely be less than 175, taking into consideration that approximately 2000 acres of land is in large tracts owned by commercial timber companies and is unlikely to be divided and fully developed. Analysis of Exhibit Maps 1 and 2 shows that much of the potential buildable land is in "not-seen" areas. Existing vegetation would serve to screen many other potential building sites. Though the number of potential new houses that would be visible from key viewing areas is limited, some houses would be visible and would conflict with protection of scenic attributes in several ways. The location and design of a house may cause it to protrude above a ridgeline, making it visible against the skyline. Light colors and reflective materials such as metal roofs and windows cause buildings to be more visible because of the contrast with the surrounding darker vegetation. Driveways to building sites have the potential to be visually apparent based on their length and the amount of grading, cutting or filling that must be done to meet road grade and width requirements for emergency vehicle access. Most residences are also surrounded by lawns or other cleared areas. Such clearings would be visible from key viewing areas because of the contrast with the predominantly forested vegetation pattern. A house located in the center of a cleared area also has more visual prominence than if it were sited within the trees.

Mining: The Angell Brothers mine is an existing conflicting use. 114 acres of the site has been designated "3-C" and has received Conditional Use approval to be mined. The remaining 283 acres has been designated "1-C", significant because evidence has been provided that the quality and quantity of rock material is significant (ESEE work and determination of the appropriate level of protection is on-going). Another quarry, currently inactive, is located near Rocky Point Road. This site is owned by ODOT and was used for Highway 30 road work in the 1970s. A third quarry, Hidden Valley, is located directly north of Angell Brothers. The rock resource at that site appears to have been depleted and the quarry was converted to a landfill. The potential remains for these, as well as other as yet unidentified sites, to be mined in the future, which could conflict with preservation of scenic attributes.

Mining requires removal of vegetation, changes the landform **to a series of benches with intervening cliffs**, and **the** exposed rock faces may create visible intrusions on the forested hillside. The **location of a proposed mine and the number of places from which it could be viewed, the proposed** size of the disturbed area, as well as the amount of screening vegetation and topography, affects the degree of visual conflict. ~~Mining activities, like logging, can be considered temporary, and~~ **While** reclamation is required,~~. M~~ many people~~, however,~~ have questioned the ability of reclaimed land to support forest growth and ~~whether~~ **the ability of** the reclaimed landform ~~will~~ **to** blend in with the surrounding topography (reference file PR 7-92, Angell Brothers Goal 5 analysis). **The Angell Brother's quarry creates additional conflicts because of its location directly opposite the Sauvie Island Bridge, the sole road access to the island. The large number of visitors to the island are thus impacted by the visual intrusion of the quarry.**

industry, and various other community service and conditional uses which could be allowed by zoning.

4. The ESEE analysis shows that the benefits of protecting the scenic area are ~~mostly aesthetic in nature, and i~~ **primarily social and environmental. I**n general, the **economic and social** impacts of not allowing a conflicting use are more severe than allowing the conflicting use in a limited manner. This leads to the conclusion that ~~preservation of scenic qualities can be managed in a manner that allows conflicting uses under specific conditions~~. **most uses should not be prohibited, but should be allowed in a limited manner, with implementation of specific conditions to protect scenic values. In the case of the Angell Brother's quarry, however, impacts to the scenic landscape would be more more severe due to the quarry size and location opposite the Sauvie Island bridge, which makes the site visible to the large number of people visiting the island.**

   ~~However, this~~ **These** conclusion**s** must be examined in light of the **conclusions reached concerning the** other Goal 5 resources within the scenic area - wildlife habitat, streams and water resources, and the Angell Brothers mineral and aggregate resource site. Chapter VI, 'Conflict Resolution and Protection Program for West Hills Goal 5 Resources' will analyze the relative importance of each of these Goal 5 resources in relation to each other, as well as resolving conflicts between conflicting uses identified in Chapters I through V.

b. Synopsis of ESEE consequences

Impacts if Forestry is not allowed
- Economic: Loss of jobs, taxes, and revenue from sales
- Social: End to resource-based lifestyle/heritage for some families
- Environmental: Older, less productive forest, possibility of disease and infestation
- Energy: Possibility of greater energy expenditure to import wood products
- Goal 4: County cannot prohibit forest practices

Impacts if Forestry is allowed in a limited manner
- Economic: Possible loss of some jobs, taxes, and revenue from sales
- Social: No impacts
- Environmental: No impacts
- Energy: No impacts
- Goal 4: County cannot limit or regulate forest practices

Impacts if Forestry is allowed fully
- Economic: Loss of indirect benefits related to quality of life
- Social: Loss of aesthetic enjoyment
- Environmental: Less protection of fish and wildlife habitat, water and air quality
- Energy: No impact

uses. This data is important in addressing impact areas and conflicting uses.

The Goal 5 analysis is designed to meet the requirements of the Goal 5 Administrative Rule (OAR Chapter 660, Division 16). The report will address impact areas, conflicting uses, and the economic, social, environmental, and energy (ESEE) consequences of conflicting uses. Each component of the analysis is organized by county study area.

2. DESCRIPTION OF RESOURCE

This report discusses significant streams in ten sub-regions of the West Hills Rural Area. Most of the streams drain eastward to Multnomah Channel; some, such as Jackson and Rock Creeks, drain westward to the Tualatin River. The sub-regions lie generally between U.S. Highway 30 and the Multnomah/Washington County line in west Multnomah County. A map of the sites is contained within the Technical Appendix relating to significance at the back of this report.

The significant streams discussed in this Resource Analysis Report are shown in Table 1.

The rationale for determining that these streams are significant is contained within the attached Appendix relating to significance at the back of this report.

3. IMPACT AREAS

The impact area for this study is the riparian zone along each stream. The riparian zone influences the quality and health of the stream and varies in width. It is affected by adjacent slope and the size of the vegetation along the stream. Generally, wider riparian zones have steep slopes with large trees, which shade the stream and contribute woody debris to the stream channel.

For streams that flow through or contribute water to public parks, publicly-owned natural areas, or to recreation areas used by the public, the impact area includes the downstream park, natural area, or recreational facility.

Each stream is examined in terms of the number of properties abutting the stream and the zoning of the adjacent properties. The property/land use data provided is based on County study area maps.

Streams in the West Hills Rural Area are listed by sub-region in Table 2. Streams listed met the County's significance criteria.

The impact area (width of riparian corridor) and the land use adjacent to streams within each sub-region are discussed in Table 3. The uses were noted by field survey teams during the inventory process.

are hit by vehicles.

Allowing mining will result in temporary adverse stream impacts including rerouting and stream channel destruction. Reclamation would include stream channel restorations. ~~Considering environmental compliance issues, regulated by the Oregon Department of Geology and Mineral Industries and the Oregon Department of Environmental Quality, environmental impacts outside the site during quarry operations can be minimized.~~

Allowing mining of the Angell Brothers sit could also have significant impacts on the Burlington Bottoms wetland. Portland hydrologist Jon Rhodes provided testimony (September 1992) in response to the proposed Angell Brothers quarry expansion that outlined the likelyimpacts on the North Angell Brothers Stream and its downstream environs. Mr. Rhodes asserted that the proposed expansion would increase streamflow, erosiion, and downstream sedimentation into Burlington Bottoms and that these increases would probably be extremely significant. As a worst case, enough sediment could be transported into Burlington Bottoms so that it would become filled and would no longer function as a wetland.\

In testimony given in response to this Remand Order, a representative of the Oregon Department of Environmental Quality(DEQ) stated that controlling storm runoff problems from quarries is "an art, not a science." While DEQ works with quarry operators, they apparently cannot guarantee compliance with DEQ water quality standards within a short period of time. Significant amounts of reosive runoff may flow into the high quality Burlington Bottoms wetlands before the operator and DEQ can resolve any problems.

MATRIX KEY:

ENV 1: Negative environmental impacts result from the loss of wildlife habitat when riparian vegetation is removed or destroyed.

ENV 2: Negative environmental impacts result from deterioration in water quality due to increased run-off, turbidity, water temperature, and pollutants.

ENV 3: Negative environmental impacts result from increased disturbance or mortality of wildlife, or by limiting the mobility of wildlife.

iv. Energy Consequence of Allowing Conflicting Uses

Energy consequence of allowing conflicting uses are less clear than other impacts. When streams are used for small hydro-electric or mill purposes a negative impact may occur if the flow of the stream is interrupted. Jackson creek has a small water wheel which provides power for adjacent property

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least four properties in the surrounding area, "...vibrations...were significantly below the accepted particle velocity limit..." as determined by the US Bureau of Mines and other State and Federal agencies. The letter indicates that, "As an example of the level of vibrations produced from the shots at the quarry, we recorded higher vibrations from trains going through the tunnel than we did from a shot." That tunnel is located on property adjacent to the northeast of this resource site. Therefore, only adjacent properties, at most, need be included in the impact area to consider blast impact issues.

Location specific dust problems were raised as an issue in the Bellant Letter. Ms. Bellant resides at Bridgeview Moorage located in Multnomah Channel adjacent to Tax Lot '11', Section 28, T2N, R1W. That moorage is approximately 800 feet from this resource site. All properties within 800 of the resource site should be included in the impact area to consider dust issues.

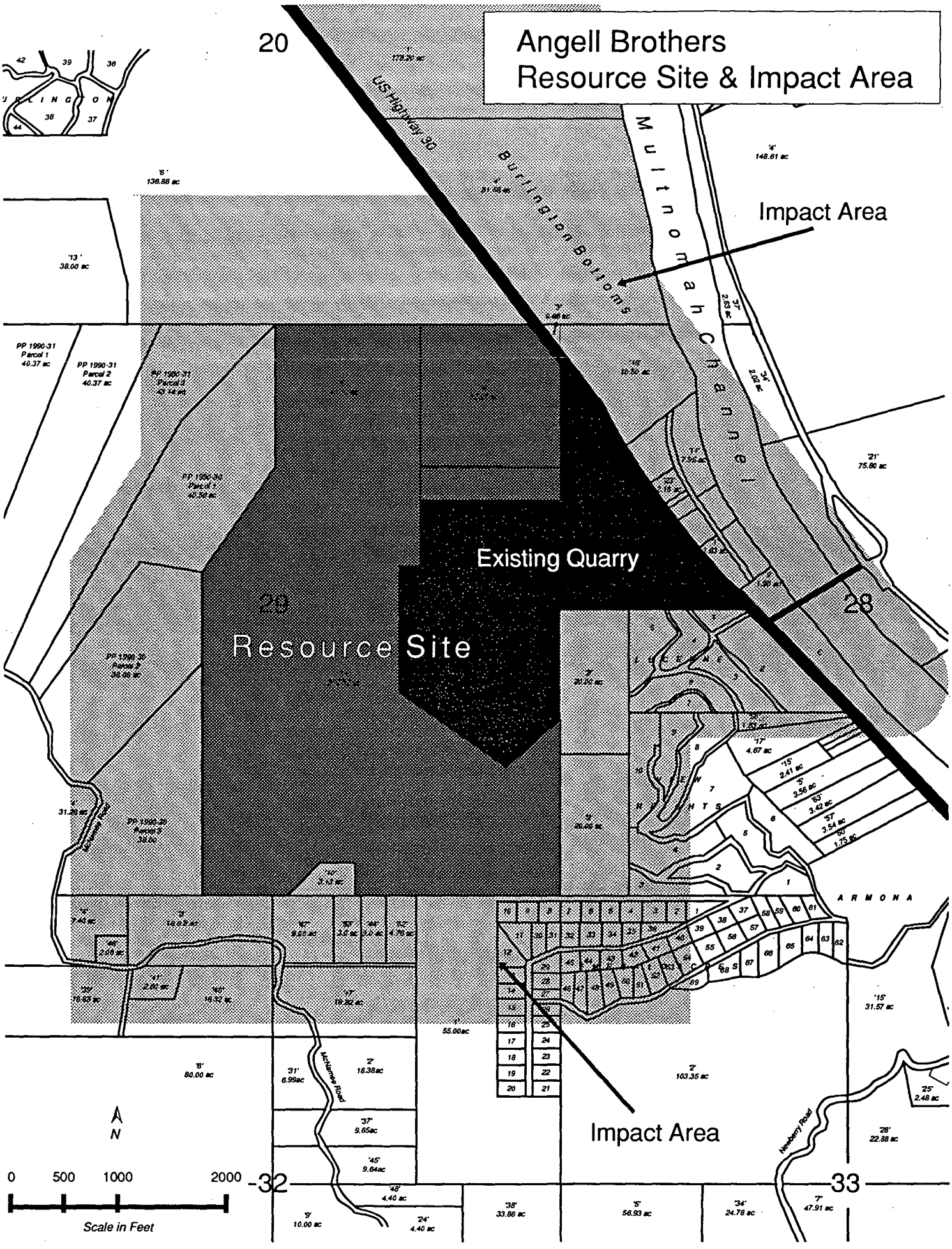
Increased mine truck traffic on US Highway 30 has been identified as a concern relative to any expanded activity at this site (Linnton Letter).

The structural cross section of US Highway 30 is designed to accommodate truck traffic. This includes the type of traffic that is generated by the quarry. Therefore, the estimated maximum of 250 truck trips per day (estimated by applicant's submittal in PR 7–92) will not adversely effect the normal life cycle of the structural cross section of the roadway.

The "1992 Oregon Department of Transportation Traffic Volume Tables" indicate the section of Highway 30 north of the Sauvie Island Bridge has an average daily trip (ADT) count of 16,000, and the portion south of the bridge 20,000 ADT. Using those 1992 tables, ODOT staff computed the peak hour peak direction traffic volume at 1,200 vehicles. Given the four travel lanes with center left configuration, ODOT staff estimates the 1992 Level of Service to be "B". Consequently, Highway 30 has sufficient capacity to accommodate increased truck volume in the vicinity of the Sauvie Island Bridge.

Since ODOT indicates that US Highway 30 has sufficient capacity and structural capability to safely handle the traffic generated by the quarry operation, traffic on Highway 30 will not be considered a conflicting use.

An impact area of 1,200 feet from the perimeter of the resource site would also include resource areas of all of the potentially conflicting Goal 5 resources. The site itself is within the West Hills Scenic Area, the West Hills Wildlife Habitat Area, and the Water Resource and Wetland Sites. Burlington Bottoms is immediately to the northeast of the site across US Highway 30. Burlington Bottoms is one of the state's largest remaining wapato wetlands and a designated '3–C' Goal 5 resource. Therefore, an impact area including this resource site plus that area 1,200 feet in all directions from the perimeter of this resource site and including Burlington Bottoms (tax lot '7', Sec. 17; tax lots '1', '2' and '4', Sec. 20; and, tax lot '15', Sec. 28, all in T2N, R1W) is selected since it will include all known conflict issues (see Map on next page).


Angell Brothers
Resource Site & Impact Area
20
US Highway 90
Burlington Bottoms
Multnomah Channel
Impact Area
Existing Quarry
29
Resource Site
28
32
33
Impact Area
McNamee Road
Newberry Road
ARMONA
N
0
500
1000
2000
Scale in Feet

2. CONFLICTING USES

The Goal 5 Rule requires identification of conflicting uses. A conflicting use is one which, if allowed, could adversely affect a Goal 5 resource site. Identifying conflicting uses is primarily done by examining uses authorized by zoning districts within the impact area.

a. Zoning Districts and Resources Within the Impact Area

The majority of the property within the impact area (the resource site plus a 1,200 foot perimeter area) is zoned Commercial Forest Use (CFU). Exceptions to this include that area 2,200 feet north of the Sauvie Island Bridge, east of US Highway 30 and west of Multnomah Channel which is designated Multiple Use Agriculture (MUA–20), and an area on the westerly edge of Sauvie Island in the vicinity of the Sauvie Island Bridge which is designated Exclusive Farm Use (EFU). There is a small portion of one lot (Tax Lots '27' & '56', Section 28, T2N, R1W, 2.00 acres) to the south of the easternmost tip of the site designated Rural Residential (RR) within the impact area.

The Multiple Use Agriculture portion of the impact area is within the Rafton/Burlington Bottoms which is a recognized Goal 5 resource and designated "3–C". It is in the ownership of the Bonneville Power Administra-tion and serves as a wetland mitigation area for which a management plan is being developed. That plan calls for the area to be maintained in a natural state, with no development of any kind allowed. Since there is no development potential within that portion of the impact area designated MUA–20, MUA–20 uses other than the conservation use will be excluded from the following analysis of conflicting uses allowed by zoning district. The conservation use is considered in discussions of the Rafton/Burlington Bottoms.

The Rural Residential lot is developed with a single family residence located 150 feet outside of the impact area. The portion of the lot within the impact area consists mainly of Bonneville Power Administration right-of-way. Since the lot is committed to residential use and no development is allowed within the BPA right-of-way, there is no other category of use that could be made of of that portion of the lot within the impact area. Rural Residential uses, therefore, will not be considered in the conflict analysis.

Also, the Exclusive Farm Use area will not be considered in this analysis since the portion of the impact area designated EFU consists entirely of property developed with a portion of the dike which protects Sauvie Island. With the exception of occasional grazing, no use is allowed of the dike.

There are two overlay zoning districts within the impact area, the Willamette River Greenway (WRG) and Flood Hazard (FF) & (FW). With the exception of the FW overlay which limits uses allowed by the base zone, those overlay districts do not identify allowed uses, rather, they place design restrictions on uses allowed by the base zone. Therefore, they will not be considered in the conflicting use analysis.

There are three <u>other</u> Goal 5 resources which have been identified within the impact

ii. Economic Effect on Conflicting Uses if Development of the Resource is Allowed

- Residential Uses

  Mining would have an effect of reducing construction and maintenance costs for residential development within the impact area due to reduced hauling costs. Each hour of hauling aggregate material adds at least $4.60 to the cost per ton of material [1990 ODOT letter to DLCD (see Appendix)]. There is no documented evidence in the record regarding the effect of mining on property values.

- Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources

  Any mining operation would be conducted within environmental control standards insuring compliance with air and water quality standards, and possible permit conditions to conserve soil resources and provide for wildlife and fishery resources. Satisfaction of those standards and conditions would have no economic impact on conservation uses within the impact area.

- Forest operations or forest practices on the resource site

  The Board has previously found that the 283 acre proposed expansion area is capable of producing timber resources worth over six million dollars. That potential would be lost on mined portions of the site until they were reclaimed for forestry purposes if mining occurred. Testimony at previous hearings has questioned the viability of reclamation for commercial forestry purposes.

- West Hills Scenic Area, Wildlife Habitat Area, and Water Resource and Wetland Sites

  ~~There are no quantifiable measures of economic impact of mineral extraction operations on scenic resources. A possible impact is a reduction of the value of the conservation easements that exist in the surrounding area.~~

- ~~West Hills Wildlife Habitat Area~~

  ~~There are no quantifiable measures of economic impact of mineral extraction operations on wildlife resources. A possible impact is a reduction of the value of the conservation easements that exist in the surrounding area.~~

- ~~Water Resource and Wetland Sites~~

  ~~There would be no adverse economic impact of a mineral extraction operation at this site on water and wetland sites since the operation would have to be conducted in accordance with DEQ standards that are intended to minimize conflicts with the recognized 3C resource of the Rafton/Burlington Bottoms. Available informa-~~

~~tion indicates that the significant stream on the site has no economic value (SBI/Shapiro, 1994).~~

The economic impacts of loss of wildlife habitat, scenic resources and streams and wetlands directly impact our quality of life. The protection of significant natural resources has direct economic benefits that contribute substantially to our quality of life. Quality of life is an important consideration for business recruitment and retention. Forest Park, one of the nation's unique urban parks, is an amenity which enhances livability in Multnomah County which in turns attracts and supports a healthy and viable business community. Multnomah County's wildlife and natural resources (Forest Park, Sauvie Island, Columbia Gorge) are key elements in the state and region's tourism industry.

b. Social Effects

i. Social Effect on Use of the Aggregate Resource if Conflicting Uses are Fully Allowed

- Residential Uses

  The addition of approximately eight new residences in the impact area would increase the potential for complaints regarding noise, dust, vibration, etc.; thereby, potentially limiting the extent of an expanded mining operation (Final Order PR 7–92 § 22).

- Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources

  There have been no adverse social impacts on mining identified that would result with respect to conservation activities on properties in the impact area.

- Forest operations or forest practices on the resource site

  Use of the site solely for forestry purposes would prevent mining. The social impact of that would be the conscious elimination of the production of one construction material in favor of the production of another.

- West Hills Scenic Area

  Prohibition of mining to preserve the scenic resource would have the social impact of limiting the availability of a needed construction material.

- West Hills Wildlife Habitat Area

  Preservation of the site for wildlife habitat would prevent mining expansion. That would also have the social effect of limiting the availability of a needed construc-

tion material.

- Water Resource and Wetland Sites

  Any mining expansion would have to be conducted in a manner that minimizes impact on the "3C" Rafton/Burlington Bottoms. The impact on North Angell Brothers Creek would be considered a limitation on an expanded operation since it has been found to contribute to the park/recreation facility of Burlington Bottoms. Middle Angell Brothers Creek has been found not to contribute flow to Burlington Bottoms.

ii. Social Effect on Conflicting Uses if Development of the Resource is Allowed

- Residential Uses

  Increased mining would not prevent additional residential uses on legal Lots of Record within the impact area. Mining, crushing, and trucking could add to the noise and dust experienced by residents within the impact area.

- Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources

  There are several conservation easements within the impact area intended to maintain natural habitat areas in the West Hills. Their utility would be diminished by mining activities. Also, mining would fragment the "peninsula" of open space that connects Forest Park with the forests of the coast (Final Order PR 7–92 § 20 and 21).

- Forest operations or forest practices on the resource site

  Use of the site solely for mining purposes would prevent its immediate use for forestry purposes. Reclamation could allow for its future utilization for forestry. The social impact of that would be the conscious acceptance of the short-term production of one construction material versus the long-term production of another.

- West Hills Scenic Area, Habitat Area, and Water Resource and Wetland Sites

  ~~Mining requires removal of vegetation, changes the landform, and the exposed rock face creates a highly visible intrusion on the forested hillside. The size of the disturbed area, as well as the amount of screening, vegetation and topography, affects the degree of visual conflict.~~

- ~~West Hills Wildlife Habitat Area~~

  ~~It has been indicated that there would be social impacts of expanded mining on wildlife habitat, but they were not identified (Final Order PR 7–92 § 19).~~

- ~~Water Resource and Wetland Sites~~

  ~~It has been indicated that there would be social impacts of expanded mining on wetland resources, but they were not identified (Final Order PR 7-92 § 19).~~

  The West Hills have a psychological value to people, being perceived as an integral and important part of the forested landscape linking Forest Park to the Coast Range; contributing to the image of a natural area with wildlife habitat on the outskirts of Portland; and providing a scenic backdrop to visitors and residents of Sauvie Island. Loss of these significant natural resources will have a social public impact if the educational and recreational opportunities are eroded.

c. Environmental Effects

   i. Environmental Effect on Use of the Aggregate Resource if Conflicting Uses are Fully Allowed

      - Residential Uses

        The only identified environmental effect of residential uses on the aggregate resource is the required compliance with environmental control standards which regulate impact on residential uses.

      - Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources

        Mining conducted in compliance with environmental control standards would have no identified effect on conservation activities on properties within the impact area.

      - Forest operations or forest practices on the resource site

        Use of the site solely for forestry purposes would prevent mining. That would result in no environmental effect on the aggregate resource.

      - West Hills Scenic Area

        Total preservation of the site for scenic purposes would prevent mining.

      - West Hills Wildlife Habitat Area

        Mining within an existing contiguous half-mile band of forest habitat between the existing quarry and McNamee Road would reduce that minimum width necessary to prevent isolation of Forest Park wildlife from the forests of the Coast Range (Final Order PR 7–92 § 25). Expansion of the mining activity within that area would not be allowed if the wildlife habitat is fully allowed.

- Water Resource and Wetland Sites

  The Rafton/Burlington Bottoms is a "3C" resource site. Mining must be conducted in a manner that minimizes any environmental impacts on that resource. The significant stream on the site has been found to have wildlife habitat in the upper portions of the watershed. Total preservation of that habitat would prevent mining adjacent to those streams; thereby, limiting the extent of mining expansion.

ii. Environmental Effect on Conflicting Uses if Development of the Resource is Allowed

- Residential Uses

  Expanded development of the mineral resource could result in increased noise, dust and vibration. Such development, however, would have to be conducted in compliance with environmental control standards. Compliance with those standards could still result in complaints, but would have no adverse environmental impact on residential uses.

- Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources

  An expanded mining operation would have no identified environmental conflict with conservation activities on properties in the impact area.

- Forest operations or forest practices on the resource site

  It has previously been found that allowing mining would have a devastating environmental consequence on the site's forest habitat (Final Order PR 7–92 § 24). Use of the site solely for mining purposes would prevent its immediate use for forestry purposes. Reclamation would allow for its future utilization for forestry. The Board has indicated that they are not convinced that attempts to reclaim the site would succeed in enabling the forest habitat to function again (Final Order PR 7–92 § 24). An inability to reclaim the site as a functioning forest habitat would be an adverse environmental effect on the forest resource of the site.

- West Hills Scenic Area, Wildlife Habitat Area, and Water Resource and Wetland Sites

  ~~Expanded mining would reduce the scenic environment of the West Hills to a degree proportionate with the size of the exposed face with respect to that of the total seen area from any key viewing area.~~

- ~~West Hills Wildlife Habitat Area~~

  ~~Expansion of mining activity within an existing contiguous half-mile band of forest~~

~~habitat between the existing quarry and McNamee Road would reduce that minimum width necessary to prevent isolation of Forest Park wildlife from the forests of the Coast Range (Final Order PR-7-92 § 25).~~

- ~~Water Resource and Wetland Sites~~

  ~~There would be minimal environmental effect on the Rafton/Burlington Bottoms by an expanded mining activity since any expansion would have to be conducted under environmental control measures that balance conflicts with that identified wetland resource. The effect on the significant stream would be the possible elimination of wildlife habitat and a reduction of water quality due to loss of riparian vegetation.~~

There would be a direct loss of wildlife habitat in West Hills. Loss of prime wildlife habitat in the West Hills means obstruction of a vital connecting link between Forest Park and the thousands of acres of wildlife in the Coast Range.

There could be significant degradation to Burlington Bottoms, a mitigation project for wildlife habitat already lost to dam construction. It is one of the state's largest remaining wapato wetlands and the 3rd highest ranking wildlife habitat of all Goal 5 wetlands in Multnomah County.

Mining would result in permanent changes to the landform, scarring the scenic backdrop to Sauvie Island, resulting in a loss of significant aesthetic qualities.

Runoff from mining would cause a significant reduction in water resources and water quality.

d. Energy Effects

i. Energy Effect on Use of the Aggregate Resource if Conflicting Uses are Fully Allowed

- Residential Uses

  There is no identified energy effect on the aggregate resource if residences are fully allowed.

- Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources

  There is no identified energy effect on the aggregate resource if conservation practices are fully allowed within the impact area.

- Forest operations or forest practices on the resource site

requirement of reclamation.

- West Hills Scenic Area, Wildlife Habitat Area, and Water Resource and Wetland Sites

  ~~There is no identified energy effect on the West Hills Scenic Area if expansion of the mining activity is allowed.~~

  There would be an increased energy cost for individuals to drive further to other recreation sites.

- ~~West Hills Wildlife Habitat Area~~

  There would be no identified energy effect on West Hills Wildlife Habitat Area if expansion of the mining activity is allowed.

- ~~Water Resource and Wetland Sites~~

  There would be no energy effect on water resource and wetland sites within the impact area if expansion of the mining activity is allowed.

e. Other Applicable Statewide Planning Goals

The following additional Statewide Planning Goals have been found to apply to the ESEE analysis of the Angell Brothers resource site (Final Order PR 7–92 § 16, 26, 27, 28 and 29).

i. Goal 4–Forest Lands

The Forest Goal and Rule designate mining and processing of mineral and aggregate resources as locationally dependent uses. Such uses may be allowed when it is found that:

- The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

- The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

- A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-06-025(4)(e), (l), (r), (s) and (v).

There is no indication that expanded mining at this site would force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands. Several properties surrounding the existing operation are used for primary resource production without recorded adverse impact. An expanded operation should similarly have no impact. Also, there is no indication that an expanded mining operation would increase fire hazard or the costs and risks associated with fire suppression.

The third Rule criteria is not applicable to aggregate resources. It applies only to parks and campgrounds, reservoirs and water impoundments, home occupations, health hardship mobile homes, and temporarily occupied accommodations for fishing.

ii. Goal 6–Air, Water and Land Resources

Goal 6 requires "All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules or standards." The existing operation is not in full compliance with all applicable state and federal regulations~~., but m~~Measures are being taken to achieve compliance, however, the Board is not been convinced that current technology will achieve compliance. ~~Any expansion would be required to be in full compliance with those regulations~~.

iii. Goal 7–Areas Subject to Natural Disasters and Hazards

Goal 7 requires "Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards." The majority of this resource site has been identified as having slope hazard potential (Shannon & Wilson, 1978) and the conduct of a mining operation is defined in the Statewide Planning Goals as a development. The existing operation is conducted in compliance with all applicable mine safety regulations. Any expansion would also be required to comply with those safety regulations.

iv. Goal 15–Willamette River Greenway

While none of the resource site is within the Willamette River Greenway, that portion of the impact area east of US Highway 30 is within the Greenway. An expanded operation should be conducted in a manner that conserves the scenic quality of lands within the Greenway.

Energy: No energy expended for mineral production at this site, but probable transfer of energy expenditure to an alternative site; less energy expended for forestry than mining

iv. West Hills Scenic Area

Consequences if West Hills Scenic Area is not allowed

Economic: No operational expenses for buffering, screening or phasing
Social: Loss of aesthetic enjoyment
Environmental: Loss of the scenic environment
Energy: ~~No identified impact~~ Increased energy cost for individuals to drive further to other recreation sites.

Consequences if West Hills Scenic Area is allowed in a limited manner

Economic: Increased operational expenses for buffering, screening and phasing
Social: Increased availability of aggregate material
Environmental: Modification of this portion of the viewshed over time
Energy: Increased energy expenditure for buffering, screening and phasing

Consequences if West Hills Scenic Area is allowed fully

Economic: Loss of the value of the aggregate material
Social: Retention of aesthetic enjoyment; limitation of the availability of aggregate material
Environmental: Retention of existing natural environment
Energy: No energy expended for mineral production at this site, but probable transfer of energy expenditure to an alternative site

v. West Hills Wildlife Habitat Area

Consequences if West Hills Wildlife Habitat Area is not allowed

Economic: Full utilization of the aggregate resource, reduction in quality of life
Social: Loss of educational and recreational activities
Environmental: Loss of habitat area; isolation of Forest Park species
Energy: None identified

Consequences if West Hills Wildlife Habitat Area is allowed in a limited manner

Economic: Increased operational expenses resulting from reclamation; reduction of supply due to limitation of expansion areas
Social: Continued wildlife migration; provision of a necessary construction material
Environmental: Retention of habitat area necessary for migration and modifica-

include the entire 283 acres, *then* the "peninsula" would narrow to a few hundred yards. Such a narrow "neck" of forested land would be inadequate to provide the continuous forest cover needed to sustain wildlife large populations of diverse wildlife. (See *A Study of Forest Wildlife Habitat in the West Hills.)* The only alternative for wildlife needing continuous forest cover would be to jog westward, across McNamee Road and an associated "secondary habitat" area, which has been degraded by rural residential development and clearing for agricultural purposes.[20]

While there has been some information presented by Oregon Department of Fish & Wildlife that the quarry *could* be reclaimed to provide wildlife habitat after quarry operations are completed, there has been no convincing evidence presented that such reclamation is indeed feasible-- quarrying involves significant landform modification as opposed to forest practices. The quarrying activities, although temporary, would have a much longer impact than logging would. A long-term disruption to the contiguous wildlife habitat area/ecosystem would logically have less chance of regeneration through reclamation -- after many decades of isolation. Forest Park may be unreclaimable as wildlife habitat due to the spread of non-native plant and animal species and other human impacts.

On the other hand, *if* the quarry were located further to the north, where the forest land peninsula is about three miles wide, it would not have the same constricting effect on forested habitat.[21]

iv. Energy Consequences

There are no significant identified energy consequences of allowing conflicting uses in place of wildlife habitat in the West Hills.

b. Consequences of Protecting Wildlife Habitat on Conflicting Uses

i. Residential Uses

- Economic Consequences

Ideally, to minimize adverse impacts on wildlife habitat, no additional rural residential development would be permitted in the West Hills. However, this would have major adverse economic consequences for property owners. Table 6, below, describes the existing and potential number of rural residences that may be sited in each of the West Hills subareas.

The value of a rural residential lot in the West Hills Rural Area varies according to a number of factors, including proximity to Portland, views (1-5 mountain views), buildability (slopes, access, availability, on-site sewage disposal, water, *etc.),* and whether the property (and surrounding properties) are forested or clear cut.

Energy: Increased energy consumption in transporting material and building infrastructure

Consequences if Mining is allowed in a limited manner

Economic: Regulatory burden, taxes, and revenue from sales; possible loss of long-term supply and increased cost

Social: Reduced property rights, reduced local sources; possible increased impacts on other communities; less availability of needed construction material

Environmental: More stringent buffering and reclamation requirements

Energy: Some increase in energy use for transporting materials to market; less use of concrete

Consequences to Scenic Resources if Mining is allowed fully

Economic: Loss of indirect benefits related to quality of life

Social: Loss of aesthetic enjoyment

Environmental: Less protection of fish and wildlife habitat, water and air quality

Energy: ~~No impact~~ Increased energy cost for individuals to drive further to other recreation sites

Consequences to Streams if Mining is allowed fully

Economic: Insignificant

Social: Insignificant

Environmental: Loss of riparian vegetation, deterioration of water quality

Energy: Insignificant

Consequences to Wildlife Habitat Area if Mining is allowed fully

Economic: Loss of indirect benefits related to quality of life and tourism

Social: Loss of educational and passive recreation opportunities

Environmental: Numerous negative impacts from habitat loss and diminishment

Energy: Insignificant

DISCUSSION: Mining is a conflicting use that potentially could occur at many locations throughout the West Hills. The Angell Brothers site, however, is the only location in the West Hills that has been identified as being a significant mineral and aggregate site. The discussion of mining use conflicts with other identified significant Goal 5 resources, then, will be limited to the Angell Brothers resource site.

Scenic: The scenic resource analysis indicates that mining~~, like logging, temporarily~~ affects the scenic qualities of the West Hills through removal of the vegetative cover and modification of the landform that comprise a portion of the scenic resource. It has not been demonstrated that there are acceptable reclamation techniques available to ensure maintenance, or restoration of scenic values after mining. And the location of the Angell Brother's quarry, directly opposite the Sauvie Island bridge, impacts the large number of visitors to the island. ~~The analysis indicates, however, that it is possible to maintain the scenic qualities of the West Hills Scenic Area if mining is allowed in a limit-~~

~~ed manner. A protection program for the mineral resource should include restrictions that would only allow mining expansion in a manner that minimized impacts on the scenic resource both during and after extraction.~~

Streams and Wetlands: The North Angell Brothers Creek has been found to be a significant stream because of its ~~minor~~ contribution of water to the Rafton/Burlington Bottoms, its provision of "essential" connections exist between fish and wildlife habitat areas on high quality upstream and low quality downstream portions of the stream, and its canopy cover and riparian vegetation which has a positive impact on water quality.

~~The significance of this stream, however, is minor compared with other streams in the West Hills which meet more of the criteria for significance found in the Multnomah County Comprehensive Plan. The contribution of water from this stream to Burlington Bottoms has been found to be minor compared to other water sources such as Multnomah Channel. Only the upper portion of the watershed, a small portion of which is on the Angell Brothers quarry site, is of high quality and is critical to maintaining a minimum one-half mile width of undisturbed forest habitat for the maintenance of wildlife (see discussion under "Wildlife Habitat" below). The areas where canopy cover improves water quality also lie for the most part in the upper reaches of the watershed which are not proposed for mining. Therefore, the mineral and aggregate resource on the Angell Brothers site clearly has greater weight than the stream resource.~~

The Rafton/Burlington Bottoms and the East bank of Multnomah Channel are significant "3–C" resource areas that must continue to be protected by limiting conflicting uses, of which mining is one. Water quantity and quality flowing into Burlington Bottoms from the Angell Brothers quarry site from the "Angell Brothers North" stream ~~should~~ must be maintained by the quarry operator pursuant to standards set by the Oregon Department of Environmental Quality. Based on the evidence presented, current technology is not sufficient to ensure maintenance of those standards as a result of quarry expansion. This site has been acquired by the Bonneville Power Administration as partial mitigation for wildlife habitat lost due to construction of the federal hydropower system. Any degradation of Burlington Bottoms will thus reduce the wildlife habitat value of this publicly paid for wetland. Multnomah County has an important responsibility to see that degradation to such a regionally important wetland does not take place.

Wildlife Habitat: The wildlife habitat analysis indicates that a forest habitat would not be re-established on a mined area for at least 10 years following reclamation. That would have the long-term impact of destroying the vital connection between Forest Park and large tracts of forest land to the north and west. The analysis indicates that a minimum half-mile wide undisturbed forested habitat is necessary at any given location to allow animals to travel and seek cover in dense forests, and to compensate for edge effects that diminish wildlife habitat where forest meet clear cuts, agricultural land, roads, rural residential development, and mining operations.

The wildlife study has identified three areas of secondary wildlife habitat along McNamee Road within one-half mile of the Angell Brothers resource site. One site is

south of the resource site, and the other two are to the west. Any mining expansion should preserve the minimum forest habitat of the surrounding area with respect to those secondary habitat areas.

CONCLUSION: The above discussion indicates that mining is a use that may occur only if conflicts with the scenic, streams and wetlands, and wildlife habitat resources can be balanced ~~mitigated~~. The above analysis indictes that balance is not possible. The protection of scenic, wildlife and stream resources outweighs the protection of the aggregate resource. The irreversible negative impacts to the other resources which would result from any expansion of mining are far more important than the limited benefits to be gained by such expansion. ~~Any new or expanded mining operation in the West Hills should only be allowed under a program that balances conflicts with other Goal 5 resources and all impacted uses.~~

~~Expansion of the Angell Brothers quarry site into the watershed of the significant "North Angell Brothers" stream should be allowed. The proposed quarry operation should not be allowed in higher quality upstream sections of the creek, because these areas are needed to protect a minimum one-half mile contiguous wildlife habitat area. Therefore, mining would occur only on the lower quality downstream portions of the creek.~~

~~Quarry expansion should be allowed only outside of a continuous one-half mile wide primary forested habitat area located between the quarry on the northeast and secondary cleared habitat areas along McNamee Road to the southwest. This will result in allowing the quarry to expand only to the northern (approximately 1/2) portion of their 283 acre proposed expansion site. Such a solution is a proper "balance" of the competing resources, which allows some protection for both.~~

C. RESOURCE PROTECTION

1. SCENIC VIEWS OF THE WEST HILLS

a. Designated Level of Protection

The identification of conflicting uses in Chapter II showed that forestry activities, residential use, community service and conditional uses, and mining could all conflict with preservation of the scenic qualities of the West Hills if the use or structure would be visible from a key viewing area. The subsequent ESEE analysis and conflict resolution led to the conclusion that forestry activities should be allowed fully, **expansion of the Angell Brother's quarry should not be allowed, and** ~~but the~~ other conflicting uses should be limited in manner through the use of siting, design and screening requirements. The exception would be uses within Burlington, which would be allowed fully since the area is already developed to an extent that it no longer has the same scenic appearance as the rest of the West Hills scenic resource area and is only visible from the Highway 30 key viewing area. Scenic views of the West Hills should be designated "3-C".

b. Uses Which Will Be Allowed Fully (subject to other code requirements)

Agriculture
Forestry
Uses and structures in Burlington
Any other use or structure which would not be visible from a key viewing area

c. Uses Which Will Be Allowed Conditionally (also subject to other code requirements)

Residences
Mining, **excluding Angell Brothers**
Any use or structure which is visible from a key viewing area, unless in Burlington

d. **Uses Not Allowed**

Expansion of the Angell Brother's aggregate site

e. Program to Achieve the Goal

The Comprehensive Framework Plan must be amended to include Scenic Views of the West Hills as a significant scenic resource. An overlay zone should be applied to the resource area, and standards to protect the scenic resource need to be incorporated into the zoning code. In addition, tax incentives or other methods of encouraging conservation easements to protect scenic values should be explored.

The attributes of the scenic resource which contribute to its significance are the existing landform, the vegetation pattern which provides a blanket of various shades of green along with colorful fall foliage, and the overall intactness and lack of development to disrupt the overall forested appearance. Zoning code standards should be developed which will allow uses but preserve scenic attributes. Applicability of standards should be based on the degree of visual impact the development would have, as seen from key viewing areas. The degree of impact would be determined after consideration of the size of the developed area that would be visible, the distance from the development to key viewing areas, the nuimber of key viewing areas that could see the development, and the linear distance the development could be seen from key viewing corridors such as Highway 30. Development should be exempted from complying with the standards if it would not be visible from a key viewing area because of existing topographic features. In addition, the Burlington area should be exempted because it is already developed and is visible only from Highway 30, as discussed in the previous section. Standards for protection of the scenic resource should include:

- New development should be visually subordinate - it should not noticeably contrast with the surrounding landscape as seen from a key viewing area. Development that is visually subordinate may be partially visible, but should not be visually dominant in relation to the surroundings.

- Development should be sited on portions of the property which utilize existing topography and vegetation to minimize visibility from key viewing areas.

- New development that does not require an alteration to the landform should be sited to retain the existing topography and reduce necessary grading to the maximum extent practicable.

- Existing vegetation that screens the development should be retained wherever possible.

- New vegetation should be planted to provide additional screening when any portion of new development will be visible from a key viewing area. Such trees should be primarily coniferous to provide winter screening, and species native to the West Hills such as Doug fir, grand fir, alder or white oak.

- The exterior color of structures should be natural or dark earthtone colors that blend with the forested landscape.

- Reflective building materials should not be allowed.

- Exterior lighting should be sited, hooded, or shielded so that it is not visible from key viewing areas.

- Structure height should remain below the surrounding forest canopy level.

- The silhouette of structures should remain below the skyline.

- Activities that require alterations to the landform, such as mining, should be staged so that the land area disturbed at any one time remains visually subordinate as seen from key viewing areas.

- Landform altering activities should show, prior to approval, that after reclamation the resulting landform and vegetation will be similar to and not contrast with the surrounding landscape as seen from key viewing areas.

2. SIGNIFICANT STREAMS

a. Designated Level of Protection

The designated level of protection for the Significant Streams in the West Hills area is 3.C. -- Limit Conflicting Uses.

b. Conflicting Uses to be allowed fully

Forestry/timber (however, see discussion under 2.e. below)
Farm Use (however, see discussion under 2.e. below)

c. Conflicting Uses to be allowed conditionally

Community Service/Commercial Uses
- Wood Processing(limited, sawmills, etc.)
- Wholesale/retail for farm/forest products
- Playgrounds, Churches, Schools
- Parks/Golf Courses
- Dog Kennels
- Aircraft Landing Area
- Cottage Industries
- Rural Service/Commercial
- Other Community Service Uses

Transportation/Public Improvements
Residential Uses
- Single-family Residential
- Farm/Forest Worker Housing

Mining/Geothermal Uses

d. Conflicting Uses not allowed

None

e. Program to achieve the goal

Residential, Community Service/Commercial, and Transportation/Public Facilities

Standards for protection of stream resources should consider erosion control, native vegetation maintenance and enhancement, and fish and wildlife maintenance and enhancement for any of the conflicting uses proposed for development within the riparian zone which are designated above as uses to be allowed conditionally. This protection can best be accomplished through placement of an "overlay" zone similar in concept to the Significant Environmental Concern (SEC)-Streams overlay currently within the Multnomah County Zoning Ordinance.

The riparian zone for the West Hills has been generally measured as part of the stream survey conducted by SRI/Shapiro. The area where the SEC overlay zone should be placed is within the riparian area, defined as follows in the SRI/Shapiro Report:

"A riparian area is comprised of an aquatic ecosystem and associated upland area. Water in the aquatic system influences upland vegetation and microclimate. Upland areas affect the aquatic ecosystem by providing thermal regulation, biomass, and structure."

Since measurement of the riparian zone was very generalized in the Streams study, provisions should be made for an applicant under the SEC provisions to provide evidence as to a more precise boundary of the riparian zone on the property which meets the above-listed definition.

Specific protection measures for streams which will be used with the SEC overlay zone provisions include the following:

- Maximum provision of landscaped area, scenic and aesthetic enhancement, open space, or vegetation between any use and a stream.
- Preservation of agricultural and forest land adjacent to streams for farm and forest use.
- Building, structure, or use located so as to best preserve and protect the riparian zone area
- Minimum conflict between recreational uses and the riparian zone area
- Protection of public safety and private property from vandalism and trespass to the maximum extent practicable considering environmental values of the riparian zone
- Protection and enhancement of opportunities for fish and wildlife to live in and travel through the riparian zone
- Protection and enhancement of natural vegetation along streams
- Retention of areas of annual flooding and wetlands in their natural state
- Limit development to portions of a site located away from steep slopes, soils, and other unstable geological conditions
- Protection of areas within and adjacent to the riparian zone from erosion
- Regulation of construction practices and schedules in order to minimize erosion into streams from water runoff and soil erosion
- Minimization of impervious surface area in order to reduce pollution of stream waters
- Provide for a minimum setback from the ordinary high water mark of each stream which will protect the stream's resources.
- ~~Limit expansion of the Angell Brothers quarry site to the lower quality downstream portions of the significant "North Angell Brothers" stream.~~
- ~~Water quantity and quality flowing into Burlington Bottoms should be maintained by the quarry operator pursuant to standards set by the Oregon Department of Environmental Quality.~~

- Do not allow expansion of the Angell Brothers quarry site any further into the watershed of the "North Angell Brothers" stream than is currently approved.

As discussed earlier, agricultural and forestry activities adjacent to streams can have significant negative environmental consequences. While Multnomah County cannot (forestry on forest lands) or should not (forestry on "exception" lands, agriculture) institute zoning regulation of these uses, the County must work to ameliorate and if possible eliminate the conflicts between these uses and significant streams. As regards forestry, the County should monitor the Oregon Department of Forestry's effective enforcement of the State Forest Practices Act, and work with the Department of Forestry to adopt and implement standards which may more effectively protect significant streams. As regards Agriculture, the County should work with the West Multnomah Soil and Water Conservation District to adopt and properly fund a program of education and assistance to farmers in order to better protect significant streams from the negative impacts of some agricultural practices such as livestock damage to streams, misuse of fertilizers and pesticides, and cultivation adjacent to streams which negatively impacts fish & wildlife habitat and water quality.

3. ANGELL BROTHERS AGGREGATE

a. Designated Level of Protection: ~~There are portions of the Angell Brothers resource site where mining can not occur without destroying an identified Goal 5 resource. That resource is the wildlife habitat area within one-half mile of the secondary wildlife habitat areas along McNamee Road. Therefore, the portions of this resource site within one-half mile of these habitat areas should be designated 3–B. The remainder of the site can be mined with minimal impact on the identified conflicting uses and other Goal 5 resources. That area should be designated 3–C.~~ The 114 acre currently approved for mining should remain a "3–C" designation, and the remainder of the resource site is designated "3–B". There will be no limitation of uses beyond those of the underlying zones within the "3–B" area. The following use limitations apply within the "3–C" area:

- Uses Fully Allowed – The following uses should be allowed fully in the impact area:

  Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources

  Exploration for mineral and aggregate resources as defined in ORS Chapter 517

  Widening of roads within existing rights-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects as described in ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n)

  Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head

  Mining and processing of oil, gas, or other subsurface resources as defined in ORS Chapter 520, and not otherwise permitted under OAR 660-06-025(3)(m) (e.g.,

compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517

Temporary asphalt and concrete batch plants as accessory uses to specific highway projects

Public road and highway projects as described in ORS 215.(1,(2)(q) through (s), 215.213(10), 215.283(2)(p) through (r) and 215.283(3)

Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash (on properties within the impact area other than the site itself)

Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation (on properties within the impact area other than the site itself)

Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities (on properties within the impact area other than the site itself)

Farm use as defined in ORS 215.203

Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups

New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width

Temporary portable facility for the primary processing of forest products

Towers and fire stations for forest fire protection

Water intake facilities, canals and distribution lines for farm irrigation and ponds

Uninhabitable structures accessory to fish and wildlife enhancement

Permanent facility for the primary processing of forest products

Permanent logging equipment repair and storage

Log scaling and weigh stations

Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation

Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation

Television, microwave and radio communication facilities and transmission towers

Fire stations for rural fire protection

Utility facilities for the purpose of generating power

Aids to navigation and aviation

Cemeteries

- Uses Conditionally Allowed – The following uses should be conditionally in the impact area:

  Forestland dwellings
  Alteration, restoration or replacement of a lawfully established dwelling
  A mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative

- Uses Not Allowed – The following uses should not be allowed in the impact area:

  Destination resorts reviewed and approved pursuant to ORS 197.435 to ORS 197.465 and Goal 8
  Residential on the resource site
  Temporary forest labor camps
  Caretaker residences for public parks and fish hatcheries
  Private seasonal accommodations for fee hunting operations
  Private accommodations for fishing occupied on a temporary basis
  Water intake facilities, related treatment facilities, pumping stations, and distribution lines
  Reservoirs and water impoundments
  Forest management research and experimentation facilities accessory to forest operations
  Private hunting and fishing operations without any lodging accommodations
  Parks and campgrounds

b. Program to Achieve the Goal

Multnomah County needs to amend its Comprehensive Framework Plan to identify the 114 acre area approved for mining as "3–C" with a surrounding 1,200' impact area. ~~that portion of the Angell Brothers mineral resource site within one-half mile of the secondary wildlife habitat areas along McNamee Road as 3–B~~ and the remainder of the site as ~~3–C~~ "3–B". ~~The county also needs to adopt a modified impact area for the resource site and develop zoning restrictions for uses within that area. That impact area would be reduced from that identified in Chapter IV through the elimination of that portion of the site designated 3–B. Comprehensive Framework Plan Policy 16–B and the Zoning Code must be amended to include items required by the Land Conservation and Development Commission.~~

~~The amendment of Comprehensive Framework Plan Policy 16–B must include quarry development conditions specific to the Angell Brothers mineral and aggregate resource site. These conditions should include:~~

- ~~Minimization of the area the mined at any given time to reduce visual impact;~~

- ~~Demonstration that reclaimed areas are capable of supporting forest vegetation;~~

- ~~Simultaneous reclamation along with mining to minimize non-vegetated areas and to provide a maximum amount of regenerating wildlife habitat;~~

- ~~Screening of the operating face from significant views as much as practicable through such techniques as landscaping, berming and maintenance of intervening topography;~~

- ~~A final slope configuration that blends with the topography of the surrounding area;~~

- ~~Compliance with all applicable DEQ and DOGAMI regulations to minimize any on and off-site water quality impacts and provide for soil and slope stability on mined areas; and~~

- ~~Prohibition of mining within one-half mile of the secondary wildlife habitat areas along McNamee Road.~~

- ~~Middle Angell Brothers stream shall be proven to be in conformance with DEQ water quality standards prior to any mine expansion beyond the existing approved boundary.~~

- ~~A condition of any mine expansion beyond the existing approved boundary shall be a verification that DEQ water quality standards are continually satisfied. Water quality studies shall be periodically required. The studies shall be by an independent consultant and paid for by the mine operator. The mine operator and the Planning Director shall agree on the cost and scope of the studies and the Planning Director shall select the consultant.~~

4. WILDLIFE

a. Designated Level of Protection

The designated level of protection for the Significant Wildlife Habitat in the West Hills area is 3.C. -- Limit Conflicting Uses.

b. Conflicting Uses to be allowed fully

Forestry/timber
Farm Use

c. Conflicting Uses to be allowed conditionally

Community Service/Conditional Uses

Wood Processing(limited, sawmills, etc.)
Wholesale/retail for farm/forest products
Campgrounds
Cemeteries
Fire Stations
Water infrastructure facilities
Utility facilities
Parks
Landfills
Hunting & Fishing lodges
Logging equipment repair and storage
Aircraft landing areas
Schools
Churches
Golf Courses
Road widening requiring additional right-of-way or building removal
Farm-related commercial activities
Dog Kennels
Group Care Facility
Cottage Industries
Rural Service/Commercial
Tourist Commercial
Other Community Service Uses

Residential Uses
Single-family Residential
Farm/Forest Worker Housing

Mining/Geothermal Uses

d. Conflicting Uses not allowed

None

e. Program to achieve the goal

Residential and Community Service/Conditional Uses

Standards for protection of wildlife habitat should consider various measures to ensure the maintenance and enhancement of the designated primary habitat areas as homes for various species of wildlife. Differing standards are necessary for protection of primary, secondary, and impacted wildlife habitat areas. Implementation of these standards as regards residential and community service/conditional uses should be accomplished through use of a Significant Environmental Concern (SEC) overlay zone for wildlife habitat protection.

Specific protection measures for primary wildlife habitat areas include the following:

- Where a parcel to be developed contains both primary and secondary, or primary and impacted wildlife habitat areas, development activities should be limited to the secondary or impacted areas to the maximum extent feasible.

- Fencing should be prohibited along roadways, thus reducing barriers to wildlife movement. Design standards for fences outside of the "cultivated" area discussed below should be adopted which ensure that fences do not block passage for a wide range of wildlife species.

- The "cultivated" area *(i.e.,* lawns and gardens) of residential lots in the primary habitat areas should be limited to one acre (consistent with fire safety standards), leaving the remaining land in the parcel in native vegetation, to be altered only in conjunction with approved forest management practices. This cultivated area should be designed to minimize the edge effect along roads.

- Similarly, the cleared area for community service and conditional uses should be limited to the minimum size necessary for the use, and should under no circumstances exceed two acres (consistent with fire safety standards).

- Certain introduced vegetation should be prohibited *(e.g.,* English Ivy, Vinca, and other invasive species), even in cultivated areas.

- Erosion control standards should be adopted where there will be prolonged exposure of soils, or excavation, associated with residential development.

- Development along significant streams should be regulated as proposed in the discussion of streams.

Specific protection measures for secondary and impacted wildlife habitat areas should include the following:

- Where a parcel to be developed contains both secondary and impacted wildlife habitat areas, development activities should be limited to the impacted areas to the maximum extent feasible.

- Fencing should be prohibited along roadways, thus reducing barriers to wildlife movement. Design standards for fences outside of the "cultivated" area discussed below should be adopted which ensure that fences do not block passage for a wide range of wildlife species.

- New development activities should be located on existing cleared areas of the site to the maximum extent feasible. Existing forested areas should be maintained consistent with approved forest management practices.

- Certain introduced vegetation should be prohibited *(e.g.,* English Ivy, Vinca, and other invasive species), even in cultivated areas.

- Erosion control standards should be adopted where there will be prolonged exposure of soils, or excavation, associated with residential development.

- Development along significant streams should be regulated as proposed in the discussion of streams.

In addition, it should be noted that the existing Commercial Forest Use Designation and Zoning District provides significant protection for wildlife habitat because of its severe limitations on new residential and non-forest practices type development. This protection is in part based upon state land use law, which is controversial and subject to change by legislative action in the future. Consequently, it is recommended that the Comprehensive Framework Plan include a policy for the West Hills Wildlife Forested Habitat Area which states that, should state law regarding forest lands change so as to allow more intensive non-forestry related uses on such lands, that Multnomah County would require a minimum parcel size of 38 acres (similar to the old Multiple Use Forest Zone) for new subdivision parcels in the areas within the significant wildlife habitat area designated as Commercial Forest Use lands.

~~Protection measures for the Angell Brother's aggregate site include prohibiting mining on the southern half of the site in order to provide a continuous one-half mile wide primary forested habitat area located between the quarry on the northeast and secondary cleared habitat areas along McNamee Road to the southwest. This will result in allowing the quarry to expand only to the northern (approximately 1/2) portion of their 283 acre proposed expansion site. Additional protection measures include the following:~~

- ~~Establish a forested buffer area to allow for entry to the habitat area at the eastern end of the quarry boundary. This buffer area is most appropriately located using the "South Angell Brothers" stream drainage, where quarry expansion would not be allowed anyway in order to maintain the minimum one-half mile wide contiguous habitat area.~~

- ~~Any reclamation plan for the site should be reviewed by Oregon Department of Fish and Wildlife and the County to accommodate mining needs and maximize wildlife benefits and use.~~

- ~~An on-going research and monitoring program is recommended to monitor wildlife use changes during quarry activity and after reclamation of the site.~~

5. SUMMARY

~~The West Hills Scenic, Wildlife, Streams and Wetland (except as noted below), and that portion of the Angell Brothers site more than one-half mile from secondary wildlife habitat areas should be designated "3-C". That portion of the Angell Brothers site within one-half mile of secondary wildlife habitat areas and that portion of the "north Angell Brothers"~~

~~stream within the mineral resource site should be designated "3-B"~~. The scenic area, stream riparian areas and wildlife habitat areas should be designated "3-C" and the aggregate resource ~~"3-B"~~. This will provide a level of protection that recognizes and protects the attributes that make each resource significant~~, while preventing the economic and social consequences that would occur if conflicting uses were prohibited~~.

The scenic area, stream riparian areas and wildlife habitat areas should be protected through implementation of the Significant Environmental Concern (SEC) overlay zone. Specific standards to govern new development have been outlined in the previous section. These standards will be drafted into code language and reviewed by the Planning Commission and Board of County Commissioners beginning in August. The standards in many cases provide overlapping protection to the significant resources. For example, the standard to limit the size of the area cleared of native vegetation around a house also protects scenic qualities because the break in the forest cover will be limited.

~~Protection and utilization of the Angell Brother's aggregate site will be accomplished through zoning restrictions for uses within the impact area and Comprehensive Plan amendments detailing operating standards. This would allow expansion of mining within the "3-C" area, provided that the mining plan can be found to meet certain standards designed to protect the other significant resources such as compliance with DEQ and DOGAMI regulation regarding water quality, screening requirements, and demonstration that reclaimed areas are capable of supporting forest vegetation.~~

These ~~"3-C" and "3-B"~~ designations and proposed protection standards provide overall protection to all four of the significant resources in the West Hills. This program complies with Statewide Planning Goal 5.

HOWARD CANYON

runoff and increase the potential for erosion unless storm water detention facilities are planned in conjunction with the improvement. Detention facilities or special designs are generally addressed on a case-by-case basis depending on the scale of the proposed development or improvement.

The three creeks in the Howard Canyon area are part of the Sandy River watershed, in turn part of the Columbia River watershed. Between 1980 and 1990, over one billion dollars were spent on efforts to restore the Columbia River salmon fishery. Habitat destruction and associated impacts on flows and water quality are important factors contributing to the salmon crisis which has only continued to escalate into the 1990's. Without question, salmon are an important economically to the Northwest. Although none of the creeks are utilized by anadromous fish (due to a natural barrier) they are tributaries to the Sandy River which is an important spawning and rearing area. Big Creek flows into the Sandy River approximately 100 yards upstream from a known spawning area for Fall chinook salmon and winter steelhead. The Sandy River is a reflection on the quality of its tributaries.

The Federal Bureau of Land Management and Oregon State Parks have estimated that up to one million people annually utilize the Sandy River for a myriad of recreational activities. This intense use creates substantial economic activity for a variety of businesses throughout the region.

MATRIX KEY

ECON 1: Negative economic impacts from reduced water quality for domestic or irrigation use or use by commercially important fish due to increased runoff, erosion, turbidity, water temperature, or pollutants

ECON 2: Negative economic impacts result from changes in water quantity that can affect availability for domestic or irrigation use due to loss of storage capacity and increased runoff.

ii. Social Consequences of Allowing Conflicting Uses

Conflicting uses adjacent to a stream may have a social impact if removal of riparian vegetation has occurred and there has been a significant loss of wildlife habitat. The social impact results in the loss of opportunities for nature study and recreational activities if vegetation and wildlife habitat are removed. Streams that flow through public parks or publicly-accessed recreation facilities have the greatest potential to be negatively affected in this manner. Although none of the study area streams flow ~~into~~ through publicly-owned parks or recreation facilities, they do drain to the Sandy River, which flows past state parks and private recreation facilities (e.g. Camp Collins). The Sandy River is an important spawning and rearing area for salmon.

Social consequences also result from impacts on the aesthetic quality of a stream if riparian vegetation is removed and a stream is degraded. This has an overall impact on the livability of the area.

campgrounds and Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization

- A winery as described in ORS 215.452

d. Program to Achieve the Goal – OAR 660-16-010 requires, based on the determination of the economic, social, environmental and energy consequences, that a jurisdiction must "develop a program to achieve the Goal." Following is the program for protection of the Howard Canyon aggregate resource in accordance with the determination to "Limit Conflicting Uses" (3C level of resource protection).

(i) Comprehensive Framework Plan Policy 16-B and the Zoning Code shall be amended to include items required by the LCDC Remand Order.

(ii) Multnomah County shall amend Comprehensive Framework Plan Policy 16-B to identify the Howard Canyon aggregate resource as 3C and acknowledge the impact area identified in the ESEE Analysis as the appropriate area for regulation of conflicting uses. All of the following quarry development conditions shall also be made a part of the Plan Policy language specific to this site and shall supercede corresponding less restrictive provisions in the Zoning Code (MCC 11.15).

(iii) A mapped plan designation and overlay zoning district "extraction zone" shall be adopted to protect the ~~actual~~ aggregate resource area that is appropriate to mine. Within this area only aggregate extraction and processing, land reclamation, farming and forestry activities would be permitted.

The extraction area for the Howard Canyon site shall be the mapped area of the aggregate resource except for the portion shown on tax lot 25, T. 1 N., R. 4 E., and tax lot 16, T. 1 S., R. 4 E., WM. Eliminating those two tax lots would provide additional buffer area to the majority of existing residences in the impact area which are located to the west of the resource, thereby reducing noise and dust impacts to those noise and dust sensitive land uses. The aggregate resource mapped on tax lots 25 and 16 is the narrowest in width and, from information supplied by the property owner, there were no test pits or drill holes on this portion of the mapped resource area verifying exact extent of the resource.

(iv) A plan designation and overlay zoning district "impact area" ~~extending 1,200 feet~~ around the "extraction zone" shall be adopted matching the impact area in this analysis. Within the "impact area" overlay zone some future conflicting uses would not be allowed and other conflicting uses such as new homes would be required to address certain setbacks and orientation requirements so as not to cause approved mining activities within the "extraction zone" to violate State standards for noise levels, air quality, etc.

(v) For the area of the aggregate resource site subject to an Oregon Department of Geology and Mineral Industries (DOGAMI) operational permit, Multnomah County

deems Oregon Department of Environmental Quality (DEQ) standards for noise levels, air quality, and water quality to be appropriate to protect the health, safety and welfare of citizens and to be appropriate to protect the land and water resources within the impact area. The County will request participation by DEQ and the Oregon Department of Fish and Wildlife in the review of any DOGAMI operational mining permit at this site. No mining operation shall commence without Oregon DEQ and ODF&W approval of the proposed DOGAMI permit.

(vi) Phasing. At the Conditional Use review and approval of any proposed mining plan for this site the Approval Authority shall establish conditions of phased development in the amount of aggregate extracted within certain time periods. The timing between phases and the amount of aggregate extracted are directed related to the factors listed in program requirements. (vi). (vii). and (xvi).

- All of the nearby roads and the roads serving the aggregate site are rural local roads that are inadequate in construction for certain levels of heavy truck service. [See III.B.2.b. and III.B.4.e.(vii).] The ability of the roads to safely handle certain numbers and weights of trucks will directly determine the extraction limits of each phase. The findings of the Traffic Management Plan outlined in (xvi) and subsequent review and findings of the County Engineer will be the basis for the necessary information to establish the phase limits. It should be noted that, although the operator should only fund the amount for road improvements derived in the "cost responsibility" analysis, it may be necessary to limit the number of gravel trucks (and thereby extraction levels) until full improvements are completed.

- The Oregon Department of Environmental Quality no longer contains noise enforcement staff and, therefore, before approval of an increase to the next higher extraction total it shall be demonstrated ~~A condition of approval of a mine operation shall be a verification~~ that DEQ noise standards are continually satisfied. Noise studies shall be periodically required. The studies shall be by an independent consultant and paid for by the mine operator. The mine operator and the Planning Director shall agree on the cost and scope of the studies and the Planning Director shall select the consultant.

~~(vii)~~ • Drainage from this hilltop aggregate site flows into Goal 5 Significant Streams which all flow into the highest rated Goal 5 Significant River, the Sandy River. Phasing of development of the aggregate site will better ensure that all storm water silt retention facilities are adequate at each rate of extraction. Therefore, before approval of an increase to the next higher extraction total it shall be demonstrated ~~A condition of approval of a mine operation shall be a verification~~ that DEQ water quality standards are continually satisfied. Water quality studies shall be periodically required. The studies shall be by an independent consultant and paid for by the mine operator. The mine operator and the Planning Director shall agree on the cost and scope of the studies and the Planning Director shall select the consultant.

- Before approval of an increase to the next higher extraction total it shall be demonstrated that DEQ dust standards are continually satisfied. This requirement may be satisfied by the maintenance of a DEQ permit for the rock crusher and written concurrence from DEQ of compliance at all other aspects of the mining operation.

- All aggregate mined for forest roads not on or contiguous to this site is subject to and included in the total limits placed on each phase.

(vii) Production Cap. The Approval Authority reviewing the Conditional Use application shall make a determination of an ultimate annual cap on the amount of aggregate extracted. The cap will be determined for the most part by the Traffic Management Plan in (xvi). Influencing that cap shall also be consideration of the low traffic volumes and noise levels typical of a rural community which the residents in the area wish to retain.

(viii) Multnomah County in its participation in the review of any proposed DOGAMI mining permit plan should inform the state agency of the need for special notice of mining operational methods and haul road construction at the interface of the Basalt and Troutdale formations where there may be a potential for stability problems.

(ix) All haul roads to be used as part of a DOGAMI operational permit shall be paved or treated with dust suppression emulsion to control dust.

(x) Except for aggregate extraction areas, holding ponds, and haul roads, vegetation that functions as a visual screen and retains dust should be retained. Holding ponds shall not be constructed in the stream riparian zone.

(xi) It is requested that DOGAMI delay its final decision on approval of an operating permit until Multnomah County makes an affirmative decision on any proposed conditional use application. It is the policy of Multnomah County to participate in and cooperate with DOGAMI in reviewing any such mining operation permit application.

No operation shall commence without approval of all applicable state agency permits.

(xii) All overburden stockpiles shall be stabilized from erosion as required by DOGAMI.

(xiii) Conflicts with residential uses occurring from extraction and processing activities can be lessened by restricting operating hours to reasonable weekday hours. Conflicts arising from large haul truck traffic with school buses and peak traffic periods on surrounding roads can also be avoided by a restriction of hours that the gravel trucks arrive at or leave the site. (conflicts attested to in public testimony at Planning Commission and Board of County Commissioners Hearings on this report). Therefore, hours and days of operation shall be more restricted than other mining sites without such conflicts.

- Operating hours shall be restricted to the hours of 8:30 am to 5:00 pm Monday through Friday. No operation shall be allowed on Saturdays, Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, or Christmas Day. The only activities allowed at the site outside the stated operating hours would be the arrival and departure of workers in their private passenger vehicles and trucks not used for hauling aggregate. Short term exceptions to these hours and days of operation shall be pursuant to the zoning code provisions for a Temporary Permit.

- Blasting shall be restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays, or the following legal holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, or Christmas Day. Notice of blasting events shall be given by the mining operator to all residents within the impact area in a manner that will ensure receipt of the notice at least 48 hours prior to the blasting event. Notice of blasting events shall also be posted by the mining operator at the Corbett Post Office at least 48 hours in advance.

(xiv) Noise deflecting berms and vegetative screening are features that are encouraged to be incorporated into the DOGAMI reviewed operational plan.

(xv) Reclamation of the site should be done in a manner to ensure the establishment of either forestry at Oregon Department of Forestry forest practices standards or the establishment of accepted farm practices.

(xvi) Traffic Management Plan. In recognition of the inadequacy of Howard, Knieriem, Littlepage and possibly other nearby roads for certain levels of heavy truck service [see III.B.2.b. and III.B.4.e.(vii)], it shall be a requirement of a conditional use review of any mining operation that an applicant submit the following as part of the proposed application:

1. A traffic management plan for normal operating conditions; and
2. A traffic management plan for extraordinary demands for aggregate and other rock materials supplied to a single site, such as a large public works project.

Pursuant to County policy procedures in MCC 11.60 and related Administrative Rules, the County Engineer will stipulate the mine operator's ~~fair share of the~~ costs for improvements to Howard, Knieriem, Littlepage and other roads which will be impacted by heavy truck traffic as identified in any approved traffic management plans and cost responsibility analysis.

NOTE: DRAFTING OF THIS PROGRAM REQUIREMENT IS NOT COMPLETE AS OF 8/19/94. IN CONSULTATION WITH COUNTY ENGINEERING STAFF THERE WILL BE ADDED AN OUTLINE OF ALL THE INFORMATION WHICH A COMPLETE TRAFFIC MANAGEMENT PLAN WOULD CONTAIN.

3. CONCLUSION

a. The aggregate resource at the Howard Canyon site is being designated to be protected for future aggregate expansion, subject to the limitations set forth above in subsection 2 of section C, Chapter IV. These limitations include 1) prohibition of certain conflicting uses on the aggregate site itself, 2) requiring construction of new noise sensitive uses within the "impact area" ~~(1200 feet around the "extraction zone")~~ to demonstrate that they will not conflict with mining operations to extract the aggregate resource, 3) determination at conditional use review of any mining operation application of an appropriate phasing of annual extraction amounts using attainment and maintenance of certain noise, water quality, and dust standards and the findings of a Traffic Management Plan as the basis for the phasing amounts ~~on-going demonstration by the mining operator (with independent validation) that Oregon Department of Environmental Quality (DEQ) standards regarding noise levels, air quality, and water quality are maintained,~~ and 4) various other standards.

b. The three significant streams in the Howard Canyon area which would be affected by the Howard Canyon quarry operation are being designated to be protected from degradation, subject to the conditions set forth above in subsection 1 of section C, Chapter IV. These limitations involve regulating conflicting uses in the riparian zone of the stream in order to maintain and enhance stream and stream bank economic, educational, public safety, recreational, and fish & wildlife habitat values.

c. In weighing the relative merits of the Howard Canyon quarry aggregate resource and the streams resources, the Program to Achieve the Goal would protect both resources. The potential impacts to streams from the quarry site would be eliminated by the protection measures, which include 1) verification that DEQ standards relating to water quality which protect the health, safety and welfare of Oregonians are met for mine runoff into the streams, and 2) prohibition of holding pond construction (holding ponds are used to reduce pollutants from mine runoff to acceptable levels) within the riparian zone of either Knieriem or Howard Canyon Creeks.

MEETING DATE: August 9, 1994

AGENDA NO: R-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 1-94a West Hills Reconciliation Report

BOARD BRIEFING **Date Requested:** _____

Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** August 9, 1994

Amount of Time Needed: 1 hour

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: R. Scott Pemble **TELEPHONE #:** 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 1-94a Board deliberation and adoption of the West Hills Reconciliation Report, an amendment to the Multnomah County Comprehensive Framework Plan.

1994 AUG -4 PM 1:19
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Betsy Williams

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

7/20/94 Submittal

MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

C 1-94a
July 13 thru July 22, 1994
Open Record Exhibits
West Hills

1. Applied Ecosystem Services (Richard Shepard)

2. Richard S. Shafer, Landscape Architect

Applied Ecosystem Services

2404 SW 22nd Street
Troutdale, OR 97060-1247
(503) 669-6672
CompuServe: 73557,2367
Internet: rshepard@novalink.com

July 18, 1994

R. Scott Pemble, Planning Director
Multnomah County Department of Environmental Services
2115 SE Morrison Street
Portland, OR 97214

C 1-94a

Subject: Appeal of Planning Commission's Decisions on West Hills and Howard Canyon Area Reconciliation Reports

Dear Scott:

With regard to the Angell Brothers quarry site in the West Hills, the Planning Commission is requiring that the southern and western portions of the property not be included in the future expansion of quarrying operations. The reason given for this decision is the proported need to maintain a half-mile corridor, or buffer zone, near the ridge top. Both the need for this buffer zone and its specific size are technically insupportable and not in compliance with the Statewide Planning Goal 5 rule.

You have been relying on two reports submitted as final products for contracts awarded by the county for the technical basis of this decision. One report was submitted by Houle in 1990, the other by Lev, Fugate, and Sharp in 1992. It is these reports which deny technical substantiation of the need for this buffer and for a width of one-half mile.

The source of the half-mile width requirement in the area of the Angell Brothers' property comes from the Lev, Fugate, Sharp report. On page 26 the first full paragraph reads,

"If existing trends in residential development and logging continue without regard to maintaining contiguous forested habitat throughout, isolation of Forest Park and the entire peninsula will result. to avoid such isolation, the forest habitat throughout the peninsula must be capable of supporting viable populations of resident species native to the area. The contiguous forest habitat should be wide enough to contain home ranges of smaller wildlife species, and longer corridors need to be wider to accomplish this (Noss 1987a; Houle 1990; Marcot, pers. comm. 1992). Houle (1990) suggested, on the basis of communications in 1989 with several nationally recognized experts (L.D. Harris, C. Maser, R. Noss) that a corridor no less than 1.5 mi wide would be necessary to assure long-term viability of populations of black bear, elk, and bobcats in Forest Park. In this case we assume that this objective includes the entire peninsula to be viewed simple as an extension of the much larger Coast Range forests. Maintenance of this peninsula as largely interconnected forest will assure its values as a timber resource as well as protecting wildlife, water quality and the special livability of our community."

Here are the important points regarding this statement:

1. This buffer width relates to sustaining populations of black bear, elk, and bobcats in Forest Park. This may not be either practical or desirable.

2. Nowhere do the authors (or Houle in her 1990 report) document the existence of these animals either in Forest Park or along the Tualatin Mountains between the park and the Coast Range. In addition, they never present any evidence that these animals use the Tualatin Mountains for movement between the Coast Range and Forest Park.

3. The threat to these animals is residential development and logging, according to the quote above. The county has continued to allow residential development so you cannot be too concerned about providing the recommended amount of habitat in this area. Logging is not under county control.

4. Despite saying that 1.5 miles (7,920 feet) is needed as a minimum width, Lev *et al.* recommend (further down on page 26) that a minimum of 0.5 miles (2,640 feet) be maintained. In her letter to Skip Anderson ("Wildlife Habitat Recommendations for Angell Brothers Quarry", dated July 1, 1992) she suggests that 200 meters (or 625 feet) would be adequate. It can be concluded that none of these distances are based in reality and that none are firm. Since Lev has recommended three different buffer widths, the county has no basis for arbitrarily picking one and holding firm to it.

5. Houle (1990) also does not present any data to support the presence or movement of these large mammals. While she presents a long list of birds found in the park, her Appendix II lists "home range requirements of mammals that occur in western Oregon Douglas fir forests". No data are presented on the presence or numbers of any of these species in the park or adjacent areas of the West Hills.

6. Houle implies that these large mammals move in and out of the park but presents neither data or references to support this claim. She then stretches logic to say that this is important because "these animals have been either eliminated entirely or dramatically reduced throughout the ***eastern*** United States" (emphasis added). She does not present any data, evidence, or scientific documentation that large animal presence in Portland's Forest Park would compensate for loss of large animal populations in the other side of the country. Further, she does not substantiate that there is any kind of a relationship between such widely dispersed populations.

7. The rest of Houle's report is a literature review which pulls examples from around the world and never documents what applies to the West Hills based on specific knowledge of this specific area. There is no effort made to show that any of her cited literature is pertinent to the local area.

Using the reports for which you have contracted, the county cannot defend its adoption of a half-mile width in the area of the Angell Brothers quarry. There is no scientific evidence which would justify not allowing expansion to the property boundaries. However, it can be shown that each different width is presented by the same author (two in the same report and on the same page) without any site-specific scientific rationale for any of them.

This inconsistent and unsupported buffer width does not comply with the Goal 5 rule's requirement that decisions be based on "the best available information". While no data may be "the best available information", it does not support the conclusion which you have drawn. The county's contractors have provided copies of field data sheets for vegetation, lists of birds observed in the region, but no verifiable data on mammals. In particular, there are no data which indicate that black bears, elk, or bobcat have been in these areas within recent history.

The operational and reclamation proposals by Angell Brothers eventually would, if accepted by the county, provide more and better quality habitat for a larger variety of wildlife than either exists now or would use the area proposed to be left by the reconciliation reports.

Sincerely,

Richard B. Shepard

Richard B. Shepard, Ph.D.
Principal

c: Steve Oulman/DLCD
Skip Anderson/Angell Brothers
Frank Parisi/Lane Powell Spears Lubersky

RECEIVED
JUL 19 1994
Multnomah County
Zoning Division

RICHARD S. SHAFFER
Landscape Architect

14916 N.E. Newport Street
Portland, Oregon 97230

July 20, 1994

Board of County Commissioners
Multnomah County
Planning Office
2115 S.E. Morrison St.
Portland, OR 97214

C1-94a

The enclosed report is written testimony for the July 26 hearing on the West Hills Reconciliation Report, and is submitted on behalf of the Sauvie Island Conservancy. Please include it in the record of the hearing.

Thank you.

Richard S. Shaffer

RECEIVED
JUL 2 2 1994
Multnomah County
Zoning Division

RICHARD STE. LING SHAFFER

Landscape Architect

14916 N.E. Newport Street
Portland, Oregon 97230

July 20, 1994

Sauvie Island Conservancy
c/o Donna Matrazzo
19300 Sauvie Island Road
Portland, OR 97231

At your request, I have reviewed the Multnomah County West Hills Reconciliation Report on Goal 5 Scenic Resources.

In general, I found that the staff reports (A. Significance Determination, B. Resource Analysis, and C. Resource Protection) were prepared using established principles and methods for visual resource analysis.

I have some comments on specific portions of the reports, which you may wish to include as part of your written testimony for the July 26, 1994 Board of County Commissioners hearing of appeals.

B. Resource Analysis, 2. Conflicting Uses, a. Viewing Parameters:

The final paragraph on page II-10 discusses the time duration of views from key viewing areas. The final sentence states that *"It may not be important to protect views that are seen for only a few seconds from a passing car."* That is a valid statement, but the converse of it is that it is important to protect views where there are longer time durations, which is the case for most of the key viewing areas for the study area.

C. Resource Protection, 1. Scenic Views of the West Hills, d. Program to Achieve the Goal:

The Standards for Protection of the Scenic Resource, while correctly stating their principal purposes, are written in terminology which makes compliance less than mandatory. Perhaps that was the intent of the authors and the Planning Commission.

The intent of a standard is determined by the "action word" verb. As the author of the Standards for the Scenic Resource in the Land and Resource Management Plan, Mt. Hood National Forest, 1990, I was instructed by management to select from three verbs, which would define the degree of compliance required:

Shall	**Action is mandatory**
Should	Action is required; however, case by case exceptions are acceptable if identified during interdisciplinary project planning environmental analyses. Exceptions are to be documented in environmental analysis public documents.
May	Action is optional. "May" Standards and Guidelines are included to emphasize resource intent or to clearly describe that a practice is available for use.

Recommendation

As presently written the standards all use the verb "should". I recommend that the County clarify the meaning of "should." As it is, I believe, and I think planners understand, that the applicant for a development will usually attempt to circumvent the intent of the standard.

As an example, the proposed standards concerning **Existing Vegetation** and **New Vegetation** could easily be avoided by claiming that compliance was not possible, or by simply planting one or two small replacement trees. If the intent of the standard is truly to provide for protection of the scenic resource, the standards for compliance need to be more specific; e.g., state the number of trees per unit of area to remain or be planted between the structure and the key viewer positions. The City of Portland Scenic Resources Plan, April 12, 1991 (Ordinance No. 163957) contains similar standards which are quite specific.

Richard S. Shaffer

7/26/94 Submittal

Leonard L Yoer
1101 N.W. HOYT, room 203
PORTLAND, OREGON, U.S.A. 97209
PHONE:(503) 223-6115

July 26, 1994

Multnomah County Board of Commissioners;

As Chair of the Planning Commission, I commend Planning Staff for their quality work in response to the State Remand Order as concerns Goal Five requirements for the West Hills and Howard Canyon. Given the short time frame, we should all appreciate the intense effort put forth by them.

I also appreciate the participation in the public hearings by representatives of the various State agencies. Their participation certainly clarified their roles, views and support systems.

West Hills: The Planning Commission generally agreed with Staff recommendations. The amended document reflects the best compromise to protect the Wildlife resource and still acknowledge the significance of the other three resources; hence the decision to conditionally approve Aggregate expansion in the front part and protect wildlife by not allowing aggregate expansion in the back part. There was some risk to Sscenic and Streams resources, but we were persuaded by testimony from state agency representatives that exposure could be mitigated.

Our primary concern is reflected in the amendments: compliance, reclamation, impact upon Burlington Bottoms. On site visits reflect that the last two years of public dialogue has focused attention by the aggregate owner and responsible state agencies toward improved adherence. However logging on private lands have had an adverse affect on these streams. We believe verification through independent consultants selected through bid by Staff will better serve the general public. Testimony of state agency representatives from DEQ and ORGAMI provided us insight on some suggested practices to mitigate impact on streams and scenic resources.

Howard Canyon: We agree with Staff on the significance of the two resources: Aggregate site and the studied Streams. Further we do not see any conflict between the two in declaring them both significant and protected. Planning Commission recognizes this process was not a mining permit approval process but recognition of the Aggregate as a significant resource.

Testimony was in considerable conflict about the level of truck traffic to/from the site and the actual amount of material being hauled. Some verification of actual amounts of material being mined should be conducted by the appropriate state agencies. Traffic impact is part of the mining permit approval process. There is a serious concern about the impact of aggregate truck traffic on the road system of the area as well as the quality of life. This should be carefully analyzed during the permit approval process. It should be noted that at its highest projected annual use, Howard Canyon will still mine only 1% of the annual amount at the Angell Brothers site.

Our other chief concerns deal with existing conditions and monitoring. In the case of the Streams, though we do not think the aggregate would adversely affect the streams, their existing poor conditions caused by grazing are a concern. As far as the Aggregate, closer monitoring by ORGAMI as to actual amounts be mined should be addressed. Traffic studies would also be helpful. Again the Planning Commission amendments reflect this concern, hence the independent consultant concept.

Kenneth L. Jones

7/26/94 SUBMITTAL

MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

C 1-94a
After July 22, 1994
Open Record Exhibits
West Hills

1. Oregon Department of Geology and Mineral Industries (Frank Schnitzer)

Oregon

DEPARTMENT OF
GEOLOGY AND
MINERAL
INDUSTRIES

MINED LAND
RECLAMATION

July 25,1994

Scott Pemble
Planning Director
Multnomah County Department of Environmental Services
Planning Division
2115 SE Morrison
Portland, OR 97232

VIA FAX 248-3389

RE: ID No. 26-0019, Angel Brothers Quarry

Dear Mr. Pemble:

Please accept this as part of the record for the July 26, 1994, appeal hearing for the West Hills Reconciliation Report. I understand that this letter will be accepted even though it is past the July 22, 1994, deadline for written comments. Prior commitments to complete field work has made it impossible to attend the hearing in person.

As I discussed at the June 13 public hearing, significant amount of reclamation has not been accomplished at the Angel Brothers Quarry because the quarry has been developed from the bottom of the deposit. If expansion is allowed in the uphill direction, attempting to reclaim the lower benches would be counter-productive. These existing benches will likely not be the final location of the excavation face. Depending upon the stable slope angle determined in the geotechnical evaluation, the location of these lower benches will be moved closer into the hillside.

Typically, quarry sites should be developed, mined, and reclaimed from the top down. In some cases this is not possible. Seismic information is an accepted method of mineral exploration and does provide information on mineral location. However, more detailed site-specific information is needed for the design and location of mine dumps and highwalls.

At the request of the operator, DOGAMI has delayed our request for the geotechnical evaluation until the land-use process is finished. This will allow the operator's consultant to develop detailed information on the areas approved for mining by Multnomah County. This information will be used to design bench locations, heights, and overall slope angle.

1536 Queen Avenue SE
Albany, OR 97321
(503) 967-2039

This is the reason DOGAMI has conditioned the Operating Permit to require more design and engineering work than what has already been completed; to work with both Multnomah County and the operator so that we don't require information for areas that may not receive county approval.

Once a stable slope angle is determined for both the overburden and the rock, and the maximum boundaries of the area approved for excavation is known, a final design for the highwall can be completed. Because of the naturally steep slopes and the fact that a stable slope angle will have to be maintained from the upper most bench (to be constructed) to the quarry floor, only a limited amount of removal can occur off of the upper benches. As I testified at the hearing, once this material is removed, concurrent reclamation can commence. ORS 517.820(2) requires that reclamation be completed three years after mining is completed. This requirement would apply to these excavation benches because no more material could be removed without violating the reclamation plan.

Sincerely,

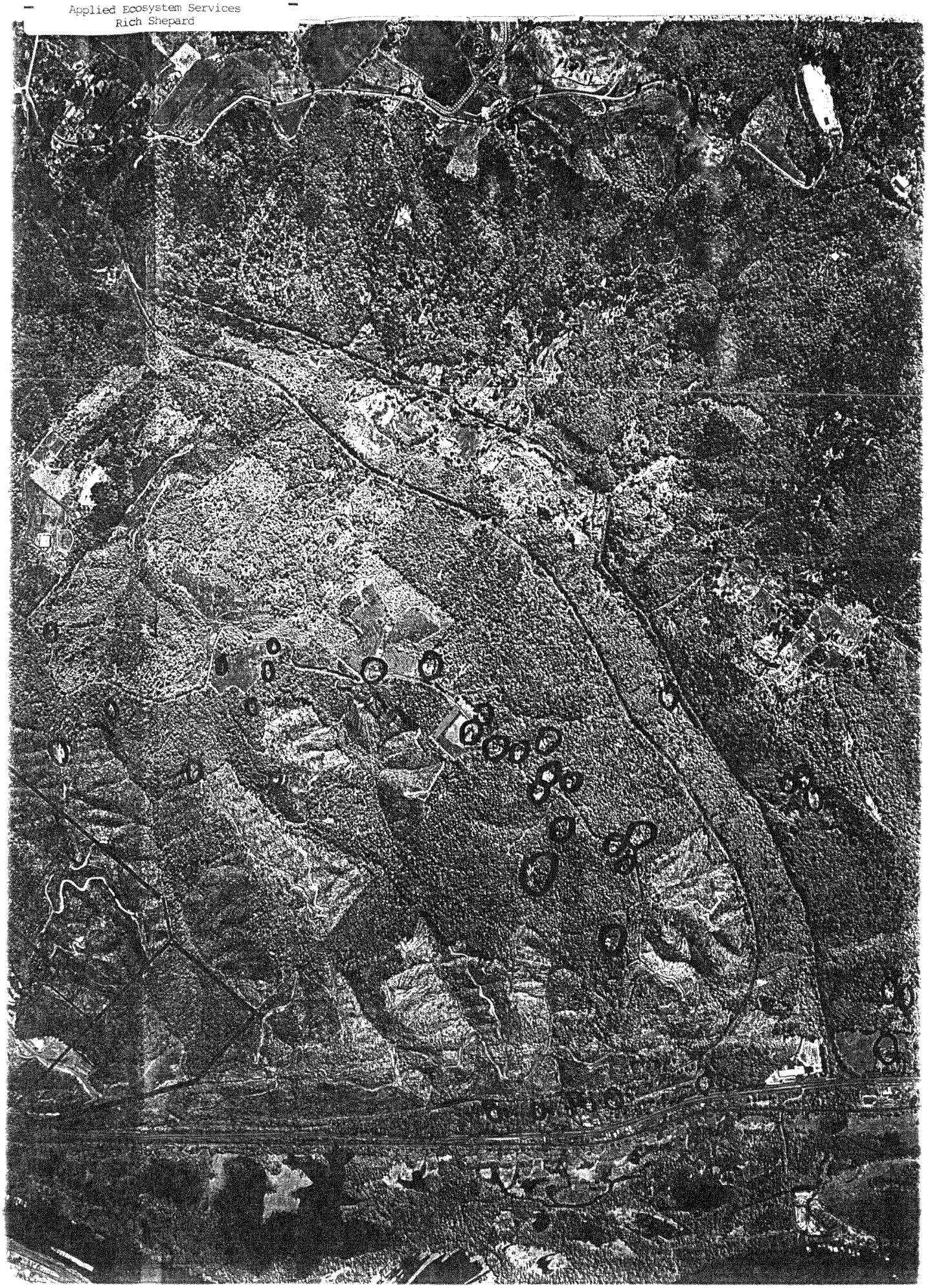
E. Frank Schnitzer

E. Frank Schnitzer
Reclamationist
Mined Land Reclamation

EFS
26-00190794.let

cc: Skip Anderson
Frank Parisi

EXHIBIT B
Applied Ecosystem Services
Rich Shepard



7/26/94
FRANK PARISI
SUBMITTAL

Supplier	*Comments*
Portland Sand & Gravel 10717 SE Division Street Portland, Oregon 252-3497	Dale Griffin, Vice President: Don't have any reserves. They are using the site for landfill and recycling.
Troutdale Sand & Gravel Troutdale, Oregon 665-4180	Ron Jacobsen, Office Manager: They have Ready-mix only. They do not produce any aggregate.
Porter Yett 5949 NE Cully Blvd. Portland, Oregon 282-3251	Rich Miller, Controller: They have not been producing since last summer. Their source is depleted. They crush a small amount of recycled concrete.
Gresham Sand & Gravel 1339 NW Eastwood Ave. Gresham, Oregon 666-5377	Roger Ekstrom, President: Confine sales to Gresham area where they can be competitive. If they hauled to Blazer Arena, the price would be $11.50-12.00/ cubic yard.
Estacada Rock Products 39400 River Mill Rd. Estacada, Oregon 630-5553	George Layng, Manager: Confine sales to local area where they can be competitive. They are too far out to compete in the Metro area. Their cost to haul to Blazer Arena is $13/cubic yard
Lone Star Northwest Portland	No information
Ross Island Sand & Gravel Southeast Portland	No information. But it is obvious that the Island is almost mined out, and the dams are preventing any new gravel from reaching the island.

Supplier	*Comments*
Gresham Sand & Gravel 1339 NW Eastwood Ave. Gresham, Oregon 666-5377	Roger Ekstrom, President: Confine sales to Gresham area where they can be competitive. Hauling to Blazer Arena would be at $11.50-$12.00/cubic yard.
Multnomah County	No information. County quarry does not make commercial sales.
Oregon Asphaltic Paving Portland, Oregon 252-1497	Roger Metcalf: They use their aggregate for asphalt only and do not sell commercially because of limited reserve
Rogers Construction Portland, Oregon	Same company as Oregon Asphaltic Paving
Portland Sand & Gravel 10717 SE Division St. Portland, Oregon 252-3497	They don't have any reserve. They are using the site for landfill and recycling
Porter Yett 5949 NE Cully Blvd. Portland, Oregon 282-3251	Rich Miller, Controller: Have not been producing since last summer as their source is depleted. They crush a small amount of recycled concrete

MULTNOMAH COUNTY LAND USE ACTIONS
Partitions and Single Family Residences
1989 to Present

Map	Zoning	Land Use No.	Type	Year	Designation	Tax Lot No.	Acreage
26-3N-2W	MUF-19	PRE9-90	SFR	1990	Forest Resource	5	21.13
34-3N-2W	CFU-80	CU12-90	SFR	1990	Nonresource	22	6.16
34-3N-2W	CFU-80	PRE28-92	SFR	1992	Forest Resource	11	12.20
35-3N-2W	CFU-80	PRE5-92	SFR	1992	Forest Resource	8	13.19
35-3N-2W	CFU-80	PRE6-92	SFR	1992	Forest Resource	7	13.19
35-3N-2W	CFU-80	PRE78-92	SFR	1992	Forest Resource	3, 5	40.00
36-3N-2W	MUF-19	PRE 17-90	SFR	1990	Forest Resource	9	18.50

Map	Zoning	Land Use No.	Type	Year	Designation	Tax Lot No.	Acreage
10-2N-2W	CFU	PRE10-90	SFR	1990	Forest Resource	10	20.00
10-2N-2W	CFU	CU3-92	SFR	1992	Nonresource	19	5.07
12-2N-2W	MUF-19	PRE6-91	SFR	1991	Forest Resource	5, 6	N/A
12-2N-2W	MUF-19	PRE13-91	SFR	1991	Forest Resource	1, 2	N/A
12-2N-2W	MUF-19	PRE19-92	SFR	1992	Forest Resource	4, 3	N/A
12-2N-2W			SFR	1993		River Road Tract, Block 3 & 4	N/A
13-2N-2W	MUF-19	PRE8-89	SFR	1989	Forest Resource	18	10.00
13-2N-2W	MUF-19	CU23-92	SFR	1992	Nonresource	24	5.00
14-2N-2W	MUF-19	CU18-92	SFR	1992	Forest Resource	26	4.45
14-2N-2W	MUF-19	PRE77-92	SFR	1992	Forest Resource	42	17.89
15-2N-2W	MUF-38	PRE30-89	SFR	1989	Forest Resource	4	19.53
22-2N-2W	MUF-38	PRE26-92	SFR	1992	Forest Resource	36	16.44
22-2N-2W	MUF-38	PRE39-92	SFR	1992	Forest Resource	35	14.13
23-2N-2W	MUF-19	LD28-89	Partition 2 lots	1989	Forest Resource	2	39.36
23-2N-2W	MUF-19	PRE29-89	SFR	1989	Forest Resource	2	19.00
23-2N-2W	MUF-19	PRE28-89	SFR	1989	Forest Resource	2	19.00
23-2N-2W	MUF-19	CU19-91	SFR	1991	Nonresource	37	8.37

Map	Zoning	Land Use No.	Type	Year	Designation	Tax Lot No.	Acreage
23-2N-2W	MUF-19	CU19-92	SFR	1992	Forest Resource	10	6.50
23-2N-2W	MUF-19	CU5-92	SFR	1992	Nonresource	19	1.65
23-2N-2W	MUF-19	PRE32-92	SFR	1992	Forest Resource	38	13.37
23-2N-2W		CFU	SFR	1993		37	N/A
24-2N-2W	MUF-19	PRE15-90	SFR	1990	Forest Resource	18	N/A
24-2N-2W	MUF-38	PRE1-92	SFR	1992	Forest Resource	12	22.00
24-2N-2W	MUF-19	PRE16-92	SFR	1992	Forest Resource	32, 33, 34	N/A
24-2N-2W	MUF-19	LD43-92	Partition 5 lots	1992	Forest Resource	20, 9, 14 8, 16	20.00 each
24-2N-2W	MUF-19	PRE35-92	SFR	1992	Forest Resource	1 of 5	20.00
24-2N-2W	MUF-19	PRE37-92	SFR	1992	Forest Resource	1 of 5	20.00
24-2N-2W	CFU-80		SFR	1993		9	25.06
24-2N-2W			SFR	1993		22-24	14.20
24-2N-2W			SFR	1993		12	22.00
25-2N-2W	MUF-19	PRE25-90	SFR	1990	Forest Resource	4, 6, 7, 8, 9, 10	N/A
25-2N-2W	MUF-19	PRE16-89	SFR	1989	Forest Resource	3	20.00
25-2N-2W	MUF-19	PRE10-91	SFR	1991	Wildlife Plan	7	10.78
25-2N-2W	MUF-19	PRE43-92	SFR	1992	Forest Resource	29	10.70
25-2N-2W	MUF-19		SFR	1993		12	29.06
26-2N-2W	MUF-19	PRE7-91	SFR	1991	Forest Resource	33	29.96
26-2N-2W	MUF-19	PRE15-91	SFR	1991	Forest Resource	30	6.20
26-2N-2W	MUF-19	CU10-91	SFR	1991	Nonresource	37	5.26
36-2N-2W	EFU	LD26-89	Partition 2 lots	1989	Farm Resource	3	20.00 each
36-2N-2W	EFU	PRE26-89	SFR	1989	Farm Resource	1 of 2	20.00
36-2N-2W	EFU	PRE27-89	SFR	1989	Farm Resource	1 of 2	20.00
36-2N-2W	MUF-19	LD17-89a	Partition 6 lots	1989	Forest Resource		176.78
36-2N-2W	MUF-19	PRE59-92	SFR	1992	Forest Resource	1 of 6	N/A
36-2N-2W	MUF-19	PRE60-92	SFR	1992	Forest Resource	1 of 6	N/A
36-2N-2W	MUF-19	PRE 61-92	SFR	1992	Forest Resource	1 of 6	N/A
36-2N-2W	MUF-19	PRE62-93	SFR	1992	Forest Resource	1 of 6	N/A
36-2N-2W	MUF-19	PRE63-92	SFR	1992	Forest Resource	1 of 6	N/A
36-2N-2W	MUF-19	PRE66-92	SFR	1992	Forest Resource	2	19.29
36-2N-2W	EFU		SFR	1994		29	3.00

Map	Zoning	Land Use No.	Type	Year	Designation	Tax Lot No.	Acreage
5-1N-1W	MUF-19	PRE5-91	SFR	1992	Forest Resource	19	5.61
5-1N-1W	MUF-19	PRE27-92	SFR	1992	Forest Resource	13	20.00
6-1N-1W		CU22-90	SFR	1990		59	9.29
6-1N-1W			SFR	1993		37	N/A
8-1N-1W	MUF-19	PRE10-92	SFR	1992	Forest Resource	20	36.18
8-1N-1W			SFR	1993		1	N/A
9-1N-1W			SFR	1993		4 & N 610' of 5	N/A
16-1N-1W	EFU		SFR	1993		2	20.72
16-1N-1W	EFU		SFR	1993		31	5.32
22-1N-1W			SFR	1993		2	2.80

Map	Zoning	Land Use No.	Type	Year	Designation	Tax Lot No.	Acreage
18-2N-1W	MUF-19	PRE56-92	SFR	1992	Forest Resource	92	12.75
19-2N-1W	MUF-19	PRE19-90	SFR	1990	Forest Resource	24	20.48
19-2N-1W	MUF-19	PRE20-90	SFR	1990	Forest Resource	31	26.08
19-2N-1W	MUF-19	PRE21-90	SFR	1990	Forest Resource	23	20.63
19-2N-1W	MUF-19	CU20-91	SFR	1991	Nonresource	32	7.46
19-2N-1W	MUF-19	PRE23-92	SFR	1992	Forest Resource	1/2 of 28	N/A
19-2N-1W	MUF-19	PRE24-92	SFR	1992	Forest Resource	1/2 of 28	N/A
20-2N-1W	MUF-19 & 38	LD-92	Partition 2 lots	1992		6	174.88
29-2N-1W	MUF-38	LD30-89	Partition 3 lots	1989	Forest Resource	Part of 9	39, 40 & 46
29-2N-1W	MUF-38	LD6-90	Partition 3 lots	1990	Forest Resource	4 and part of 9	38, 38 & 42
29-1N-1W	MUF-38	PRE9-92	SFR	1992	Forest Resource	18	44
30-2N-1W	MUF-38	LD23-89	Partition 3 lots	1989		1 & 14	20, 44 &46
30-2N-1W	MUF-38	LD7-90	Partition 2 lots	1990	Forest Resource		76
30-2N-1W	MUF-19	PRE7-90	SFR	1990	Forest Resource	7, 8, 9	N/A
30-2N-1W	MUF-19	PRE5-90	SFR	1990	Forest Resource	1, 2, 3	N/A
30-2N-1W	MUF-19	PRE6-90	SFR	1990	Forest Resource	4, 5, 6	N/A

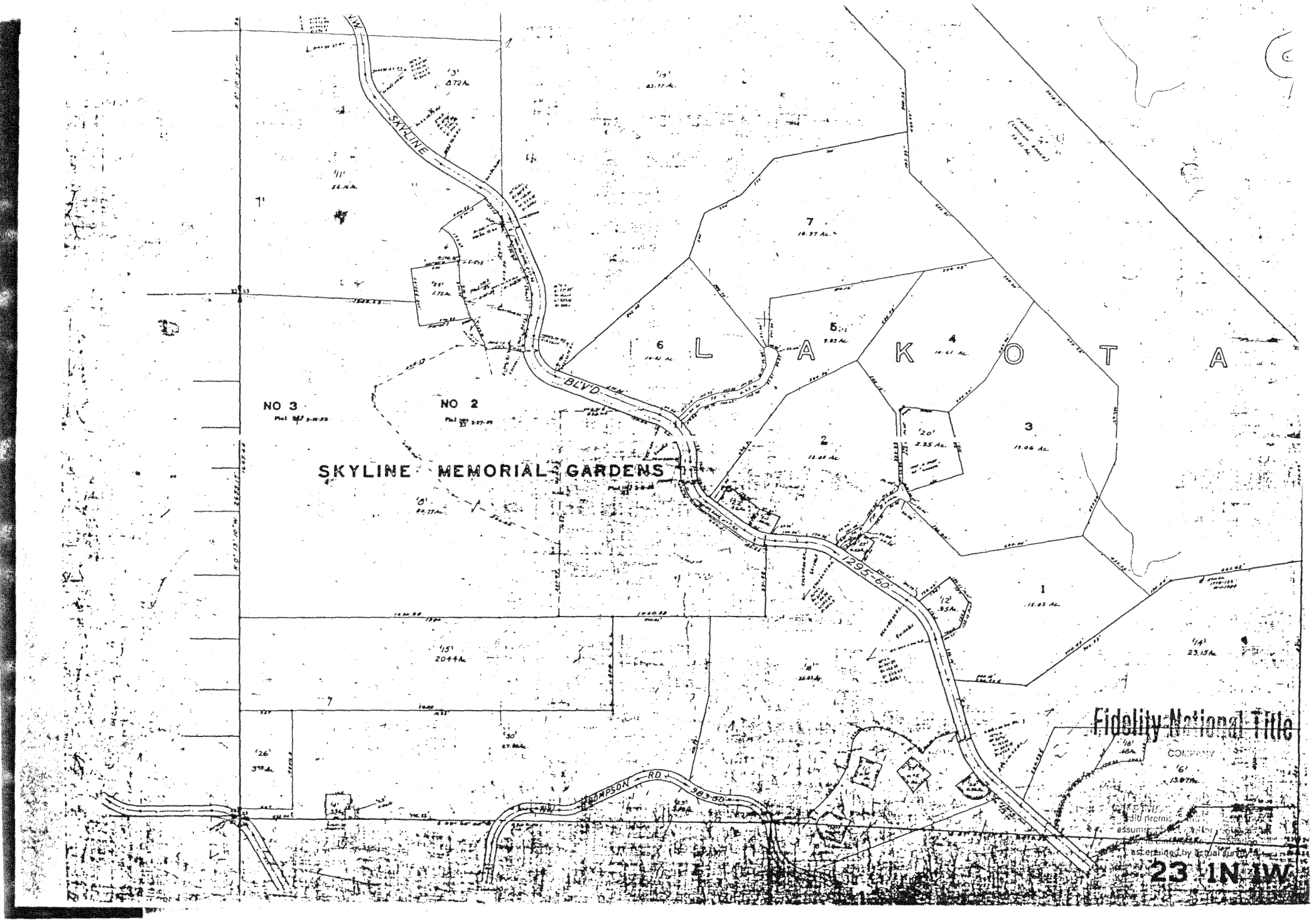
Map	Zoning	Land Use No.	Type	Year	Designation	Tax Lot No.	Acreage
30–2N–1W	MUF–19	PRE8–90	SFR	1990	Forest Resource	10, 11, 12	N/A
30–2N–1W	MUF–19	PRE12–90	SFR	1990	Forest Resource	12	11.22
30–2N–1W	MUF–38	PRE8–91	SFR	1991	Forest Resource	1 of 3	20
31–2N–1W			SFR	1993		57	2.86
32–2N–1W	MUF–19	PRE4–89	SFR	1989	Forest Resource	2	13.22
32–2N–1W	MUF–19	CU2–91	SFR	1991	Nonresource	34	1.99
32–2N–1W	MUF–19	PRE1–93	SFR	1993	Forest Resource	19	12.76
						TOTAL ACRES ACCOUNTED FOR	1,786.85

Addresses listed in Multnomah County Card Catalog as approved sites
which are not good addresses in the Multnomah County Assessor's Records

13151 N. W. Cheerio, SFR, 4/28/94, 16–1N–1W
14575 N. W. Germantown, SFR, 5/10/94, 8–1N–1W
13590 N. W. Riverview, SFR, 1/6/93, Lot 1–34, Block 2
13610 N. W. Riverview, SFR, 8/13/93, 28–2N–1W
16490 N. W. Sheltered Nook Road, SFR, 6/9/94, 24–2N–2W
12303 N. W. Skyline, SFR, 4/13/94, 31–2N–1W
16980 N. W. Skyline, Manufactured Home, 1/4/93, 2N–2W
17010 N. W. Skyline, Manufactured Home, 1/4/93
18600 N. W. Skyline, Manufactured Home, 1/23/93
9111 N. W. Skyline, SFR, 1994, 10–1N–1W
12033 N. W. Tualatin, SFR, 10/4/93, 10–1N–1W

The City of Portland has approved 474 new lots for single family dwellings. Grading permits have been issued on 216 of these lots. Below are the known subdivisions in the subject area which permits have been issued on.

Map	Subdivision	Year	No. of Lots
23-1N-1W	Lakota	1993	12
	Skyline Ridge South		25


SKYLINE BLVD.
NO 3
NO 2
SKYLINE MEMORIAL GARDENS
L A K O T A
1
2
3
4
5
6
7
1295-60
THOMPSON RD
903-50
Fidelity National Title
COMPANY
23 1N 1W

located on the East side of Skyline Blvd.

Lakota

(PHASE NO. 2)

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, in the City of Portland, in the County of Multnomah, Oregon.

SCALE: 1"=400'

BYCONSTOCK NORTHWEST, INC.
2480 S.E. BELMONT STREET
PORTLAND, OREGON 97214
PH. (503) 234-8112
PROJECT NO. 93-048

DATE OF MONUMENTATION
SEPT. 24, 1993

NARRATIVE:

The purpose of this survey is to subdivide a portion of that tract of land conveyed to WB PROPERTIES, a Joint Venture, by deed recorded JULY 17, 1991 in Book 2438 at Page 2107 Multnomah County Deed Records.

Plat bearings are based on the southwest line of Tract "A" on the plat of Lakota, shown as N 44°44'46" W.

Section corner and one-quarter corner monuments were held, and the West plat boundary line was established between the calculated mid points on the north and south lines of the northwest one-quarter corner of Section 23. This line was then intersected with the south right-of-way line of N.W. Saltzman Road (County Road No. 466, 30.00 feet wide) as travelled, and the northerly right-of-way line of N.W. Skyline Boulevard (County Road 1295, 60.00 feet wide).

The North line was established 15 feet southerly of the centerline of N.W. Saltzman Road (County Road No. 466) as dedicated.

The East line was established along the westerly boundary of the plat of LAKOTA extending from N.W. Saltzman Road to N.W. Skyline Boulevard.

The South plat boundary line was set by establishing the northerly right-of-way line of N.W. Skyline Boulevard (County Road 1295) with reference to the 1932 County Road map. Centerline monuments were found and held at Engineer's Stations 243+75.25 and 271+72.45. Monuments were also found and held at Engineer's Stations 264+00.25, 30 feet right, 270+81.47, 30 feet right, 283+48.88, 30 feet right, and 307+55.06, 30 feet right. Skyline Boulevard alignment was proportioned between the held monuments. The northwest and southeast corners of Section 23 were located by field survey and found to favorably agree with their locations as shown on County Road Map No. 1295.

REFERENCE SURVEYS

C S 5569
C S 38904
C S 41796
C S 50869
C S 51611

REFERENCE PLATS

Skyline Memorial Gardens
Skyline Memorial Gardens No. 2
Skyline Memorial Gardens No. 3
Lakota

OTHER COUNTY SURVEY RECORDS

Multnomah County Road Map No. 1295
Surveyor's and Viewer's Report - Co. Rd. No. 466
Bearing Tree and Corner Restoration Notes:

Book 4, Page 8
Book 4, Page 10
Book C, Page 50
Book C, Page 170
Book D, Page 253
Book D, Page 277

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 1987
JON T. FEIGION
2253
EXPIRES 12-31-1995

I HEREBY CERTIFY THAT THIS TRACING IS A TRUE AND EXACT COPY OF THE PLAT OF "LAKOTA" (PHASE NO. 2)

PLAT NOTES:

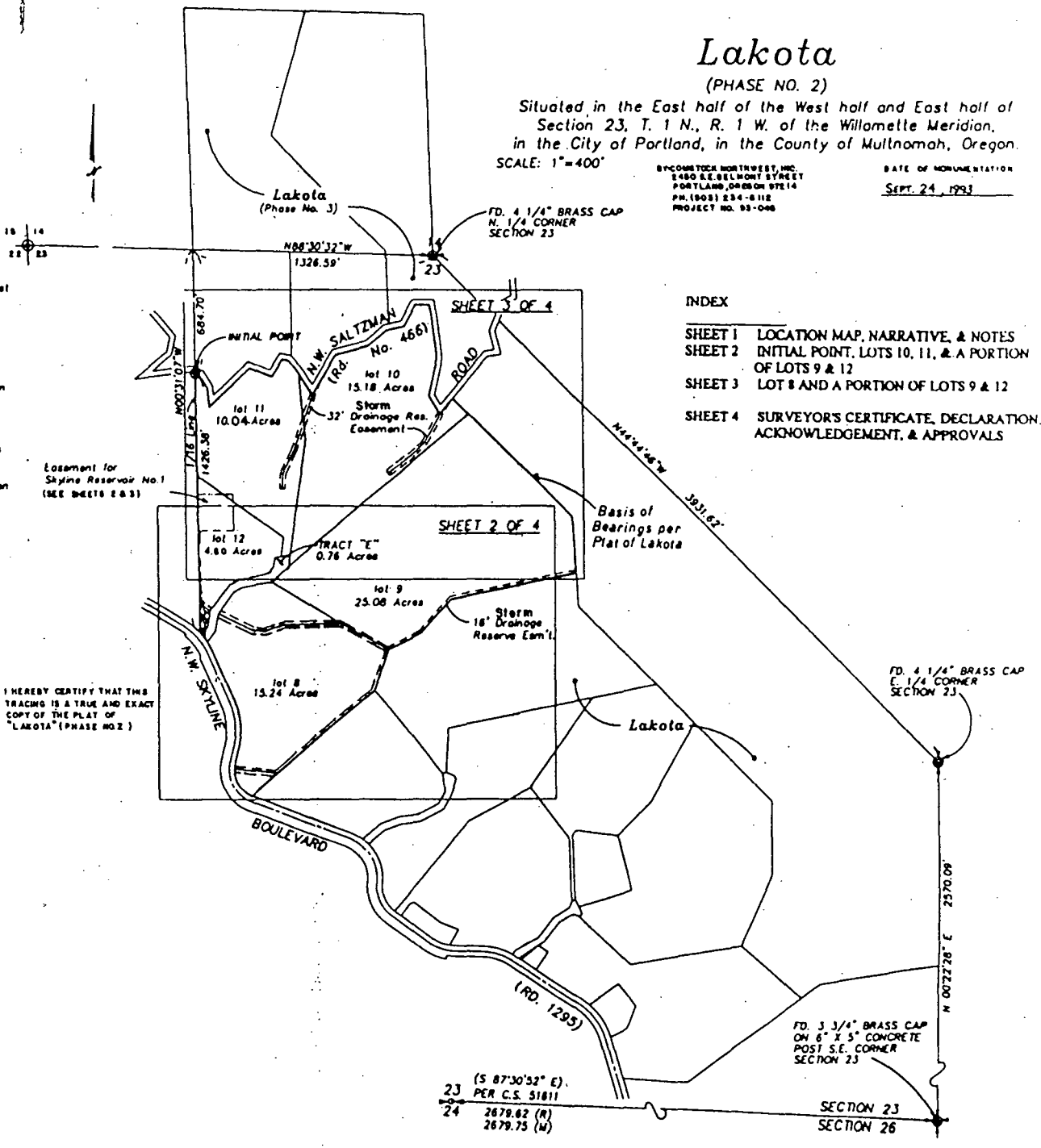
1. Tract "E" is reserved for use as a private roadway, and will be owned and maintained by the Lakota Homeowner's Association in accordance with the Declaration of Protective Covenants, Conditions, and Restrictions for Lakota as recorded in Book 2614 Pages 527

2. The storm drainage reserve easements to the City of Portland are perpetual easements for the purpose of storm water drainage, water quality, and for protection of a natural drainage reserve. These easement areas shall remain in natural topographic condition. No private structures, culverts, excavations or fills shall be constructed within these easements without prior written consent of the Director of the Bureau of Environmental Services. Storm drainage reserve easements are not for public recreational access.

3. This plat is subject to the conditions imposed by the City of Portland in the Report and Decision of the Hearings Officer, File Number LUR 91-00048 SU PU.

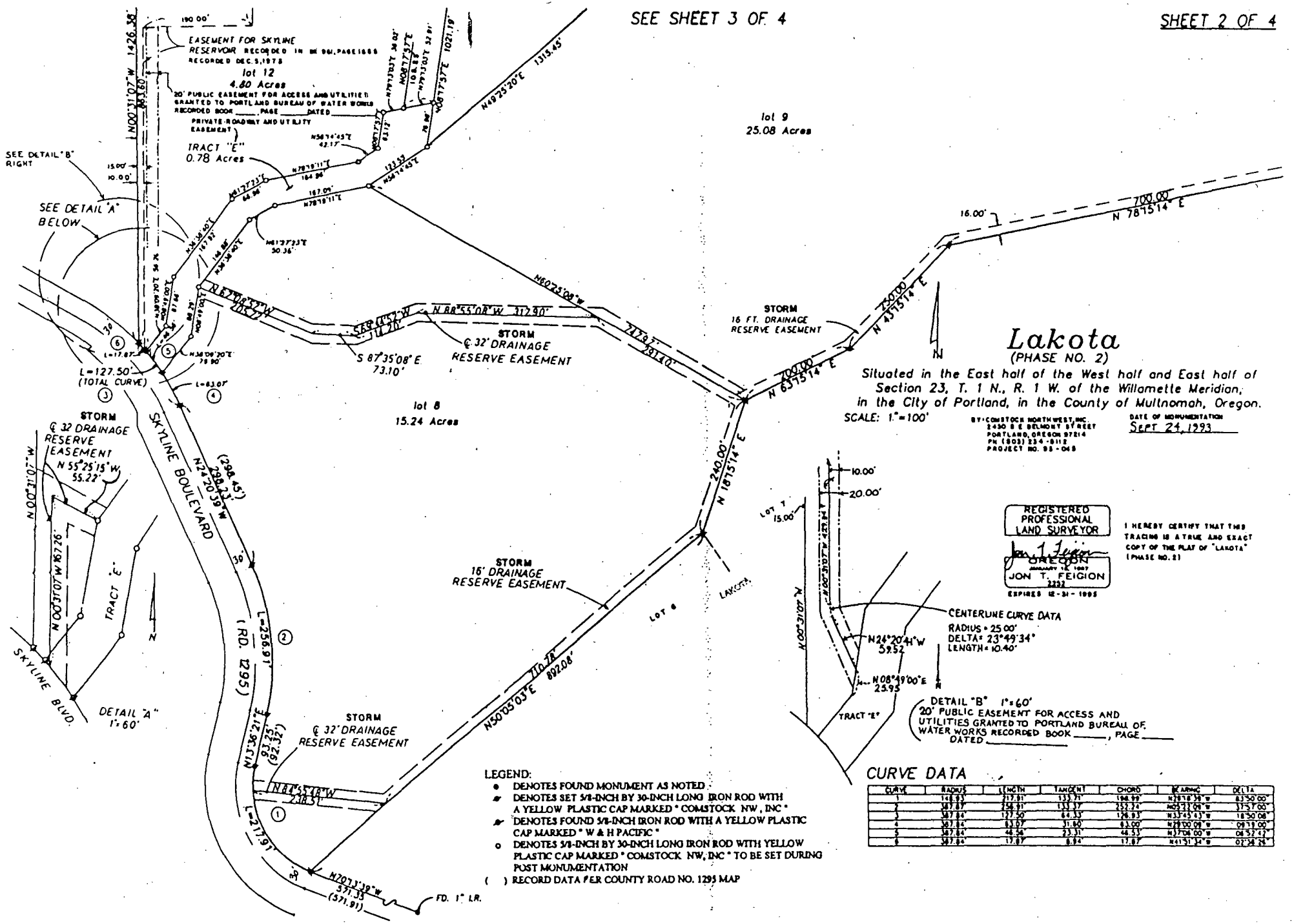
4. All Lots and Tracts on this plat are subject to the conditions set forth in the Conservation Covenant recorded in Book 2614 Page 293 in Multnomah County Deed Records.

5. Tract "E" - A common private access and utility easement shall exist over, under and across Tract "E", for ingress, egress, sanitary sewers, storm drainage, potable water lines, public and private utilities. No other facilities are to be located within this easement without prior written consent of the Director of the Bureau of Environmental Services AND PORTLAND BUREAU OF WATER WORKS.
IF PUBLIC SEWER FACILITIES ARE LOCATED WITHIN TRACT "E", AN EXCLUSIVE EASEMENT, TO MEET & "STATEMENT OF CONDITIONS FOR USE OF WATER FACILITY EASEMENT" RECORDED IN BOOK _____, PAGE _____, DATED _____, MULTNOMAH COUNTY DEED RECORDS.
FROM THE CENTERLINE ON BOTH SIDES OF THE PIPELINE, SHALL EXIST.



INDEX

SHEET 1 LOCATION MAP, NARRATIVE, & NOTES
SHEET 2 INITIAL POINT, LOTS 10, 11, & A PORTION OF LOTS 9 & 12
SHEET 3 LOT 8 AND A PORTION OF LOTS 9 & 12
SHEET 4 SURVEYOR'S CERTIFICATE, DECLARATION, ACKNOWLEDGEMENT, & APPROVALS



Lakota
(PHASE NO. 2)

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, in the City of Portland, in the County of Multnomah, Oregon.

SCALE: 1"=100'

BY: COMSTOCK NORTHWEST, INC.
2450 S.E. BELMONT STREET
PORTLAND, OREGON 97214
PH (503) 234-0112
PROJECT NO. 93-048

DATE OF MONUMENTATION
Sept 24, 1993

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 16, 1987
JON T. FEIGION
2252
EXPIRES 12-31-1995

I HEREBY CERTIFY THAT THIS TRACING IS A TRUE AND EXACT COPY OF THE PLAT OF "LAKOTA" (PHASE NO. 2)

LEGEND:
- ● DENOTES FOUND MONUMENT AS NOTED
- ◢ DENOTES SET 5/8-INCH BY 30-INCH LONG IRON ROD WITH A YELLOW PLASTIC CAP MARKED "COMSTOCK NW, INC"
- ◢ DENOTES FOUND 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W & H PACIFIC"
- o DENOTES 5/8-INCH BY 30-INCH LONG IRON ROD WITH YELLOW PLASTIC CAP MARKED "COMSTOCK NW, INC" TO BE SET DURING POST MONUMENTATION
- ( ) RECORD DATA PER COUNTY ROAD NO. 1295 MAP

CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	148.93'	217.91'	133.71'	198.99'	N29°18'38"W	83°50'00"
2	387.87'	256.91'	133.37'	252.24'	N05°21'08"W	37°57'00"
3	387.84'	127.50'	64.33'	126.93'	N33°45'43"W	18°50'08"
4	387.84'	83.07'	41.60'	83.00'	N29°00'09"W	09°51'00"
5	387.84'	46.56'	23.31'	46.53'	N37°06'00"W	06°52'42"
6	387.84'	17.87'	8.94'	17.87'	N41°51'34"W	02°38'26"

Lakota

(PHASE NO. 2)

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, in the City of Portland, in the County of Multnomah, Oregon.

SCALE: 1"=100'

BY: COMSTOCK NORTHWEST, INC.
2480 S.E. BELMONT STREET
PORTLAND, OREGON, 97214
PH. (503) 234-8112
PROJECT NO. 93-046

DATE OF MONUMENTATION
SEPT. 24, 1993

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 10, 1987
JON T. FEIGION
2232
EXPIRES 12-31-1995

I HEREBY CERTIFY THAT THIS TRACING IS A TRUE AND EXACT COPY OF THE PLAT OF "LAKOTA" (PHASE NO. 2)

LEGEND:
- ● DENOTES FOUND MONUMENT AS NOTED
- ○ DENOTES SET 5/8-INCH BY 30-INCH LONG IRON ROD WITH A YELLOW PLASTIC CAP MARKED "COMSTOCK NW, INC"
- ✱ DENOTES FOUND 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W & H PACIFIC"
- ○ DENOTES 5/8-INCH BY 30-INCH LONG IRON ROD WITH YELLOW PLASTIC CAP MARKED "COMSTOCK NW, INC" TO BE SET DURING POST MONUMENTATION
- [ ] INDICATES DATA FOR PUBLIC EASEMENT
- ----- PUBLIC EASEMENT FOR PEDESTRIAN, BICYCLE, AND EMERGENCY ACCESS
- INDICATES A 90° ANGLE

N 88°30'32" W 1326.60'
FND. BRASS CAP W. 1/4 CORNER SECTION 23
14
23
S 00°31'07" E 884.70'
SET A 5/8" BY 30" LONG IRON ROD WITH A YELLOW PLASTIC CAP MARKED "COMSTOCK NW, INC"
INITIAL POINT
N64°00'00"W 23.53'
N32°30'00"W 84.64'
N45°30'00"E 312.58'
N06°00'00"W 106.08'
N68°30'00"W 134.92'
N32°00'00"E 114.07'
N77°30'00"W 35.64'
N39°00'00"W 89.68'
N33°00'00"W 145.79'
N30°00'00"E 259.15'
N75°00'00"E 180.28'
N47°30'00"E 131.65'
N27°00'00"E 129.88'
N77°30'00"E 99.42'
N90°00'00"E 80.67'
N27°45'00"W 291.19'
N12°00'00"E 215.97'
N32°00'00"W 119.49'
N19°00'00"E 113.26'
N44°44'45"W 802.77'
N 03°28'54" W 309.36'
N78°15'47"E 700.00'
N44°44'45"W 924.42'
N43°35'20"E 1315.45'
N87°17'57"E 642.20'
719.18'
N00°31'07"W 1426.38'
362.76'
863.60'
N56°09'28"W 836.18'
N87°17'57"E 109.25'
S 87°17'57" W 53.81'
N 87°17'57" E 53.81'
N56°14'45"E 2.17'
S 87°17'57" W 42.17'
N 87°17'57" E 42.17'
N 87°17'57" E 122'
S 87°17'57" W 122'
N 87°17'57" E 122'
S 87°17'57" W 122'
N 87°17'57" E 122'
S 87°17'57" W 122

Lakota

(Phase No. 2)

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, partly in the City of Portland, all in the County of Multnomah, Oregon.

BY: COMSTOCK NORTHWEST, INC.
2450 S.E. BELMONT STREET
PORTLAND, OREGON 97214
PH. (503) 234-8112
PROJECT NO. 93-048

DATE OF MONUMENTATION
SEPT 24, 1993

SURVEYOR'S CERTIFICATE

I, Jon T. Feigion, ! . . . say that I have correctly surveyed and marked with proper monuments that land represented in the annexed map of LAKOTA (Phase No. 2) and at the initial Point I set a 5/8" BY 30" LONG IRON ROD WITH A YELLOW PLASTIC CAP MARKED "COMSTOCK NW INC" which bears North 88°30'32" West, 1326.60 feet and South 00°31'07" East, 684.70 feet from the North one-quarter corner of Section 23, Township 1 North, Range 1 West, of the Willamette Meridian, in the City of Portland and Multnomah County, Oregon; thence along the southerly line of N.W. Saltzman Road (County Road No. 466, being 30.00 feet wide) the following courses; South 64°00'00" East, 23.53 feet; thence South 32°30'00" East 84.64 feet; thence South 06°00'00" East, 106.08 feet; thence, continuing on the southerly line of said N.W. Saltzman Road, North 46°30'00" East, 312.58 feet; thence South 68°30'00" East, 134.92 feet; thence North 32°00'00" East, 114.07 feet; thence South 77°30'00" East, 35.64 feet; thence South 39°00'00" West, 89.68 feet; thence South 33°00'00" East, 145.79 feet; thence North 30°00'00" East, 259.16 feet; thence North 75°00'00" East, 180.28 feet; thence continuing on the southerly line of said N.W. Saltzman Road, North 47°30'00" East, 131.65 feet; thence North 77°30'00 East 99.42 feet; thence North 27°00'00" East, 129.88 feet, thence North 90°00'00" East, 80.67 feet; thence South 07°45'00" East, 291.19 feet; thence South 12°00'00" West, 215.97 feet; thence South 32°00'00" East 118.49 feet, thence North 38°00'00" East, 113.28 Feet to the southeasterly line of Tract "A", LAKOTA, a recorded plat; thence leaving said N.W. Saltzman Road right-of-way and running along said Tract "A" boundary the following courses, South 44°44'46" East, 924.43 feet; thence South 03°28'54" East, 309.38 feet to the most northerly corner of lot 7, LAKOTA; thence leaving said Tract "A" and running along the easterly line of said LAKOTA the following courses; South 78°15'14" West, 700.00 feet; thence South 43°15'14" West, 250.00 feet, thence South 63°15'14" West, 200.00 feet; thence South 18°15'14" West, 240.00 feet; thence South 50°05'03" West, 892.08 feet to the northerly right-of-way line of N.W. Skyline Boulevard (County Road No. 1295); thence leaving the easterly line of said LAKOTA and running 217.91 feet along the arc of a non-tangent 148.93 foot radius curve to the right through a central angle of 83°50' (the long chord of which bears North 28°18'39" West, 198.98 feet) to a point of tangency; thence North 13°36'21" East, 93.25 feet to a point of curvature; thence 256.91 feet along the arc of a 387.87 foot radius curve to the left (the long chord of which bears North 05°22'09" West 252.24 feet) to a point of tangency; thence North 24°20'39" West, 298.23 feet to a point of curvature, thence 127.50 feet along the arc of a 387.84 foot radius curve to the left through a central angle of 18°50'08" (the long chord of which bears North 33°45'43" West, 126.93 feet) to the easterly line of the west one-half of the northwest one-quarter of Section 23; thence leaving said northerly right-of-way line and running along said easterly line, North 00°31'07" West, 1426.38 feet to the Point of Beginning. THERE ARE NO RECORDED GEODETIC MONUMENTS WITHIN ONE HALF MILE OF THIS PLAT.

Contains 71.13 Acres.

INTERIOR CORNER MONUMENTATION

In accordance with O.R.S. 92.070, the interior corners of this subdivision have been correctly set with proper monuments. An affidavit has been prepared regarding the setting of said monuments and is recorded in Book _____, on pages _____, Multnomah County Deed Records, on _____ (RECORDING DATE)

APPROVED _____, 199

Multnomah County Surveyor

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS, THAT W Q PROPERTIES, A JOINT VENTURE, DOES HEREBY MAKE, ESTABLISH, AND DECLARE THE ANNEXED MAP OF LAKOTA (PHASE 2), BEING MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, A TRUE MAP AND PLAT THEREOF. ALL LOTS, TRACTS, AND EASEMENTS BEING THE DIMENSIONS SHOWN ON SAID MAP, AND THAT SAID W Q PROPERTIES DOES HEREBY CONSENT TO THE PREPARATION OF SAID MAP, AND CONVEYS ALL STORM DRAINAGE RESERVE EASEMENTS TO THE CITY OF PORTLAND, AND HEREBY GRANTS ALL EASEMENTS AS SHOWN AND NOTED ON SAID MAP. THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PLAT.

IN WITNESS THEREOF, I HEREUNTO SET MY HAND ON THIS 4th DAY OF August, 1993.

W Q PROPERTIES, A JOINT VENTURE

HOMER G. WILLIAMS

ACKNOWLEDGEMENT

STATE OF OREGON)
) ss
MULTNOMAH COUNTY)

BE IT REMEMBERED THAT ON THIS 4th DAY OF August, 1993 BEFORE ME A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED HOMER G. WILLIAMS, TO ME PERSONALLY KNOWN, WHO BEING DULY SWORN DID SAY THAT HE, HOMER G. WILLIAMS, DULY REPRESENTS SAID W Q PROPERTIES, A JOINT VENTURE BY AUTHORITY OF ITS GENERAL PARTNERS, AND THAT HE SIGNED THIS INSTRUMENT ON BEHALF OF SAID JOINT VENTURE AND ACKNOWLEDGES SAID DECLARATION TO BE A FREE ACT AND DEED.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF August, 1993

OFFICIAL SEAL
SUSAN L. GADOTTI
NOTARY PUBLIC - OREGON
COMMISSION NO. 015174
MY COMMISSION EXPIRES FEB 20 1998

As per O.R.S. 92.070 I also certify that the post-monumentation of the interior monuments in this subdivision will be accomplished within 90 calendar days following completion of improvements or one year following the original plat recordation, whichever comes first in accordance with O.R.S. 92.060

Jon T. Feigion, P.L.S. 2252

Subscribed and sworn to before me this 10th day of December, 1993

OFFICIAL SEAL
JEAN M. BALLENTINE-FEIGION
NOTARY PUBLIC - OREGON
COMMISSION No. 015741
MY COMMISSION EXPIRES MAY 31, 1996

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 1987
JON T. FEIGION
2252
EXPIRES 12-31-1998

I HEREBY CERTIFY THAT THIS TRACING IS A TRUE AND EXACT COPY OF THE PLAT OF "LAKOTA" (PHASE NO. 2)

APPROVALS

Approved this 26th day of January, 1994

CITY OF PORTLAND PLANNING DIRECTOR
By: Susan Feldman

Approved this 27th day of January, 1994

CITY OF PORTLAND HEARINGS OFFICER
By: Eglon L Armand

Approved this 15th day of December, 1994

CITY OF PORTLAND ENGINEER
By: G. R. Yuzon for

Approved this 1st day of MARCH, 1994

MULTNOMAH COUNTY SURVEYOR
By: Dennis V Quinn

All taxes, fees, assessments or other charges as provided by O.R.S. 92.095 have been paid as of MARCH 16th, 1994

DIRECTOR
DIVISION OF ASSESSMENT AND TAXATION
By: R L Smith
DEPUTY

Approved this Seventh day of March, 1994

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
Beverly Stein
COUNTY CHAIRPERSON

STATE OF OREGON }
COUNTY OF MULTNOMAH } ss

I do hereby certify that the attached subdivision plat was received for record and recorded MARCH 16, 1994 at 10:10 A.M. in book 1226 on pages 63-66

MULTNOMAH COUNTY RECORDING OFFICE
By: M. Walden Document No: 94-041547
DEPUTY

1224-36

SHEET 1 OF 6

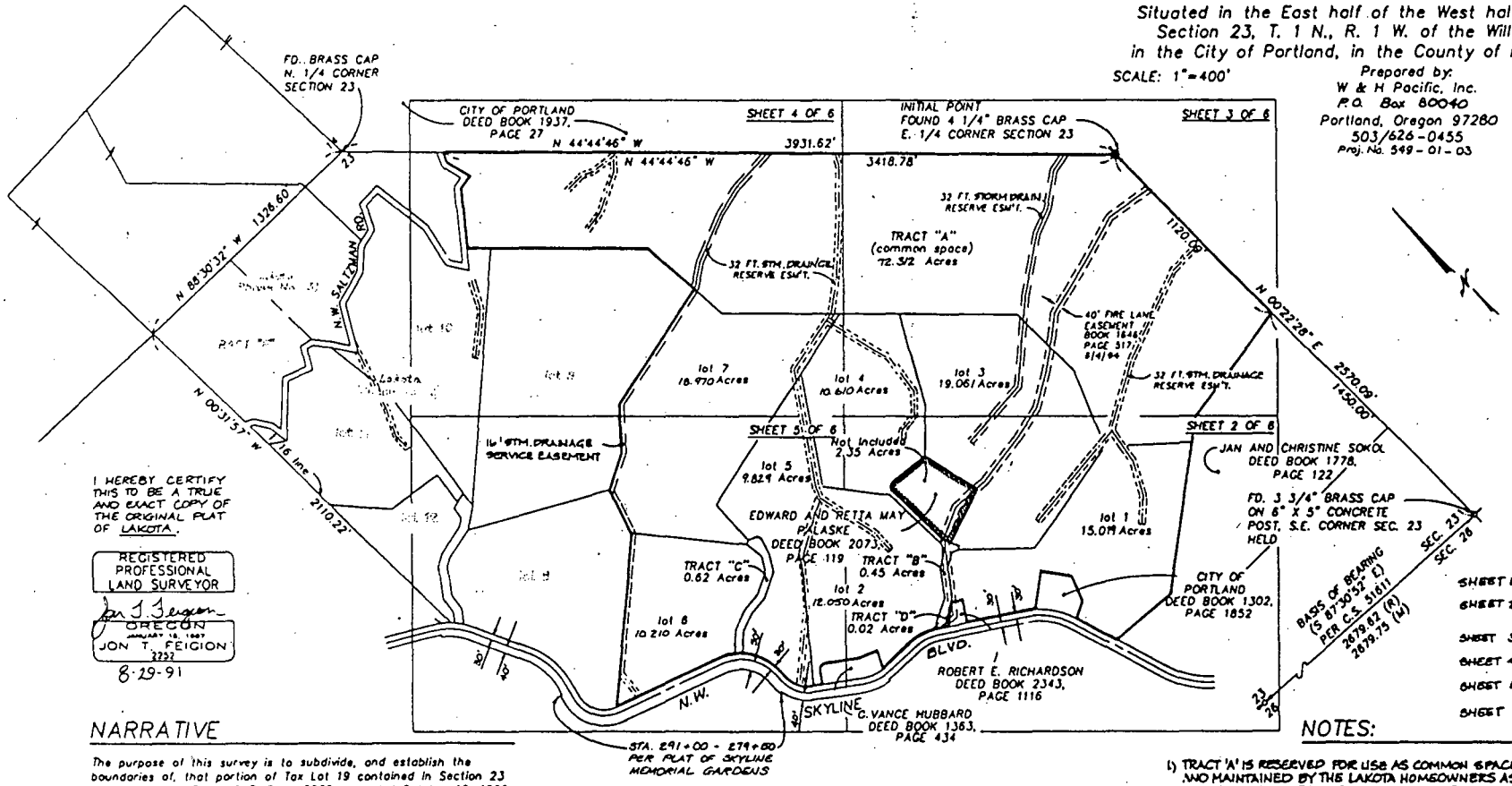
Lakota

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, in the City of Portland, in the County of Multnomah, Oregon.

SCALE: 1"=400'

Prepared by:
W & H Pacific, Inc.
P.O. Box 80040
Portland, Oregon 97280
503/626-0455
Proj. No. 549-01-03

AUGUST 26, 1991



I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF LAKOTA.

REGISTERED PROFESSIONAL LAND SURVEYOR
Jon T. Feigion
OREGON
JANUARY 18, 1985
JON T. FEIGION
2252
8-29-91

SHEET INDEX

SHEET 1	LOCATION MAP, NARRATIVE & NOTES
SHEET 2	GEODETIC MON. TIE, LOTS 1 & 2, & PORTION LOTS 23 & 24, & TRACT "A"
SHEET 3	PORTION TRACT "A" & LOTS 3 & 4
SHEET 4	PORTION TRACT "A" & LOTS 4 & 5
SHEET 5	LOTS 6 & 9 & PORTION LOT 7
SHEET 6	SURVEY CERTIFICATE, DECLARATION & APPROV.

NARRATIVE

The purpose of this survey is to subdivide, and establish the boundaries of, that portion of Tax Lot 19 contained in Section 23 as described in Book 1947, Page 2032, recorded October 16, 1986, Multnomah County Deed Records. (Reconveyed Bk. 2436 Pg. 2107, 7-17-91)

The bearings are based on the north line of the northeast one-quarter of Section 26 as shown on County Survey 51611 to be South 87°30'52" East.

The East line was established by holding the monuments found at the East quarter corner and the southeast corner of Section 23. The Southeast parcel corner was set by holding the deed distance of 1120.09' along that line

The South line was established by using the angles and distances along the North line of that parcel conveyed to Jon and Christine Sokol and described by deed recorded October 1, 1984 in Book 1778, Page 122, County Deed Records. The North line of that parcel was intersected with N.W. Skyline Boulevard (County Road 1295). Skyline Boulevard was established using the 1932 road map of County Road No. 1295. Centerline monuments were found and held at Engineer's Stations 243+75.25 and 271+91.47. Monuments were also found and held at Engineer's Stations 264+00.25, 30 feet right, 270+91.47, 30 feet right; 283+49.88, 30 feet right and 307+55.06, 30 feet right. Skyline Boulevard alignment was proportioned between the held monuments. The northwest and southeast corners of Section 23 were located by field survey and found to agree with their locations as shown on County Road Map No. 1295.

The Northeast parcel line was established between the monuments found at the North quarter corner and the East quarter corner of Section 23.

Phase lines were established as requested by the client, and calculated to intersect the exterior boundary.

Reference Surveys

C.S. 5569
C.S. 13132
C.S. 14837
C.S. 51611
C.S. 39580
C.S. 40852
C.S. 41796
C.S. 47896
C.S. 50869

Reference Plats

Skyline Memorial Gardens
Skyline Memorial Gardens No. 2
Skyline Memorial Gardens No. 3

Multnomah County Road No. 466 - Surveyor's and Viewer's Report
Multnomah County Road Map No. 1295
Multnomah County B.T. Notes:
Book 4, Page 8
Book 4, Page 10
Book C, Page 50, Page 43, Page 45
Book C, Page 170

NOTES:

1) TRACT 'A' IS RESERVED FOR USE AS COMMON SPACE, AND WILL BE CONVEYED TO AND MAINTAINED BY THE LAKOTA HOMEOWNERS ASSOCIATION IN ACCORDANCE WITH THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAKOTA AS RECORDED IN BOOK _____, PAGE _____.

2) TRACT 'B' & 'C' ARE RESERVED AS PRIVATE ROADWAYS AND WILL BE CONVEYED TO AND MAINTAINED BY THE LAKOTA HOMEOWNERS ASSOCIATION AT THE EXPENSE OF THE LOTS HAVING ACCESS TO SUCH TRACTS, AS PROVIDED IN THE DECLARATION. A COMMON PRIVATE ACCESS AND UTILITY EASEMENT SHALL EXIST OVER, UNDER AND ACROSS TRACTS 'B' & 'C' FOR INGRESS AND EGRESS, STORM DRAINAGE, POTABLE WATER LINES, PUBLIC AND PRIVATE UTILITIES.

3) TRACT 'D' IS RESERVED AS PRIVATE SIGN, LANDSCAPING AND UTILITY TRACT. IT WILL BE OWNED AND MAINTAINED BY THE LAKOTA HOMEOWNERS ASS'N.

4) THE STORM DRAINAGE RESERVE EASEMENTS TO THE CITY OF PORTLAND ARE PERPETUAL EASEMENTS FOR THE PURPOSE OF STORMWATER DRAINAGE, FLOOD CONTROL, WATER QUALITY, AND FOR PROTECTION OF A NATURAL DRAINAGE RESERVE. THE STORM DRAINAGE RESERVE EASEMENT AREAS SHALL REMAIN IN NATURAL TOPOGRAPHIC CONDITION. NO PRIVATE STRUCTURES, CULVERTS, EXCAVATIONS OR FILLS SHALL BE CONSTRUCTED WITHIN THESE EASEMENTS WITHOUT PRIOR WRITTEN CONSENT OF THE DIRECTOR OF THE BUREAU OF ENVIRONMENTAL SERVICES. STORM DRAINAGE RESERVE EASEMENTS ARE NOT FOR PUBLIC RECREATIONAL ACCESS.

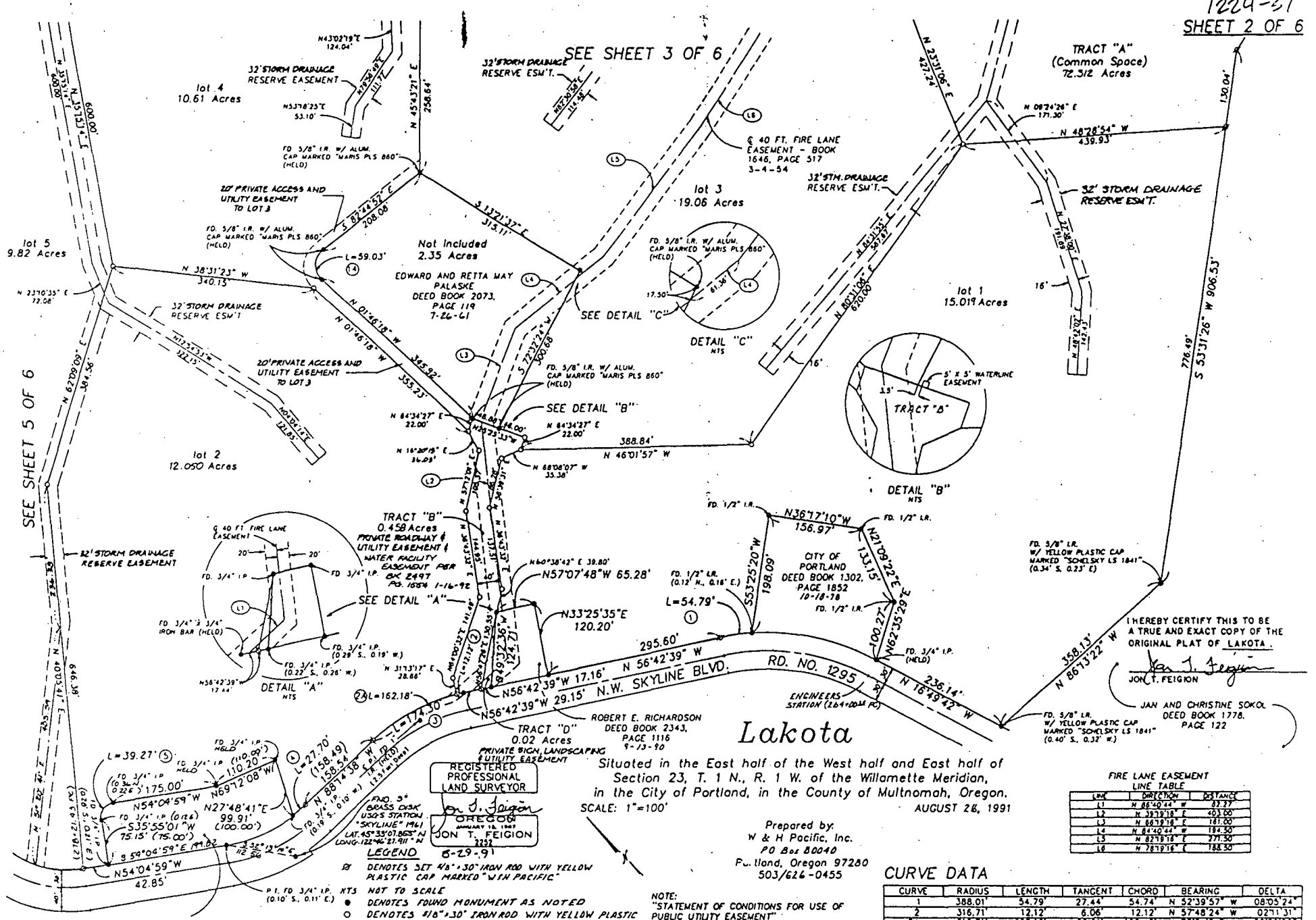
5) THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN THE REPORT AND DECISION OF THE HEARING OFFICER, FILE No. LUR 91-00048 SUPU.

6) ALL LOTS AND TRACTS ON THIS PLAT ARE SUBJECT TO THE CONDITIONS SET FORTH IN THE CONSERVATION COVENANT RECORDED IN BOOK _____, PAGES _____, IN MULTNOMAH COUNTY DEED RECORDS.

7) "STATEMENT OF CONDITIONS FOR USE OF WATER FACILITIES EASEMENT" RECORDED IN BOOK _____, PAGE _____, DATED _____, MULTNOMAH COUNTY DEED RECORDS.

1224-37

SHEET 2 OF 6



Lakota

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, in the City of Portland, in the County of Multnomah, Oregon.

SCALE: 1"=100'

AUGUST 28, 1991

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF LAKOTA.

JON T. FEIGION

Prepared by:
W & H Pacific, Inc.
PO Box 80040
Portland, Oregon 97280
503/624-0455

FIRE LANE EASEMENT LINE TABLE

LINE	DIRECTION	DISTANCE
L1	N 86°40'44" W	82.27'
L2	N 39°39'18" E	403.00'
L3	N 66°19'16" E	181.00'
L4	N 84°40'44" W	194.30'
L5	N 82°19'16" E	277.30'
L6	N 78°19'16" E	188.30'

CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	388.01'	54.79'	27.44'	54.74'	N 52°39'57" W	08°05'24"
2	316.71'	12.12'	6.06'	12.12'	N 57°48'24" W	02°11'31"
2A	316.71'	162.18'	82.91'	160.42'	N 73°34'24" W	29°20'28"
3	316.71'	174.30'	89.42'	172.11'	N 72°28'38" W	31°31'59"
4	256.49'	27.70'	13.86'	27.69'	N 85°09'00" W	06°11'16"
5	25.00'	39.27'	25.00'	35.36'	S 80°55'01" W	90°00'00"
14	34.16'	59.03'	40.00'	51.95'	N 47°41'46" E	99°00'13"

LEGEND

- ⊠ DENOTES SET 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W/H PACIFIC"
- NTS NOT TO SCALE
- ● DENOTES FOUND MONUMENT AS NOTED
- ○ DENOTES 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W/H PACIFIC" TO BE SET DURING POST-MONUMENTATION
- ( ) RECORD DATA PER COUNTY ROAD NO. 1285 MAP 1 TO DENOTE MONUMENT FALLINGS, COMMON SPACE, AND DEED DISTANCE

NOTE:
"STATEMENT OF CONDITIONS FOR USE OF PUBLIC UTILITY EASEMENT"

RECORDED IN BOOK _____, PAGE _____,

DATED _____,
MULTNOMAH COUNTY DEED RECORDS.

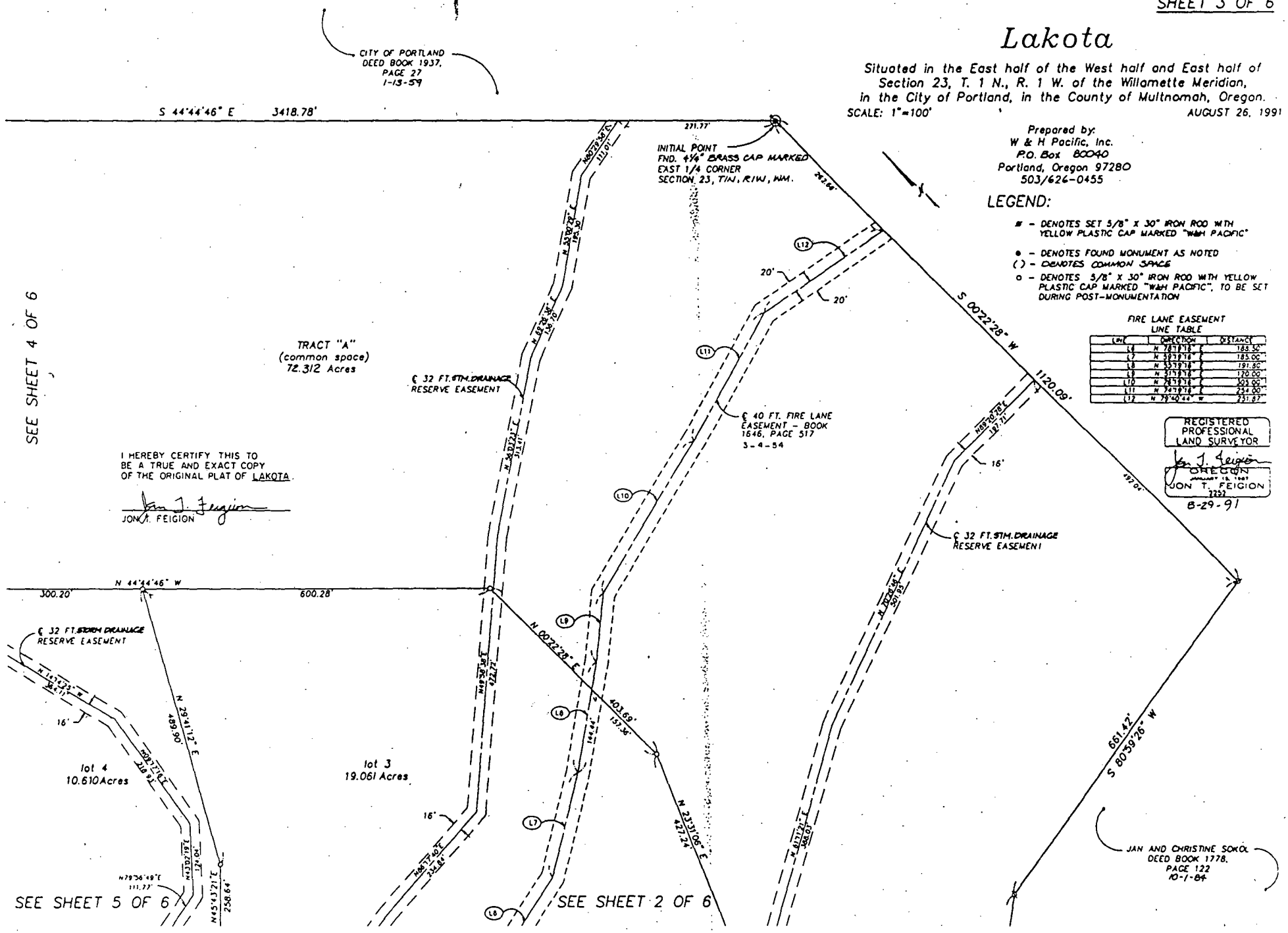
1224-38
SHEET 3 OF 6

Lakota

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, in the City of Portland, in the County of Multnomah, Oregon.

SCALE: 1"=100' AUGUST 26, 1991

Prepared by:
W & H Pacific, Inc.
P.O. Box 80040
Portland, Oregon 97280
503/626-0455

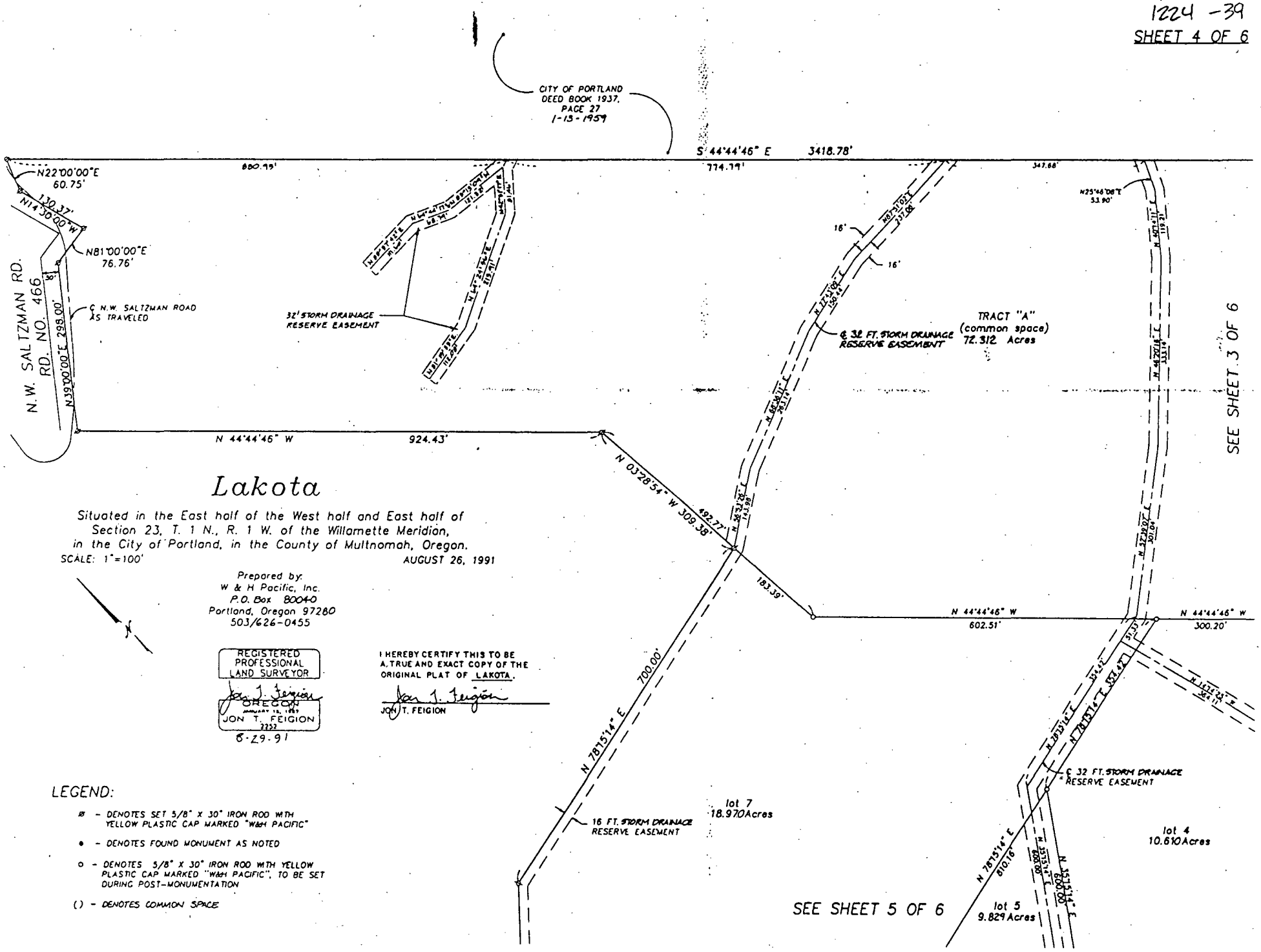


LEGEND:

- ⊠ – DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W&H PACIFIC"
- ● – DENOTES FOUND MONUMENT AS NOTED
- ( ) – DENOTES COMMON SPACE
- o – DENOTES 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W&H PACIFIC", TO BE SET DURING POST-MONUMENTATION

FIRE LANE EASEMENT
LINE TABLE

LINE	DIRECTION	DISTANCE
L6	N 78°19'16" E	185.56'
L7	N 55°19'16" E	185.00'
L8	N 55°19'16" E	191.80'
L9	N 31°19'16" E	120.00'
L10	N 78°19'16" E	305.00'
L11	N 76°19'16" E	254.00'
L12	N 79°40'44" W	251.87'



Lakota

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, in the City of Portland, in the County of Multnomah, Oregon.

SCALE: 1"=100' AUGUST 26, 1991

Prepared by:
W & H Pacific, Inc.
P.O. Box 80040
Portland, Oregon 97280
503/626-0455

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 13, 1989
JON T. FEIGION
2252
6-29-91

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF LAKOTA.

JON T. FEIGION

LEGEND:

- ⊠ - DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W&H PACIFIC"
- • - DENOTES FOUND MONUMENT AS NOTED
- o - DENOTES 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W&H PACIFIC", TO BE SET DURING POST-MONUMENTATION
- () - DENOTES COMMON SPACE

1224-40

SHEET 5 OF 6

Lakota

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, in the City of Portland, in the County of Multnomah, Oregon.

SCALE: 1"=100' AUGUST 26, 1991

Prepared by:
W & H Pacific, Inc.
PO Box 80040
Portland, Oregon 97280
503/626-0455

CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
6	161.07'	158.14'	86.10'	151.87'	N 25°57'19" W	56°15'19"
7	268.75'	214.42'	113.29'	208.78'	N 20°41'04" W	45°42'49"
8	268.75'	40.33'	20.20'	40.29'	N 47°50'25" W	08°35'49"
9	268.75'	84.85'	42.78'	84.50'	N 61°10'03" W	18°05'22"
10	268.75'	339.60'	196.70'	317.45'	N 34°01'39" W	72°24'00"

LEGEND:

- ⊠ - DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W&H PACIFIC"
- • - DENOTES FOUND MONUMENT AS NOTED
- o - DENOTES 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "W&H PACIFIC", TO BE SET DURING POST-MONUMENTATION
- ( ) - RECORD DATA PER CO. RD. MAP NO. 1295
- NTS NOT TO SCALE

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 1987
JON T. FEIGION
2252
8-29-91

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF LAKOTA.

JON T. FEIGION

SEE SHEET 4 OF 6
SEE SHEET 2 OF 6

lot 7 18.970Acres
lot 6 10.210Acres
lot 5 9.829 Acres
lot 4 10.61 Acres
lot 2 12.050Acres

16 FT. STORM DRAINAGE RESERVE EASEMENT
32' STORM DRAINAGE RESERVE EASEMENT
10' PRIVATE STORM SEWER EASEMENT
TRACT "C" 0.646Acres PRIVATE ROADWAY AND UTILITY EASEMENT & WATER FACILITY EASEMENT PER BK 2497 PG 1554 1-16-92
DETAIL "D" NTS
N.W. SKYLINE BOULEVARD
RD. NO. 1295
ENGINEER'S STATION (289+21.18)
ENGINEER'S STATION (280+48.42)
(280+09.07 PT')
50'-40' AT STA. 279+50 PER VAC. ORD. 3083 8-27-63
(270+21.43 PC)

1224-41
SHEET 6 OF 6

Lakota

Situated in the East half of the West half and East half of Section 23, T. 1 N., R. 1 W. of the Willamette Meridian, partly in the City of Portland, all in the County of Multnomah, Oregon.

AUGUST 26, 1991

Prepared by:
W & H Pacific, Inc.
P.O. Box 80040
Portland, Oregon 97280
503/626-0455

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF LAKOTA.

Jon T. Feigion
JON T. FEIGION

SURVEYOR'S CERTIFICATE

I, Jon T. Feigion, being first duly sworn, depose and say that I have correctly surveyed and marked with proper monuments that land represented in the annexed map of "LAKOTA" and at the Initial Point I found a 4 1/4 inch brass cap located at the east one-quarter corner of Section 23 in Township 1 North, Range 1 West, of the Willamette Meridian in the City of Portland and Multnomah County, Oregon, thence from the Initial Point and along the east line of said Section 23 South 00°22'28" West 1120.09 feet to a point on the northerly line of that tract of land conveyed to Jon and Christine Sokol and described in Deed Book 1778 at page 122, Recorded 6-8-82; thence along the northerly line of said Sokol tract South 80°59'26" West 661.42 feet, thence South 53°31'26" West 906.53 feet; thence North 86°13'22" West 358.13 feet to the easterly line of N.W. Skyline Boulevard (County Road no. 1295); thence along the easterly line of said N.W. Skyline Boulevard North 16°49'42" West 236.14 feet to a point of curvature at Engineer's station 264+00.25, per Map of Road 1295, said point also being the most southerly corner of a tract of land conveyed to the City of Portland, and described by deed recorded October 18, 1978 in Book 1302, Page 1852, thence along the southerly, easterly and northerly lines of said City of Portland tract as follows: North 62°35'39" East 100.27 feet to a 1/2" iron rod; thence North 21°09'22" East 133.15 feet to a 1/2" iron rod; thence North 36°17'10" West 156.97 feet to a 1/2" iron rod; thence South 53°25'20" West 198.09 feet to the non-radial intersection of a curve on the easterly line of said N.W. Skyline Boulevard, the radius point of which bears South 41°22'45" West 388.01 feet; thence 54.79 feet along the arc of said 388.01 foot radius curve to the left through a central angle of 08°05'24" (the long chord of which bears North 52°38'57" West 54.74 feet) to a point of tangency; thence North 56°42'39" West 295.60 feet to the southeasterly line of that tract of land conveyed to Robert E. Richardson and described in a deed recorded September 13, 1990 in Deed Book 2343 at page 1116, Multnomah County Records; thence along the easterly, northerly and westerly lines of said Richardson tract as follows: North 33°25'35" East 120.20 to a 3/4" iron pipe; thence North 57°07'48" West 65.28 feet to a 3/4" iron pipe; thence South 49°32'36" West 124.71 feet to the intersection of the easterly line of said N.W. Skyline Boulevard; thence along the said N.W. Skyline Boulevard easterly line North 56°42'39" West 46.31 feet to a point of curvature; thence 174.30 feet along the arc of a 316.71 foot radius curve to the left through a central angle of 31°31'59" (the long chord of which bears North 72°28'38" West 172.11 feet) to a point of tangency; thence North 88°14'38" West 158.54 feet to a point of curvature; thence 27.70 feet along the arc of a 256.49 foot radius curve to the right through a central angle of 06°11'16" (the long chord of which bears North 85°09'00" West 27.69 feet) to the southeasterly line of a tract of land conveyed to C. Vance Hubbard and described in a deed recorded 6-29-79 in book 1363 at page 434 of the Multnomah County Records; thence along the easterly, northerly and westerly lines of said Hubbard tract as follows: leaving the N.W. Skyline Boulevard easterly line on a non-radial bearing North 27°48'41" East 99.91 feet to a 3/4" iron pipe; thence North 69°12'08" West 110.20 feet to a 3/4" iron pipe; thence North 54°04'59" West 175.00 feet to a point of curvature, thence 39.27 feet along the arc of a 25.00 foot radius curve to the left through a central angle of 90°00'00" (the long chord of which bears South 80°55'01" West 35.36 feet) to a Point of Tangency; thence South 35°55'01" West 75.15 feet to the intersection of the easterly line of said N.W. Skyline Boulevard thence along the easterly line of said N.W. Skyline Boulevard North 54°04'59" West 42.85 feet to a point of curvature; thence 158.14 feet along the arc of a 161.07 foot radius curve to the right through a central angle of 56°15'19" (the long chord of which bears North 25°57'19" West 151.87 feet) to a point of tangency; thence North 02°10'21" East 39.37 feet to a point of curvature at Engineer's Station 280+48.21; thence 339.60 feet along the arc of a 268.75 foot radius curve to the left through a central angle of 72°24'00" (the long chord of which bears North 34°01'39" West, 317.45 feet); thence North 70°13'39" West 571.35 feet to a point of curvature at Engineer's Station 289+21.79; thence leaving the easterly line of said N.W. Skyline Boulevard North 50°05'03" East, 892.08 feet; thence North 18°15'14" East, 240.00 feet; thence North 63°15'14" East, 200.00 feet; thence North 43°15'14" East, 250.00 feet; thence North 78°15'14" East, 700.00 feet; thence North 03°28'54" West, 309.38 feet; thence North 44°44'46" West, 924.43 feet to the southerly line of N.W. Saltzman Road (County Road No. 466), being 30.00 feet wide; thence continuing along said southerly line the following courses: North 39°00'00" East, 258.00 feet, North 8°00'00" East 76.76 feet, North 14°30'00" West, 130.37 feet, and North 22°00'00" East, 60.75 feet to the intersection of the southwesterly line of that tract of land conveyed to the City of Portland and described in a deed recorded January 13, 1959 in Deed Book 1937 at Page 27; said line also being a line which extends from the North one-quarter corner to the east one-quarter corner of said Section 23, thence along said City of Portland line South 44°44'46" East 3418.78 feet to the said east one-quarter corner, being the Initial Point and Point of Beginning.

SURVEYOR'S CERTIFICATE (cont.)

Excepting therefrom the following described tract:

Beginning at the most northerly corner of that tract of land noted on CS 5004A and conveyed by deed in Book 533, Page 1124, 11-4-66, Multnomah County Deed Records; thence North 45°27'31" East, 288.86 feet; thence North 01°36'08" West 50.07 feet to an iron rod at the TRUE POINT OF BEGINNING (said point being on the westerly line of that parcel conveyed to Edward and Retta May Palaske in Book 2073, Page 119, 7-26-61); thence on the westerly line of said Palaske parcel, North 01°46'18" West, 345.32 feet to an iron rod; thence northeasterly, on a 34.16 foot radius curve concave to the southeast (the chord bears North 47°41'48" East 51.95 feet), 59.03 feet to an iron rod; thence South 82°44'52" East, on the north line of said Palaske tract, 208.08 feet to an iron rod; thence South 13°21'37" East, 315.11 feet to an iron rod; thence South 72°32'24" West, 300.68 feet to an iron rod, thence North 25°25'33" West, 46.88 feet to the TRUE POINT OF BEGINNING. A 5/8" Iron Rod with aluminum cap Marked "Harris PLS 860"

Contains 169.84 acres.

Jon T. Feigion 8-29-91
Jon T. Feigion, P.L.S. 2252

Subscribed and sworn to before me this 29th day of August 1991.

Judith A Brown
JUDITH A. BROWN
NOTARY PUBLIC-OREGON
My Commission Expires 10-10-94

INTERIOR CORNER MONUMENTATION

In accordance with O.R.S. 92.070, the interior corners of this subdivision have been correctly set with proper monuments. An affidavit has been prepared regarding the setting of said monuments and is recorded in Book _____ on pages _____, Multnomah County Deed Records.

Multnomah County Surveyor

ACKNOWLEDGEMENT

STATE OF OREGON }ss
COUNTY OF MULTNOMAH }

BE IT REMEMBERED THAT on this 29th day of August 1991, before me, a Notary Public in and for said State and County, personally appeared HOMER G. WILLIAMS, to me personally known, who being duly sworn did say that he, HOMER G. WILLIAMS, duly represents said W.Q. PROPERTIES, a Joint Venture by authority of its General Partners, and that he has signed this instrument on behalf of said Joint Venture and acknowledges said declaration to be a free act and deed.

Judith A Brown
JUDITH A. BROWN
NOTARY PUBLIC-OREGON
My Commission Expires 10-10-94

As per O.R.S. 92.070 I also certify that the post monumentation of the interior monuments in this subdivision will be accomplished within 90 calendar days following completion of improvements or one year following the original plat recordation, whichever comes first in accordance with O.R.S. 92.060.

Jon T. Feigion
Jon T. Feigion, P.L.S. 2252

Subscribed and sworn to before me this 29th day of August, 1991.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 1987
JON T. FEIGION
2252

DECLARATION

KNOW ALL MEN BY THESE PRESENTS, that W.Q. PROPERTIES, a Joint Venture, does hereby make, establish, and declare the annexed map of LAKOTA, being more particularly described in the accompanying Surveyor's Certificate, a true map and plat thereof, all lots, tracts and easements being the dimensions shown on said map, and that said W.Q. PROPERTIES does hereby consent to the preparation of said map. There are no water rights appurtenant to this plat.

IN WITNESS THEREOF, I hereunto set my hand and seal on this 29th day of August, 1991.

W.Q. PROPERTIES, a Joint Venture.

HOMER G. WILLIAMS

Judith A Brown
JUDITH A. BROWN
NOTARY PUBLIC-OREGON
My Commission Expires 6-10-94

APPROVALS

Approved this 5th day of May, 1992
CITY OF PORTLAND PLANNING DIRECTOR
By: Susan Feldman

Approved this 6th day of May, 1992
CITY OF PORTLAND HEARINGS OFFICER
By: Elizabeth A. Normand

Approved this 17th day of January, 1992
CITY OF PORTLAND ENGINEER
By: E.O. Schmidtke

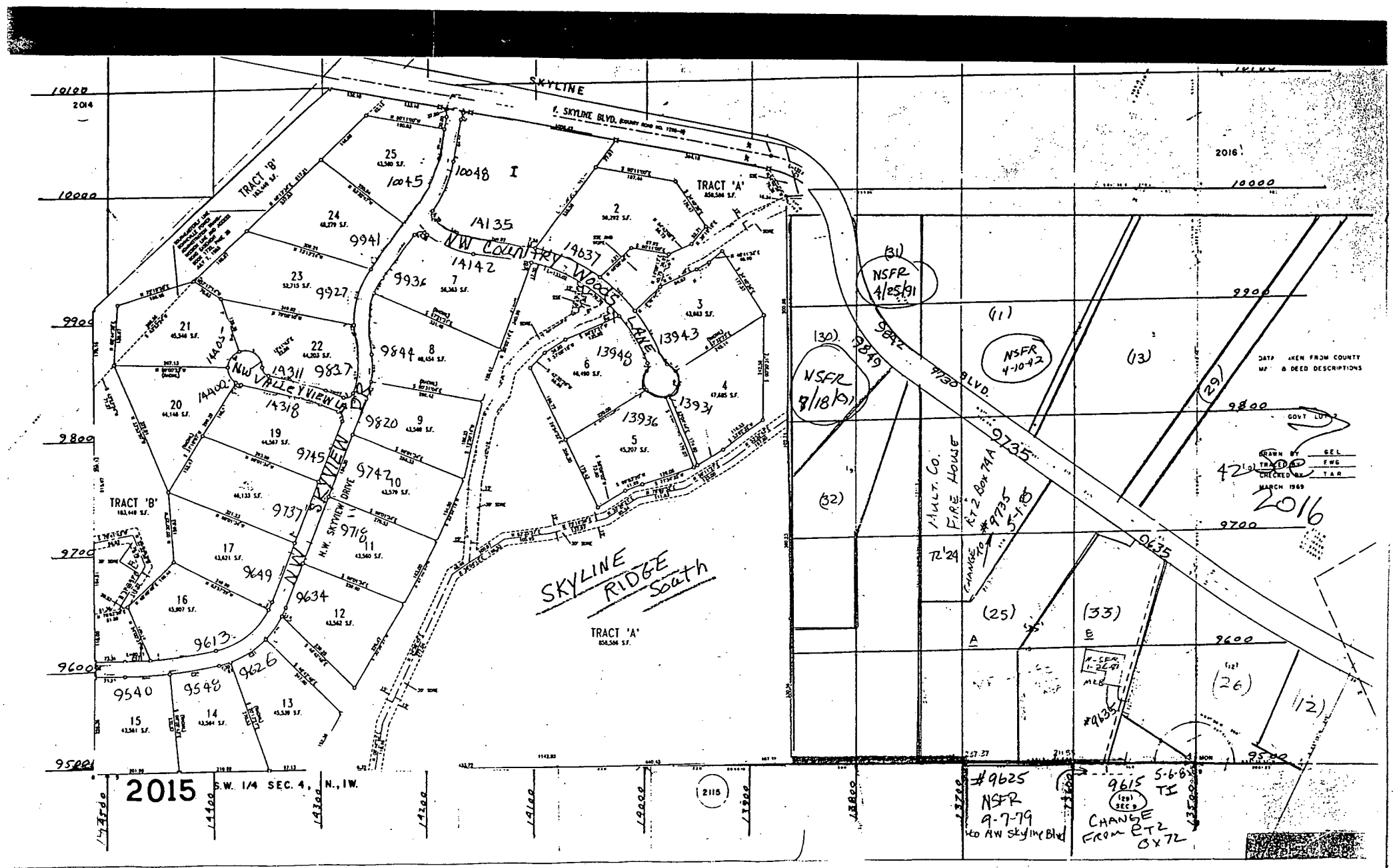
Approved this 4th day of AUGUST, 1992
MULTNOMAH COUNTY SURVEYOR
By: Dennis V. Francy

All taxes, fees, assessments or other charges as provided by O.R.S. 92.095 have been paid as of NOVEMBER 19, 1992
DIRECTOR
DIVISION OF ASSESSMENT AND TAXATION
By: _____ DEPUTY

Approved this 5th day of August, 1992
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
Gladys McCoy
Dan Saltzman
Pauline Anderson

STATE OF OREGON }ss
COUNTY OF MULTNOMAH }

I do hereby certify that the attached subdivision plat was received for record and recorded November 19 1992 at 9:00 A.M. in book 1224 on page 36, 37, 38, 39, 40, 41
MULTNOMAH COUNTY RECORDING OFFICE
By: _____ DEPUTY
Document No: 132286

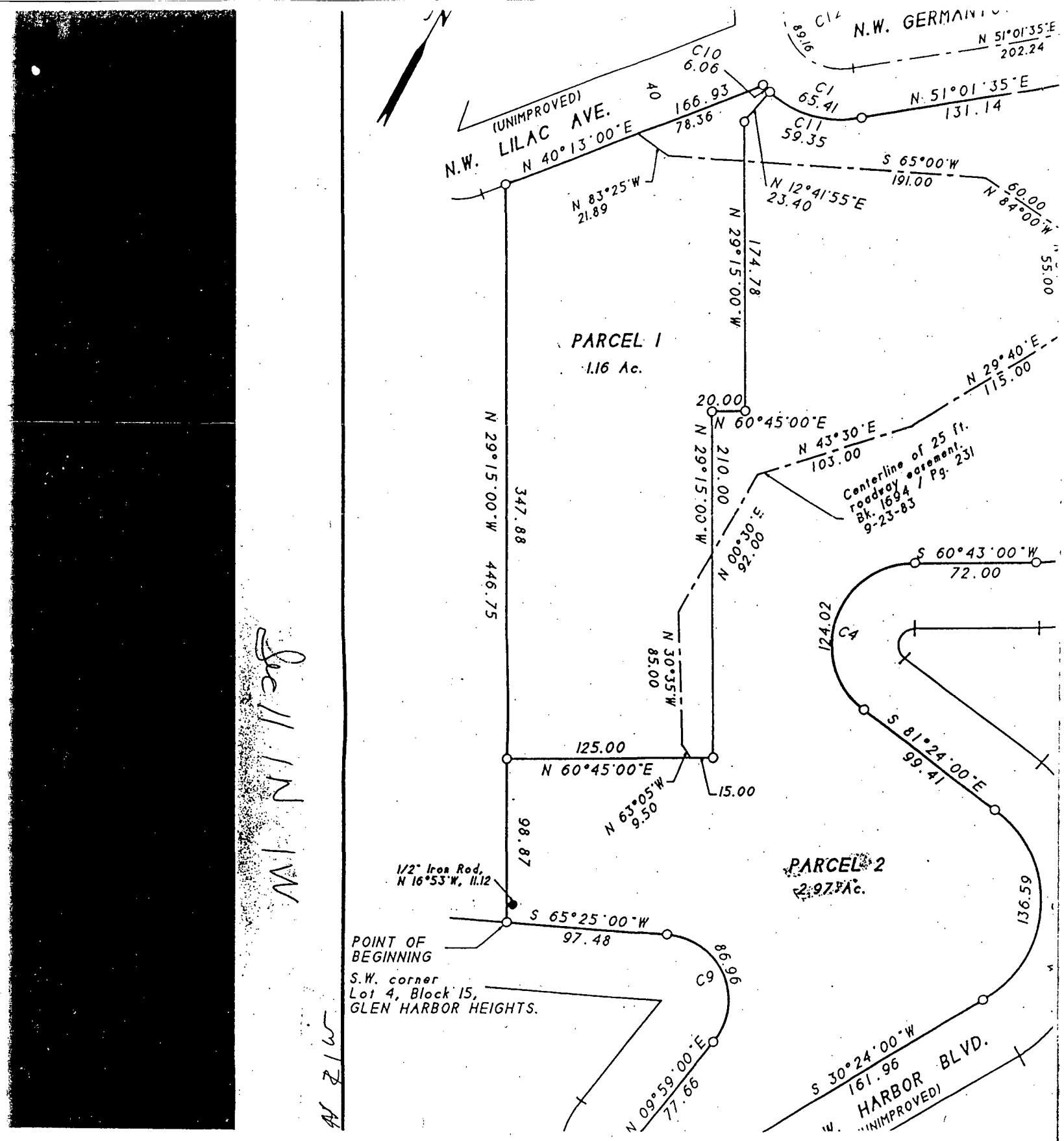


Skyline Ridge South is located on the West side of Skyline Blvd.

CITY OF PORTLAND
LAND USE PLANNING ACTIONS
PARTITIONS AND SUBDIVISIONS
1989 to Present

Map	Zoning	Land Use No.	Type	Year	Designation	Tax Lot No.	Acreage
11-1N-1W	R10P R10C	92-00203MP	SFR	1992	Environmental Conservation & a small portion in Environmental Protection	32050- 4520 4740 37070- 0020 0030 0040 0050	Beginning of 4.13. Ending of 1.16 & 2.97.
11-1N-1W	R10C	93-00004MP	SFR	1993	Environmental Conservation	3 of Lots 10, 13, 16, 21, Block 8, & part of Lot 12, Block 17, Glen Harbor	Beginning of .642. Ending of .237 & .405.
4-1N-1W	FF - '94 RF - '94	94-00416	Residential Farm/Forest	1994	Residential Farm/Forest w/ portions designated w/s, scenic environmental conservation, and p, environmental protection	4 & 19	A 41 lot planned unit develop-ment & sub-division

Map	Zoning	Land Use No.	Type	Year	Designation	Tax Lot No.	Acreage
PENDING 5-1N-1W	RF	93-00364MP	RF, 1 unit per 2 ac.	1993	Scenic Resource Water Feature	52270-5950	Beginning of 7.1. Ending of 4.7 & 2.4.


N.W. LILAC AVE.
(UNIMPROVED)
N 40°13'00"E
166.93
78.36
40
C10
6.06
C1
65.41
C11
59.35
N 51°01'35"E
131.14
N 51°01'35"E
202.24
89.16
S 65°00'W
191.00
N 84°00'W
60.00
55.00
N 83°25'W
21.89
N 12°41'55"E
23.40
N 29°15'00"W
174.78
PARCEL 1
1.16 Ac.
N 29°15'00"W
347.88
446.75
20.00
N 60°45'00"E
N 29°40'E
115.00
N 43°30'E
103.00
Centerline of 25 ft. roadway easement. Bk. 1694 / Pg. 231 9-23-83
N 29°15'00"W
210.00
N 00°30'E
92.00
N 30°35'W
85.00
125.00
N 60°45'00"E
15.00
N 63°05'W
9.50
98.87
1/2" Iron Rod, N 16°53'W, 11.12
POINT OF BEGINNING
S.W. corner Lot 4, Block 15, GLEN HARBOR HEIGHTS.
S 65°25'00"W
97.48
C9
86.96
N 09°59'00"E
77.66
PARCEL 2
2.97 Ac.
S 60°43'00"W
72.00
124.02
C4
S 81°24'00"E
99.41
136.59
S 30°24'00"W
161.96
HARBOR BLVD.
(UNIMPROVED)

...FEET TO THE NORTHERLY RIGHT OF WAY LINE OF RELOCATED N.W. GERMANTOWN
NCE WESTERLY ALONG SAID RELOCATED LINE, ON THE ARC OF A NON-TANGENT 149.40 FOOT RADIUS CURVE LEFT
OF 172.94 FEET, THROUGH A CENTRAL ANGLE OF 66°19'23" (LONG CHORD BEARS NORTH 80°58'35" WEST, 163.4
A POINT THEREIN, BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2131, PAGE 1144,
AUGUST 24, 1988, MULTNOMAH COUNTY DEED RECORDS: THENCE ALONG THE WESTERLY LINE OF SAID TRACT, NORT
WEST, 40.00 FEET, TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE NORTHWESTERLY LINE OF SAID
ID THE SOUTHEASTERLY LINE OF THAT PART OF LOT 21 CONVEYED TO THE CITY OF PORTLAND, DESCRIBED IN DEE
, PAGE 2400, RECORDED SEPTEMBER 6, 1988, DEED RECORDS FOR SAID COUNTY, NORTH 35°26'09" EAST, 149.1
OST EASTERLY CORNER THEREOF: THENCE ALONG THE NORTHERLY LINE OF LOTS 21 AND 18, NORTH 60°45'00"
41 FEET, TO THE NORTHEAST CORNER OF SAID LOT 16; THENCE ALONG THE EASTERLY LINE OF LOTS 16, 13, AN
8, SOUTH 43°28'00" EAST, 206.32 FEET TO THE INITIAL POINT.

Sec. 11 T1N R1W

I HEREBY CERTIFY THIS MYLAR IS AN
EXACT COPY OF THE ORIGINAL PLAT.

SURVEYOR

Scale: 1" = 30'
Sept. 9, 1993

N

N 60°45'00" E
39.41'

PARCEL 1
17,622 S.F.
0.405 ACRES

N 35°26'09" E 149.16'

S 43°28'00" E 206.32'

N 62°06'00" E
23.48'

N 27°54'23" W
33.28'

5.00'

10' WIDE S.S.E.
(5' EACH SIDE ℄)
(PRIVATE)

N 62°06'37" E
34.89'

PARCEL 2
10,316 S.F.
0.237 ACRES

N 27°54'23" W
49.47'

S 60°45'00" W 82.00'

S 42°12'58" W (Radial)
13.43'

L = 172.94' (1)

L = 12.04'

140.84' (3)

L = 32.08' (2)

12' WIDE W.L.E.
BOOK 3748 PAGE 1460
RECORDED: 8/03/83
IN FAVOR OF:
CITY OF PORTLAND

S.S.E.
BOOK 3481 PAGE 1883
RECORDED: 6/05/81
IN FAVOR OF:
CITY OF PORTLAND

N 43°28'00"
10.00'

18.00'

N 17°39'29" W
49.15'

N. W. GERMANTOWN RO

STATE OF OREGO

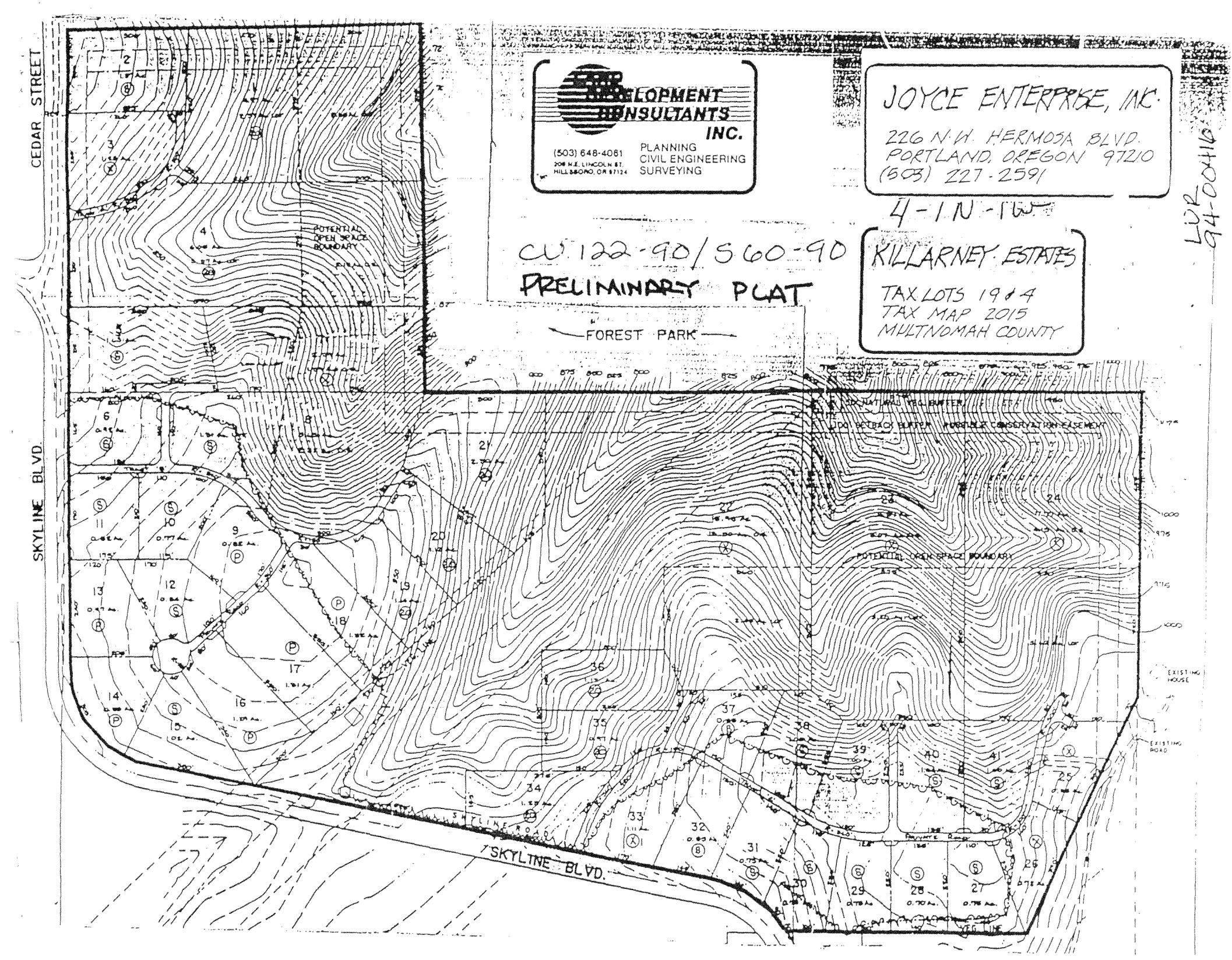
LEGEND:

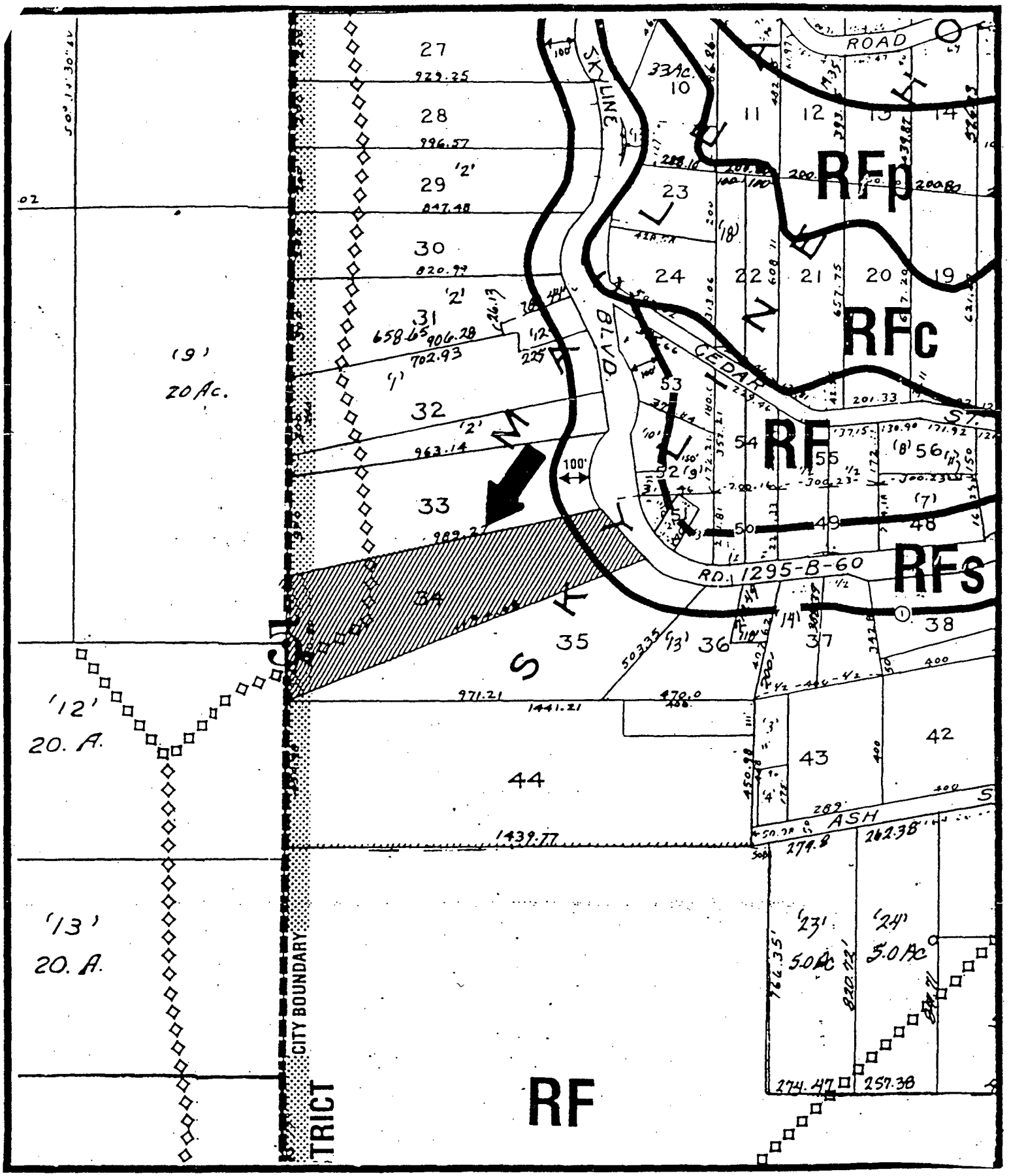
- ○ 5/8" X 30" IRS
- ○ 5/8" IRF W/YPC
- BPC/YPC = RED/Y
- (R) = RECORD: (
- (P) = PLAT; (D)
- S.S.E = SANITARY S
- LINE EASE

NOTES:

1. "THIS PLAT SUBJE
CITY OF PORTLAND

2. A CONSENT AFFIDA
A TRUST DEED BEAR
IN
MULTNOMAH COUNTY


CEDAR STREET
SKYLINE BLVD.
DEVELOPMENT CONSULTANTS INC.
(503) 648-4061
206 N.E. LINCOLN ST.
HILLSBORO, OR 97124
PLANNING
CIVIL ENGINEERING
SURVEYING
JOYCE ENTERPRISE, INC.
226 N.W. HERMOSA BLVD.
PORTLAND, OREGON 97210
(503) 227-2591
4-1N-1W
CU 122-90/S 60-90
PRELIMINARY PLAT
KILLARNEY ESTATES
TAX LOTS 1 & 4
TAX MAP 2015
MULTNOMAH COUNTY
LUR 94-00416
FOREST PARK
POTENTIAL OPEN SPACE BOUNDARY
SKYLINE ROAD
SKYLINE BLVD.
EXISTING HOUSE
EXISTING ROAD

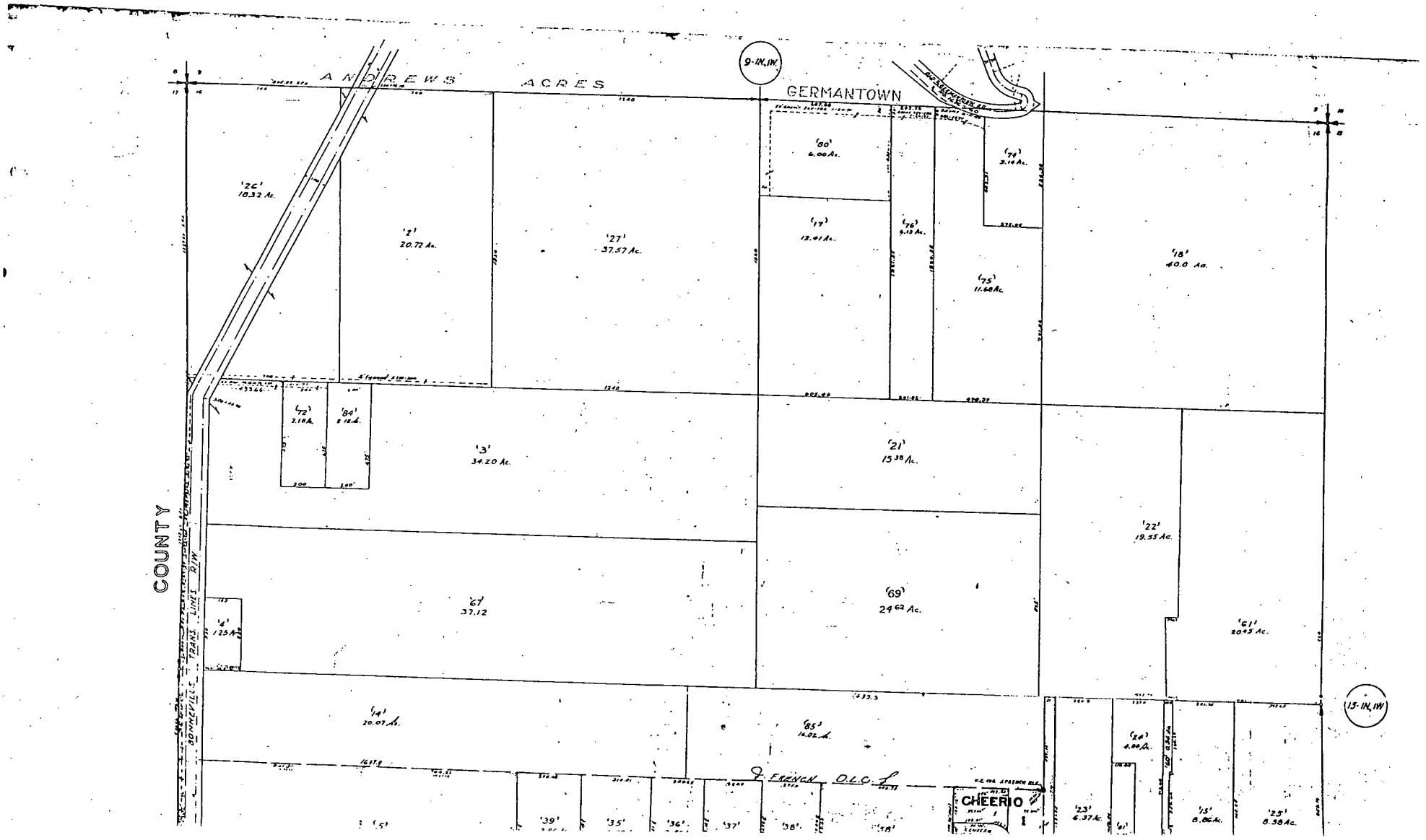


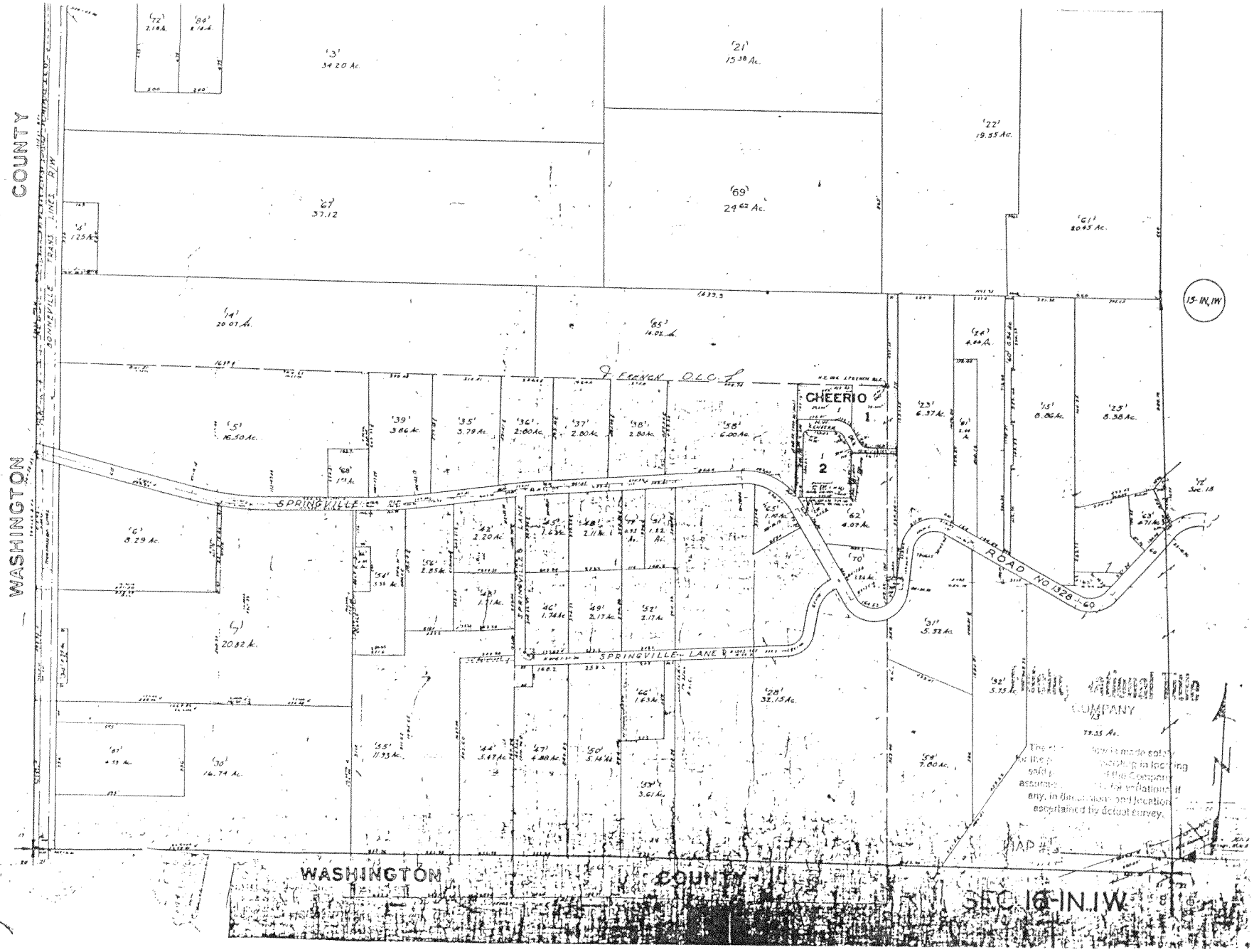
Zoning

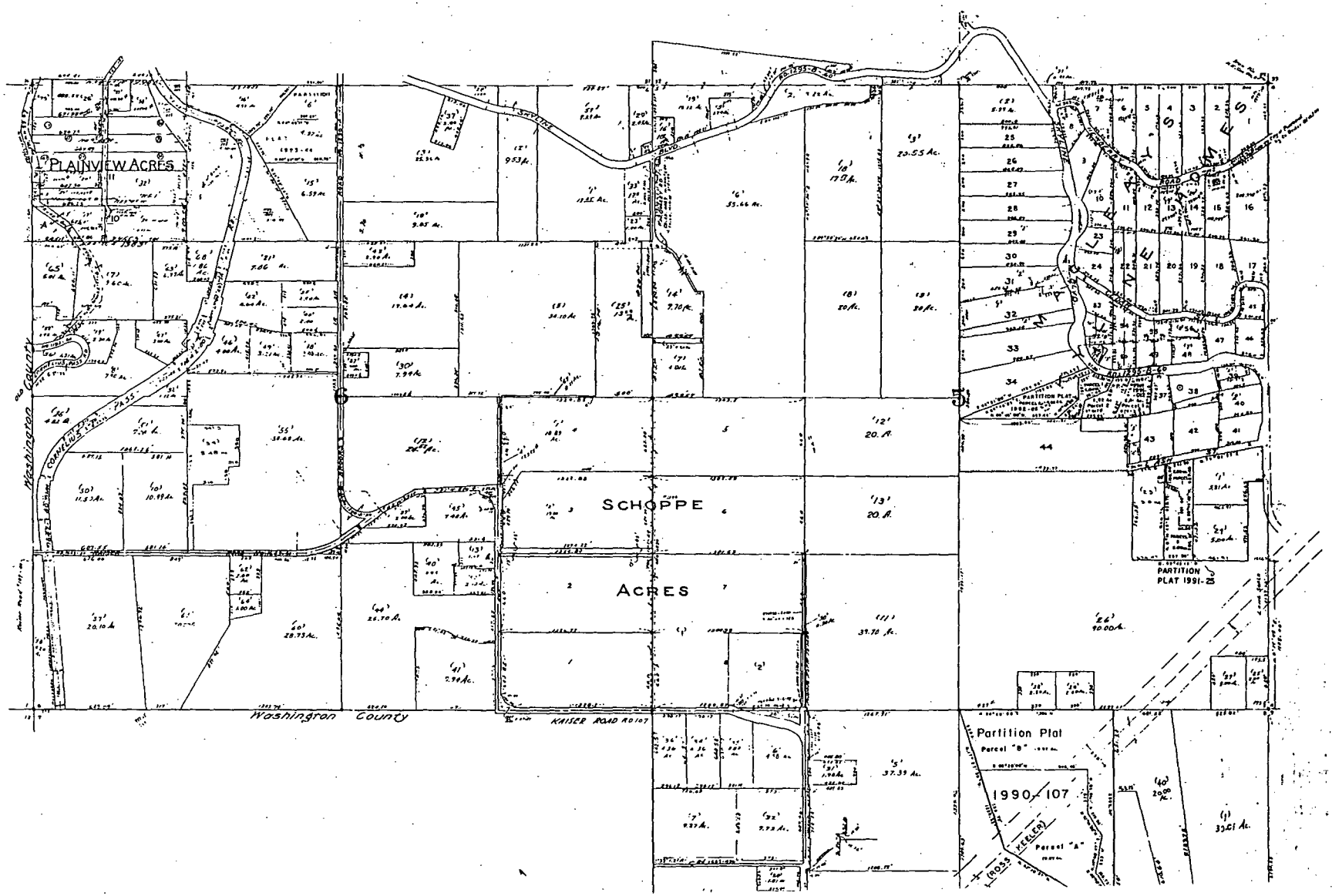
5-1N-1W

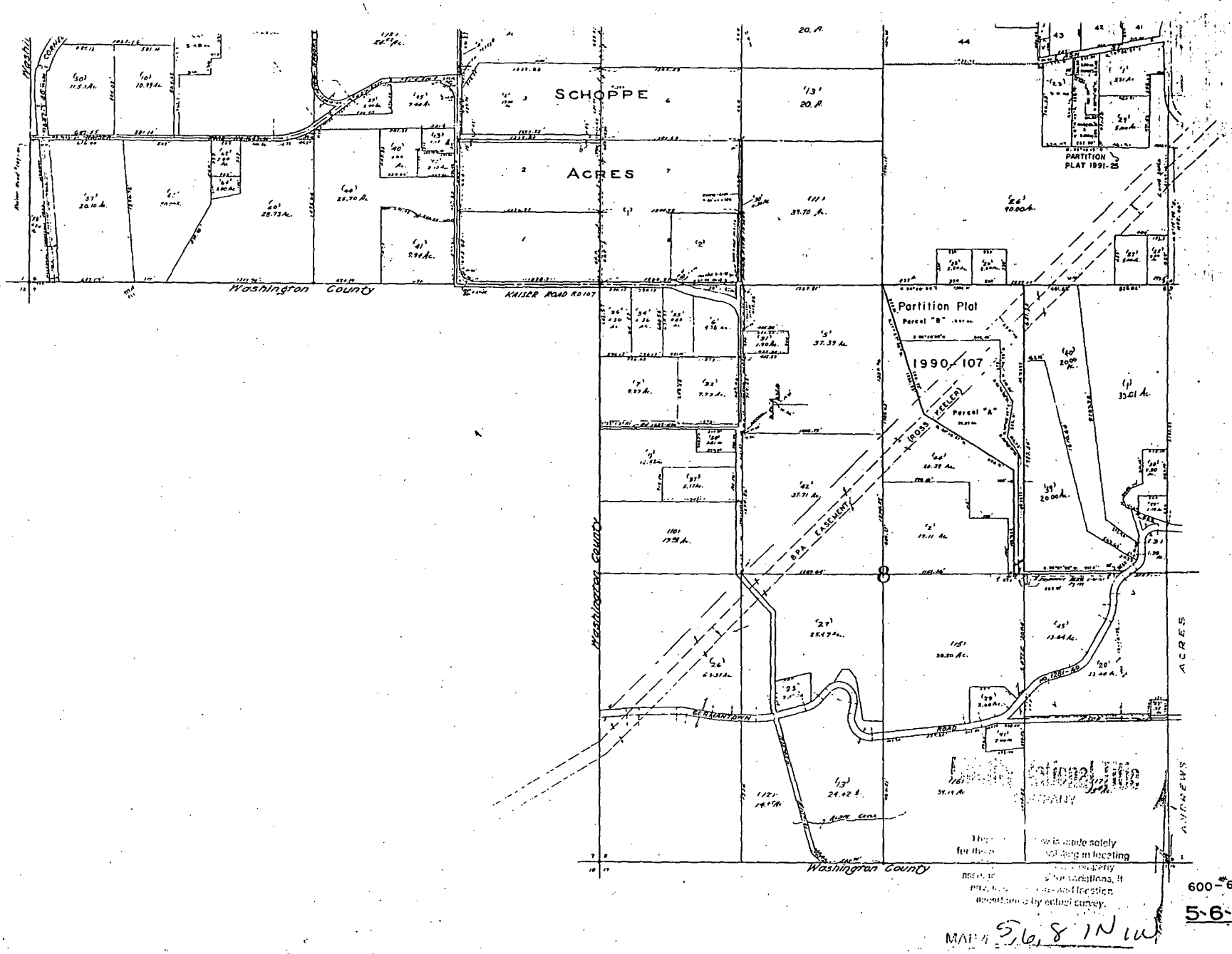
NORTH

File No. LUR-00364 MP
1/4 Section 1914
Scale 1" = 200'
Request
Exhibit (4)


ANDREWS ACRES
GERMANTOWN
9-IN,IW
13-IN,IW
COUNTY
BONNEVILLE TRAIL LINE R/W
FRENCH O.L.C.
CHEERIO
'26' 18.32 Ac.
'2' 20.72 Ac.
'27' 37.57 Ac.
'80' 6.00 Ac.
'17' 12.41 Ac.
'76' 6.13 Ac.
'74' 3.16 Ac.
'75' 11.68 Ac.
'18' 40.0 Ac.
'72' 2.18 Ac.
'84' 8.18 Ac.
'3' 34.20 Ac.
'21' 15.38 Ac.
'22' 19.55 Ac.
'67' 37.12
'69' 29.62 Ac.
'61' 20.45 Ac.
'4' 1.25 Ac.
'14' 20.07 Ac.
'85' 14.02 Ac.
'24' 4.00 Ac.
'23' 6.37 Ac.
'15' 8.06 Ac.
'25' 8.38 Ac.
'5'
'39'
'35'
'36'
'37'
'38'
'58'


COUNTY
WASHINGTON
SPRINGVILLE
SPRINGVILLE LANE
ROAD NO 1328 - 60
CHEERIO
WASHINGTON COUNTY
SEC. 16-IN.-IW.
15-IN.-IW.
MAP #1

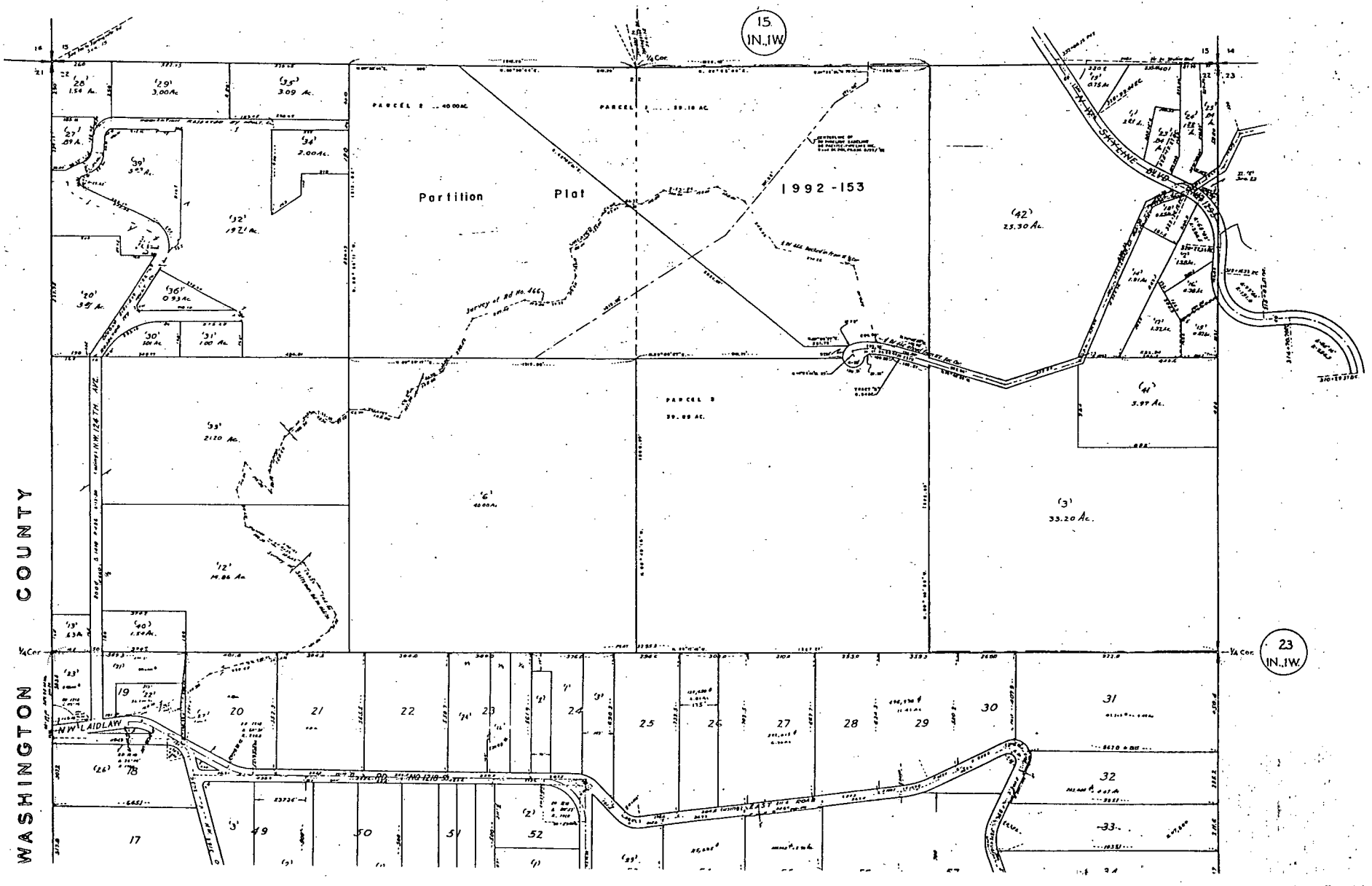

PLAINVIEW ACRES
SCHOPPE
ACRES
Washington County
Washington County
KAISER ROAD RD 107
Partition Plat
Parcel "B"
1990-107
Parcel "A"
PARTITION PLAT 1991-25

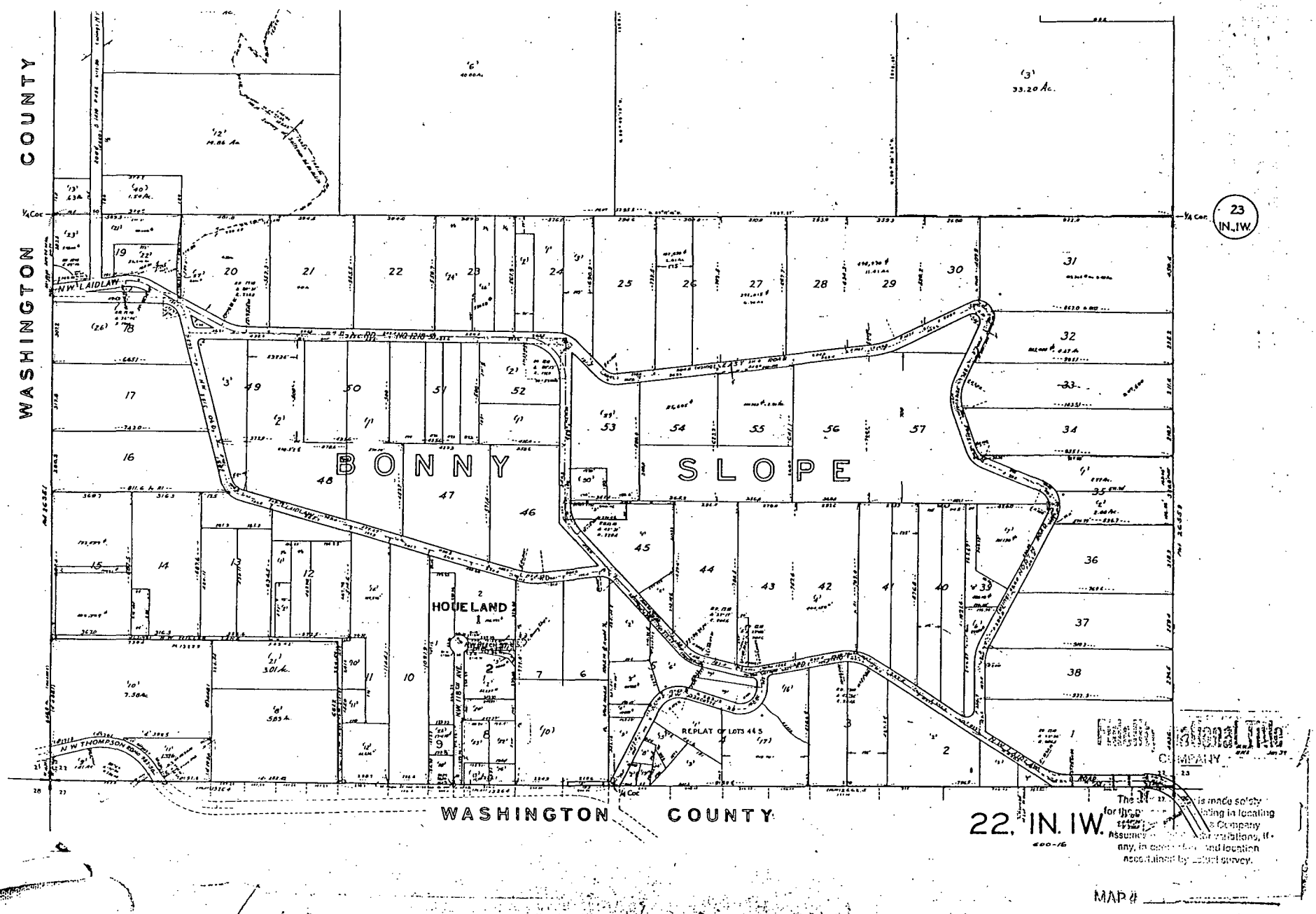


600-6

5-6-8-11

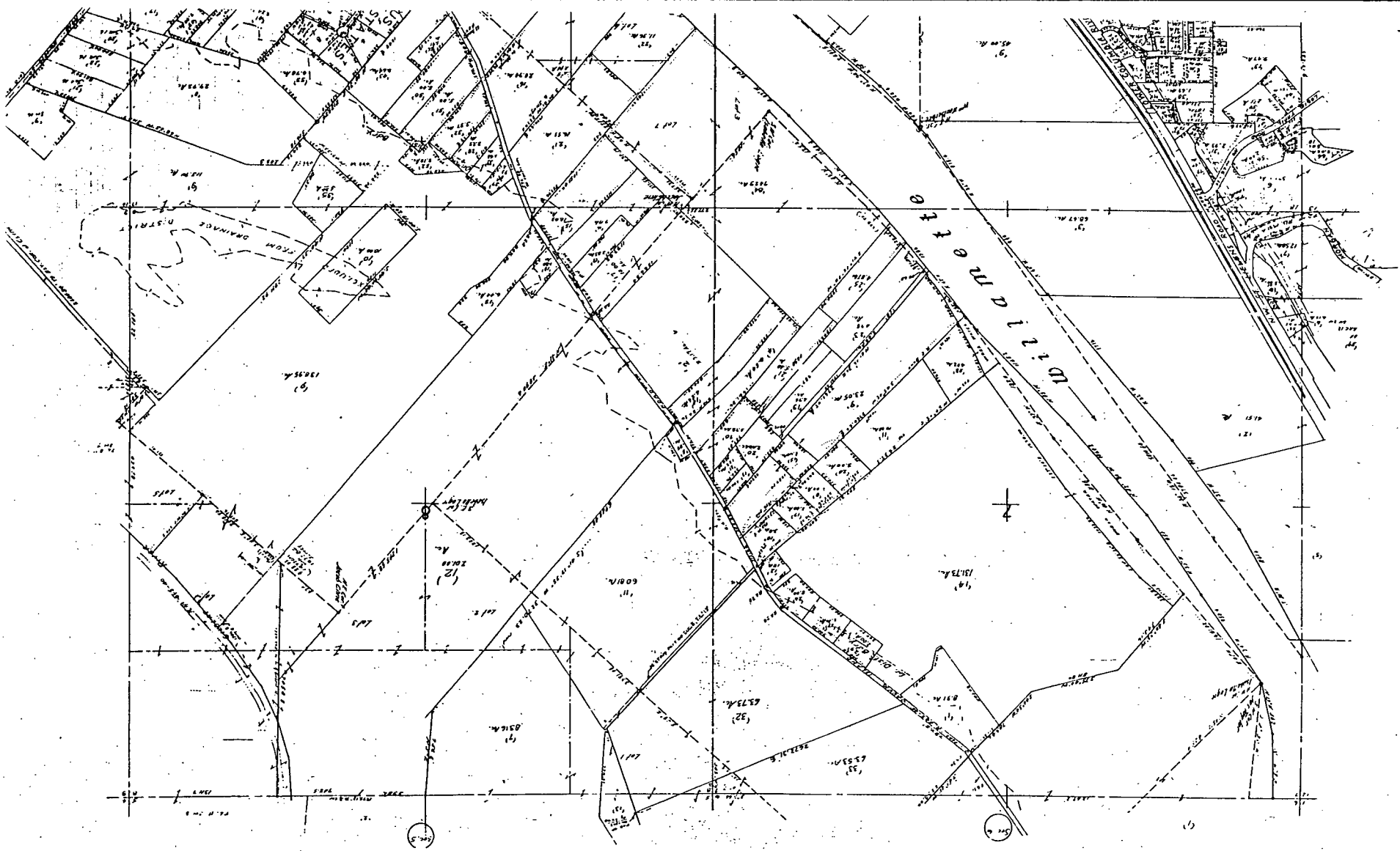
MAP 4 S, 6, 8 1N 1W

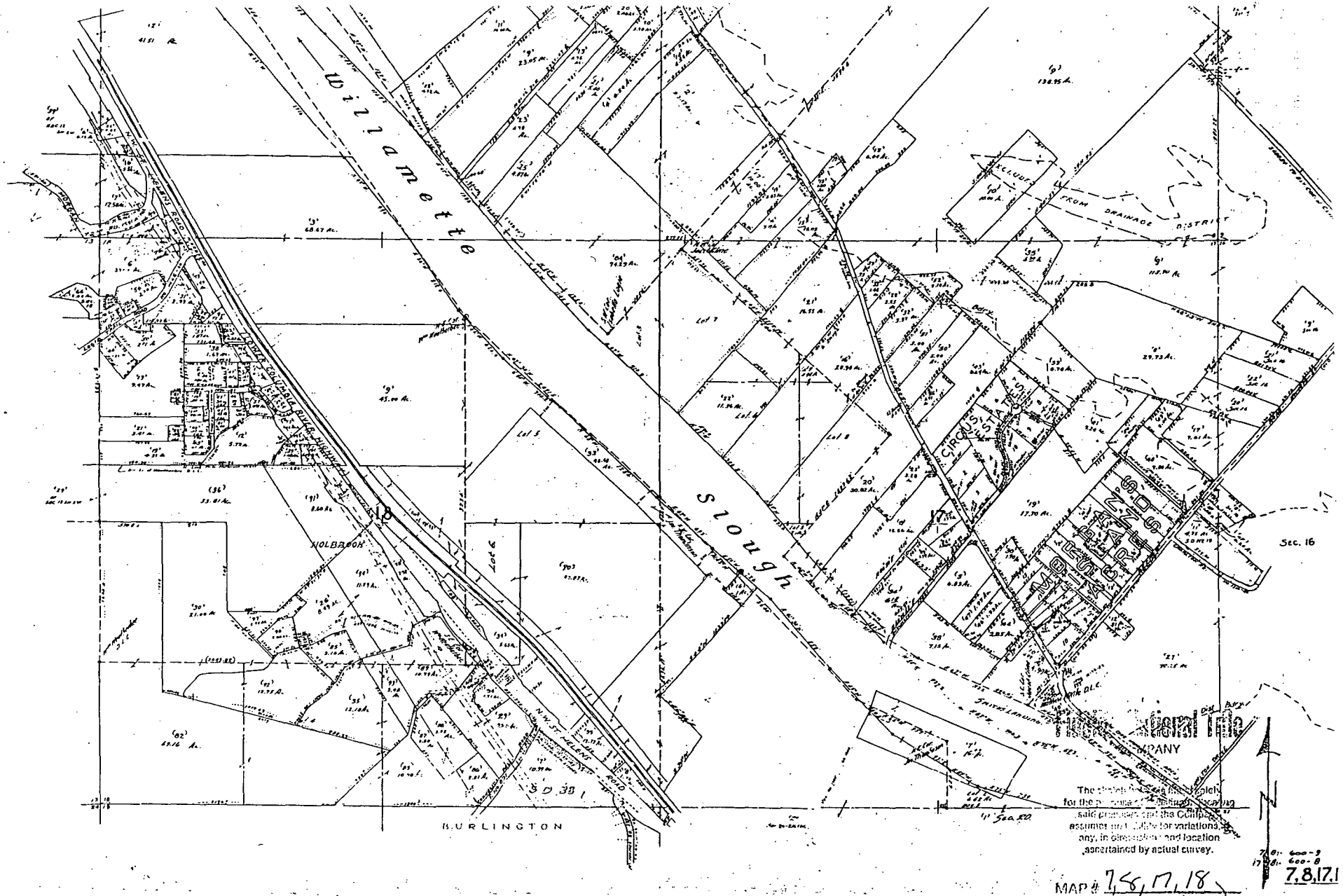

15
1N.,1W.
Partition Plat
1992-153
PARCEL 2 ... 40.00 AC.
PARCEL 3 ... 39.18 AC.
PARCEL 5
39.88 AC.
(42)
25.30 Ac.
(3)
33.20 Ac.
(4)
5.97 Ac.
(6)
40.00 Ac.
'32'
19.21 Ac.
'33'
21.70 Ac.
'12'
14.86 Ac.
'34'
2.00 Ac.
'35'
3.09 Ac.
'29'
3.00 Ac.
'28'
1.54 Ac.
'36'
0.93 Ac.
'20'
3.95 Ac.
'30'
1.00 Ac.
'31'
1.00 Ac.
'39'
3.55 Ac.
'40'
1.54 Ac.
'27'
.09 Ac.
'26'
.63 Ac.
'23'
.15 Ac.
'22'
.15 Ac.
'21'
.15 Ac.
'24'
.15 Ac.
'25'
.15 Ac.
'41'
.15 Ac.
'42'
.15 Ac.
'43'
.15 Ac.
'44'
.15 Ac.
'45'
.15 Ac.
'46'
.15 Ac.
'47'
.15 Ac.
'48'
.15 Ac.
'49'
.15 Ac.
'50'
.15 Ac.
'51'
.15 Ac.
'52'
.15 Ac.
'53'
.15 Ac.



The ... is made solely for the ... in locating ... Company assumes ... any, in ... and location ascertained by ... survey.

MAP # _____

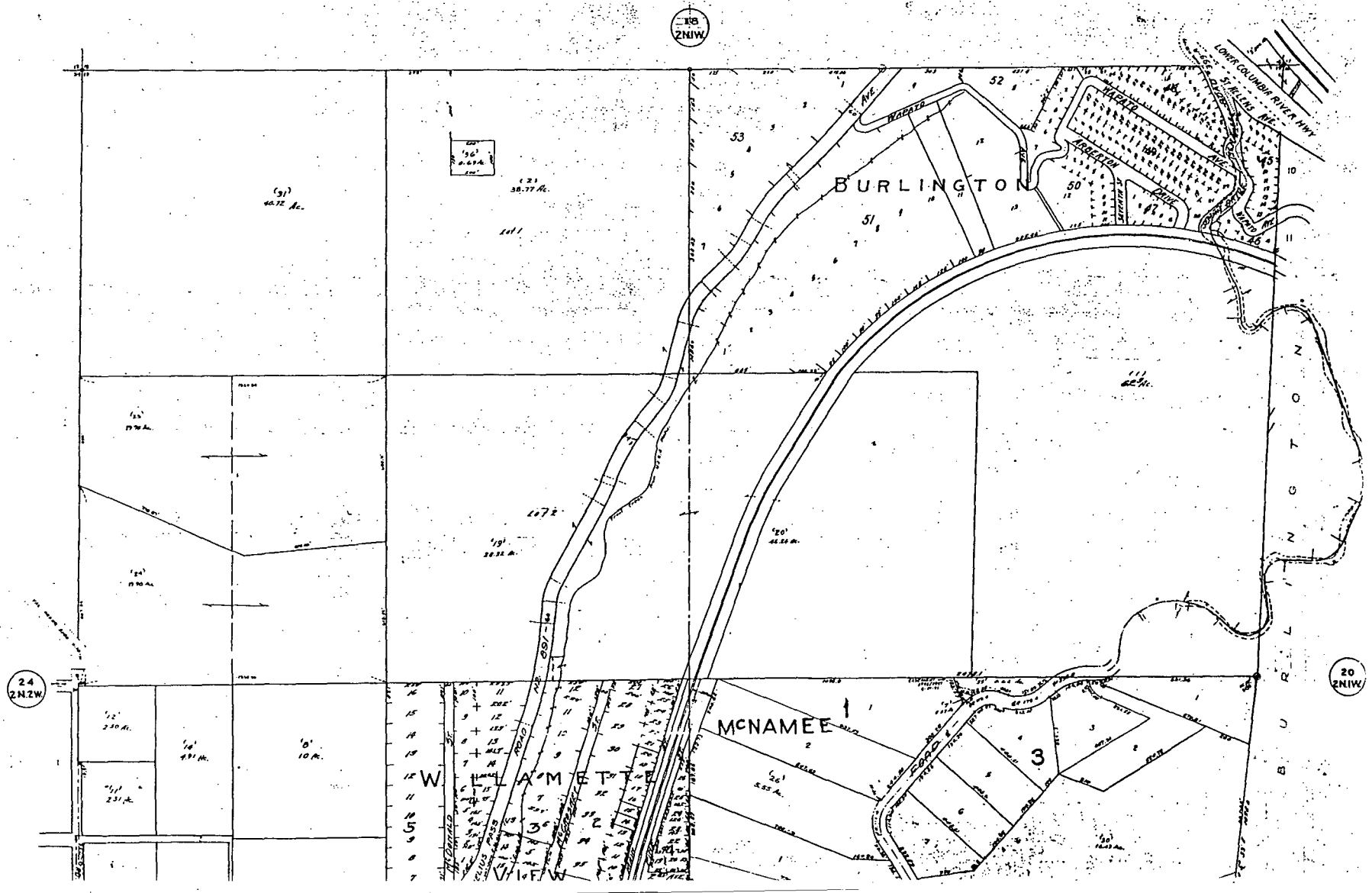

Willamette



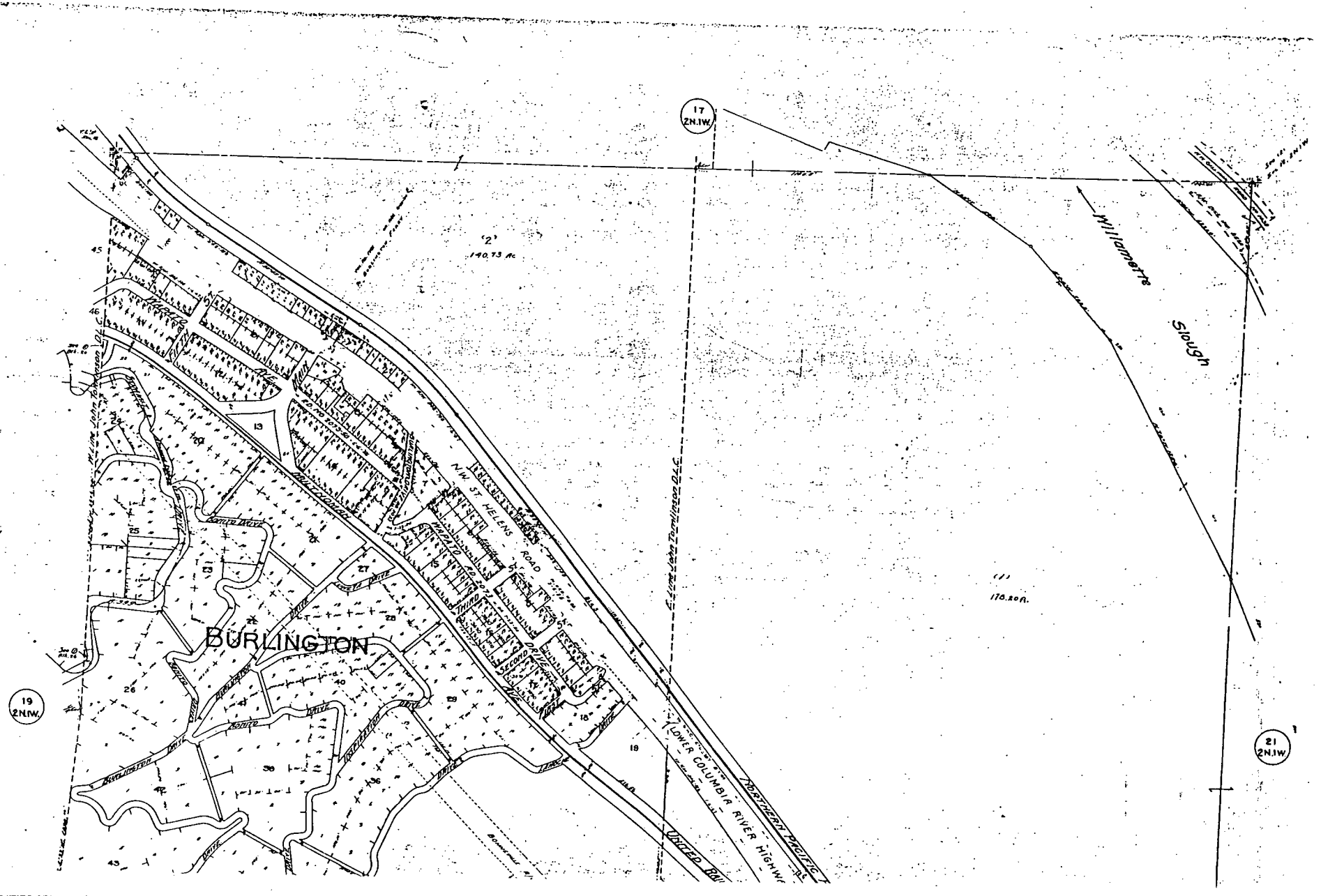
The sketch hereon is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

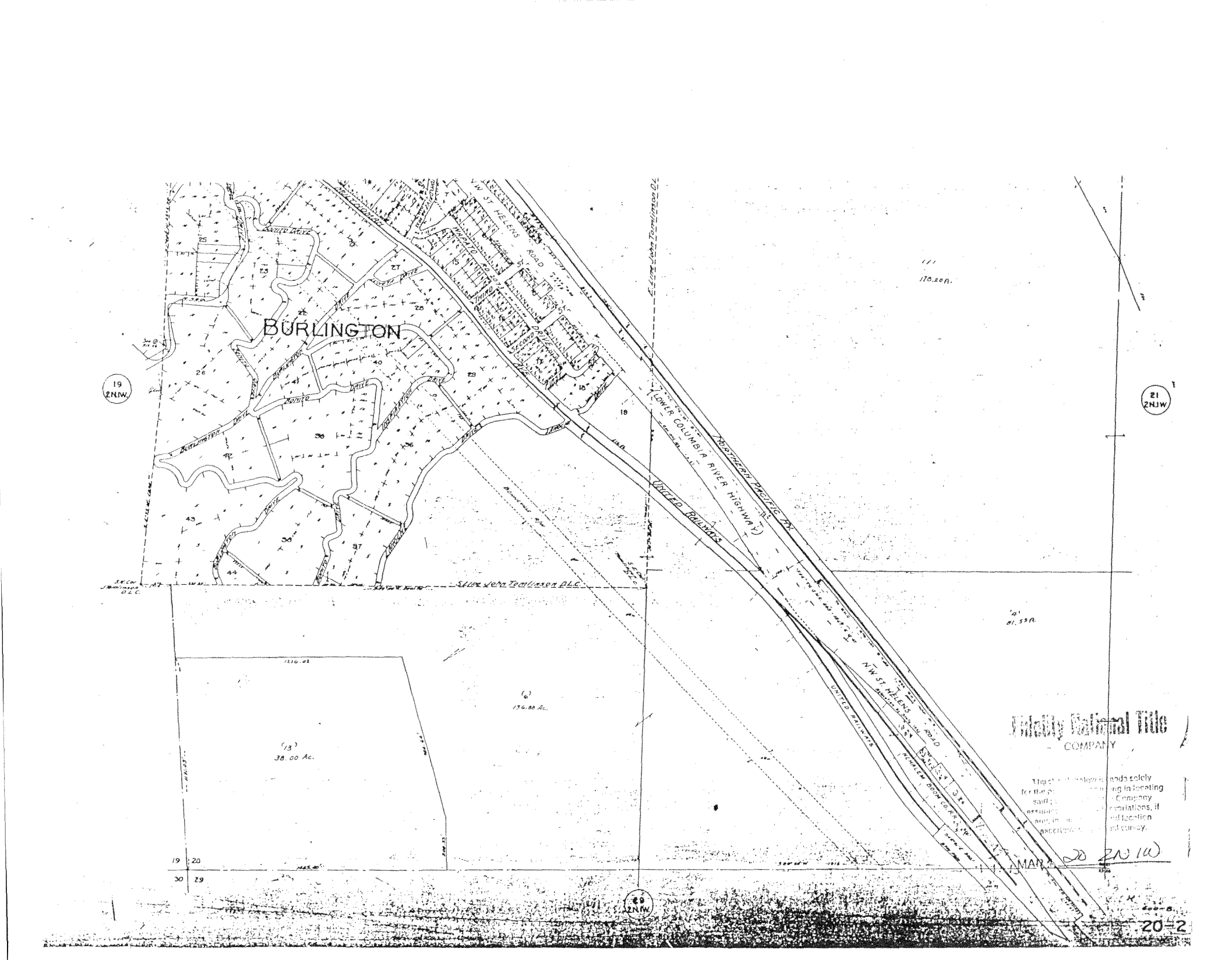
MAP # 7,8,17,18
2N 1W

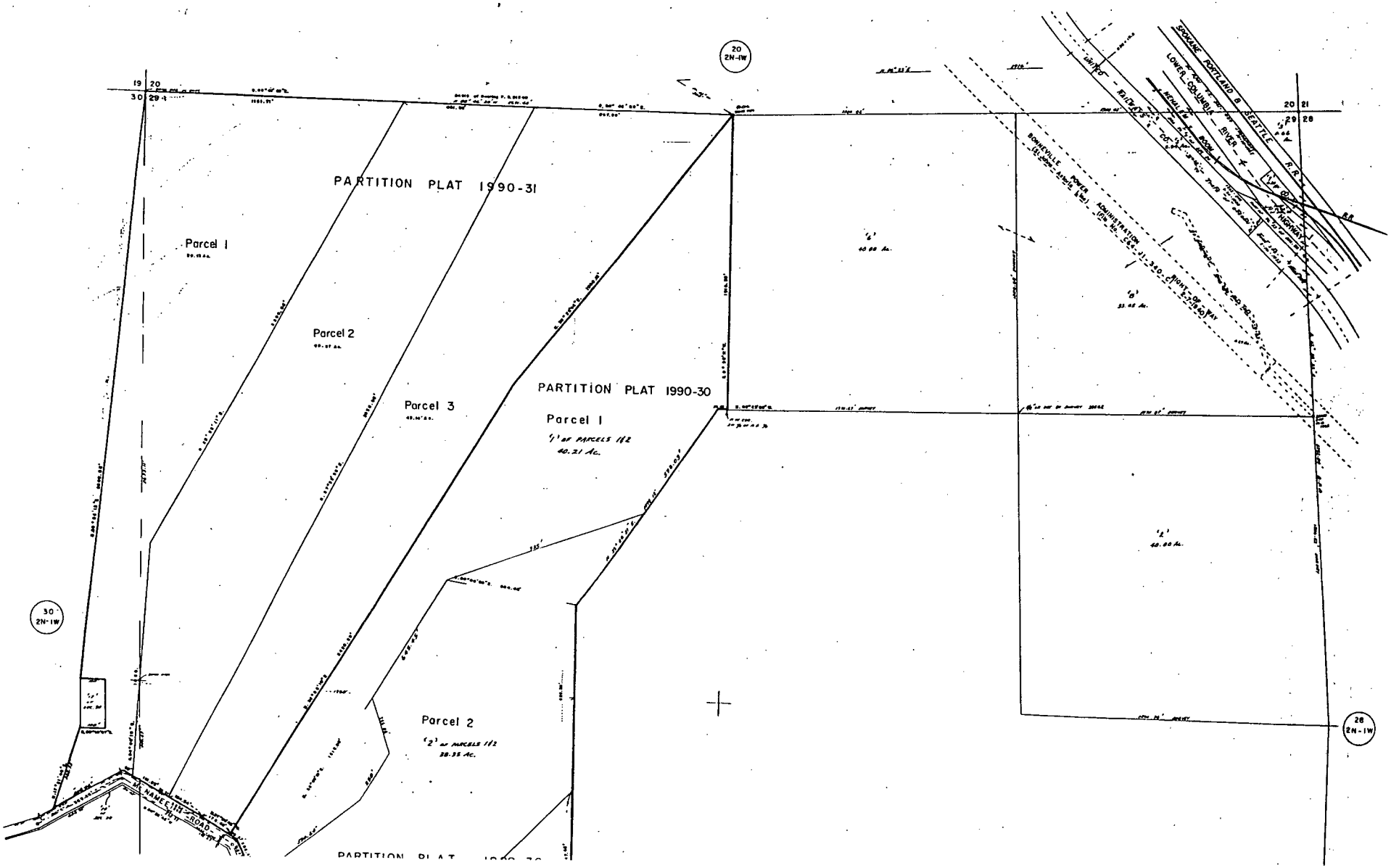
7,8,17,1

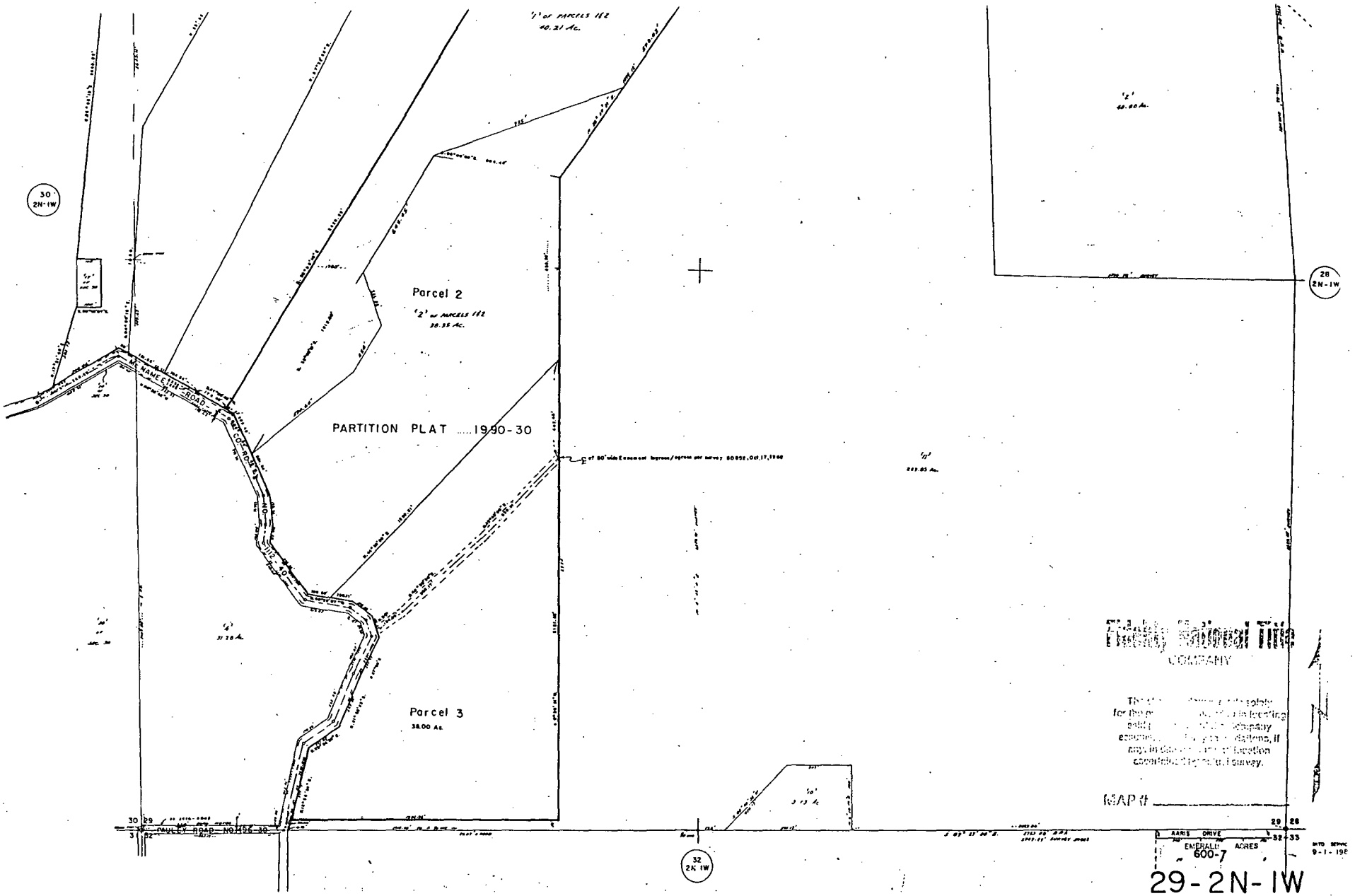

18 2N1W
24 2N.2W
20 2N1W
BURLINGTON
McNAMEE
WILLAMETTE
WAPATO
ARBUTUS
LOWER COLUMBIA RIVER HWY
ST. HELENS RD.
BURLINGTON
1
2
3
5
50
51
52
53

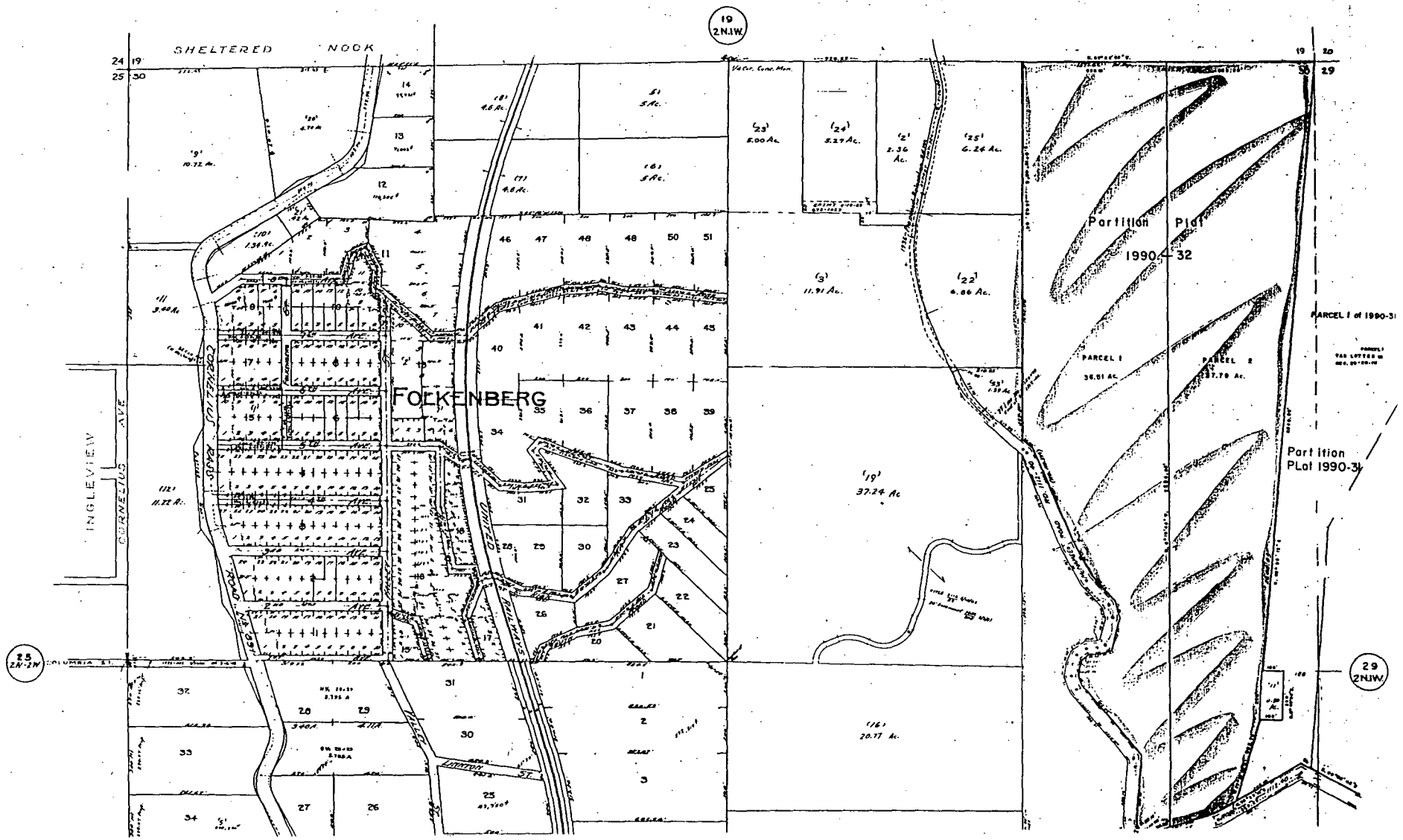
24 2N 2W
20 2N 1W
30 2N 1W
WILLAMETTE VIEW
McNAMEE RIDGE VIEW ACRES
SHELTERED NOOK
SHELTERED NOOK ROAD No 1403
CONCRETE PAVED ROAD
BURLINGTON
19 2N 1W

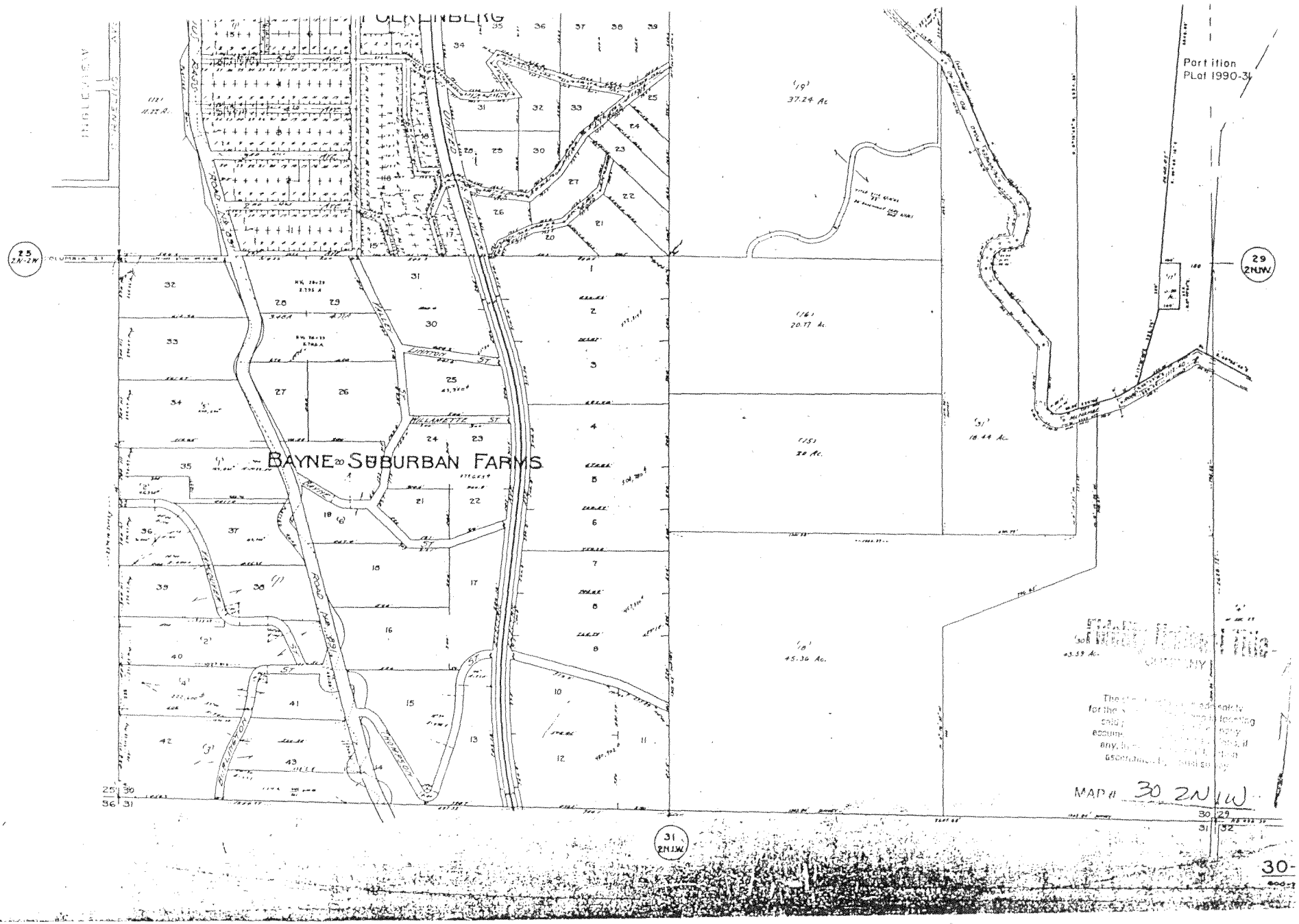

17
2N.1W.
19
2N.1W.
21
2N.1W.
BURLINGTON
NW ST HELENS ROAD
Second Drive
Willamette Slough
LOWER COLUMBIA RIVER HIGHWAY
NORTHERN PACIFIC
'2'
140.73 Ac.
170.20 Ac.

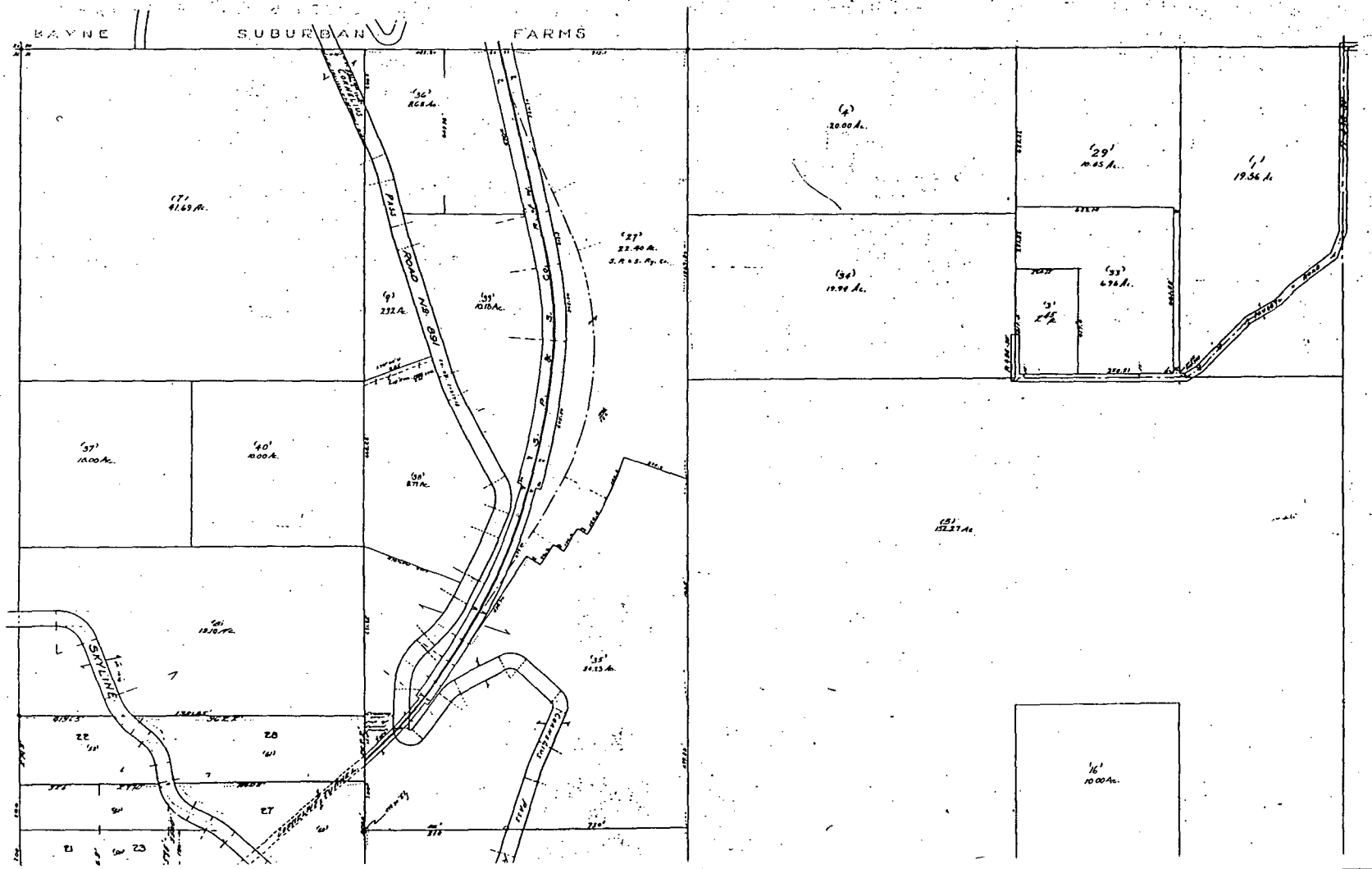

BURLINGTON
N.W. ST. HELENS ROAD
LOWER COLUMBIA RIVER HIGHWAY
NORTHERN PACIFIC RY.
UNITED RAILWAYS
N.W. ST. HELENS ROAD
19 2N1W
21 2N1W
20 2N1W
29 2N1W
170.20 A.
81.53 A.
136.88 Ac.
38.00 Ac.
AMAP 20 2N 1W
20-2


PARTITION PLAT 1990-31
Parcel 1
Parcel 2
Parcel 3
PARTITION PLAT 1990-30
Parcel 1
½ of PARCELS 1&2
40.21 Ac.
Parcel 2
½ of PARCELS 1&2
38.35 Ac.
20 2N-1W
30 2N-1W
28 2N-1W
19
20
30
29
20
21
29
28
SPOKANE PORTLAND & SEATTLE R.R.
LOWER COLUMBIA RIVER
U.S. HIGHWAY
BONNEVILLE POWER ADMINISTRATION
MT. NAMEKIN ROAD

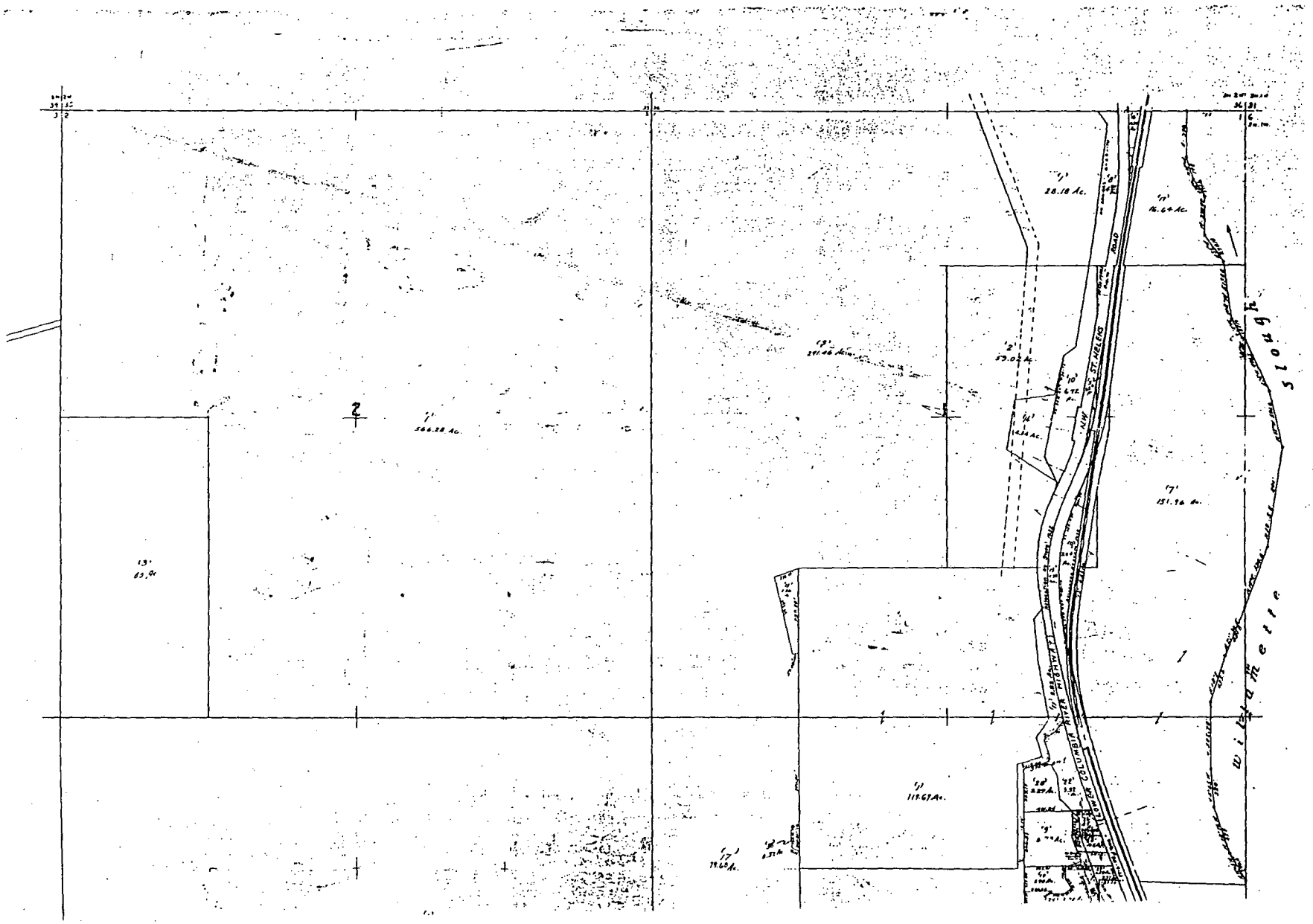

PARTITION PLAT 1990-30
Parcel 2
Parcel 3
38.00 Ac.
MT. HANEL HWY
PAULEY ROAD
30
2N-1W
28
2N-1W
32
2N-1W
29
AARIS DRIVE
EMERALD ACRES
600-7
29-2N-1W


19
2N.1W.
SHELTERED NOOK
24 19
25 30
19 20
30 29
Partition Plat
1990-32
PARCEL 1 of 1990-31
PARCEL 1
36.01 Ac.
PARCEL 2
37.78 Ac.
Partition
Plat 1990-31
FOLKENBERG
CORNELIUS ROAD
INGLEVIEW
CORNELIUS AVE
UNITED
RAILWAYS
LINCOLN ST.
COLUMBIA ST.
25
2N-2W
29
2N.1W.
(19)
37.24 Ac
(16)
20.77 Ac.
(3)
11.91 Ac.
(22)
6.86 Ac.
(23)
5.00 Ac.
(24)
5.27 Ac.
(25)
6.26 Ac.

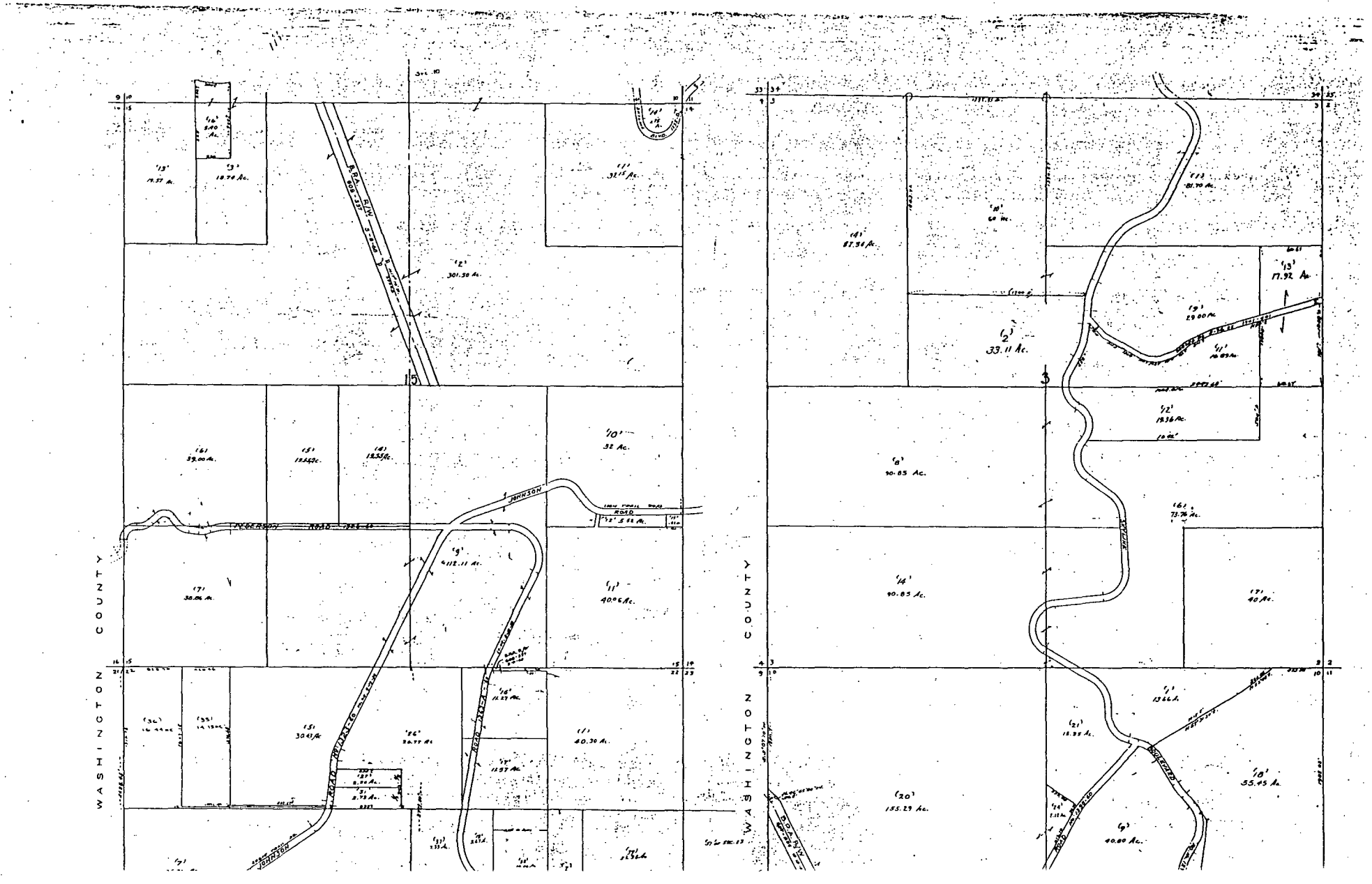

Partition
Plat 1990-3
BAYNE SUBURBAN FARMS
MAP # 30 2N 1W
30-

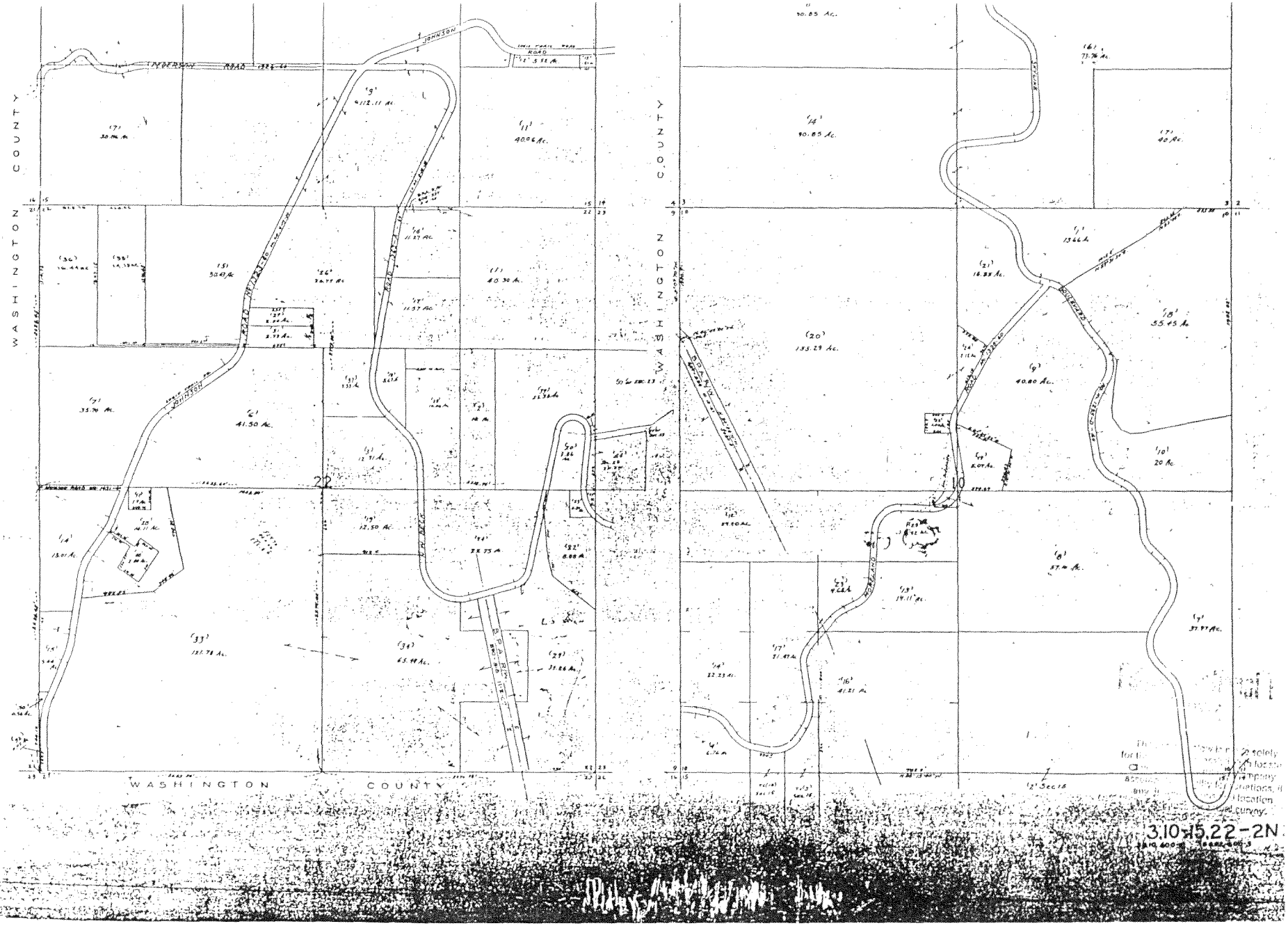

BAYNE
SUBURBAN
FARMS
'36'
RCB Ac.
'17'
41.69 Ac.
'27'
22.40 Ac.
S.A.R.S. Ry. Co.
'9'
2.32 Ac.
'39'
10.18 Ac.
'37'
10.00 Ac.
'40'
10.00 Ac.
'38'
8.71 Ac.
'41'
19.10 Ac.
SKYLINE
'35'
24.33 Ac.
'4'
20.00 Ac.
'29'
10.45 Ac.
'1'
19.56 Ac.
'34'
19.94 Ac.
'33'
6.76 Ac.
'3'
2.45 Ac.
'31'
132.37 Ac.
'16'
10.00 Ac.

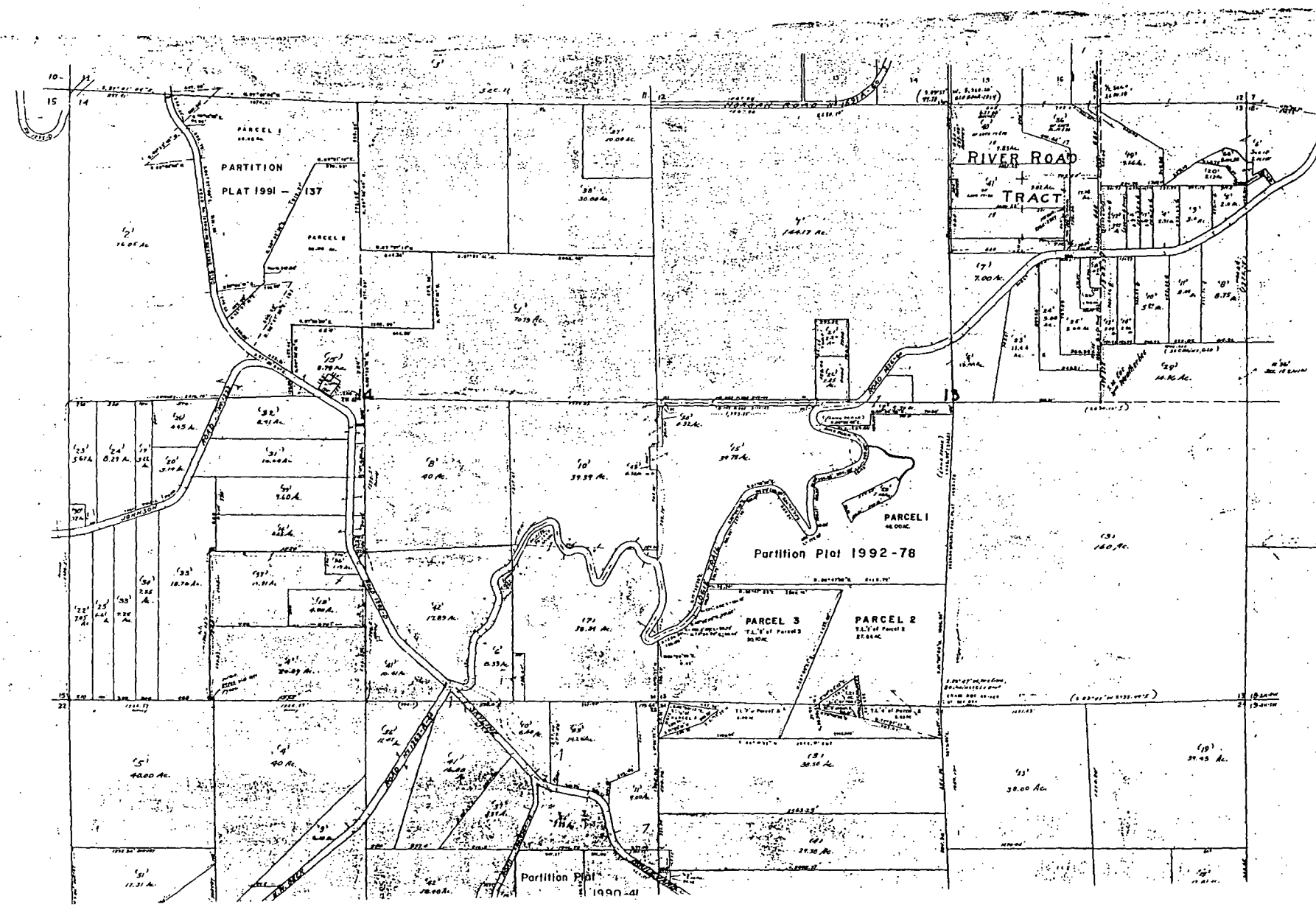
Fidelity National Title
COMPANY

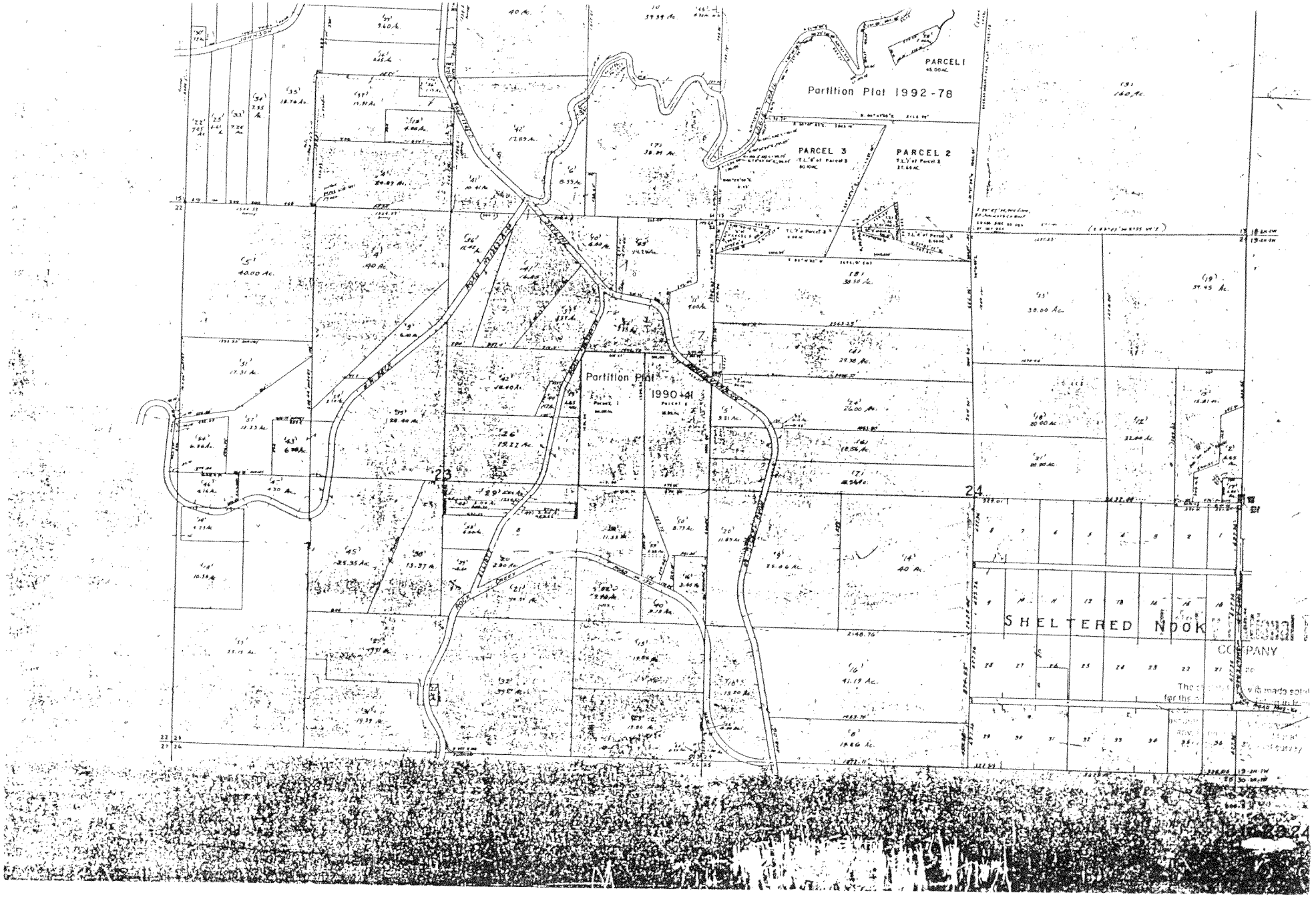

ST HELENS
ROAD
COLUMBIA RIVER
Columbia River

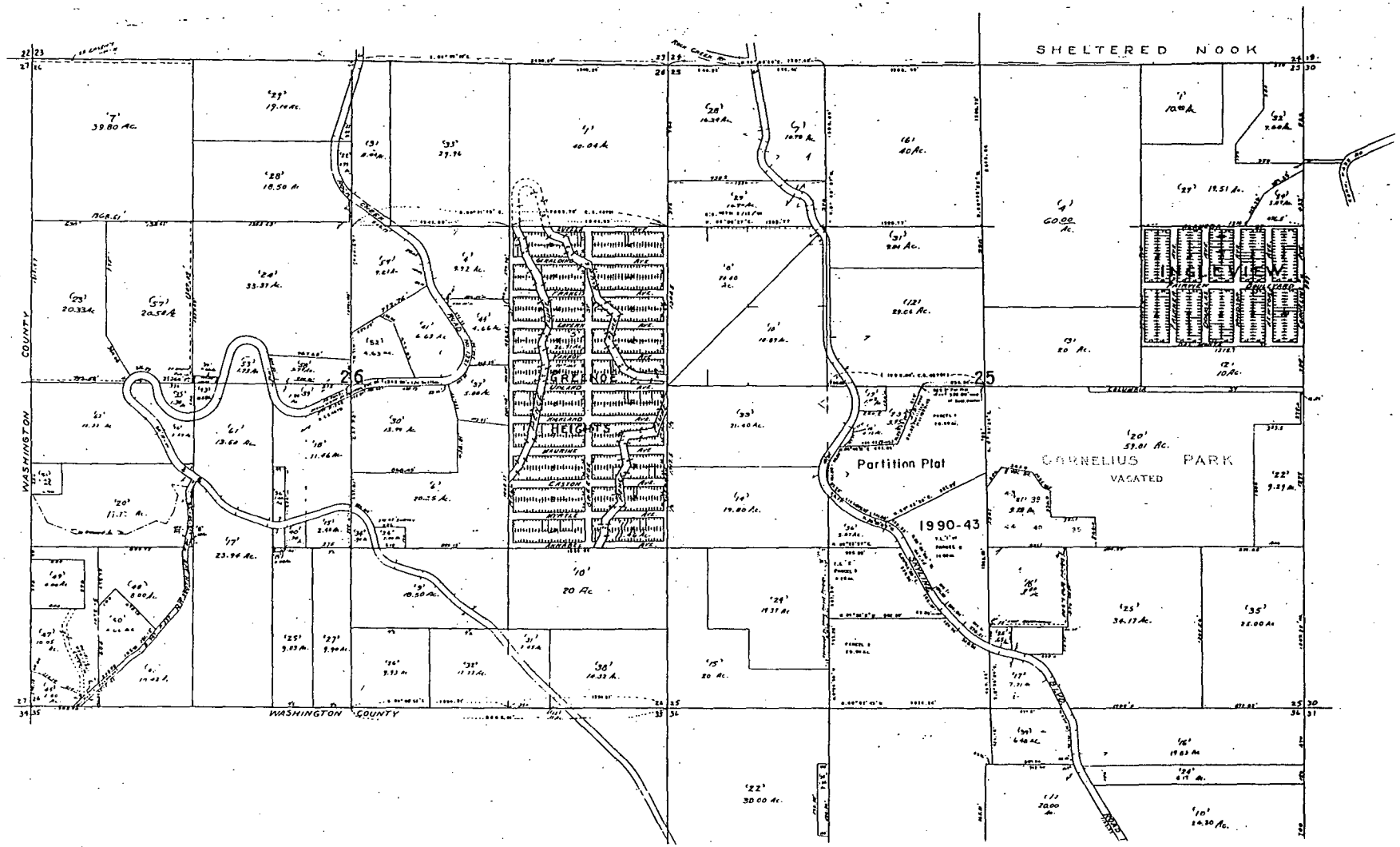
RIVER ROAD TRACT
MORGAN
COMPANY

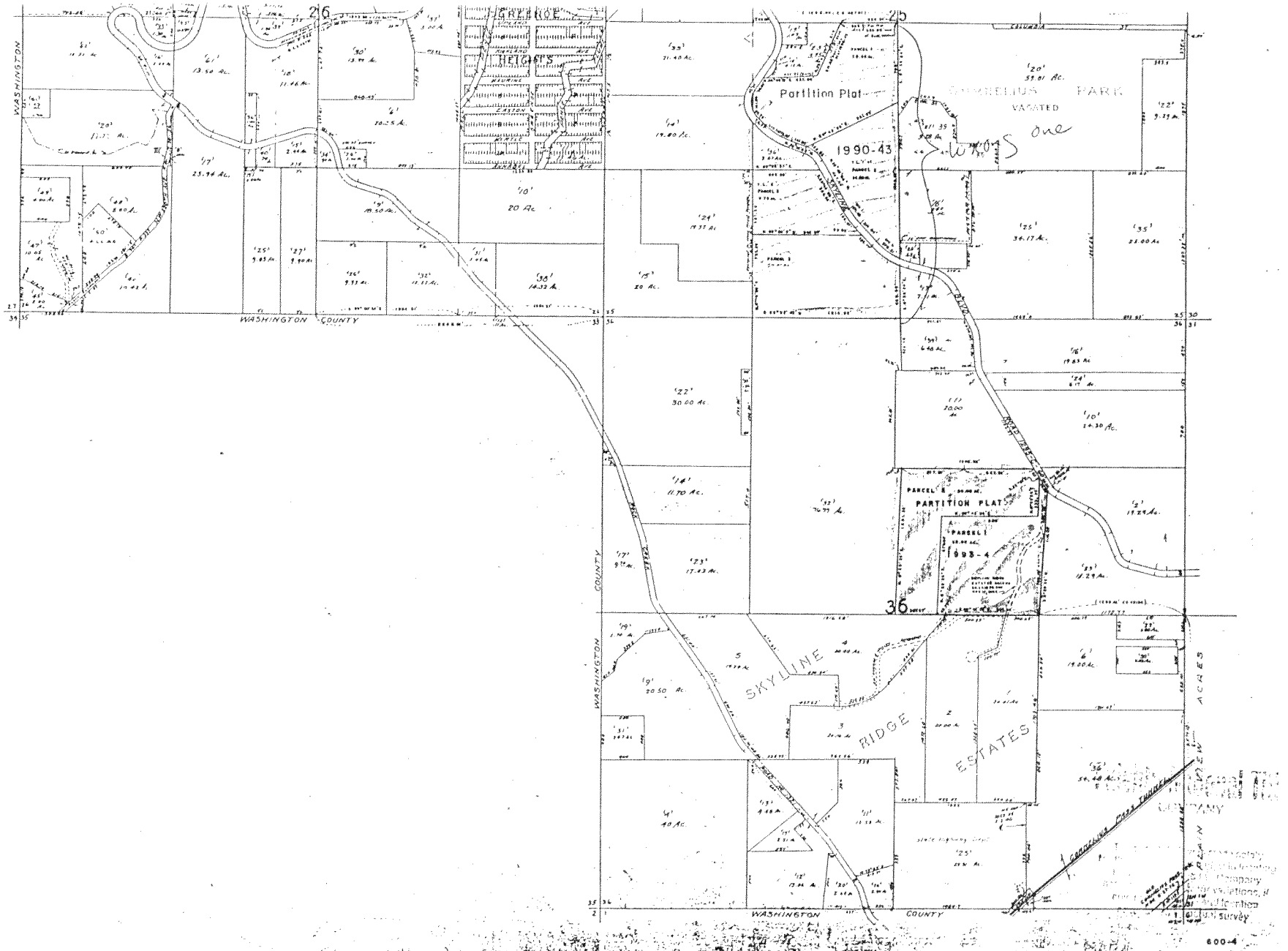

WASHINGTON COUNTY
WASHINGTON COUNTY
JOHNSON
ROAD
JOHNSON
ROAD
SCHOOL
SCHOOL
'12' 301.38 Ac.
'11' 92.15 Ac.
'10' 32 Ac.
'9' 4112.11 Ac.
'11' 400.6 Ac.
'1' 40.30 Ac.
'2' 33.11 Ac.
'4' 90.85 Ac.
'8' 90.85 Ac.
'13' 171.92 Ac.
'18' 55.45 Ac.
'20' 155.29 Ac.
'9' 40.80 Ac.
'7' 40 Ac.


WASHINGTON COUNTY
WASHINGTON COUNTY
JOHNSON ROAD
Sec. 22
Sec. 15
Sec. 10
Sec. 16
WASHINGTON COUNTY
3.10-15.22-2N


PARTITION
PLAT 1991 — 137
RIVER ROAD
TRACT
PARCEL 1
PARCEL 2
PARCEL 3
Partition Plat 1992-78
Partition Plat
1990-41


PARCEL 1
Partition Plat 1992-78
PARCEL 3
PARCEL 2
Partition Plat
1990-41
SHELTERED NOOK


SHELTERED NOOK
WASHINGTON COUNTY
WASHINGTON COUNTY
GREENRIDGE HEIGHTS
Partition Plat
1990-43
CORNELIUS PARK
VACATED
26
25
39.80 Ac.
40.04 Ac.
60.00 Ac.
20 Ac.
23.94 Ac.
30.00 Ac.


26
25
GREENRIDGE HEIGHTS
Partition Plat 1990-43
CORNELIUS PARK
VACATED
WASHINGTON COUNTY
PARTITION PLAT 1988-4
PARCEL 1
PARCEL 2
36
SKYLINE RIDGE ESTATES
WASHINGTON COUNTY
ACRES
600-4
25,26,36

11/26/94
ARNOLD ROCHLIN
SUBMITTAL

Appeal of West Hills Reconcilation Report by:

Audubon Society of Portland
Friends of Forest Park
Sauvie Island Conservancy
Donna Matrazzo
Arnold Rochlin

July 26, 1994

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July 26, 1994

Proposed Amendments to West Hills Reconciliation Report of
May 24, 1994 and addenda and errata June 27, 1994

Testimony by Arnold Rochlin, for himself and Audubon Society of Portland, Friends of Forest Park, Sauvie Island Conservancy and Donna Matrazzo

These proposed amendments are not exhaustive, and may leave some portions of the text inconsistent with the amendments. The Board is requested to instruct staff to amend such provisions to make them consistent with these amendments. Some of the proposals are incomplete and include instructions for staff to properly develop them.

Concerning West Hills Stream Resources:

Page III-10, Section 2, Impact Areas. Delete the first sentence and substitute the following:

- The impact area includes the watershed of each stream, the riparian zone and those downstream areas with important and sensitive features that are affected by the quality and quantity of stream flow. The SRI/Shapiro study was limited to the riparian zones, but there is substantial evidence in the record concerning the other impact areas, both from public testimony and county authorized studies.

Page III-17, Section 4(a), 4th¶. Add to the first sentence:

- and any use that degrades the function of the watershed; for example by adding impervious surface, making long cuts in the earth and channeling water.

Page III-19, Subsection v. Replace first paragraph with:

- Mining - Aggregate mining will heavily silt, and may ultimately destroy, streams within the mine area. There has been some testimony that restoration is possible, but no evidence of any specific example of successful large scale watershed and stream restoration has been presented in evidence. Substantial testimony was offered questioning that reclamation on a large scale as would be required here, can actually restore natural like function to a stream. Based on that evidence, it is doubtful satisfactory restoration within the Angell Brothers site can be accomplished. It is prudent to conclude that most of the value of stream resources in a large open mine area would be permanently lost.

Page III-24, Subsection X, McNamee-Harborton Area. Add a paragraph:

- Middle Angell Brothers Creek. The property lessee, Angell Brothers, denied access to most of the stream, the 3/4 mile length lying within the boundaries of their leasehold. The contract vendors studying the site for the county did not seek authority of the Planning Commission, available under MCC 11.05.100(F), to enter the property to perform the required survey. Because the task remains incomplete, the streams continues to be designated as a likely significant resource, but requiring additional information before an ESEE analysis can be done. The necessary information will be obtained and the analysis will be completed within three months of adoption of this report.

Page III-28, first full paragraph. Replace with:

- Allowing mining will result in total destruction of normal stream function. Such channels as may remain or be constructed or restored will function as storm drains rather than streams. Without watershed function, storm water will run off immediately and drain within hours. The natural system holds water for months, gradually feeding the streams. Even full quarry reclamation as described in the substantial evidence in the record, does not propose restoring natural watershed function. There is no evidence in the record that permits and regulation by DOGAMI and DEQ will prevent permanent loss of watershed function. DEQ is concerned with quality of water leaving the site, not the function of the streams. And DOGAMI gives priority to mining. They do not prohibit mining where natural like restoration is not achievable, their requirement is merely to reclaim as can practically be done.

Page III-32, fourth paragraph (beginning with "Prohibiting residential"): Add:

- On the other hand, allowing development that damages the stream, either at a single site, or cumulatively, will decrease the value of riparian properties. A stream that floods in the rainy season and is dry most of the year may reduce values below what they would be without the stream entirely.

Pages III-43 to III-51, "Response to Comments"

- Instruct staff to edit the entire Response to Comments to make summaries of issues faithfully reflect the public comments and to make the discussion and responses fair and accurate. (The Planning Commission found much of the characterization of public comments to be inaccurate, and staff responses to be inadequate. See Rochlin written testimony of June 13th.) Retain the names of witnesses; otherwise distortions and omissions cannot be exposed.

Page VI-20, third paragraph. Replace with the following:

- Riparian zones will receive maximum protection. Development will be allowed only when prohibition would result in no economic use of property. Where useful development on a site can be achieved outside of the riparian area, development in the riparian area will not be allowed, except when there is no practicable alternative for access, utilities or other necessities of otherwise allowed development. Such development as must occur in the riparian area must be designed to have as little impact on natural features as is practicable and must include mitigation that will benefit the watershed and riparian area to approximately the same extent as it is otherwise harmed.

  Watershed areas outside of the riparian zone will receive lesser protection. Low density development consistent with existing zoning will be allowed under standards intended to minimize impact on the stream. Such standards will include at least the following. (Instruct staff to develop standards for roads, driveways, structures and any other development that will require siting and design that minimizes watershed damage. Include requirements for features such a water detention to direct runoff into, rather than over, the ground.)

Concerning Angell Brothers Aggregate:

Pages IV-3, Section 2, Location.

- (Instruct staff to add identification of operating quarries and other known aggregate resource sites outside Multnomah County, but within the Multnomah County market area.)

Page IV-5, first paragraph. After the first full sentence, add:

- However, there are aggregate and sand and gravel quarries operating nearby in Columbia County that have a substantial market in Multnomah County. They share some of the location advantages of Angell Brothers.

Page IV-5, last paragraph. Add a sentence:

- The minimal evidence available is not sufficient to support a conclusion that the quality and quantity of resource is consistent throughout the site as speculated in the Schlicker Report commissioned by Angell Brothers. Based on substantial evidence in the record, the quantity of resource in the proposed 283 acre expansion area has not been established. Among other things, there is nothing unique or special about the Angell Brothers part of the hills. The entire West Hills are composed of similar resource of varying degrees of quality and quantity.

Page IV-6, subsection 4, Quality. Add a paragraph:

- For the reasons stated above under quantity, the limited evidence provided by Angell Brothers and other evidence, is not sufficient to establish that the quality of resource in the proposed 283 acre expansion area is sufficient to justify designating it as significant. There is substantial evidence that most of the West Hills has resource in a range of quality that would include the likely quality of the resource on this site.

Page IV-9, seventh paragraph. Replace with:

- Substantial evidence in the record indicates that there would be significant deleterious impacts from mining on other uses. Expansion of the mining area would significantly degrade the scenic resource far out of proportion to the expansion area. The relatively low altitude of the presently mined area reduces its visibility. It can be screened from highway view by trees and brush as well as by a presently unmined ridge. But virtually all proposed quarry enlargement would be at a higher altitude much more exposed to viewing from scenic view points on the Multnomah Channel and Sauvie Island. Both the Burlington Bottoms wetland and the Multnomah Channel suffer siltation damage from expanded mining. Substantial sound and dust impact has been found to be contained largely within an area defined by a line 1200 feet outward from the perimeter of the Angell Brothers site. The impact area is defined as the site itself, plus the area within a line 1200 feet out from the site perimeter plus Burlington Bottoms plus the Multnomah Channel plus areas on the Multnomah Channel and Sauvie Island from which the West Hills are commonly viewed and from which the quarry site is easily seen.

Pages IV-49 to IV-50, "Public Comments on Significance":

- Instruct staff to edit the entire Response to Comments to make summaries of issues faithfully reflect the public comments and to make the discussion and responses fair and accurate. (The Planning Commission found much of the characterization of public comments to be inaccurate, and staff responses to be inadequate. See Rochlin written testimony of June 13th.) Retain the names of witnesses; otherwise distortions and omissions cannot be exposed.

Page VI-21, Section 3(a). After "Designated Level of Protection", substitute:

- There are portions of the Angell Brothers resource site where mining cannot occur without destroying identified Goal 5 resources. Those resources include the whole habitat area within one-half mile of the secondary wildlife habitat areas along McNamee Road and the Burlington Bottoms wetland. While some authorities have recommended a wider habitat corridor, at least the minimum 1/2 mile should be preserved. Therefore, the portions of this resource site within one-half mile of those habitat areas and the resource within the watershed of North Angell Brothers Stream, which has been identified as a major feeder of Burlington Bottoms, should be designated 3-B. Mining of the remainder of the site will have less impact on designated resources and should be designated 3C. This designation scheme designed to protect the habitat and Burlington Bottoms also has the effect of allowing relatively little increase in highly visible mined area to be seen from the areas commonly used for viewing the West Hills. A map of the proposed compromise expansion area is separately submitted.

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West Hills Reconciliation Report Appeal Hearing 7/26/94

Appeal testimony of Arnold Rochlin, for himself and Audubon Society of Portland, Friends of Forest Park, Sauvie Island Conservancy and Donna Matrazzo

The Planning Commission did not come to grips with the critical issues. Where they had concerns, they took ineffectual actions, such as suggesting that farmers farm carefully. If a deliberative body is to do its job, it must be you. You received the staff work with no significant vetting.

I submitted packets that include proposed amendments to the Reconciliation Report, new testimony and copies of testimony by experts in geology, hydrology and watershed management, and other testimony.

The Reconciliation Report promises real protection to only one resource, aggregate. The proposed 3C designation for a mining area to be expanded by about 160 acres is the functional equivalent of a 3A designation. Housing, farming, forestry, whatever, will be allowed to conflict. But, as a practical matter, nothing can share a site with pit mining.

I'm going to concentrate on the streams and aggregate resources. If we take care of those, the wildlife habitat and scenic resource, will also benefit.

Streams

The streams study is superficial. The scholars who did it, failed notice that Miller Creek has Coho Salmon. The report is now corrected at page III-24, from my May 11th testimony (without attribution).

The most outrageous and unlawful proposal in this report is to exclude watersheds from the impact areas of the significant streams. Only thin strips along the streams, riparian zones, were considered and proposed to be protected. Over 95% of the actual impact areas are excluded. Responding to testimony of April 24th and May 11th, staff said (page III-45): "The impact area was limited to the riparian zones along each stream in order to make the report manageable in the time allowed for its completion." That is not lawful. Addressing OAR 660-16-005 in *Portland Audubon v. Clackamas Co.*, 14 Or LUBA 433, 442 (1986), LUBA said "... it is apparent an impact area is the area where uses may occur that could adversely affect the resource site or be adversely affected by use of the resource site." You must consider the watershed if uses there could impact the streams. It could not be more obvious that development in a watershed can wipe out the stream that relies on it. But staff went on to say: "Impacts to streams beyond the riparian zone are much reduced and, unless practiced at a large scale, are in fact negligible." I attached to earlier written testimony, a paper by Derek Booth and Lorin Reinelt of the King County Surface Water Management Division, presented at the 1993 Watersheds Conference. It explained that watershed destruction from development is not, as commonly presumed, proportional to the amount of added impervious surface. Watershed function declines at a much higher rate. Development doesn't just eliminate a watershed's quantity, it attacks its function by cutting it up and channeling run off. The staff did not acknowledge the paper and has proposed no protection whatever for watershed values. Not even construction guidelines. The city of Portland requires water detention and percolation back into the ground for

development in Northwest Hills watersheds. Why are watersheds significant in the city, but not in the county? The omission must be corrected.

Sometime between a finding that the Middle Angell Brothers Stream is a significant resource and the Reconciliation Report, that designation was changed. The reason given is in the report at III-49 and III-179. Angell Brothers wouldn't allow your agents onto the site. Instead of invoking the Planning Commission's authority to enter private property on commission business under MCC 11.05.100(F), they just decided to give Angell Brothers what they wanted. That is offensive.

Your staff proposes to not specifically map the riparian areas to be subject to an SEC zone. At page VI-20, the report says: "Since measurement of the zone was very generalized in the Streams study, provisions should be made for an applicant under the SEC provisions to provide evidence as to a more precise boundary of the riparian zone on the property which meets the definition." There are two things wrong with this. First, it's illegal. The Court of Appeals ruled in *Ramsey v. City of Portland*, 115 Or App 20, 25 (1992): "One of the overriding objectives of the goal and the rule is to require resources to be identified and comprehensive regulatory programs to be developed before case-specific decisions about resource use are made." Second, and worse, it would turn every land use application into a war, and the streams will eventually lose. No one will ask to enlarge a protected area. Adjustments will be a one way street leading to less and less protection. The resource areas must be mapped.

Quarry

Nothing in the record independent of Angell Brothers', establishes the quantity and quality of resource on the site. The rock appears to be like the rest of the Tualatin Range, i.e., variable. Based on two test holes, only 84 feet deep, on a 283 acre proposed expansion area, Angell Brothers' expert, Schlicker & Associates, said there are 220 million yards of uniformly high quality rock at relatively uniform depth on the site. Testimony of Marvin Beeson, Ph.D., professor at Portland State, a leading expert on West Hills geology, was that the Schlicker report did not provide an adequate basis for their projections. He said the uncertainty could be reduced by drilling several more holes, and to the depth of the proposed mining. Angell Brothers refused to do it. In *Eckis v. Linn Co.*, 19 Or LUBA 15 (1990) LUBA found a claim of 5 test holes on a 25 acre site insufficient. Testimony by Kevin Foster, consulting geologist and geotechnical engineer, identified mining difficulties and hazards, and deep overburden that reduce the value of the site for mining.

In addressing the OAR requirement that quality and quantity be compared to other sites in at least the same jurisdiction, staff took a minimal approach. They are certainly aware of the nearby quarries in Columbia County; the wildlife habitat section identifies them on pages V-45-46. But in determining significance of aggregate, staff ignored them. The rule doesn't require you to search outside the county, but what could be the motive of staff to deliberately ignore the facts they already have? The only plausible reason is that the facts interfered with a preferred decision. It is not right for you to ignore those quarries.

A critical lapse in the staff quantity analysis, is the site definition. First, the site was defined by property ownership and control, not by resource location. Does anyone think the aggregate resource goes to the edge of the Angell Brothers property and stops there? From 2 test holes? This was a personal analysis, not a resource analysis. Second, the staff did not consider quantity on the presently approved mining area versus the proposed expansion area. You heard the Angell Brothers representative say on June 13th, that he has 16,800,000 yards of unmined rock on the last 40 acre expansion area granted in 1990. He calculated that to be an eleven year supply by supposing increases in production of 8% per

year. But Angell Brothers application for the conditional use permit, included documentation that they have rock crushing capacity of 810,000 tons, or 400,000 yards, per year. And they promised then to not increase truck traffic. Staff confirms that production is 400,000 yards a year at page IV-6. My arithmetic makes that a 42 year supply, in line with the Friends of Forest Park calculations in the record. But that isn't all. Angell Brothers has said, as a kind of threat, that if you don't allow them to expand, they'll mine a ridge by Highway 30 that has been preserved as a buffer. That's the perfect compromise. Mining down by the road will greatly minimize the harm to wildlife habitat, streams and wetlands. While the mine would be visible from the highway, most viewers would pass it in seconds. It would not be visible from any distance, because it's too low, thus protecting viewing sites on the Channel and Sauvie Island. The area is about 30 acres, and, if it has the same quantity and quality as the rest of the site, which we can assume, as Schlicker does in the report for Angell Brothers, it would yield about a 30 year supply. That brings the total up to 70 acres and over 70 years. This is a win/win situation. With no expansion upslope, Angell Brothers nearly doubles their supply.

Staff has proposed an expansion of mining by about 160 acres. After allowing for buffers, the actual acreage to be mined is only a few acres short of what Angell Brothers proposed and you denied in 1992. Most of the proposed expansion is in the watershed of the North Angell Brothers Stream which empties into Burlington Bottoms. Mining would vastly increase sediment deposits and seriously damage or destroy the wetland, just as Angell Brothers silted up and destroyed a lesser wetland nearby. But about 35 acres of the staff endorsed expansion is <u>not</u> in that watershed. We believe you should deny any expansion, it's unnecessary and mining cannot be done without some significant harm. But, if you must allow it, limit it to the 35 acres outside of the North Stream watershed. That 35 acres would bring the total available mining area to about 105 acres, over a 100 year supply. If production were doubled, its a 50 year supply. And, if you preserve the upper part of the property for forestry, if all my calculations are garbage, the rock will remain available to satisfy a future necessity. The correct calculation of negative economic, energy and social impact from allowing this limited quarry expansion, using future value calculations, is near zero.

The report makes an unlawful determination of the impact area of the quarry. An area 1200 feet out from the site boundaries is designated as the impact area. Though it was based on the purported range of significant noise impact, it was arbitrarily designated as the impact area for <u>all</u> conflicting uses. There is substantial evidence in the record that mining has a significant deleterious effect on the wetland quality of Burlington Bottoms, on the water quality and scenic values in the Multnomah Channel and on scenic views on Sauvie Island. As explained before, where conflicting uses have an adverse impact on the resource, or vice-versa, an impact area becomes legally defined.

There are repeated statements in the staff report, that there's no need to worry about the quality of water coming off the site. You know that Angell Brothers has long been in violation of DEQ standards on the relatively small site of their current operations. The argument that DEQ regulates it, so we shouldn't worry is morally and legally bankrupt. In *Eckis v. Linn Co.*, LUBA said: "Goal 6 requires findings that a proposed use <u>will</u> be able to comply with applicable environmental standards, and is not satisfied by a finding stating only that the proposed use will be required to comply with applicable environmental standards." The ruling is more applicable to a conditional use application than a comprehensive plan amendment, but it's significant here because staff keeps telling you it's DEQ's responsibility.

You may have seen the article in the Oregonian of July 5th about the Karban Rock quarry on the Salmonberry River. The site is only 78 acres, about a third the size proposed by

your staff for Angell Brothers. The slopes are much less steep, and there is room for seven settling ponds. There are none on the Angell Brothers site. Nevertheless, Karban Rock continues to contaminate the river. You cannot act on faith. Detention of water on a bare rock slope, without a massive detention facility, won't happen. You heard the DEQ witness on June 13th. He thought Angell Brothers is wonderful, because they "went the extra mile". What he was referring to was that, after being cited for a long term violation, they decided they had to comply with the law. And, he plainly said he did not know if the Angell Brothers improvements would work in a heavy rain!

On June 13th, you heard testimony about reclamation. Someone from DOGAMI told you about how successful other projects were. In 1992, Angell Brothers and staff were challenged to identify a single comparable site that had been reclaimed to near natural function as watershed, forest and streams. They came up with nothing close. You have been told repeatedly in the report that mining has only a temporary impact. It's not true.

Our proposed amendments to the Reconciliation report address the issues we're concerned with, but they do not perfect the report. We have not changed every reference on every page to correspond with our proposals, that remains to be done. What we ask of you is to adopt the Reconciliation Report with our amendments, and, with instructions to staff to bring the rest of the report into conformity with the amendments.

I believe there has been an attempt to have you wrongly believe that if you don't approve dedication of 160 more acres for mining, LCDC will take over and do it for you and grant Angell Brothers mining on the whole remaining 283 acres. I don't believe they intend to do that, but if they do, you must not submit to blackmail, express or implied. You do not have to prove that your choice of what resource to protect is the correct one. Its a value judgment. The process of identifying significant resources and conflicting uses is relatively objective. But which of properly identified resources to protect, is your call. OAR 660-16-005(2) says "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." Of course, they have to be decent reasons based on honest evidence, but they don't have to be the reasons that DLCD likes and the honest judgments you make based on those reasons are beyond LCDC's lawful scope of review.

We have proposed a compromise. One that gives Angell Brothers a lot to mine, and one that preserves other resources. Its not a half and half compromise. It won't satisfy the mining interests, including their regulatory fan club, but it's the right thing.

In closing, I'd like to ask 3 rhetorical questions. If all the evidence were as it is now, but the Angell Brothers site was owned by people who begged you to not designate their land as an aggregate resource, would you do it? Would DLCD pressure you to do it? Would Mr. Pemble advise you to do it? The answers are obvious. And that makes what you should do now just as obvious. Angell Brothers' preference is not a Goal 5 standard. Adopt the Reconciliation Report only with our amendments.

DECLARATION OF

JON RHODES, M. Sc.

I. QUALIFICATIONS

1. My name is Jon Rhodes. I am a hydrologist with 11 years of experience.

2. I received a Bachelor of Science degree in hydrology and water resources in 1981 from the University of Arizona. In 1985, I received a Master of Science degree in hydrogeology from the University of Nevada-Reno. I received a degree for Candidacy for Doctor of Philosophy in forest hydrology from the University of Washington in 1989. I have completed all requirements for my doctorate except the dissertation, which is in progress.

3. For the past three years, I have been employed by the Columbia River Inter-Tribal Fish Commission. In this capacity, I have examined silvicultural, agricultural, roadbuilding, mining, and other activities that alter streamflow or water quality. I have developed monitoring programs to measure changes in channel condition and water quality caused by various land uses, and evaluated extant channel morphology and water quality data. I have also served as a technical adviser on water quality monitoring as a member of several technical committees addressing nonpoint source issues in the Columbia basin.

4. Prior to my current position, I worked on a wide variety of issues related to nonpoint pollution for the University of Washington, the Tahoe Regional Planning Association, the U.S. Geological Survey, and the University of Nevada-Reno. In addition, over the past few years, I have also been employed as consulting hydrologist, by several groups and agencies, including Multnomah County.

5. I have published several scientific papers in peer-reviewed science journals and have

co-authored numerous technical reports on my research findings. The subject of most of these papers has been the effects of nonpoint sources on water quality.

6. For the past three years, my work has focused on analyzing the effects of current and proposed uses of land and water on nonpoint sources of pollution, water quality, channel morphology, and anadromous fish habitat. Much of my work has involved the development of measures to protect existing stream conditions from further degradation and to restore forested watersheds and their streams consistent with the regional efforts to rebuild the anadromous fish runs of the Columbia River basin.

II. INFORMATION REVIEWED

7. I have reviewed the Conditional Use Application by the Angell Bothers, Inc. to Multnomah Planning Commission, for expansion of the existing quarry (hereinafter: "Application"). I also reviewed the Oregon Department of Environmental Quality's (hereinafter: "ODEQ") General Permit No. 1000 (hereinafter: "Permit No. 1000") which covers the disposal of waste water and storm water runoff from gravel mining activities. I reviewed water quality standards for the Willamette basin in Oregon Administrative Rule 340-41-445 (hereinafter: "OAR-340-41-445"). I inspected and evaluated the area downstream and adjacent to the quarry, including the discharge site on July 18, 1992. I also reviewed other pertinent scientific literature. The list of this literature is too lengthy to list here, so I have listed it separately and attached it to this declaration.

III. SUMMARY

8. The Application proposes the expansion of the Angell Brother's rock quarry by 283 acres. The purpose of my review of the Application has been to evaluate: 1) the effect of the proposed expansion on downstream water quality, water quantity and downstream wetlands; 2) whether water quality control measures proposed in the application are adequate to protect water quality and

the public interest; and, 3) whether the quarry expansion will cause violations of Permit No. 1000 or OAR-340-41-445.

9. Based on my review of available information I have concluded the following:

a) Quarry expansion will increase streamflow, erosion, and downstream sedimentation. The increases in annual erosion, downstream sedimentation, and turbidity that will be caused by the quarry expansion will probably be extremely significant.

b) It is unlikely that the proposed water quality control measures will adequately protect water quality from deleterious increases in stream turbidity. It is highly unlikely that a detention ponds can be constructed which would be capable of insuring there is no downstream discharge of storm runoff from the quarry into the downstream wetlands and the Multnomah Channel. The pond currently used to collect quarry runoff is completely ineffective for preventing discharge of quarry runoff into the Multnomah Channel.

c) Discharge from the quarry to the Multnomah Channel is already common occurrence during storm periods because the wetland which receives quarry runoff has been completely filled in by sediment from the existing quarry operations and the sediment load from the stream passing through the quarry. This discharge violates Permit No. 1000, because the permit requires that there be no direct discharge of quarry runoff to the Multnomah Channel. Therefore, Permit No. 1000 is already being violated on a regular basis.

d) Seepage from proposed and existing detention ponds will be negligible. Precipitation inputs to the ponds exceed evaporation. Neither seepage nor evaporation

from detention ponds will be very effective in disposing, or reducing the amount, of runoff from the quarry.

e) The frequency and magnitude of the discharges of quarry runoff to the Multnomah Channel are likely to be increased by quarry expansion. This will worsen the violations of Permit No. 1000. Coupled with expected increases in downstream turbidity, quarry expansion will reduce downstream water quality and probably violate water quality standards for turbidity in the Multnomah Channel.

f) Waste water discharge into one downstream wetland has already significantly affected the wetland by filling it with sediment. Continued discharges coupled with increased sedimentation that can be expected from quarry expansion will worsen this impact.

g) Quarry expansion will also increase sedimentation of the Burlington Bottoms, a highly significant wetland. Over time, this will accelerate the loss of the open water character of this important wetland, counter to the public interest.

IV. DISCUSSION

A. Aquatic Resources and Beneficial Uses Affected

10. The area proposed for quarry expansion in the Application is drained by three intermittent streams, named "Stream A," "Stream B," and "Stream C" in the Application (Exhibit B). Stream B drains the southwestern part of the proposed expansion and flows into Multnomah Channel. Stream A drains central part of the quarry property and flows into the Multnomah Channel after passing through a wetland which has been filled in by runoff from the quarry. Stream C drains the northeastern part of the property and flows into the "Burlington Bottoms" which has been recognized as a significant wetland by Multnomah County.

11. The designated beneficial uses of the Multnomah Channel include anadromous fish passage and the rearing and spawning of cold water salmonids (OAR-340-41-422). These beneficial uses are adversely affected by increases in turbidity and sedimentation (Reiser and Bjornn, 1991).

12. The Oregon Department of Environmental Quality (hereinafter: "ODEQ") has made the assessment that sedimentation in the Multnomah Channel is already moderately impairing the beneficial use of the river by cold-water fish (1988 Oregon Statewide Assessment of Nonpoint Sources of Water Pollution (hereinafter: ODEQ, 1989), such as steelhead and chinook salmon.

B. Probable Effect of the Quarry Expansion on Streamflows, Erosion, Turbidity, Sedimentation and Downstream Wetlands

13. Standard methods from available scientific and technical literature were used to estimate the likely magnitude of changes in runoff, erosion, sedimentation, and turbidity that are likely to be caused by quarry expansion. While these methods are generally accepted as useful estimation tools, they are not necessarily accurate forecasts of the actual magnitude of change in runoff and sedimentation that will be caused by the quarry expansion. Therefore, the estimates presented here are not given for any sort of engineering purposes because the accuracy of estimates is uncertain. The estimates of changes in runoff and sedimentation are presented only as a reasonable indication of the likely magnitude of changes caused by quarry expansion as predicted by conventional, and widely used, estimation methods.

14. It is probable that quarry expansion will increase runoff within the watersheds draining the quarry due to the removal of vegetation and soil and increases in compaction caused by heavy machinery (Dunne and Leopold, 1978). Rainfall-runoff curves from U.S. Soil Conservation Service National Engineering Handbook (1972) were used together with average monthly precipitation data for Portland, and the area of quarry expansion to estimate average monthly streamflow for the three

streams draining the quarry. The results of this approach indicates that quarry expansion will increase average annual streamflows over estimated natural flows by about 190% in Stream A, 150% in Stream B, and 130% in Stream C. Increases in annual peak storm runoff in these streams is expected to be increased by about the same magnitude. Although the estimation method is crude, a more sophisticated approach is not warranted given a general dearth of hydrologic data from the area.

15. Quarry expansion will increase soil erosion by removing vegetation, increasing runoff, and steepening slopes (Dunne and Leopold, 1978). Virtually all studies indicate that removal of vegetation greatly increases erosion (Dunne and Leopold, 1978; USEPA, 1980). Activities such as the proposed quarry expansion typically increase erosion by about 50 to 100 times encountered under natural vegetative cover in the Pacific Northwest (Dunne and Leopold, 1978). Increases in erosion, sedimentation, and turbidity that will be caused by quarry expansion were estimated by use of the Modified Soil Loss Equation (USEPA, 1980). The amount of area that will be disturbed by quarry expansion was determined for each of the three watersheds via maps of the expansion in the Application (Exhibit B). It was also assumed that 50% of the expansion and existing quarry area had received successful reclamation and erosion control; erosion control will be much higher absent this level of successful reclamation and erosion control. Subject to these assumptions and the accuracy of the method and available data, it appears that quarry operations will increase annual erosion and sediment delivery to streams by about 2600% in Stream A, 1400% in Stream B, and 950% in Stream C. These estimated increases in annual sediment delivery to streams correspond to increases of about 1100 tons/yr in Stream A, 250 tons/yr in Stream B, and 430 tons/yr in Stream C. These estimates appear reasonable when compared to the results of studies of erosion increases caused by land use similar to that anticipated under quarry expansion (Dunne and Leopold, 1978).

16. These estimates of likely increases in sediment delivery are probably conservative,

because the Modified Soil Loss equation does not account for gully and channel erosion or mass failures. Gully and channel erosion are common and significant sources sediment in unvegetated areas in the Pacific Northwest (Swanson et al, 1987). My field evaluation also indicated that gully erosion is a significant source of erosion in unvegetated areas in the vicinity of the quarry operation. Vegetation removal associated with quarry expansion will increase the probability mass failures (Furniss et al., 1991). Channel erosion and expansion is a common consequence of increases in runoff in small watersheds (Dunne and Leopold, 1978); increased runoff is expected with quarry expansion. Mass failures greatly increase sediment delivery when they occur. Further, it was also assumed that vegetation removal and quarry expansion does not increase the efficiency of the delivery of eroded sediment to streams. Vegetation loss typically increases the efficiency of the delivery of eroded sediment (USEPA, 1980). Therefore, it is probable that sediment delivery caused by quarry expansion will exceed the estimates given above.

17. Within given a watershed, stream turbidity is generally proportional to suspended sediment. Stream turbidity can be roughly estimated by assuming that increases in sediment delivery proportionally increase both suspended sediment and stream turbidity. Therefore, quarry expansion may increase stream turbidity by about 2600% in Stream A, 1400% in Stream B, and 950% in Stream C.

18. Case studies provide some indication that the estimated increases in turbidity associated with quarry expansion are reasonable. Andersen and Potts (1987) found that logging and road construction in a small fraction of a forested watershed increased suspended sediment seven times the background yield in the first year after the activity and at two times the background in the second year. Since suspended sediment is correlated to turbidity within a given watershed, it is probable that increases in turbidity were similar to those found in suspended sediment. It can be expected that

quarry operations will have a cause much greater increases in suspended sediment than that found by Andersen and Potts (1987) because a quarry operations will disturb a much larger percentage of the watersheds, the level of disturbance will be more intense, and rainfall is higher than in the area studied by Andersen and Potts (1987). Fowler et al. (1987) documented that the construction of a single road crossing increased turbidity by more than 50 times (5000%) relative to an upstream site. Again, the quarry expansion and operation will have much greater effect on erosion and sediment delivery than a single road. These case histories and the estimated increases in turbidity associated with quarry expansion indicate that there is a high likelihood that the quarry expansion will violate state water quality standards for turbidity, because Oregon's state water quality standards allow only a 10 percent increase in turbidity over background (OAR-340-41-455).

19. Increased turbidity in the Multnomah Channel is not the only impact associated with increased runoff and sediment transport that can be expected with quarry expansion. Increases in sediment delivery will also increase the amount of sedimentation in downstream wetlands. Stream A drains into a small, unnamed wetland adjacent to the Multnomah Channel which the Application (p. 11) describes as a "...diked settlement pond." Stream C drains into the Burlington Bottoms which has been recognized as a significant wetland by Multnomah County. The Application (p. 11) notes that quarry runoff is currently piped into the "settlement pond."

20. During my field evaluation of the "pond" it was clear that the "pond" is actually wetland because it had very strong indications of wetland hydrology, including hydric soils and vegetation. My inspection also indicated that sedimentation in this wetland has already been significant. Inspection of sediment accumulation between layers of leaves dropped annually by endemic trees indicate that about one inch of sediment accumulates annually in the wetland. Given the size of the wetland, this deposition is roughly equivalent to about 280 cubic yards/yr. If it is very

conservatively assumed that only about 50% of this annual sediment deposition is due to quarry operation, the existing quarry operation is filling the wetland at a rate of about 0.5 inches/yr or 140 cubic yards/year. In contrast, it is estimated that the natural rate of sediment deposition in the wetland was on the order of about 0.1 inch/yr. Plainly, this accelerated sedimentation of the wetland has already greatly changed its character and altered the historic ability of this wetland to store water. Estimated increases in sediment delivery associated with quarry expansion indicate that this rate of sediment deposition and wetland filling will more than double the rate of sedimentation currently observed in the wetland.

21. Quarry expansion will also accelerate the deposition of sediment in the Burlington Bottoms. Based on increases in estimated sediment delivery, the rate of sedimentation in the Burlington Bottoms will be increased by about 950%. If it is conservatively assumed that only 50% of the annual sediment delivery to Stream C estimated under quarry expansion reaches the Bottoms, the expansion can still be expected to cause an additional 170 cubic yards of sediment to be deposited in the Bottoms annually. This will greatly accelerate the sedimentation of the wetland, which will result in a much more rapid loss of the wetland's open water character over time. It will also reduce the Burlington Bottoms ability to store surface water.

22. The estimates given above indicate that the quarry expansion is likely to significantly increase runoff, erosion and sediment delivery. Case studies from scientific literature also indicate that the expansion will have these same effects. The estimated impacts and field evaluation indicate that the quarry expansion will accelerate the filling of downstream wetlands. The Application does not adequately address these effects of quarry expansion, nor does it consider the consequences of these effects. Full analysis of these effects and their consequences needs to be made before any reasonable decision on the Application can be made.

C. Water Quality Control Measures Are Unlikely To Be Effective

23. The Application (p. 11) states water quality will be protected by compliance with Permit No. 1000 which requires that no turbid runoff from the quarry operations can be discharged into public waters. The Application (p. 11) proposes that it will comply with the permit by expanding existing detention/settling ponds and then piping water into the small wetland below Stream A. The Application (p. 11) notes that it is intended that water percolate from the pond into the ground, but that a local resident has noted that silty water does flow into the Multnomah Channel.

24. It is unlikely that the Application's proposed sediment control measures will function as described in the Application. It is more likely that discharge situation observed by the local resident will not only continue, but worsen.

25. Based on estimated average annual runoff from the quarry operations, the detention of all estimated annual quarry runoff would require about 700 acre-feet of storage capacity, assuming that only quarry runoff is stored and that runoff from the rest of the watersheds is not stored. The storage of 700 acre-feet would require a detention pond with an area of 100 acres and a depth of 7 feet. In contrast, the existing operation has an area of 113 acres; with expansion, the operating area is expected to be about 400 acres. The wetland currently used as a detention "pond" has an area of about 3 acres. Although the application fails to provide any sort of engineering specifications or dimensions for the proposed detention ponds, it is doubtful that the quarry will be able to construct ponds with the dimensions needed to collect the water accrued during a single year of average precipitation. Detention ponds would actually have to provide considerable more storage in order to comply with Permit No. 1000, because years of above average precipitation are relatively common, and because water will accrue over several years in the absence of downstream discharges; neither pond evaporation nor seepage will be effective in reducing the amount of storm water held in ponds.

26. My field inspection of the wetland currently used as a detention pond indicates that seepage in sediment detention ponds will be negligible. The wetland bottom is entirely composed of thick layers of very tight clay deposited by storm waters. These clays were cracked, indicating a high level of swelling when saturated. Such clays typically have extremely low infiltration rates, on the order of about 0.1 foot/month. Given the results of my field evaluation, I would expect that any additional detention ponds that collect storm runoff will be rapidly lined with similar deposits, and that any percolation will soon be negligible in reducing the magnitude of stored storm water.

27. Surface evaporation from detention ponds will not cause a net reduction in storm water in storage, because average annual precipitation exceeds average annual evaporation. Average annual evaporation in Portland is about 24 inches (Dunne and Leopold, 1978) while average annual precipitation is about 37 inches. Therefore, the very existence of a ponded surface should result in a net annual increase of about 13 inches of pond depth per year.

28. Mere detention of storm water runoff from quarry operations will not be effective in significantly reducing turbidity so that discharge water can be released without increasing downstream turbidity. The clays in the wetland are comprised predominantly of colloidal material. Colloidal material remains in suspension in water; it does not settle out under the influence of gravity. Most of the deposited clay in the wetland is probably only deposited when the wetland is periodically de-watered by discharges into the Multnomah Channel.

29. The wetland currently used as a detention pond has no ability to provide any long term storage of surface water. All significant storage areas in the pond have been completely filled in. Although the Application (p. 11) describes the wetland as diked pond, I found no evidence that the wetland had any remaining static storage capacity, nor could I find any evidence of a dike. There is evidence that there is significant runoff of water from this wetland. A heavily eroded channel about

four feet deep and three feet wide leads from the wetland surface to the Multnomah Channel. Based on my field evaluation, I conclude that the wetland has very limited utility as a detention pond and that the discharge of turbid quarry runoff into the Multnomah Channel is a common occurrence. This is a violation of Permit No. 1000.

30. Based on my analysis, I also conclude that violations of Permit No. 1000 are likely to worsen with quarry expansion, because the discharge of turbid storm runoff from the quarry to the Multnomah Channel are likely to increase, with quarry expansion.

V. CONCLUSION

31. Based on my review of available information and accepted models, quarry expansion will increase streamflow, erosion, and downstream sedimentation. Increases in annual erosion, downstream sedimentation, and turbidity are likely to highly significant.

32. The frequency and magnitude of the discharges of quarry runoff to the Multnomah Channel are likely to be increased by quarry expansion. This will worsen the violations of Permit No. 1000. Coupled with expected increases in downstream turbidity, quarry expansion will reduce downstream water quality and probably violate water quality standards for turbidity in the Multnomah Channel.

33. Storm runoff from the quarry has already significantly affected one wetland by filling it with sediment. Continued discharges, coupled with increased sedimentation that can be expected from quarry expansion, will exacerbate this situation. Quarry expansion will also increase sedimentation of the Burlington Bottoms. Over time, this will accelerate the loss of the open water character of this important wetland.

34. Proposed water quality control measures are unlikely to adequately protect water quality from deleterious increases in stream turbidity. It is highly unlikely that a detention ponds can be

constructed which would be capable of insuring there is no downstream discharge of turbid runoff from the quarry into downstream wetlands and the Multnomah Channel. The wetland currently used to collect quarry runoff is completely ineffective for preventing discharge of quarry runoff into the Multnomah Channel. Field inspection indicates that discharge from the quarry to the Multnomah Channel is already a common occurrence in violation of Permit No. 1000 which requires that there be no direct discharge of quarry runoff to public waters.

35. Neither seepage nor evaporation from detention ponds will be effective in reducing of turbid runoff from the quarry. Seepage from proposed and existing detention ponds will be negligible. Precipitation inputs to the ponds exceed evaporation.

I declare under penalty of perjury that I believe the foregoing is true and correct.

DATED 8/28/92.

Jon Rhodes

Literature Cited

Dunne, T. and Leopold, L.B., 1978. Water in Environmental Planning. W.B. Freeman and Company, San Francisco.

Fowler, W.B., Anderson, T.D. and Helvey, J.D., 1987. Changes in Water Quality and Climate After Forest Harvest in Central Washington State. USFS Res. Paper PNW-RP-388.

Furniss, M.J., Roelofs, T.D., and Yee, C.S., 1991. Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats, Am. Fish. Soc. Special Publ. 19: 483-518.

Reiser, D.W. and Bjornn, T.C., 1991. Habitat Requirements of Anadromous Salmonids. Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats, Am. Fish. Soc. Special Publ. 19: 1-16.)

Swanson, F.J., Benda, L.E., Duncan, S.H., Grant, G.E., Megahan, W.F., and Reid, L.M., 1987. Mass failures and other processes of sediment production in Pacific Northwest landscapes. Streamside Management: Forestry and Fishery Interactions, pp. 9-38, Univ. of Wash. Inst. of Forest Resources Contribution No. 57.

USEPA, 1980. An Approach to Water Resources Evaluation of Non-Point Silvicultural Sources. EPA-600/8-80-12.

August 24, 1992

TO: Whom it may concern

FROM: Marvin H. Beeson, Ph.D.
7264 Wilshire Ct.
Milwaukie, OR 97267

SUBJECT: Proposed Angell Brothers, Inc. Quarry Expansion, Multnomah County, Oregon

I am a Professor of Geology at Portland State University and have worked for more than 15 years on the geology and geochemistry of the Columbia River Basalt Group (CRBG) in western Oregon. I have coauthored two geologic maps in the Portland Hills (Tualatin Mountains) area and my research is reported in a number of publications. I have worked as a geologic consultant on the West Side Light Rail Project, dealing with the stratigraphy and structure of the CRBG, for several years. As a part of my ongoing research, I have traversed many of the canyons in the Tualatin Mountains, collecting samples and studying the CRBG exposures. I am also a registered geologist in the state of Oregon.

At the request of the Friends of Forest Park, I read some of the documents relating to the proposed quarry expansion, including a 1988 report by David J. Newton Associates and two 1989 reports by H.G. Schlicker & Associates. The following comments and questions on this proposed expansion are based on my reading of these documents and on my knowledge of the Columbia River basalts and the geology of the Portland area.

A. The estimate of the quantity and quality of rock in the proposed quarry is apparently based on surface observations, two shallow (84 ft) bore holes, and the assumption that the same quality of rock exists to the base of the proposed quarry floor hundreds of feet below the surface. While it is possible that this assumption is correct, there are several potential problems that could decrease this estimate: 1) The thickness of the CRBG is variable (400 to 800 ft) in the Portland Hills and the base of these flows could lie above the proposed quarry floor toward the back of the quarry. 2) The quality of the rock and its suitability for crushing is not the same in all CRBG flows due to differences in the thickness of vesicular zones, the possible presence of flow top breccia, and the nature of the texture and jointing. 3) Although no faults have been mapped at this site, faults and fault breccia are not uncommon in the Portland Hills and the rock quality may be poor along these zones due to alteration and a high clay content. The uncertainty in the estimates of rock quality and quantity could be greatly reduced with several core holes distributed over the proposed quarry area that penetrate to the depth of the proposed quarry floor.

B. The CRBG flows are reported as dipping to the northeast at

about 14 degrees. I think that this inclination is reasonably accurate in the present quarry near the U.S. Highway 30, but I expect that the dip becomes less to the southwest. In any case, excavation of a quarry of this size would truncate several basalt flows so that the permeable interflow zones would be exposed at the base of the quarry. Has the potential for ground water contamination from potential spills that could penetrate rapidly along these zones been evaluated?

C. If I accept the statement from the 1989 report on rock quality and quantity by H.G. Schlicker and Associates that the flows dip approximately 14 degrees to the northeast, then I must question whether this was taken into account in assessing the stability of the rock. The H.G. Schlicker and Associates 1989 report on geologic hazards concludes that "Initiation of a large landslide as a result of mining is unlikely because of the strong character of the underlying basaltic bedrock." However, no mentions was made in that report of the dipping beds and since no bore holes penetrated deep enough to characterize the nature of the contacts between flows, I cannot understand the basis for that conclusion. There exists a landslide at West Linn where movement was initiated during construction of I-205 on an interflow zone between CRBG flows where no landslide had existed before. The dip of the flows in that area are only approximately 3 degrees.

My general impression from reading these documents on the proposed quarry expansion is that, without deep bore hole data, they are insufficient to adequately address the questions of rock quality and quantity, and geologic hazards in a quarrying operation of this magnitude. It seems also that potential ground water contamination has not really been considered. My expertise is in neither engineering geology nor hydrology, but based on my knowledge of the basalts and the geology of the Portland area, I think that these questions should be carefully addressed before a final decision is made on quarry expansion. The CRBG flows occur extensively in western Oregon so that this site is not a unique deposit.

CURRICULUM VITAE

MARVIN H. BEESON
January 10, 1992

Education

Ph.D.	1969	Geochemistry	Univ. Calif., San Diego
M.S.	1962	Geology/Chemistry	Univ. of Oregon
B.S.	1959	Geology	Univ. of Oregon

Employment

Professor of Geology, Portland State University, 1980-present
Chairman, Earth Sciences Dept., Portland State University, 1976-80
Associate Professor of Geology, Portland State University, 1974-81
Assistant Professor of Geology, Portland State University, 1969-75
Visiting Assistant Professor of Chemistry, Reed College, 1967-70

USGS-Columbia River basalt mapping project in western Oregon, summer 1981, 1982
Visiting Assistant Professor of Geology, University of Oregon, summer 1968
Field Assistant to George Walker, United States Geological Survey,summer 1962.
U.S. Geological Survey, Research with D.S. Swanson; Visiting Scientist Program [sabbatical leave].

Refereed Publications or Other Creative Achievements

Master's thesis - The geology of the north-central part of the Sawtooth Creek Quadrangle, Oregon, 1962.
Dissertation - A trace element study of silicic volcanic rocks, 1969. Supervised by Professor Gordon G. Goles.

Beeson, M. H., Tolan, T. L., Madin, I. P., 1991, Geologic Map of the Prtland quadrangle, Multnomah and Washington Counties, Oregon, and Clark County, Washington: Oregon Department of Geology and Mineral Industries GMS-75 Geologic Map Series.

Beeson, M. H. and T. L. Tolan, 1990, The Columbia River Basalt Group in the Cascade Range: A middle Miocene datum for structural analysis: Journal of Geophysical Research, v. 95 no. B12, p. 19547-19559.

Beeson, M. H., Tolan, T. L., Madin, I. P., 1989, Geologic Map of the Lake Oswego Quadrangle, Clackamas, Multnomah, and Washington Counties, Oregon: Oregon Department of Geology and Mineral Industries GMS-59 Geologic Map Series.

Tolan, Terry L., Stephen P. Reidel, Marvin H. Beeson, James Lee Anderson, Karl R. Fecht, and Donald A. Swanson, 1989, Revisions to the estimates of the areal extent and volume of the Columbia River Basalt Group, In: Volcanism and Tectonism in the Columbia River Flood-Basalt Province, Stephen P. Reidel and Peter R. Hooper, editors, G.S.A. Special Paper 239, p. 1-20.

Reidel, Stephen P., Terry L. Tolan, Peter R. Hooper, Marvin H. Beeson, Karl R. Fecht, Robert D. Bentley and James Lee Anderson,1989, The Grande Ronde Basalt, Columbia River Basalt Group; Stratigraphic descriptions and correlations in Washington, Oregon, and Idaho, In: Volcanism and Tectonism in the Columbia River Flood-Basalt Province, Stephen P. Reidel and Peter R. Hooper, editors, G.S.A. Special Paper 239, p. 21-59.

Wells, R.E., R.W. Simpson, R.D. Bentley, Marvin H. Beeson, M.T. Managan, and T. L. Wright, 1989, Correlation of Miocene flows of the Columbia River BAsalt Group from the central Columbia River Plateau to the coast of Oregon and Washington, In: Volcanism and Tectonism in the Columbia River Flood-Basalt Province, Stephen P. Reidel and Peter R. Hooper, editors, G.S.A. Special Paper 239, p. 113-130.

Pfaff, Virginia J., and Marvin H. Beeson, 1989, Miocene basalt near Astoria, Oregon; Geophysical evidence for Columbia Plateau origin, 1989, In: Volcanism and Tectonism in the Columbia River Flood-Basalt Province, Stephen P. Reidel and Peter R. Hooper, editors, G.S.A. Special Paper 239, p. 143-157.

Beeson, Marvin H., Terry L. Tolan and James Lee Anderson, 1989, The Columbia River Basalt Group in Western Oregon; Geologic structures and other factors that controlled flow emplacement patterns, In: Volcanism and Tectonism in the Columbia River Flood-Basalt Province, Stephen P. Reidel and Peter R. Hooper, editors, G.S.A. Special Paper 239, p. 223-246.

Beeson, M.H., and Tolan, T.L., 1987, Columbia River Gorge: The geologic evolution of the Columbia River in northwestern Oregon and southwestern Washington: GSA Centennial Field Guide - Cordilleran Section, p. 321-326.

Anderson, J. L., M. H. Beeson, R. D. Bentley, K. R. Fecht, P. R. Hooper, A. R. Niem, S. P. Reidel, D. A. Swanson, T. L. Tolan, and T. L. Wright, 1987, Distribution Maps of Stratigraphic units of the Columbia River Basalt Group: Washington Division of Geology and Earth Resources Bulletin 77, p. 183-195.

Beeson, M.H., Fecht, K.R., Reidel, S.P., and Tolan, T.L., 1985, Regional correlation within the Frenchman Springs Member of the Columbia River Basalt Group: New insights into the middle Miocene tectonics of northwestern Oregon: Oregon Geology, v. 47, no. 8, p. 87-96.

Tolan, T.L., Beeson, M.H., and Vogt, B.F., 1984, Exploring the Neogene history of the Columbia River: Discussion and geologic field trip guide to the Columbia River Gorge: Part 1. Discussion: Oregon Geology, v. 46, no. 8, p. 87-97. Part 2. Field trip guide: Oregon Geology, v. 46, no. 9, p. 103-112.

Tolan, T.L., and Beeson, M.H., 1984, Intracanyon flows of the Columbia River Basalt Group in the lower Columbia River Gorge and their relationship with the Troutdale Formation: Geol. Soc. America Bulletin. v. 95, p. 463-477.

Kadri, M.M., Beeson, M.H., and Van Atta, R.O., 1983,Geochemical evidence for changing provenance of Tertiary Formations in northwestern Oregon: Oregon Geology, v. 45, no. 2, p. 20-22.

Kudo,A.M., Barker, S.E., Keil, K., and Beeson, M.H., 1982, Geochemical modelling of basalts from DSDP leg 65, East Pacific Rise, Gulf of California: Geochimica et Cosmochimica Acta, v. 45, no. 2, p. 20-22.

Beeson, M.H., Moran, M.R., Anderson, J.L., and Vogt, B.F., 1982, The relationship of the Columbia River Basalt Group to the geothermal potential of the Mount hood area, Oregon: in Priest, G.R. and Vogt, B.F. eds, Geology and geothermal resources of the Mount Hood area, Oregon: Department of Geology and Mineral Industries Special Paper 14, p. 43-46.

Priest, G.R., Beeson, M.H., Gannett, M.W., and Berri, D.A., 1982, Geology, geochemistry, and geothermal resources of the Old Maid Flat area, Oregon: in Priest, G.R., and Vogt, B.F. eds, Geology and geothermal resources of the Mount Hood area, Oregon: Department of Geology and Mineral Industries Special Paper 14, p. 16-30.

Williams, D.L., Hull, D.A., Ackerman, H.D., and Beeson, M.H., 1982, The Mt. Hood region: volcanic history, structure, and geothermal potential: Journal of Geophysical Research, v. 87, no. B4, p. 2767-2781.

Beeson, Marvin H., and Beeson, Melvin H., 1980, Neutron activation autoradiography of Hawaiian xenoliths: American Journal of Science, v. 280-A, p. 450-470.

Beeson, M.H., Perttu, R., and Perttu, J., 1979, The Origin of the Miocene basalts of coastal Oregon and Washington: an alternative hypothesis: Oregon Geology, v. 41, no. 10, p. 159-166.

Beeson, M.H., and Moran, M.R., 1979, Columbia River Basalt Group stratigraphy in western Oregon: Oregon Geology, v. 41, No. 1, p. 11-14.

Beeson, M.H., 1976, Geochemical studies of basalt to determine characteristics useful in evaluating durability: Appendix A in Microscopic and X-ray examination of rock for durability testing: Report No. FHWA-RD-77-36, Federal Highway Administration, Offices of Research and Development, Washington D.C., p. 50-71.

Gordon, G.E.,Randle, K., Goles, G.G.,Corliss, J.B., Beeson, M.H., and Oxley, S.S., 1968, Instrumental neutron activation analysis of standard rocks with high-resolution detectors: Geochimica et Cosmochimica Acta, Vol. 32, pp. 369-396.

Beeson, M.H., Johnson,A.G., and Moran, M.R., 1976, Portland Environmental Geology - Fault Identification, Final Technical Report, (September 1, 1974 - December 31, 1975), to the U.S. Geological Survey, Menlo Park, California, 107 pp.

Beeson, M.H., and Moran, M.R., 1979, Stratigraphy and structure of the Columbia River Basalt Group in the Cascade Range, Oregon: in Geothermal resource assessment of Mount hood, Final Report, RLO-1040, State of Oregon Department of Geology and Mineral Industries, p. 5-77.

Non-Referreed Publications or Other Creative Achievements

Tolan, T. L., Anderson, J. L., Beeson, M. H., 1989, Origin and characteristics of dextral strike-slip faults within the Yakima fold belt, Columbia River flood-basalt province, USA: In: MEVTV Workshop on Tectonic Features on Mars (T. R. Watters and M. P. Golombe, eds.), pp 63-64. LPI Tech. Rpt. 89-06. Lunar and Planetary Institute, Houston.

Tolan, T. L., Reidel, S.P., Beeson, M.H., Anderson, J.L., Fecht, K.R., Swanson, D.A., 1986, Revisions to the areal extent and volume of the Columbia River Basalt Group (CRBG): (Abstract) GSA Meeting, Hilo, Hawaii, May 1987.Beeson, M.H., Kudo, A.M., Richards, M.L., 1964, Apoyo and Masaya Calderas, Nicaragua (abstract): Transactions, AGU, vol. 45, No. 4, p. 642.

Pfaff, V.J., and Beeson, M.H., 1987, Miocene basalts of coastal Oregon and Washington: Geochemical and geophysical evidence for Columbia River Plateau origin: (Abstract) GSA Meeting, Hilo, Hawaii, May 1987.

Reidel, S.P., Tolan, T.L., Anderson, J.L., Beeson, M.H., and Fecht, K.R., 1987, Regional stratigraphy of the Grande Ronde Basalt (GRB) and its tectonic and petrogenetic implications: (Abstract) GSA Meeting, Hilo, Hawaii, May 1987.

Fecht, K.R., Bjornstad, B.N., Reidel, S.P., Tolan, T.L., Anderson, J.L., Beeson, M.H., and Smith, G.A., 1987, Reconstruction of Neogene drainage systems in the area covered by Columbia River Basalt Group (CRBG): (Abstract) GSA Meeting, Hilo, Hawaii, May 1987.

Anderson, J.L., Beeson, M.H., and Tolan, T.L., 1987, Tectonic evolution of the southwest Columbia Plateau: (Abstract) GSA Meeting, Hilo, Hawaii, May 1987.

Beeson, M.H., Tolan, T.L. , Reidel, S.P., and Fecht, K.R., 1987, Jointing in the Columbia River Basalt (CRB) flows: Association of jointing styles with other factors: (Abstract) GSA Meeting, Hilo, Hawaii, May 1987.

Beeson, M.H., Tolan, T.L., 1987, Columbia River Basalt Group (CRBG) in western Oregon: Factors controlling flow emplacement: (Abstract) GSA Meeting, Hilo, Hawaii, May 1987.

Beeson, M.H., and Tolan, T.L., 1984, Columbia River basalt in western Oregon: constraints on the Neogene tectonic history: Pacific Northwest Metals and Minerals Conference. April 30 - May 2, 1984, Portland, Oregon.

Wells, R. E., Simpson, R. W., Kelley, M.M., Beeson, M.H., and Bentley, R.D., 1983, Columbia River basalt stratigraphy and rotation in southwestern Washington (abstract): EOS, v. 64, no. 45, p. 687.

Barker, S.E., Kudo, A.M., Keil, K., and Beeson, M.H., 1981, Coherence of major and trace element modeling: Evidence for fractional crystallization of basalts from DSDP leg 65, East Pacific Rise (abs.): EOS, v. 62, no. 45, p. 1067.

Moran, M.R., and Beeson, M.H., 1979, Stratigraphy and structure of the Columbia River Basalt Group in the Cascade Range, Oregon (abstract): Oregon Academy of Science, v. 15, p. 49.

Beeson, M.H., and Moran, M.R., 1979, Stratigraphy and structure of the Columbia River Basalt in the Cascade Range, Oregon (abstract) EOS, v. 60, no. 46, p. 961.

Beeson, M.H., and Nelson, D.O., 1978, A model for the geologic history of Mt. Tabor, Kelly Butte, and Powell Butte in Southeast Portland, (abstract): Proceedings of the Oregon Academy of Science, v. 14, p. 142-143.

Robbins, K.C., Beeson, M.H., and Kittleman, L.R., 1978, Tephra layer from boreholes in Columbia Basin alluvium (abstract): Proceedings of the Oregon Academy of Science, v. 14, p. 155-156.

Beeson, M.H., Johnson, A.G., and Moran, M.R., 1977, Fault Identification and Structural Evolution of the Portland Area (abstract): Proceedings of the Oregon Academy of Science, v. 13, p. 58.

Beeson, M.H., Benson, G.T., and Johnson, A.G., 1976, Structure of the Tualatin Mountains, (Portland Hills), Oregon (abstract): Presented at GSA meeting in Pullman, Washington.

Beeson, M.H., with Bentley, R.D., Moran, M.R., 1976, Preliminary Correlation of Lower Yakima Basalt Flows in Western Oregon with the Type Area in Central Washington (abstract): Geol. Soc. Amer. Abstracts with Programs, v. 8, no. 3, p. 353.

Beeson, M.H., Moran, M.R., and Olson, F.L., 1976, Geochemical Data on Columbia River Basalt Stratigraphy in Western Oregon (abstract): Geol. Soc. Amer. Abstracts with Programs, v. 8, no. 3, p. 354.

Beeson, M.H., 1971, Review of Crystallography and Crystal Chemistry by F. Donald Bloss: The American Mineralogist.

Beeson, M.H., and Goles, G.G., 1968, Eu Anomalies in Rhyolites and their Petrologic Implications (abstract): Transactions, American Geophysical Union, v. 49, p. 80.

Honors, Grants, Fellowships

1991 Hoffman Award for Faculty Excellence - PSU
1990 Proposal to DOGAMI - Tectonic History of the Portland Area (not funded)
12/1990 Approved as a member of the Graduate Faculty in the Geology Department, Oregon State University for the purpose of sitting on Kenneth Werner's thesis committee.
NDEA Fellowship, Geology Department, University of Oregon, 1959-62
Sloan Fellowship, Chemistry Department, Reed College, 1967-69
NORCUS Fellowship, Rockwell Hanford Operations, 1983-84

Research or Other Creative Works in Progress

Robbins, K.D., Beeson, M.H., and Kittleman, L.R., Tephra layer from boreholes in Columbia Basin alluvium (my contribution, geochemistry, is completed; publication journal not yet selected).

Beeson, M.H., Tolan, T.L., Duncan, D.A., Johnson, A.G., The Waverly Heights Formation: Late Eocene-age basalt flows in the Portland, Oregon area: Oregon Geology.

Teaching Achievements

Developed and taught "Geology of the Portland Area" in summer 1990 and 1991 with the help of Terry Tolan. This course is a combined lecture/field course designed to serve local professionals, geology majors, and very interested non-majors. This is a state-of-knowledge course based largely on recent geologic mapping and research by Beeson and Tolan, some of which is published.
Regularly teach General Geology (201 & 202), Mineralogy (312), Geochemistry (419), Advanced Geochemistry (519), Columbia Gorge Geology (199). Advanced Geochemistry and Columbia Gorge Geology were developed or totally restructured by me.

Membership in Professional Societies

The Geochemical Society
Oregon Academy of Science
Geological Society of the Oregon Country
Society of Miscellaneous Oregon Geologists
American Association of University Professors
Geologist - State of Oregon (1977-present).

Service to the Profession

1992 Beginning consultation activity for Squier Associates on the West Side Light Rail project.
12/92 Member of the Geologic Mapping Advisory Committee to DOGAMI. New national legislation is designed to stimulate geologic mapping in the US.
DCS-USGS Workshop-Menlo Park, 1990-April - Deep Crustal Studies in the Pacific Northwest
February, 1990, Review Equipment proposals for NSF
January, 1990, 91, NSF Panel Review of Instrumentation & Laboratory Improvement Program proposals, Washington DC
December, 1989, Review research proposal for the Petroleum Research Fund
September, 1989; October, 1988, Association of Engineering Geologists, talks on Portland area geology
May, 1989, Oregon State University, Geology Department, Seminar on Columbia River basalt in western Oregon
1987, Prepared and led a workshop and field trip on the Columbia Plateau presented to the NRC for Westinghouse Hanford Company
April, 1986, Reviewed paper for Journal of Geophysical Research

Service to University, College, Department

1991 Served on the Provost Search Committee
1990-91 Faculty Senate Steering Committee.
President Pro-Tem of Senate.
1990-1991 Internal Issues TAsk Force-Strategic Planning Committee
1990-91 AAUP Bargaining Team & AAUP Council
1989-91 Faculty Senate Steering Committee, and Faculty Senate
Summer 1989 Senate Ad Hoc Committee, School of Business problem
1987-88 Advisory Council
1983 Ad Hoc Committee on Internal Strengths and Weaknesses
1986-present Geology Department Graduate Committee Chairman
1980-present Radiation Safety Committee
1986-present Environmental Sciences & Resources Coordinating Comm.

Service to Community

1992 Presented talk to the Association of Retired Citizens on "The Geology of Portland".
1991 Advisor to the "Friends of Parrett Mountain" concerning ground water problems.
1991 Presented talk to the Sherwood Elementary School on "Rocks and Volcanoes".

March 1991, Presentation to Oregon Water Well Assoc. annual technical seminar.
October 1990 Assisted Oregon Health Division (Dennis Nelson) on a groundwater problem in The Dalles
November 1990 Presented a talk on the geologic history of the Columbia River to the Fort Vancouver Historical Society1989
L.R. Squier Associates, Consultant on West Side Light Rail
1988 Cornforth Consultants, Consultant on West Side Light Rail
1987-present Multnomah County ESD, Teleconference, "Geologist talks to kids"
1986 Multnomah County ESD, produced video on "Rocks" for students
June 1989 Oregon Agate & Mineral Society, talks on the Columbia River basalt
June 1989; June 1988; June 1987 Friends of the Columbia Gorge, talk on Columbia Gorge geology
November 1988 Sherwood Grade School, geology discussion with fourth grade students
September 1988 Willamette Week, interview about Radon risk
December 1987 DOE/NRC Workshop in Richland, WA, consultant on Columbia River basalts; talks and reports
June 1988 The Nature Conservancy, field trip to Columbia Gorge
1987-87 Martin Marietta Aluminum Reduction Facility in The Dalles, consultant on geology of site relating to toxic waste
1986-87 Schlicher & Associates, consultation on proposed land fill site

September 1, 1992

From: Kevin Foster, P.G., C.E.G., P.E.
14355 NW McNamee Road
Portland, OR 97231

SUBJECT: PROPOSED ANGELL BROTHERS, INC. QUARRY EXPANSION, MULTNOMAH COUNTY, OREGON

Statement Summary

Based on a review of documents related to geotechnical aspects of the above-referenced proposed quarry expansion, it is my professional opinion that insufficient information regarding overburden cut slopes has been provided to adequately assess whether the proposed expansion will result in geologic hazards at the quarry and surrounding properties.

Statement

I am a consulting engineering geologist/geotechnical engineer with 15 years of experience in Oregon. I am licensed in the state of Oregon as a professional geologist, certified engineering geologist, and professional engineer. The majority of my experience has been involved with assessing and mitigating geologic and geotechnical hazards associated with construction of roads and projects in areas of steep terrain.

At the request of the Friends of Forest Park, I have reviewed the following two geologic reports by Herb Schlicker and Associates: "Rock Quality and Quantity in Proposed Angell Brothers, Inc. Quarry Expansion," dated July 26, 1989, and "Geologic Hazards Investigation of Proposed Area of Quarry Expansion," dated December 28, 1989, as well as the permit application for the quarry expansion.

As discussed in the Schlicker reports, the quarry occupies moderate to steep terrain that is underlain by Columbia River Basalt. The basalt is mantled by loess deposits, referred to as Portland Hills Silt, which consist of silt with variable amounts of clay and sand. The silt is thickest on the ridgelines and thins or is absent on the steep ravine slopes. The reports indicate that up to 70 ft of silt mantles the basalt on ridgelines near the south and west ends of the proposed quarry expansion.

Typically, the silt lies on a paleosoil developed from weathering of the underlying basalt. This horizon is relatively impermeable and presents a barrier to downward percolation of water. As a result, perched groundwater conditions are common at the base of the silt, and saturation of the silt reduces the strength of the deposit considerably, in comparison with its dry strength. The following paragraph describing the engineering characteristics of the silt is excerpted from a report by Shannon & Wilson, Inc. for the Multnomah County Department of Environmental Services, entitled "Geologic and Slope Hazard Studies, Unincorporated Multnomah County, Oregon," dated September 30, 1978.

> "When dry, the fresh silt will stand in steep or even vertical cuts for short periods of time. However, erosion, slumping, and sloughing of steep slopes invariably occurs, often along vertical joint surfaces within the silt. In addition, the permanent or transitory saturation at the base of the loess has affected virtually all natural slopes in the area. Our observations suggest that natural slopes steeper than 25 percent are potentially hazardous. Slopes greater than 50 percent are always unstable over the long term, in both Willamette and Portland Hills Silt."

Almost the entire quarry expansion area is mapped in this publication as an "area of known or potential slope hazard."

Schlicker's geologic hazard report states that geologic hazards at the site include slope stability and erosion hazards. The report also states that cut slopes will be constructed that have the potential to fail, and that the size and frequency of these cut slope failures can be minimized by proper design of cut slopes. With the cut slope issue so clearly defined in the report as the primary geologic hazard associated with the quarry expansion, it doesn't seem to follow when the report goes on to state "this mine pit cut slope design is not within the scope of this report."

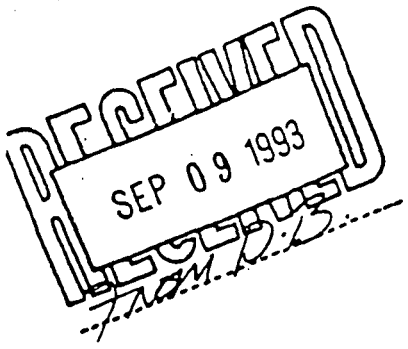
For the purpose of minimizing operation costs and geologic hazards, aggregate quarry operations are typically limited to areas of shallow overburden soils. Although this is generally the case with the existing Angell Brothers' operation, if the quarry is allowed to expand southward and westward as proposed, it will encounter progressively deeper overburden (silt) beneath the ridgelines. The massive, up to 70 ft high, overburden cuts that are proposed along the south and west ends of the site are unprecedented in the tri-county area. These cuts have the potential to trigger large-scale landslides that could involve residential properties located above the quarry, and result in severe erosion if improperly designed. Based on my professional experience, and the authors of the earlier-excerpted Multnomah County Environmental Services' slope hazards report, the 1.5H:1V benched cut slopes proposed in the quarry expansion application may be suitable for rock cuts, but will not provide long-term stability in the overburden soils.

For the above-stated reasons, it is my opinion that the design of overburden cut slopes should be included in the scope of the geologic hazards investigation. Specific guidelines for limiting the height and steepness of both short-term and permanent overburden cuts should be provided as part of the quarry expansion application to limit the potential for landsliding and severe erosion. Additionally, cut slope guidelines will greatly influence the amount of minable aggregate available and the overall feasibility of the proposed expansion. This information would be beneficial in assessing the merits of the quarry expansion site relative to other potential quarry sites, where shallower overburden and flatter slopes would allow a more efficient, less hazardous extraction of aggregate.

Considering the steep terrain and deep overburden deposits at the proposed expansion site and the widespread occurrence of the Columbia River Basalt in Western Oregon, it is my opinion that more geotechnically favorable quarry sites can be found.

In closing, I strongly recommend that the overburden cut slope criteria be addressed before a final decision is made on the quarry expansion.

CONSEQUENCES OF URBANIZATION ON AQUATIC SYSTEMS–MEASURED EFFECTS, DEGRADATION THRESHOLDS, AND CORRECTIVE STRATEGIES



by Derek B. Booth and Lorin E. Reinelt
King County Surface Water Management Division
400 Yesler Way #400, Seattle, WA 98104

in

Proceedings, Watersheds '93: Conference sponsored by U.S. Environmental Protection Agency, Alexandria, VA, March 21-24, 1993 (in press).

ABSTRACT

Urban development changes both the form and the function of the downstream drainage system. Although many of these changes have been long-recognized qualitatively, we have sought more quantitative understanding of them, and of the aquatic-system degradation that typically results.

A variety of physical, chemical, and biological data from a wide range of lowland streams and wetlands in King County, western Washington, suggests remarkably clear and consistent thresholds of aquatic-system degradation. In this region, approximately 10 percent impervious area in a watershed typically yields demonstrable loss of aquatic-system function, measured by changes in channel morphology, fish and amphibian populations, vegetation succession, and water chemistry. Even lower levels of urban development can cause significant, but less well quantified, loss throughout the system as a whole.

These findings suggest that successful corrective measures must not simply protect the structure of individual stream or wetland elements, such as fixed-width buffers, unless watershed-level disturbances to the drainage system are addressed as well. Because these disturbances are pervasive and so very difficult to correct, downstream damage is probably inevitable without limiting the extent of urban development itself, a strategy that is being used with increasing frequency in this region's remaining resource-rich watersheds.

INTRODUCTION

Urbanization imposes a variety of watershed changes that profoundly affect runoff processes and the downstream surface-water drainage system. These changes include not only the most obvious manifestation of urban development, namely impervious surfaces that cover the land surface, but also the associated vegetation clearing, soil compaction, water-conveyance modifications, riparian-corridor alterations, human intrusion, and import of chemical contaminants that invariably accompany such development. These pervasive, landscape-level changes commonly affect virtually all areas of an urban watershed.

Downstream channels reflect these watershed changes in a variety of ways. Increases in peak flows have been best documented, with the discharge of floods of a given recurrence

interval typically increasing by factors of about 2 to 5. Recent, more sophisticated monitoring and numerical modeling of urbanizing drainage basins show that the duration of any given flood discharge, summed over the time period of gage record or simulation, may increase by an order of magnitude. Such modeling also shows that the frequency of "large" flows, recognized by the discharge necessary to accomplish significant erosive work on the channel form, may increase by nearly two orders of magnitude--from once or twice per decade to several times per year (Booth, 1991).

Physical conditions in channels also change as a result of urbanization. Some of those changes are a direct consequence of development and human habitation--riparian corridors are cleared, channels are straightened, and logs are removed from channels in the name of tidiness or for firewood. Other changes result from the increase in flows delivered from the upstream basin, which transport more sediment as a result of increased flow durations and accomplish more channel erosion as a result of the increased frequency of large floods. In combination, geomorphic work on the channel is increased even as the resistance of the channel to that work, typically derived from the roughness and armoring properties of bank vegetation and large woody debris, is reduced. Urban channels are therefore deeper, wider, and commonly incised; they are also more homogenous with little of the morphological variability, such as alternating pools and riffles, that characterize channels in more undisturbed settings.

The chemical composition of urban stormwater also differs, sometimes dramatically, from predevelopment conditions. Although measured data vary widely between systems, increases of up to one order of magnitude are typical for most pollutant classes, including solids, nutrients, metals, and bacteria. Construction-phase impacts can be particularly severe on stream systems and wetlands with small drainage areas.

In summary, landscape alteration affects aquatic-system function, primarily by the physical processes of reduced soil-moisture storage by compaction and paving, direct human intrusion into streams and wetlands, and import of pollutants. In recognition of these dominant processes, we have collected sets of physical, chemical, and biological data from a wide variety of lowland streams and wetlands in King County, western Washington State. We seek both a threshold of significant aquatic-system degradation, which appears from our data to occur at a rather well-defined level of urbanization, and insight into the processes by which that degradation occurs. Only with such insight are subsequent efforts at mitigation or protection likely to be successful.

CHOICE OF PARAMETERS AND METHODS OF DATA COLLECTION

We have chosen to consider data from both streams and wetlands, because these two classes of aquatic features are intimately interconnected in the watersheds of western Washington. The structure of these features is evaluated through measurement of physical parameters, such as bankfull width and depth for channels, or fluctuations in water level and water chemistry for wetlands. The function of these aquatic systems is measured by biological utilization, which is judged to integrate the suite of urban-induced effects and to provide the best aggregate measures of "quality" or "degradation." We have evaluated biological parameters quantitatively by species and population counts, and more qualitatively by rapid field assessment of habitat quality.

Urbanization is similarly diverse in characterization. Several parameters have been

used by past workers (*e.g.*, percent of area urbanized, percent of area served by storm sewers); all are strongly cross-correlated, and so to some extent the choice is a matter of personal preference. We have elected to cast all data in terms of the percent impervious area in a watershed, using typical impervious-area ratios for individual land uses, because this parameter can be unequivocally measured and is particularly well-correlated with the runoff processes that we judge are most significant. We also have independently measured conditions of the riparian corridor, because these areas are directly connected to aquatic systems and also because many jurisdictions are actively regulating these zones independent of broader, watershed-level controls.

CORRELATIONS BETWEEN URBANIZATION & AQUATIC-SYSTEM FUNCTION

In aggregate, the physical changes imposed by urban development on the landscape result in a decline in function of aquatic systems. This fact is evident to any resident of such a watershed; similarly intuitive is the observation that degradation increases as development progresses. Quantifying that decline in function and identifying its relationship with upstream urbanization, however, is much more difficult.

We have sought such a relationship by use of both new and existing data, relying heavily on biological indicators of stream and wetland function. Fish use in streams has been investigated directly by Lucchetti and Fuerstenberg (1993), who considered the differences in relative abundance between two species of salmon, cutthroat trout (*Onchorynchus clarki*) and coho salmon (*O. kisutch*), that have significantly different life cycles and habitat requirements. Cutthroat trout are tolerant of small-sized and relatively homogenous habitat; coho salmon, in contrast, require a varied physical environment that includes large pools and a stable substrate. Figure 1 shows the relationship between populations and watershed impervious-area percentages for 8 similarly sized drainage basins in western Washington (ranging in drainage area between 10 and 30 km^2). The data show little in the way of a discrete "threshold" but indicate that population changes may be measurable at rather low levels of urban development and become quite significant much beyond 10-15 percent.

Similarly, the relationship between fish habitat and urban development was evaluated by rapid field assessment along 140 km of stream channel in two drainage basins (Soos and Hylebos Creeks) in King County. Habitat was classified as excellent, fair, or poor on the basis of pool:riffle ratio, channel roughness and diversity, and observed fish use. The total contributing area and impervious-area percentage of the watershed above each channel reach was measured, with total areas ranging from 2 to 110 km^2 and impervious areas ranging from 2 to 50 percent. The results are graphed in Figure 2; marked degradation occurs at about 8-10 percent impervious area with almost no exceptions on either side of that value.

Data collected from 19 wetlands throughout King County (Reinelt and Horner, 1991; Richter et al., 1991) suggest a similar pattern. Wetland function was characterized by measurement of hydrology, water quality, soils, plants, and animals in these wetlands from 1988-90. Water-level fluctuation (WLF) was chosen as the primary measure of hydrology, because it integrates numerous factors governing wetland hydrology, including wetland-to-watershed area ratios, level of watershed development, wetland morphometry, outlet conditions, and soils. Mean WLF was used in this analysis, because it is less influenced by evaporation and summer drying. Water-quality analyses examined 21 variables, including

nutrients, metals, and bacteria, with a majority of samples collected during the wet (November-February) and dry (July-September) seasons; conductivity, total suspended solids (TSS), and fecal coliforms (FC) showed the greatest systematic variation (Reinelt and Horner, 1991). The diversity and abundance of amphibians, collected in pitfall traps and supplemented by egg-mass observations, were used to characterize animal use in wetlands (Richter et al., 1991).

The five variables noted above (WLF, conductivity, TSS, FC, and amphibian species) were used to compare wetland function with percent impervious area in the wetland watersheds. Each variable was scored from 0 to 100, where 0 represented the least degraded value in the entire data set and 100 the most degraded value. Other scores were assigned proportionally between these two extremes. A "water-quality" score was calculated as the mean of the three water-quality variables, which was then averaged with WLF and amphibian scores (Figure 3). These data support the intuitive knowledge that increased levels of urban development yield increased degradation, although this particular data set is deficient in impervious-area percentages between 4 and 14 percent. With one exception (JC28, with only moderate water-quality degradation and almost no WLF as a result of exceptionally permeable watershed soils and a very stable regional groundwater table), all wetlands with impervious-area percentages above 14 percent had scores greater than 50, whereas those below 4 percent had scores below 40.

CAUSAL RELATIONSHIPS BETWEEN DEVELOPMENT AND FUNCTION

Although the above examples clearly display a linkage between aquatic-system function and-urban development, they do not offer much insight into the causal relationship(s) between the likely vectors of urban impacts (*e.g.*, flow, water quality, physical intrusion) and the resulting changes in function. To achieve such insight, we must seek data that successfully isolate the effects of one urban-development parameter from all others. To date, our information is largely restricted to measures of flow quantity, channel size, and condition of the riparian corridor; but additional investigation of water-chemistry changes is probably warranted as well.

The effects of changing the riparian corridor can be evaluated by measurement of channel characteristics along a stream reach with varying adjacent land use. Along one such western Washington stream (Leach Creek, with a drainage area of about 9 km^2), bankfull channel widths and adjacent bank conditions were measured at 20-m intervals along 2 km of channel (Figure 4). An average 0.6 m of channel widening has occurred wherever the native bank vegetation had been altered or removed. This increase, about 17 percent, is trivial in comparison to the potential magnitude of catastrophic channel incision but a substantial fraction of the total "equilibrium" channel widening normally associated with urban-induced flow increases (Hammer, 1972; Booth, 1990). More generally, corridor condition and habitat quality were correlated in two other basins (Figure 5); note that good habitat quality is not guaranteed by corridor conditions, but an *absence* of significant riparian vegetation virtually assures degraded habitat.

Changes in flood discharge from urbanization are likely to affect aquatic systems most directly by an increase in streambank instability and channel erosion. We discriminate between *stable* channels, with little or no erosion of their bed and banks, and *unstable* channels, which display long continuous reaches with bare and destabilized banks indicative

of severe downcutting and widening. To characterize the increase in flows imposed by urbanization, we have used a continuous hydrologic model (HSPF; EPA, 1984) to simulate the increased frequency of equaling or exceeding the discharge with a recurrence of 10 years under forested conditions ($Q_{10\text{-}for}$). This discharge was chosen as an index value of the total hydrograph, because moderately large storm flows are commonly observed to affect stream-channel form and to move large streambed material (*e.g.*, Sidle, 1988). The correlation between observed channel stability (indicated by the "X"s and "O"s of Figure 6) and frequency of $Q_{10\text{-}for}$ under current conditions (vertical scale of Figure 6) was determined for four basins having HSPF simulation of both forested and current land cover. A consistent threshold of change is seen for those basins with a present-day recurrence of 2 years or less for the discharge equal to $Q_{10\text{-}for}$ (solid horizontal line in Figure 6, using the annual flood series). This threshold of instability also can be recognized simply by measuring impervious-area percentage in the upstream basin; again, a value of about 10 percent (dashed vertical line in Figure 6) seems pivotal.

These two factors, decreased corridor integrity and increased flows from the upstream basin, are typically interdependent, because urban development tends to affect both. Different management strategies apply to these two areas, however, and so discriminating their respective effects on the stream system is valuable. Steedman (1988) correlated the biologic function at 209 stream sites in southern Ontario, Canada, with land use and riparian corridor (Figure 7). As with our data (Figs. 2 and 5), both watershed and riparian land uses must be favorable (i.e. non-urban) for best conditions. If corridor clearing is proportional to basinwide urban land uses (the diagonal dashed line of Figure 7), stream conditions can be no better than "fair" once the basin achieves about 30 percent urban land use. At typical suburban densities, this corresponds to about 7-10 percent impervious area. Even with virtually-complete retention of streamside buffers (i.e. "percent riparian forest" equals 100%), impervious-area coverage much beyond this range will lead to nearly certain, measurable degradation.

CONCLUSIONS

These results suggest remarkably clear and consistent thresholds of aquatic-system degradation. In this region, approximately 10 percent impervious area in a watershed typically yields demonstrable, and probably irreversible, loss of aquatic-system function. This loss is reflected by measured changes in channel morphology, fish and amphibian populations, vegetation succession, and water chemistry. Even lower levels of urban development cause significant degradation in sensitive water bodies and a reduced, but less well quantified, degree of loss throughout the system as a whole. In the restricted context of western Washington aquatic systems, differences between watersheds are not apparently critical in determining this threshold; but those differences do determine the magnitude of the aquatic-system response and what strategies might provide effective mitigation.

These findings suggest that successful corrective measures must not simply protect or restore the structure of individual stream or wetland elements. For example, buffers around water bodies are necessary but must be combined with watershed-level restrictions on the rate and duration of stormwater discharge; loss of in-stream fish habitat cannot be repaired by engineered structures alone. Yet the changes to the landscape imposed by urbanization are probably beyond our best efforts to fully correct them. Thus some downstream loss is

probably inevitable without limiting the extent of development itself, a strategy that is being used with increasing frequency in this region's remaining resource-rich watersheds.

REFERENCES

Booth, D.B., 1990, Stream-channel incision following drainage-basin urbanization: Water Resources Bulletin, v. 26, p. 407-417.

Booth, D. B., 1991, Urbanization and the natural drainage system--impacts, solutions, and prognoses: Northwest Environmental Journal, v. 7, p. 93-118.

Hammer, T. R., 1972, Stream and channel enlargement due to urbanization: Water Resources Research, v. 8, p. 1530-1540.

Lucchetti, G., and Fuerstenberg, R., 1993, Relative fish use in urban and non-urban streams: conference on Wild Salmon, Vancouver, Canada.

Reinelt, L.E. and Horner, R.R. 1991. Urban stormwater impacts on the hydrology and water quality of palustrine wetlands in the Puget Sound region: *in* Puget Sound Research '91 Proceedings, Puget Sound Water Quality Authority, v. 1, p. 33-42.

Richter, K.O., Azous, A., Cooke, S. S., Wisseman, R.W., and Horner, R.R. 1991. Effects of Stormwater Runoff on Wetland Zoology and Wetland Soils Characterization Analysis: Puget Sound Wetlands and Stormwater Management Research Program, King County, WA.

Sidle, R. C., 1988, Bed load transport regime of a small forest stream: Water Resources Research, v. 24, p. 207-218.

Steedman, R. J., 1988, Modification and assessment of an index of biotic integrity to quantify stream quality in Southern Ontario: Canadian Journal of Fisheries and Aquatic Sciences, v. 45, p. 492-501.

U. S. Environmental Protection Agency (USEPA), 1984, Hydrological simulation program-Fortran: Southeast Environmental Research Laboratory, Office of Research and Development, Athens, Georgia. Release 8.0.

FIGURE 1

RELATIVE FISH USE, KING COUNTY STREAMS

(from Lucchetti and Fuerstenberg, 1993)

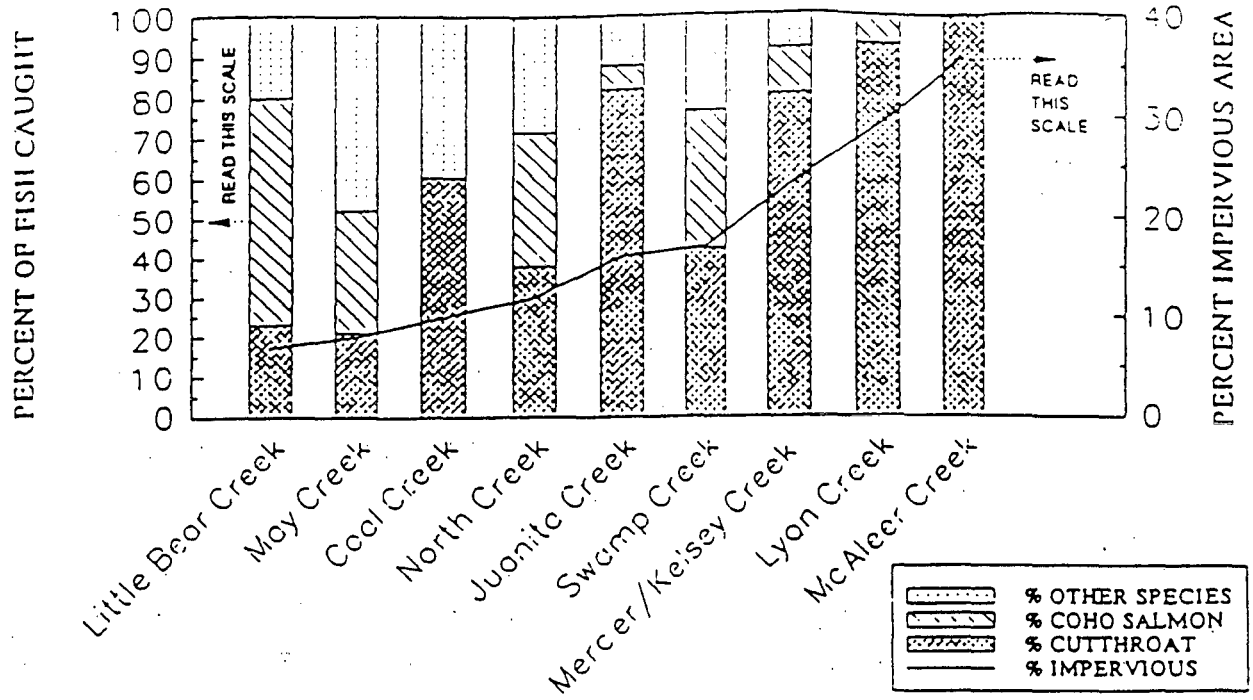


FIGURE 2

QUALITY OF OBSERVED FISH HABITAT

BIG SOOS AND HYLEBOS BASINS

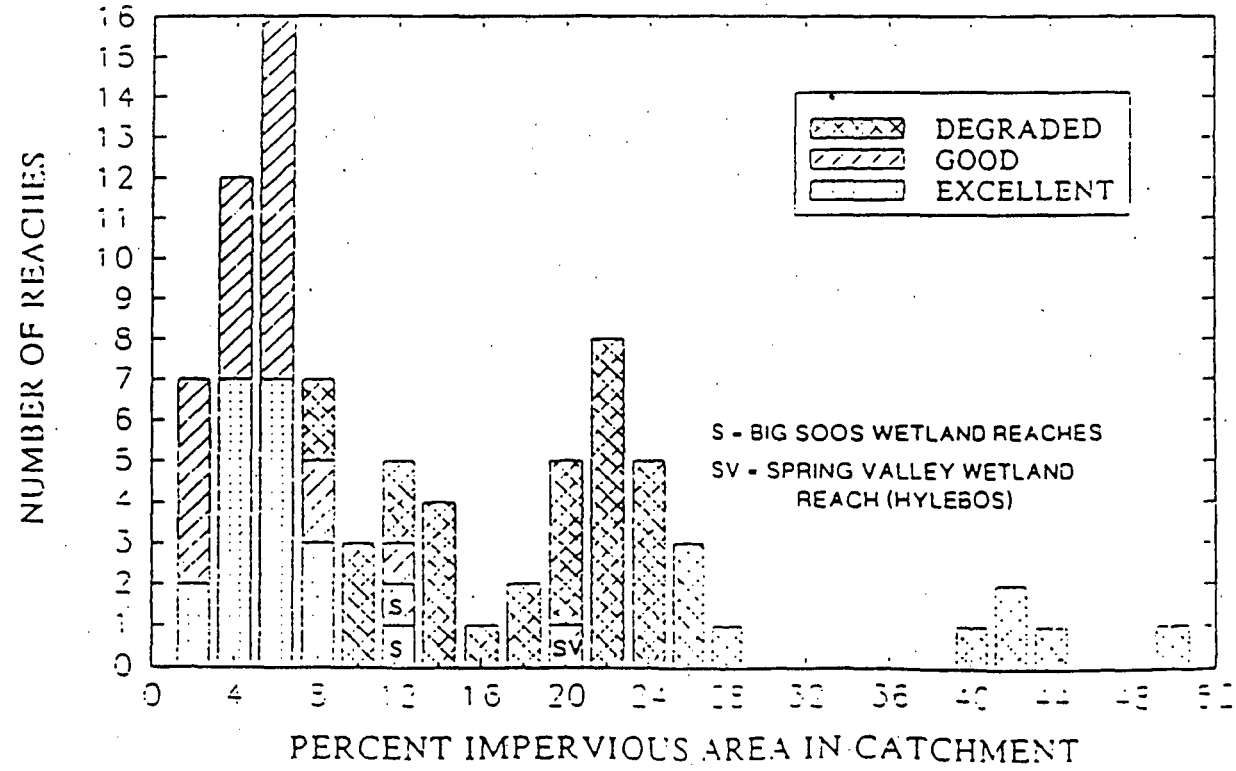


FIGURE 3

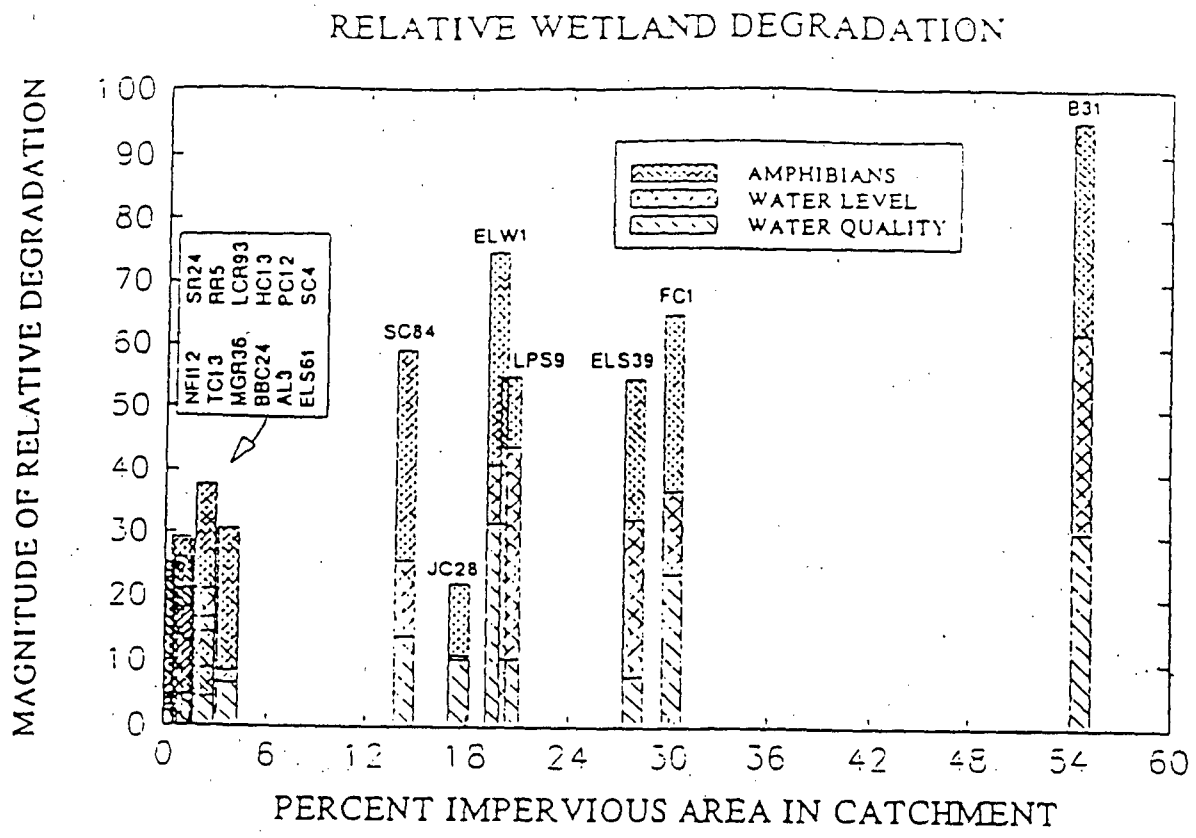


FIGURE 4

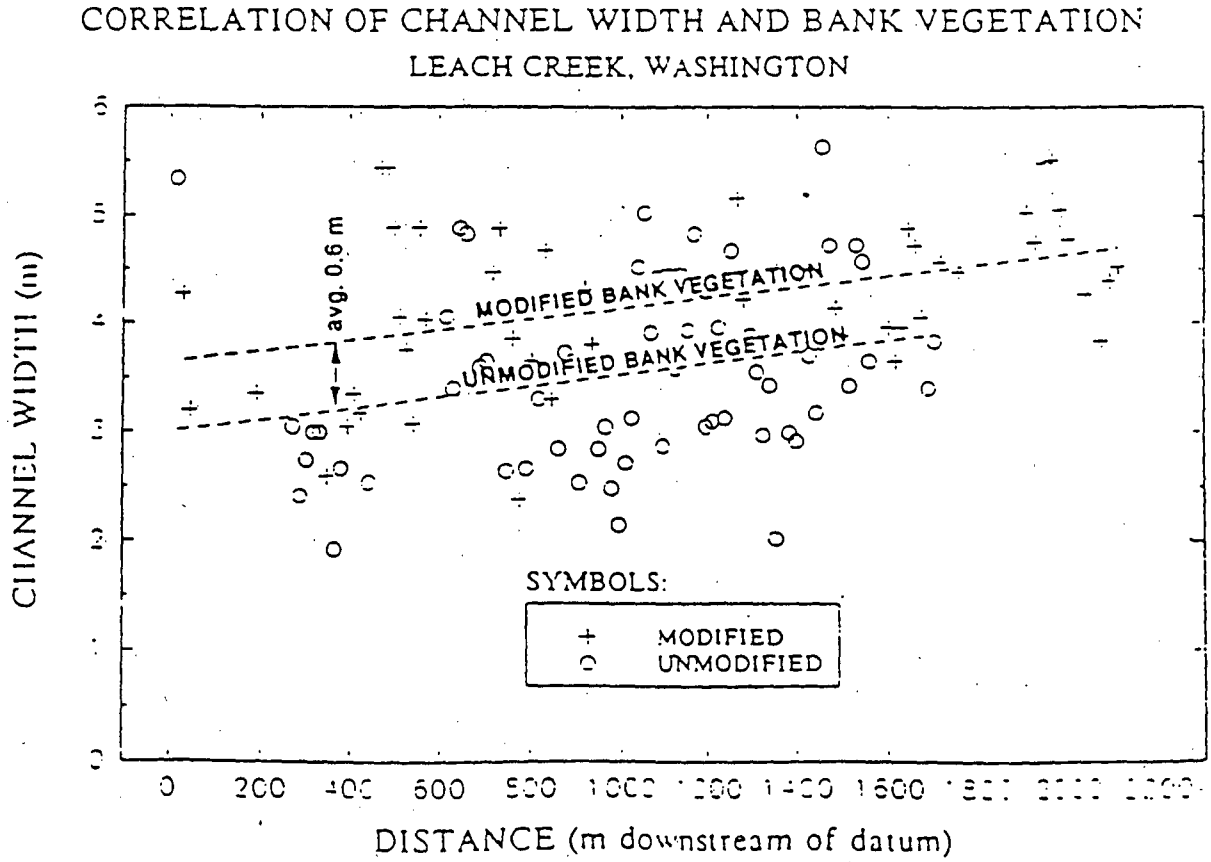


FIGURE 5

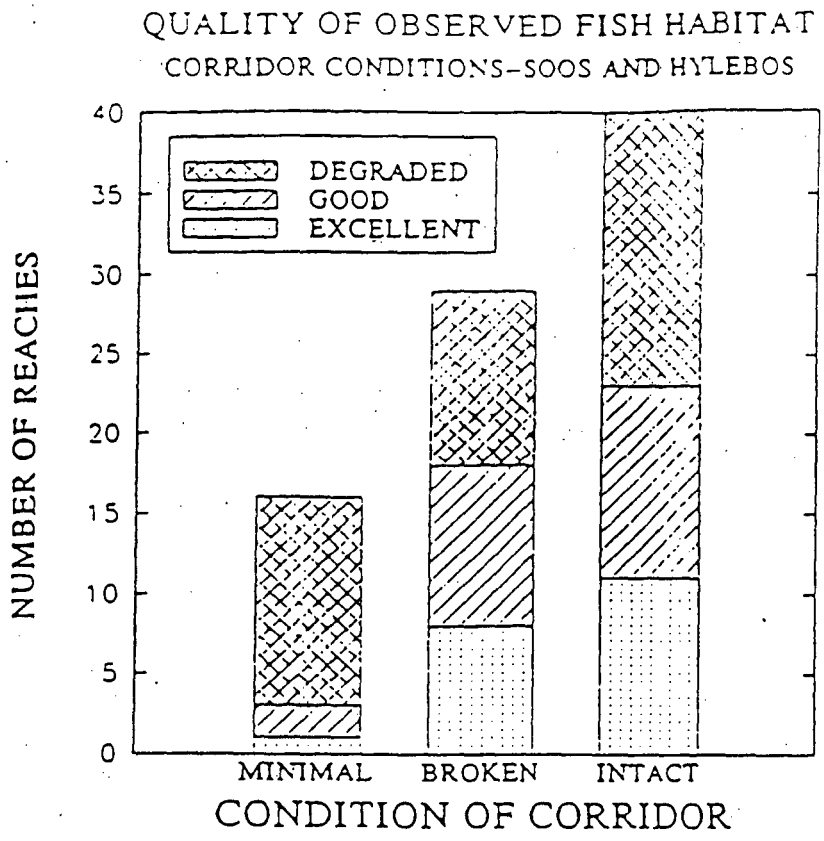


FIGURE 6

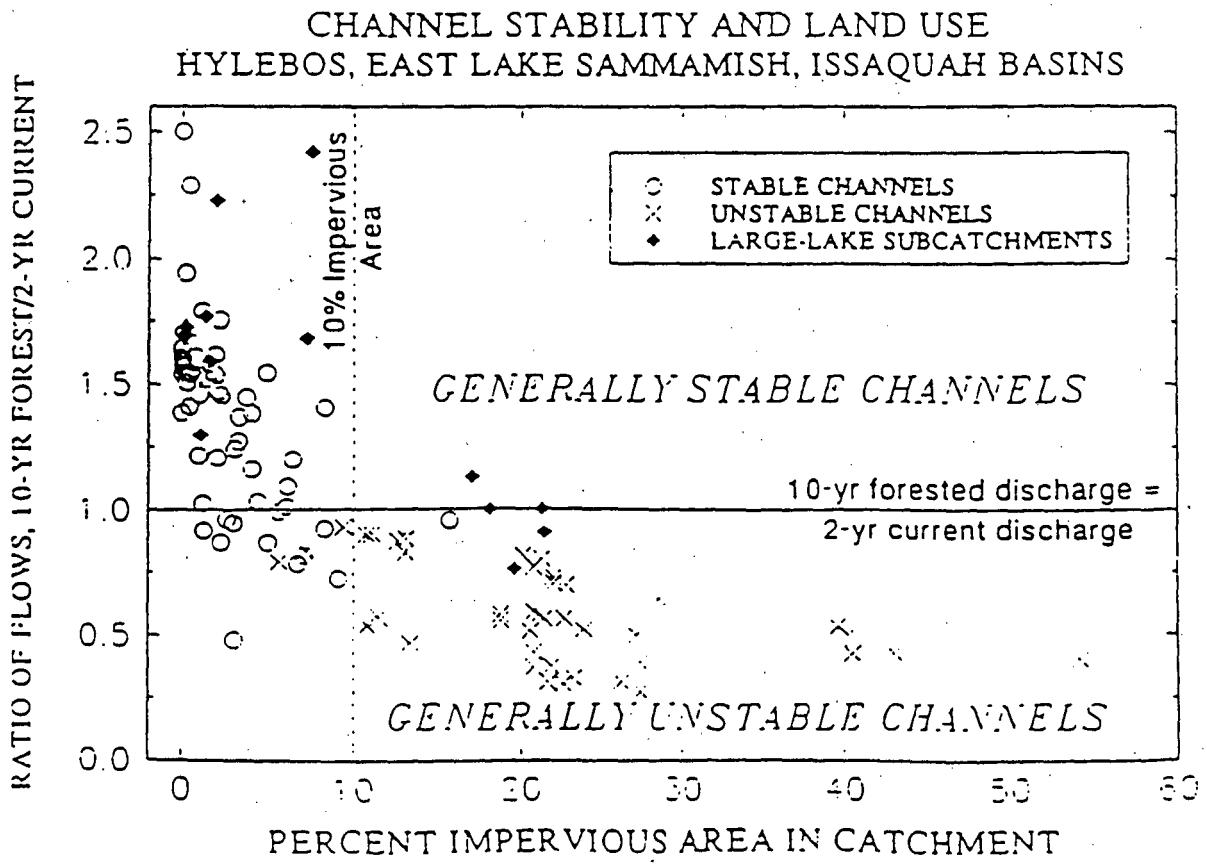
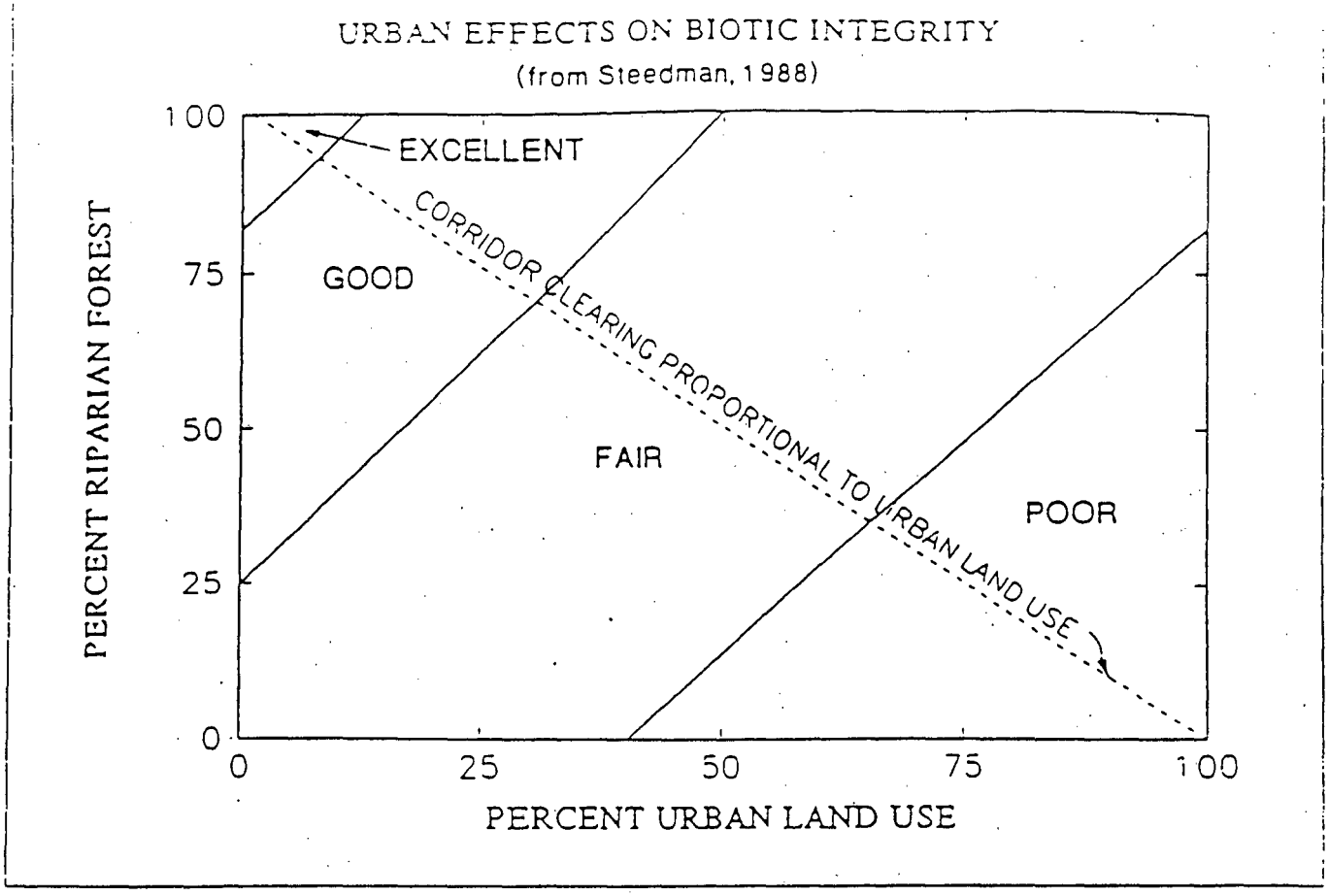


FIGURE 7


URBAN EFFECTS ON BIOTIC INTEGRITY
(from Steedman, 1988)
100
75
50
25
0
EXCELLENT
GOOD
FAIR
POOR
CORRIDOR CLEARING PROPORTIONAL TO URBAN LAND USE
PERCENT RIPARIAN FOREST
0
25
50
75
100
PERCENT URBAN LAND USE

June 13, 1994

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(503) 289-2657

Testimony on West Hills Reconciliation Report

UNRESPONSIVE STAFF RESPONSES

Aggregate, Section IV

Page IV-49, Issues 1(a), 1(b), and 1(c) concerning **state requirements to consider other resource sites in evaluation location, quantity and quality**. Staff says the issue is that these factors "should be compared against other know resource sites." But the issue is that staff deliberately ignored quarries operating across the Columbia County line from the Angell Brothers quarry. Staff's answer on each issue is that they looked at the resources in Multnomah County. The law requires that, at a minimum, you must consider sites in Multnomah County. It neither allows nor encourages you to close your eyes to the most relevant resources in terms of quantity, quality and location, just because they're across the line. Why should you want to ignore this important information. It's notable that the authors of the Wildlife Habitat report showed more sophistication on the quarry issue than your aggregate expert. See pages V 43-47. They considered quarries in all of the surrounding areas, and their findings are significant. The same data used for the wildlife habitat report was rejected for the aggregate analysis because it's inconsistent with predetermined support for quarry expansion.

Page IV-49, Issue 1(d) and IV-50, Issue 2(a) concerning **impact area of the proposed aggregate mining expansion**. Staff alleges that I said the impact area is not defined. I said it was illegally defined. Staff considers only noise impact, ignoring other factors, to 1200 foot perimeter as the impact area. Rafton-Burlington Bottoms wetland would be profoundly affected by stream impacts. Other resources that would be affected beyond 1200 feet are the Multnomah Channel and the wildlife habitat corridor. Staff does not explain why the wetlands and the other resources identified by the public are excluded from the impact area. They ignored the scenic impact on Sauvie Island and they ignored the wildlife impact area identified in the report you commissioned.

Page IV-49, Issue 1(e) concerning **slope stability**. Staff implies that the issue was raised as a safety issue. It in fact concerns the quality of the site. A deep overburden requires that cuts be made at shallow angle and creates other increased mining costs for moving and storing overburden .

Page IV-50, Issue 2(b) concerning **traffic impacts**. I did not say that "traffic impacts were not considered". I said that staff wrongly rejected Highway 30 as a conflicting use. Staff responds by saying "traffic impacts were considered and determined not to [be] a conflict based on information received for the Oregon Department of Transportation." Staff's conclusion is based on information supplied by Angell Brothers, that there will be a maximum of 250 trucks a day (p. IV-9, ¶3-5). It's interesting that, in responding on another issue, the contention that the existing approved quarry site has a 60 year supply of aggregate, p. V-85, Issue 11, the staff rejects reliance on the Angell Brothers statement that rock crushing is limited to 810,000 tons per year. I'm willing to reject all of Angell Brothers assurances. But it is not tolerable for staff to accept them when they support expansion and reject them when they show no need for expansion.

Page IV-51, Issue 2(h), concerning **DEQ and DOGAMI standards**. Staff claims that it never intended to say that DEQ and DOGAMI standards assure no impact. But it did. In the undated resource analysis of Aggregate Resource Site #4, C 1-94, the staff said:

> "The Rafton/Burlington Bottoms is a "3C" Goal 5 resource site. The existing mining operation is conducted in compliance with state regulations that insure no adverse impact that site [sic], as would be the case for any expanded operation." (p.16)

and,

> "There would be no environmental effect on the Rafton/Burlington bottoms by an expanded mining activity since any expansion must be conducted under environmental control measures that result in no conflicts with the identified wetland resource." (p.20-21)

Streams, Section III

Page III-45, Issue 6, concerning criticism for **omitting the watersheds from stream impact areas**. Staff says "Impacts to streams beyond the riparian zone are much reduced, and unless practiced at a large scale are in fact negligible." This is a gross error caused by bias or ignorance. It takes very little development to destroy watershed function. Staff obviously assumes that watershed function is affected in proportion to impervious surface. But the effect is actually far greater than mere reduction of absorbing soil. The staff has chosen to ignore the Booth and Reinelt paper attached to my May 11, 1994 comments on the Significant Streams Studies of 4/8/94 and 4/28/94.

Page III-46, Issue 7, concerning **affect of quarry on watershed**. The staff response needs to be quoted to see the implications of word choices. Key words are underlined:

> "Staff does not believe that the Angell Brothers mining operation will necessarily lead to the permanent total destruction of any watershed in which they quarry. Staff believes that the regulatory state agencies are able to do their job to control impacts and require for [sic] a good reclamation plan for the Angell Brothers quarry. For staff to take a position based upon the opposite conclusion (what is that?) would be to take a cynical position on the issue which is not appropriate."

The word "necessarily" is used as a cover; that is, staff can say we didn't say it wouldn't destroy watershed, only that it wouldn't necessarily destroy it. "Total" watershed destruction would, of course, occur only if a watershed is totally mined. I concede that if only 70% or 90% of a watershed is mined, there will be some watershed function left. State agencies, of course, "are able" to regulate effectively. But we have seen the evidence that regulation cannot be relied on. No criticism is intended or implied. Regulators are like police. They may be doing a good job when then apprehend a criminal though they had no power to prevent a particular crime and its impact. If the prosecution and penalties are sufficient, they may have an important deterrent effect. But a prudent person doesn't leave the door unlocked out of respect for the police.

Page III-50, Issue 15, concerning **property values**. In criticizing the report for considering only those effects of regulation that lower property values, and not considering how values are enhanced by regulation, I used an extreme example of prohibiting a steel mill in a residential zone. The staff belittles my comments because there isn't an actual proposal to allow steel mills in the stream impact area. The staff reply is an insult to the intelligence of the members of the commissions. The point is, that regulation that preserves healthy streams increases the value of riparian property. Where it supports an argument for

the economic importance of allowing development on streams, the staff is happy to talk about increased property values. "According to Rick Walker, a residential appraiser with Palmer Groth and Pietka, a stream will generally increase the value of any nearby dwelling." (page III-19). I'm sure Mr. Walker does not mean a stream that's dry all summer and that floods in the rainy season enhances value as a healthy stream does.

Wildlife Habitat, Section V

Note: Unlike the issues discussed above, the staff responses in this part of the report attempt to seriously address the issues and do not belittle or evade them. The staff shows respect and here deserves respect.

Page V-85, Issue 11, concerning **recoverable aggregate, number of years supply will last, value**, etc. In general, the staff here shows more sophistication regarding the quarry issues than is shown in the aggregate report. But there are some shortcomings. As discussed above, if we are to rely on Angell Brothers' statement in their application that maximum truck traffic will be 250 a day, why are we not to rely on maximum rock crushing of 810,000 tons a year? Values of extractable rock, whether the low of $42 million or absurdly higher figures of nearly $100 million, omit recovery costs, including wages, insurance, equipment, taxes, and other expenses. The economic significance of the resource for the ESEE analysis, is its *in situ* value, not its value after mining crushing and loading on a truck. As Mr. Parisi, Angell Brothers' counsel, frankly and helpfully pointed out in his Letter to the Planning Commission of October 12, 1992, calculations of value of aggregate in the ground must include a factor for the years that it would take to extract it. If the expansion area contains $40 million dollars worth of aggregate, it has a different present value if it takes 5 years to extract or 100 years. In the former case, it would be worth nearly "face value", while in the latter case, it would be worth only a small fraction of the $40 million. Its as if someone were to offer you $40 million in cash, or offered to dole out $40 million in annual installments over 100 years. Obviously the cash is worth far more because you could immediately invest it and, without touching the principal, get income that would exceed the principal payments from the 100 year dole. The result is that Mr. Parisi's estimate of $42 million value of recoverable rock should be reduced to a small fraction of that, probably under $10 million.

Page V-91, Issue 20, concerning **value of residential lots**. The staff response is exemplary. It examines the criticism, finds it to be valid, and uses it to improve the report.

Scenic Resources, Section II,

Page II-22, Location, Issues 1 and 2, concerning **scenic drives and "not seen" area**. The issue, as I presented it, was that the Board of Commissioners designated the east face of the hills as a significant scenic resource. Much public testimony included views **of** the hills as seen from roads and from viewing points within the hills themselves. These views **of** the hills must now be the subject of the ESEE analysis. Neither staff nor the Planning Commission has a right to exclude them without Board action. Staff has opposed the scenic designation entirely, from the beginning, and now seeks to minimize it. Staff does not make policy, and the Board should make that clear.

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April 24, 1994

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COMMENTS ON SIGNIFICANT STREAMS STUDY
GOAL 5 ANALYSIS
McNAMEE - HARBORTON AREA (prepared 4/8/94)

These comments are submitted on behalf of both myself, Arnold Rochlin, and the Friends of Forest Park. We request that the records of CU 17-90, CU 14-92 and PR 7-92 be formally introduced to, and made a part of, this proceeding.

The streams are significant. The "study" is not.

It is self-described as not including the watersheds of the streams. (p.1,2). The impact area is restricted to narrow riparian zones along the banks. The riparian zones are just a small fraction of the obvious actual impact area which must include the watershed to start, and the wetlands and Multnomah channel that receive the water. The following chart shows how much of the watershed impact area was not considered in the study:

Creek	Riparian Zone Width (ave.)	Riparian Zone Area	Watershed Area	% of Impact Area Omitted from Study
Burlington	96 ft.	11.9 acres	375 acres	97%
North Angell Brothers	78 ft.	8.1 acres	350 acres	98%
Middle Angell Brothers	80 ft.	11.0 acres	360 acres	97%
Miller	142 ft.	38.8 acres	608 acres[1]	94%

There is no way that an ESEE analysis that excludes 94-98% of the obvious impact area from consideration can possibly survive a court challenge. The fact that the watershed area is being studied as part of the impact area for wildlife, aggregate and scenic resources does not in any way allow exclusion from the requirement of OAR 660-16-005 that all of the impact of, and on, conflicting uses be evaluated for the streams resource. That means the entire impact area must be considered relative to the studied resource.

The study does not consider the full impact of mining the entire Angell Brothers site. It would result in near total destruction of the watershed by removing all permeable layers. The "reclamation" plan, 100 foot high rock benches, covered with a foot of soil, cannot possibly result in creating a watershed.[2] The consequences of allowing quarry expansion

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[1] 408 acres of the Miller Creek watershed are in the City of Portland; 200 acres are in an unincorporated area.

[2] Reclamation would not begin for 40 to 60 years and would not be completed until twice that long. See Comments on Mineral and Aggregate Resource Analysis for Aggregate Resource Site #4 -Angell Brothers dated April 23, 1994, pages 2-3.

would be an up to 10 fold increase in siltation, and the turning of the two quarry streams into storm drains. They would have rushing flows during storms and little or no flow at any other time. It does not take a hired expert to know that with no watershed, there's no stream. The study relies on an undocumented and unproven assumption that DEQ and DOGAMI standards require zero impact, and it ignores the fact that Angell Brothers has not been in compliance with DEQ standards in any case. The impact will not be "temporary" as the author alleges, without any analysis whatsoever of the reclamation proposal. The quarry and stream uses conflict to such an extent that, allowing mining of more than the currently allowed expansion area will destroy the streams. A political solution will not save them.

The study assumes economic impacts from restricting mining, but cites no evidence whatsoever. The record in this matter and the earlier Angell Brothers CU and PR applications establishes that there is no significant economic impact (at least not for 60 years) from restricting the the quarry to the presently allowed area. And, even if the quarry runs out, if the site is limited to forestry, a decision to limit mining now is reversible.

The study fails to recognize that the aggregate resource is not confined to the site. The Angell Brothers resource boundaries were unlawfully determined to be the boundaries of the Angell Brothers lease! Of course, the legal requirement is to map the resource, not the lease. The entire Tualatin Range is made of the same rock. Small mines not destroying entire watersheds and wildlife habitat areas would have much less impact on conflicting uses.

The study is nearly useless for addressing the Goal 5 evaluation requirements of OAR Chapter 660, Division 16. Reliance on it would ultimately fail to achieve anyone's objectives, not even Angell Brothers, because a Goal 5 designation based on it could not survive a court challenge. I cannot imagine a knowledgeable foe of the ultimate decision, whatever it may be, failing to notice and contest such errors.

Sincerely Yours,

Arnold Rochlin, Treasurer

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May 11, 1994

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COMMENTS ON WEST HILLS SIGNIFICANT STREAMS STUDY
GOAL 5 ANALYSIS (prepared 4/28/94) AND,
ADDITIONAL COMMENTS ON THE 4/8/94 SIGNIFICANT STREAMS STUDY
BOTH STUDIES BY SRI/SHAPIRO

These comments are submitted on behalf of both myself, Arnold Rochlin, and the Friends of Forest Park.

Before addressing this "study", it's necessary to correct a serious omission from my April 24th testimony that covered streams in the McNamee - Harborton area. The April 8th streams study does not mention that **Miller Creek has coho salmon**! The following, referring to the lower Miller Creek watershed, is quoted from the City of Portland Northwest Hills Natural Areas Protection Plan (Ord. 164517 7/31/91):

> "This is the highest quality resource site within the study area. The site's vegetative cover is predominantly second growth forest with representative stands of each serial stage of the western hemlock upland forest community. A small stand of old growth Douglas fir is also present in the lower Miller Creek canyon. Climax forest species such as western hemlock, western red cedar and pacific yew are also well established at the site. Forest cover provides open space, scenic and recreational resources; serves as habitat for resident and migratory wildlife; and helps to balance the local water regimen. Snags, downed logs and woody debris found at the site are critical structural and functional components of the watershed ecosystem. Western wahoo is a prominent component of the riparian plan community. Crane's bill has spread into the lower basin and threatens to dominate the mesic herb community.
>
> "The site's year round creek provides habitat for a range of sensitive fauna species including coho salmon [footnote referring to endangered species act omitted], cutthroat trout, steelhead, spotted and red-legged frogs. The Creek also supports a healthy population of macroinvertebrates. Mammalian species known to use the area include black bear, bobcat, beaver, coyote and deer. Bird species include pileated woodpecker, red-tailed hawk, great horned owl, great blue heron, band-tailed pigeon, bluebird and a variety of other songbirds. Interspersion with surrounding habitat allows for free migration of wildlife; game trails were identified running parallel and perpendicular to Miller Creek. This site may provide an important travel corridor for mammals to and from habitats north of the city." (p. 189-190)

This commentary provides an interesting contrast to the superficial treatment in the County's study by SRI/SHAPIRO. A copy of the City of Portland Northwest Hills Natural Areas Protection Plan is submitted herewith as part of my testimony. The 4/28 study repeats the absurd and intolerable deficiency of the April 8th study of the north county streams, omitting the watersheds from the impact areas. (p.1). The impact area is

restricted in the study to narrow riparian zones along the banks. The riparian zones are just a small fraction of the obvious actual impact area which must include the watersheds and any other waterways that the streams empty into. The following chart shows how much of the watershed impact area was not considered in the study:

Creek	Riparian Zone Width (ave.)	Riparian Zone Area	Watershed Area	% of Impact Area Omitted from Study
Jackson Creek	132 ft.	52.8 acres	900 acres	94%
Joy Creek	86 ft.	24.2 acres	400 acres	94%
Jones Creek	206 ft.	40.0 acres	705 acres	94%
Rocky Point Creek	200 ft.	24.2 acres	445 acres	95%
Scappoose Creek	198 ft.	57.5 acres	545 acres	89%
East Fork McKay Creek	199 ft	43.4 acres	735 acres	94%
North Jackson Creek	202 ft.	63.7 acres	780 acres	92%
Wildwood Creek	No Access		90 acres	100%
North Wildwood Creek	94 ft.	38.7 acres	990 acres	96%
Middle Wildwood Creek	134 ft.	32.7 acres	580 acres	94%
South Wildwood Creek	98 ft.	31.6 acres	600 acres	95%
North Rainbow Creek	137 ft.	38.1 acres	775 acres	95%
South Rainbow Creek	55 ft.	11.6 acres	510 acres	98%
Holbrook Creek	157 ft.	38.1 acres	360 acres	89%
South Jackson Creek	350 ft.	33.9 acres	120 acres	72%
North Rock Creek	194 ft.	127.0 acres	2,190 acres	94%
McCarthy Creek	119 ft.	107.9 acres	2,100 acres	95%
Middle Rock Creek	134 ft.	48.0 acres	1,260 acres	96%
South Rock Creek	69 ft.	61.8 acres	1,780 acres	97%
North Bronson Creek	119 ft.	14.4 acres	210 acres	93%
South Bronson Creek	94 ft.	15.9 acres	395 acres	96%
Balch Creek	98 ft.	31.7 acres	700 acres[1]	95%
Saltzman Creek	No Access		195 acres	100%

There is no way that an ESEE analysis that excludes about 95% of the obvious impact area from consideration can possibly survive a court challenge. The fact that the watershed area is being studied as part of the impact area for wildlife, aggregate and scenic resources does not in any way allow exclusion from the requirement of OAR 660-16-005 that all of the impact of, and on, conflicting uses be evaluated for the streams resource. That means the entire impact area must be considered relative to the studied resource. This is not a mere technicality. It does not take an expert to know that the quality and existence of a stream is dependent, without reservation, on the size and function of its watershed. The habitat, scenic and aggregate resource studies do not assess the impact of watershed degradation and destruction on the streams.

A paper by Derek Booth and Lorin E. Reinelt, presented at the Watersheds '93 Conference at Alexandria, VA, is enclosed and is part of this testimony. It address impacts of urban activities on watershed function and streams. It documents that roads and other impervious surfaces covering a very small percentage of a watershed have impacts far out of proportion to the amount of impervious surfaces. Some of the effects leading to the conclusions are intuitively obvious. For example a cut into a hillside for a road or driveway usually cuts through the layer of soil serving as the watershed. Water seeping from upslope, that would

[1] The study does not distinguish between portions of Balch Creek and the watershed in the City and unincorporated area.

gradually, over weeks and months work its way to downslope streams, runs into a roadside ditch and is swiftly removed from the scene. The result is higher peak flows and lower minimums, and drying of former all year streams. Aquatic life is reduced or destroyed by both the high and low flows

The highly destructive impact of roads is addressed, but the report does not recognize that driveways have exactly the same effect on the creek and its watershed.

The purported reconciliation of conflicting uses is of very low quality. It does exactly what LCDC objected to in the county's earlier decisions; it lumps all the streams and makes a single statement for all about protecting the resources and allowing conflicting uses. The streams have different characteristics and are in different degrees of preservation. They have different values and are threatened differently by conflicting uses, which also have different values in the areas of different streams. For example:

> "However, if residential development is eliminated or curtailed in order to preserve and enhance significant streams, the negative impacts of such a decision include decreased property value for residential uses, increased regulation and associated costs, increased cost due to changes in standard construction techniques, loss of amenity associated with a 'premier' building site adjacent to a stream, potential for environmental impacts at an alternative site for a residence [this one is astonishing], whether on the same property or on another property, and increased energy costs at an alternative site for a residence on another property, assuming that property is further removed from the resident's [sic] places of employment and commercial activity. [One wonders what professional skills went into reaching the last conclusion.]
>
> "Since most properties in the West Hills contain large amounts of land, a protection program which directs residential development away from a significant stream running through a property proposed for development would provide the best balance between protection of significant streams and residential development. The protection program should specify a minimum setback from a significant stream for all site-disturbing activities, the only exception being if no other feasible site location for a residence exists on the property (and then with regulations to minimize impacts upon the stream.) (Page 17)

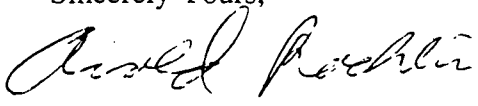
"Balance" is not an objective contemplated or condoned by OAR 660-16. The requirement is to identify a resource, identify uses which may conflict, and determine the appropriate degree of protection for the identified resource, which may range from no protection to full protection by prohibiting conflicting resources. Balance may be a result of the required analysis, but is not the object. The way the study uses "balance" is like saying we will protect pennies and dollars equally. Value must be determined, and protection must relate to value.

The study reaches conclusions about property values without citing any substantial evidence whatever. Some of its conclusions show a very limited perspective. While a development restriction on a single property, e.g. requiring siting where impact is minimized, may reduce the value of the property, the general limitation on other properties in the area tends to preserve and enhance property values. That's how zoning works. You can't put a steel mill in a residential area, so your value is limited. But, the value of your neighbors' property is obviously protected. Obviously, the value of riparian land is severely impacted if a once lovely stream now floods in the rainy season, erodes its banks, threatens residences and goes dry from July to October. With respect to those considerations, the economic impact of protection is to enhance values.

The study's recommendations are overly general, and, in some respects, thoughtless. For example. Suppose we require a minimum 100 foot setback from the bank of a stream. In typical cases that will add 80+ feet to the driveway, causing additional impact. A horrible case might involve a property with a creek through it. Suppose there is a road and 100 feet between the road and the creek. Across the creek the property extends 1000 feet beyond the creek, with most of it steep, and the nearest suitable building site is 800 feet from the creek. The proposal would forbid a house in the 100 foot area between the creek and the road, and instead would place a house 900 feet from the road (100 to the creek and 800 on the other side). A bridge or culvert would cross the creek and a total of 900 feet of driveway would disturb the watershed. It's dumb. And, the recommendation would allow a residence on any property, no matter what the consequences. There is no substantial evidence in the record that justifies allowing a conflicting use no matter how damaging it is to the stream, an identified Goal 5 resource.

I am not familiar with all of the streams, and can only note the deficiencies I recognize. In considering Balch Creek, the study does not identify the three forks identified as significant streams, Thompson, Cornell and "South-Audubon" (C-5-93 Exhibit A Supplemental Report to the Planning Commission). (I wonder if there are not equally critical omissions concerning other streams.) The information and conclusions on Balch Creek are trivial. A copy of the City of Portland Balch Creek Watershed Protection Plan is submitted herewith as part of my testimony. As does the Northwest Hills Protection Plan, the Balch Creek Watershed Protection Plan provides an example of more sophisticated and useful Goal 5 work.

Sincerely Yours,



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March 20, 1994

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COMMENTS ON MINERAL AND AGGREGATE SIGNIFICANCE DETERMINATION

These comments, pursuant to your notice of March 11, 1994, are submitted on behalf of the Friends of Forest Park.

Substantial records of great importance to this process have been accumulated by the county from when this process began in the late 1980's. I observe that there has been a continuous process of periodic review since then, and that all evidence, testimony and other records of proceedings developed on this matter remain a part of the record and must be before any hearing or review authorities.

Designation of the entire 397 acre area known as the Angell Bros site as a significant resource, is an error, and was made in violation of the procedures and standards published in OAR Chapter 660, Division 16.

OAR 660-16-000(1) requires the county to collect "available data from as many sources as possible including experts in the field, local citizens and landowners." The process of evaluating the site and designating it as a significant resource was carried out in 1989 to 1990. The county made no effort then to collect data from as many sources as possible. The expert advice relied on was the opinions of persons hired by the commercial operators of the quarry who have been seeking authority to expand. While *as many sources as possible including experts* may be defined by some practical limits, the record does not show any effort by the county to seek unbiased expert advice. The plain language of the rule places an affirmative duty on the county to seek out and obtain expert advice. The county did not comply by its conduct of holding hearings and passively accepting the testimony of whoever happens to offer it. If the rule has any meaning at all, it must require an effort to obtain information and opinion from sources independent of those standing to profit from a particular outcome. There is no evidence of compliance with this rule. (Widespread public interest developed during hearings in 1992 on an Angell Bros conditional use application, that led to the submission of unsolicited substantial independent expert advice which drew a very different picture.)

OAR 660-16-000(2) requires that "A 'valid' inventory of a Goal 5 resource under subsection (5)(c) of this rule must include a determination of the location, quality, and quantity of each of the resource sites." And, it requires a description or map of "the boundaries of the resource site and of the impact area to be affected, if different." Independent expert testimony before the County Planning Commission and County Board of Commissioners in 1992, established that the impact area includes the Rafton-Burlington Bottoms wetland (an identified Goal 5 resource), the Multnomah Channel, Forest Park, and a wildlife habitat corridor. None of these areas had been included in the map or description of the impact area in 1990. The Rafton-Burlington Bottoms impact is obvious.

The principal water sources are the streams running through the 397 acre site. Determination of location is not intended as a process to benefit a select individual. It is not credible that the limits of the underground rock resource exactly coincide with the boundaries of the site leased by Angell Bros. It is obvious, and should be accepted as fact, that the resource location boundaries were selected for reasons other than objective findings and conclusions about quantity, quality and location. There is no evidence whatever in the record that the resource is contained within those boundaries or, everywhere extends to those boundaries. The requirement that the county collect data from expert sources implies that the county must to some reasonable extent, rely on relevant facts, and not commercial interest, to designate a purportedly significant resource. It is widely and generally known, and there was substantial evidence presented to the county in 1992, that the sort of rock found at the Angell Bros site is what constitutes the entire Tualatin Range. To attach signficance to this site, the findings must differentiate it from the apparently similar "site" extending for miles northwest and southeast of Angell Bros. With regard to location, no consideration is given to where the market is for the Angell Bros rock. A letter from Jerry J. Gray, Economic Geologist for DOGAMI, April 13, 1990, indicated that "planning issues such as this one can be better addressed in total with a more rigorous Goal 5 effort tied to regional supply and demand data." That kind of data is required to judge the value of location, and was not considered.

Quantity cannot be considered in a vacuum. A gallon of water in the Sahara has a different meaning than a gallon of water in Portland. Some testimony has said there are 220,000,000 yards of rock on 283 acres of the Angell Bros site into which they asked the county to allow expansion of operations in 1992. There are an estimated 25,000,000 million yards of recoverable rock on the 42 acres approved for expansion in 1990. That 42 acres is still untapped, and would last over 60 years.[1] Angell Bros has publicly admitted that the presently approved area contains a 25 year supply. By anybody's calculations, the entire 397 acres is far greater than any reasonable projection of need justifies.

On March 6, 1990, Bob Price, of David Evans and Associates, representing Angell Bros, testified before the County Board of Commissioners that the original 72 acres quarry site had material left for only 14 months. It's four years later, they're still mining the original site, and the management will not say how much rock is left. A March 1, 1990 David Evans report said that a 48 acre expansion area would yield 5,000,000 yards that would last 5 years. A 42 acre expansion area was approved. It hasn't yet been touched, and it has about 5 times the rock estimated by David Evans. Neither Angell Bros nor their representatives have been a source of information that a reasonable person would rely on.

Quality is addressed below, but, as the requirements of location and quantity are not met, the designation must be invalid under the first sentence of this subsection.

OAR 660-16-000(3) requires that quality be determined with consideration of the "site's relative value, as compared to other examples of the same resource site in at least the jurisdiction itself." The record does not show any consideration of relative quality of the same resource extending for miles in two directions under the Tualatin Mountains. While the rule does not mandate that the county look outside of its jurisdiction, neither does it authorize the county to close its eyes to what is widely known. Huge quarries with high quality clean aggregate product operate just over the north county line. This was ignored by the county. Expert testimony offered to the County Planning Commission in 1992,

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[1] Angell Bros. has pledged no increase in truck traffic and, in applying to DEQ for a permit, indicated that they will maintain a maximum rock crushing capacity of 810,000 tons per year (the specific gravity is 2.5, so it works out to 400,000 cubic yards).

based on analysis of well logs from drillings on nearby properties, established that the quality of rock in the Angell Bros area varies considerably, much of it not of the quality represented to be on the Angell Bros site.. The testimony was that the entire Angell Bros site was unlikely to be of the uniform quality indicated by Angell Bros' witness. The independent witness testified that it was necessary and appropriate to drill sample holes to establish the quality pattern before assuming any generally distributed quality. The only reason given for not drilling test holes, was that it wasn't worth it. No reasonable person would have accepted the speculation of a witness that the circumstances happen to be exactly what his client prefers, in favor of an independent witness' explanation that the quality cannot be established without testing. Testimony was given in 1992 by Kevin Foster, professional geologist, certified engineering geologist and professional engineer, that the quality of the site was poor because of a massive overburden of soil, up to 70 feet thick that covers the site, deepest in the area proposed for expansion of quarry operations. The huge overburden not only is an economic burden incurring the cost of removal and storage, but is a hazard. The soil is not stable. Coping with the hazard would require cuts at shallow angles and would interfere with removal of the resource. The evidence relied on by the county, though not contradicted by experts in 1989-90, has been shown recently to have not been substantial, and to have been contradicted by substantial independent expert testimony. The determination of significance cannot be 'valid' under 660-16-000(2) without a proper determination of quality. There was none, the designation was invalid.

Sincerely Yours,

Arnold Rochlin

Arnold Rochlin, Treasurer

cc Steve Oulman

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April 23, 1994

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COMMENTS ON MINERAL AND AGGREGATE RESOURCE ANALYSIS
AGGREGATE RESOURCE SITE #4 - ANGELL BROTHERS
FINDINGS AND CONCLUSIONS, C 1-94

These comments are submitted on behalf of both myself, Arnold Rochlin, and the Friends of Forest Park. The records of CU 17-90, CU 14-92 and PR 7-92 are cited by staff. As this proceeding is a continuation of those proceedings, we request that the records of those proceedings be formally introduced to, and made a part of, this proceeding.

Our testimony of March 20th concerning the "significance determination" demonstrated that it did not comply with the essential requirements of OAR Chapter 660, Division 16. There is no indication in the analysis that the county has done other than ignore that testimony. It is attached here for the new purpose of addressing this analysis.

The staff analysis relies uncritically on biased, unfounded incomplete and otherwise doubtful reportage by agents of Angell Brothers as if it were established fact. And, it apparently relies on doubtful interpretations of state law. The purported facts and misunderstood law, combined with some actual facts and law, form the basis of the "findings and conclusions". That the staff itself is biased in favor of aggregate mining over any other use, is nowhere made more clear than on page 3:

> "Angell Brothers proposed to establish a conservation easement area (Exhibit O of CU 14-92) on the southern border of the expansion area that was to be protected from mining and further clearcutting. That buffer area comprised approximately 39 acres. Angell Brothers also proposed to set aside approximately 99 acres at the Northeast and Northwest corners of the site as visual buffer areas and four acres in setbacks around the remaining perimeter of the site. The total of all these buffer areas was approximately 142 acres. Mining was proposed occur [sic] on 141 acres of the 283 acre expansion area."

Almost every fact is wrong. The proposed southern buffer is not 39 acres. Angell Brothers described it as 360 feet by 2700 feet and totalling 25 acres (PR 7-92/CU 14-92 Application [hereafter, "Application"] p.1). And that's an exaggeration. 360 X 2700 comes to 22 acres, not 25! The 99 acre buffer on the north is described by Angell Brothers as only 80 acres (Application, p.4)! Staff says that of the 283 acre expansion area, only 141 would be mined. That result, using bad arithmetic, was obtained by subtracting the wrong 39 and 99 acre buffer figures from 283 to get an even more wrong 141 acres. (283-99-39=145) And, not all of the 80 acre northern buffer is in the 283 acre expansion area (Application, Exhibits B and C)! These exaggerations in favor of Angell Brothers are not uncharacteristic of the report as a whole.

QUANTITY AND QUALITY

The analysis relies on the Angell Brothers commissioned Schlicker report as establishing the quantity and quality of rock. (p.2.)[1] The Schlicker report characterizes itself as being only a "preliminary reconnaissance". (p.1) But staff enthusiastically elevates the document (which has no purpose but to encourage county approval of a commercial enterprise) to a "study". The Schlicker assessment was largely based on only two bore holes in an area of about a half of a square mile. Expert testimony in the CU 14-92/PR 7-92 Planning Commission proceeding established that well logs from nearby properties show considerable variation in the character of the subsurface rock, and that several more test bores would be required to reliably establish the quality and quantity of the resource.

RECLAMATION

Staff not only accepts the Angell Brothers reclamation proposal as offered, but puffs it up. The Angell Brothers proposal is to mine nearly half of the proposed expansion area (stages I and II) before even starting reclamation. (Application p.4) Staff added its own gratuitous surmise: "Sequential reclamation would then begin with probably one bench per year being established and reclaimed." (p.3) If one accepted only half of the Schlicker claim of 220 million yards of rock, i.e. 110 million, and if stages I and II contain half of that (55 million), then then it might be that no one now alive would see reclamation even begin (much less see it completed). Rock crushing limits production to 400,000 yards (810,000 tons) per year. (Application, Exh. H. attachment) Angell Brothers has said they will not increase truck traffic on the site, which ranges from 10 to 250 trucks per day. (Application, p.7) Taking crushing as a limit, 55 million yards at 400,000 a year, would take 138 years! The staff uses the 250 trucks a day as the maximum for traffic impact evaluation. (p.6). If each truck is of the trailer sort, carrying 20 yards (a standard quarry dump truck carries 12 yards), and if the quarry is open 6 days a week, it could total about 1.56 million yards a year. Even if rock crushing (with associated noise and dust) were quadrupled to accommodate constant truck traffic at the maximum level, it would take 35 years before the first reclamation. (Some of us will survive) That is when reclamation is promised to start, based on mining only 55 million yards out of 220 million! It would take twice as long for proposed reclamation to be completed, as it will start when only half of the expansion is mined.

Aside from the schedule, the proposed reclamation will not restore the site to functional native forest and wildlife habitat. It won't even look good. Substantial evidence was presented in the earlier proceedings, that no project of this sort has ever been successfully restored to a reasonably successful forest. The proposal is to leave the site in the form of huge rock benches (about 100 feet high). Such benches are typically covered with about 1 foot of "top soil", insufficient under the best of conditions to restore a forest. And, in the process of removing soil for mining, it becomes a mixture of top soil and under layers. The soil is then stored in huge piles for decades. All but a few feet at the surface of the piles becomes sterile. It may take a generation for an otherwise good mix to become alive with the fungi, worms, microbes, insects and whatever else is necessary to support good growth of even shrubs.

Despite all this, which is plain to see in the record, staff relies on reclamation to restore the natural function. "[R]eclamation would provide for future forest management." (p.13) "[The value of timber production] would be lost until the site were reclaimed for forestry purposes..." (p.16) "Reclamation would allow for future utilization for forestry." (p.20)

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[1] Page numbers given without citation to particular documents refer to the staff analysis.

"Incremental reclamation would reduce the amount of land removed from forestry at any one time." (p.25) There is no justification for assuming the Angell Brothers reclamation will result in a forest. Only token reference is made to the substantial evidence of what is actually the likely result of reclamation. (p.14) The staff has been misled in part by a DLCD staff contention that reclamation is the exclusive domain of DOGAMI. That agency's approval is a requirement for reclamation plans, but that cannot stop this county from looking squarely at the facts and deciding what will be the impact of mining the full site on other valuable resources and uses. OAR Chapter 660 Division 16 places an obligation on the county to do exactly that. Nowhere does any Goal 5 regulation direct the county to ignore otherwise applicable requirements because a state agency is responsible for issuing permits related to some possible operation on a site at issue.

IMPACT AREA

Staff arrives at an impact area defined as the area within a line 1200 feet beyond the perimeter of the tentatively designated resource area. The staff reached that conclusion by an unlawful method. Staff says: "The impact area for this resource site should be large enough to include a portion of each of the impact areas for wildlife habitat, streams and wetlands, and scenic resources so that potential conflicts can be considered." (p.4, underline added) There is no authority in the OAR to select only a "portion" of the impact area. The impact area is "area to be affected" (OAR 660-16-000(2)), not part of the area to be affected. If less than the actual impact area is considered, it will be challenged.

Staff relied entirely on an Angell Brothers commissioned report by Daly, Standee & Associates which proposes a 1200 foot buffer zone around the quarry to meet DEQ sound standards. (p.5) That number is totally unrelated to the area impacted by other effects of the quarry. The effect on the wildlife habitat corridor obviously goes far beyond the 1200 feet and obviously includes Forest Park. The Multnomah Channel is heavily impacted beyond the 1200 feet, by even the current operations. The scenic impact extends across much of Sauvie Island. An arbitrary 1200 foot perimeter cannot meet the Columbia Steel Castings standard, and a decision that doesn't meet that standard will surly go into litigation with a resulting order to redo the work yet another time.

CONFLICTING USES

Highway 30

Staff doesn't consider Highway 30 a conflicting use, because the proposal to run 250 trucks a day (up from 10-250 now) is within the maximum carrying capacity of the road. (p.6) Staff ignores the total impact on traffic. Assuming the quarry is generally open 13 hours a day, then every 3 minutes (if evenly spaced), a trailer truck loaded with gravel will pull out onto the highway. And every 3 minutes, one will slow down and turn into the quarry (a left turn 90% of the time). Despite a requirement that wheels be washed before leaving the quarry, the mud is distributed on the highway creating a dangerous and annoying condition. Staff should make a surprise inspection of the site during wet soil conditions instead of swallowing the applicant's representations. Even the current quarry traffic impacts transportation, and expansion must lead to greater impact. It is silly to deny that the highway is a conflicting use. The proper issue is how the conflict is to be resolved

MUA 20 Zone

The staff report says that the MUA zone in the impact area is on land owned by BPA which is required to be retained in its natural state. Staff says: "Since there is no development potential within that portion of the impact area designated MUA-20, MUA-20 uses will be

excluded from the following analysis of conflicting uses allowed by zoning district." It is extraordinary that planning staff is not aware that the zoning code defines "Public and private conservation areas" as one of the primary uses in the MUA-20 zone. (MCC 11.15.2128(D)) OAR 660-10-005 requires determination of conflicting uses by "examining the uses allowed in broad zoning districts established by the jurisdiction (e.g., forest and agricultural zones)." The staff recommendation to ignore a primary use in the zone, cannot withstand legal challenge.

Forestry

Staff, without substantial evidence, believes that forest use will be fully restored after reclamation. (p.13, 16, 18, 20) All of the substantial evidence of the prior record is to the contrary. Even the DOGAMI witness before the Planning Commission (CU 14-92 and PR 7-92 hearing) would not say that a useful forest could be grown on a "reclaimed" site. Certainly, nothing of the quality that can now be grown could be restored. The staff report does not consider permanent loss of forest in it's analysis, as required by the OAR. There is no known successful forest restoration of an open pit mine.

Rafton/Burlington Bottoms Wetland

DLCD staff has wrongly tried to make the staff believe that the county cannot find that silt laden water coming off of the quarry site, now and in the future, would harm the wetland, a Goal 5 protected resource. The DLCD theory is that because a DEQ permit is required to regulate the quality of water in the on site streams, there is state pre-emption. The staff bought it. Even worse, the staff makes the assumption that, a DEQ permit assures zero contamination:

> "The Rafton/Burlington Bottoms is a "3C" Goal 5 resource site. The existing mining operation is conducted in compliance with state regulations that insure no adverse impact that site [sic], as would be the case for any expanded operation." (p.16)
>
> "There would be no environmental effect on the Rafton/Burlington bottoms by an expanded mining activity since any expansion must be conducted under environmental control measures that result in no conflicts with the identified wetland resource." (p.20-21)

This is nonsense. (Photographs of effluent from the quarry are submitted with testimony from Chris Wrench). Silt laden water raises the level of the wetland and destroys it. Expert testimony in the prior proceedings was that expansion would increase siltation up to 10 times current levels. The staff's naive assumption that state standards mean there can be no impact, cannot be accepted. First, neither DEQ nor DOGAMI set "zero impact" standards. Second, there is no representation by either agency that enforcement is strict. In fact, enforcement is feeble, and there is substantial violation.

The "North" Angell Brothers stream is the major source of water for the wetland. The staff, however naively, considers only particulates. Great harm will come from destruction of the stream itself. An expanded quarry would clear the soil from the watershed. Without a watershed, there is no stream, just a storm sewer. It is impossible to preserve a stream in an open pit mine, when the original surface of the mine is its watershed.

The evidence is that expansion of the quarry will not do just a little harm, it will likely destroy the wetland.

Streams

(See Rafton/Burlington Bottoms above)

West Hills Wildlife Habitat Area

The analysis is inconsistent. In one place, staff proposes to not consider the impact of mining on wildlife and fisheries, on the assumption that it's sufficient to consider those impacts in the separate study of the wildlife habitat area. (p.13) That is not sufficient. These resources are impacted by mining and, legally, must be considered as part of the analysis of conflicting uses for the Angell Brothers site. Without including these resources, approval of expansion could not withstand legal challenge.

Multnomah Channel

The channel is an identified protected resource. It is a principal recipient of the Angell Brothers effluent and the impact obviously extends far beyond the small part of the channel overlapped by the impact area designated by staff on page 7.

ECONOMIC IMPACT

Staff addresses the value of the aggregate exclusively on the basis of a statement by the Angell Brothers attorney. It is alleged that the rock is worth 42 million dollars and provides a payroll of about $500,000. The implication is that this would be lost if the expansion were not approved. In fact, the existing approved quarry site is good for 25 to 60 years, and there would be no economic impact for at least that time, if the proposed expansion site were preserved for forest use. And, at the end of that time, much of the purported $42 million dollars worth of rock would have been remove and sold. The 60 years was calculated from an estimate of 25,000,000 yards, mined at the rate of 400,000 per year, the maximum rock crushing capacity. See the letter from Dr. John Sherman to Leonard Yoon, Planning Commission Chair, of October 16, 1992. That testimony was uncontradicted during the CU 14-92 and PR 7-92 proceedings, where it was presented. During those proceedings, the Angell Brothers representative said he did not know how much rock was on the currently approved site. Skip Anderson, the owner of Angell Brothers, has since publicly admitted that the existing approved site has a 25 year supply (Oregonian, 1/6/94, Portland section, p.2)

Determination of economic value requires consideration of facts not addressed at all by staff. Where is the market for aggregate? Near the site? Other locations? What would be the actual economic impact of different costs of transporting aggregate 25 to 60 years from now from prospective mining sites to prospective use sites? If the location of the quarry is economically significant, can other nearby sites be mined? It is well known that the entire Tualatin Range is similar in structure to the Angell Brothers site. Could a similiar quantity and quality of rock be mined elsewhere, perhaps in a series of small mines, with less conflict with other uses? Whatever the answers, allowing only forest use of the expansion site would preserve it for possible future necessity. Only the conflicting forest use should be allowed.

Sincerely Yours,

Arnold Rochlin

Arnold Rochlin, Treasurer

FRIENDS OF FOREST PARK
P.O. BOX 2413
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April 25, 1994

Scott Pemble, Director
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2115 SE Morrison St.
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COMMENTS ON WEST HILLS SIGNIFICANT SCENIC RESOURCE ANALYSIS FINDINGS AND CONCLUSIONS C 3-94

These comments are submitted on behalf of both myself, Arnold Rochlin, and the Friends of Forest Park. We request that the records of CU 17-90, CU 14-92 and PR 7-92 be formally introduced to, and made a part of, this proceeding. We have some objections to the content of the analysis:

1. The Board of County Commissioners adopted a scenic resource designation that does not exclude areas not visible from the staff designated "key viewing areas". There was considerable testimony, both before the Planning Commission and Board of Commissioners to the effect that there are scenic drives and other areas of viewing pleasure not known to or recognized by the planning staff. Although the Planning Commission since adopted the staff recommendation of accepting only views from a distance, we are sill bound by the Board of Commissioners' designation. There is no justification for completely eliminating part of the area which the Board designated as significant. Staff was duty bound to evaluate all of the designated area and to make recommendations based on the evaluations. It was entirely wrong to not even evaluate what staff wants excluded.

2. Staff swallows the discredited claim that open pit mining has only a temporary impact. The impact "can be considered temporary" (p.7) only if there is substantial evidence that reclamation will restore the site to a forested character that will blend with the surrounding forest. But, all of the substantial evidence is to the contrary.

3. Staff assumes that large tracts owned by commercial timber companies will not be divided. (p.6) It's a fallacious assumption. Did Crown Pacific not cut and subdivide hundreds of acres? That's the current economic structure. Corporations don't have 60 to 100 year outlooks. They make quarterly reports to stockholders and give bonus to management based on annual performance. Only institutional regulation can direct institutional economic units. Staff also wrongly assumes that residential lots will not be smaller than 80 acres. In case after case, the county planning staff recommends approval of conditional use applications for residences on smaller lots in the CFU zone. **There is no lower limit to lot size for residential use in the CFU zone.** (MCC 11.15.2052) If, as staff implies, such a lower limit is necessary and desirable, then the regulation should be amended. The number of residences that will clutter the hillsides is far higher than estimated by staff. There must be significant restrictions on residential use, mostly in the form of how development is accomplished. For example, merely setting a maximum setback from the roads, e.g. 20 or 30 feet, would eliminate most of the potential negative impact from driveways hundreds of feet long carved out of the hillsides. This would also have the beneficial effect of having an established firebreak on one side of the house, and would provide excellent access for fire fighting and other emergency

equipment. Staff is concerned that restrictions on building sites would lead to siting in vulnerable locations (p.9). If short setbacks from roads are required, staff's concerns will be satisfied by generally minimizing site disturbances. At the same time, it would put houses in areas already made unnatural, and would generally keep them off of the ridge tops where they would be visible from the key viewing areas.

3. Staff takes all of its information on value of mining, and impact on mining, from the proponents and owners of the Angell Brothers quarry. (p.10) There is substantial evidence in the record, that the existing approved mining area has sufficient resource to last 60 years. Staff does not identify any evidence whatever about where the areas of development requiring aggregate are. Only a tiny proportion of development in the region and in the county is near the quarry. And, there are large quarries only a few miles away in Columbia County. How much transportation adds to the cost of aggregate is irrelevant when how much must be transported to where is not known and is not considered. The doubtful figure of 15 tons of aggregate used annually per capita in the state, is irrelevant.[1] How much is used in Multnomah County? Where is it used in the county? Where will it be needed in the county 60 years from now? (If the last question cannot be answered, let's wait and see instead of allowing waste of the hills now, from the top down as Angell Brothers has proposed.) Preservation of the proposed mining expansion area for forest use, the conflicting use most compatible with scenic use, **would have absolutely no economic effect for 60 years**. And then, the aggregate would have been preserved, and would be as accessible as it is now, if it is needed. It is absolutely obvious that the conflicting use of additional expanded mining cannot be allowed. Staff's recommendation that we "protect significant mineral and aggregate resources in a manner that will allow future utilization" (p.16) is entirely satisfied by a determination to <u>now</u> preserve the site for its scenic (and wildlife and streams) values. We thus allow the future to determine its own needs and priorities based on certain knowledge. No decision to do otherwise is reasonable.

4. Staff misrepresents Goal 5 regulations as requiring "the county to give equal weight to the protection of all Goal 5 resources." (p.16) That is flatly untrue. OAR Chapter 660, Division 16, on the contrary, requires the county to determine the relative values of resources and to develop a protection plan corresponding to <u>the county's</u> determination of values.

Sincerely Yours,

Arnold Rochlin

Arnold Rochlin, Treasurer

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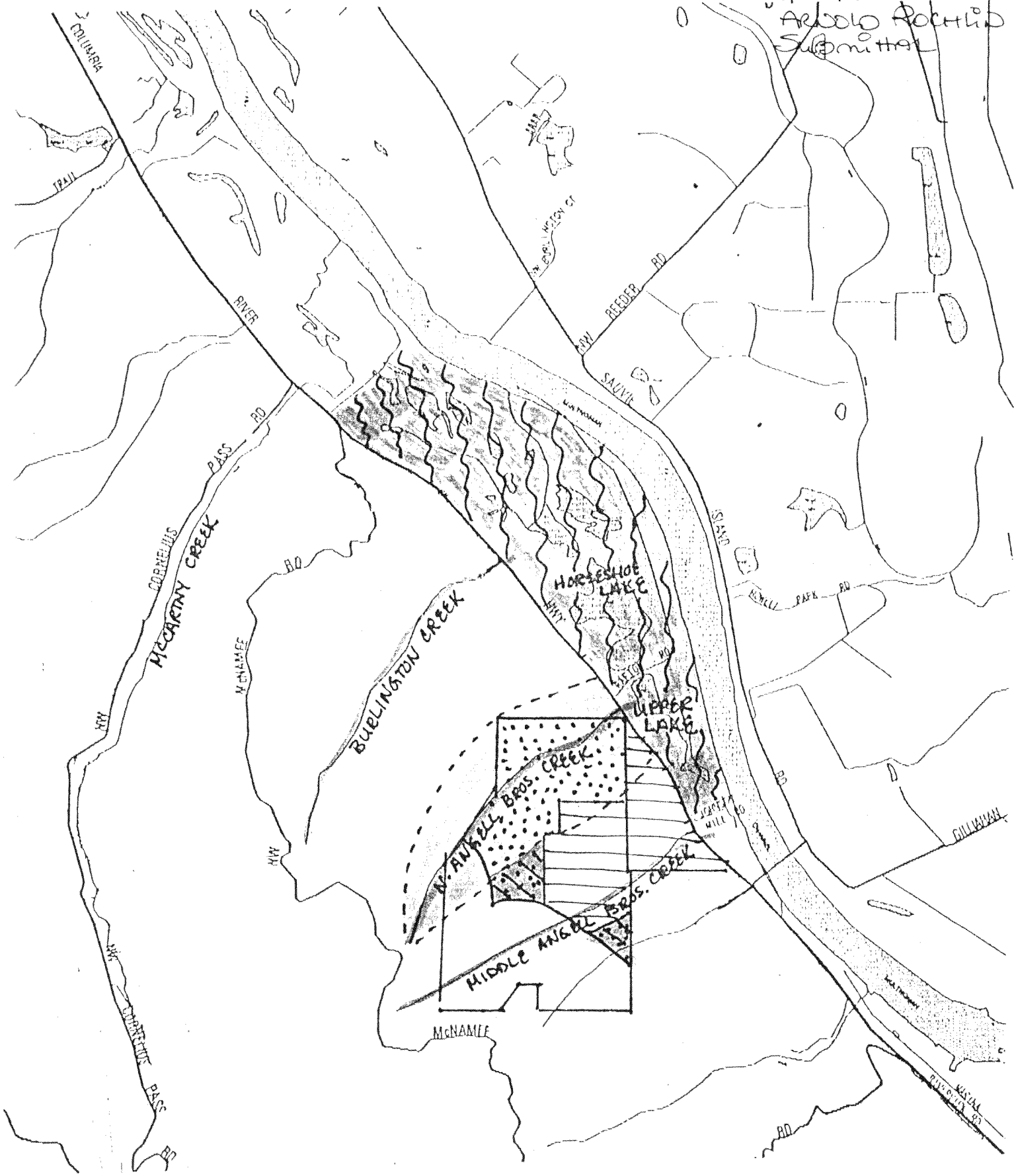
[1] The West Hills Wildlife Habitat Report, issued April 11, 1994, as part of the same Periodic Review, gives 12 tons as the annual per capita use of aggregate. (p.38)

7/20/94
ARCOLA ROCHLIN
SUBMITTAL



7/26/94
Lyn Mattei
Submittal

OREGON NATURAL RESOURCES COUNCIL

MAIN OFFICE

YEON BUILDING, SUITE 1050
522 SOUTHWEST FIFTH AVENUE
PORTLAND, OREGON 97204
503-223-9001

Protecting Oregon's lands, waters and natural resources

TO: Honorable Chair Stein and Multnomah County Commissioners

FR: Lyn Mattei, ONRC Land Use Director

DT: July 26, 1994

RE: Multnomah West Hills Appeal: Burlington Bottoms, July 26, 1994

The Oregon Natural Resources Council has long been involved in Multnomah County's Goal 5 Periodic Review process. We commend the County for the major efforts it has made to comply with the Department of Land Conservation and Development's (LCDC's) complicated Remand Orders. We are pleased that the County has chosen to protect the major wildlife corridor which is part of Forest Park. However, several concerns remain.

1. Proposed Stream Protection Inadequate

As we have already mentioned, proposed stream protection in both the West Hills and Howard Canyon is inadequate. In addition, both forest and agricultural uses in the West Hills and Howard Canyon need affirmative regulation to maximize protection of riparian areas and to minimize sedimentation, erosion, turbidity, high temperatures, and non-point pollution in adjacent streams. We will be working with the County to try to develop adequate buffer zones that will address some of these concerns.

2. Fish and Wildlife Resources

The Reconciliation Report's ESEE analysis for Howard Canyon apparently omits any consideration of ESEE consequences for wildlife. This is also unacceptable.

3. Burlington Bottoms

We are here today in particular to discuss some of our concerns about Burlington Bottoms. Burlington Bottoms is a significant wetland of both local and regional concern. Because of its proximity to Salvie Island and Multnomah Channel, it is also recognized as a wildlife mitigation area of state-wide concern. As we mentioned at the Reconciliation Hearing, the wetlands area was purchased and enhanced by

Bonneville Power as a major mitigation site. BPA gave Burlington Bottoms to the County to maintain and protect in perpetuity. The County recently turned the care of the wetlands over to Metro. We find that Multnomah County has an affirmative duty to see that Burlington Bottoms ~~are~~ *is* protected. This duty is fiduciary and additionally contains aspects of a Public Trust Doctrine.

Although the County has been entrusted with the maintenance and protection of Burlington Bottoms, the wetlands designation in the impact area found in the reconciliation Report eliminates almost all protection for this critical wetland. As proposed, the wetland will be degraded and probably eventually destroyed by excess sedimentation and polluted runoff from Angel Brothers Quarry activities. The Quarry site contains up to 70 feet of overburden, the dirt, clay and waste rock that must be removed to get to the mined rock underneath. Extracting the overburden to get to the rock creates sediment, which comes in at least two forms-settle able solids and turbidity. Settleable solids are particles that settle out when the rushing water slows slightly.

In Burlington Bottoms, according to resident Jodeanne Bellant, silt and runoff from current mining operations have discharged so much sediment and silt into the upstream wetland that the wetland has essentially lost its wetland attributes. Another wetland, the downstream wetland, is fed by the North Angel Brothers stream. Under the County's Plan, expanded mining operations include utilizing the North Angel Brothers stream which will to carry new silt and sediments downstream to harm (fill) the downstream wetland as well. Turbidity would then go into Multnomah Channel.

DEQ's Paul Keiran stated at the last County hearing that he saw no evidence of turbidity and that he believed that Angel Brothers could prevent runoff with correct technology. We accept Mr. Keiran's good intentions but have come to question whether Mr. Keiran's faith in technology might be misplaced. Mr. Kerian recently discussed this very isue in an Oregonian Article about the Karban Rock quarry on the Salmonberry River dated July 5, 1994. The article, entitled <u>Quarry Poses Threat to Coastal Steelhead Runs</u>, Kerian states that "[t]he State can't simply order a special action to prevent runoff because the experts aren't sure how to do that- this is an art, not a science." This article raises serious questions about the ability of even the most technically advanced water quality engineering to avoid excessive sedimentation and stormwater runoff in a quarry situation. We are submitting it into the record for your information.

The County, has entrusted Metro with the job of protectiong and maintaining Burlington Bottoms but Metro can not protect this wetland if County fails to take responsiblity for upland impacts. Metro can't do its job (to fulfill the County's trust responsibility) if the County allows adverse impacts from upland sites that are out of Metro's control. We also wish to remind the County that Burlington Bottoms is protected by federal law. In this regard, we believe that discharging sediment into Burlington Bottom- or any wetland- may constitute violation of section 404 of the Clean Water Act. This is just one more reason for the County to make the protection of Burlington Bottoms a high priority.

Thank you for your time and consideration.

Ann Mattei
for ORPC

7/26/94
LYNTMATTER
SUBMITTAL

Quarry poses threat to coastal steelhead runs

■ Despite extensive efforts to prevent it from happening, silt finds its way into a tributary of the Salmonberry River

By PAT FORGEY
Correspondent, The Oregonian

Every spring, wild steelhead fight their way up the Salmonberry River to spawn in its cool, clear waters deep in Oregon's Coast Range.

Their return each year is all the more remarkable because the Salmonberry almost died.

A series of forest fires in the 1930s and '40s known as the Tillamook Burn left the river choked with silt and runoff from scorched hillsides. The Salmonberry healed, restoring the clarity and cleanliness needed to support a fish run.

The steelhead are threatened again, this time by a quarry that all players hoped would provide a perfect balance between the public's need for a clean environment and its need for business development and jobs.

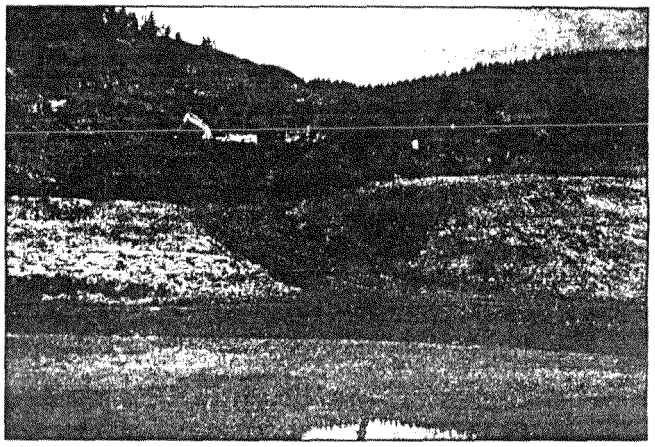
The plan didn't work. In its first winter of operations, Karban Rock Inc. of Hillsboro followed all the state's environmental precautions. But it wasn't enough to keep silt from flowing into a tributary of the Salmonberry River during heavy rain.

State regulators would like to fix the problem before the winter rains return, but they don't know how. Karban isn't talking about the silt.

Several agencies regulate different aspects of quarry operations, but for protection of the Salmonberry, the most important is the Department of Environmental Quality. It's supposed to enforce the federal Clean Water Act and prevent problems such as muddy runoff that can come from the quarry.

Paul Keiran, a DEQ storm-water engineer responsible for watching Karban, said that the company's storm-water controls appeared adequate. But when they were tested by heavy rain, he said, they proved incapable of preventing violations.

Please turn to KARBAN, Page B4



PAT FORGEY/for The Oregonian

Despite settling ponds to capture dirt particles, work at the Karban Rock Inc. quarry in the Coast Range continues to feed silt into the Salmonberry River.

JODEANNE BELLANT Submittal 7/26/94

July 26, 1994
Jodeanne Bellant MD
14956 N.W. Mill Road
Portland, Oregon 97231

Multnomah County Commissioners
2115 NE Morrison
Portland, Oregon 97231

Dear Commissioners:

I am writing to express concern regarding the current application by the Angell Brothers Quarry to expand their quarry operations. They are asking the County for a Comprehensive Plan Amendment and a Conditional Use Permit for this expansion, which will allow this quarry to operate for many years at their leased site. I and many of my neighbors oppose this application.

Currently, as houseboat neighbors located directly below the quarry site, we are exposed to high levels of dust and noise from the current quarry operations. Blasts from the site have disrupted our residences and dust from quarry operations coats our cars and homes, and presents an airborne health hazard, especially to residents with respiratory ailments. Expanding this operation will increase these detrimental effects on our community, as well as on neighboring homes and homesites on the hill.

We are also concerned regarding the safety of increased truck traffic on Highway 30. There have already been several fatal and near fatal accidents involving dump trucks traveling to or from Angell Brothers onto Highway 30 in the recent past. A Department of Transportation report detailing accidents between the Sauvies Island Bridge and the Angell Brothers Quarry shows two fatalities and 27 injuries in this 0.7 mile stretch of Highway 30 in the 28 months from 1/90 to 4/30/92. This represents more than one fatality or injury per month. Numbers of our moorage residents have been nearly rearended or side swiped by trucks exiting the Angell Brothers Road. Increasing truck traffic to this site would increase the public hazard along this already dangerous section of Highway 30.

The impact of this quarry site on neighboring wetlands is also an impressive issue which was not covered in any way by the Angell Brothers application. The current site includes a stream that empties onto our property and the effects of quarry operations are clearly evident there. We own two wetland areas immediately adjacent and riverward to the railroad right of way and on either side of the Burlington Truck Wrecking Yard. The upriver wetlands have been filled with silt from quarry operations over the past 11 years that I have lived here. Silt now flows directly into Multnomah Channel because the holding capacity of the land has been surpassed. Our downriver wetlands still maintain standing water for much of the year. Expanded quarry operations will affect runoff into the two streams which feed our downriver wetlands and the wetlands of Burlington Bottoms. Hydrologists project, conservatively, that stream and silt flows will increase by 2 to 20 times current values with expanded quarry operation. Settling ponds to control such an increase in runoff would require an 100 acre lake that was 7 feet deep (an impossibility for this site). It is obvious to me that expanded quarry operations would mean the demise of wetlands on our property and on those of Burlington Bottoms. I see no where in the Angell Brothers application where mitigation for the loss of wetlands off site has been addressed.

My neighbors and I would like to express our support for carefully examining the off site effects of an expanded quarry operation at this particular site. Scenic and Open Space values would be drastically affected in this sensitive area of Multnomah County. Water quality would be diminished. Silt runoff from increased operations cannot be mitigated at the current site. Neighboring wetlands, considered important enough for the County to purchase for the public trust, would be devastated. The wildlife corridor between the Coast Range and Forest Park would be compromised. The stability of mined slopes and landslide potential within the site have not been studied. Increased truck traffic on Highway 30 would pose an increased public hazard. In sum, there are many difficulties with the current site that are not compatible with expanded operations.

We urge you to carefully weigh all these issues and to deny an expansion of the current quarry operations at this site.

Sincerely,

Jodeanne Bellant MD

JODEANNE BELLANT
SUBMITTAL
7/26/94

June 13, 1994
Friends of Retaining Channel Environment
Inc. (F.O.R.C.E.)
13010 N.W. Marina Way
Portland, Oregon 97231

Multnomah County Planning Commission and Board of County Commissioners
c/o 2115 S.E. Morrison
Portland, Oregon 97231

Dear County Commission/Commissioners:

We are a group of Multnomah County citizens who are members of a non-profit group, F.O.R.C.E., whose primary focus is the preservation of the unique scenic and natural features of Multnomah Channel and surrounding areas. We are writing in response to the Multnomah County ESEE analysis of the Angell Brothers Rock Quarry site, and we would to oppose their recommendations to allow expansion the operation beyond the current site. Our opposition is based on the following concerns:

1. SCENIC DEGRADATION OF THE WEST HILLS

Multnomah County recently designated the east face of the West Tualatin Hills as a scenic resource. Doubling the size of the Angell Brothers site will cause a scenic blight in one of the most visible and prominent areas of the West Hills, visible from Sauvies Island, Highway 30 and Washington state. We agree with the Multnomah County staff findings from the November 16,1992 hearing before the Multnomah County Commissioners regarding the Angell Brothers expansion plans, which concurs that a proper reclamation plan would not be feasible for an expanded operation. The County stated:

a. The proposed Angell Brothers reclamation plan would not "allow the property to be used as envisioned by the comprehensive plan and the underlying district."
b. The County remained unconvinced that, despite the applicant's evidence, that the site could be successfully reclaimed for forestry uses.
c. "The applicant did not show that its reclamation plan includes a timetable for continually reclaiming the land," as is required. "The applicant claimed it was impossible to develop such a timetable."
d. "The applicant did not show that reclaimed surfaces will blend into the natural landforms of the immediately surrounding terrain."

For these above reasons, any plans to expand the Angell Brothers site would severely compromise the scenic qualities of the West Hills and surrounding areas, and these problems are not capable of being mitigated. An expansion should therefore be disallowed.

2. ENVIRONMENTAL IMPACTS

We believe that any expansion of mining activities at this site will severely affect water quality of Multnomah Channel, and degrade low lying wetlands below the site. The November 16, 1992 findings by Multnomah County regarding the Angell Brothers expansion confirmed the following problems:

a. "The applicant did not show that sedimentation and erosion would comply with DEQ standards" and the applicant provided "no proof that it will comply with those standards."
b. In fact, the County found "that the applicant will not meet the standards established in its existing waste water permit." "Discharges of turbid water into Multnomah Channel, which already commonly, are likely to increase in frequency and magnitude."

We disagree that the degradation of North Angell Brothers Creek would have a minimal impact on the significant wetlands on Rafton-Burlingtom Bottoms. A similar wetlands habitat beneath the current Angell Brothers site has slowly filled in over the past 15 years as a result of runoff from current mining activities. This turbid runoff occurs in spite of current "environmental control measures", which are inadequate to protect either water quality or existing wetlands. To further protect water quality, the DEQ is proposing damming of the creek that flows into this wetlands, which will further destroy the wetland habitat. It is impossible to move the quantities of soil necessary to mine on these hillsides, without creating massive turbid runoff during the winter rainy season. This silty runoff will deposit inevitably into Burlington Bottoms or adjacent wetlands, and then into Multnomah Channel. An expansion of the mining site will only exacerbate current problems.

Overall, we feel that adequate measures to preserve scenic values, water quality, and wildlife/wetlands habitat are not possible given expanded mining operations at this site. We urge that the County reconsider the current ESEE analysis at the Angell Brothers Site to exclude expansion of mining activities.

Sincerely,

Mark Valeske, President
F.O.R.C.E.

7/26/94 DONNA MATRAZZO SUBMITTAL

RICHARD STERLING SHAFFER

Landscape Architect

14916 N.E. Newport Street
Portland, Oregon 97230

July 20, 1994

Sauvie Island Conservancy
c/o Donna Matrazzo
19300 Sauvie Island Road
Portland, OR 97231

At your request, I have reviewed the Multnomah County West Hills Reconciliation Report on Goal 5 Scenic Resources.

In general, I found that the staff reports (A. Significance Determination, B. Resource Analysis, and C. Resource Protection) were prepared using established principles and methods for visual resource analysis.

I have some comments on specific portions of the reports, which you may wish to include as part of your written testimony for the July 26, 1994 Board of County Commissioners hearing of appeals.

B. Resource Analysis, 2. Conflicting Uses, a. Viewing Parameters:

The final paragraph on page II-10 discusses the time duration of views from key viewing areas. The final sentence states that *"It may not be important to protect views that are seen for only a few seconds from a passing car."* That is a valid statement, but the converse of it is that it is important to protect views where there are longer time durations, which is the case for most of the key viewing areas for the study area.

C. Resource Protection, 1. Scenic Views of the West Hills, d. Program to Achieve the Goal:

The Standards for Protection of the Scenic Resource, while correctly stating their principal purposes, are written in terminology which makes compliance less than mandatory. Perhaps that was the intent of the authors and the Planning Commission.

The intent of a standard is determined by the "action word" verb. As the author of the Standards for the Scenic Resource in the Land and Resource Management Plan, Mt. Hood National Forest, 1990, I was instructed by management to select from three verbs, which would define the degree of compliance required:

Shall	Action is mandatory
Should	Action is required; however, case by case exceptions are acceptable if identified during interdisciplinary project planning environmental analyses. Exceptions are to be documented in environmental analysis public documents.
May	Action is optional. "May" Standards and Guidelines are included to emphasize resource intent or to clearly describe that a practice is available for use.

Recommendation

As presently written the standards all use the verb "should". I recommend that the County clarify the meaning of "should." As it is, I believe, and I think planners understand, that the applicant for a development will usually attempt to circumvent the intent of the standard.

As an example, the proposed standards concerning Existing Vegetation and New Vegetation could easily be avoided by claiming that compliance was not possible, or by simply planting one or two small replacement trees. If the intent of the standard is truly to provide for protection of the scenic resource, the standards for compliance need to be more specific; e.g., state the number of trees per unit of area to remain or be planted between the structure and the key viewer positions. The City of Portland Scenic Resources Plan, April 12, 1991 (Ordinance No. 163957) contains similar standards which are quite specific.

Richard S. Shaffer

Karban: River's steelhead are a rare, genetically pure stock

■ Continued from Page B1

"They've gone to a lot of effort, but apparently it's not enough," said Walt Weber, district fisheries biologist with the Department of Fish & Wildlife.

Weber is monitoring Karban's compliance with its DEQ permits because of the biological value of the river. Besides steelhead, the Salmonberry has healthy populations of chinook salmon, coho salmon and cutthroat trout.

The river's prize species is its wild steelhead run, though. Those fish are among the best leapers of any anadromous fish and have migrated up the steep river canyon the farthest. They also are a rare genetically pure stock. That is, the run is completely wild and has never mixed with hatchery stocks.

The muddy water that threatens those fish comes in essentially two forms: settleable solids and turbidity.

Settleable solids are particles that settle out when the rushing water slows slightly. Because salmon need clean gravel in which to spawn, settleable solids can smother eggs already in the stream and ruin it for future use as spawning habitat.

While the quarry's first winter of operation has loaded a nearby Salmonberry tributary with sediment, damage to spawning habitat has been minimal because a waterfall blocks fish passage to the creek.

Turbidity poses problem

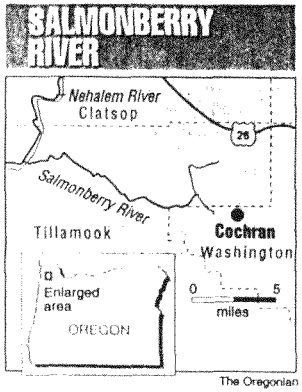
Turbidity is a bigger problem. It's the result of extremely fine particles that float in the water and don't settle out easily. Turbid water can harm fish by stunting the production of aquatic invertebrates that young fish eat, and it can clog their gills and make it harder for them to feed.

The material that causes turbidity is so fine that it won't settle out of the river until it reaches Nehalem Bay at the coast.

The water quality problems have been unfortunate, because the quarry's location seems nearly perfect.

Quarrying and mining operations are noisy and dirty, the classic "not in my back yard" activity that neighbors almost always oppose, said Gary Lynch of the Department of Geology and Mineral Industries, another of the regulatory agencies.

At Cochran, the site of an abandoned lumber mill in western Washington County, there's not a neighbor within miles. It may be the most remote location in northwestern Oregon. There's also an outcropping of hard, high quality basaltic rock, the kind demanded by a booming Washington County for roadbeds



The Oregonian

Old rail line figures in

No less important is Cochran's proximity to the old Southern Pacific rail line that runs to Tillamook. The railroad once flourished, carrying lumber from the Cochran mill and dozens of others from the coast to the valley.

The Port of Tillamook Bay purchased the old Southern Pacific rail line in 1989 with $2.8 million in lottery money. State and federal agencies have spent millions more in public money to subsidize the railroad, which has struggled to break even carrying feed to Tillamook County's dairies and lumber back from its mills.

Now its main freight is rock, extracted from Karban's quarry and shipped down the rails to Hillsboro. The cheap rail transport has been a boon to Karban, but it's also been crucial to getting the railroad back on its feet financially.

"It's critical to us; it provides a million dollars' revenue a year," said Jack Crider, port manager. That revenue has allowed the line to be repaired and upgraded, and the railroad now employs 35 people, 25 of whom are based in Tillamook County, where good paying jobs are scarce.

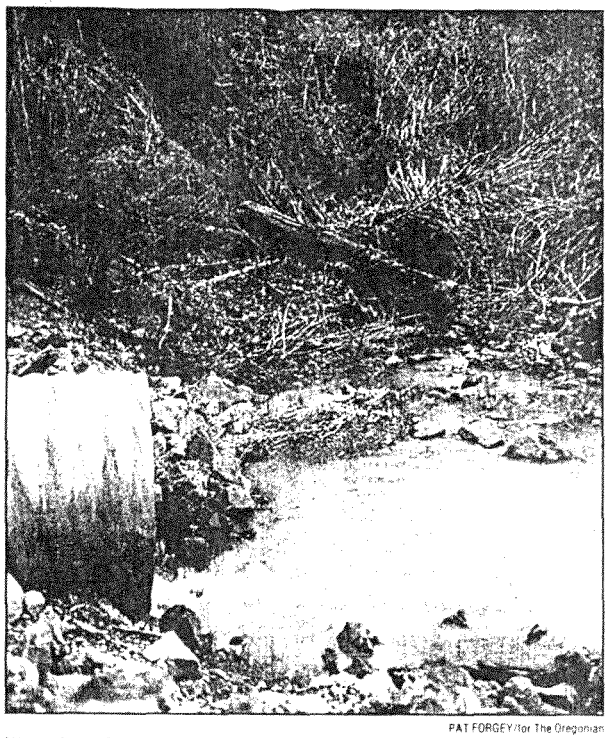
The importance of the Karban quarry — both economically and environmentally — has made it a high-profile client for the state's regulatory agencies.

Various agencies involved

Besides the DEQ and Department of Geology and Mineral Industries, the Division of State Lands also regulates some aspects of the operation.

Looking over those agencies' shoulders is the state Department of Fish & Wildlife. And the governor's office is watching everybody.

Karban has used a series of measures to try to keep the river clean. The company built five settling ponds designed to purify runoff by


PAT FORGEY/for The Oregonian

Water flows from a culvert at the end of ponds. It will reach the Salmonberry River, home to one of the state's few genetically pure steelhead runs.

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"Their storm-water retention facilities are the best I've ever seen," Keiran said, estimating that the company has spent $200,000 on erosion control.

The company has also covered exposed hills of bare dirt with jute netting or straw, used logs and hay bales to block runoff, scattered small retention ponds around the site to reduce runoff, and even shut down operations during storms.

"When it rains, they quit," said Crider, "We've had to head down the mountain with a train that's half full."

Now, after a winter in which Karban repeatedly violated water quality standards, regulators are trying to figure out where they went wrong.

Karban has admitted to the state that its storm-water controls were simply inadequate for heavy rain. And that was with a drier-than-average winter.

Phone calls not returned

Karban President Peter Adams did not return phone calls or messages to discuss the company's water quality violations. But comp-

terviews with state regulators indicate the company seriously underestimated the effectiveness of its pollution controls.

"It turns out there was a lot more overburden on the site than anybody thought," said Bill Parks, with the Division of State Lands.

Overburden is the dirt, clay and waste rock that must be moved to get at the high quality rock underneath, and it's the bane of the aggregate industry. Finding a safe place to put the huge — and growing — pile of overburden has been one of Karban's biggest problems.

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The state has the power to cite, fine or revoke the permit of a company that violates environmental regulations. The problem with Karban is that the state can't simply order a specific action to prevent runoff because the experts aren't sure how to do that.

"This is an art, not a science,"

Documents show enforcement light

By PAT FORGEY
Correspondent, The Oregonian

The state of Oregon told Karban Rock Inc. of Hillsboro in no uncertain terms in February 1993 that the company's Cochran quarry must comply with state water quality standards. Period.

But documents show that when it came to actually enforcing the standards during Karban's first winter of operation, the state was extremely flexible.

State records show that Karban often violated water quality standards in heavy rains, yet the company received only two citations from the state's chief regulator, the Department of Environmental Quality.

DEQ engineer Paul Keiran acknowledged that there had been additional violations for which no official "notice of noncompliance" had been issued. The agency doesn't know how many. Even Karban's weekly water quality reports to DEQ during the winter showed repeated instances of turbidity in violation of its pollution discharge permit.

As long as Karban was cooperating with regulators, Keiran said, the state's policy was to work with the company instead of "going into an enforcement mode," and assessing penalties that could reach $10,000 a day.

Keiran said that DEQ resources were stretched so thin that the agency was unwilling to develop an adversarial relationship with a company that was trying hard — as Karban was — to comply with regulations.

"If they say 'get lost' we'll come down hard," he said.

The company has had a strained relationship with the Department of Fish and Wildlife and its fish biologists, vocal advocates for compliance with water quality regulations and protection of fish habitat.

Both the biologists and the company notified DEQ in December 1993 when a pile of overburden "slumped," sending water and mud into the creek. That resulted in Karban's first notice of noncompliance.

The biologists complained again in January and February, but the DEQ took no action. They followed up with pictures of torrents of muddy water flowing from the quarry. The DEQ then issued the second notice in March, lumping the January and February incidents together.

Karban President Peter Adams sent an angry letter to Gov. Barbara Roberts in January after biologist Walt Weber commented at a December meeting that having Karban responsible for its own monitoring and testing was like "letting the fox guard the hen house."

Adams said that the Department of Fish and Wildlife needed to develop a "win-win" attitude if the project was to succeed.

"Karban, and the state of Oregon and the Port of Tillamook Bay all have a big stake in the Rock by Rail project. It's important to all of us financially and the metropolitan community as well," he wrote.

Karban's relationship with the Department of Geology and Mineral Industries and with DEQ is far better. In fact, it was Keiran who nominated Karban for a Geology and Mineral Industries department award.

Karban received an "outstanding operator" award for its pollution controls at Cochran.

1/26/94
SUBMITTAL
CHARLES CECKO

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TEL 503 797 1700 | FAX 503 797 1797

METRO

Multnomah County Board of Commissioners
1120 SW Fifth Avenue
Portland, Oregon 97204

July 26, 1994

Re: Additional Comments -
West Hills Reconciliation Report, May 25, 1994
Howard Canyon Reconciliation Report, May 23, 1994

Dear Commissioners;

Thank you for yet another opportunity to provide testimony regarding the above referenced topics.

The primary purpose of our correspondence at this point is to re-emphasize some of our earlier comments and submit several additional exhibits for your consideration.

We are taking the time to submit these additional comments because we continue to believe that your actions related to these initial "rural planning" efforts will set a tone, if not a precedent, for future efforts which have yet to be initiated. In other words, your treatment of significant resources now will temper future actions related to other significant resources.

West Hill - Angell Brothers Quarry

Previous Recommendation: Prohibit all mining in watershed(s) draining into Burlington Bottoms

Rationale:

Burlington Bottom is rated as one of the most valuable Goal 5 resources (Natural Area/Wetland) in Multnomah County. It's value has been recognized by the Northwest Power Planning Council and BPA who (with formal support of Multnomah County) acquired the

Recycled Paper

428 acre site as mitigation for wildlife losses associated with Willamette and Columbia River hydroelectric projects.

We must respectfully disagree with the conclusions reached by ODFW as conveyed in a letter from Jill Zarnowitz dated May 19, 1994. In essence, this letter states that the "North Angell Brothers" creek is not significant because it is not a major water source for Burlington Bottom.

In our opinion, any water source for Burlington Bottom is significant, especially one with the capability of conveying sediments in considerable quantity into the site.

We urge you to consider these facts:

- Angell Brothers has a history of water quality violations in their existing operation.
- Sediment from the existing operation has seriously degraded a wetland downstream of the quarry site.
- Improvements have been constructed, however, their effectiveness is untested by significant precipitation.
- Over-burden (top soil) in the proposed expansion areas is up to 70 feet deep. this material will be stripped, stockpiled (on-site) and presumably "stabilized".
- The proposed expansion area is moderately to steeply sloping which significantly limits space for effective sediment controls such as retention ponds while increasing both the amount and velocity of run-off and consequently erosion potential.
- Even the best designed storm-water retention facilities have been acknowledged by DEQ as inadequate. See Exhibit A "Quarry Poses Threat To Coastal Steelhead Runs", Oregonian, July 5, 1994.

Based on the above, we believe the risk to Burlington Bottom is too great. Our position is further bolstered by the realization that if expansion were permitted and problems did develop, there's little, if anything, that could be done to stop the problem in a timely manner. Specifically, DEQ fines won't curb

sedimentation and restoration would take years, if feasible at all.

In summary, the question related to the significance of this aggregate source is outside our area of interest and expertise. However, we oppose any expansion of mining activities into watershed(s) that drain into Burlington Bottom because we believe the risk it simply too great.

Howard Canyon - Aggregate Site

Previous Recommendations:

It is recommended that mining activity be prohibited within 200 feet of a significant stream and that all riparian vegetation be protected except for hazard trees. It is further recommended that:

- No mining be permitted within 100 feet of any tributary to a significant stream and that all riparian vegetation be protected except for hazard trees.

- Roads associated with aggregate mining be treated per 7b above and strictly limited to one (1) crossing.

- That the mine operator be required to complete fish, wildlife and water quality inventories prior to an expansion of mining activity.

- That a mining and reclamation plan require specific approval of the Oregon Department of Fish and Wildlife and DEQ in addition to DOGAMI.

- That the mine operator be required to test water quality downstream of the mine at a frequency which is adequate to capture the full range flows expected in the significant streams.

- That exposed earth never exceed two (2) acres at any time.

Rationale:

- The Howard Canyon site is relatively level as compared to the West Hills site and significant streams do not flow through the aggregate site.

- The Corbett Community appears to be in need of an economic source of aggregate for a variety of purposes.

- The existing operation has been characterized as "small-scale", serving primarily Corbett's needs (under 5,000 cu yards/year).

- Our recommendations allow for a finding of significance, a source of aggregate for the Corbett area, reasonable protection for significant streams and, hopefully, residential quality of life.

Howard Canyon - Significant Streams (Howard, Knierem, Big)

Previous Recommendations: Limit conflicting uses as follows:

Residential, Community Services and Conditional Uses:

- Prohibit these uses within 100 feet of significant streams.

- Prohibit these uses within 50 feet of tributaries to significant streams.

- Protect all reparian vegetation within buffers described above.

- Avoid road crossing of significant streams whenever practical. If crossings are unavoidable, require bridge or arch culvert installed in manner approved by ODFW.

- Within buffers described above, restrict soil disturbing activities to typically dry months, require erosion prevention measures and revegetation prior to rainy season.

Agricultural Uses:

- Prohibit crop cultivation and livestock within 100 feet of significant streams.

- Prohibit crop cultivation and livestock within 50 feet of tributaries to significant streams.

- Treat roads as noted above.

- Investigate options for incentives for landowner compliance.

Rationale:

The "Howard Canyon Reconciliation Report" acknowledges the severe degradation of significant streams caused by these uses. See "Stream Profiles" pgs. II-37 thru II-53. For example:

> Pg. II-37, "Big Creek was severely impacted by housing and pasture land. Over half of the surveyed area had paved roads adjacent to the stream. Streamside vegetation was degraded and cover was minimal in most areas".
>
> Pg. II-42, regarding Howard Canyon Creek, "The first seven sections have housing and pasture lands adjacent to stream. Where there is pasture, animals for the most part have unrestricted access and at the time this survey was done, cattle were actually seen in the stream..... Banks along this area were eroding with large pieces of bank falling off into stream because of storm event."
>
> Pg. II-49, "Knieriem Creek in general is impacted by housing, roads running along side and lack of cover. Large trees are minimal..... The water is murky and banks show signs of erosion..... Animals have direct access to stream and there is little or no reparian vegetation."

- EPA calls "silt" (from land uses noted above) the number one problem threatening America's waterways. See Exhibit "B", "Silt Major Culprit In Lowering Nation's Water Quality", Oregonian, Tuesday, June 14, 1994.

- Department of Agriculture cites agriculture as major source of pollution in the nation's waterways. See Exhibit "C", "The Invisible Menace", Trout Magazine, Summer 1994.

- Scientists agree that protection of streamside (riparian) vegetation is critical to fisheries and water quality. See Exhibit "D", "Panel Sees Key To Saving Salmon", Oregonian, June 30, 1994.

- Multnomah County has the authority to implement regulations to protect significant streams. In fact, Multnomah County may be the only jurisdiction with the authority to regulate these uses on private property within the area currently under consideration. See Exhibit "E", "Troutdale moves To Protect Beaver Creek", Outlook, July 20, 1994.

In summary, the significant streams in question have been, and continue to be, seriously degraded by agricultural residential, community service and conditional uses within the riparian corridor. Scientists generally agree that riparian corridors must be protected for fishery and water quality purposes. Multnomah County has the authority through its land use planning program to restrict uses within the riparian corridor. Other jurisdictions as noted in the exhibits have implemented restrictions to protect significant streams.

Thank you for the opportunity to submit these additional comments and exhibits.

Warm Regards,

Charles Ciecko (mg)

Charles Ciecko
Director

cc: Rena Cusma
Merrie Waylette
Judy Wyers
Betsy Williams
Scott Pemble
Steve Oulma

CC/mb
mulcolet.726

Quarry poses threat to coastal steelhead runs

Exhibit "A"

■ Despite extensive efforts to prevent it from happening, silt finds its way into a tributary of the Salmonberry River

By PAT FORGEY
Correspondent, The Oregonian

Every spring, wild steelhead fight their way up the Salmonberry River to spawn in its cool, clear waters deep in Oregon's Coast Range.

Their return each year is all the more remarkable because the Salmonberry almost died.

A series of forest fires in the 1930s and '40s known as the Tillamook Burn left the river choked with silt and runoff from scorched hillsides. The Salmonberry healed, restoring the clarity and cleanliness needed to support a fish run.

The steelhead are threatened again, this time by a quarry that all players hoped would provide a perfect balance between the public's need for a clean environment and its need for business development and jobs.

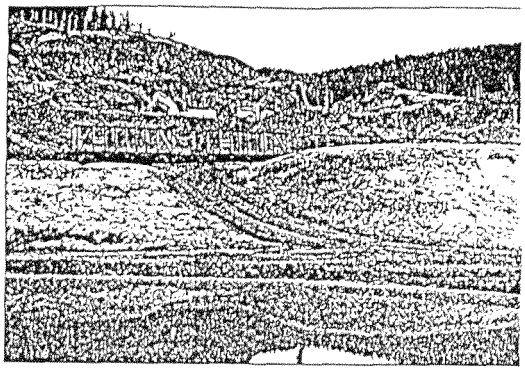
The plan didn't work. In its first winter of operations, Karban Rock Inc. of Hillsboro followed all the state's environmental precautions. But it wasn't enough to keep silt from flowing into a tributary of the Salmonberry River during heavy rain.

State regulators would like to fix the problem before the winter rains return, but they don't know how. Karban isn't talking about the silt.

Several agencies regulate different aspects of quarry operations, but for protection of the Salmonberry, the most important is the Department of Environmental Quality. It's supposed to enforce the federal Clean Water Act and prevent problems such as muddy runoff that can come from the quarry.

Paul Keiran, a DEQ storm-water engineer responsible for watching Karban, said that the company's storm-water controls appeared adequate. But when they were tested by heavy rain, he said, they proved incapable of preventing violations.

Please turn to KARBAN, Page B4



PAT FORGEY/For The Oregonian

Despite settling ponds to capture dirt particles, work at the Karban Rock Inc. quarry in the Coast Range continues to feed silt into the Salmonberry River.

■ Continued from Page B1

"They've gone to a lot of effort, but apparently it's not enough," said Walt Weber, district fisheries biologist with the Department of Fish & Wildlife.

Weber is monitoring Karban's compliance with its DEQ permits because of the biological value of the river. Besides steelhead, the Salmonberry has healthy populations of chinook salmon, coho salmon and cutthroat trout.

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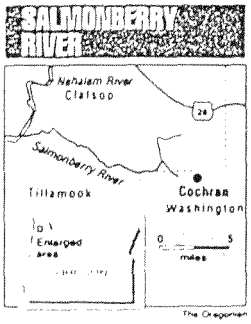

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PAT FORGEY/For The Oregonian

Water flows from a culvert at the end of ponds. It will reach the Salmonberry River, home to one of the state's few genetically pure steelhead runs.

Exhibit "B"

Silt major culprit in lowering nation's water quality

EPA finds cause but another report blames herbicide spray

By DAVID ROTHBARD and CRAIG RUCKER

Having seen the effectiveness of Bill Clinton's campaign focus on the economy, supporters of clean rivers might adopt a similar slogan: "It's the silt, silly."

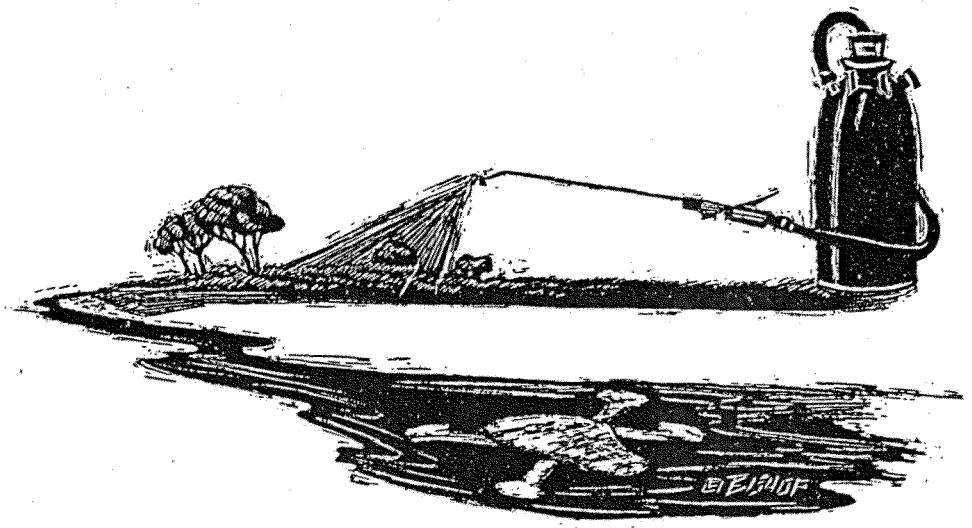
If our country is truly serious about improving water quality substantially, the focus needs to be on the real problem, silt, rather than the imagined and perceived problems that get so much attention in public forums.

It's plain old dirt — topsoil from farm fields, clay from urban construction sites and sediment from unprotected streambanks — that is clogging our nation's waterways.

In a statement issued this spring, Carol Browner, administrator of the Environmental Protection Agency, called silt "the No. 1 problem threatening America's waterways."

Because of sedimentation, "fish respiration is impaired, plant productivity and water depth are reduced, aquatic organisms and their habitats are smothered, and our aesthetic enjoyment of the water is reduced," according to EPA's report, "The Quality of Our Nation's Water: 1992," which was issued this March.

Incongruously, another federal agency has been creating a controversy that has the potential to make this problem worse. Misperception resulting from work by the U.S. Geological Survey might actually change agricultural practices to the point that soil erosion and stream sedimentation could increase.



RANDY MACK BISHOP/Pen Tip International Features

The Geological Survey has been monitoring herbicide concentrations in lakes, rivers and streams for the last three years. It has also been releasing information to the media about trace amounts of herbicides in spring and summer, when farmers use the products.

However it has never issued a press release reporting on a full year of monitoring, even though federal drinking-water standards are based on the average of samples taken during a full year. Temporary peaks slightly higher than the allowable annual average are of little, if any, significance.

Last August, in a little-known technical report, the Geological Survey revealed the full picture of its monitoring: "During 1991 and 1992, the annual average concentrations for these herbicides were far below health-based standards."

The same report carried a prediction about herbicide concentrations in the waters of the great 1993 flood: "Concentrations for these herbicides probably will not exceed [health-based standards] in 1993."

Many Americans will remember the scene a month earlier when TV reporters and newspaper headlines across the nation told of "surprisingly high" herbicide concentrations in the floodwaters. These reports were based on the Geological Survey's findings of one-day concentrations that were only slightly higher than the allowable annual average. These concentrations were nowhere close to any level of concern, as the Geological Survey acknowledged a month later.

But the perception is long-lasting. Now, when EPA reports that agriculture is the leading contributor to stream impairment, many jump to the conclusion that EPA is talking about herbicides.

"It's the silt, silly."

The most common water pollutants, according to EPA's report, are, in order: Silt, nutrients, metals and biological pathogens. Herbicides, even when detections of insignificant concentrations are considered, don't rate with that group.

In fact, herbicides are an essenital tool in reducing the amount of silt that gets into streams. While farming remains the leading contributor to river impairment — more stream miles border farms than cities — farmers have made great strides in reducing siltation in recent years.

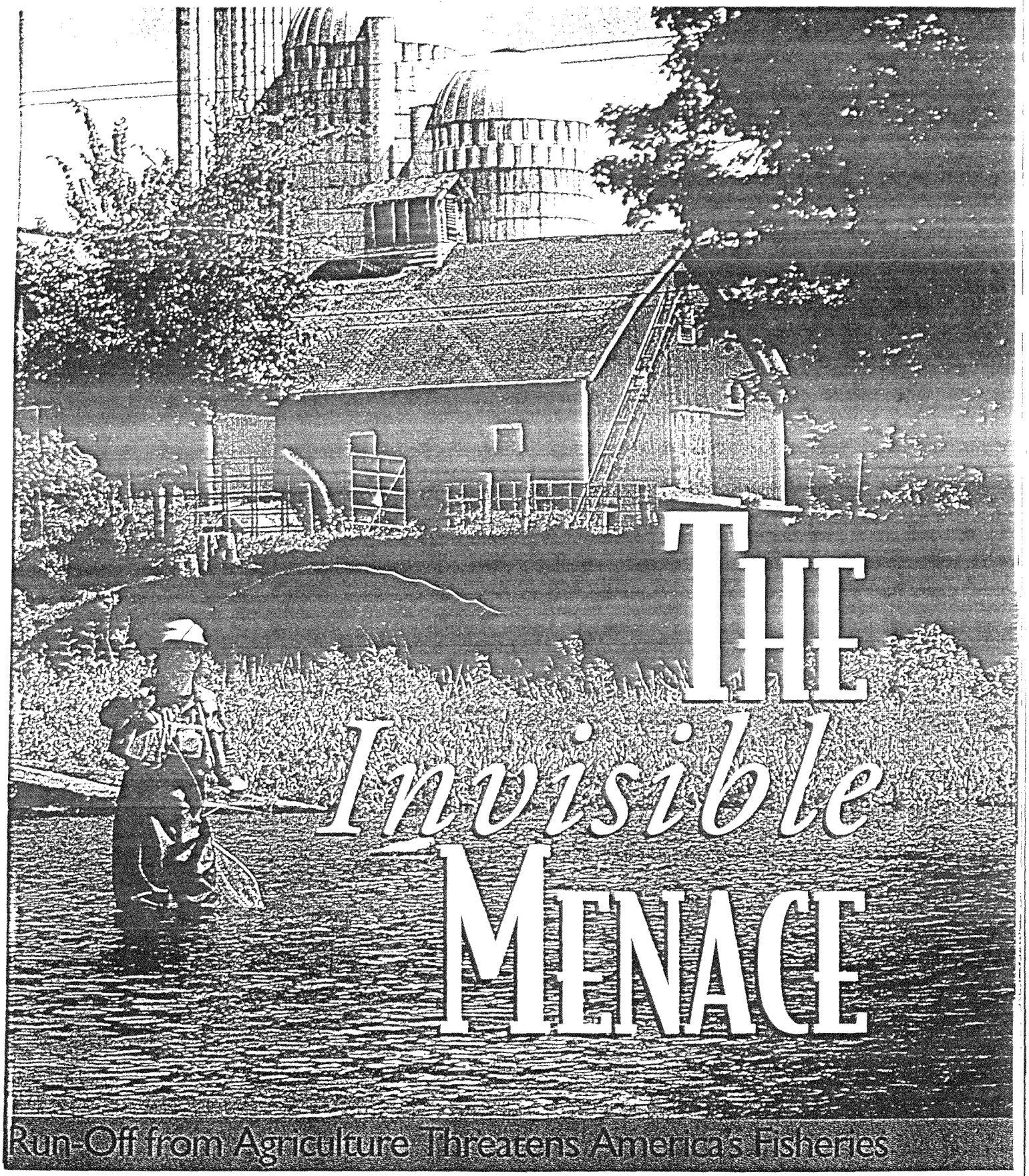
They have been converting millions of acres to conservation tillage — a practice that leaves last year's crop stubble on the field. Instead of plowing the field and exposing the soil to wind and water erosion, farmers plant seeds through the stubble. Herbicides are used as needed to control the untilled weeds. The crop stubble keeps the herbicide, and the silt, in the field and out of the stream.

Without herbicides, the only way to control weeds is to plow them under before planting and follow up with another tillage trip, further contributing to the No. 1 problem threatening U.S. streams — silt.

David Rothbard is president of the Committee For A Constructive Tomorrow, a Washington-based public-interest organization. Craig Rucker is the group's executive director.

Exhibit "C"

RICHARD FRANKLIN



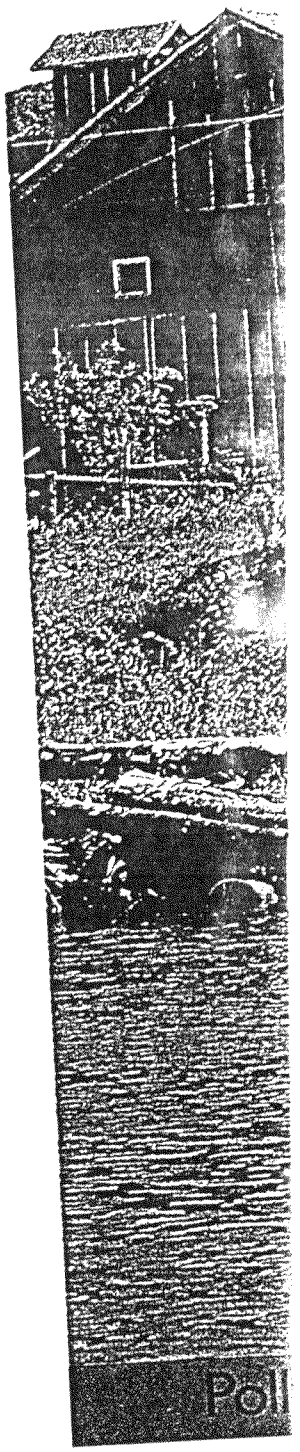
THE *Invisible* MENACE

Run-Off from Agriculture Threatens America's Fisheries

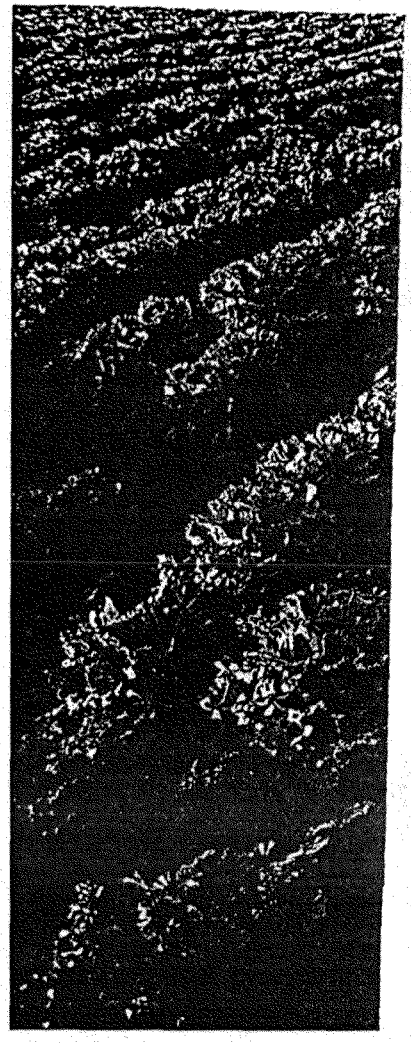
By Jerome Cramer

Tom Culp runs a 350 acre farm amid the rolling hills of Lexington, Ohio. Clean water that bubbles up from springs on his farm flows gently into nearby rivers. That's how Culp likes it. "My goal is to keep the soil on the land — not running off into streams and fouling the water," he says. To cut down on soil erosion and to keep his water clean, Culp and a growing number of farmers have discovered ways to use the land wisely and help prevent the largest single source of water pollution in the United States. It's called "nonpoint source pollution" and it happens when rain and melting snow wash pesticides, topsoil, fertilizer, cow manure and minerals into rivers and streams. And on farms, ranches, and in the U.S. Congress, this polluted run-off is a subject of increasingly intense debate. According to the Environmental Protection Agency (EPA) more than two-thirds of all drainage basins in the U.S. are affected by polluted run-off. The most recent National Water Quality Inventory produced by the EPA says that 38 percent of the nation's rivers are impaired — in large part from the more than 1 billion tons of sediment washed into waterways each year. Activities such as logging and mining also result in tons of pollution in sensitive cold-water fisheries. But whatever the source, this polluted run-off spells death for fish. A recent study by the American Fisheries Society found that one-third of all our native freshwater fish species are threatened or endangered, and an additional one-fifth of all our aquatic species are now threatened. An estimated 106 Pacific salmon stocks are already extinct, and scores of others are seriously depleted due to problems that Congress intended the Clean Water Act to eliminate. Monitoring the status of such environmentally sensitive fishes as the salmonids is key to establishing the overall health of our surface waters. Salmonids, including trout, salmon, and chars, require high quality waters and therefore serve as ideal indicators of quality aquatic environments. Specifically, salmonids require low temperatures, high dissolved oxygen concentrations, clean substrates, sufficient water depth and velocity, and hiding and escape cover to survive. All of these variables are subject to impairment by traditional agricultural practices and their associated polluted run-off. Salmonids are therefore especially good indicators of the presence of nonpoint source pollutants since most trout and salmon habitat is located in headwater areas of our river systems, where point sources are seldom present, and where a large proportion of polluted run-off occurs.

The worst sources of water pollution are no longer factories and sewers; farms and development are the biggest sources of contamination.



As bad as the problem is, there are some signs of hope.



Solving the polluted run-off problem must involve cutting our dependence on chemical pesticides and fertilizers.

ERODED, WASHED-AWAY TOPSOIL FROM TRADITIONAL tillage, irrigation, and grazing practices smothers spawning gravels and disables fish respiration. Resultant high turbidity reduces sight feeding and growth by salmonids and interferes with migration. Salmonid sight feeding is impaired at even moderate turbidity, and while the fish will migrate in water of higher turbidity, they avoid muddy, clouded waters for rearing and feeding.

Clean substrates are important habitat components because salmonids build nests (redds) in gravel and cobble substrate. Clean substrates are required to provide dissolved oxygen to the embryo, remove metabolic wastes, and allow alevins (fry) to emerge from the redd. Sediment from polluted run-off limits the capacity of the substrate to serve these functions and thus reduces the survival of salmonid embryos.

The flow of sediment often carries with it nutrients and pesticides that degrade water quality and diminish biological productivity. Depending on context and concentrations, nutrients and animal wastes from traditional agricultural practices can have a toxic effect on aquatic organisms, or they can contribute to excessive enrichment, which reduces the amount of dissolved oxygen in the water. Low dissolved oxygen concentrations affect salmonid growth, food conversion efficiency, swimming performance, and survival.

Farmer Tom Culp employs cutting-edge techniques to prevent polluted run-off.

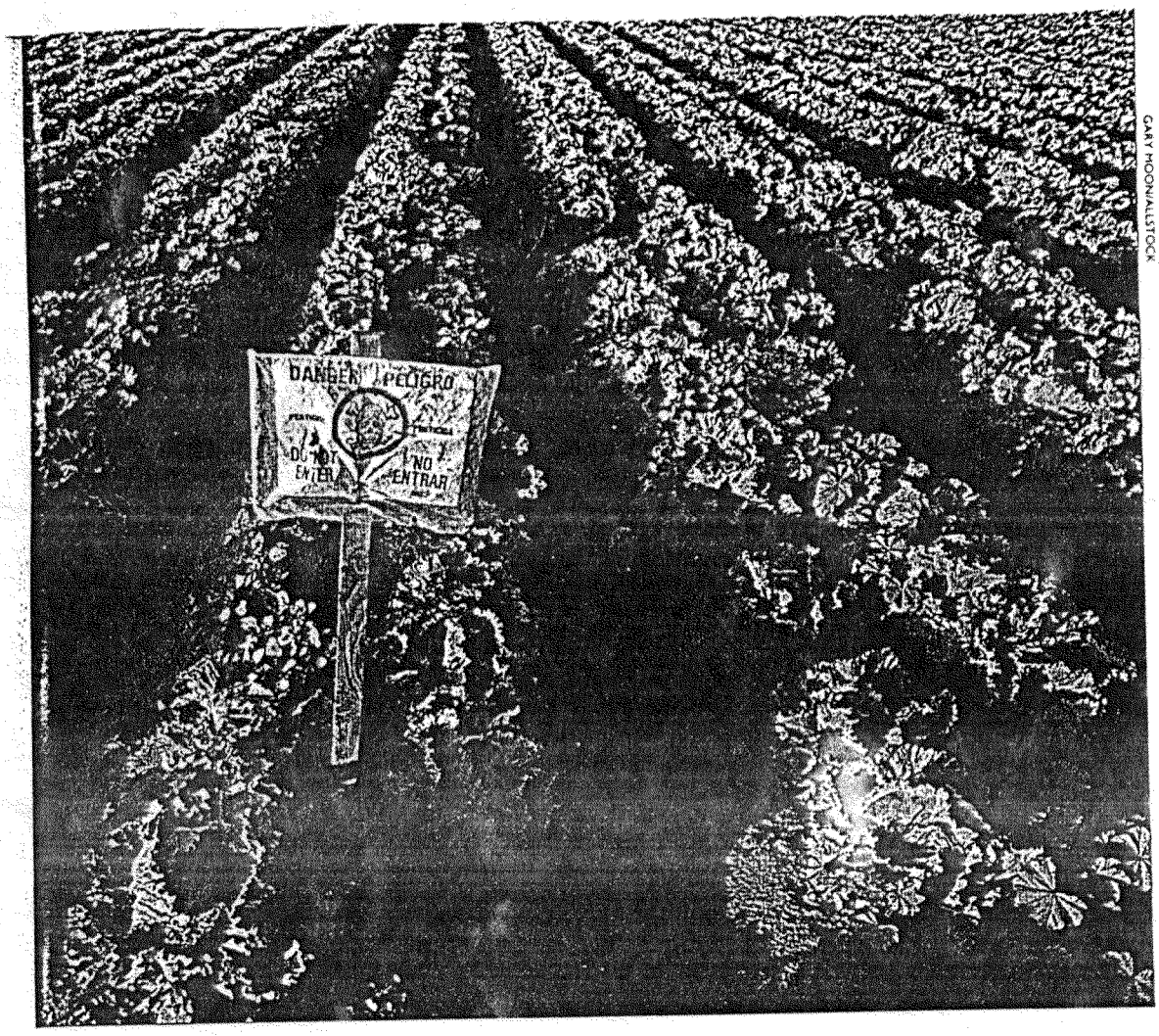
TOM HUBBARD/BLACK STAR

PESTICIDES IN POLLUTED run-off can also have toxic effects on salmonids, and in higher concentrations can destroy entire aquatic ecosystems. For example, from 1963 to 1985, more than 200,000 fish were killed by the pesticides toxaphene and endosulfan in California's Central Valley alone.

Trout are also particularly sensitive to temperature, especially when spawning. Agricultural practices such as clearing riparian areas for crop production, or allowing livestock to graze right up to the stream bank, reduce bank undercutting and vegetative cover and decrease bank stability, ultimately resulting in decreased shading and widening of the stream channel. Greater surface area of the stream channel exposed to sunlight, coupled with the decreased stream velocity associated with widening, increases water temperatures, often drastically impairing salmonid habitat.

By far the largest source of polluted run-off is agriculture. The EPA says that silt — often contaminated with fertilizers, herbicides, and pesticides — runs off of land and into creeks, streams and lakes. And while the ranching, mining, and timber industries are serious sources of polluted run-off in themselves, by far the largest source of polluted run-off is traditional farm agriculture.

"I don't like to call it nonpoint source pollution," says Diane Cameron of the Natural Resources Defense Council. "I call it what it really is: poison run-off. And it's the biggest water pollution problem in the nation." Cameron says that trout fishermen, who spend most of their time in cold-water areas, only see part of the problem. "By the time that polluted headwater



GARY MOONAL/STOCK

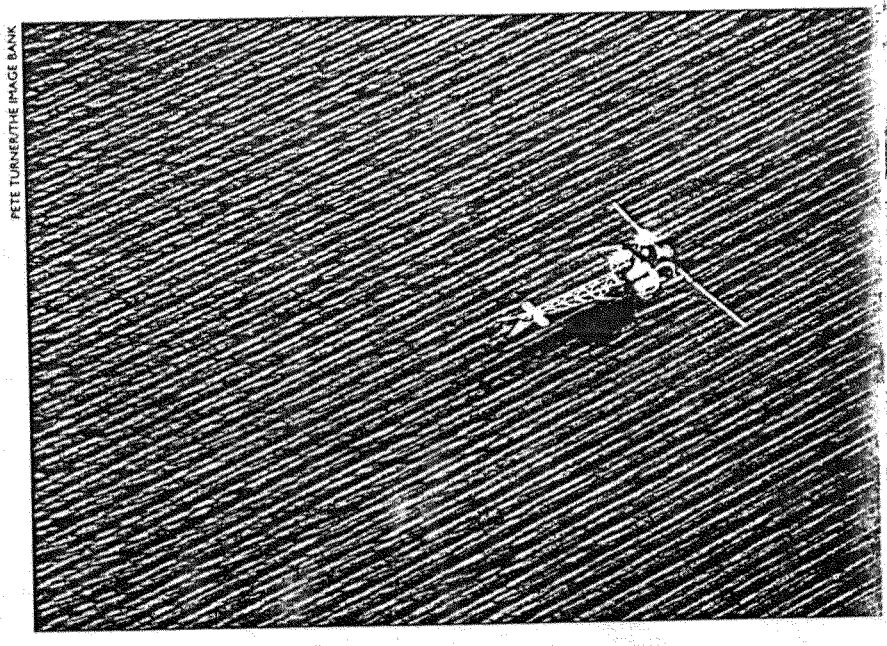
Traditional farming methods often entail expensive repeated applications of toxic chemicals.

reaches the sea it is often a virtual witches brew" of chemicals, pesticides and manure.

As bad as the problem is, there are some signs of hope.

According to Cameron and other experts, a growing number of farmers understand that they have to find new ways to halt nonpoint source pollution. Some of the reasons are altruistic — love of the land and nature — but many involve simple, bottom-line economics. In many parts of the nation farmers find their topsoil is eroding, their streams are polluted, and their groundwater is undrinkable due to years of abuse. Agricultural policies handed down through the generations have backfired, and many farmers now are searching to find new ways to coax a living out of the land.

Culp, whose family has farmed for generations, realized "sometime around 1981, that traditional methods of raising crops were just not working." He was pouring as much as 200 pounds of nitrogen fertilizer annually on each acre of ground. But during rainy winters the soil and fertilizer would simply wash away. His water was dirty and his farm was being stripped of topsoil.



PETE TURNER/THE IMAGE BANK

In 1981, Culp started adopting "alternative" farming techniques that included the use of cover crops. After fall harvest, he has an airplane drop a combination of legumes and rye grass on his fields. The legumes spread roots that contain nitrogen-fixing bacteria. As this cover crop grows during the fall and winter, it replenishes the soil.

CHARLES MAUZY/NATURAL SELECTION

Timber harvest is another major source of silt-laden runoff.

It also keeps the important topsoil from blowing away or being washed into streams during sudden winter storms.

In the spring he simply plows these fields and the cover crops become "green manure," he says. Spring rains soak into this newly plowed ground, he says, and his streams run clear. This new method of cultivation and his continued rotation of crops has eliminated his need for using insecticides. One report recently stated that planting cover crops in this way can reduce run-off to nearby rivers and streams by up to 60 percent.

Rhonda Janke is director of the Rodale Institute Research Center, an organization that has long helped farmers adopt techniques that prevent polluted run-off. She says that "farmers can increase crop yields and replenish soil fertility while reducing — or eliminating altogether — synthetic chemical pesticides and fertilizers. The major obstacle now is getting the information to farmers so they can convert to non-chemical agriculture."

OHIO FARMER RICH BENNETT USES A "NO plow" technique to help keep his water — and his neighbors' — flowing clean and clear. Bennett plants winter cover crops to save on fertilizer, but in the spring uses a light application of herbicide to kill them. "The crops control soil erosion and provide nutrition that is excellent for my corn and soybeans," he says. Then, rather than plow the ground for planting, seeds are placed directly in the ground. The crops are harvested but the roots remain in the soil to hold it in place and enrich it as they decay.

"I'd like to say I adopted these techniques just to save the land and the water, but the truth is I did it for economic reasons," he admits. Bennett says no-plow farming has meant a 50 percent savings in cost of farm equipment and fuel. His reduction in fertilizers and insecticides means that his expenses "which used to run $45,000 to $50,000 are now down to $15,000 to $18,000 per year." He adds, "This is a win-win situation. I help improve the water and soil and make more money at the same time."

For example, Bennett says that state farm guidelines call for using up to 250 pounds of nitrogen fertilizer per acre each year. He now uses only about 60 pounds per acre.

"I built this farm from my grandfather's original 40 acres," he says. "These new techniques will mean that the soil will stay on the land — and out of the streams and lakes — so future generations can continue farming."

Bennett and Culp are part of a small but growing band of farmers and ranchers who understand the need to stop polluted run-off. Most of his neighbors look upon his farming methods as an anomaly. He laughs when asked about the surrounding farms. "Oh, my neighbors keep an eye on me," he says.

Once a year Bennett has an "open house" to show other farmers what can be accomplished with progressive farming techniques. "But you know what they say about a prophet in his own land," Bennett adds. "I get farmers from Indiana and Michigan, but my neighbors pretty much ignore me."

BARRY EPLEY FARMS 2,000 ACRES NEAR Wabash, Ind., that includes property that has been his family since 1885. Three families make their living from this land and Epley understands the hard realities of agricultural economics. "I like to think I am a good steward, but I need to turn a profit to stay in business," he says.

Though he has experimented with no-till farming, lately he has used a technique called "ridge tillage." The soil is mounded into humps, or ridges, and only the top layer is disturbed during planting and harvesting. "There is much less erosion and I save money on fuel and labor."

He adopted these alternative agricultural practices as a way to save his soil — and his pocketbook. But Epley and other farmers understand that alternative farming requires vision. (See Sidebar, opposite) According to Ralph Lentz, a Minnesota rancher and former teacher of agricultural

science: "Farmers must look at the big picture. They have to know the topography on which they farm, they have to understand the best and safest ways to increase productivity, and they have to look at the quality of the life they are creating for themselves and their neighbors."

But for all the progress being made by farmers, polluted run-off remains a serious problem that is crying out for state, local and federal attention.

As this goes to press, Congress is toiling over revisions to the Clean Water Act, the major law through which the federal government can help control polluted run-off. The law, which conservationists assert is much too lax, tells each state to measure nonpoint pollution and describe what it plans to do to solve the problem. The law also requires states to create enforceable programs to control polluted run-off and to submit them to the EPA for approval. But as of January 1992, only 15 states had submitted plans that had been approved.

Says the EPA's clean water expert Carl Myers, "Currently the CWA is a voluntary program. We can't force farmers to do the right thing."

A coalition of environmental groups, including Trout Unlimited, is pushing to put teeth in the law. They want the CWA to include tough language to force states to adopt programs to control run-off. The general guidelines would be created by the EPA but would be amended to meet local needs and conditions by the states. Says EPA's Myers: "We want farmers and ranchers to clean up water voluntarily, but there has to be some bottom line... Voluntary programs are well and good, but they are not making much progress."

BUT MANY FARMERS, CATTLEMEN, AND TIMBER producers strongly disagree with the effort to force states to adopt mandates. These groups want local citizens and businessmen to develop best management practices (BMPs) and have those adopted by the states with some minimal guidance from the EPA. What they fear the most, it seems, is the federal government in Washington dictating the ways local farmers and ranchers manage their land and water.

"The Administration and environmentalists want the EPA to write and impose new regulations on the states," says Mitch Dubensky, a spokesman for the American Forest and Paper Association. "We want people on the ground — business, industry, workers and local government — to write the regulations."

But this view is countered by those who have seen the voluntary approach of farmers like those

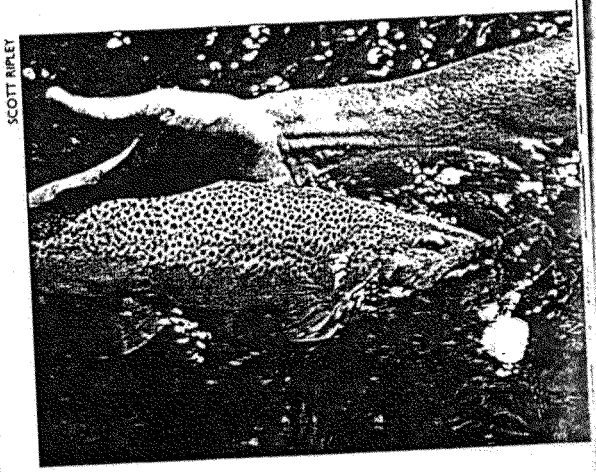
The Clean Water Act: Up to the Task?

THE GOOD NEWS ABOUT WATER QUALITY IS THAT OUR RIVERS are much cleaner now than they were 25 years ago, says Carol M. Browner, Administrator of the U.S. Environmental Protection Agency. "We no longer have rivers catching on fire," she says.

That is the result of the Clean Water Act, first passed in 1972. The main thrust of this bill was to stop point-source pollution, the garbage and poisons flowing into streams and waterways from "points" such as municipal sewage systems or factories. The bill has been a remarkable success and point-source pollution has been greatly decreased.

But serious problems remain. Approximately 1,300 water bodies have been so degraded by pesticides, organic chemicals, and metals that the states have limited the public's consumption of fish and shellfish from these waters. Bottom sediments contaminate more than 1,000 waterways. And each year it is estimated that more than 740 million pounds of toxic chemicals pour into our waterways.

The Clinton Administration and many in Congress want to amend the Clean Water Act to take care of these problems. According to a recent paper released by the Administration, the goal is to "protect and conserve our water, aquatic habitats, and the living resources within, through an integrated, holistic approach, based on natural watersheds and aimed at reducing pollutants from all sources that impair water quality."


SCOTT RIPLEY

Until now the states have been asked to use a voluntary approach to cleaning up nonpoint-source pollution. Environmentalists want the new CWA to set federal standards and time lines that states must meet when creating programs to clean up streams and rivers. "Until now the states have had little success with controlling polluted run-off," says Trout Unlimited's Steve Moyer, Director of Government Affairs. "The new Clean Water Act must include flexible, yet mandatory language that requires American agriculture to substantially reduce polluted run-off and restore watershed health." ■

Only by looking at an entire ecosystem within a drainage can comprehensive solutions be developed.

Innovative programs in Pennsylvania are helping get cows out of trout streams.

mentioned earlier overwhelmed by much of mainstream agriculture. They point out that without mandates most farmers will continue with business as usual. "We'd like everybody to be model citizens," says EPA's Jeff Grubbs, director of water quality for the EPA. "But the strictly voluntary approach is not working."

What is surprising, however, is the general agreement that has been reached by these two groups. Both sides agree that polluted run-off is a problem that must be solved, and both want to take an active role in finding solutions. According to groups such as the Rodale Institute and the World Resources Institute, farmers in rural America have the power to make huge environmental gains while protecting their own profits. In short, what's good for farms is also good for water and fish. Most of the disagreement centers over the best ways to make sure new farming practices are adopted and the water is cleaned up.

For example, the American Farm Bureau and many environmental groups both agree that the best way to clean up water is to treat entire watersheds rather than individual rivers or streams. State governments should develop plans that take into consideration the soil characteristics, the drainage patterns, land use, and potential for development. Only by looking at an entire ecosystem within a drainage can comprehensive solutions be developed.

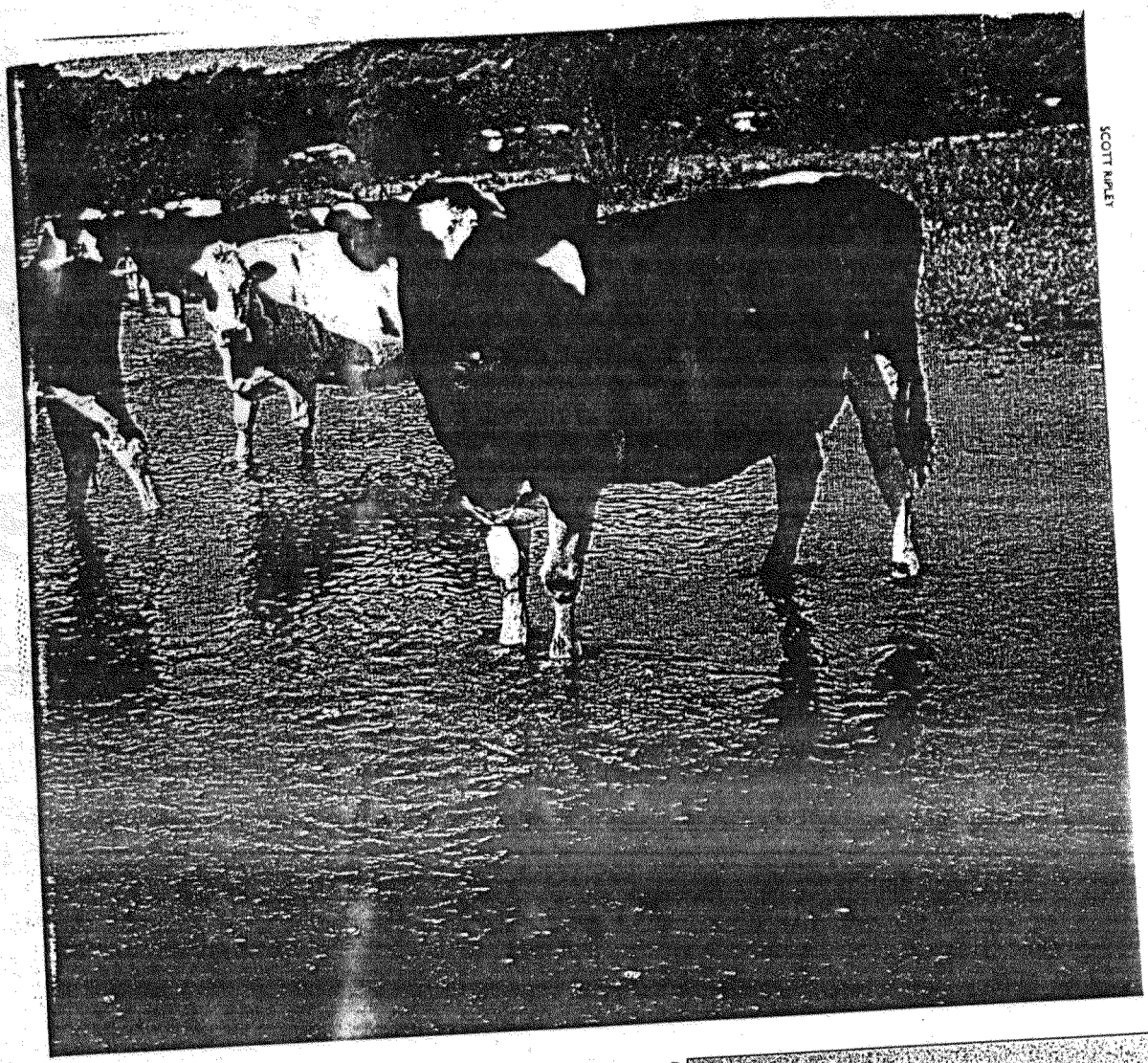
SOUNDS EASY. BUT WHAT DO YOU DO WITH areas that, for historical reasons, have continually produced polluted run-off? Such a place is Lancaster County, Pennsylvania, home of one of the most intensive dairy industries in the U.S. And where there are cows there is cow manure.

For more than 200 years farmers have been raising dairy cows on the lush land that runs through the Susquehanna River Valley. But as farms were broken up and passed to surviving family members, the farms got smaller and economics dictated that more cows were needed to keep farmers in business. Soon the ratio of smaller and smaller farms supporting more and more cows hit the critical mass: huge amounts of nitrogen in the form of cow manure was being washed into the river and down into the Chesapeake Bay. Currently one-third of the nitrogen and one quarter of the phosphorous pouring into the Bay can be traced to the Susquehanna River Basin.

The Chesapeake Bay Foundation, local Trout Unlimited chapters, other conservation groups, farmers, and state lawmakers are working to solve this polluted run-off problem. Farmers along the trout-rich Yellow Breeches in the southern part of the state can get government aid to help them cure their run-off problems. Some local TU chapters kick in additional funds to help farmers pay for improvements that protect streams. The improvements include fencing to keep cows away from fragile stream banks, building pits to contain the manure, and creating buffer zones to keep manure on the land.

Many farmers are happy to take part in these programs; yet too many are not. The question gets down to bare knuckles: How does the government get companies and landowners to adopt policies that control polluted run-off? Most agricultural, timber, and mining interests want an all-carrot, no-stick approach that encourages voluntary and cooperative measures. Environmentalists say this approach has failed, and they want more power in the hands of the federal and state government to force compliance.

Says one USDA official who asked not to be



SCOTT RUPLEY

Deep plowing allows wind and rain to carry away valuable topsoil—into nearby rivers.

named: "Right now there is no clear mandate for the states to clean up their water. If we don't make our laws tougher then we will doom ourselves to water too dirty to drink — much less fish in." This dismal future can best be avoided by putting real bite into the Clean Water Act and the U.S. farm laws, he asserts.

While farm and ranch lobbyists want Congress to avoid mandates, the experiences in various states show how important tough laws are to cleaning up the water. Wisconsin, for example, has a polluted run-off law that has been on the books for the past 15 years. The state has spent $75 million on this voluntary program, but the "overall water quality improvements are not discernable at this time," according to a recent state report.

Like much in life, this issue also gets down to money. All sides want the federal government and the states to come up with cold hard cash to get these programs off the ground.

There have been some limited successes. USDA's conservation reserve program pays farmers to take their most highly erodable land out of crop production. This could "reduce farm run-off by as much as 50 percent in the coming years,"

JOE MCDONALD/NATURAL SELECTION

predicts the USDA's John Burt. And the Conservation Compliance Program is well designed but is lacking funds that could increase compliance.

Since the Dust Bowl, farmers have been receiving government funds to grow crops, not grow crops, put land into use, or take land out of cultivation. This financial (*continued on page 62*)

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scope, it will be a standard reference work in years to come.

DEEP RIVER
by Elaine Moore
illustrations by Henri Sorensen
1994 Simon & Schuster Books for Young Readers $15.00

. . . . . .

CHILDREN'S BOOKS about fishing are few and far between, and fish stories with little girls as protagonists are scarcer still. As Jessie progresses from worrying about what her brothers would think of her first clumsy casts to reveling in her first fish, Moore's prose and Sorensen's impressionistic illustrations make Jessie's first fishing trip an evocative adventure. This charming, gentle story of Jessie and her grandfather and their day on the water belongs in the library of every newly-hatched future angler.

THE LITTLE BOOK OF FISHING:
AN ANTHOLOGY
Introduced and edited by Nick Lyons
1994 Atlantic Monthly Press, $16.00

. . . . . .

THE LAST COUPLE OF years have seen the market all but flooded with meditations on the "meaning" of fishing With a few exceptions (Ted Leeson's extraordinary *The Habit of Rivers* and Wetherell's *Upland Stream* spring to mind), they tend to cover the same territory: fishing as metaphor for life, life as metaphor for fishing — if you've read one, you've read them all. *The Little Book of Fishing* is an exception. Drawn from 14 authors as disparate as Ernest Hemingway, Sparse Grey Hackle, Tom McGuane and former *Rolling Stone* editor P. J. O'Rourke, the selections cover everything from first trout to first tuna to first love. The secret, I think, lies in the length of the pieces — they range from just a page of verse to a meaty short story, but nothing longer — and in the deeply personal perspectives each embodies. Although you may find it hard to resist reading the whole collection at one sitting, this is a book to savor, and one to which you'll surely return again and again. ■

The Invisible Menace

(continued from page 25) intervention now can mean the difference between success and failure for many American farmers. The sad irony: The most heavily subsidized programs for farmers encourage practices that increase environmental damage. Environmentalists want the USDA to switch funding from programs that encourage massive plowing and the use of pesticides and herbicides to more conservation-minded practices. At the same time, farmers and ranchers will have to be taught how to produce food and survive in a new era for agriculture.

As the battle rages on in Washington, rivers continue to fill and choke with sediment.

Several bills before Congress call for spending up to $300 million to control nonpoint-source pollution. Under one scenario, this would be increased to $600 million within five years. In a Congress fighting for a new health care system, welfare reform, and money to battle urban crime, money is short.

As the battle drags on in Washington, rivers continue to fill and choke with sediment; fish continue to disappear. A new clean water law is needed. States must use their powers to help landowners solve this problem. In the meantime, farmers and ranchers who are working to control polluted run-off should be applauded. And governments should make sure their practices are studied and duplicated. ■

Exhibit "D"

OREGONIAN 6-30-94

Panel sees key to saving salmon

■ A group of scientists praises streamflows and the quality of streamside land but criticizes the hatcheries

By JOAN LAATZ
of The Oregonian staff

The key to saving Oregon's coastal salmon lies in improving streamflows and the quality of streamside land, not in hatcheries, a panel of scientists said Wednesday.

In fact, hatcheries in general may not be effective in increasing the number of adult salmon, the scientists said. The amount of water in a stream, they said, is more important.

The panel's conclusions, delivered to the Oregon Senate Agriculture and Natural Resources Committee, could be used to craft future state policies about logging and farming.

"We have found the data to be overwhelming that the most effective management of salmon should be directed at the riparian zone" alongside waterways, stream ecologist Kenneth Cummins told a committee of lawmakers. And streamside protective measures should be extended to all the streams in a river basin, he said, not just those that have salmon.

"It's still surprising that only now are we learning to use what we know about how riparian zones operate . . . to decide how to manage resources," Cummins said.

Cummins was one of three scientists on a panel commissioned by the Legislature in 1991 to study the connection between forest practices and declining salmon runs.

Daniel B. Botkin, president of the Center For the Study of the Environment in Santa Barbara, Calif., headed the panel, which also included Matthew J. Sobel, dean of the W. Averell Harriman School for Management and Policy at the State University of New York at Stony Brook.

Their four-part draft report, "The Status and Future of Salmon of Western Oregon and Northern California," suggests a basin-by-basin approach to managing the 32 river basins they studied. The use of land and water in those basins could be affected.

"They don't give us any panacea," state Sen. Ron Cease, D-Portland, chairman of the committee, said after hearing the panel's report. "Lots of people want easy answers, and there aren't any easy answers."

Ward Armstrong, executive director of the Oregon Forest Industries Council, fell short of endorsing the panel's recommendations, but he called the report "badly needed."

He predicted, however, that a solution to the salmon crisis would be tough. "I think it's going to be very expensive and painful before we get through."

The scientists's report is based on a review of existing research and information gleaned from public hearings. It will be circulated for public comment for a month and then released along with several others in final form in January 1995.

The panel studied only salmon, not other species such as northern spotted owls. "There's no hidden agenda here," Botkin said. "We're not talking about conservation of old growth."

The scientists concluded that:

- November streamflows are a better indicator of the size of the adult salmon run that will return in three years than are hatchery releases of young salmon.
- Using streamflows to predict future run size would give fishermen more certainty about the future.
- Forests should be managed to include trees of varying ages, with at least half the forest being mature trees.
- Buffer zones along streams throughout the basin should be based on the width of the stream at high water, called "bankfull." Small streams would have a protected zone six "bankfulls" wide, while the largest rivers would have a protected zone one "bankfull" wide.

Federal protections for buffer zones under the Clinton administration's forest plan are based on tree height. Oregon forestry rules are based on the stream size. Both state and federal rules have reduced the amount of timber that can be cut.

Botkin said his panel's plan would allow for buffer zones to be customized according to stream characteristics and the surrounding land. In some cases, Cummins said, that would allow for more trees to be cut than under current rules. In other cases, fewer trees could be cut.

Troutdale moves to protect Beaver Creek

Outlook 7-20-94

Exhibit "E"

❑ Development within 50 feet of bank limited

by JOHN HENDERER
of The Outlook staff

--TROUTDALE — A new city ordinance won't stop a local pub owner from building 48 two-bedroom apartments a dozen yards from Beaver Creek, but it will push future developments further away.

The City Council adopted a new ordinance last week designed to prevent stream bed erosion and protect the natural environment.

Landowner Spiro Sassalos has already submitted his plans for "Beaver Green Apartments," five apartment buildings on 3.9 acres, and the new ordinances will not take effect until Aug. 10.

Sassalos sparked controversy last year, prompting the city's effort to draw up new ordinances. He was fined last year for clearing his land of between six and 18 trees over six inches in diameter. He has since replanted 73 trees, say city officials.

Troutdale's new ordinance does not allow development closer than 50 feet away from the bank of a water way. In addition, it limits development to 30 feet from the top of an escarpment.

"These ordinances are a big step in cutting down on the amount of silt that winds up in the creek," said Carolyn Taylor, a member of the board of directors for Friends of Beaver Creek.

Taylor said she has noticed fewer and fewer steelhead and coho salmon spawning in Beaver Creek behind her home.

Various regions use different standards for development setbacks, according to Rita Haberman of River Network in Portland. In Austin, Texas, setbacks range between 50 to 400 feet, and in Douglas County, Ga., they range between 100 to 300 feet.

Troutdale had no standard setback.

"We really did not have any specific regulation regarding erosion control," said City Administrator Pam Christian.

STEVE KASSERMAN/The Outlook

Carolyn Taylor, left, and Bill Herbert, members of the board of directors of the Friends of Beaver Creek, examine some of the erosion of the creekside behind Taylor's property.

Suzanne Barker, the city's development coordinator, said, "We hadn't had anybody develop that close to the creek before."

Approval of building permits depended not so much on standards as personalities.

"In the old days it used to be who you knew," Barker said. "The discretionary decisions are much more limited today because we're such a litigious society."

The city has always used state requirements to limit development setbacks. Those left a loophole, however, for developments smaller than 5 acres.

Under Troutdale's new ordinance, on hillsides with slope between 15 and 24 percent, developers can build up to 70 percent of the normal density for that land zoning and transfer 30 percent to land with slope less than 15 percent. The resulting density on the buildable portion of land must not exceed 150 percent of the zoning for that area.

"We're not absolutely prohibiting development on some of those steeper slopes, but we do restrict the density of development," Christian said.

Existing ordinances drew complaints from developers for their unpredictability. Christian said the new ordinance should remove personal judgment and guard against subjective standards.

"The whole motivation on our part was that it be clear and objective standards," Christian said. "All of this criteria is measurable."

City Attorney Tim Sercombe said the ordinance does not permit the city to take private property. "The issue of takings — people are discussing it more and more," Sercombe said.

He said the recent U.S. Supreme Court case of the Tigard business owner who refused to dedicate part of her property towards a bike path as a condition for expansion does not prohibit Troutdale from establishing the erosion prevention ordinances.

"The U.S. Supreme Court in Dolan (vs. Tigard), and prior to Dolan, has recognized the validity of zonings," Sercombe said.

Restricting land use is legal as long as property owners have an economically viable use of their land and the government's reason for regulation is legitimate, he added.

Homeowners whose residences border the creek should not necessarily expect a reduction in their property values, said Bob Ellis, Multnomah County assessor.

Turn to CREEK, Page 2A.

Continued from Page 1A.

"It may help the value by making it a more attractive area," Ellis said.

Landowners of property zoned for apartments could potentially demonstrate the protective ordinance limits the amount of development they could impose on the land. That could reduce some values, he said.

"If it was shown that the ordinance did restrict use of the land I think we probably would believe the market would recognize the difference in the land," Ellis said.

In an unrelated issue, the City Council will decide whether to spend an estimated $50,000 to $100,000 to halt erosion along Beaver Creek which is threatening a 12-inch sewer line.

"If we don't do something it would be exposed eventually," said Mike Sorenson, sewer treatment plant superintendent. He said erosion along a private drive has crept to within 15 feet of the line.

MEETING DATE: July 26, 1994

AGENDA NO: P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 1-94a Public Hearing - DeNovo

BOARD BRIEFING **Date Requested:** _____

Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** July 26, 1994

Amount of Time Needed: 2 hours

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: R. Scott Pemble **TELEPHONE #:** 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [ ] APPROVAL [ ] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 1-94a DeNovo Public Hearing - 1:30 p.m.

In the matter of the West Hills Reconciliation Report and Periodic Review Work Program requirements for Goal 5 Resources

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Betsy Williams

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

In the Matter of the West Hills Reconciliation Report and Periodic Review Work Program requirements for Goal 5 resources	RESOLUTION C 1-94a

WHEREAS, Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the West Hills; and

WHEREAS, On March 9, 1994, the Land Conservation and Development Commission approved the county's Work Program (WKPROG - 0038) which indicated work tasks that must be completed to fulfill the requirements of the Remand Order; and

WHEREAS, The West Hills Reconciliation Report contains findings and makes recommendations concerning protection of Goal 5 resources, pursuant to OAR 660-16, for wildlife habitat, scenic views, streams, and the Angell Brothers mineral and aggregate site as required by WKPROG - 0038; and

WHEREAS, Notice and the opportunity for public comment were provided during several steps of the Work Program, and a joint public hearing with the Planning Commission and Board of County Commissioners was conducted on June 13, 1994, to consider additional testimony on the West Hills Reconciliation Report; and

WHEREAS, The Planning Commission met for deliberation of the West Hills Reconciliation Report on June 21, 1994 and June 27, 1994.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby recommends that the Board of County Commissioners adopt the West Hills Reconciliation Report and appended West Hills Reconciliation Report Addenda and Errata dated June 13, 1994 and June 21, 1994, as partial fulfillment of Periodic Review Remand WKPROG - 0038.

BE IT FURTHER RESOLVED that the Planning Commissions recommends that Planning Division staff be directed to prepare Comprehensive Plan and zoning code amendments in accordance with WKPROG - 0038.

Approved this 27th day of June, 1994

By _____
Leonard Yoon, Chair
Multnomah County Planning Commission

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

NOTICE OF REVIEW

TOTAL 800.00
0000-001 7/ 8/94
1044 SHARON 7:51AM

1. Name: Parisi (*Last*), M. (*Middle*), Frank (*First*)
2. Address: 520 SW Yamhill, Suite 800 (*Street or Box*), Portland (*City*), OR 97204 (*State and Zip Code*)
3. Telephone: (503) 778 - 2116
4. If serving as a representative of other persons, list their names and addresses:

   Skip Anderson
   Angell Bros. Rock
   PO Box 83449
   Portland, OR 97283

5. What is the decision you wish reviewed (*e.g.*, denial of a zone change, approval of a subdivision, *etc.*)?

   Planning Commission approval of the May 23, 1994 West Hills Reconciliation Report with some changes, as identified via the West Hills Reconciliation Report Addenda and Errata Sheets.

6. The decision was announced by the Planning Commission on June 28, 1994
7. On what grounds do you claim status as a party [redacted]

   Angell Bros. is the operator of a surface mine in the West Hills, subject to the West Hills Reconciliation Report.

RECEIVED
JUL - 7 1994
Multnomah County
Zoning Division

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

See additional comments, attached.

9. Scope of Review *(Check One)*:

(a) [X] 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*.

[redacted]

Signed: Frank M Parisi Date: July 7, 1994

For Staff Use Only

Fee:

Notice of Review = $300.00
Transcription Fee:
Length of Hearing _____ x $3.50/minute = $ _____

Total Fee = $ 300.00

Received by: R. Scott Pemble Date: 7/7/94 Case No. C1-94-a

8. Grounds for Reversal or Modification of Planning Commission Recommendation

1. The Reconciliation Reports recommend that each of three Goal 5 resources (mineral and aggregate resources, scenic resources, and wildlife habitat resources) be designated "significant", and be protected to some degree. The Reconciliation Reports fail, however, to consider methods of reconciling conflicts between Goal 5 resources that could permit nearly full protection of all three significant Goal 5 resources.

This is a big mistake. Goal 5 requires that the County adopt a "program to achieve the goal". The "goal" referred to is to "protect natural resources". The Reconciliation Reports overprotect wildlife habitat and underprotect mineral and aggregate resources and scenic resources. There is a better solution.

The area designated for mining is contiguous to Highway 30. This means that Angell Bros. will have to mine the scenic buffer area that protects highway users from views of the quarry. The area designated for mining is also set back one-half mile from MacNamee Road to protect a maximum amount of habitat. (The habitat value of the one-half mile area is thought to be weak at present because of recent clearcutting in the area.)

A better solution would be to move the extraction area further up the hill. This will leave the scenic buffer area intact. To protect the wildlife habitat area, mining on the upper portions of the hill should be phased so that a) it does not occur in the higher elevations until the surrounding forests are regenerated (in approximately five years), and b) conservation easements are conveyed after mining to protect habitat in perpetuity.

This solution would permit some limited amount of mining further up the hill, would give wildlife habitat better long-term protection by virtue of the conservation easements, and would give permanent protection to the scenic resource. It is certainly a more defensible Program to Achieve the Goal.

Another item that needs attention is the map designations of "primary habitat" and "secondary habitat" at the south end of the Angell Bros. property. As currently proposed, there is no real distinction between the two areas. For instance, there are at least two residences in the "secondary habitat" area, yet there are approximately 11 residences in the "primary habitat" area. If a small portion of the "secondary habitat" area is redesignated as "primary habitat", an extra 1,000 feet of land will be available for mining, and the one-half mile of protected habitat can still be maintained.

2. The provisions on pages V1-24 through V1-27 requiring a paid consultant to review DEQ and DOGAMI inspectors is probably unlawful and would be impossible to administer. For one thing, the DEQ and DOGAMI permits contain a method of assessing fees on Angell Bros. for all inspectors' time. Is Angell Bros. supposed to pay twice for the same

services? Also, what does Angell Bros. do if the County's inspector approves a measure, but the DEQ or DOGAMI inspector does not approve it?

3. The statement on page IV-27 to the effect that Angell Bros. is "not in full compliance" with agency permits is no longer true. All the measures recommended by DEQ for storm water compliance have been implemented.

RECEIVED
JUL - 7 1994
Multnomah County
Zoning Division

7/94
Zoning Fee $800.00
Last day to file Notice of Review Friday July 8, 1994 4:30 pm

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

11# ZONING 800.00

NOTICE OF REVIEW

TOTAL 800.00
CASH 800.00
0000-001 7/ 8/94
1850-SHARON 04:59PM

1. Name: Rochlin (Last), _____ (Middle), Arnold (First)
2. Address: P.O. Box 83645 (Street or Box), Portland (City), OR 97283-0645 (State and Zip Code)
3. Telephone: (503) 289-2657
4. If serving as a representative of other persons, list their names and addresses:
   Arnold Rochlin
   Friends of Forest Park
   Audubon Society of Portland
   Donna Matrazzo
   Saurie Island Conservancy
   (Addresses are on attachment)
5. What is the decision you wish reviewed (*e.g.*, denial of a zone change, approval of a subdivision, *etc.*)?
   Planning Commission Approval of West Hills Reconciliation Report with amendments
6. The decision was announced by the Planning Commission on June 28, 1994
7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?
   See attachment

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

9. Scope of Review *(Check One)*:

(a) [X] 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*.
90 minutes of argument per side requested.
Hearing is requested to be 2 weeks after transcript of Planning Commission Hearing is available, or later.
(See letter of July 8, 1994)

Signed: Arnold Rochlin Date: July 8, 1994

For Staff Use Only

Fee:

Notice of Review = $300.00
Transcription Fee:
Length of Hearing ___ x $3.50/minute = $ ___

Total Fee = $ 300 ~~00~~

Received by: ___ Date: ___ Case No. C1-94

July 8, 1994

Arnold Rochlin
P.O. Box 83645
Portland, Or 97283-0645
289-2657

Multnomah County Board of Commissioners, and
Director, Multnomah County Division of Planning

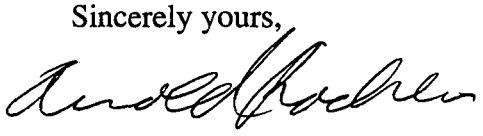
Re.: Notice of Review filed July 8, 1994, concerning
Planning Commission Decision Approving West Hills Reconciliation Report

On behalf of the appellants, I respectfully request the following concerning the appeal proceedings:

We would like to have the appeal scheduled as soon as legally possible, but not sooner than 2 weeks from the date the transcript of the Planning Commission hearing is made available to the Board and the parties. We are required by the county code to pay a substantial fee for the transcript, and, if that requirement serves a meaningful purpose other than as an impediment to exercise of the right to appeal, the transcript must be available in time to be of use to appellants and others. Resolution of many of the issues, as a matter of law, must depend on whether or not there is substantial evidence in the record to support the findings and conclusions of the Planning Commission decision. That will require careful scrutiny of the transcript.

Please allow 90 minutes per side of oral argument for witnesses authorized by appellants to speak on their behalf and for witnesses opposing the appeal. This request is made because of the number of issues, and because of the complexity and significance of the issues. The decision will determine the future of a large part of the county, and should not be based on less than reasonably full discussion. The request that time be designated for persons "authorized" to speak for appellants, is necessary because of the number of issues and complexity. A person may seem to support the appeal on a small part of one issue, but, overall may oppose it, or may oppose it on some particulars, or may otherwise not be a witness for the appeal or, on balance may be a witness against the appeal. We have no objection to allowing all persons who appeared before the Planning Commission to appear before the Board, but we believe those who file the appeal are entitled to a certain and adequate opportunity to make their case.

Sincerely yours,



Attachment to Notice of Review filed July 8, 1994
re: Planning Commission Decision Approving West Hills Reconciliation Report

4. Appellants, Arnold Rochlin, P.O. Box 83645, Portland, Or 97283
Friends of Forest Park, c/o Arnold Rochlin
Audubon Society of Portland, 5151 NW Cornell Rd. Portland, Or 97210
Donna Matrazzo, 19300 Sauvie Island Rd., Portland, Or 97231
Sauvie Island Conservancy, c/o Donna Matrazzo

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

Status as parties for all appellants is claimed under MCC 11.05.280, OAR 660-25-080(2), the Rules for the Conduct of Planning Commission and Board of County Commissioners Joint Quasi-Judicial Hearing (the Rules), Section 1(B)(2) as well as MCC 11.15.8225. Appellants gave testimony to the Planning Commission, as interested persons, both orally and in writing. As there a right to participate, failure to recognize that right would deprive appellants of the substantial right to a full and fair hearing and to standing to appeal a final county decision to state administrative agencies and courts. Appellants have shown a long standing interest in land use regulations and preservation of natural resources and are aggrieved by the adverse decision of the Planning Commission.

8. Grounds for Reversal of Decision:

a. The plan, as it concerns each and all of the resources under consideration (streams, wildlife, scenic resources and mineral resources) does not comply with the OAR 660-16-010. It is not based on "overall ability to protect and conserve each Goal 5 resource." And it does not comply with the requirement of "specific standards or limitations" for activities.

b. Omission of watersheds from the impact area of significant streams is in violation of OAR 660-16-005. Over 95% of the stream impact areas are omitted. All of the substantial evidence in the record on the subject was ignored.

c. Determination of the location of impact areas of significant streams was insufficient to allow implementation of a lawful protection plan. The decision itself includes acknowledgment of the deficiency.

d. The conclusion that the Angell Brothers Middle stream is not significant is not based on substantial evidence and violates the requirement of OAR 660-16-000 that the county to see out the necessary evidence..

e. The determination of significance of the entire 283 acre rock quarry "expansion area" does not comply with OAR 660-16-000. The significance of quantity, quality and location were improperly determined by reliance on insufficient information, which was proven to be unreliable, of the quality and quantity of resource on the site. The commission should have relied on the only substantial evidence, which indicated insufficient information and lesser quality and quantity than was determined by the Commission. The Commission ignored substantial evidence of widespread occurrence of the resources throughout the West Hills (Tualatin Range) and it ignored evidence of substantial aggregate and rock resource sites in current production very close to the Angell Brothers site. Conclusions of location value were based on unwarranted assumptions, without substantial evidence. The significance of the proposed quarry expansion area was made without findings based on substantial evidence, of the available quantity of resource in the presently approved mining area. The procedure was flawed by a failure to comply with the requirement to seek data from as many sources as possible.

f. The designation of the off-site impact area of the aggregate resource as a perimeter 1200 feet from the site boundaries, was based on nothing but a conclusion about how far quarry noise is carried. Substantial and uncontradicted evidence in the record proves significant impacts on conflicting uses far outside the 1200 foot perimeter. Without including all significantly affected areas, the plan fails to comply with OAR 660-16-005 and with order # 4(b)(2) and 4(c) of Remand Order 93-RA-876 (Remand Order).

g. Determinations of economic and social consequences of restricting mining were made contrary to accepted practices of evaluation of future resource production, and were based on a false assumption that the only alternative to quarry expansion is quarry closure, or that the negative consequences of a determination that there should be no expansion of the more than 110 acres presently approved for mining would be the same as total near future shutdown. Assumptions having no basis in substantial evidence were used as a basis for conclusions about consenquences of no expansion.

h. The Commission unlawfully determines that transportation on Highway 30 is not a conflicting use. All substantial evidence in the record requires a contrary conclusion.

i. Substantial evidence, not contradicted by other substantial evidence, requires a conclusion that Rafton/Burlington Bottoms, a rare and highly significant identified Goal 5 resource, would suffer severe damage from expanded quarry operations. Damage from siltation would approach total destruction of the wetland character and would, as a practical matter, be irreversible.

j. The decision on scenic areas does not comply with OAR 660-16-010. The proposed resource protection plan for the scenic view does not "achieve the goal" of protecting the resource. The limitation of consideration of scenic resources to views from distant key viewing areas fails to comply with order #4(a) of the Remand Order.

k. The decision, by determining to protect only 5 "key" scenic viewing areas by arbitrarily excluding approximately 50 miles of scenic corridors from scenic designation and protection, does not comply with OAR 660-16-000, 660-10-005 and 660-10-010. It does not comply with the goal 5 requirement of "overall ability to protect and conserve" the resource, and it does not comply with the Remand Order.

l. The decision is to protect the scenic resource but fails to enable required protection by a failure to "limit conflicting uses so as to protect the resource site."

m. Because the language regarding scenic protection is so vague, it does not meet the requirement of "clear and objective conditions or standards."

n. The findings do not address the significant and permanent destruction of scenic resource that will result from allowing expansion of pit mining into 140 additional acres.

o. The decision to limit protection of the identified wildlife habitat area to a 1/2 mile width is based on a warning that the minimum width that could work to protect the resource would be 1/2 mile. It ignores the substantial evidence that considerably more width is required. The minimal decision does not insure, based on the substantial evidence, that the resource determined to need protection will be protected.

MEETING DATE: July 12, 1994

AGENDA NO: P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution C 1-94a

BOARD BRIEFING **Date Requested:**

Amount of Time Needed:

REGULAR MEETING: **Date Requested:** July 12, 1994

Amount of Time Needed: 30 Minutes

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: R. Scott Pemble **TELEPHONE #:** 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Planning

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [x] APPROVAL [ ] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 1-94a In the matter of reporting to the Board the Multnomah County Planning Commission's recommendation on the West Hills Reconciliation Report, a quasi-judicial plan amendmendment to the Multnomah County Comprehensive Framework Plan, Volune I Findings Documents.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER: Betsy Williams

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

In the Matter of the West Hills Reconciliation Report and Periodic Review Work Program requirements for Goal 5 resources	**RESOLUTION C 1-94a**

WHEREAS, Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the West Hills; and

WHEREAS, On March 9, 1994, the Land Conservation and Development Commission approved the county's Work Program (WKPROG - 0038) which indicated work tasks that must be completed to fulfill the requirements of the Remand Order; and

WHEREAS, The West Hills Reconciliation Report contains findings and makes recommendations concerning protection of Goal 5 resources, pursuant to OAR 660-16, for wildlife habitat, scenic views, streams, and the Angell Brothers mineral and aggregate site as required by WKPROG - 0038; and

WHEREAS, Notice and the opportunity for public comment were provided during several steps of the Work Program, and a joint public hearing with the Planning Commission and Board of County Commissioners was conducted on June 13, 1994, to consider additional testimony on the West Hills Reconciliation Report; and

WHEREAS, The Planning Commission met for deliberation of the West Hills Reconciliation Report on June 21, 1994 and June 27, 1994.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby recommends that the Board of County Commissioners adopt the West Hills Reconciliation Report and appended West Hills Reconciliation Report Addenda and Errata dated June 13, 1994 and June 21, 1994, as partial fulfillment of Periodic Review Remand WKPROG - 0038.

BE IT FURTHER RESOLVED that the Planning Commissions recommends that Planning Division staff be directed to prepare Comprehensive Plan and zoning code amendments in accordance with WKPROG - 0038.

Approved this 27th day of June, 1994

By _____
Leonard Yoon, Chair
Multnomah County Planning Commission

WEST HILLS RECONCILIATION REPORT

ADDENDA & ERRATA

June 13, 21 & 27, 1994

(Note: Struck through language is deleted and bolded language is added).

Page & paragraph #

II-22–25

The Planning Commission acted to remove those portions of the Comment-Response section which identify the group or individual who made the comment (ISSUE RAISED BY).

III-7 ¶5

Based upon the inventory of streams conducted by SRI/Shapiro and contained in the Appendix, all but ~~two~~ **three** of the streams inventoried meet at least one of the criteria for significance stated in Policy 16-G of the Multnomah County Comprehensive Plan. The ~~two~~ three streams which did not meet any of the criteria are the **"Angell Brothers Middle",** "Angell Brothers South" and "Newberry" Streams – these streams are discussed in the separate report on the McNamee-Harborton streams.

III-8, TABLE B

STREAM	CRITERIA MET
Rock Creek - North Reach	5
Rock Creek - Middle Reach	5
Rock Creek - South Reach	5
Balch Creek	5
South "Wildwood" Creek	4
Miller Creek	4
Jackson Creek	3
Joy Creek	3
Jones Creek	3
"Rocky Point" Creek	3
Scappoose Creek	3
North "Wildwood" Creek	3
Middle "Wildwood" Creek	3
South "Rainbow" Creek	3
North Bronson Creek	3
South Bronson Creek	3
"North Angell Bros." Creek	3
East Fork McKay Creek	2
North Jackson Creek	2
"Wildwood" Creek - Main Stem	2
North "Rainbow" Creek	2
"Holbrook" Creek	2
South Jackson Creek	2
McCarthy Creek	2
Saltzman Creek	1
"Burlington" Creek	1
"South Angell Bros." Creek	0
"Newberry" Creek	0
"Middle Angell Bros." Creek	**0**

III-9 ¶2 and ¶3

All of the West Hills rural area streams inventoried, with ~~two three~~ exceptions (see below) are significant streams based upon the above description of location, quantity and quality and are designated "1-C."

"Angell Brothers Middle", "Angell Brothers South" Creek and "Newberry" Creek are not significant streams based upon the above description of location, quantity, and quality and are designated "1-A."

III-20 ¶5

vii. Other uses – Aircraft landing areas are **not** likely to locate in this area due to topography constraints. If a landing area were to be sited, it would most likely be located away from a stream channel due to slope and vegetation constraints.

III–43–51

The Planning Commission acted to remove those portions of the Comment-Response section which identify the group or individual who made the comment (ISSUE RAISED BY).

III-45, ¶1

5. **ISSUE: If all streams in the West Hills are significant, then they are no longer significant in** relation to the others.

III-46, ¶4

As for the actual reclamation plan, there is no doubt that even the best reclamation plan will not result in the return of a stream to the exact physical condition that existed prior to the quarrying that caused the need for reclamation. The goal of a reclamation plan is the return of the land to a condition that will **not** cause negative impacts, be they to water resources, scenic qualities, wildlife habitat, or other attributes, that will affect the surrounding area.

III-175, ¶1

Stream Description:

Its origin has been clear cut on the south side and a mixed conifer deciduous forest is on the North. It then flows into an area where both sides of the stream have been clear cut and only a few overstory trees remain; however in several areas buffer strips up to 100 feet wide have been maintained. The buffers are primarily red alder but some Douglas fir and western red cedar are also present. These buffers are very open and many of the conifers have been removed. Dense salmonberry and himalayan blackberry are in the stream channel. At ⅘'s of a mile from the headwaters the stream goes under ground and flows under a road (culvert has been removed, re-surfaces and enters another mixed conifer/deciduous forest). Overstory is primarily red alder and big-leaf maple with western red cedar, western hemlock, and Douglas fir becoming more common upslope. The stream is joined by a second stream from the south and forms a delta of transported sediment and debris against the embankment of a powerline access road. Water is ponded in this area and drains subsurface under and through a grated culvert that is 90% blocked by silt and debris. **The stream remains sub -surface under fill associated with a Bonneville Power Administration Line – at the time of observation in early May, no**

water was flowing into the grated culvert. According to County Planning staff, the culvert's outlet is immediately east of the Burlington Northern's Cornelius pass railroad grade~~. unknown. Immediately east of the road is a channel overgrown with himalayan blackberry but no water was flowing at the time of observation.~~ **At the time of observation in early May, water which was stained a rust color flowed out the culvert outlet – the probable source of the additional water is underground drains associated with the Bonneville Power Association Line fill. This channel was overgrown with himalayan blackberry. The water then entered a culvert under the Cornelius Pass railroad grade, Highway 30, and the Astoria railroad grade and exited into Burlington Bottoms.**

IV–11 ¶2

The Multiple Use Agriculture **portion of the impact** area **is within the Rafton/Burlington Bottoms which is a recognized Goal 5 resource and designated "3–C". It** is in the ownership of the Bonneville Power Administration and serves as a wetland mitigation area for which a management plan is being developed. That plan calls for the area to be maintained in a natural state, with no development of any kind allowed. Since there is no development potential within that portion of the impact area designated MUA–20, MUA–20 uses other than the conservation use will be excluded from the following analysis of conflicting uses allowed by zoning district. The conservation use is considered in discussions of the Rafton/Burlington Bottoms.

IV–27 ¶5

ii. Goal 6–Air, Water and Land Resources

Goal 6 requires "All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules or standards." The existing operation is ~~conducted~~ **not** in **full** compliance with all applicable state and federal regulations**, but measures are being taken to achieve compliance**. Any expansion would ~~also~~ be required to ~~satisfy~~ **to be in full compliance with** those regulations.

IV–49–52

The Planning Commission acted to remove those portions of the Comment-Response section which identify the group or individual who made the comment (ISSUE RAISED BY).

V–42

The social consequences of limiting timber harvesting on CFU lands within the West Hills Wildlife Forested Habitat Area are mixed. Clearly, the loss of ~~$48,000~~ **$48 mil-**

lion in net timber receipts would negatively affect job opportunities in the area, with attendant social problems. On the other hand, retention of forested areas in the West Hills Wildlife Forested Habitat Area would have open space and aesthetic value to residents of the area (with the probable exception of those who are dependent on the timber economy) .

V–80–91

The Planning Commission acted to remove those portions of the Comment-Response section which identify the group or individual who made the comment (ISSUE RAISED BY).

VI-6 ¶5

CONCLUSION: The County cannot regulate or prohibit forest activities on forest lands. On exception lands, forestry activities are unlikely to occur on a scale that would impact significant resources. ~~, the Forest Practices Act provides adequate safeguards to protect streams, and logging causes only a temporary interruption to wildlife habitat and scenery. For these reasons, forestry activities should be allowed fully within all four significant resource areas.~~ **The conflicting use analysis shows, however, that forest practices, if not carried out in a manner which provides effective buffer areas for streams, can result in significant adverse impacts to streams. While logging causes only a temporary interruption (in the long term) to wildlife habitat, modification of logging practices to ensure maintenance of some forested cover areas would enhance wildlife habitat values greatly over current forestry practices. Similarly, the scenic aspects of the West Hills would be enhanced by more selective logging practices, even if the impacts of clear-cutting are temporary in a long-term sense. Multnomah County should urge the Oregon Department of Forestry to effectively enforce the Forest Practices Act provisions for protection of fish and wildlife habitat in the West Hills, and work with the Department of Forestry to craft new rules, if necessary, which better protect significant scenic views, wildlife habitat, and streams in the West Hills.**

VI-17

d. Program to Achieve the Goal

The Comprehensive Framework Plan must be amended to include Scenic Views of the West Hills as a significant scenic resource. An overlay zone should be applied to the resource area, and standards to protect the scenic resource need to be incorporated into the zoning code. **In addition, tax incentives or other methods of encouraging conservation easements to protect scenic values should be explored.**

VI-19 ¶2

b. Conflicting Uses to be allowed fully

Forestry/timber **(however, see discussion under 2.e. below)**
Farm Use **(however, see discussion under 2.e. below)**

VI-21 new ¶ after ¶ 3

- **Provide for a minimum setback from the ordinary high water mark of each stream which will protect the stream's resources.**

VI-21 new ¶ after ¶ 3

As discussed earlier, agricultural and forestry activities adjacent to streams can have significant negative environmental consequences. While Multnomah County cannot (forestry on forest lands) or should not (forestry on "exception" lands) institute zoning regulation of these uses, the County must work to ameliorate and if possible eliminate the conflicts between these uses and significant streams. As regards forestry, the County should monitor the Oregon Department of Forestry's effective enforcement of the State Forest Practices Act, and work with the Department of Forestry to adopt and implement standards which may more effectively protect significant streams. As regards Agriculture, the County should work with the West Multnomah Soil and Water Conservation District to adopt and properly fund a program of education and assistance to farmers in order to better protect significant streams from the negative impacts of some agricultural practices such as livestock damage to streams, misuse of feritlizers and pesticides, and cultivation adjacent to streams which negatively impacts fish & wildlife habitat and water quality.

VI–24, ¶1

Add the following items

- **Adopt a plan and overlay zoning designation within the 1,200 foot impact area in which new conflicting uses such as new homes would be subject to some restrictions, such as setbacks, so as to not cause any future mining activity to violate state standards for noise, etc.**

- **As a condition of approval of any future operational permit, require an ongoing program of verifying that DEQ noise standards are being met at all homes in the impact area. This would be at the expense of the mining operator with the contracted consultant subject to the approval of the Planning Director.**

- **Middle Angell Brothers stream shall be proven to be in conformance with DEQ water quality standards prior to any mine expansion beyond the existing approved boundary.**

- **A condition of any mine expansion beyond the existing approved boundary shall be a verification that DEQ water quality standards are continually satisfied. Water quality studies shall be periodically required. The studies shall be by an independent consultant and paid for by the mine operator. The mine operator and the Planning Director shall agree on the cost and scope of the studies and the Planning Director shall select the consultant.**

- **Restrict days and hours of blasting and require advance notice.**

VI–27, ¶ 6

~~All four significant resources in the West Hills should be designated "3-C".~~ **The West Hills Scenic, Wildlife, Streams and Wetland (except as noted below), and that portion of the Angell Brothers site more than one-half mile from secondary wildlife habitat areas should be designated "3–C". That portion of the Angell Brothers site within one-half mile of secondary wildlife habitat areas and that portion of the "North Angell Brothers" stream within the mineral resource site should be designated "3–B".** This will provide a level of protection that recognizes and protects the attributes that make each resource significant, while preventing the economic and social consequences that would occur if conflicting uses were prohibited.

VI–27, ¶ 8 & 9

Protection and utilization of the Angell Brother's aggregate site will be accomplished through zoning restrictions for uses within the impact area and Comprehensive Plan amendments detailing operating standards. This would allow expansion of mining ~~northern half of the site~~ **within the "3–C" area**, provided that the mining plan **can be found to** meet certain standards designed to protect the other significant resources such as compliance with DEQ and DOGAMI regulation regarding water quality, screening requirements, and demonstration that reclaimed areas are capable of supporting forest vegetation.

The "3-C" **and "3–B"** designations and proposed protection standards provide overall protection to all four of the significant resources in the West Hills. This program complies with Statewide Planning Goal 5.

MULTNOMAH COUNTY OREGON
DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

C 1-94a
June 13, 1994
Hearing Exhibits
West Hills

#1. Statewide Planning Program Goal 5 Process Chart

#2. Oregon Department of Fish and Wildlife (Patricia Snow)

#3. Department of Land Conservation and Development (Richard P. Benner) (Including Rules of Procedures)

#4. Department of Land Conservation and Development (Richard P. Benner)

#5. Angell Brothers, Inc. (F. H. "Skip" Anderson)

#6. Applied Ecosystem Services (Richard B. Shepard)

#7. Neil S. Kagan

#8. West Hills Site Visit

#9. Oregon Department of Fish and Wildlife (Jill Zarnowitz)

#10. Oregon Department of Geology and Mineral Industries (E. Frank Schnitzer)

#11. Portland Parks and Recreation (Jim Sjulin)

#12. Metro (Charles Ciecko and Ralph Rogers)

#13. Neil S. Kagan

#14. Sauvie Island Conservancy (Donna Matrazzo)

#15. Declaration of Jon Rhodes, M.Sc.

#16. Urban Streams Council (Rosemary Furfey)

#17. Oregon Natural Resources Council (Lyn Mattei)

#18. Arnold Rochlin

#19. Friends of Retaining Channel Environment (Mark Valeske, FORCE)

#20. Jodeanne Bellant

#21. Neil S. Kagan

#22. Neil S., Kagan (Including June 10, 1994 Correspondence)

#23. Sue Beilke

#24. Portland Parks and Recreation (Duplication of #11)

MULTNOMAH COUNTY OREGON
DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

C 1-94a
June 14 thru June 20, 1994
Open Record Exhibits
West Hills

#25. Friends of Forest Park (Chris Wrench)

#26. United States Department of Agriculture (Steven Fedje)

#27. Metro (Charles Ciecko)

#28. Sauvie Island Conservancy (City of Portland Scenic Resources Plan)

#29. Department of Land Conservation and Development (Steve Oulman)

#30. Department of Geology and Mineral Industries (E. Frank Schnitzer)

#31. Arnold Rochlin

#32. O'Donnell, Ramis, Crew, Corrigan and Bachrach (Jeff Bachrach)

#33. Northwest Power Planning Council (Peter Paquet)

#34. Oregon Department of Fish and Wildlife (Jill Zarnowitz)

#35. Donis McCardle

#36. West Multnomah Soil and Water Conservation District (Elmer Peterson)
(Received June 22, 1994, After Closing date of June 20th.)

STATEWIDE PLANNING PROGRAM
GOAL 5 PROCESS CHART

OPEN SPACE
MINERAL & AGGREGATE
ENERGY SOURCES
FISH & WILDLIFE
SIGNIFICANT NATURAL AREAS
SCENIC VIEWS & SITES
WATER AREAS
WILDERNESS AREAS
HISTORIC SITES
CULTURAL AREAS
RECREATION TRAILS
SCENIC WATERWAYS

STEP ONE – IS THE RESOURCE SIGNIFICANT? (USING MEASURES OF LOCATION, QUALITY, AND QUANTITY)

1A – NO → NO FURTHER ACTION

1B – NOT ENOUGH INFORMATION → ESTABLISH TIME FRAME FOR OBTAINING INFORMATION

1C – YES → GO TO STEP TWO

STEP TWO – ARE THERE CONFLICTING USES? (EITHER OTHER RESOURCES OR ALLOWED BY ZONING)

2A – NO → PRESERVE THE RESOURCE

2B – YES → DO "ESEE" ANALYSIS → GO TO STEP THREE

STEP THREE – HOW SHOULD CONFLICTS BETWEEN USES BE RESOLVED?

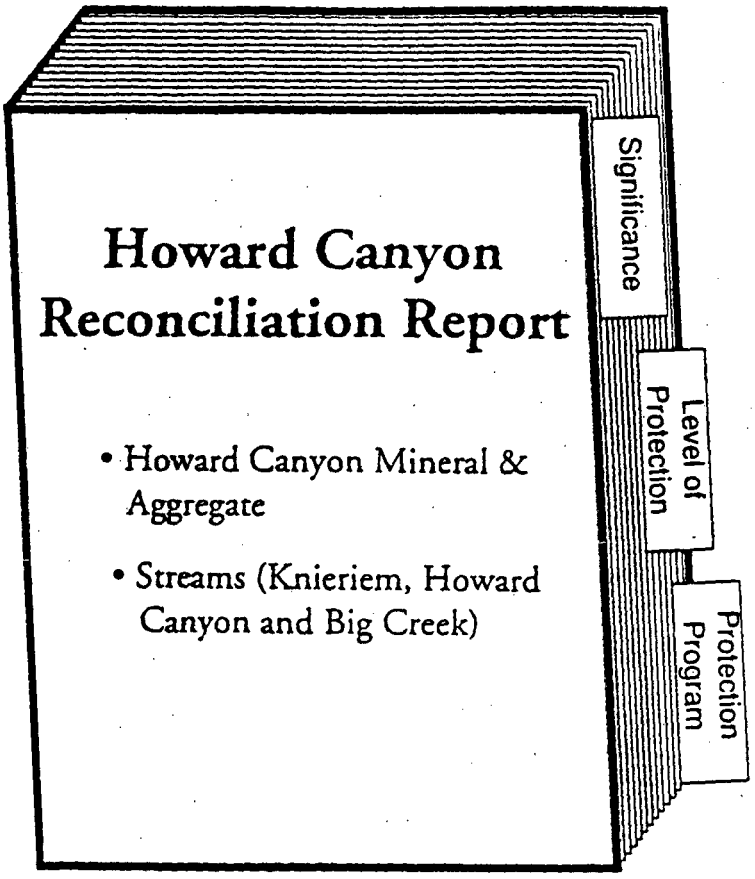
3A – PRESERVE THE RESOURCE

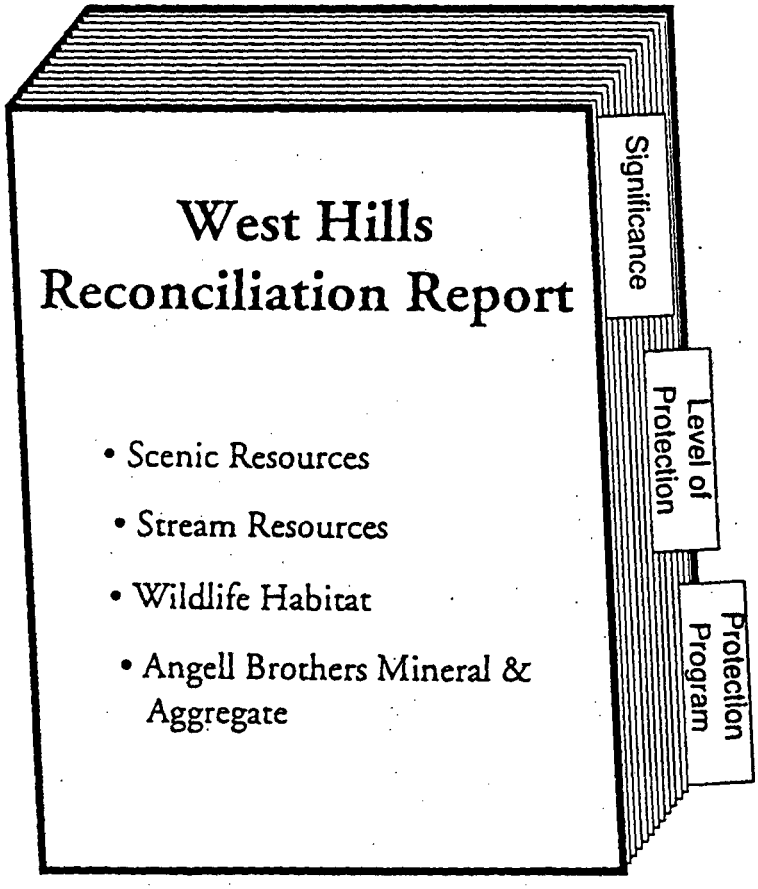
3B – ALLOW CONFLICTING USES

3C – LIMIT CONFLICTING USES (BALANCE)

C1-94

RESPONDENT'S EXHIBIT
1


Howard Canyon Reconciliation Report
• Howard Canyon Mineral & Aggregate
• Streams (Knieriem, Howard Canyon and Big Creek)
Significance
Level of Protection
Protection Program


West Hills Reconciliation Report
• Scenic Resources
• Stream Resources
• Wildlife Habitat
• Angell Brothers Mineral & Aggregate
Significance
Level of Protection
Protection Program

Overall Conclusions

Howard Canyon

- Streams (Knieriem, Howard Canyon & Big Creeks) — "3–C"
- Aggregate — "3–C"

West Hills

- Scenic — "3–C"
- Streams — "3–C"
- Wildlife — "3–C"
- Aggregate — "3–B" for approximately south one-half
  "3–C" for approximately north one-half

OVERALL CONCLUSIONS

HOWARD CANYON

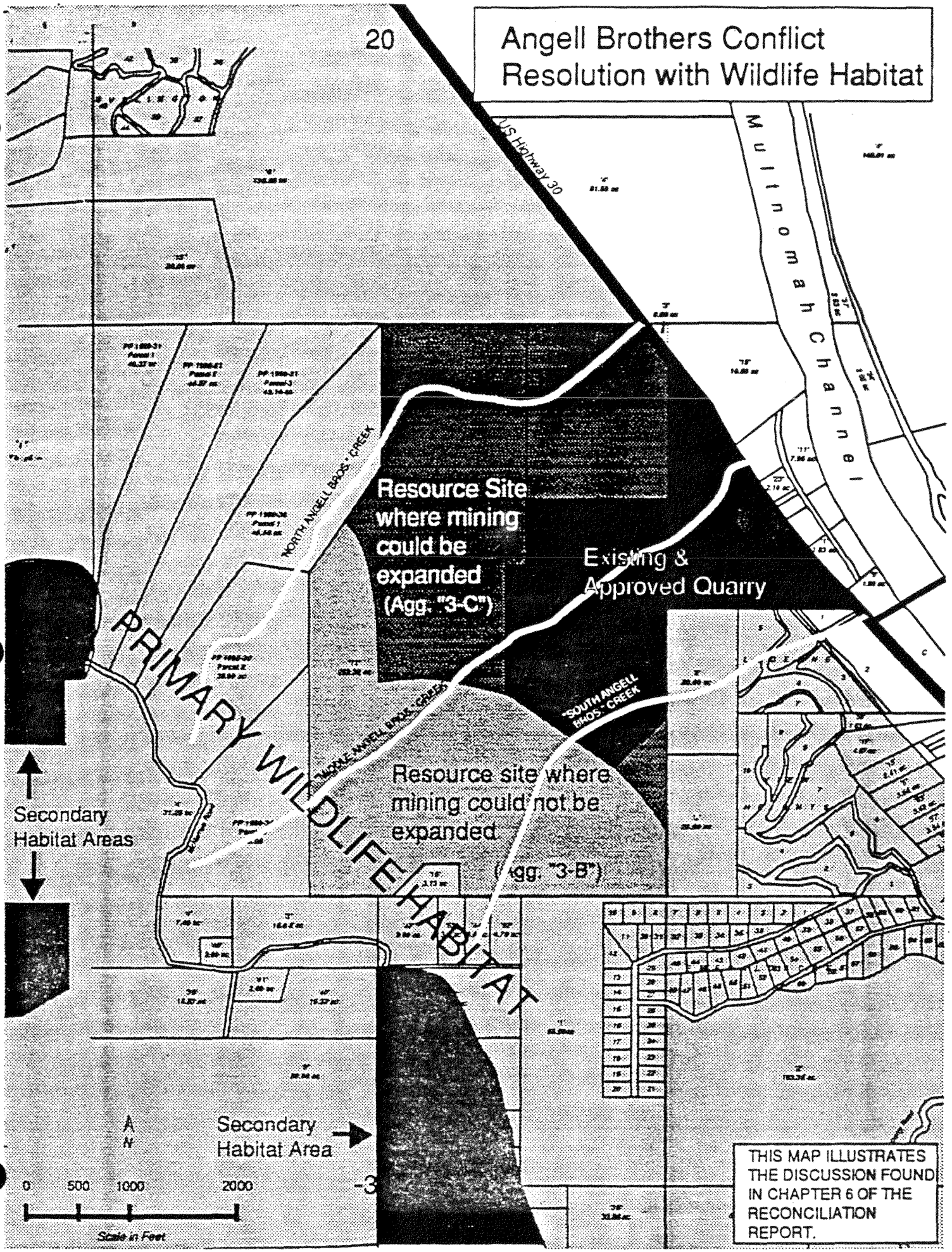
- Streams (Knierem, Howard Canyon & Big Creeks "3C") -- Find that these streams are significant ("1-C"), and limit residential, community service and conditional use, and transportation/public improvement conflicts by regulating proposed development in the riparian zone of each significant stream.

- Aggregate (Howard Canyon Quarry "3C") -- Find that it is significant ("1-C") and that:

  1) Conflicts with residential uses can be resolved by adopting plan and overlay zoning designations which require some restrictions on new houses, such as setbacks from potential mining areas, and require some restrictions on mining operations in order to meet DEQ noise and dust standards for existing residences, minimize visual impacts, and minimize blasting impacts.

  2) Conflicts with significant streams can be resolved by requiring that mining runoff meet DEQ standards for water quality and prohibiting construction of holding ponds in the riparian zone.

  3) Multnomah County will require independent ongoing verification that noise, dust, and water quality standards are being met by mining operations.


Angell Brothers Conflict Resolution with Wildlife Habitat
20
US Highway 30
Multnomah Channel
Resource Site where mining could be expanded (Agg. "3-C")
Existing & Approved Quarry
NORTH ANGELL BROS. CREEK
SOUTH ANGELL BROS. CREEK
PRIMARY WILDLIFE HABITAT
Resource site where mining could not be expanded (Agg. "3-B")
Secondary Habitat Areas
Secondary Habitat Area
N
0 500 1000 2000
Scale in Feet
-3
THIS MAP ILLUSTRATES THE DISCUSSION FOUND IN CHAPTER 6 OF THE RECONCILIATION REPORT.

OVERALL CONCLUSIONS

WEST HILLS

- **Scenic** (East face of the West Hills "scene areas" "3C") -- Find that scenic views are significant ("1-C") and limit residential, community service and conditional use conflicts by reviewing and regulating the siting and design of new structures within the scene areas.

- **Streams** (26 West Hills Streams "3C") -- Find that 26 West Hills streams are significant ("1-C") and limit residential, community service and conditional use, and transportation/public improvement conflicts by regulating proposed development in the riparian zone of each significant stream except for "North Angell Brothers" Creek within the Angell Brothers aggregate site, which is not protected ("3-B").

- **Wildlife** (West Hills "3C") -- Find that wildlife habitat in the West Hills is significant ("1-C") and limit residential and similar uses by reviewing and regulating the siting of proposed development to have minimal impact upon wildlife and its habitat.

- **Aggregate** (Angell Brothers Quarry, Northern 1/2 "3C" and southern 1/2 "3B") -- Find that it is significant ("1-C") and that:

  1) Conflicts with residential uses can be resolved by adopting plan and overlay zoning designations which require some restrictions on new houses, such as setbacks from potential mining areas, and require some restrictions on mining operations in order to meet DEQ noise and dust standards for existing residences, minimize visual impacts, and minimize blasting impacts.

  2) Conflicts with streams can be resolved by allowing quarry operations on a portion of the North Angell Brothers stream, but protecting water quality into Burlington Bottoms to DEQ standards.

  3) Conflicts with scenic views can be resolved by requiring quarry operations to use berming and reclamation techniques which minimize the amount of unreclaimed mined area visible at any one time.

  4) Conflicts with wildlife habitat can be resolved by not allowing quarry operations on the south half of the Angell Brothers aggregate site, in order to preserve a minimum one-half mile wide contiguous wildlife habitat area through the West Hills

  5) Multnomah County will require independent ongoing verification that noise, dust, and water quality standards are being met by mining operations

Oregon

DEPARTMENT OF
FISH AND
WILDLIFE

HABITAT
CONSERVATION
DIVISION

June 9, 1994

Scott Pemble, Director
Multnomah County Division of Planning
and Development
2115 SE Morrison Street
Portland, OR 97214

RE: West Hills Reconciliation Report

Dear Scott:

The Department has just received today, the Multnomah County West Hills Reconciliation Report dated May 23, 1994. We understand that comments are due Friday, June 10. We would like to request that the record remain open for an additional seven days to allow our staff opportunity to review and comment on the document. Thank you for your consideration of our request.

Sincerely,

Patricia Snow

Patricia Snow
Land Use Coordinator
Habitat Conservation Division

c Gail McEwen
Steve Oulman, DLCD

C 1-94
RESPONDENT'S EXHIBIT
2

2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-6967

June 10, 1994

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

Multnomah County Board of Commissioners
Multnomah County Planning Commission
2115 SE Morrison Street
Portland, OR 97214

Dear Chair Stein, County Commissioners, Chair Yoon and Planning Commissioners:

Since LCDC approved Multnomah County's periodic review work program for resolving Goal 5 issues, the department has worked closely with the county planning staff. We have offered advice about the requirements of the statewide planning goals. We have suggested approaches and opportunities available to Multnomah County to make the policy decisions before you. Please consider these comments in your deliberations.

First, we are concerned with the county treating these hearings as quasi-judicial proceedings. To our knowledge, you have treated no other aspect of periodic review in this way. The issues before you are complex and affect significant areas of the county. The department believes a satisfactory conclusion to this controversy demands a broad view that cannot be achieved by focussing on one or two specific land uses in the narrow confines of a quasi-judicial proceeding.

Second, we are continuing to review and analyze the county's written reports. We will watch how the analyses evolve as the county works towards its September 6, 1994 deadline to submit a completed product. After this date, the department will review the work for compliance with Goal 5.

Finally, we ask you to consider three comments about the analyses. One, the county should be clear about its identification of significant resources, and why the resources are significant. Two, the level of protection for any resource must be commensurate with the identified conflicts and the consequences of these conflicts on protection of the resource. Three, the county needs to examine thoroughly opportunities to mitigate conflicts between resources.

We are able to help your staff with the Goal 5 analyses and development of appropriate implementation tools. Steve Oulman is the department's lead staff person for this project. Call him at 378-5144 if you have questions.

Sincerely,

Richard P. Benner
Director

Barbara Roberts
Governor

1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

C 1-94

RESPONDENT'S EXHIBIT 3

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

In the Matter of Adopting Hearing Rules for the Conduct of a Joint Planning Commission and Board Quasi judicial Hearing on June 13, 1994	))))	RESOLUTION 94 -95

WHEREAS, ORS 197 requires the Land Conservation and Development Commission to Review the Multnomah County Comprehensive Framework Plan periodically to determine consistency with the State Land Use Goals; and

WHEREAS, the Land Conservation and Development Commission reviewed in April 1993 the Multnomah County Comprehensive Framework Plan and determined it did not comply with State Land Use Goal 5; and

WHEREAS, the Land Conservation and Development Commission required Multnomah County to complete Goal 5 work by December 31, 1993 and subsequently approved a detailed work Program extending the County's deadline to September 6, 1994; and

WHEREAS, the Land Conservation and Development Commission approved a work program which requires the Multnomah County Planning Commission and Board to conduct a Hearing to consider two "Reconciliation Reports"; and

WHEREAS, both the Multnomah County Planning Commission and Board have adopted rules for the conduct of quasi judicial hearings; and

WHEREAS, the Board must amend their rules to hold a hearing with the Planning Commission;

NOW, THEREFORE, IT IS RESOLVED for the June 13, 1994, joint hearing of the Planning Commission and Board of County Commissioners on the two Reconciliation Reports, or any continuation thereof, the RULES FOR THE CONDUCT OF PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS JOINT QUASI-JUDICIAL HEARING as set forth in Exhibit "A" are hereby adopted.

APPROVED this 24th day of May, 1994

MULTNOMAH COUNTY, OREGON

REVIEWED
COUNTY COUNSEL FOR
MULTNOMAH COUNTY, OREGON

By _____
John L. Dubay, Deputy County Counsel

By _____
Beverly Stein
Multnomah County Chair

Exhibit "A"
RULES FOR THE CONDUCT OF PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS JOINT QUASI-JUDICIAL HEARING

SECTION 1. NATURE AND CONDUCT OF HEARING

A. Parties are entitled to an opportunity to appear, in person or by a representative or Counsel, to present and rebut testimony and evidence to an impartial approval authority, to have the proceedings recorded and to receive a written decision which includes Findings of Fact and Conclusions based on the record made at the hearing.

B. The following persons are parties and shall be entitled, either themselves or through their representatives or Counsel, to make an appearance of record before the Board of Commissioners and the Planning Commission:

1. All persons entitled to individual mailed notice under the applicable Ordinance; and
2. Other persons who demonstrate an interest in the proposed action.

C. The Board of Commissioners or the Planning Commission may call as a witness a person with technical or specialized knowledge regarding an issue in an action.

D. No person shall testify without:

1. Receiving recognition from the Chair of the County Commissioner;
2. Stating his or her full name and residence address; and
3. If requested, stating the basis on which he or she is entitled to status as a party, pursuant to these Rules or as a witness on behalf of a party pursuant to these Rules.
   (a) A challenge to the party or witness status of a person, and a ruling thereon by the Chairperson, shall be made at the time the person requests recognition to testify.
   (b) A challenge to the party or witness status of a person may be made only by a party.

E. There shall be no audience demonstration, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Disruptive conduct may be cause for expulsion from the hearing, termination of the hearing, or other appropriate action.

F. The term person includes an individual, partnership, corporation, association, governmental unit or public or private organization.

SECTION 2. CONFLICT OF INTEREST: BIAS, EX PARTE CONTACT

A. Any actual or potential conflicts of interest, bias or partiality shall be disclosed at the hearing where the action is considered.

B. Any party may challenge the impartiality of any member before or during the hearing. A challenge must include the facts relied on by the challenging party, relating to the member's alleged bias, prejudgment, or personal interest, or other facts from which the party has concluded that the member cannot participate in a decision in an impartial manner.

C. In the event of a challenge for bias, the challenged member shall respond in a statement which shall be part of the record. The statement shall refer to the challenge and include the reasons why the member has elected to participate or abstain. The statement shall not be subject to cross examination or rebuttal.

D. In the event any member has pre-hearing *ex parte* contact with a party, the member shall publicly disclose the occurrence and the substance of such contact and the persons involved. The statement shall also indicate any interest or independent knowledge of the member. The term independent knowledge refers to facts received by other than public means which are not capable of judicial or official notice, are not in the record of the action and are not a matter of general knowledge. The statement shall be made at the beginning of the hearing on the action or at such time during the course of the hearing that the member becomes aware of the existence of an ex parte contact or independent knowledge. The statement regarding ex parte contact shall be subject to the same Rules as for a statement of bias in paragraph (C) in this section.

SECTION 3. QUORUM and PRESIDING OFFICER

A. A quorum of the Planning Commission and a quorum of the Board of Commissioners shall constitute a quorum for the joint meeting.

B. The Presiding Officer of a joint meeting shall be the Chair of the County Commission or a person designated by the Chair.

SECTION 4. RULES OF EVIDENCE

A. Evidence received at a hearing shall be of the quality that reasonable persons rely on in the conduct of everyday affairs.

B. Irrelevant, immaterial or repetitious testimony or evidence shall not be admitted.

SECTION 5. ORDER OF PROCEDURE

The order of procedure shall be as follows.

A. Call the session to order.

B. Call for the Staff Report relating to actions previously decided, if appropriate. And list the applicable and substantive criteria governing the action.

C. Summarize the nature and conduct of the hearing as described in these Rules and explain where the public can obtain copies of the Rules of Procedure and the Agenda.

D. Explain the sequence of events to be followed at the hearings as described in Subsections (F) through (O) of this Section.

E. Instruct the audience that only testimony or evidence directed to the approval criteria will be accepted and that failure to raise an issue with sufficient specificity to afford the Commission and the parties an opportunity to respond to the issue precludes appeal to LUBA on that issue.

F. Call the first Agenda item and describe the Action.

G. Request a representative of the Division of Planning and Development to describe the nature of the proposal, explain any graphic or pictorial displays which are to be part of the record and summarize the Staff Report and Recommendation.

H. Call for the presentation by Proponents of the Action.

1. Those testifying in support of an action have three minutes per person, exclusive of time used by the Board and Planning Commission for questions. Additional time shall only be granted if the evidence/testimony is not repetitious, irrelevant, or immaterial.

2. Proponents shall be heard in the following order.

(a) Representatives of agencies or interested governments.

(b) Persons receiving notice of the hearing.

(c) Neighborhood associations, organizations or other groups.

(d) Persons not entitled to receive notice of the hearing but who demonstrate to the Approval Authority that they have an interest in the action.

I. Call for the presentation by opponents of the Action.

1. Those testifying in opposition to an application have three minutes per person, exclusive of time used by the Board and Planning Commission for questions. Additional time shall only be granted if the evidence/testimony is not repetitious, irrelevant, or immaterial.

2. Opponents shall be heard in the following order.

(a) Representatives of agencies or interested governments.

(b) Persons receiving notice of the hearing.

(c) Neighborhood associations, organizations or other groups.

(d) Persons not entitled to receive notice of the hearing but who demonstrate to the Approval Authority that they have an interest in the action.

J. Provide opportunity for a representative of the Division of Planning and Development to add to or clarify the factual information presented.

K. Close the public portion of the hearing and accept requests for continuances and the opportunity to submit additional evidence as provided in ORS 197.763(4)(b) and (6).

SECTION 6. RECORD OF PROCEEDINGS

A. The proceedings of the Board and Planning Commission shall be electronically or stenographically recorded.

B. In the manner provided by ORS 192.105-192.170, the Division of Planning and Development may dispose of physical and documentary evidence not claimed by the person identified sixty days after notice that the evidence may be claimed has been mailed to such person.

SECTION 7. PUBLICATION OF RULES

These Rules shall be placed on record with the Division of Planning and Development and the Clerk of the Board of County Commissioners and copies shall be made available to the public at all joint hearings of the Board and Planning Commission.

SECTION 8. AMENDMENT AND SUSPENSION OF RULES

A. Any Rule of Procedure not required by law may be amended, suspended, or repealed at any hearing by majority of those present.

B. A procedural rule may be adopted to regulate a situation not provided for in these Rules or in County Ordinances.

SECTION 9. RELATIONSHIP WITH OTHER RULES

These Rules supercede other Board and Planning Commission rules.

SECTION 10. DECISIONS

Following the joint hearing, the Planning Commission and Board of County Commissioners will make their separate decisions in accordance with MCC §11.05.300 through MCC §11.05.400.

Exhibit "A"
RULES FOR THE CONDUCT OF PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS JOINT QUASI-JUDICIAL HEARING

SECTION 1. NATURE AND CONDUCT OF HEARING

A. Parties are entitled to an opportunity to appear, in person or by a representative or Counsel, to present and rebut testimony and evidence to an impartial approval authority, to have the proceedings recorded and to receive a written decision which includes Findings of Fact and Conclusions based on the record made at the hearing.

B. The following persons are parties and shall be entitled, either themselves or through their representatives or Counsel, to make an appearance of record before the Board of Commissioners and the Planning Commission:

1. All persons entitled to individual mailed notice under the applicable Ordinance; and
2. Other persons who demonstrate an interest in the proposed action.

C. The Board of Commissioners or the Planning Commission may call as a witness a person with technical or specialized knowledge regarding an issue in an action.

D. No person shall testify without:

1. Receiving recognition from the Chair of the County Commissioner;
2. Stating his or her full name and residence address; and
3. If requested, stating the basis on which he or she is entitled to status as a party, pursuant to these Rules or as a witness on behalf of a party pursuant to these Rules.
   (a) A challenge to the party or witness status of a person, and a ruling thereon by the Chairperson, shall be made at the time the person requests recognition to testify.
   (b) A challenge to the party or witness status of a person may be made only by a party.

E. There shall be no audience demonstration, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Disruptive conduct may be cause for expulsion from the hearing, termination of the hearing, or other appropriate action.

F. The term person includes an individual, partnership, corporation, association, governmental unit or public or private organization.

SECTION 2. CONFLICT OF INTEREST: BIAS, EX PARTE CONTACT

A. Any actual or potential conflicts of interest, bias or partiality shall be disclosed at the hearing where the action is considered.

B. Any party may challenge the impartiality of any member before or during the hearing. A challenge must include the facts relied on by the challenging party, relating to the member's alleged bias, prejudgment, or personal interest, or other facts from which the party has concluded that the member cannot participate in a decision in an impartial manner.

C. In the event of a challenge for bias, the challenged member shall respond in a statement which shall be part of the record. The statement shall refer to the challenge and include the reasons why the member has elected to participate or abstain. The statement shall not be subject to cross examination or rebuttal.

D. In the event any member has pre-hearing *ex parte* contact with a party, the member shall publicly disclose the occurrence and the substance of such contact and the persons involved. The statement shall also indicate any interest or independent knowledge of the member. The term independent knowledge refers to facts received by other than public means which are not capable of judicial or official notice, are not in the record of the action and are not a matter of general knowledge. The statement shall be made at the beginning of the hearing on the action or at such time during the course of the hearing that the member becomes aware of the existence of an ex parte contact or independent knowledge. The statement regarding ex parte contact shall be subject to the same Rules as for a statement of bias in paragraph (C) in this section.

SECTION 3. QUORUM and PRESIDING OFFICER

A. A quorum of the Planning Commission and a quorum of the Board of Commissioners shall constitute a quorum for the joint meeting.

B. The Presiding Officer of a joint meeting shall be the Chair of the County Commission or a person designated by the Chair.

SECTION 4. RULES OF EVIDENCE

A. Evidence received at a hearing shall be of the quality that reasonable persons rely on in the conduct of everyday affairs.

B. Irrelevant, immaterial or repetitious testimony or evidence shall not be admitted.

SECTION 5. ORDER OF PROCEDURE

The order of procedure shall be as follows.

A. Call the session to order.

B. Call for the Staff Report relating to actions previously decided, if appropriate. And list the applicable and substantive criteria governing the action.

C. Summarize the nature and conduct of the hearing as described in these Rules and explain where the public can obtain copies of the Rules of Procedure and the Agenda.

D. Explain the sequence of events to be followed at the hearings as described in Subsections (F) through (O) of this Section.

E. Instruct the audience that only testimony or evidence directed to the approval criteria will be accepted and that failure to raise an issue with sufficient specificity to afford the Commission and the parties an opportunity to respond to the issue precludes appeal to LUBA on that issue.

F. Call the first Agenda item and describe the Action.

G. Request a representative of the Division of Planning and Development to describe the nature of the proposal, explain any graphic or pictorial displays which are to be part of the record and summarize the Staff Report and Recommendation.

H. Call for the presentation by Proponents of the Action.

1. Those testifying in support of an action have three minutes per person, exclusive of time used by the Board and Planning Commission for questions. Additional time shall only be granted if the evidence/testimony is not repetitious, irrelevant, or immaterial.

2. Proponents shall be heard in the following order.

6/13/94 BCC/PC JOINT HEARING

SHARON TIMKO SUBMITTAL

6/3/94 HOWARD CANYON QUARRY SITE VISIT

6/10/94 ANGELL BROTHERS QUARRY SITE VISIT

6/13/94 BCC/PC JOINT HEARING

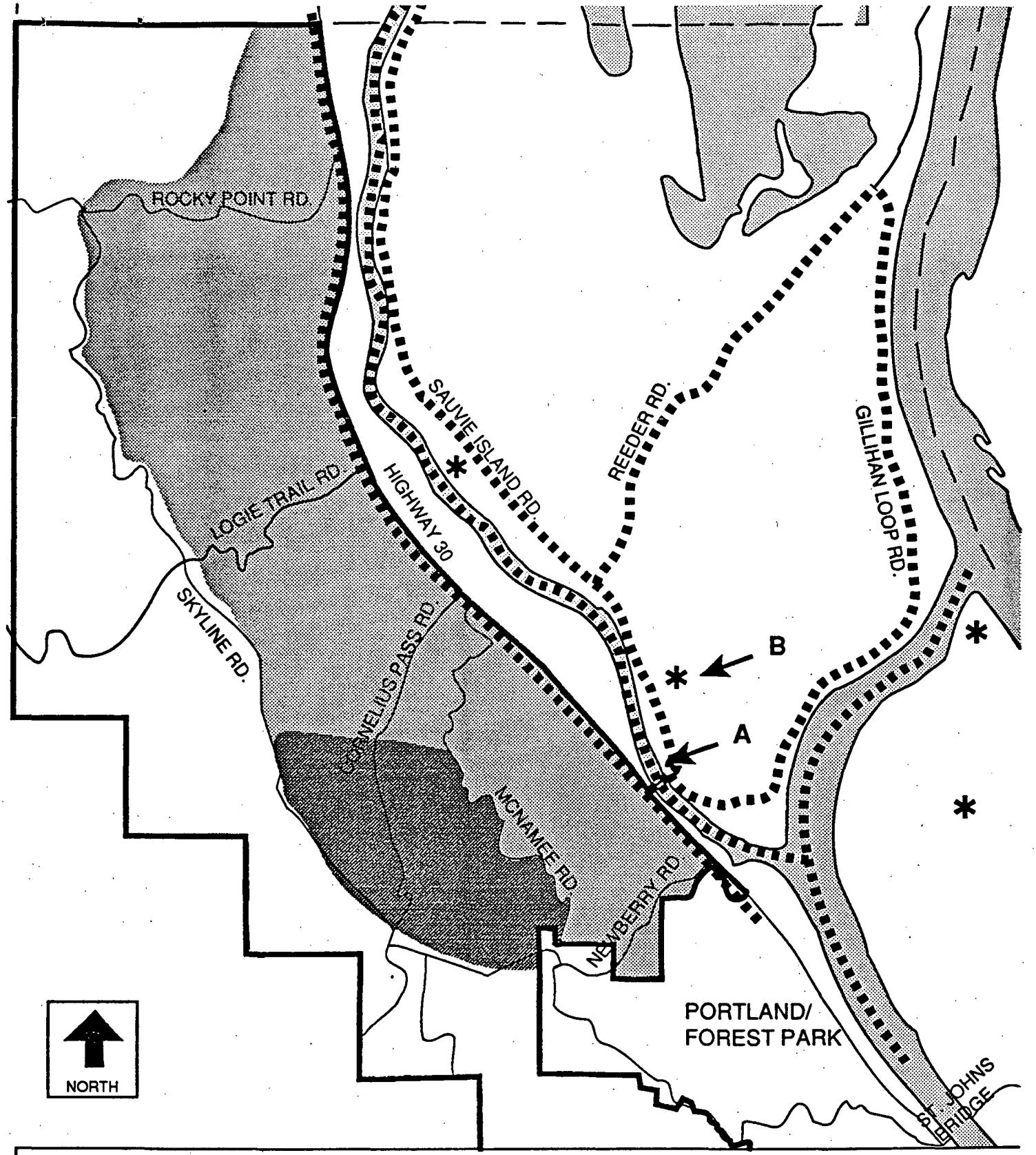
JEAN ADAMS SUBMITTAL ON BEHALF OF JACK SANDERS

ANGELL BROTHERS QUARRY

WEST HILLS SITE VISIT

On Friday, June 10, 1994 at approximately 2:00pm County Commission Chair Beverly Stein, Commissioner Tanya Collier, Planning Commission members Leonard Yoon, Laurie Craghead, John Ingle and Karin Hunt, Board assistants Sharon Timko, Katherine Burke and Stuart Farmer, Engineering staff member Don Newell (who was responsible for video taping the trip), and Planning staff member Bob Hall (who conducted the tour) made the following visit of a portion of the West Hills (stops indicated refer to attached maps):

- The group, with the exception of Yoon and Hunt, assembled at the Portland Building, travelled downtown streets to US Highway 30, and north on that highway to the Sauvie Island Bridge. Crossed the bridge and met Yoon and Hunt at the parking area near the bridge (stop A).
- At the turnaround the group observed the Angell Brothers aggregate site, and the scenic, stream and wildlife resource areas were described and pointed out (stop A).
- Travelled north on Sauvie Island Road to the Bybee/Howell House where it again observed the scenic, wildlife and Angell Brothers resource sites (stop B).
- Travelled south on Sauvie Island Road, crossed the Sauvie Island Bridge, and north on US 30, and entered the Angell Brothers site.
- Skip Anderson of Angell Brothers met and led the group in a separate vehicle for the remainder of the trip. The only contact Anderson had with the group was with Hall and Timko who twice asked that he lead the group to viewpoints requested by other members of the group.
- Travelled westerly along the pit floor to the point where Middle Angell Brothers Creek enters the pit floor (stop C).
- Drove to the upper portion of the operation where active mining was occurring (stop D).
- Stopped on the way down from the upper area to observe the Rafton/Burlington Bottoms, Sauvie Island, and the location of North Angell Brothers Creek (stop E).
- Left the mine site and travelled north along US 30 to McNamee Road, and southerly along McNamee Road to an access road into the southerly portion of the Angell Brothers site. A secondary wildlife habitat area was observed along McNamee Road.
- Entered the site and travelled along a logging road to a point approximately mid center of the south one-half of the site. Along the way observed a residence to the east of the site (stop F).
- Observed the basin of South Angell Brothers Creek, the primary wildlife habitat area, and viewable portions of Angell Brothers site.
- Returned north along McNamee Road and south along US 30 and observed the point where North Angell Brothers Creek passes under US 30 (stop G).
- Pointed out where South Angell Brothers Creek passes under US 30 (no stop made).
- Dropped off Yoon and Hunt at the Sauvie Island turnaround and returned to Portland Building at approximately 4:40pm via US 30 and downtown streets.
- A video was made of all stops during the visit.
- With the exception of pointing out the secondary wildlife habitat area along McNamee Road, the residence to the east of the Angell Brothers site, and the point where South Angell Brothers Creek passes under US 30, there was no discussion regarding particulars of the visit except at the above identified stops.



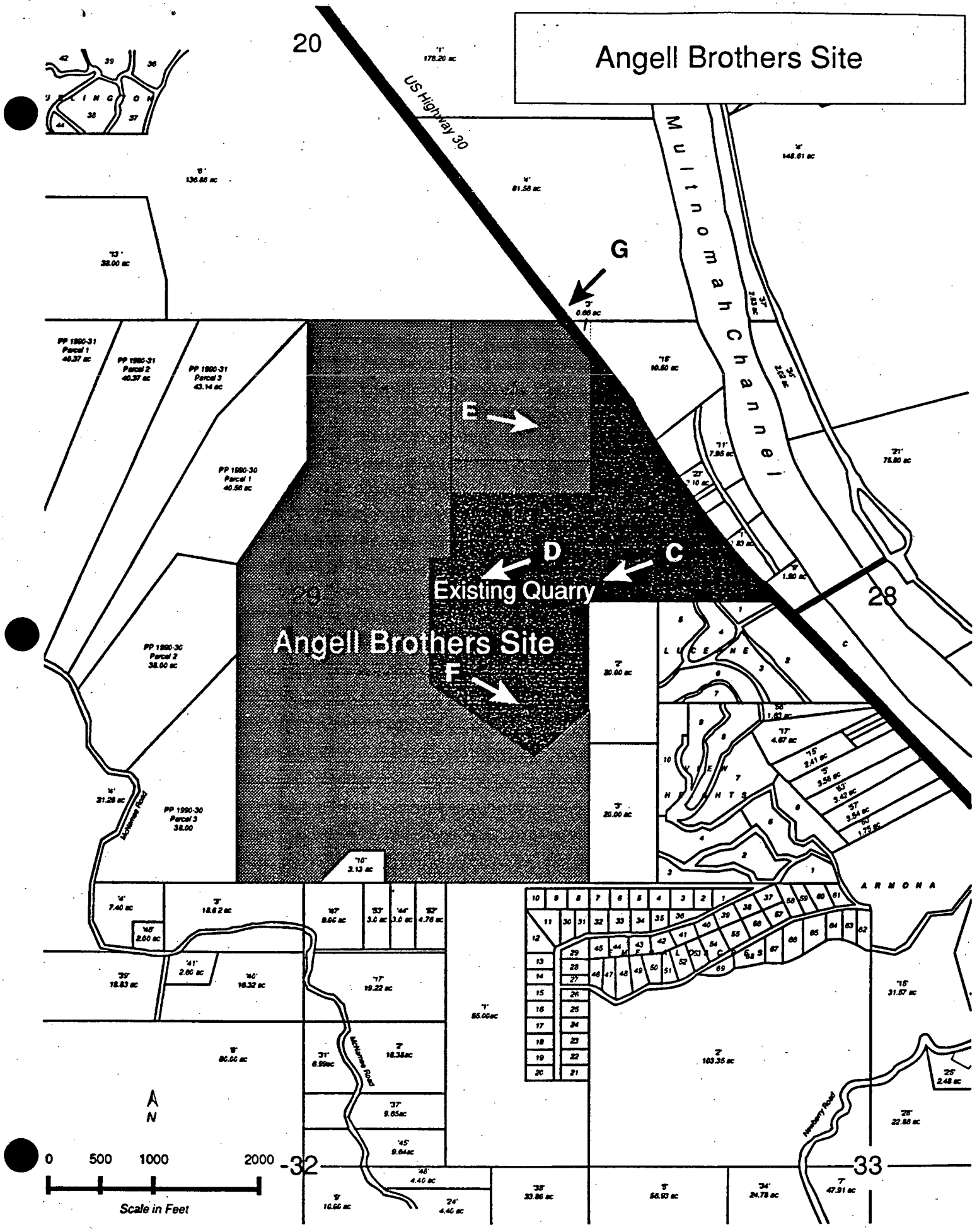
WEST HILLS SCENIC RESOURCES STUDY AREA

STUDY AREA

AREA REMOVED FROM STUDY

* KEY VIEWING AREA

KEY VIEWING CORRIDOR


Angell Brothers Site
20
US Highway 30
Multnomah Channel
G
E
D
C
Existing Quarry
Angell Brothers Site
F
28
29
32
33
McNamee Road
Newberry Road
N
0
500
1000
2000
Scale in Feet

(Note: Struck through language is deleted and bolded language is added).

Page & paragraph #

III-8, TABLE B

STREAM	CRITERIA MET
Rock Creek - North Reach	5
Rock Creek - Middle Reach	5
Rock Creek - South Reach	5
Balch Creek	5
South "Wildwood" Creek	4
Miller Creek	4
Jackson Creek	3
Joy Creek	3
Jones Creek	3
"Rocky Point" Creek	3
Scappoose Creek	3
North "Wildwood" Creek	3
Middle "Wildwood" Creek	3
South "Rainbow" Creek	3
North Bronson Creek	3
South Bronson Creek	3
"North Angell Bros." Creek	3
East Fork McKay Creek	2
North Jackson Creek	2
"Wildwood" Creek - Main Stem	2
North "Rainbow" Creek	2
"Holbrook" Creek	2
South Jackson Creek	2
McCarthy Creek	2
Saltzman Creek	1
"Burlington" Creek	1
"South Angell Bros." Creek	0
"Newberry" Creek	0
"Middle Angell Bros." Creek	**0**

III-45, ¶1

5. **ISSUE: If all streams in the West Hills are significant, then they are no longer significant in** relation to the others.

III-46, ¶4

As for the actual reclamation plan, there is no doubt that even the best reclamation plan will not result in the return of a stream to the exact physical condition that existed prior to the quarrying that caused the need for reclamation. The goal of a reclamation plan is the return of the land to a condition that will **not** cause negative impacts, be they to water resources, scenic qualities, wildlife habitat, or other attributes, that will affect the surrounding area.

III-175, ¶1

Stream Description:

Its origin has been clear cut on the south side and a mixed conifer deciduous forest is on the North. It then flows into an area where both sides of the stream have been clear cut and only a few overstory trees remain; however in several areas buffer strips up to 100 feet wide have been maintained. The buffers are primarily red alder but some Douglas fir and western red cedar are also present. These buffers are very open and many of the conifers have been removed. Dense salmonberry and himalayan blackberry are in the stream channel. At ⅛'s of a mile from the headwaters the stream goes under ground and flows under a road (culvert has been removed, re-surfaces and enters another mixed conifer/deciduous forest). Overstory is primarily red alder and big-leaf maple with western red cedar, western hemlock, and Douglas fir becoming more common upslope. The stream is joined by a second stream from the south and forms a delta of transported sediment and debris against the embankment of a powerline access road. Water is ponded in this area and drains subsurface under and through a grated culvert that is 90% blocked by silt and debris. **The stream remains sub -surface under fill associated with a Bonneville Power Association Line -- at the time of observation in early May, no water was flowing into the grated culvert.** According to County Planning staff, the culvert's outlet is immediately east of the Burlington Northern's Cornelius pass railroad grade~~: unknown. Immediately east of the road is a channel overgrown with himalayan blackberry but no water was flowing at the time of observation.~~ **At the time of observation in early May, water which was stained a rust color flowed out the culvert outlet -- the probable source of the additional water is underground drains associated with the Bonneville Power Association Line fill. This channel was overgrown with himalayan blackberry. The water then entered a culvert under the Cornelius Pass railroad grade, Highway 30, and the Astoria railroad grade and exited into Burlington Bottoms.**

IV–49-52

Rocklin should be spelled Rochlin

VI–24,¶1

Add the following items

- **Adopt a plan and overlay zoning designation within the 1,200 foot impact area in which new conflicting uses such as new homes would be subject to some restrictions, such as setbacks, so as to not cause any future mining activity to violate state standards for noise, etc.**

- **As a condition of approval of any future operational permit, require an ongoing program of verifying that DEQ noise standards are being met at all homes in the impact area. This would be at the expense of the mining operator with the contracted consultant subject to the approval of the Planning Director.**

- **As a condition of approval of any future operational permit, require an ongoing program of verifying that DEQ water quality standards are being met for any runoff from the site into the streams. This information could be from an approved consultant or state DEQ reports.**

- **Restrict days and hours of blasting and require advance notice.**

VI–27, ¶ 6

~~All four significant resources in the West Hills should be designated "3-C".~~ **The West Hills Scenic, Wildlife, Streams and Wetland (except as noted below), and that portion of the Angell Brothers site more than one-half mile from secondary wildlife habitat areas should be designated "3–C". That portion of the Angell Brothers site within one-half mile of secondary wildlife habitat areas and that portion of the "North Angell Brothers" stream within the mineral resource site should be designated "3–B".** This will provide a level of protection that recognizes and protects the attributes that make each resource significant, while preventing the economic and social consequences that would occur if conflicting uses were prohibited.

VI–27, ¶ 8 & 9

Protection and utilization of the Angell Brother's aggregate site will be accomplished through zoning restrictions for uses within the impact area and Comprehensive Plan amendments detailing operating standards. This would allow expansion of mining ~~northern half of the site~~ **within the "3–C" area**, provided that the mining plan **can be found to** meet certain standards designed to protect the other significant

resources such as compliance with DEQ and DOGAMI regulation regarding water quality, screening requirements, and demonstration that reclaimed areas are capable of supporting forest vegetation.

The "3-C" **and "3–B"** designations and proposed protection standards provide overall protection to all four of the significant resources in the West Hills. This program complies with Statewide Planning Goal 5.

June 10, 1994

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

Multnomah County Board of Commissioners
Multnomah County Planning Commission
2115 SE Morrison Street
Portland, OR 97214

Dear Chair Stein, County Commissioners, Chair Yoon and Planning Commissioners:

Since LCDC approved Multnomah County's periodic review work program for resolving Goal 5 issues, the department has worked closely with the county planning staff. We have offered advice about the requirements of the statewide planning goals. We have suggested approaches and opportunities available to Multnomah County to make the policy decisions before you. Please consider these comments in your deliberations.

First, we are concerned with the county treating these hearings as quasi-judicial proceedings. To our knowledge, you have treated no other aspect of periodic review in this way. The issues before you are complex and affect significant areas of the county. The department believes a satisfactory conclusion to this controversy demands a broad view that cannot be achieved by focussing on one or two specific land uses in the narrow confines of a quasi-judicial proceeding.

Second, we are continuing to review and analyze the county's written reports. We will watch how the analyses evolve as the county works towards its September 6, 1994 deadline to submit a completed product. After this date, the department will review the work for compliance with Goal 5.

Finally, we ask you to consider three comments about the analyses. One, the county should be clear about its identification of significant resources, and why the resources are significant. Two, the level of protection for any resource must be commensurate with the identified conflicts and the consequences of these conflicts on protection of the resource. Three, the county needs to examine thoroughly opportunities to mitigate conflicts between resources.

We are able to help your staff with the Goal 5 analyses and development of appropriate implementation tools. Steve Oulman is the department's lead staff person for this project. Call him at 378-5144 if you have questions.

Sincerely,

Richard P. Benner
Director

Barbara Roberts
Governor

1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

C1-94

RESPONDENT'S EXHIBIT 4

Angell Brothers, Inc.

P.O. Box 83449 • Portland, OR 97283-0449
286-4201

June 10, 1994

R. Scott Pemble, Planning Director
Multnomah County Department of Environmental Services
2115 SW Morrison Street
Portland, OR 97214

Subject: West Hills Reconciliation Report (May 23, 1994)

Dear Scott:

Exhibit A, attached, is in response to concerns raised about the ability of Angell Bros. to reclaim the quarry after mining. The site inspection attached found topsoil accumulations in the undisturbed areas of the quarry to be shallow in the 12-30" depth range. William C. Gilmore also notes that he has had survivability rate of 90% in planting acreages much larger than the Angell Bros. Quarry with soil depths of 6" and less.

Angell Bros. reclamation plan on file with DOGMI shows a minimum of 2 ft of topsoil to be placed over benches when finished. In addition, some of the benches will be engineered and constructed with 40 ft of overburden and topsoil. This greatly increases the opportunities for successful reclamation.

By using test plots to determine the proper planting techniques, seed mixture, fertilization types and rates, and by monitoring the results, we believe a survivability rate of 90% is very achievable.

Attached is a report from ODFW's Habitat Conservation Division (Exhibit B) regarding Multnomah County's determination of significance for the Middle Angell Bros., Creek and North Angell Bros. Creek. Much of the concern with Angell Bros. North Creek stems from the supposition that the creek is a "significant" contributor to Burlington Bottoms. The report states that ODFW clearly has an interest in the conservation of Burlington Bottoms since it was purchased by Bonneville Power Administration for wildlife mitigation and is managed by the Department. The conclusion of ODFW was that they do not believe that either North or Middle Angell Bros. Creek warrant a

C1-94

RESPONDENT'S EXHIBIT 5

determination of significance, and they recommend the County reconsider the determination of "significant" for both streams.

On page V-46 "table 7" of the West Hills Reconciliation Report is a list of Aggregate Suppliers in Multnomah, Clackamas, Washington, and Columbia counties in Oregon and Clark county in Washington. Of the eight suppliers listed for Multnomah county, Angell Bros., Inc. is the only rock quarry. The remaining seven are all sand & gravel operations. It should be understood that there is a distinct difference between quarry rock and sand & gravel rock. Quarry mined rock is used for base rock, railroad ballast, rip rap, and rock to make asphalt. Sand & gravel rock is primarily used for concrete and base rock. Of the seven sand & gravel operations listed in table 7 under Multnomah County, only Ross Island, Gresham Sand & Gravel and Estacada Rock Products actually produce aggregate in Multnomah County. Portland Sand & Gravel and Porter Yett have been depleted and no longer produce aggregate. Lone Star NW does not produce in Multnomah County but imports sand and gravel from Columbia County. This difference in material makes it even more important to continue providing rock from this quarry well into the future.

Aggregate costs are directly related to the length of the haul. Moving aggregate 15 to 20 miles from the manufacturing site doubles its cost. That's why it's important to have the manufacturing site as close to the market area as possible. Rock prices hauled to a specific project, such as the new Trailblazer arena can vary substantially. For instance, rock hauled from Angell Bros. to the Blazer Arena would cost $8.50 per cubic yard. Rock hauled to the same place from Gresham Sand & Gravel would be between $11.50 and $12.00 a cubic yard. Rock hauled from Estacada Rock Products to the same location would cost $13.00 per cubic yard. The savings on this one project equal hundreds of thousands of dollars. It is not hard to understand why it is important to have the aggregate site as close as possible to the market place.

ANGELL BROS., INC.

F.H. "Skip" Anderson, President

FHA/tls

RECEIVED
JUN 10 1994
Multnomah County
Zoning Division

METRO FORESTRY, INC.
We Care For Trees (& People Too!)
7276 S.W. Beaverton-Hillsdale Hwy. #252
Portland, OR 97225 ✦ (503) 297-6608

Mr. F.H. "Skip" Anderson
Angell Bros., Inc.
Hwy. 30, W. Sauvie Island Bridge
Portland, OR 97231

September 21, 1992

Dear Mr. Anderson,

I enjoyed meeting with you recently to tour and review the feasibility of reforestation of the current and future planned quarrying operations at your quarry located on Hwy 30 across the West Sauvie Island Bridge in Multnomah County, Oregon. The legal description of the property is Township 2 North, Range 1 West, Section 29.

In reforestation of reclaimed land, soil type is the dominating factor in determining what species can be planted, growth potential (Site Index- total height of trees in 50 years), and survivability. The predominant soil type in this area is in the Goble (silty loam) Series with a smaller amount (approx. 10-15%) in the Wauld (very gravelly loam) Series. In an undisturbed situation, these soils are found on slopes of 30-70% have an annual precipitation of 35-50" of rain per year and a Site Index as high as 135 to 155 feet in height over a 50 year period of time.

My tour of the area showed the current topsoil accumulation in the undisturbed areas to be shallow in the 12-30" depth range before grading into the fractured basalt rock and deposited soil. The current tree and plant growth has adapted well to this rocky environment, and gives me every indication of a high success in reforesting the quarried areas now, and in the future.

Your plan to add two feet of topsoil to the terraced flats will enable the trees planted to have an even better environment for survivability. Each terraced area will have specific requirements as to what species can be planted there, and whether additional water will be needed during hot periods for the first three years after planting.

My experience with the U.S. Forest Service in Eastern Oregon included planting acreages much larger than this (1MM+) trees in one year in arid areas(10-24" precipitation per year) with soil depths of 6" and less. I had survivability rates of 90% and better for these planting. We planted in totally rocky areas with similar rates of success.

I have included copies of studies of strip mined reforestation in Southwest Virginia by J.L. Torbert,et.al., to show that there scientific backing to substantiate my findings and opinions. In a phone conversation with Mr. Torbert, he stated that high survival rates were consistently encountered in blasted bedrock as long as soil was filled into the planting hole. I will provide a more complete bibliography upon request.

In summary, your needs to reforest the bench areas in concert with wildlife habitat needs are very realistic for a high level of success, and documented evidence from other projects in much harsher conditions demonstrate that your plans to quarry and reclaim the terraced lands should encounter a high success and meet all concerns of Multnomah County Planning Department and all other agencies involved. If you have any questions or concerns regarding my findings, please contact me at your earliest convenience.

Sincerely,

William C. Gilmore

William C. Gilmore
Urban Forester, B.S., VPI&SU '77
Certified Arborist, ISA-PNW #31

RECEIVED BY FAX
DATE 7-6-92
TIME 5:15 [illegible]

Frank Ellis

July 1, 1992

RECEIVED
JUN 1 9 199
Multnomah County
Zoning Division

To: Skip Anderson
From: Esther Lev
Re: Wildlife Habitat Recommendations for Angell Brothers Quarry

1

After reviewing the Comprehensive Plan Amendment and the Conditional Use Permit for the Angell Brothers Quarry, I have the following recommendations as how the quarry expansion can best fit the goals and objectives of the West Hills Wildlife Study.

The recommendations of the Study of Forest Wildlife Habitat in the West Hills report suggest that at all times a band of contiguous forest habitat a minimum of .5 mile wide be maintained between the Multnomah County Line on the north, Highway 30 on the east, Newberry Road on the south and the ridgeline on the east. The .5 mi. minimum is suggested as a good estimate which can provide some habitat that can contribute to the life needs of the largest mammals as well as supporting the home territories for many smaller species. It also provides contiguous habitat for some species that have short dispersal distances, while connecting long range dispersers to patches of suitable habitat.

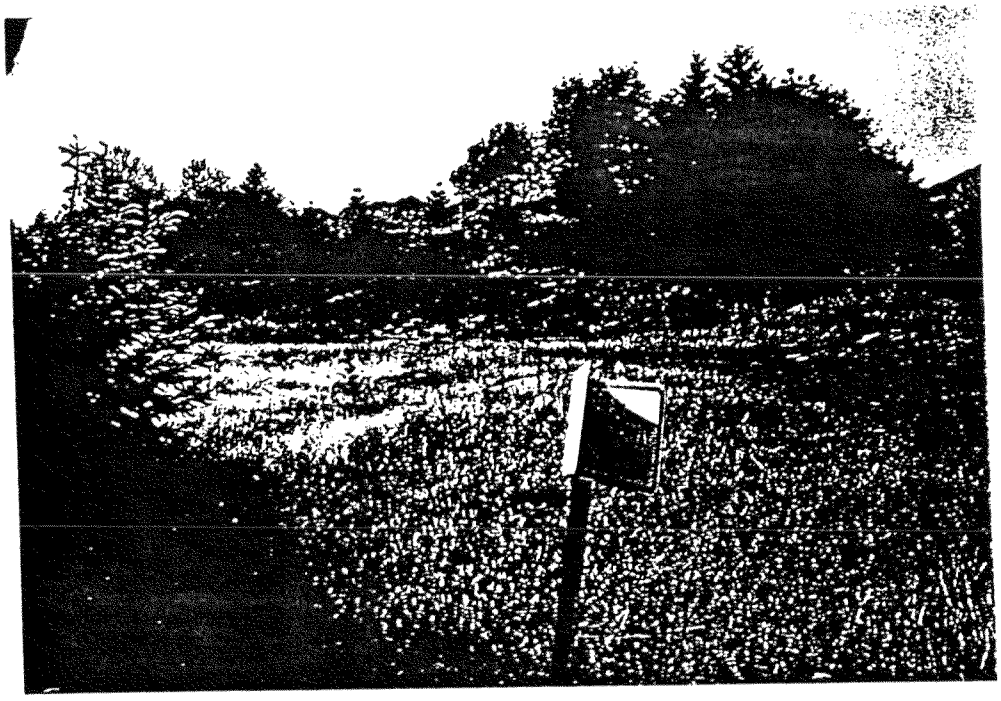
The proposed quarry extension is located within this area. In order to insure a contiguous forested habitat I suggest that a 625 ft. or 200 meter conservation easement be drawn from the edge of the property directly south of the extension boundary. The 625 ft. will provide for a minimum of 225 ft. of interior forest habitat with 200 ft. of edge habitat on either side. Interior habitat is critical for many of the species residing within this forested habitat area. Studies of interior species requirements, especially birds, in other northwest forested areas have shown that a minimum of 200 ft. of interior habitat is necessary, in order to sustain many of the forest dwelling wildlife species. The conservation easement line should be drawn parallel to the existing quarry boundary or Highway 30, whichever allows for a wider entry to the habitat area at the eastern end of the quarry boundary.

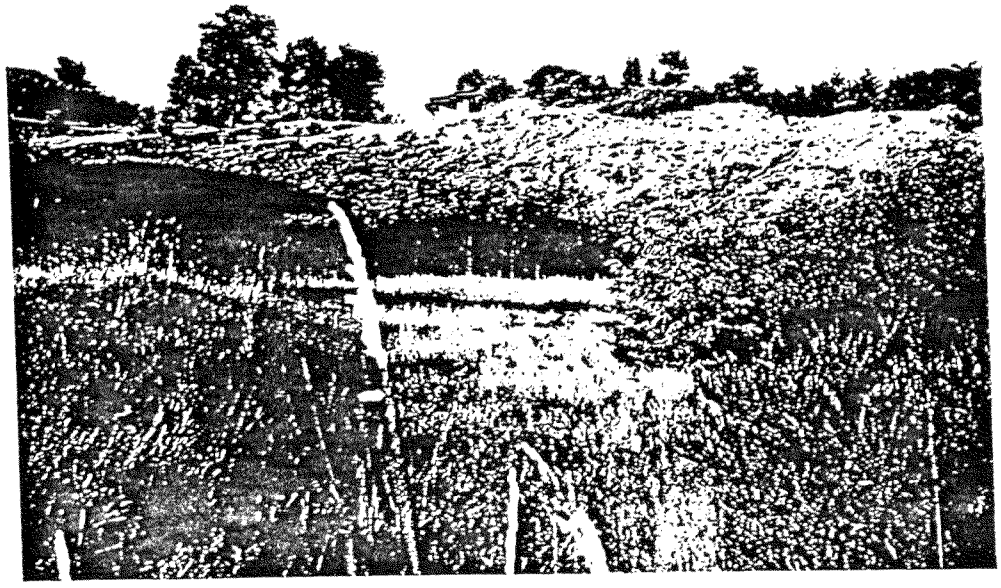
The reclamation plan for the site will be reviewed and modified by Oregon Department of Fish and Wildlife, Esther Lev, David Evans and Associates and any other interested parties. Bench width may vary from greater to lesser than 20 ft. to accommodate mining needs, and wherever possible, maximize wildlife benefits and use. The benches will be vegetated with native species with a composition similar to those growing in the least disturbed areas of Forest Park. An on-going research and monitoring program will be establish to monitor wildlife use changes during quarry activity and after reclamation of the site.

Esther Lev
729 SE 33rd
Portland, Oregon
97211
503/239-4063

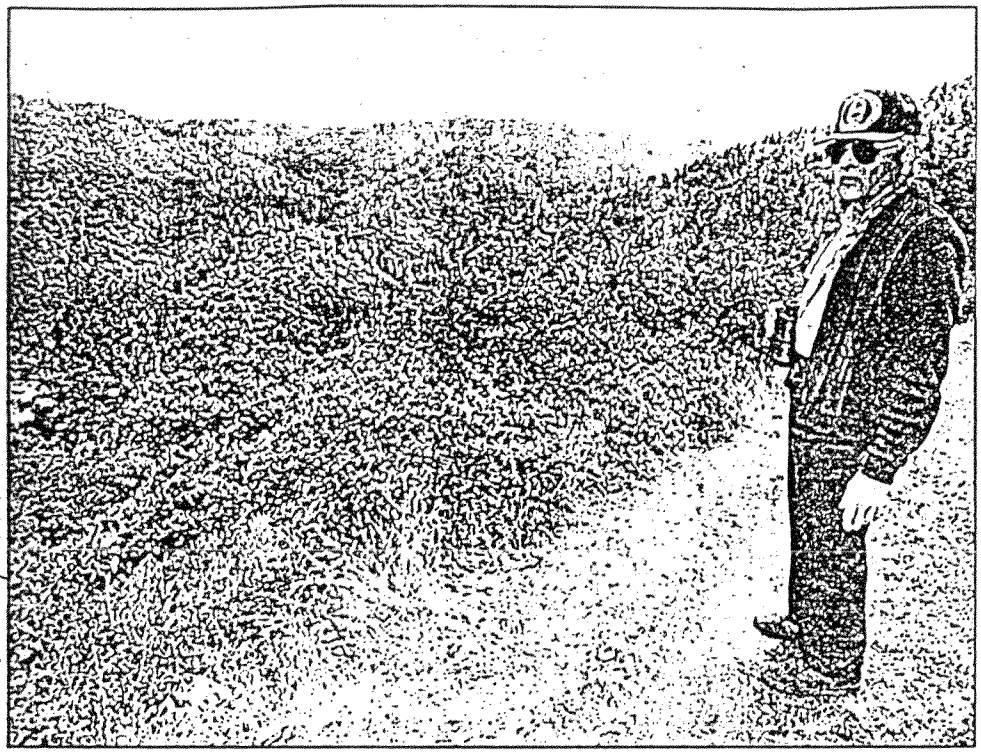
Environmental Consulting

Exhibit D. Two views (looking west and east, respectively) of the old ODOT rock quarry along Interstate 205. The quarry is located at mile 7.5 on the north side, just past the exit road from the West Linn rest area. Closed about 20 years ago, it has revegetated naturally. The only planned reclamation activity was slope stabilization.





Exhibit



BOB GALBRAITH/Associated Press

Ken Starbird, security chief of a nearby housing development, scans the area in California's Auburn State Recreation Area where a cougar killed jogger Barbara Schoener last weekend. Her mutilated body was found Sunday.

Argonian May 1994

Mountain lion that killed jogger now the hunted in Sierra foothills

A legislator calls for repeal of the California law banning hunting of cougars in the wake of Barbara Schoener's death

By JOHN HOWARD
The Associated Press

COOL, Calif. — In the final, terror-filled moments of her life, Barbara Schoener was ambushed by a mountain lion that knocked her down a hillside and sank its teeth into her neck.

SCHOENER

The 40-year-old housewife and marathon runner is believed to be the first person killed by a mountain lion in California in 85 years.

Hunters with dogs and shoot-to-kill orders have been sent to scour the rugged Sierra Nevada foothills for the animal, and a state lawmaker is calling for the repeal of California's 1990 ban on hunting cougars, which are being sighted more and more as California's population expands into rural areas.

"Because they are no longer hunted they no longer fear us," said Assemblyman David Knowles, in whose district the attack took place. "They are now hunting us."

Schoener was reported missing Saturday when she didn't return from a morning jog. Searchers found her body Sunday.

Pete Schoener said he initially thought his wife had been murdered.

"A mountain lion never crossed my mind," he said.

Schoener, the mother of two young children, was jogging along a popular trail in the Auburn State Recreation Area about 45 miles from Sacramento.

Based on tracks and blood marks, investigators determined that the lion pounced onto a steep, brush-covered stretch of trail about 20 feet behind her.

The first attack knocked the 5-foot-8, 120-pound Schoener off the path and sent her tumbling down the slope. She struggled to her feet and tried to shield her face with her arms when the lion struck again, slashing with its claws.

She fell farther down the slope and apparently stood up again before the lion made the final attack, biting her neck and crushing her skull.

Later, the animal dragged her partially eaten body about 100 yards and covered it with leaves. Experts say mountain lions often hide their kill and return when they get hungry.

Officials want to kill the cat because they think it could attack again. They also want to examine its carcass to find out if the animal was rabid, which could explain the rare attack.

Searchers looked for a mature male cougar, which could weigh as much as 140 pounds.

The animals roam over as much as 150 square miles but are extremely territorial, with only one male to an area. So once searchers have found a mature male, they will track it to see if it returns to the site of the attack and or shows signs of being rabid. Once they think they have the right animal, they will kill it, the Fish and Game Department said.

More people, more cougars and more confrontations in Oregon

Residents are reporting incidents at an increasing rate as the big cats' territory shrinks while their numbers rise

The Associated Press

LOWELL — Face-to-jowl meetings between humans and cougars are becoming more common as an increasing number of big cats prowl the hills and rural areas of Oregon.

"The cat population is growing," said Bruce Campbell, a state Fish and Wildlife Department biologist, who picked up a cougar carcass last week for research after a homeowner shot the animal to protect his dog.

The shooting occurred Wednesday night, after Corky Wright saw a cougar's paws wrapped around his 5-month-old dog. The cat's jaws clamped on the husky's skull about to crush it.

Wright used his .22-caliber semi-automatic from about four feet away to save Buffy, a 5-month-old he had rescued from the pound a few months earlier.

"Bang! Bang! I give her two bullets right in the chest cavity and killed her," Wright, 60, said the day after the attack. "Then, out of anger, I give her five more."

It wasn't the first cougar Wright had ever shot.

"I killed quite a few," he said. "We got $60 from the county and $30 from the state for each one."

The bounty program resulted in dwindling cougar ranks during the 1950s, when the animals were hunted to the brink of extinction. After the government outlawed cougar hunting, the mountain lions began a comeback.

State Fish and Wildlife officials estimate the Oregon cougar population at about 2,500, up from 200 statewide before the animal gained protection and bounties were dropped.

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"What we're seeing now is there are a lot of cougars just living in areas where they didn't live before," said wildlife biologist Bill Castillo.

Cougars are extremely territorial animals — loners that fear each other as much or more than they fear humans. A single cougar can claim hundreds of acres.

"We've got enough cougars now that all the good habitat is being occupied," Castillo said. "Young animals are being displaced and taking up residence around people, because that's the only unoccupied area."

The attack on Wright's dog was the second such Lane County attack in as many years. In February 1993, a cougar killed a chained-up dog in Veneta.

Two months ago, a cougar startled a 17-year-old Cheshire boy as he walked through a Christmas tree farm.

On April 22, a woman jogging on a California mountain trail was attacked and killed by a cougar.

"It's a trend that concerns us," Castillo said. "These animals are adaptable, they're intelligent and they're becoming bolder and more visible."

Applied Ecosystem Services

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June 10, 1994

RECEIVED
JUN 10 1994
Multnomah County
Zoning Division

R. Scott Pemble, Planning Director
Multnomah County Department of Environmental Services
2115 SW Morrison Street
Portland, OR 97214

Subject: West Hills Reconciliation Report (May 23, 1994)

Dear Scott:

I will summarize my comments and concerns first, then provide more specific examples.

Summary:

The West Hills Reconciliation Report dated May 23, 1994 recognizes many of the limitations in the Goal 5 resource inventories/significance determinations and the associated ESEE analyses. However, it is deficient in three categories:

1. lack of data to support several conclusions;
2. lack of logic in deriving conclusions from earlier reports; and
3. inconsistent assumptions have been made for impacts associated with resources.

The lack of data is illustrated by the second paragraph on page V-37. The authors state that expansion of the quarry to the requested size "would obstruct the principal connection between Forest Park and the northern portion of the West Hills". While the County likes to cite the Lev *et al.* 1992 study, they continue to have difficulty in understanding what that report says and the biological base upon which it is built. The County's contractors did not have a study transect within a mile of this so-called "critical area" so there are no data (other than aerial photographs manually interpreted) to support this claim. Further, neither the County nor its contractors explain (or support with data) for which of the species/guilds listed in Table 4 (page V-10) this unexamined area is a critical bottleneck or why loss of this area could lead to local extinction in another area, the 4,700 acre Forest Park. Finally, there are no data which support the classification of areas into primary habitat and secondary habitat; it is strictly subjective. However, there is a workable solution which will be discussed below.

The lack of logic pervades this reconciliation report. The most significant errors arise from the conclusions drawn from the myth that the West Hills is a wildlife corridor. Because the County agrees that the concept of a wildlife corridor is a myth (page V-90, issue 18) the concept of a movement bottleneck and the requirement for forested swaths of a defined minimum size also become irrelevant. Without the demonstrated existence of a movement bottleneck there

C1-94

RESPONDENT'S EXHIBIT 6

is no reason to restrict the expansion of the Angell Brothers quarry along the south and west of the property or to maintain a 0.5-mile swath of forest for movement of large mammals. There is not a 0.5—mile wide forested swath anywhere in the vicinity of Newberry Road, McNamee Road, and Skyline Road, nor has there been such a forested swath for a long while. There is absolutely no data or justification for a swath of any predetermined width at any place within the West Hills (see, for example, Esther Lev's suggestion of a 200 meter buffer in Exhibit A and the color infrared aerial photograph marked as Exhibit B).

The new approach is to consider the entire Tualatin Mountains as a peninsula with the City of Portland's Forest Park at the eastern end. Despite the new approach, there is still no biological or ecological basis for believing that the present and proposed mixes of land use and land cover pose any measurable threat to any animal species known to inhabit the area. There are also no data to alter this belief. Denying future quarrying on the southern and western portions of the Angell Brothers property cannot be justified or defended. If, in the future, there is evidence that habitat of specified character and size is required for a specific wildlife need, it is most probable that those needs could be met. Examination of the 1991 color infrared aerial photograph of the area (scale 1:1,000; Exhibit B) illustrates two important points. First, there is a wide forested band which arcs to the west around the Angell Brothers property. Second, there are quite a few residential developments throughout the area. Considering that most of the visible clearcut areas will be adequately revegetated within the next seven years, there is (and will continue to be) abundant wildlife habitat of many types.

Other aspects of the logical lapses in this report include the demonstration of relevance to the West Hills of observations made in other areas and under different situations. This applies to the size of clearcuts, the ratio of edges to interiors, the distribution of animals within the West Hills and Forest Park, and the use of areas by animals which would permit classification into primary and secondary habitat areas. The author's logic is most egregiously flawed in the statements associated with issue 15 (page V-88). Black bears and mountain lions do not determine what other animals can exist in an area. Birds fly into and out of and small mammals can readily maintain self-sustaining populations in the 4,700 acres of Forest Park whether or not black bears or mountain lions are present there.

Assumptions assigned to Goal 5 resources, specifically minerals and rock, timber, and wildlife habitat are inconsistent. The Conflict Resolution and Protection Program section, Chapter VI, also contains oxymorons; for example, the North Angell Brothers Creek is *significant* because of its *minor contribution* to Burlington Bottoms. Different assumptions are applied to impacts of mining on wildlife, impacts of timber harvest on wildlife, and the impacts of mining on timber harvest. These inconsistencies do not contribute to the resolution of conflicts nor do they lead to balanced — and equal — protection of all Goal 5 natural resources.

Specifics:

There are still no data to support conclusions of wildlife habitat loss. "The best available information" requirement of Goal 5 means that there be *some* data to support conclusions. Many of these data gaps have been detailed in previous letters I have submitted to you containing comments on the West Hills inventories, significance determinations, and ESEE analyses for scenic, streams, aggregate, and wildlife resources. For example, the water quality significance of high BOD levels and the definition of riparian zone are both wrong and lead to invalid conclusions. Neither definition can be scientifically supported.

The continued lack of data is illustrated by the ODF&W wildlife habitat definition which you include on page V-3 of the Reconciliation Report. This definition is in terms of particular species, guilds, and life history requirements. None of the wildlife-related reports (inventory, significance determination, ESEE, or this report) associate particular species or guilds to the habitat generalizations presented. This is not technically defensible. In my previous comments on your wildlife efforts (including my letter of April 25, 1994), I have repeatedly pointed out the superficial nature of the data presented by Marcy Houle and Esther Lev, *et al.*, in the previous work they did for the County. Their own reports acknowledge the limits of their efforts because of the insufficient funding level. For example, the Lev, *et al.* report states that they found no differences in animals among their six transects and collected so few data that the report is useful for only limited baseline information in a few areas of the Tualatin Mountains.

In the Reconciliation Report there is no discussion of what benefits will accrue to wildlife from what you are proposing. In all the materials which have been presented by the County, there is no evidence that restricting rock quarrying will help animals or their habitat. As I mentioned in earlier comments, the risk to the health of large, wild animals increases when they try to inhabit urbanized areas (or any area with growing human populations and presence). It is unfair to the animals to lure them into unsafe areas. Concurrently, such practices increase the risk of harm to humans by these animals (Exhibit C).

It is disappointing to note that your contractors have ignored the effects of terrain on wildlife use and movement. Larger mammals will not cross a draw by going down one side and up the other unless they are frightened or feel threatened. Game trails in most areas are on or just below ridgelines above the heads of draws unless they lead to a drinking water source. The expansion area on the Angell Brothers quarry property is very steep and the suggested restricted areas will not be used by wildlife nearly as much as will other areas. For example, there is a wide, fairly well forested band of land west of the quarry property which would be of higher wildlife habitat values and could be preserved by the County for that use until the upper reaches of the quarry have been mined and reclaimed (Exhibit B).

The report is incorrect in concluding that agricultural areas are lower quality wildlife habitat than are forested areas. Foods are abundant and concentrated, access is relatively easy, and the open areas facilitate watching for predators. While the food values vary with season and

the crops in production, farmers can tell you about damage caused by deer, mice, birds, and insects. Animals will also use farmlands when moving around because the terrain is easy to navigate and predators cannot stalk them as easily as in more dense cover. Because the 1992 Lev *et al.* report found no significant differences in animal abundance among transects, it is most reasonable to conclude that all areas in the West Hills are of equal wildlife habitat value.

In the revised discussions of scenic resources in the West Hills, the term "outstanding" has been inserted without any definition of this criterion or data to support such a designation. Saying that the Board *feels* that the scenic resources are outstanding is not defensible as "best available data" in terms of Goal 5 compliance. Further, any perceived degradation in scenic quality due to mining at the highest elevations of the quarry expansion area will be temporary. These bands could be mined and reclaimed within approximately five years to the point that viewers on Sauvie Island, the Columbia River, or any other view point or route would not be able to notice any intrusive difference in the landscape pattern.

To illustrate quarry reclamation in this immediate area, examine the photographs of the closed Oregon Department of Transportation (ODOT) rock quarry at mile 7.5 of Interstate 205 (Exhibit D). According to ODOT Maintenance Supervisor Jim Samson (personal communications, June 10, 1994), this site was closed as a quarry approximately 20 years ago. The only deliberate reclamation efforts, to the best of his knowledge, was slope stabilization and hydroseeding for erosion control. In this highly visible location, the former quarry does not stand out from the adjacent landscape. It should be obvious that planned reclamation based on both solid ecological expertise and defined use objectives (*e.g.*, wildlife habitat) has a very high probability of success.

The response to stream issue 1 (page III-43) neither addresses the issue raised by both Steve Oulman and me, nor provides the data which support the conclusions presented. To be technically defensible you need to present the data you have. For example, if a stream passes through an agricultural area, the specific impacts of local agricultural practices on that local stream must be described along with the supporting data.

Logical lapses are found throughout the reconciliation report but are the most severe in Chapter V, wildlife. The first full sentence at the top of page V-9 reads, "This study [referring to the 1992 Lev, *et al.* West Hills wildlife report] found that species diversity depends upon both the quantity and the quality of habitat". However, the referenced report does not support this conclusion. The third paragraph of page iii notes that some differences were discernible for birds but not for mammals, and their section 3.3.4 (page 6) states that "[i]t cannot be inferred that a significant difference exists between any two specific transects".

Another logical inconsistency is found on page V-9 of the Reconciliation Report. The author states that Forest Park is not large enough to support mammals such as elk, bobcats, mountain lions and black bears which need a migratory corridor to the west. This statement, which is probably correct, conflicts with both the acknowledgement that there is no migratory

corridor in the area and the obvious fact that self-sustaining populations of mountain lions and black bears in Forest Park and the southern portions of the Tualatin Mountains is not desirable because of human population growth in these areas (Exhibit C).

The reason provided in the report for the temporary nature of logging's impact on wildlife habitat is that "values" are restored to pre-cut conditions in 10 years. Applying this logic to the southeastern portions of the Angell Brothers quarry property, which was clearcut three years ago, means that in another seven years the amount of habitat will be greatly increased in the so-called "bottleneck" area. Scheduling mining activities to accommodate this growth could be done. On the same topic, the reconciliation report acknowledges that mitigation for mining impacts can be done but the conclusions do not offer the opportunity to negotiate mitigation measures as the most practical approach to maximizing protection for both mineral and wildlife habitat resources. It is also illogical to state that mining and forestry are incompatible when each use is permitted in the other use's zones. Obviously, they can — and do — coexist in many places, and they could in the West Hills.

The relationship between quarrying and forestry can be best illustrated by forest practices in Oregon west of the Cascade Mountains. A timber company cannot cut trees without building roads for access and to remove the cut timber. Roads cannot be built and maintained (including meeting water quality standards for sedimentation in streams) without rock. Therefore, rock quarries are a necessity in forest lands. Most timber companies do not deliberately reclaim their quarries because they will need to obtain more rock in the future. However, the normal ecological processes of primary terrestrial succession leads to the buildup of soils from lichens and mosses, and sequential stages of vegetation from grasses and forbs to hardwoods and, ultimately, conifers. This process was verified during a telephone conversation with Robert Burnham, Cavenham Forest Industries Land Manager on June 9, 1994.

The assumptions of potential impacts related to use of sites for wildlife habitat, forestry, and mining are inconsistent. On page VI-6 there is no environmental impact to the Angell Brothers quarry if forestry is fully allowed yet section 7 (mining) does not address forestry from this perspective. This is also not correct. If mining is prohibited or restricted there will be air quality degradation from the increased traffic required to import rock from greater distances. Because the state is trying to increase air quality to attract new business relocations, this environmental impact could also have detrimental economic impacts. Further, the forestry section (number 1, beginning on page VI-5) lists consequences to wildlife habitat areas while the wildlife habitat section (number 4, beginning on page VI-10) states that the only potential for impact is at the quarry site.

If forestry is fully allowed (page VI-5) the environmental impacts are numerous from habitat loss and "diminishment" but these impacts are temporary (page VI-6). Regrowth, it is implied, immediately restores pre-cut values related to scenery, wildlife habitat, and riparian value. No time scale is presented. However, on page VI-16, the report states that a forest habitat would not be re-established on a mined area for at least 10 years following reclamation.

Not only is this assertion not supported by anything presented in this (and earlier) reports, but it is not correct. This latter section also refers to the "vital connection between Forest Park and large tracts of forest land to the north and west", a reference not found in the sections on forestry (number 1) or wildlife habitat (number 4).

There are also computational errors in the report. For example, logging has a cycle of 60 to 80 years. Therefore, the value of the timber must be amortized over this time and not credited to the present. All Goal 5 natural resources have monetary values which are based on time periods which vary but are relatively long. It is necessary to compare these resource's values either by the fraction representing their present worth or by their worth per year during their lifetime. Mixing the two methods yields incorrect values and can result in bad decisions.

In summary, I commend you for making significant progress toward complying with Goal 5. However, there is no technically defensible rationale for restricting the expansion of the Angell Brothers quarry within the western and southern portions of their property. If you objectively consider the available data, are logically consistent in evaluating natural resources in the area, and apply uniform assumptions to potential impacts you will see that mining is not inconsistent with forestry or wildlife habitat. For that matter, state regulations administered by DOGAMI will most likely result in a reclaimed quarry which far exceeds existing conditions for both forestry opportunities and wildlife habitat values. This is an opportunity to plan for the future in a manner which compensates for projected increased human population growth during the next decades.

Accepting the reasoning presented above could result in many benefits to other Goal 5 values in this area of the West Hills. For example, by offering the full expansion area for mining the north channel drainage area may not be needed for extracting rock. This would enhance the visual barrier from that direction. In addition, the reclamation proposal for the entire area submitted to DOGAMI offers specific wildlife habitat values to be incorporated into the post-mined area. This would provide valuable amenities in an area which is projected to experience highly significant human population growth in the coming decades.

Sincerely,

Richard B. Shepard

Richard B. Shepard, Ph.D.
Principal

Enclosures: Exhibits A, B, C, D

c: Steve Oulman/DLCD

Exhibit A

RECEIVED BY FAX
DATE 7-6-92
TIME 5:15 [illegible]

Frank Parish

July 1, 1992

RECEIVED
JUN 10 1994
Multnomah County
Zoning Division

To: Skip Anderson
From: Esther Lev
Re: Wildlife Habitat Recommendations for Angell Brothers Quarry

1

After revlewing the Comprehensive Plan Amendment and the Conditional Use Permit for the Angell Brothers Quarry, I have the following recommendations as how the quarry expansion can best fit the goals and objectives of the West Hills Wildlife Study.

The recommendations of the Study of Forest Wildlife Habitat in the West Hills report suggest that at all times a band of contiguous forest habitat a minimum of .5 mile wide be maintained between the Multnomah County Line on the north, Highway 30 on the east, Newberry Road on the south and the ridgeline on the east. The .5 mi. minimum is suggested as a good estimate which can provide some habitat that can contribute to the life needs of the largest mammals as well as supporting the home territories for many smaller species. It also provides contiguous habitat for some species that have short dispersal distances, while connecting long range dispersers to patches of suitable habitat.

The proposed quarry extension is located within this area. In order to insure a contiguous forested habitat I suggest that a 625 ft. or 200 meter conservation easement be drawn from the edge of the property directly south of the extension boundary. The 625 ft. will provide for a minimum of 225 ft. of interior forest habitat with 200 ft. of edge habitat on either side. Interior habitat is critical for many of the species residing within this forested habitat area. Studies of interior species requirements, especially birds, in other northwest forested areas have shown that a minimum of 200 ft. of interior habitat is necessary, in order to sustain many of the forest dwelling wildlife species. The conservation easement line should be drawn parallel to the existing quarry boundary or Highway 30, whichever allows for a wider entry to the habitat area at the eastern end of the quarry boundary.

The reclamation plan for the site will be reviewed and modified by Oregon Department of Fish and Wildlife, Esther Lev, David Evans and Associates and any other interested parties. Bench width may vary from greater to lesser than 20 ft. to accommodate mining needs, and wherever possible, maximize wildlife benefits and use. The benches will be vegetated with native species with a composition similar to those growing in the least disturbed areas of Forest Park. An on-going research and monitoring program will be establish to monitor wildlife use changes during quarry activity and after reclamation of the site.

Esther Lev
729 SE 33rd
Portland, Oregon
97214
503/239-4065

Environmental
Consulting

Exhibit D. Two views (looking west and east, respectively) of the old ODOT rock quarry along Interstate 205. The quarry is located at mile 7.5 on the north side, just past the exit road from the West Linn rest area. Closed about 20 years ago, it has revegetated naturally. The only planned reclamation activity was slope stabilization.

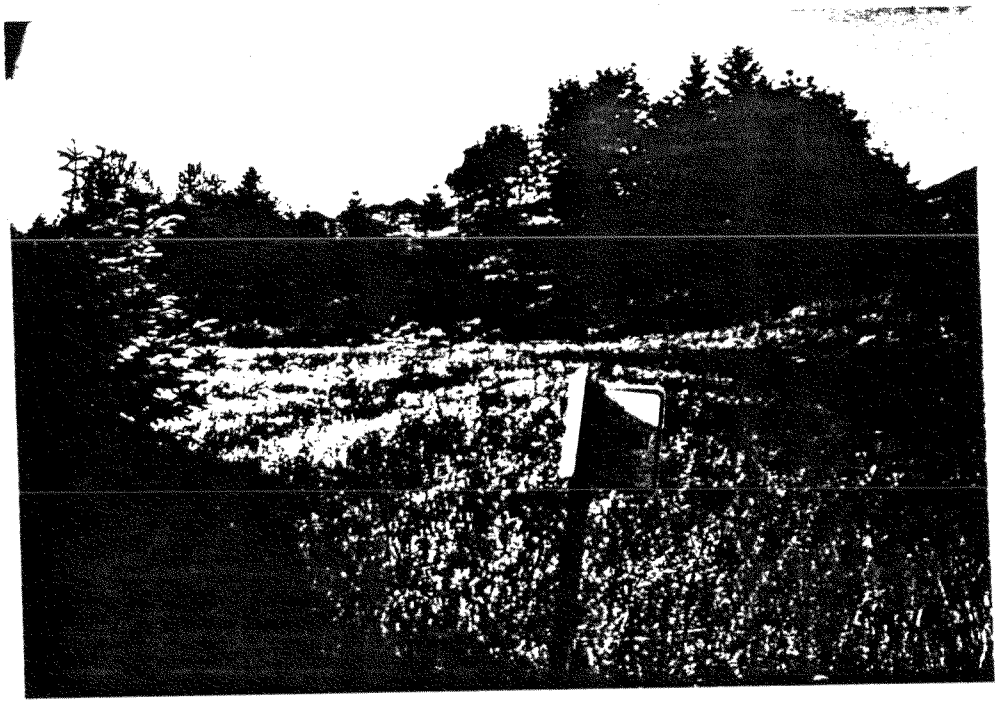
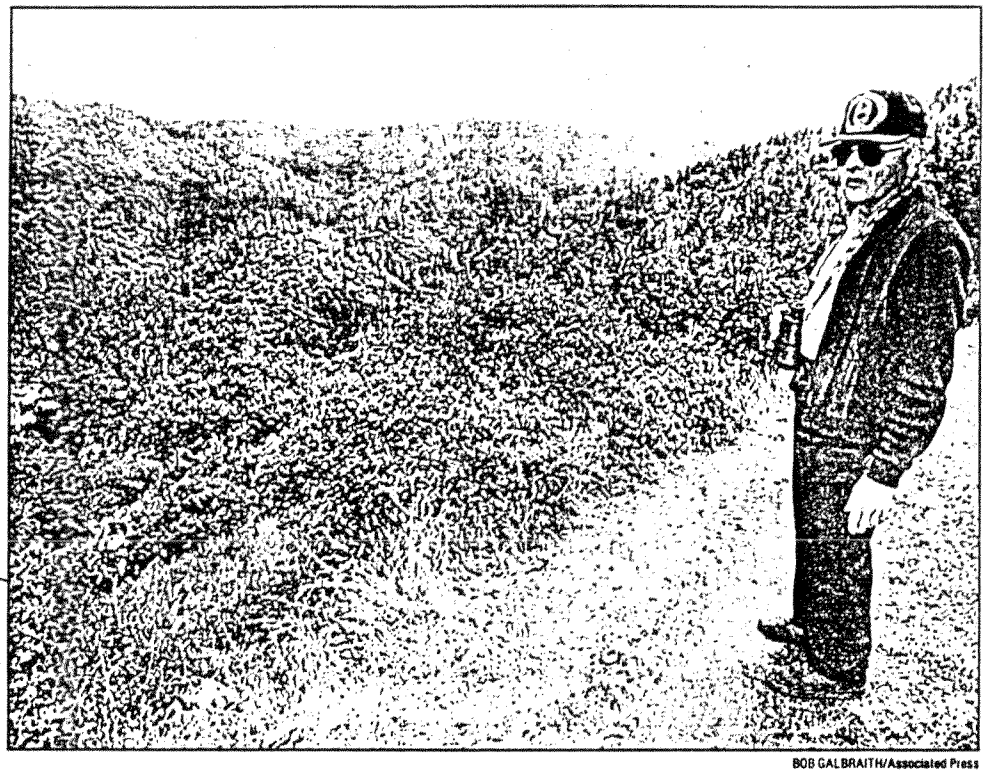


Exhibit E-1



BOB GALBRAITH/Associated Press

Ken Starbird, security chief of a nearby housing development, scans the area in California's Auburn State Recreation Area where a cougar killed jogger Barbara Schoener last weekend. Her mutilated body was found Sunday.

Oregonian May 1994

Mountain lion that killed jogger now the hunted in Sierra foothills

■ A legislator calls for repeal of the California law banning hunting of cougars in the wake of Barbara Schoener's death

By JOHN HOWARD
The Associated Press

COOL, Calif. — In the final, terror-filled moments of her life, Barbara Schoener was ambushed by a mountain lion that knocked her down a hillside and sank its teeth into her neck.

SCHOENER

The 40-year-old housewife and marathon runner is believed to be the first person killed by a mountain lion in California in 85 years.

Hunters with dogs and shoot-to-kill orders have been sent to scour the rugged Sierra Nevada foothills for the animal, and a state lawmaker is calling for the repeal of California's 1990 ban on hunting cougars, which are being sighted more and more as California's population expands into rural areas.

"Because they are no longer hunted they no longer fear us," said Assemblyman David Knowles, in whose district the attack took place. "They are now hunting us."

Schoener was reported missing Saturday when she didn't return from a morning jog. Searchers found her body Sunday.

Pete Schoener said he initially thought his wife had been murdered.

"A mountain lion never crossed my mind," he said.

Schoener, the mother of two young children, was jogging along a popular trail in the Auburn State Recreation Area about 45 miles from Sacramento.

Based on tracks and blood marks, investigators determined that the lion pounced onto a steep, brush-covered stretch of trail about 20 feet behind her.

The first attack knocked the 5-foot-8, 120-pound Schoener off the path and sent her tumbling down the slope. She struggled to her feet and tried to shield her face with her arms when the lion struck again, slashing with its claws.

She fell farther down the slope and apparently stood up again before the lion made the final attack, biting her neck and crushing her skull.

Later, the animal dragged her partially eaten body about 100 yards and covered it with leaves. Experts say mountain lions often hide their kill and return when they get hungry.

Officials want to kill the cat because they think it could attack again. They also want to examine its carcass to find out if the animal was rabid, which could explain the rare attack.

Searchers looked for a mature male cougar, which could weigh as much as 140 pounds.

The animals roam over as much as 150 square miles but are extremely territorial, with only one male to an area. So once searchers have found a mature male, they will track it to see if it returns to the site of the attack and or shows signs of being rabid. Once they think they have the right animal, they will kill it, the Fish and Game Department said.

More people, more cougars and more confrontations in Oregon

Residents are reporting incidents at an increasing rate as the big cats' territory shrinks while their numbers rise

The Associated Press

LOWELL — Face-to-jowl meetings between humans and cougars are becoming more common as an increasing number of big cats prowl the hills and rural areas of Oregon.

"The cat population is growing," said Bruce Campbell, a state Fish and Wildlife Department biologist, who picked up a cougar carcass last week for research after a homeowner shot the animal to protect his dog.

The shooting occurred Wednesday night, after Corky Wright saw a cougar's paws wrapped around his 5-month-old dog. The cat's jaws clamped on the husky's skull about to crush it.

Wright used his .22-caliber semi-automatic from about four feet away to save Buffy, a 5-month-old he had rescued from the pound a few months earlier.

"Bang! Bang! I give her two bullets right in the chest cavity and killed her," Wright, 60, said the day after the attack. "Then, out of anger, I give her five more."

It wasn't the first cougar Wright had ever shot.

"I killed quite a few," he said. "We got $60 from the county and $30 from the state for each one."

The bounty program resulted in dwindling cougar ranks during the 1950s, when the animals were hunted to the brink of extinction. After the government outlawed cougar hunting, the mountain lions began a comeback.

State Fish and Wildlife officials estimate the Oregon cougar population at about 2,500, up from 200 statewide before the animal gained protection and bounties were dropped.

Last year, the Oregon Department of Fish and Wildlife logged 222 cougar damage complaints, up from 151 complaints in 1992, 86 in 1990 and 36 in 1988.

Now, once rare sightings and reports of cougar-caused livestock damage have become more and more common, wildlife officials said. The largest increases are in the Willamette Valley.

"What we're seeing now is there are a lot of cougars just living in areas where they didn't live before," said wildlife biologist Bill Castillo.

Cougars are extremely territorial animals — loners that fear each other as much or more than they fear humans. A single cougar can claim hundreds of acres.

"We've got enough cougars now that all the good habitat is being occupied," Castillo said. "Young animals are being displaced and taking up residence around people, because that's the only unoccupied area."

The attack on Wright's dog was the second such Lane County attack in as many years. In February 1993, a cougar killed a chained-up dog in Veneta.

Two months ago, a cougar startled a 17-year-old Cheshire boy as he walked through a Christmas farm.

On April 22, a woman jogging on a California mountain trail was attacked and killed by a cougar.

"It's a trend that concerns us," Castillo said. "These animals are adaptable, they're intelligent and they're becoming bolder and more visible."

EXHIBIT 8-2

NEIL S. KAGAN
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June 10, 1994

R. Scott Pemble
Planning Director
Department of Environmental Services
Division of Planning and Development
2115 S. E. Morrison Street
Portland, Oregon 97214

RECEIVED
JUN 10 1994
Multnomah County
Zoning Division

Re: West Hills Reconciliation Report

Dear Mr. Pemble:

On behalf of Friends of Forest Park, I am writing to comment on your staff's West Hills Reconciliation Report of May 23, 1994 ("the report"). The report justifiably recommends full protection of the half-mile band of significant wildlife habitat between McNamee Road and the Angell Bros. mineral and extraction site. The report unjustifiably recommends protection of the balance of the Angell Bros. aggregate resource, however, at the expense of inventoried significant wildlife habitat and streams on the site, and inventoried significant wetlands in Burlington Bottoms.

The evidence does not support the recommendation that the Angell Bros. mineral and aggregate resource site should be added to the Goal 5 inventory

A fundamental problem with the report's recommendation of protection of the Angell Bros. aggregate resource is its uncritical conclusion that the resource is significant. This conclusion was based largely on evidence submitted by H. G. Schlicker & Associates to the effect that the site contains approximately 220 million cubic yards of very good aggregate material. Report at IV-5. Yet Schlicker's evidence has been convincingly contradicted. See Exhibit 101 to Friends of Forest Park's Brief in Opposition to Angell Bros.'s Applications for a Comprehensive Plan Amendment and a Conditional Use Permit ("Brief"), which Friends of Forest Park re-submitted in commenting on the West Hills Significant Resources Analysis Reports, on April 25, 1994 ("Beeson Statement").

Beeson, a highly reputable expert on geology, said Schlicker's evidence, "without deep bore hole data, [is] . . . insufficient to adequately address the questions of rock quality and quantity." Beeson Statement, second page. More particularly, Beeson said:

C1-94

RESPONDENT'S EXHIBIT 1

> "The estimate of the quantity and quality of rock in the proposed quarry is apparently based on surface observations, two shallow (84 ft) bore holes, and the assumption that the same quality of rock exists to the base of the proposed quarry floor hundreds of feet below the surface. While it is possible this assumption is correct, there are several potential problems that could decrease this estimate: 1) The thickness of the CRBG [, "Columbia River Basalt Group",] is variable (400 to 800 ft) in the Portland Hills and the base of these flows could lie above the proposed quarry floor toward the back of the quarry. 2) The quality of the rock and its suitability for crushing is not the same in all CRBG flows due to differences in the thickness of vesicular zones, the possible presence of flow top breccia, and the nature of the texture and jointing. 3) Although no faults have been mapped at this site, faults and fault breccia are not uncommon in the Portland Hills and the rock quality may be poor along these zones due to alteration and a high clay content. The uncertainty in the estimates of rock quality and quantity could be greatly reduced with several core holes distributed over the proposed quarry area that penetrate to the depth of the proposed quarry floor."

Beeson Statement, first page.

Later, Beeson discredited well log evidence introduced by Angell Bros. to establish the quantity and quality of the aggregate resource. In oral testimony to the Planning Commission on October 5, 1992, Beeson said:

> "First of all with respect to quality and quantity. Mr. Parises [sic] pointed out that these water well logs indicated it was all solid rock. I would like to read just a couple lines from some of these. Mr. Rupel's well. Let us go through a few of these. It says soft, decomposed brown basalt, firm gray brown basalt, firm gray brown basalt, soft brown basalt and so on on the way down the hole. It is not all uniform quality and characteristics [sic]. Here is another one from Tony Well and is in the vicinity also. This is down at three hundred fifty something feet. Conglomerate broken brown rock, conglomerate brown soft rock and clay, weather basalt, wood soft cole basalt mix. <u>Not exactly all solid rock all the way</u>. I don't know exactly the nature of this. I don't think they do either since there has been no drill holes for that purpose. And, I might say after having used these is that <u>most geologists or engineers do not put much reliance in these</u>. They are done by

> drillers. They are not either engineers nor geologists and I have a lot of experience with them. They should be used with great caution in any case."

Transcript of October 5, 1992, Item 2 - CU 14-92, Angell Brothers Rock Quarry at 42 (emphasis added).

Since the Schlicker evidence was the only evidence of quantity and quality, Report at IV-5 through IV-6, and since that evidence was rejected by Beeson, the county has no credible evidence to conclude the site is significant. Consequently, the report should drop the recommendation that the aggregate resource should be protected, to the detriment of the significant Goal 5 resources on and off the site. Instead, the report should recommend protecting the significant Goal 5 resources completely.

The county should protect more than the half-mile band of significant wildlife habitat between McNamee Road and the Angell Bros. mineral and extraction site

Whether or not the county deems the Angell Bros. site significant, it should afford complete protection to the significant wildlife habitat over the entire site. Only complete protection provides any certainty that the ecological integrity of Forest Park can be sustained.

The "*Study of Forest Wildlife Habitat in the West Hills* [, "Wildlife Study,"] recommended maintenance of a continuous, 1.5 mile peninsula of forested habitat extending from Forest Park to the Coast Range . . . to compensate for the temporary loss of forest habitat that results from clear-cutting." Report at V-9. The Wildlife Study also recommended maintenance of a minimum band of contiguous forest habitat one half-mile in width. Wildlife Study at 26. But the study did <u>not</u> say maintenance of a half-mile band <u>would</u> be sufficient to sustain the ecological integrity of Forest Park.

Rather, the Wildlife Study said a half-mile band of habitat "may suffice." Wildlife Study at 26. The Wildlife Study readily conceded that a half-mile band of habitat might be too narrow. In fact, it said the band should perhaps be three-quarters of a mile wide and, moreover, that discussions with recognized wildlife experts justified a band as wide as <u>one and a half miles</u>. Wildlife Study at 26.

In the face of such uncertainty, recommending a mere half-mile band of wildlife habitat is far too risky a gamble when Forest Park, a resource of unparalleled quality and significance to the region, is at stake. As Friends of Forest Park established in its Brief, and in its April 25, 1994, comments on the West Hills

Significant Resources Analysis Reports, Forest Park is critical to the region's identity, and a magnet for residents, businesses, and tourists. Nothing less than full protection of its unique values is warranted, and nothing more than a half-mile band of wildlife habitat is insufficient. For this reason, the report should recommend designating the entire Angell Bros. site under consideration "3B."

The county should fully protect the "North Angell Brothers" stream to ensure the preservation of the irreplaceable Burlington Bottoms wetlands

The North Angell Brothers stream running through the Angell Bros. site flows into the Burlington Bottoms wetlands. Report at III-24, 48. The Burlington Bottoms wetlands represents one of the state's largest remaining wapato wetlands, and provides habitat for a number of important wildlife species, including bald eagles and many other waterfowl, shorebirds, and songbirds.

Were Angell Bros. permitted to expand its quarry operations to include the area through which the North Angell Brothers stream flows, the quality of Burlington Bottoms would suffer from an enormous, approximate 950% increased rate of sedimentation. Brief, Exhibit 107 ("Rhodes Declaration") at 9. As a result, the sedimentation of the wetlands will accelerate, destroying its open water character and reducing its ability to store water. Rhodes Declaration at 9.

Given the county's obligation to protect significant streams and wetlands for future generations, the report should not recommend allowing the immediate and future harm to either resource that quarry operations would cause. Instead, the report, at the very least, should recommend designating "3B" that portion of the Angell Bros. site within the watershed of the North Angell Brothers stream.

Conclusion

The county should bear in mind that it has broad discretion to decide what level of protection to extend to Goal 5 resources. It may extend full, partial, or no protection, so long as reasons support its decision. Here, the unique value of the wildlife habitat, streams, and wetlands provide more than ample reasons to justify extending no protection to the Angell Bros. site. If any more reasons were necessary, the huge supply of aggregate the existing Angell Bros. site is capable of producing has to be the clincher. Therefore, the report should recommend designating the Angell Bros. site "3B" if, indeed, it is deemed significant at all.

Yours truly,

Neil S. Kagan

NSK/gmm
Enc.

cc: Steve Oulman, DLCD

WEST HILLS SITE VISIT

On Friday, June 10, 1994 at approximately 2:00pm County Commission Chair Beverly Stein, Commissioner Tanya Collier, Planning Commission members Leonard Yoon, Laurie Craghead, John Ingle and Karin Hunt, Board assistants Sharon Timko, Katherine Burke and Stuart Farmer, Engineering staff member Don Newell (who was responsible for video taping the trip), and Planning staff member Bob Hall (who conducted the tour) made the following visit of a portion of the West Hills (stops indicated refer to attached maps):

- The group, with the exception of Yoon and Hunt, assembled at the Portland Building, travelled downtown streets to US Highway 30, and north on that highway to the Sauvie Island Bridge. Crossed the bridge and met Yoon and Hunt at the parking area near the bridge (stop A).
- At the turnaround the group observed the Angell Brothers aggregate site, and the scenic, stream and wildlife resource areas were described and pointed out (stop A).
- Travelled north on Sauvie Island Road to the Bybee/Howell House where it again observed the scenic, wildlife and Angell Brothers resource sites (stop B).
- Travelled south on Sauvie Island Road, crossed the Sauvie Island Bridge, and north on US 30, and entered the Angell Brothers site.
- Skip Anderson of Angell Brothers met and led the group in a separate vehicle for the remainder of the trip. The only contact Anderson had with the group was with Hall and Timko who twice asked that he lead the group to viewpoints requested by other members of the group.
- Travelled westerly along the pit floor to the point where Middle Angell Brothers Creek enters the pit floor (stop C).
- Drove to the upper portion of the operation where active mining was occurring (stop D).
- Stopped on the way down from the upper area to observe the Rafton/Burlington Bottoms, Sauvie Island, and the location of North Angell Brothers Creek (stop E).
- Left the mine site and travelled north along US 30 to McNamee Road, and southerly along McNamee Road to an access road into the southerly portion of the Angell Brothers site. A secondary wildlife habitat area was observed along McNamee Road.
- Entered the site and travelled along a logging road to a point approximately mid center of the south one-half of the site. Along the way observed a residence to the east of the site (stop F).
- Observed the basin of South Angell Brothers Creek, the primary wildlife habitat area, and viewable portions of Angell Brothers site.
- Returned north along McNamee Road and south along US 30 and observed the point where North Angell Brothers Creek passes under US 30 (stop G).
- Pointed out where South Angell Brothers Creek passes under US 30 (no stop made).
- Dropped off Yoon and Hunt at the Sauvie Island turnaround and returned to Portland Building at approximately 4:40pm via US 30 and downtown streets.
- A video was made of all stops during the visit.
- With the exception of pointing out the secondary wildlife habitat area along McNamee Road, the residence to the east of the Angell Brothers site, and the point where South Angell Brothers Creek passes under US 30, there was no discussion regarding particulars of the visit except at the above identified stops.

RESPONDENT'S EXHIBIT
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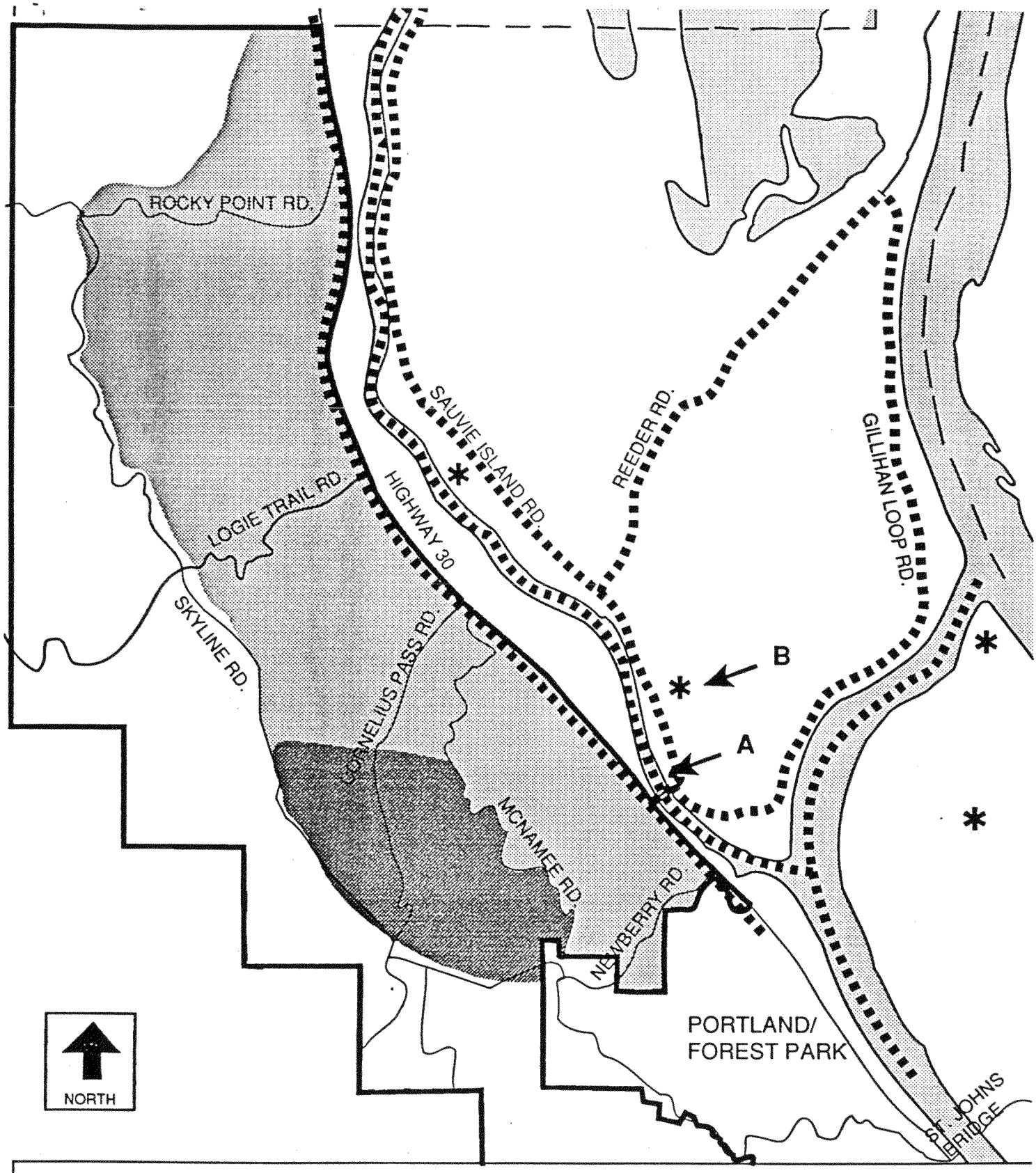

WEST HILLS SCENIC RESOURCES STUDY AREA

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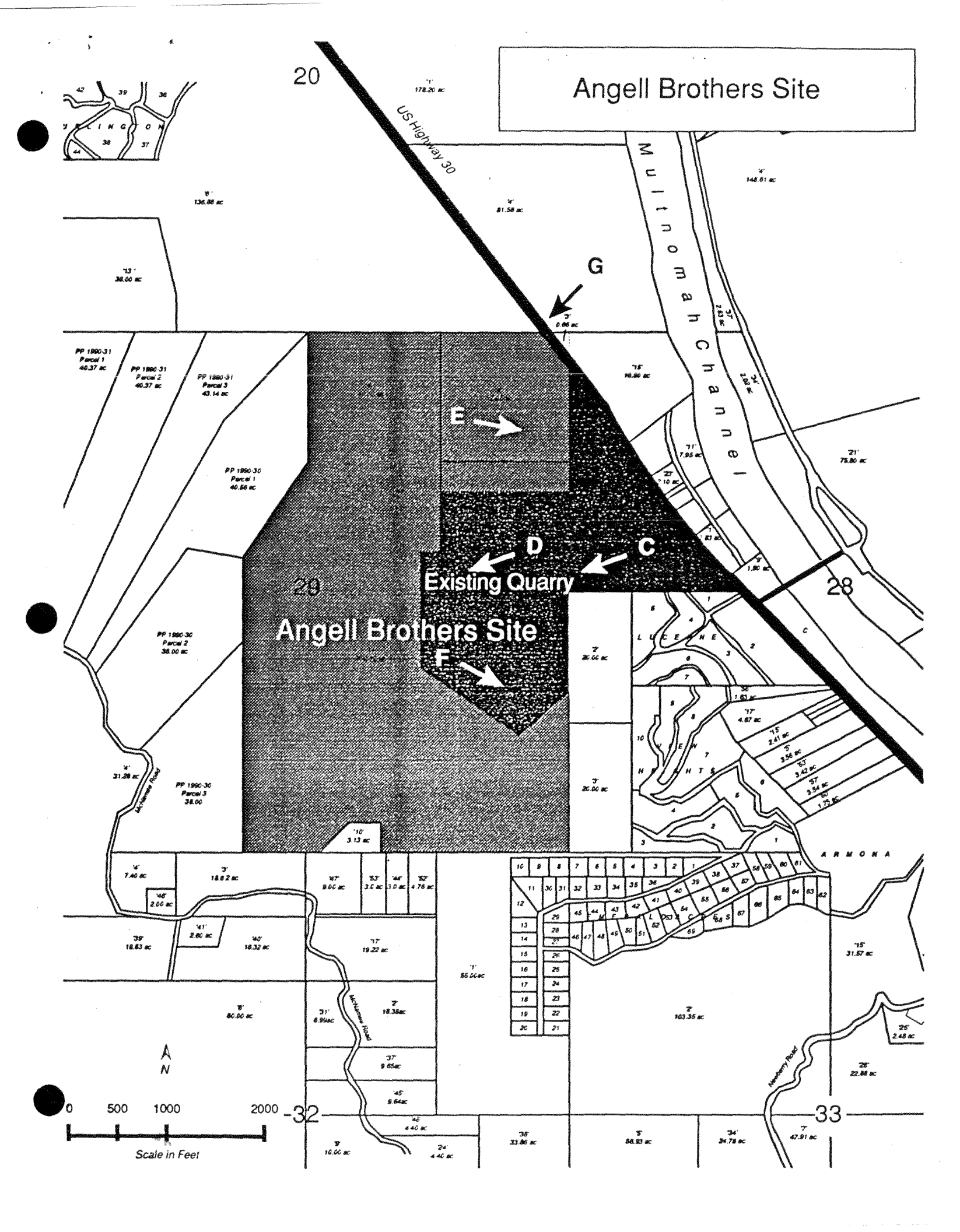
* KEY VIEWING AREA

KEY VIEWING CORRIDOR


Angell Brothers Site
20
US Highway 30
Multnomah Channel
G
E
D
C
Existing Quarry
29
Angell Brothers Site
F
28
PP 1990-31 Parcel 1 46.37 ac
PP 1990-31 Parcel 2 40.37 ac
PP 1990-31 Parcel 3 43.14 ac
PP 1990-30 Parcel 1 40.56 ac
PP 1990-30 Parcel 2 38.00 ac
PP 1990-30 Parcel 3 38.00
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6/13/94

Oregon

DEPARTMENT OF
FISH AND
WILDLIFE

HABITAT
CONSERVATION
DIVISION

May 19, 1994

Scott Pemble, Planning Director
Multnomah County Department of
Environmental Services
2115 S.W. Morrison Street
Portland, OR 97214

Subject: Additional comments on Multnomah County's significant Streams Study for the McNamee-Harborton Area--North and Middle Angell Brothers Creeks

Dear Mr. Pemble:

The following comments are based on the May 4, 1994 site visit attended by Jay Massey (ODFW Lower Willamette Fish District Biologist), Gail McEwen (ODFW Land Use coordinator), Steve Oulman and Mel Lucas (DLCD), Rich Shepherd (Applied Ecosystems Services), Gordon Howard (Multnomah County), and Skip Anderson (Angell Brothers).

The County has designated North Angell Brothers Creek as "significant" per three of the study criteria; Recreation, Public Safety, and natural Area Value. Middle Angell Brothers Creek was designated "significant" under the Recreation and Natural Area Value Criteria. The Department of Fish and Wildlife recommends the County reconsider the determination of "significance" for both the North and Middle Angell Brothers Creeks.

Recreation

Per Strategy B of Multnomah County Policy 16-G: A water resource is "significant" if the resource contributes water to a park or recreation facility, and diversion or degradation of the resource would significantly diminish the recreational value of the resource.

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RESPONDENT'S EXHIBIT 9

2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-6967

Riparian vegetation clearly maintains water quality for fish by shading streams and thus reducing water temperatures, and by contributing to woody debris which improves fish habitat. However, neither North nor Middle Angell Brothers Creek is fish--bearing. Per the County planning department staff, Strategy D (4) relates only to the value of riparian vegetation for maintaining potable water quality. The Department recommends the County re-evaluate the criteria as it relates to potable water. Neither stream is within a watershed management unit or a ground water recharge for municipal water system.

Natural Area Value

> Per Strategy E of Multmonah County Policy 16-G: A water resource or wetland area that scores between 35-44 points on the "Wildlife Habitat Assessment" (WHA) rating form may be determined "significant" if it provides an essential connection between or demonstrably enhances higher rated adjacent resource areas.

Both North and Middle Angell Brothers Creeks were designated "significant" on this basis in the Significance Matrix for the McNamee Harborton subarea. Although not specifically identified in the Significant Streams Study, County staff indicated the two "higher rated adjacent resource areas" are the West Hills Wildlife Habitat Area and Burlington Bottoms.

Highway 30 and the two railroad grades separate the West Hills Wildlife Habitat Area from Burlington Bottoms. Although the highway and railroad grades do not form a complete barrier to wildlife passage, they are significant impediments. In addition, Middle Angell Brothers Creek flows through the Angell Brothers quarry. The quarry headwall is an additional barrier to wildlife passage. For this reason, the Department does not believe the North and Middle Angell Brothers Creeks form an "essential connection between" or "demonstrably enhance" the adjacent West Hills Wildlife Habitat Area and Burlington Bottoms.

Conclusion

The Department of Fish and Wildlife does not believe the North and Middle Angell Brothers Creeks warrant a determination of "significant" based on the comments herein. We recommend the County reconsider the determination of "significance" for both streams.

North Angell Brothers Creek was designated "significant" on the basis of its contribution to Burlington Bottoms. Participants in the May 4 site visit walked a segment of North Angell Brothers Creek from a culvert drain about 100 feet west of the BPA transmission line to the concrete culvert on the east side of the lower railroad grade, which drains into Burlington Bottoms. They saw no clearly defined creek channel.

Although water could be heard in the culvert drain west of the BPA transmission line, there was no surface flow into the culvert. Participants walked down the east facet of the hillside to the culvert outlet above the upper railroad grade. Water was flowing out of the culvert at this point. However, the absence of surface flow at the culvert drain indicated that much of the water flowing from the culvert outlet comes from subsurface flow. Lateral drains under the BPA power line road fill are one possible source for this subsurface flow.

The culvert in the hillside above the upper railroad grade drained into another culvert below the upper railroad grade. From that point, water flowed through the culvert under Highway 30 and the lower railroad grade. The outlet of the culvert was a ditch that drained into Burlington Bottoms. The current of the water at the outlet of the culvert was negligible.

The Department clearly has an interest in the conservation of Burlington Bottoms, since it was purchased by Bonneville Power Administration for wildlife mitigation and is managed by the Department. However, based on the May 4 site visit, we could not conclude that North Angell Brothers Creek warrants a "significant" designation due to its contribution of water Burlington Bottoms.

Public Safety

> Per Strategy D(4) of Multnomah County Policy 16-G: "The riparian or watershed vegetation associated with a water resource shall be considered part of the water resource area if that vegetation substantially contributes to the protection of water quality by reducing sedimentation and erosion, removing nutrients, or lowering water temperature/increasing BOD."

Both North and Middle Angell Brothers Creeks were designated "significant" under this criteria. North Angell Brothers Creek riparian corridor benefits are described as: "There exists sufficient canopy cover and woody debris in stream to improve water quality." Middle Angell Brothers Creek benefits were stated as: "Riparian vegetation remaining from clear cut is sufficient to improve water quality."

Thank you for the opportunity to make additional comments on the Significant Streams Study for the McNamee--Harborton Area following our participation in the site visit. If you have any questions, please contact me or Gail McEwen.

Sincerely,

for Stephanie Burchfield

Jill Zarnowitz
Assistant Director
Habitat Conservation Division

cc: (by fax)

Frank Peresie
Skip Anderson
Dick Angstrom

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Multnomah County
Zoning Division

6/13/94 FRANK SCHNITZER Submitta

Oregon

March 31,1994

DEPARTMENT OF
GEOLOGY AND
MINERAL
INDUSTRIES

MINED LAND
RECLAMATION

Skip Anderson
Angell Bros. Inc.
PO Box 03449
Portland, OR 97203

RE: ID No. 26-0019

Dear Skip,

Based on the February 3, 1994 agency meeting at your quarry, the DOGAMI permit conditions have been slightly revised and are listed below. These conditions are specific to all post 1972 areas and then to all areas outside of the 1990 disturbance boundary. Permit conditions 1.a. through 1.g. apply to the 42 acre expansion area approved by Multnomah County in 1990.

Since you have begun to quarry in the 42 acre expansion area, compliance with these conditions is needed at this time. Some of these permit conditions require submission of detailed information regarding slope stability, overburden placement, and reclamation of the stream drainages. Since the field season is almost upon us, you should plan to accomplish this in the near future. After a final decision is made by Multnomah County on your pending application for expansion, you will know the scope of the field work necessary to maintain compliance with the DOGAMI permit.

Within the next 30 days, please submit a time schedule for completion so that we can agree on a reasonable time frame.

1. The following conditions apply to all areas outside of the 1990 disturbance boundaries:

   a. Prior to mining, a geotechnical landslide potential investigation by a professional engineering geologist of the entire site must be conducted. This geotechnical report will be consulted periodically during the life of the mine to ensure that sedimentation plans, safety considerations, bench height, overall slope, and mine sequencing can properly accommodate any perceived risk as the mining operation proceeds. Supplements to the geotechnical investigation may be required during mining as the situation warrants.

   b. Prior to mining, longitudinal and cross-sectional profiles of each stream drainage to be impacted are required. Pre- and post-mining profiles must be submitted to insure that channel carrying capacity and sinuosity are maintained. The design must also include energy dissipation structures, construction of sediment ponds, silt basins and other structures designed to isolate the disturbed areas from the drainages plus a plan to re-establish riparian vegetation.

RESPONDENT'S EXHIBIT 10 C1-94

1536 Queen Avenue SE
Albany, OR 97321
(503) 967-2039

c. Prior to mining in each expansion stage, a materials balance calculation must be done using drilling data to estimate volumes of soil and overburden to be relocated. A plan addressing how these materials will be handled and stored must be submitted, including amounts to be placed on mined out benches, in permanent and temporary stockpiles or sold. A map showing the location of storage areas must be submitted.

d. Prior to mining in each expansion stage, benching schematics must be submitted for approval. Benching schematics must describe overall height and width of benches constructed for mining and reclamation. For final reclaimed surfaces or benches a summary of the amount of scree slopes, backfill areas, and exposed highwalls is needed. It is recognized that field conditions or other factors may require modification to the submitted plan.

e. The maximum cut slope angle for the silt overburden that would be stable during life of mine must be determined by a qualified professional and then implemented as site expansion occurs.

f. All new soil stockpiles and spoil dumps created after January 1, 1994 must receive written approval, prior to construction, from DOGAMI. Generally, fill slopes steeper than 2:1 are not approved without a stability analysis. Required information to be submitted to obtain approval includes: a description of pre-mined topography; method of removal for vegetation and unconsolidated soils; construction of shear key, or other technique to construct a stable toe; the method of placement and compaction; the height of lifts; the final height and slope. Small soil stockpiles may be approved with less information, but they must be stable.

g. A buffer strip of approximately 600 feet along the south boundary of stage 4 and the southern and western boundary of stage 3 shall be established by mutual agreement between the permittee and ODFW.

2. The following conditions apply to all areas outside of the 1972 boundary:

a. Maximum cut slope angle for any slopes left in the silt overburden after mining is 2:1.

b. Minimum property line setback for rock extraction shall be 200 feet or greater as indicated by findings of the landslide geotechnical report.

c. Soil and overburden movement for the placement on benches or in stockpiles is restricted to the dry season of each year. Removal for off site use may occur at anytime, providing all necessary measures are taken to protect water quality.

d. Annually, prior to November 1st, all bare areas where soil or overburden is exposed shall be mulched and seeded. This requirement does not pertain to stockpiles of processed material.

e. No activity shall be allowed in the drainage channels after October 1st of each year. Annually, all activity shall be isolated from the drainage channels by a one hundred foot buffer while they are active. No turbid water shall be allowed off site. The intermittent stream channels shall be isolated from all storm water ponds and sediment traps.

f. For any drainage that will not be mined through, the minimum undisturbed buffer strip shall be 100 feet.

g. If the situation occurs where ground water de-watering is necessary to continue mining, the DOGAMI Operating Permit must be modified by submission of an amended application to allow de-watering of the excavation.

3. As described in the plan prepared by Applied Ecosystem Services, test plots will be implemented if expansion occurs outside of 1990 Multnomah County CUP boundary. The test plots, including the statistical design, type of treatments, and objectives, must receive prior approval from DOGAMI.

I spoke to Paul Keiran, DEQ, regarding some recent water quality sampling results of your storm water runoff. The recent data suggests that the improvements made in your storm water control system have significantly improved the water quality of your runoff, particularly the berm construction which isolated your upper storm water pond from the creek. As more subdrains and dry wells are constructed along the northwest highwall after stockpile removal, as we discussed during our last site visit, I expect to see additional improvements in the system.

Now that I have completed field measurements of your highwalls, I will soon be forwarding a new reclamation bond estimate and a request for a bond increase. Thank you for your cooperation.

Sincerely,

E. Frank Schnitzer

E. Frank Schnitzer
Reclamationist
Mined Land Reclamation

c: Steve Oulman - DLCD
Bob Hall - Multnomah Co
Gail McEwen - ODFW Portland
John Beaulieu - DOGAMI
Gary Lynch - DOGAMI
Paul Keiran - DEQ NW Region

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PORTLAND PARKS AND RECREATION

1120 SW FIFTH AVE, SUITE 1302, PORTLAND, OREGON 97204-1933

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CHARLIE HALES, COMMISSIONER CHARLES JORDAN, DIRECTOR

June 13, 1994

Multnomah County Board of Commissioners
1120 S.W. 5th Avenue
Portland, Oregon 97204

Dear Commissioner:

As much as time has allowed, I have reviewed the *West Hills Reconciliation Report* dated May 23, 1994. Based on my review and on my interest in the protection of Goal 5 resources important to Forest Park and to other Portland parks, I submit the following observations and recommendations.

First, the secenic resource inventory and evaluation work is much improved. Hopefull, the result will be fair consideration of these important resources as they will be given some weight during land use decision making.

Second, for purposes of determination of significance, the stream resource inventory information is adequate in its identification of streams in the West Hills running through Forest Park.

Worth reconsidering, however, is the ESEE analysis. While the matrix correctly states that there are numerous impacts from existing and potential conflicting uses, the ESEE conclusions and summary appear to consistently favor economic over environmental consequences. For example, when consequences of protecting the environment are stated they may be accompanied by a reminder the the impacts are "transferred to another site" (four times on pages 40-41, Chapter III). However, when there is an economic consequence such as loss of property value or loss of a job, there is no mention of the possibility of increased property value at other sites, or jobs created elswhere if use of the site is limited. Also questionable in the ESEE summary is the statement that there is a "reduced availability of amenities" if residential use is not allowed or limited. The only place where that statement may be true is on the parcel so regulated. The remaider of the watershed and downstream areas would enjoy enhanced amenities. I suggest that ESEE analysis be done on a more consistent basis and that a more global view be considered before such conclusive statements are made. Policy made from statements having such a contrained viewpoint may not be in the best interest of all.

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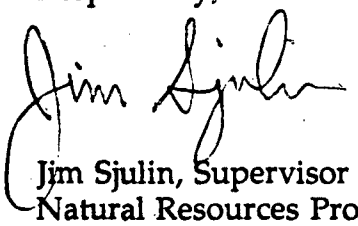
RESPONDENT'S EXHIBIT 11

Having said that, I cannot predict how the result of a revised ESEE analysis would play out in terms of recommended policy. However, I would suggest that you may be more inclined to consider some meaningful regulation of residential use, and regulation of agriculture, and you may be less distracted by assertions of "transferring environmental impacts", "reduced property value", "reduced availability of amenities", and "regulatory burden".

The City is having some success with a more broadly applied environmental zone. The e-zone places the responsibility of resource protection with all property in the watershed and with all property in significant wildlife habitat areas. I believe that this approach is both more fair and more effective in the long run. Please consider it as opposed to a narrow band along streams which may ultimately fail.

Respectfully,



Jim Sjulin, Supervisor
Natural Resources Program
Portland Parks and Recreation

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797

METRO

June 13, 1994

Multnomah County Board of Commissioners
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Multnomah County Planning Commission

Re: "West Hills Reconciliation Report", May 23, 1994.

Dear Commissioners:

We are writing on behalf of the Metro Regional Parks and Greenspaces Department. We appreciate this opportunity to share our thoughts and concerns regarding the "West Hills Reconciliation Report".

Comments:

I. Stream Resources

Chapter III, Stream Resources, B., 1., Introduction, Pg. III-9 states that the "significant streams analysis does not directly address associated wetlands or the watershed outside the riparian zone." We believe that this Chapter is seriously flawed for not identifying Burlington Bottom wetland, a significant Goal 5 resource, as part of the inventory of significant streams resources. Multnomah County Comprehensive Plan ranks Burlington Bottom the 3rd highest for wildlife habitat of all Goal 5 wetlands. Burlington Bottom is a 428 acre wildlife mitigation site owned by Bonneville Power Administration and provides habitat for rare, threatened and endangered species. Burlington Bottom should have been considered as a Goal 5 resource of equal weight as the other goal 5 resources in the West Hills Goal 5 review process. Underscoring this point is the fact that LCDC's position in court has been that all Goal 5 resources in the impact area have to be considered together in the analysis. The entire decision making process has been skewed and a vital element omitted by not considering the economic, social, environmental and energy (ESEE) consequences for Burlington Bottom in the Stream Resources ESEE analysis.

At the very least, Burlington Bottom should have been considered as part of the resource of North Angell Brothers Creek due to its downstream hydrological

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RESPONDENT'S EXHIBIT 12

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connection with the creek.

Chapter III, Stream Resources, B. 3., Impact Areas, Pg. III-10 states that the impact area for streams includes downstream public parks or recreational facilities. Potential impacts to Burlington Bottom are discussed but the County's statement that these impacts could be avoided by the owner's voluntary compliance with DOGAMI and DEQ standards is a totally unsatisfactory plan for protection. **The only responsible protection program for Burlington Bottom is to prohibit mining activities in the watershed that drains into it.**

A serious omission was made not to include Multnomah Channel as a publicly used recreational resource in the impact area for Stream Resources.

We agree with your findings for those streams in the West Hills Rural Area that are designated significant. However, with respect to the North Angell Brothers Creek we believe your declaration of significance is inconsistent and understated. We disagree with the County's statement in Chapter VI Reconciliation, B., 7., Mining, Pg. VI-15 and 16, that the significance of North Angell Brothers Creek is minor compared with the other streams on the West Hills. This reasoning is apparently the basis for not protecting its lower segment in the area of the proposed quarry expansion. This reasoning is faulty. The lower reach has inherent wildlife habitat value and acts as a connection between two areas that the County has recognized as significant, e.g. the upper reach of North Angell Brothers Creek and the downstream wetlands of Burlington Bottoms.

The statement in Chapter VI, Reconciliation, b., 7., Mining, Pg. VI-16 that "the contribution of water from the North Angell Brothers Creek to Burlington Bottom has been found to be minor compared to other water sources such as Multnomah Channel" does not take into account that inflow from Multnomah Channel may be temporarily interrupted during low flow summer months. Decreased inflow from Multnomah Channel would put more importance on the perennial flows from the North Angell Brothers Creek.

Compromising any part of the North Angell Brothers Creek means to compromise all of its parts, especially the downstream segments and receiving waters. The entire length of the North Angell Brothers Creek and those associated wetlands, i.e. Burlington Bottom, warrant the same protection allowed the other designated significant streams.

Furthermore, no stream flowing into Burlington Bottom should be compromised by conflicting uses. We strongly disagree with the County's conclusion in Chapter VI, Reconciliation, B., 7, Mining, Pg. VI-16 that "Expansion of the Angell Brothers quarry site into the watershed of the significant North Angell Brothers" stream should be allowed". **Absolutely no quarry activities should be allowed in the watershed of the**

North Angell Brothers Creek.

A Portland hydrologist, Jon Rhodes, provided testimony (September 1992) in response to the proposed Angell Brothers quarry expansion that outlined the likely impacts on the North Angell Brothers Creek and its downstream environs. Mr. Rhodes asserted that the proposed expansion would "increase streamflow, erosion, and downstream sedimentation" and that these increases would "probably be extremely significant." Burlington Bottom, miscellaneous wetlands and Multnomah Channel would be subject to the impacts noted above.

In an effort to quantify the increases, Mr. Rhodes estimated that annual erosion and sediment delivery in the North Angell Brothers Creek would rise by 950% or approximately 430 tons/year while average annual streamflow would increase by 130%. The implications of accelerated sedimentation include a loss of Burlington Bottom's open water areas and a reduction in the site's ability to store water.

Mr. Rhodes' study assumed full expansion, and the current proposal by the County is for expansion in the approximate lower half of the proposed expansion area. Absent another study, one can reasonably assume that the estimates for sediment and streamflow would be reduced by about half, which are still of a magnitude to cause severe and irreparable impact (pers. comm. Jon Rhodes 6/9/94). Mr. Rhodes also stated that any quarrying activity would carry a significant amount of risk to the longevity and ecological health of Burlington Bottom.

The potential impacts from the proposed quarry expansion are counter to the purpose for which Burlington Bottom was acquired. Currently, BPA is finalizing a management plan for Burlington Bottom that is the culmination of a two year cooperative effort with the Oregon Department of Fish and Wildlife, The Nature Conservancy and Metro Parks and Greenspaces Department (previously Multnomah County Parks). Objectives include the enhancement of wetland areas for the benefit of wildlife and provision of opportunities for wildlife observation and education.

In several locations throughout the West Hill Reconciliation Report the County states that "water quality and quantity flowing into Burlington Bottoms should be maintained by the quarry operator pursuant to standards set by the Oregon Department of Environmental Quality". This statement violates Statewide Planning Goal 6 to maintain and improve the quality of the air, water and land resources of the state. Goal 6 requires that all wastes and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. As the above mentioned study of the quarry expansion determined that increased streamflow, erosion and downstream sedimentation would probably be extremely significant. Quite simply, allowing quarry expansion within any part of the streams feeding Burlington Bottoms will cause an unacceptable impact. Furthermore,

requiring the operator to maintain water quality and quantity flowing into Burlington Bottoms pursuant to DEQ standards is an irrelevant requirement. The County's solution of maintaining water quality and quantity is not to allow quarry activities in the watershed(s) that feeds Burlington Bottom.

Full protection (3A) of significant streams in our view, would require prohibition of all conflicting uses throughout the entire watersheds of the significant streams. We concede that this course of action is unrealistic. However, we strongly believe that the proposed conclusions and protection strategies fall short of what is required to achieve even limited protection of the stream resources:

The following comments are in response to the conclusions drawn in Chapter VI, Reconciliation, B. Conflict Resolution, Pgs. VI-5 through VI-17. In addition to our recommendation that no quarry activities be allowed in the watershed of the North Angell Brothers Creek and Burlington Bottom, we also recommend the following measures to fully protect significant stream values throughout the West Hills Rural Area:

Forestry Uses - Although the Forest Practices Act (FPA) has been updated and improved, there is still considerable room for further improvement, particularly in the area of stream protection. Protection standards on federal lands have recently been amended and strengthened in response to considerable evidence regarding the negative impacts of timber harvest and road construction on Class I streams and their tributaries. By assuming that the FPA protects these significant streams, the County is shirking its responsibility to the Goal 5 resources and missing an opportunity to help shape timber harvest guidelines by participating in the process.
It is recommended that the County advise the State Forestry Department of its determinations relative to this and other "resource reconciliation" efforts and recommend the implementation of appropriate protection measures. Additionally, it would be advantageous to assign County Staff to monitor and participate in various issues and processes initiated by the Board of Forestry which impact timber harvest activities adjacent to Class I streams and their tributaries.

Residential Uses - It is recommended that residential uses be prohibited within 100 feet of significant streams, 50 feet of their tributaries, and all riparian vegetation protected except for hazard trees. It is further recommended that access drives in the riparian zone be avoided whenever practical and in the event crossing a significant stream cannot be avoided, a bridge or arch culvert should be required and installed in a manner that is approved by the Oregon Department of Fish and Wildlife.

Soil disturbing activities should be restricted to typically dry months, erosion

prevention measures should be required for all soil distributing activities and revegetation required prior to the rainy season.

Agricultural Uses - We strongly disagree with the report's reasoning for concluding that the County should not regulate agricultural activities. It is widely accepted that agricultural activities have and continue to be a major factor in the degradation and destruction of riparian habitat, decline in wildlife diversity, degradation of water quality, destruction of fish resources and introduction and spread of exotic plant species and, in some cases, disease.

You have the authority and ability to begin a process of restoration.We urge you to use it.

At a minimum, it is recommended that livestock and crop cultivation be prohibited within 100 feet of significant streams and 50 feet of their tributaries. Where streams have been degraded, landowners should be required to repair the damage they've done. Roads associated with agricultural activities should be treated per 'Residential Uses' above.

It is further recommended that the County limit its annual appropriation to the West County Soil and Water Conservation District to restoration activities on streams and wetlands which have been degraded by agricultural activities. These funds should be earmarked to assist landowners with restoration effort

Community Service and Conditional Uses - It is recommended that these uses be prohibited within 100 feet of significant streams and 50 feet of their tributaries. Access roads, riparian vegetation and soil disturbing should be restricted as noted above in 'Residential Uses'.

Mining - (Not applicable for watersheds for North Angell Brothers Creek and Burlington Bottom)

It is recommended that mining activity be prohibited within 200 feet of a significant stream and that all riparian vegetation be protected except for hazard trees. It is further recommended that:

No mining be permitted within 100 feet of any tributary to a significant stream and that all riparian vegetation be protected except for hazard trees.

- Roads associated with aggregate mining be treated per 'Residential Uses' above and strictly limited to one (1) crossing.

- That the mine operator be required to complete fish, wildlife and water

quality inventories prior to an expansion of mining activity.

- That a mining and reclamation plan require specific approval of the Oregon Department of Fish and Wildlife and DEQ in addition to DOGAMI.

- That the mine operator be required to test water quality downstream of the mine at a frequency which is adequate to capture the full range flows expected in the significant streams.

- That exposed earth never exceed two (2) acres at any time.

II. Wildlife Habitat

We agree with the conclusion in Chapter VI, Reconciliation, B., 7. Mining, Pg. VI-16 that quarry expansion should not be allowed inside of a continuous one-half mile wide primary forested habitat area located between the quarry on the northeast and the identified secondary habitat areas along McNamee Road to the southwest. Furthermore we agree with the analysis that indicates that the minimum half mile wide protection area be maintained as undisturbed forested habitat.

We do not agree with the County's finding in Chapter VI, Reconciliation, B., 1. Forestry, Pg. VI-6, that the Forest Practices Act will adequately protect this resource for its recognized values as a wildlife corridor linking Forest Park with the Coast Range. We believe the county understated the impacts of logging on wildlife habitat as "temporary in nature". Logging practices typically allowed under the Forest Practices Act are more appropriately characterized as severe and long term on wildlife species dependent on a forested environment. We recommend that the County work with the State Department of Forestry and the State Forestry Board to devise more stringent protection measures for this valuable resource. Furthermore, we disagree with the statement that Forestry activities should not be prohibited from exception lands. The county should take all steps necessary to restrict forest activities on identified exception lands in the West Hills.

We do not support the County's assessment in Chapter VI, Reconciliation, B., 2., Agriculture, Pg. VI-7 that most primary wildlife habitat areas are protected from agricultural impacts simply because the soils in those areas are generally unsuitable for agricultural uses. Since the potential for agricultural activities in those poor soils areas is still a possibility and given that agricultural activities conflict with wildlife habitat values, the County should take all regulatory steps necessary to assure long term protection in "primary", "secondary" and "impacted" habitat areas in the West Hills area.

As discussed above in the Streams Resources section, residential uses should not be allowed within 100 feet of significant streams, or within 50 feet of their tributaries. This condition will help protect wildlife corridors which occur along the streams.

III. Scenic Views of the West Hills

Scenic and aesthetic values must be protected from all conflicting activities. The protection measures discussed above for stream resources and wildlife habitat would serve to protect the scenic resources from negative impacts associated with agricultural, residential, forestry, community service and conditional uses and mining.

In closing, the "Multnomah County Natural Areas Protection and Management Plan" adopted by the Board in June 1992 states:

> "Although the Board of County Commissioners is mindful of concerns regarding the rights of property owners, it also recognizes the responsibility of all land owners to develop and manage property in a manner which is consistent with the conservation of 'publicly-owned' resources such as fish, wildlife, scenery, air and water."

We believe our recommendations represent the minimum actions required to protect the streams, wildlife and scenic resources that have been found to be significant. We appreciate your consideration of our comments and recommendations.

Again, thank you for the opportunity to share our views.

Sincerely,

Charles Ciecko (9AH)

Charles Ciecko
Director

Ralph Thomas Rogers (9AH)

Ralph Thomas Rogers
EPA Biologist

c.c.
Multnomah County Board of Commission:
Beverly Stein, Chair of the Board
Dan Saltzman, District 1
Gary Hansen, District 2
Tanya Collier, District 3
Sharron Kelley, District 4

Multnomah County Planning Commission:
Leonard Yoon, Chair
Karin Hunt, Vice Chair
Laurie Craghead
Samuel L. Diack
Chris Foster
William Fritz
Peter Finley Fry
John Ingle
Dave Kunkel

Steve Oulman, Department of Land Conservation and Development
Robert Walker, Bonneville Power Administration
Jill Zarnowitz, Oregon Department of Fish and Wildlife
Neil Mullane, Oregon Department of Environmental Quality
Rena Cusma, Metro
Judy Wyers, Metro
Merrie Waylett, Metro

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Telephone
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June 13, 1994

MEMORANDUM

TO: Multnomah County Board of Commissioners
Multnomah County Planning Commission

RE: West Hills

The Friends of Forest Park ask the Board and the Commission:

- to reject the planning department's recommendation that the Angell Bros. mineral and aggregate resource site be deemed significant and added to the Goal 5 inventory;

- to reject the planning department's recommendation that the northern portion of the Angell Bros. mineral and aggregate resource site be designated "3C";

- to protect wildlife habitat completely by prohibiting mining on the entire unused Angell Bros. mineral and aggregate resource site (by designating the mineral and aggregate resource site "3B" if it is deemed significant and added to the Goal 5 inventory);

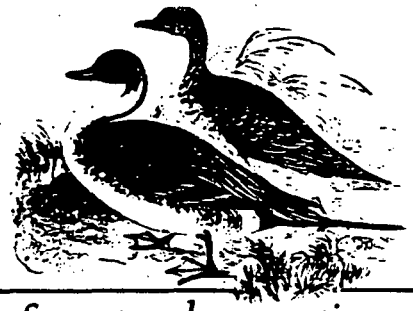
- to protect the North Angell Brothers stream and the Burlington Bottoms wetlands completely by prohibiting mining within the watershed of the North Angell Brothers stream (by designating that portion of the mineral and aggregate resource site "3B" if it is deemed significant and added to the Goal 5 inventory); and

- to revise the West Hills Reconciliation Report to explain the reasons for making the foregoing decisions

C1-94

RESPONDENT'S EXHIBIT 13

SAUVIE ISLAND Conservancy



dedicated to the preservation of island rural life, wildlife & natural recreation area

13 June 1994

Multnomah County Board of Commissioners
Multnomah County Planning Commission
1021 SW Fourth Ave.
Portland, OR 97204

To the Commissioners:

We agree with other testimony that the Planning Staff has done much good work in preparing the West Hills Reconciliation Report, and we commend the report for its protection of primary wildlife habitat.

However, we have two major concerns with regard to RESOURCE PROTECTION -- for the Angell Brother Quarry and for Scenic Views.

ANGELL BROTHERS QUARRY

First I'd like to say that we were stunned to see -- after having been involved in the Quarry hearings two years ago, when both the Planning Commission and the Board of Commissioners overwhelmingly denied Angell Brothers any expansion -- to see that the Planning Department has recommended allowing Angell Brothers half of the expansion they wanted. And then to see that the suggested expansion site would enlarge the already garish gaping scar directly across from Sauvie Island.

Other testimony describes the devastating impact that such an expansion would have on Burlington Bottoms. We would like to add that any harm done to Burlington Bottoms harms the wildlife on Sauvie Island as well. Smith and Bybee Lakes, the Bottoms, and the Sauvie Island wildlife areas are all interconnected parts of the Pacific Flyway; they are interconnected habitat; they are interconnected pathways for waterfowl and other wildlife. The bald eagles, the peregrine falcons, the sandhill cranes are unaware of our political lines of demarcation and ownership. Denigrate Burlington Bottoms and the effect will be felt on the wildlife of Sauvie Island.

C 1-94

RESPONDENT'S EXHIBIT 14

SCENIC VIEWS

We feel that the Scenic Views Resource Protection Plan proposed by the staff offers essentially no protection at all of the resources.

1. NO PROTECTION FOR SCENIC CORRIDORS

There are approximately 52 miles of key viewing corridor identified on the map. Yet the report offers protection for views from only 5 tiny sites. Essentially, the resource is almost totally unprotected.

Compare that to the City of Portland Scenic Resources Protection Plan, in which all development and vegetation with a "scenic corridor" designation are subject to the same regulations as the key viewing sites. So, even if you describe a key viewing site as half a mile, it comes down to this: Portland's Protection Plan actually protects 100% of the scenic views, while this proposal protects less than 1%. By excluding the viewing corridors, it's no protection at all.

2. SOME KEY VIEWING CORRIDORS ARE TOTALLY EXCLUDED.

All of the highly scenic roads extending from Skyline Blvd to Route 30 have been excluded totally.* We disagree with this designation and there's much public testimony on record regarding the significance of those scenic views.

3. BURLINGTON IS EXCLUDED FROM ANY PROTECTION.

The report states that Burlington should be exempted because it is already developed. We disagree. Burlington is "developed" only to a minimal degree. We believe that standards should be established in keeping with the existing development, and that any new development would have to meet these standards.

4. THE PROTECTION PROPOSED IS UNENFORCEABLE.

The protection proposed is in language that is imprecise, and therefore unenforceable. This verbiage was described to us as "the stuff that litigation is made of." There is no translation of these concepts into enforceable standards. Here's one example: It says "the exterior colors of structures should be natural or dark earthtone colors." How do you enforce that? How do you regulate painting? Do you make painting a house become a permitted activity?

So that what little concept of protection that is written here, is, again, no protection at all because it's not written in standards that are enforceable.

* Unlike comparable roads on the Portland side of the UGB.

In closing, we request that the proposed Angell Brothers Quarry expansion be denied, and that the entire Scenic Views Resources Protection Plan be rewritten:

a) Protection should include all viewing corridors.

b) All connecting roads between Skyline and Route 30 should be designated key viewing corridors.

c) Standards should be established for development in Burlington.

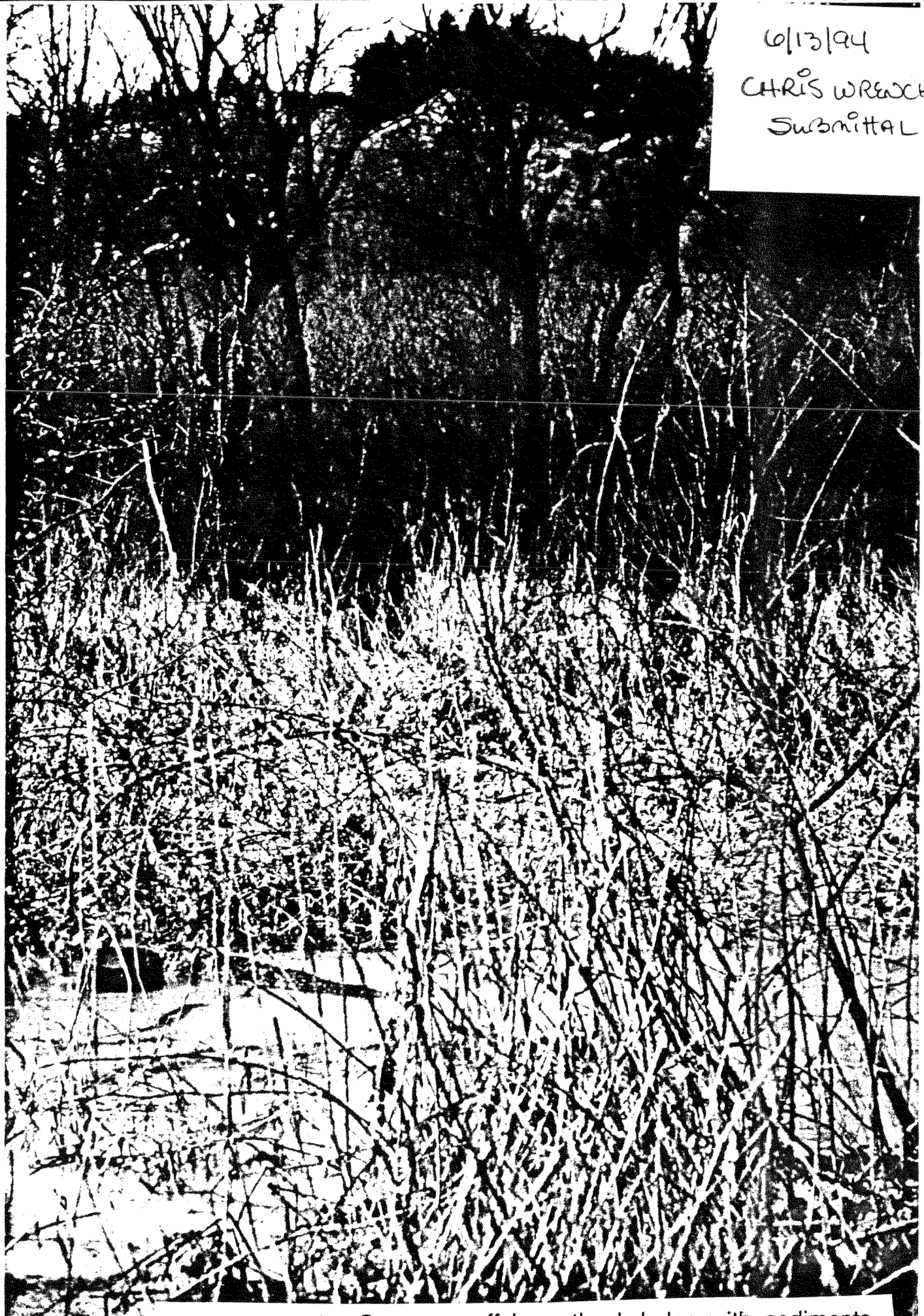
d) All protection must be written in language that describes standards that are enforceable.

The City of Portland's Scenic Resources Protection Plan is a good model. It adequately protects 100 percent of the designated scenic resource. This county plan inadequately protects less than 4 percent. The Board of County Commissioners voted unanimously to protect the scenic values of the West Hills. We ask you to recognize that this plan offers practically no protection at all.

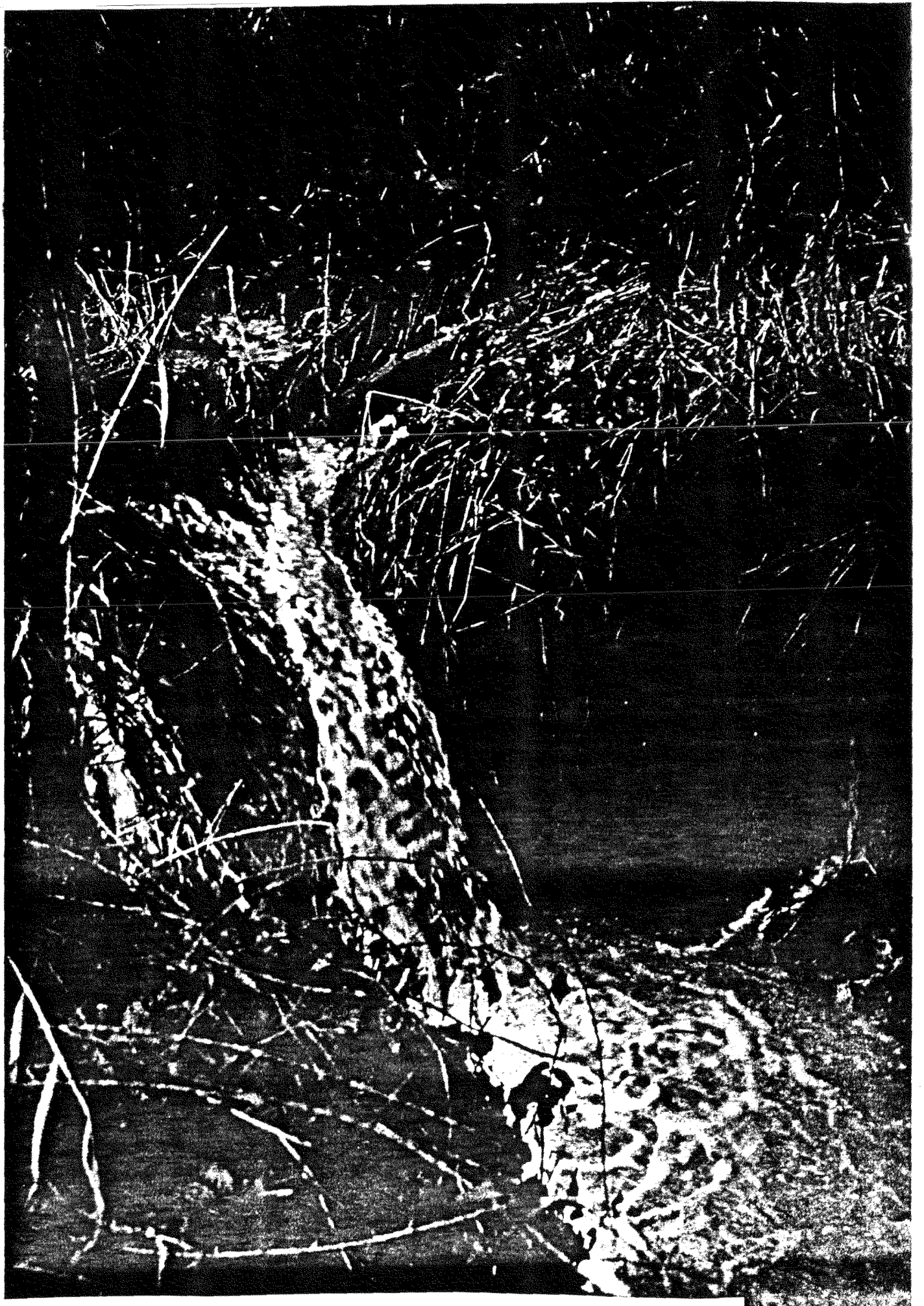
Thank you.

Doug Morgan
for
the Sauvie Island Conservancy

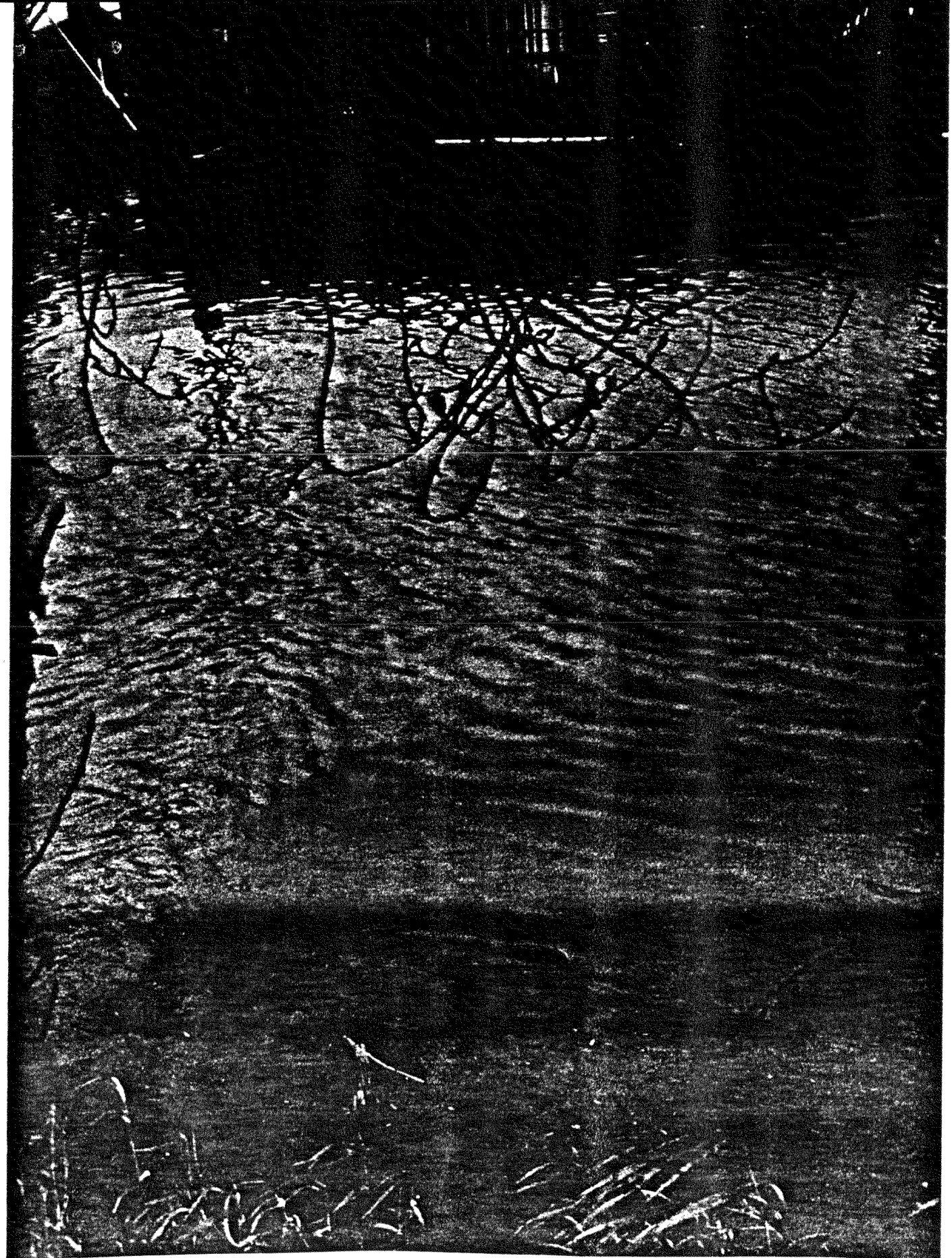
6/13/94
CHRIS WRENCH
SUBMITTAL



February 1994. Quarry runoff in wetland, laden with sediments. Quarry can be seem at top of photo



February 1994. Runoff laden with sediments from quarry moves through wetland



February 1994. Quarry runoff carries sediment plume into Multnomah Channel at Bridgeview Moorage. This violated Federal and State water quality standards.

Gray area in water is sediment plume.

3/94
Chris Wrenn
Submittal

DECLARATION OF

JON RHODES, M. Sc.

I. QUALIFICATIONS

1. My name is Jon Rhodes. I am a hydrologist with 11 years of experience.

2. I received a Bachelor of Science degree in hydrology and water resources in 1981 from the University of Arizona. In 1985, I received a Master of Science degree in hydrogeology from the University of Nevada-Reno. I received a degree for Candidacy for Doctor of Philosophy in forest hydrology from the University of Washington in 1989. I have completed all requirements for my doctorate except the dissertation, which is in progress.

3. For the past three years, I have been employed by the Columbia River Inter-Tribal Fish Commission. In this capacity, I have examined silvicultural, agricultural, roadbuilding, mining, and other activities that alter streamflow or water quality. I have developed monitoring programs to measure changes in channel condition and water quality caused by various land uses, and evaluated extant channel morphology and water quality data. I have also served as a technical adviser on water quality monitoring as a member of several technical committees addressing nonpoint source issues in the Columbia basin.

4. Prior to my current position, I worked on a wide variety of issues related to nonpoint pollution for the University of Washington, the Tahoe Regional Planning Association, the U.S. Geological Survey, and the University of Nevada-Reno. In addition, over the past few years, I have also been employed as consulting hydrologist, by several groups and agencies, including Multnomah County.

5. I have published several scientific papers in peer-reviewed science journals and have

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RESPONDENT'S EXHIBIT 15

co-authored numerous technical reports on my research findings. The subject of most of these papers has been the effects of nonpoint sources on water quality.

6. For the past three years, my work has focused on analyzing the effects of current and proposed uses of land and water on nonpoint sources of pollution, water quality, channel morphology, and anadromous fish habitat. Much of my work has involved the development of measures to protect existing stream conditions from further degradation and to restore forested watersheds and their streams consistent with the regional efforts to rebuild the anadromous fish runs of the Columbia River basin.

II. INFORMATION REVIEWED

7. I have reviewed the Conditional Use Application by the Angell Bothers, Inc. to Multnomah Planning Commission, for expansion of the existing quarry (hereinafter: "Application"). I also reviewed the Oregon Department of Environmental Quality's (hereinafter: "ODEQ") General Permit No. 1000 (hereinafter: "Permit No. 1000") which covers the disposal of waste water and storm water runoff from gravel mining activities. I reviewed water quality standards for the Willamette basin in Oregon Administrative Rule 340-41-445 (hereinafter: "OAR-340-41-445"). I inspected and evaluated the area downstream and adjacent to the quarry, including the discharge site on July 18, 1992. I also reviewed other pertinent scientific literature. The list of this literature is too lengthy to list here, so I have listed it separately and attached it to this declaration.

III. SUMMARY

8. The Application proposes the expansion of the Angell Brother's rock quarry by 283 acres. The purpose of my review of the Application has been to evaluate: 1) the effect of the proposed expansion on downstream water quality, water quantity and downstream wetlands; 2) whether water quality control measures proposed in the application are adequate to protect water quality and

the public interest; and, 3) whether the quarry expansion will cause violations of Permit No. 1000 or OAR-340-41-445.

9. Based on my review of available information I have concluded the following:

a) Quarry expansion will increase streamflow, erosion, and downstream sedimentation. The increases in annual erosion, downstream sedimentation, and turbidity that will be caused by the quarry expansion will probably be extremely significant.

b) It is unlikely that the proposed water quality control measures will adequately protect water quality from deleterious increases in stream turbidity. It is highly unlikely that a detention ponds can be constructed which would be capable of insuring there is no downstream discharge of storm runoff from the quarry into the downstream wetlands and the Multnomah Channel. The pond currently used to collect quarry runoff is completely ineffective for preventing discharge of quarry runoff into the Multnomah Channel.

c) Discharge from the quarry to the Multnomah Channel is already common occurrence during storm periods because the wetland which receives quarry runoff has been completely filled in by sediment from the existing quarry operations and the sediment load from the stream passing through the quarry. This discharge violates Permit No. 1000, because the permit requires that there be no direct discharge of quarry runoff to the Multnomah Channel. Therefore, Permit No. 1000 is already being violated on a regular basis.

d) Seepage from proposed and existing detention ponds will be negligible. Precipitation inputs to the ponds exceed evaporation. Neither seepage nor evaporation

from detention ponds will be very effective in disposing, or reducing the amount, of runoff from the quarry.

e) The frequency and magnitude of the discharges of quarry runoff to the Multnomah Channel are likely to be increased by quarry expansion. This will worsen the violations of Permit No. 1000. Coupled with expected increases in downstream turbidity, quarry expansion will reduce downstream water quality and probably violate water quality standards for turbidity in the Multnomah Channel.

f) Waste water discharge into one downstream wetland has already significantly affected the wetland by filling it with sediment. Continued discharges coupled with increased sedimentation that can be expected from quarry expansion will worsen this impact.

g) Quarry expansion will also increase sedimentation of the Burlington Bottoms, a highly significant wetland. Over time, this will accelerate the loss of the open water character of this important wetland, counter to the public interest.

IV. DISCUSSION

A. Aquatic Resources and Beneficial Uses Affected

10. The area proposed for quarry expansion in the Application is drained by three intermittent streams, named "Stream A," "Stream B," and "Stream C" in the Application (Exhibit B). Stream B drains the southwestern part of the proposed expansion and flows into Multnomah Channel. Stream A drains central part of the quarry property and flows into the Multnomah Channel after passing through a wetland which has been filled in by runoff from the quarry. Stream C drains the northeastern part of the property and flows into the "Burlington Bottoms" which has been recognized as a significant wetland by Multnomah County.

11. The designated beneficial uses of the Multnomah Channel include anadromous fish passage and the rearing and spawning of cold water salmonids (OAR-340-41-422). These beneficial uses are adversely affected by increases in turbidity and sedimentation (Reiser and Bjornn, 1991).

12. The Oregon Department of Environmental Quality (hereinafter: "ODEQ") has made the assessment that sedimentation in the Multnomah Channel is already moderately impairing the beneficial use of the river by cold-water fish (1988 Oregon Statewide Assessment of Nonpoint Sources of Water Pollution (hereinafter: ODEQ, 1989), such as steelhead and chinook salmon.

B. Probable Effect of the Quarry Expansion on Streamflows, Erosion, Turbidity, Sedimentation and Downstream Wetlands

13. Standard methods from available scientific and technical literature were used to estimate the likely magnitude of changes in runoff, erosion, sedimentation, and turbidity that are likely to be caused by quarry expansion. While these methods are generally accepted as useful estimation tools, they are not necessarily accurate forecasts of the actual magnitude of change in runoff and sedimentation that will be caused by the quarry expansion. Therefore, the estimates presented here are not given for any sort of engineering purposes because the accuracy of estimates is uncertain. The estimates of changes in runoff and sedimentation are presented only as a reasonable indication of the likely magnitude of changes caused by quarry expansion as predicted by conventional, and widely used, estimation methods.

14. It is probable that quarry expansion will increase runoff within the watersheds draining the quarry due to the removal of vegetation and soil and increases in compaction caused by heavy machinery (Dunne and Leopold, 1978). Rainfall-runoff curves from U.S. Soil Conservation Service National Engineering Handbook (1972) were used together with average monthly precipitation data for Portland, and the area of quarry expansion to estimate average monthly streamflow for the three

streams draining the quarry. The results of this approach indicates that quarry expansion will increase average annual streamflows over estimated natural flows by about 190% in Stream A, 150% in Stream B, and 130% in Stream C. Increases in annual peak storm runoff in these streams is expected to be increased by about the same magnitude. Although the estimation method is crude, a more sophisticated approach is not warranted given a general dearth of hydrologic data from the area.

15. Quarry expansion will increase soil erosion by removing vegetation, increasing runoff, and steepening slopes (Dunne and Leopold, 1978). Virtually all studies indicate that removal of vegetation greatly increases erosion (Dunne and Leopold, 1978; USEPA, 1980). Activities such as the proposed quarry expansion typically increase erosion by about 50 to 100 times encountered under natural vegetative cover in the Pacific Northwest (Dunne and Leopold, 1978). Increases in erosion, sedimentation, and turbidity that will be caused by quarry expansion were estimated by use of the Modified Soil Loss Equation (USEPA, 1980). The amount of area that will be disturbed by quarry expansion was determined for each of the three watersheds via maps of the expansion in the Application (Exhibit B). It was also assumed that 50% of the expansion and existing quarry area had received successful reclamation and erosion control; erosion control will be much higher absent this level of successful reclamation and erosion control. Subject to these assumptions and the accuracy of the method and available data, it appears that quarry operations will increase annual erosion and sediment delivery to streams by about 2600% in Stream A, 1400% in Stream B, and 950% in Stream C. These estimated increases in annual sediment delivery to streams correspond to increases of about 1100 tons/yr in Stream A, 250 tons/yr in Stream B, and 430 tons/yr in Stream C. These estimates appear reasonable when compared to the results of studies of erosion increases caused by land use similar to that anticipated under quarry expansion (Dunne and Leopold, 1978).

16. These estimates of likely increases in sediment delivery are probably conservative,

because the Modified Soil Loss equation does not account for gully and channel erosion or mass failures. Gully and channel erosion are common and significant sources sediment in unvegetated areas in the Pacific Northwest (Swanson et al, 1987). My field evaluation also indicated that gully erosion is a significant source of erosion in unvegetated areas in the vicinity of the quarry operation. Vegetation removal associated with quarry expansion will increase the probability mass failures (Furniss et al., 1991). Channel erosion and expansion is a common consequence of increases in runoff in small watersheds (Dunne and Leopold, 1978); increased runoff is expected with quarry expansion. Mass failures greatly increase sediment delivery when they occur. Further, it was also assumed that vegetation removal and quarry expansion does not increase the efficiency of the delivery of eroded sediment to streams. Vegetation loss typically increases the efficiency of the delivery of eroded sediment (USEPA, 1980). Therefore, it is probable that sediment delivery caused by quarry expansion will exceed the estimates given above.

17. Within given a watershed, stream turbidity is generally proportional to suspended sediment. Stream turbidity can be roughly estimated by assuming that increases in sediment delivery proportionally increase both suspended sediment and stream turbidity. Therefore, quarry expansion may increase stream turbidity by about 2600% in Stream A, 1400% in Stream B, and 950% in Stream C.

18. Case studies provide some indication that the estimated increases in turbidity associated with quarry expansion are reasonable. Andersen and Potts (1987) found that logging and road construction in a small fraction of a forested watershed increased suspended sediment seven times the background yield in the first year after the activity and at two times the background in the second year. Since suspended sediment is correlated to turbidity within a given watershed, it is probable that increases in turbidity were similar to those found in suspended sediment. It can be expected that

quarry operations will have a cause much greater increases in suspended sediment than that found by Andersen and Potts (1987) because a quarry operations will disturb a much larger percentage of the watersheds, the level of disturbance will be more intense, and rainfall is higher than in the area studied by Andersen and Potts (1987). Fowler et al. (1987) documented that the construction of a single road crossing increased turbidity by more than 50 times (5000%) relative to an upstream site. Again, the quarry expansion and operation will have much greater effect on erosion and sediment delivery than a single road. These case histories and the estimated increases in turbidity associated with quarry expansion indicate that there is a high likelihood that the quarry expansion will violate state water quality standards for turbidity, because Oregon's state water quality standards allow only a 10 percent increase in turbidity over background (OAR-340-41-455).

19. Increased turbidity in the Multnomah Channel is not the only impact associated with increased runoff and sediment transport that can be expected with quarry expansion. Increases in sediment delivery will also increase the amount of sedimentation in downstream wetlands. Stream A drains into a small, unnamed wetland adjacent to the Multnomah Channel which the Application (p. 11) describes as a "...diked settlement pond." Stream C drains into the Burlington Bottoms which has been recognized as a significant wetland by Multnomah County. The Application (p. 11) notes that quarry runoff is currently piped into the "settlement pond."

20. During my field evaluation of the "pond" it was clear that the "pond" is actually wetland because it had very strong indications of wetland hydrology, including hydric soils and vegetation. My inspection also indicated that sedimentation in this wetland has already been significant. Inspection of sediment accumulation between layers of leaves dropped annually by endemic trees indicate that about one inch of sediment accumulates annually in the wetland. Given the size of the wetland, this deposition is roughly equivalent to about 280 cubic yards/yr. If it is very

conservatively assumed that only about 50% of this annual sediment deposition is due to quarry operation, the existing quarry operation is filling the wetland at a rate of about 0.5 inches/yr or 140 cubic yards/year. In contrast, it is estimated that the natural rate of sediment deposition in the wetland was on the order of about 0.1 inch/yr. Plainly, this accelerated sedimentation of the wetland has already greatly changed its character and altered the historic ability of this wetland to store water. Estimated increases in sediment delivery associated with quarry expansion indicate that this rate of sediment deposition and wetland filling will more than double the rate of sedimentation currently observed in the wetland.

21. Quarry expansion will also accelerate the deposition of sediment in the Burlington Bottoms. Based on increases in estimated sediment delivery, the rate of sedimentation in the Burlington Bottoms will be increased by about 950%. If it is conservatively assumed that only 50% of the annual sediment delivery to Stream C estimated under quarry expansion reaches the Bottoms, the expansion can still be expected to cause an additional 170 cubic yards of sediment to be deposited in the Bottoms annually. This will greatly accelerate the sedimentation of the wetland, which will result in a much more rapid loss of the wetland's open water character over time. It will also reduce the Burlington Bottoms ability to store surface water.

22. The estimates given above indicate that the quarry expansion is likely to significantly increase runoff, erosion and sediment delivery. Case studies from scientific literature also indicate that the expansion will have these same effects. The estimated impacts and field evaluation indicate that the quarry expansion will accelerate the filling of downstream wetlands. The Application does not adequately address these effects of quarry expansion, nor does it consider the consequences of these effects. Full analysis of these effects and their consequences needs to be made before any reasonable decision on the Application can be made.

C. Water Quality Control Measures Are Unlikely To Be Effective

23. The Application (p. 11) states water quality will be protected by compliance with Permit No. 1000 which requires that no turbid runoff from the quarry operations can be discharged into public waters. The Application (p. 11) proposes that it will comply with the permit by expanding existing detention/settling ponds and then piping water into the small wetland below Stream A. The Application (p. 11) notes that it is intended that water percolate from the pond into the ground, but that a local resident has noted that silty water does flow into the Multnomah Channel.

24. It is unlikely that the Application's proposed sediment control measures will function as described in the Application. It is more likely that discharge situation observed by the local resident will not only continue, but worsen.

25. Based on estimated average annual runoff from the quarry operations, the detention of all estimated annual quarry runoff would require about 700 acre-feet of storage capacity, assuming that only quarry runoff is stored and that runoff from the rest of the watersheds is not stored. The storage of 700 acre-feet would require a detention pond with an area of 100 acres and a depth of 7 feet. In contrast, the existing operation has an area of 113 acres; with expansion, the operating area is expected to be about 400 acres. The wetland currently used as a detention "pond" has an area of about 3 acres. Although the application fails to provide any sort of engineering specifications or dimensions for the proposed detention ponds, it is doubtful that the quarry will be able to construct ponds with the dimensions needed to collect the water accrued during a single year of average precipitation. Detention ponds would actually have to provide considerable more storage in order to comply with Permit No. 1000, because years of above average precipitation are relatively common, and because water will accrue over several years in the absence of downstream discharges; neither pond evaporation nor seepage will be effective in reducing the amount of storm water held in ponds.

26. My field inspection of the wetland currently used as a detention pond indicates that seepage in sediment detention ponds will be negligible. The wetland bottom is entirely composed of thick layers of very tight clay deposited by storm waters. These clays were cracked, indicating a high level of swelling when saturated. Such clays typically have extremely low infiltration rates, on the order of about 0.1 foot/month. Given the results of my field evaluation, I would expect that any additional detention ponds that collect storm runoff will be rapidly lined with similar deposits, and that any percolation will soon be negligible in reducing the magnitude of stored storm water.

27. Surface evaporation from detention ponds will not cause a net reduction in storm water in storage, because average annual precipitation exceeds average annual evaporation. Average annual evaporation in Portland is about 24 inches (Dunne and Leopold, 1978) while average annual precipitation is about 37 inches. Therefore, the very existence of a ponded surface should result in a net annual increase of about 13 inches of pond depth per year.

28. Mere detention of storm water runoff from quarry operations will not be effective in significantly reducing turbidity so that discharge water can be released without increasing downstream turbidity. The clays in the wetland are comprised predominantly of colloidal material. Colloidal material remains in suspension in water; it does not settle out under the influence of gravity. Most of the deposited clay in the wetland is probably only deposited when the wetland is periodically de-watered by discharges into the Multnomah Channel.

29. The wetland currently used as a detention pond has no ability to provide any long term storage of surface water. All significant storage areas in the pond have been completely filled in. Although the Application (p. 11) describes the wetland as diked pond, I found no evidence that the wetland had any remaining static storage capacity, nor could I find any evidence of a dike. There is evidence that there is significant runoff of water from this wetland. A heavily eroded channel about

four feet deep and three feet wide leads from the wetland surface to the Multnomah Channel. Based on my field evaluation, I conclude that the wetland has very limited utility as a detention pond and that the discharge of turbid quarry runoff into the Multnomah Channel is a common occurrence. This is a violation of Permit No. 1000.

30. Based on my analysis, I also conclude that violations of Permit No. 1000 are likely to worsen with quarry expansion, because the discharge of turbid storm runoff from the quarry to the Multnomah Channel are likely to increase, with quarry expansion.

V. CONCLUSION

31. Based on my review of available information and accepted models, quarry expansion will increase streamflow, erosion, and downstream sedimentation. Increases in annual erosion, downstream sedimentation, and turbidity are likely to highly significant.

32. The frequency and magnitude of the discharges of quarry runoff to the Multnomah Channel are likely to be increased by quarry expansion. This will worsen the violations of Permit No. 1000. Coupled with expected increases in downstream turbidity, quarry expansion will reduce downstream water quality and probably violate water quality standards for turbidity in the Multnomah Channel.

33. Storm runoff from the quarry has already significantly affected one wetland by filling it with sediment. Continued discharges, coupled with increased sedimentation that can be expected from quarry expansion, will exacerbate this situation. Quarry expansion will also increase sedimentation of the Burlington Bottoms. Over time, this will accelerate the loss of the open water character of this important wetland.

34. Proposed water quality control measures are unlikely to adequately protect water quality from deleterious increases in stream turbidity. It is highly unlikely that a detention ponds can be

constructed which would be capable of insuring there is no downstream discharge of turbid runoff from the quarry into downstream wetlands and the Multnomah Channel. The wetland currently used to collect quarry runoff is completely ineffective for preventing discharge of quarry runoff into the Multnomah Channel. Field inspection indicates that discharge from the quarry to the Multnomah Channel is already a common occurrence in violation of Permit No. 1000 which requires that there be no direct discharge of quarry runoff to public waters.

35. Neither seepage nor evaporation from detention ponds will be effective in reducing of turbid runoff from the quarry. Seepage from proposed and existing detention ponds will be negligible. Precipitation inputs to the ponds exceed evaporation.

I declare under penalty of perjury that I believe the foregoing is true and correct.

DATED 8/28/92.

Jon Rhodes

Literature Cited

Dunne, T. and Leopold, L.B., 1978. Water in Environmental Planning. W.B. Freeman and Company, San Francisco.

Fowler, W.B., Anderson, T.D. and Helvey, J.D., 1987. Changes in Water Quality and Climate After Forest Harvest in Central Washington State. USFS Res. Paper PNW-RP-388.

Furniss, M.J., Roelofs, T.D., and Yee, C.S., 1991. Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats, Am. Fish. Soc. Special Publ. 19: 483-518.

Reiser, D.W. and Bjornn, T.C., 1991. Habitat Requirements of Anadromous Salmonids. Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats, Am. Fish. Soc. Special Publ. 19: 1-16.)

Swanson, F.J., Benda, L.E., Duncan, S.H., Grant, G.E., Megahan, W.F., and Reid, L.M., 1987. Mass failures and other processes of sediment production in Pacific Northwest landscapes. Streamside Management: Forestry and Fishery Interactions, pp. 9-38, Univ. of Wash. Inst. of Forest Resources Contribution No. 57.

USEPA, 1980. An Approach to Water Resources Evaluation of Non-Point Silvicultural Sources. EPA-600/8-80-12.

6/13/94
Esther Lee
submittal

Urban Streams Council
a program of
The**Wetlands**Conservancy

June 13, 1994

Multnomah County Board of Commissioners
Multnomah Planning Commission
1120 SW 5 th Avenue
Portland, Oregon 97201

To The Multnomah County Board of Commissioners and Planning Commission;

The Urban Streams Council a program of The Wetlands Conservancy, a non-profit land trust, is pleased that Multnomah County is taking steps to recognize the significance and protect the streams of Multnomah County. We see this Goal 5 process as an opportunity to look at the ecology and health of entire watersheds in the county rather than just the stream itself. We are disappointed that the Chapter 3 Stream Resources of The West Hills Reconciliation Report limits the Goal 5 stream analysis to the stream channel itself, and identifies the adjacent riparian area as the area of impact. The riparian zone is a critical portion of the stream channel ecology, lack of vegetation and in turn shade over the creek, increased sediments from erosion, flows and contaminants entering the stream all negatively impact the health of the stream and in turn fish and wildlife habitat values. A healthy riparian zone will promote higher fish and wildlife habitat, water quality and quantity values.

The Goal 5 process requires clear delineation of the resource area and designation of the area impact. In order to identify the resource area boundary of the stream system, the entire stream must be visited in order to identify and quantify the amount and health of the riparian area. We are concerned with the quantity and quality analyses of the stream inventories. In addition, we feel that it is critical that the riparian zone be designated as part of the resource area and that the area of impact is the entire watershed. Within a watershed activities several miles from the stream, such as development, agriculture, logging and mineral aggregate if done improperly can have irreversible negative impacts on the health of the stream. The activities within the headwaters or upper reaches of a watershed can impact the entire stream corridor. It is difficult to separate out reaches of a stream corridor, as some portions being significant and others insignificant, as the streams functions as an entire system. In many cases, the areas that were determined insignificant have a high restoration potential which would increase the values and significance of the site within the next five to ten years. It is impossible to cut out a section of stream and have the up and downstream portions function as a healthy stream. In addition to improving the fish and wildlife habitat and water quality values, restoration opportunities within a watershed promote opportunities for neighbors, residents of the watershed and schools to be involved in rehabilitation of an important resource with their community.

Page III-9 states that wetland values were not considered as part of the stream resources inventory. Wetlands within these stream corridors are critically linked hydrologically to the streams, and often provide increased wildlife habitat and water quality values. Conflicting use impacts within the watershed, will negatively impact the wetlands in the same ways as the stream corridors. We do not understand how these two resources can be separated from one another.

The County recommendation is to apply the current SEC zoning to the significant stream areas. We feel that the current SEC standards are not strong enough to protect these valuable streams resources. We would encourage a minimum of 100 foot vegetated buffer

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from the top of the stream bank to any residential, forestry, mineral and aggregate and agricultural uses. We also encourage the County to promote restoration opportunities within the watersheds whenever possible. We thank you for the opportunity to comment on the West Hills Reconciliation Report, and would be happy to work with Multnomah County on reviewing future documents and developing restoration strategies.

Thank you,

Rosemary Furfey

Rosemary Furfey
Board President
The Wetlands Conservancy

OREGON
NATURAL
RESOURCES
COUNCIL

MAIN OFFICE

YEON BUILDING, SUITE 1050
522 SOUTHWEST FIFTH AVENUE
PORTLAND, OREGON 97204
503-223-9001

Protecting Oregon's lands, waters and natural resources

TO: Honorable Chair Stein and Multnomah County Commissioners

FR: Lyn Mattei, ONRC Land Use Director Lyn Mattei

DT: June 13, 1994

RE: Multnomah West Hills and Howard Canyon Reconciliation Hearing, June 13, 1994

The Oregon Natural Resources Council has been involved in Multnomah County's Goal 5 Periodic Review process for at least two years. We commend the County for the major efforts it has made to comply with the Department of Land Conservation and Development's (LCDC's) complicated, sometimes unreasonable, and seemingly punitive compliance directives. We are pleased that the County's May 23, 1994 Reconciliation Report recommends protection of the major wildlife corridor which is part of Forest Park. We find, however, that the Report is lacking in the following areas:

1. Agricultural Uses

Agricultural uses in the West Hills and especially Howard Canyon need affirmative regulation to maximize protection of riparian areas and to minimize sedimentation, erosion, turbidity, high temperatures, and non-point pollution in adjacent streams. Reliance on the Soil Conservation Service to regulate rural agricultural activities is misplaced and inadequate. Rural stream identification and protection need to be a priority.

2. Fish and Wildlife Resources

The Reconciliation Report's ESEE analysis for Howard Canyon apparently omits any consideration of ESEE consequences for wildlife. This is unacceptable. In addition, the Report fails to include fisheries resources in it's ESEE analysis of uses that conflict with mining. Fish and wildlife resources are critical natural resources expressly included under Goal 5 and must be factored into any ESEE analysis of aggregate uses.

Proposed stream protection in both the West Hills and Howard Canyon are inadequate. At a minimum, the County should adopt protection at least as strong as that provided under Clinton's new forestry plan. In the alternative, the

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County could even adopt the weaker stream protection rules which will go into effect in September 1994 under our Forest Practices Act regulations.

3. Burlington Bottoms

Burlington Bottoms is a significant wetland of local and regional concern and is recognized as a wildlife mitigation area of state-wide concern. The wetlands area was purchased and enhanced by Bonneville Power as a major mitigation site. BPA gave Burlington Bottoms to the County to protect and maintain, and the County turned it over to Metro.

Although the County has been entrusted with the maintenance and protection of Burlington Bottoms, its designation in the impact area found in the reconciliation Report eliminates almost all protection for this critical wetland. Although we are happy that the County has decided to protect the wildlife corridor adjacent to Forest Park, this does not justify the sacrifice of Burlington Bottoms. As proposed, the wetland will be degraded and probably eventually destroyed by excess sedimentation and polluted runoff from Angel Brothers Quarry activities. No mining activity should be allowed in the North Angel Brothers Creek watershed or in any other watershed that empties into Burlington bottoms.

Thank you for your time and consideration.

June 13, 1994

Arnold Rochlin
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Portland, OR 97283-0645
(503) 289-2657

Testimony on West Hills Reconciliation Report

UNRESPONSIVE STAFF RESPONSES

Aggregate, Section IV

Page IV-49, Issues 1(a), 1(b), and 1(c) concerning **state requirements to consider other resource sites in evaluation location, quantity and quality**. Staff says the issue is that these factors "should be compared against other know resource sites." But the issue is that staff deliberately ignored quarries operating across the Columbia County line from the Angell Brothers quarry. Staff's answer on each issue is that they looked at the resources in Multnomah County. The law requires that, at a minimum, you must consider sites in Multnomah County. It neither allows nor encourages you to close your eyes to the most relevant resources in terms of quantity, quality and location, just because they're across the line. Why should you want to ignore this important information. It's notable that the authors of the Wildlife Habitat report showed more sophistication on the quarry issue than your aggregate expert. See pages V 43-47. They considered quarries in all of the surrounding areas, and their findings are significant. The same data used for the wildlife habitat report was rejected for the aggregate analysis because it's inconsistent with predetermined support for quarry expansion.

Page IV-49, Issue 1(d) and IV-50, Issue 2(a) concerning **impact area of the proposed aggregate mining expansion**. Staff alleges that I said the impact area is not defined. I said it was illegally defined. Staff considers only noise impact, ignoring other factors, to 1200 foot perimeter as the impact area. Rafton-Burlington Bottoms wetland would be profoundly affected by stream impacts. Other resources that would be affected beyond 1200 feet are the Multnomah Channel and the wildlife habitat corridor. Staff does not explain why the wetlands and the other resources identified by the public are excluded from the impact area. They ignored the scenic impact on Sauvie Island and they ignored the wildlife impact area identified in the report you commissioned.

Page IV-49, Issue 1(e) concerning **slope stability**. Staff implies that the issue was raised as a safety issue. It in fact concerns the quality of the site. A deep overburden requires that cuts be made at shallow angle and creates other increased mining costs for moving and storing overburden .

Page IV-50, Issue 2(b) concerning **traffic impacts**. I did not say that "traffic impacts were not considered". I said that staff wrongly rejected Highway 30 as a conflicting use. Staff responds by saying "traffic impacts were considered and determined not to [be] a conflict based on information received for the Oregon Department of Transportation." Staff's conclusion is based on information supplied by Angell Brothers, that there will be a maximum of 250 trucks a day (p. IV-9, ¶3-5). It's interesting that, in responding on another issue, the contention that the existing approved quarry site has a 60 year supply of aggregate, p. V-85, Issue 11, the staff rejects reliance on the Angell Brothers statement that rock crushing is limited to 810,000 tons per year. I'm willing to reject all of Angell Brothers assurances. But it is not tolerable for staff to accept them when they support expansion and reject them when they show no need for expansion.

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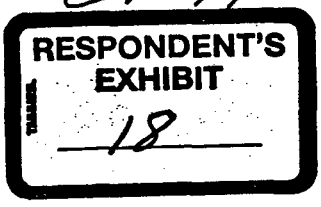

Page IV-51, Issue 2(h), concerning **DEQ and DOGAMI standards**. Staff claims that it never intended to say that DEQ and DOGAMI standards assure no impact. But it did. In the undated resource analysis of Aggregate Resource Site #4, C 1-94, the staff said:

> "The Rafton/Burlington Bottoms is a "3C" Goal 5 resource site. The existing mining operation is conducted in compliance with state regulations that insure no adverse impact that site [sic], as would be the case for any expanded operation." (p.16)

and,

> "There would be no environmental effect on the Rafton/Burlington bottoms by an expanded mining activity since any expansion must be conducted under environmental control measures that result in no conflicts with the identified wetland resource." (p.20-21)

Streams, Section III

Page III-45, Issue 6, concerning criticism for **omitting the watersheds from stream impact areas**. Staff says "Impacts to streams beyond the riparian zone are much reduced, and unless practiced at a large scale are in fact negligible." This is a gross error caused by bias or ignorance. It takes very little development to destroy watershed function. Staff obviously assumes that watershed function is affected in proportion to impervious surface. But the effect is actually far greater than mere reduction of absorbing soil. The staff has chosen to ignore the Booth and Reinelt paper attached to my May 11, 1994 comments on the Significant Streams Studies of 4/8/94 and 4/28/94.

Page III-46, Issue 7, concerning **affect of quarry on watershed**. The staff response needs to be quoted to see the implications of word choices. Key words are underlined:

> "Staff does not believe that the Angell Brothers mining operation will necessarily lead to the permanent total destruction of any watershed in which they quarry. Staff believes that the regulatory state agencies are able to do their job to control impacts and require for [sic] a good reclamation plan for the Angell Brothers quarry. For staff to take a position based upon the opposite conclusion (what is that?) would be to take a cynical position on the issue which is not appropriate."

The word "necessarily" is used as a cover; that is, staff can say we didn't say it wouldn't destroy watershed, only that it wouldn't necessarily destroy it. "Total" watershed destruction would, of course, occur only if a watershed is totally mined. I concede that if only 70% or 90% of a watershed is mined, there will be some watershed function left. State agencies, of course, "are able" to regulate effectively. But we have seen the evidence that regulation cannot be relied on. No criticism is intended or implied. Regulators are like police. They may be doing a good job when then apprehend a criminal though they had no power to prevent a particular crime and its impact. If the prosecution and penalties are sufficient, they may have an important deterrent effect. But a prudent person doesn't leave the door unlocked out of respect for the police.

Page III-50, Issue 15, concerning **property values**. In criticizing the report for considering only those effects of regulation that lower property values, and not considering how values are enhanced by regulation, I used an extreme example of prohibiting a steel mill in a residential zone. The staff belittles my comments because there isn't an actual proposal to allow steel mills in the stream impact area. The staff reply is an insult to the intelligence of the members of the commissions. The point is, that regulation that preserves healthy streams increases the value of riparian property. Where it supports an argument for

the economic importance of allowing development on streams, the staff is happy to talk about increased property values. "According to Rick Walker, a residential appraiser with Palmer Groth and Pietka, a stream will generally increase the value of any nearby dwelling." (page III-19). I'm sure Mr. Walker does not mean a stream that's dry all summer and that floods in the rainy season enhances value as a healthy stream does.

Wildlife Habitat, Section V

Note: Unlike the issues discussed above, the staff responses in this part of the report attempt to seriously address the issues and do not belittle or evade them. The staff shows respect and here deserves respect.

Page V-85, Issue 11, concerning **recoverable aggregate, number of years supply will last, value**, etc. In general, the staff here shows more sophistication regarding the quarry issues than is shown in the aggregate report. But there are some shortcomings. As discussed above, if we are to rely on Angell Brothers' statement in their application that maximum truck traffic will be 250 a day, why are we not to rely on maximum rock crushing of 810,000 tons a year? Values of extractable rock, whether the low of $42 million or absurdly higher figures of nearly $100 million, omit recovery costs, including wages, insurance, equipment, taxes, and other expenses. The economic significance of the resource for the ESEE analysis, is its *in situ* value, not its value after mining crushing and loading on a truck. As Mr. Parisi, Angell Brothers' counsel, frankly and helpfully pointed out in his Letter to the Planning Commission of October 12, 1992, calculations of value of aggregate in the ground must include a factor for the years that it would take to extract it. If the expansion area contains $40 million dollars worth of aggregate, it has a different present value if it takes 5 years to extract or 100 years. In the former case, it would be worth nearly "face value", while in the latter case, it would be worth only a small fraction of the $40 million. Its as if someone were to offer you $40 million in cash, or offered to dole out $40 million in annual installments over 100 years. Obviously the cash is worth far more because you could immediately invest it and, without touching the principal, get income that would exceed the principal payments from the 100 year dole. The result is that Mr. Parisi's estimate of $42 million value of recoverable rock should be reduced to a small fraction of that, probably under $10 million.

Page V-91, Issue 20, concerning **value of residential lots.** The staff response is exemplary. It examines the criticism, finds it to be valid, and uses it to improve the report.

Scenic Resources, Section II,

Page II-22, Location, Issues 1 and 2, concerning **scenic drives and "not seen" area.** The issue, as I presented it, was that the Board of Commissioners designated the east face of the hills as a significant scenic resource. Much public testimony included views of the hills as seen from roads and from viewing points within the hills themselves. These views of the hills must now be the subject of the ESEE analysis. Neither staff nor the Planning Commission has a right to exclude them without Board action. Staff has opposed the scenic designation entirely, from the beginning, and now seeks to minimize it. Staff does not make policy, and the Board should make that clear.

Arnold Rochlin

June 13, 1994
Friends of Retaining Channel Environment
Inc. (F.O.R.C.E.)
13010 N.W. Marina Way
Portland, Oregon 97231

Multnomah County Planning Commission and Board of County Commissioners
c/o 2115 S.E. Morrison
Portland, Oregon 97231

Dear County Commission/Commissioners:

We are a group of Multnomah County citizens who are members of a non-profit group, F.O.R.C.E., whose primary focus is the preservation of the unique scenic and natural features of Multnomah Channel and surrounding areas. We are writing in response to the Multnomah County ESEE analysis of the Angell Brothers Rock Quarry site, and we would to oppose their recommendations to allow expansion the operation beyond the current site. Our opposition is based on the following concerns:

1. SCENIC DEGRADATION OF THE WEST HILLS

Multnomah County recently designated the east face of the West Tualatin Hills as a scenic resource. Doubling the size of the Angell Brothers site will cause a scenic blight in one of the most visible and prominent areas of the West Hills, visible from Sauvies Island, Highway 30 and Washington state. We agree with the Multnomah County staff findings from the November 16,1992 hearing before the Multnomah County Commissioners regarding the Angell Brothers expansion plans, which concurs that a proper reclamation plan would not be feasible for an expanded operation. The County stated:

a. The proposed Angell Brothers reclamation plan would not "allow the property to be used as envisioned by the comprehensive plan and the underlying district."
b. The County remained unconvinced that, despite the applicant's evidence, that the site could be successfully reclaimed for forestry uses.
c. "The applicant did not show that its reclamation plan includes a timetable for continually reclaiming the land," as is required. "The applicant claimed it was impossible to develop such a timetable."
d. "The applicant did not show that reclaimed surfaces will blend into the natural landforms of the immediately surrounding terrain."

For these above reasons, any plans to expand the Angell Brothers site would severely compromise the scenic qualities of the West Hills and surrounding areas, and these problems are not capable of being mitigated. An expansion should therefore be disallowed.

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2. ENVIRONMENTAL IMPACTS

We believe that any expansion of mining activities at this site will severely affect water quality of Multnomah Channel, and degrade low lying wetlands below the site. The November 16, 1992 findings by Multnomah County regarding the Angell Brothers expansion confirmed the following problems:

a. "The applicant did not show that sedimentation and erosion would comply with DEQ standards" and the applicant provided "no proof that it will comply with those standards."
b. In fact, the County found "that the applicant will not meet the standards established in its existing waste water permit." "Discharges of turbid water into Multnomah Channel, which already occur commonly, are likely to increase in frequency and magnitude."

We disagree that the degradation of North Angell Brothers Creek would have a minimal impact on the significant wetlands on Rafton-Burlingtom Bottoms. A similar wetlands habitat beneath the current Angell Brothers site has slowly filled in over the past 15 years as a result of runoff from current mining activities. This turbid runoff occurs in spite of current "environmental control measures", which are inadequate to protect either water quality or existing wetlands. To further protect water quality, the DEQ is proposing damming of the creek that flows into this wetlands, which will further destroy the wetland habitat. It is impossible to move the quantities of soil necessary to mine on these hillsides, without creating massive turbid runoff during the winter rainy season. This silty runoff will deposit inevitably into Burlington Bottoms or adjacent wetlands, and then into Multnomah Channel. An expansion of the mining site will only exacerbate current problems.

Overall, we feel that adequate measures to preserve scenic values, water quality, and wildlife/wetlands habitat are not possible given expanded mining operations at this site. We urge that the County reconsider the current ESEE analysis at the Angell Brothers Site to exclude expansion of mining activities.

Sincerely,

Mark Valeske

Mark Valeske, President
F.O.R.C.E.

June 13, 1994
Jodeanne Bellant MD
14956 N.W. Mill Road
Portland, Oregon 97231

Multnomah County Planning Commission and Board of County Commissioners
c/o 2115 NE Morrison
Portland, Oregon 97231

Dear County Commission and Commissioners:

I am writing to express concern regarding the current Multnomah County ESEE analysis, which would allow the Angell Brothers Quarry to expand their quarry operations to approximately double the current area. The Multnomah County Report and Findings regarding the Angell Brothers Site from November 16, 1992 outlined some serious problems with such an expansion, and noted numerous unmitigatable conflicts with other Goal 5 resources. I and many of my neighbors seriously oppose any mining expansion at this site, and we believe that it is in the best interests of Multnomah County to do likewise.

Currently, as houseboat neighbors located directly below the quarry site, we are exposed to high levels of dust and noise from the current quarry operations. Blasts from the site have disrupted our residences and dust from quarry operations coats our cars and homes, and presents an airborne health hazard, especially to residents with respiratory ailments. Expanding this operation will increase these detrimental effects on our community, as well as on neighboring homes and homesites in the West Hills.

We are also concerned regarding the safety of increased truck traffic on Highway 30. There have already been several fatal and near fatal accidents involving dump trucks traveling to or from Angell Brothers onto Highway 30 in the recent past. Reports from the Department of Transportation indicate that there is approximately one fatality or injury per month due to accidents on Highway 30 between the Sauvies Island Bridge and the Angell Brothers Quarry. Numbers of moorage residents, including myself, have been nearly rearended or side swiped by trucks exiting the Angell Brothers Road. Increasing truck traffic to this site would increase the public hazard along this already dangerous section of Highway 30.

The environmental impact of expanding this quarry site are substantial, and are not adequately protected by this ESEE analysis.

The Burlington Bottoms wetlands is a significant site which would be negatively impacted by silt runoff from the North Angell Brothers stream. Other wetlands not on the Burlington site, but on our adjacent moorage property, have already been negatively impacted by current operations, and would be further impacted with an expansion. The current silt runoff from quarry operations is carried by a stream that empties onto our upriver wetland property and the small but cumulative negative effects of quarry operations are clearly evident there. This wetland has been filled with silt from quarry operations over the past 13 years that I have lived on the moorage. Silt now flows directly into Multnomah Channel because the holding capacity of the land has been surpassed. Our once identical downriver wetlands still maintain standing water for most of each year. Because of this problem, the quarry cannot currently meet DEQ requirements for water quality; in no way could they meet them for an expanded site.

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Expanded quarry operations will affect runoff into the two streams which feed our downriver wetlands and the wetlands of Burlington Bottoms. Hydrologists project, conservatively, that stream and silt flows would increase by 2 to 20 times current values with the original expanded quarry operation (283 acres). Settling ponds to control such an increase in runoff would require an 100 acre lake that was 7 feet deep (an impossibility for this site). It is obvious to me that expanded quarry operations would mean increased silt run off and consequently the demise of the downriver wetlands on our property and on Burlington Bottoms. These off-site effects were not adequately addressed in the ESEE analysis, and deserve more thorough investigation.

Lastly, I would like to reiterate some of Multnomah County's concerns on how an expansion of mining activities at the Angell Brothers site would negatively impact scenic values and may increase geologic hazards to neighboring properties. These items are quoted from the November 16, 1992 Multnomah County Decision on the Angell Brothers application for expansion of their mining site:

1. "The applicant has not produced a proposed reclamation plan that will allow the property to be used as envisioned by the comprehensive plan and the underlying district". "Despite the applicant's evidence, the Planning Comission remains unconvinced the site could be successfully reclaimed for forestry"
2. "The applicant did not show that its reclamation plan includes a timetable for continually reclaiming the land." "The applicant claimed it was impossible to develop such a timetable. The code does not excuse compliance with this requirement".
3. "The applicant did no show that reclaimed surfaces will blend into the natural landforms of the immediately surrounding terrain."
4. "The applicant did not show that the proposed operation will not result in the creation of a geologic hazard to surrounding properties".

It seems, based on Multnomah County's own review of testimony and on the Angell Brothers application, that a legal, adequate reclamation plan is impossible and expansion plans in this steeply forested site cannot rule out the creation of geological hazards. To allow any expansion under such circumstances, seems illogical and irresponsible.

In sum, please review the ESEE analysis carefully, and don't accept its approval of an expanded mining operation at the Angell Brothers site. Expanded mining at this site will impart too many negative impacts to scenic values, water quality, wetland and wildlife habitat, and neighboring properties. These impacts are potentially unmitigatable, by the County's own admission, and should never be allowed to occur.

Sincerely,

Jodeanne Bellant MD

Jodeanne Bellant M.D.

NEIL S. KAGAN
ATTORNEY AT LAW

1050 Yeon Building
522 S.W. Fifth Avenue
Portland, Oregon 97204

Telephone
(503) 223-4272
Fax
(503) 225-0811

June 13, 1994

MEMORANDUM

TO: Multnomah County Board of Commissioners
Multnomah County Planning Commission

RE: West Hills

The Friends of Forest Park ask the Board and the Commission:

- to reject the planning department's recommendation that the Angell Bros. mineral and aggregate resource site be deemed significant and added to the Goal 5 inventory;

- to reject the planning department's recommendation that the northern portion of the Angell Bros. mineral and aggregate resource site be designated "3C";

- to protect wildlife habitat completely by prohibiting mining on the entire unused Angell Bros. mineral and aggregate resource site (by designating the mineral and aggregate resource site "3B" if it is deemed significant and added to the Goal 5 inventory);

- to protect the North Angell Brothers stream and the Burlington Bottoms wetlands completely by prohibiting mining within the watershed of the North Angell Brothers stream (by designating that portion of the mineral and aggregate resource site "3B" if it is deemed significant and added to the Goal 5 inventory); and

- to revise the West Hills Reconciliation Report to explain the reasons for making the foregoing decisions

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June 13, 1994

MEMORANDUM

TO: Multnomah County Board of Commissioners
Multnomah County Planning Commission

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- to protect the North Angell Brothers stream and the Burlington Bottoms wetlands completely by prohibiting mining within the watershed of the North Angell Brothers stream (by designating that portion of the mineral and aggregate resource site "3B" if it is deemed significant and added to the Goal 5 inventory); and

- to revise the West Hills Reconciliation Report to explain the reasons for making the foregoing decisions

C 1-94
RESPONDENT'S EXHIBIT
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NEIL S. KAGAN
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1050 Yeon Building
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June 10, 1994

R. Scott Pemble
Planning Director
Department of Environmental Services
Division of Planning and Development
2115 S. E. Morrison Street
Portland, Oregon 97214

Re: West Hills Reconciliation Report

Dear Mr. Pemble:

On behalf of Friends of Forest Park, I am writing to comment on your staff's West Hills Reconciliation Report of May 23, 1994 ("the report"). The report justifiably recommends full protection of the half-mile band of significant wildlife habitat between McNamee Road and the Angell Bros. mineral and extraction site. The report unjustifiably recommends protection of the balance of the Angell Bros. aggregate resource, however, at the expense of inventoried significant wildlife habitat and streams on the site, and inventoried significant wetlands in Burlington Bottoms.

The evidence does not support the recommendation that the Angell Bros. mineral and aggregate resource site should be added to the Goal 5 inventory

A fundamental problem with the report's recommendation of protection of the Angell Bros. aggregate resource is its uncritical conclusion that the resource is significant. This conclusion was based largely on evidence submitted by H. G. Schlicker & Associates to the effect that the site contains approximately 220 million cubic yards of very good aggregate material. Report at IV-5. Yet Schlicker's evidence has been convincingly contradicted. See Exhibit 101 to Friends of Forest Park's Brief in Opposition to Angell Bros.'s Applications for a Comprehensive Plan Amendment and a Conditional Use Permit ("Brief"), which Friends of Forest Park re-submitted in commenting on the West Hills Significant Resources Analysis Reports, on April 25, 1994 ("Beeson Statement").

Beeson, a highly reputable expert on geology, said Schlicker's evidence, "without deep bore hole data, [is] . . . insufficient to adequately address the questions of rock quality and quantity." Beeson Statement, second page. More particularly, Beeson said:

> "The estimate of the quantity and quality of rock in the proposed quarry is apparently based on surface observations, two shallow (84 ft) bore holes, and the assumption that the same quality of rock exists to the base of the proposed quarry floor hundreds of feet below the surface. While it is possible this assumption is correct, there are several potential problems that could decrease this estimate: 1) The thickness of the CRBG [, "Columbia River Basalt Group",] is variable (400 to 800 ft) in the Portland Hills and the base of these flows could lie above the proposed quarry floor toward the back of the quarry. 2) The quality of the rock and its suitability for crushing is not the same in all CRBG flows due to differences in the thickness of vesicular zones, the possible presence of flow top breccia, and the nature of the texture and jointing. 3) Although no faults have been mapped at this site, faults and fault breccia are not uncommon in the Portland Hills and the rock quality may be poor along these zones due to alteration and a high clay content. The uncertainty in the estimates of rock quality and quantity could be greatly reduced with several core holes distributed over the proposed quarry area that penetrate to the depth of the proposed quarry floor."

Beeson Statement, first page.

Later, Beeson discredited well log evidence introduced by Angell Bros. to establish the quantity and quality of the aggregate resource. In oral testimony to the Planning Commission on October 5, 1992, Beeson said:

> "First of all with respect to quality and quantity. Mr. Parises [sic] pointed out that these water well logs indicated it was all solid rock. I would like to read just a couple lines from some of these. Mr. Rupel's well. Let us go through a few of these. It says soft, decomposed brown basalt, firm gray brown basalt, firm gray brown basalt, soft brown basalt and so on on the way down the hole. It is not all uniform quality and characteristics [sic]. Here is another one from Tony Well and is in the vicinity also. This is down at three hundred fifty something feet. Conglomerate broken brown rock, conglomerate brown soft rock and clay, weather basalt, wood soft cole basalt mix. <u>Not exactly all solid rock all the way</u>. I don't know exactly the nature of this. I don't think they do either since there has been no drill holes for that purpose. And, I might say after having used these is that <u>most geologists or engineers do not put much reliance in these</u>. They are done by

> drillers. They are not either engineers nor geologists and I have a lot of experience with them. They should be used with great caution in any case."

Transcript of October 5, 1992, Item 2 - CU 14-92, Angell Brothers Rock Quarry at 42 (emphasis added).

Since the Schlicker evidence was the only evidence of quantity and quality, Report at IV-5 through IV-6, and since that evidence was rejected by Beeson, the county has no credible evidence to conclude the site is significant. Consequently, the report should drop the recommendation that the aggregate resource should be protected, to the detriment of the significant Goal 5 resources on and off the site. Instead, the report should recommend protecting the significant Goal 5 resources completely.

The county should protect more than the half-mile band of significant wildlife habitat between McNamee Road and the Angell Bros. mineral and extraction site

Whether or not the county deems the Angell Bros. site significant, it should afford complete protection to the significant wildlife habitat over the entire site. Only complete protection provides any certainty that the ecological integrity of Forest Park can be sustained.

The "*Study of Forest Wildlife Habitat in the West Hills* [, "Wildlife Study,"] recommended maintenance of a continuous, 1.5 mile peninsula of forested habitat extending from Forest Park to the Coast Range . . . to compensate for the temporary loss of forest habitat that results from clear-cutting." Report at V-9. The Wildlife Study also recommended maintenance of a minimum band of contiguous forest habitat one half-mile in width. Wildlife Study at 26. But the study did <u>not</u> say maintenance of a half-mile band <u>would</u> be sufficient to sustain the ecological integrity of Forest Park.

Rather, the Wildlife Study said a half-mile band of habitat "may suffice." Wildlife Study at 26. The Wildlife Study readily conceded that a half-mile band of habitat might be too narrow. In fact, it said the band should perhaps be three-quarters of a mile wide and, moreover, that discussions with recognized wildlife experts justified a band as wide as <u>one and a half miles</u>. Wildlife Study at 26.

In the face of such uncertainty, recommending a mere half-mile band of wildlife habitat is far too risky a gamble when Forest Park, a resource of unparalleled quality and significance to the region, is at stake. As Friends of Forest Park established in its Brief, and in its April 25, 1994, comments on the West Hills

Significant Resources Analysis Reports, Forest Park is critical to the region's identity, and a magnet for residents, businesses, and tourists. Nothing less than full protection of its unique values is warranted, and nothing more than a half-mile band of wildlife habitat is insufficient. For this reason, the report should recommend designating the entire Angell Bros. site under consideration "3B."

The county should fully protect the "North Angell Brothers" stream to ensure the preservation of the irreplaceable Burlington Bottoms wetlands

The North Angell Brothers stream running through the Angell Bros. site flows into the Burlington Bottoms wetlands. Report at III-24, 48. The Burlington Bottoms wetlands represents one of the state's largest remaining wapato wetlands, and provides habitat for a number of important wildlife species, including bald eagles and many other waterfowl, shorebirds, and songbirds.

Were Angell Bros. permitted to expand its quarry operations to include the area through which the North Angell Brothers stream flows, the quality of Burlington Bottoms would suffer from an enormous, approximate 950% increased rate of sedimentation. Brief, Exhibit 107 ("Rhodes Declaration") at 9. As a result, the sedimentation of the wetlands will accelerate, destroying its open water character and reducing its ability to store water. Rhodes Declaration at 9.

Given the county's obligation to protect significant streams and wetlands for future generations, the report should not recommend allowing the immediate and future harm to either resource that quarry operations would cause. Instead, the report, at the very least, should recommend designating "3B" that portion of the Angell Bros. site within the watershed of the North Angell Brothers stream.

Conclusion

The county should bear in mind that it has broad discretion to decide what level of protection to extend to Goal 5 resources. It may extend full, partial, or no protection, so long as reasons support its decision. Here, the unique value of the wildlife habitat, streams, and wetlands provide more than ample reasons to justify extending no protection to the Angell Bros. site. If any more reasons were necessary, the huge supply of aggregate the existing Angell Bros. site is capable of producing has to be the clincher. Therefore, the report should recommend designating the Angell Bros. site "3B" if, indeed, it is deemed significant at all.

Yours truly,

Neil S. Kagan

NSK/gmm
Enc.

cc: Steve Oulman, DLCD

June 09, 1994

RECEIVED
JUN 13 1994
Multnomah County
Zoning Division

Multnomah County Planning Division
Dept. of Environmental Services
Division of Planning and Development
2115 SE Morrison Street
Portland, OR 97214

To Multnomah County Planning Staff:

I am writing in regard to the West Hills Reconciliation Report and the resource protection and conflict resolutions for wildlife habitat contained in this report. As the project coordinator for the Burlington Bottoms area, I am concerned about the proposed Angell Bros. quarry expansion and it's effects on fish and wildlife habitat in the surrounding area. Burlington Bottoms was purchased by the Bonneville Power Administration in 1991 for mitigation of wildlife habitat lost due to the construction of hydrolelectric facilities on the Willamette and lower Columbia Rivers.

As a result of this purchase, important fish and wildlife habitat will be protected. In conjunction with protecting this area, it is also important that wildlife habitat in the surrounding lowlands and uplands also be protected, since many species utilize not one but many areas to meet their habitat requirements. Protecting habitat also is important in maintaining the diversity of plants and animals that are present. Allowing the quarry expansion in the North Angell Bros. Creek would conflict with habitat protection since it would destroy habitat and have negative impacts on water quality for the Burlington Bottoms area.

Approving the quarry expansion would also conflict with the intentions of Goal 5, which: requires cities and counties to develop comprehensive plans that will 1) ensure open space; 2) protect scenic and historical areas and natural resources; and 3) promote healthy and visually attractive environments in harmony with the natural landscape. Allowing the Angell Bros. Quarry to expand into the area that includes the North Angell Bros. Creek, which you have found to be "significant", would be:

1) in conflict with the requirements of Goal 5, since it would not protect the area's natural resources. The North Angell Bros. Creek that is said in the report to be of low quality downstream would be further degraded, thus having a detrimental impact on water quality, particularly to Burlington Bottoms. Since the upstream portion of this creek has been found to be of "high quality", it would be far better to give protection to the entire creek and enhance the lower area, thus protecting and enhancing habitat for wildlife and fish, and maintaining the "significance" of the stream as a <u>whole</u>.

C1-94
RESPONDENT'S EXHIBIT
23

2) in conflict with maintaining an environment that is in harmony with the land. The results of allowing mining expansion would not be in harmony with the land, and would destroy valuable wildlife habitat in this area. Though claims are made that the area could eventually be reclaimed, this has not been proven to be accurate as evidenced in past cases, and does not compensate for the loss of habitat and the degradation of water quality in the present.

The expansion of the Angell Bros. Quarry is not justified economically, as stated in your report, and when weighed against what it would do to the resources it certainly cannot be allowed. Your report states that the 3-C resource areas, including the Rafton/Burlington Bottoms area, "must be protected by limiting conflicting uses, of which mining is one". If we as stewards of the land do not protect our natural resources, who will?

Sincerely,

Sue Beilke

Sue Beilke

PORTLAND PARKS AND RECREATION

1120 SW FIFTH AVE, SUITE 1302, PORTLAND, OREGON 97204-1933

TELEPHONE (503) 823-2223 FACSIMILE (503) 823-5297

CHARLIE HALES, COMMISSIONER CHARLES JORDAN, DIRECTOR

June 13, 1994

Multnomah County Board of Commissioners
1120 S.W. 5th Avenue
Portland, Oregon 97204

Dear Commissioner:

As much as time has allowed, I have reviewed the *West Hills Reconciliation Report* dated May 23, 1994. Based on my review and on my interest in the protection of Goal 5 resources important to Forest Park and to other Portland parks, I submit the following observations and recommendations.

First, the secenic resource inventory and evaluation work is much improved. Hopefull, the result will be fair consideration of these important resources as they will be given some weight during land use decision making.

Second, for purposes of determination of significance, the stream resource inventory information is adequate in its identification of streams in the West Hills running through Forest Park.

Worth reconsidering, however, is the ESEE analysis. While the matrix correctly states that there are numerous impacts from existing and potential conflicting uses, the ESEE conclusions and summary appear to consistently favor economic over environmental consequences. For example, when consequences of protecting the environment are stated they may be accompanied by a reminder the the impacts are "transferred to another site" (four times on pages 40-41, Chapter III). However, when there is an economic consequence such as loss of property value or loss of a job, there is no mention of the possibility of increased property value at other sites, or jobs created elswhere if use of the site is limited. Also questionable in the ESEE summary is the statement that there is a "reduced availability of amenities" if residential use is not allowed or limited. The only place where that statement may be true is on the parcel so regulated. The remaider of the watershed and downstream areas would enjoy enhanced amenities. I suggest that ESEE analysis be done on a more consistent basis and that a more global view be considered before such conclusive statements are made. Policy made from statements having such a contrained viewpoint may not be in the best interest of all.

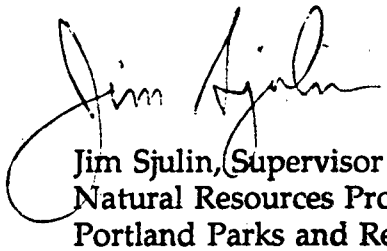
C 1-94

RESPONDENT'S EXHIBIT 24

Having said that, I cannot predict how the result of a revised ESEE analysis would play out in terms of recommended policy. However, I would suggest that you may be more inclined to consider some meaningful regulation of residential use, and regulation of agriculture, and you may be less distracted by assertions of "transferring environmental impacts", "reduced property value", "reduced availability of amenities", and "regulatory burden".

The City is having some success with a more broadly applied environmental zone. The e-zone places the responsibility of resource protection with all property in the watershed and with all property in significant wildlife habitat areas. I believe that this approach is both more fair and more effective in the long run. Please consider it as opposed to a narrow band along streams which may ultimately fail.

Respectfully,



Jim Sjulin, Supervisor
Natural Resources Program
Portland Parks and Recreation

FRIENDS of FOREST PARK

Friends of Forest Park

P. O. Box 2413
Portland, OR. 97208

Dedicated to protecting and enhancing Portland's Forest Park

June 14, 1994

Planning Commissioners, Multnomah County
2115 SE Morrison
Portland, Oregon 97214

Dear Planning Commissioners:

There seemed to be some confusion at the hearing last night on the part of Chairman Yoon as to whether or not the Angell Bros. Quarry expansion area drained to Burlington Bottoms. He referred to some letter from ODF&W. I hereby submit into the record the Final Report on Burlington Bottoms Hydrology and Hydraulics Assessment Prepared for The Oregon Department of Fish and Wildlife by W&H Pacific. On page 7 it says:

"Stream B conveys perennial flows from an area of 270 acres and enters the upper lakes of Burlington Bottoms through a 30" concrete pipe. The northwestern end of the Angell Brothers quarry is a part of the watershed that drains through stream B. A site investigation showed that an access road belonging to the Angell Brothers Quarry is within this watershed."

Personal communication from Jim Lenart, the signer of the Report, to me, included the information that there would NO DOUBT be heavy impact on Burlington Bottoms if the quarry were to expand. He said the Report avoided discussion of this issue. Certainly to avoid pollution of the Bottoms, extraordinary measures would be needed for removing sediment from stormwater. You heard Paul Kieren of DEQ last night say that flocculation tanks might be needed and that it was unclear where they could be located.

Thank you for your attention.

Sincerely,

Chris Wrench

Chris Wrench, President Friends of Forest Park

Enclosures

C1-94

RESPONDENT'S EXHIBIT 25

RECEIVED
JUN 14 1994
Multnomah County
Zoning Division

August 27, 1993

FINAL REPORT

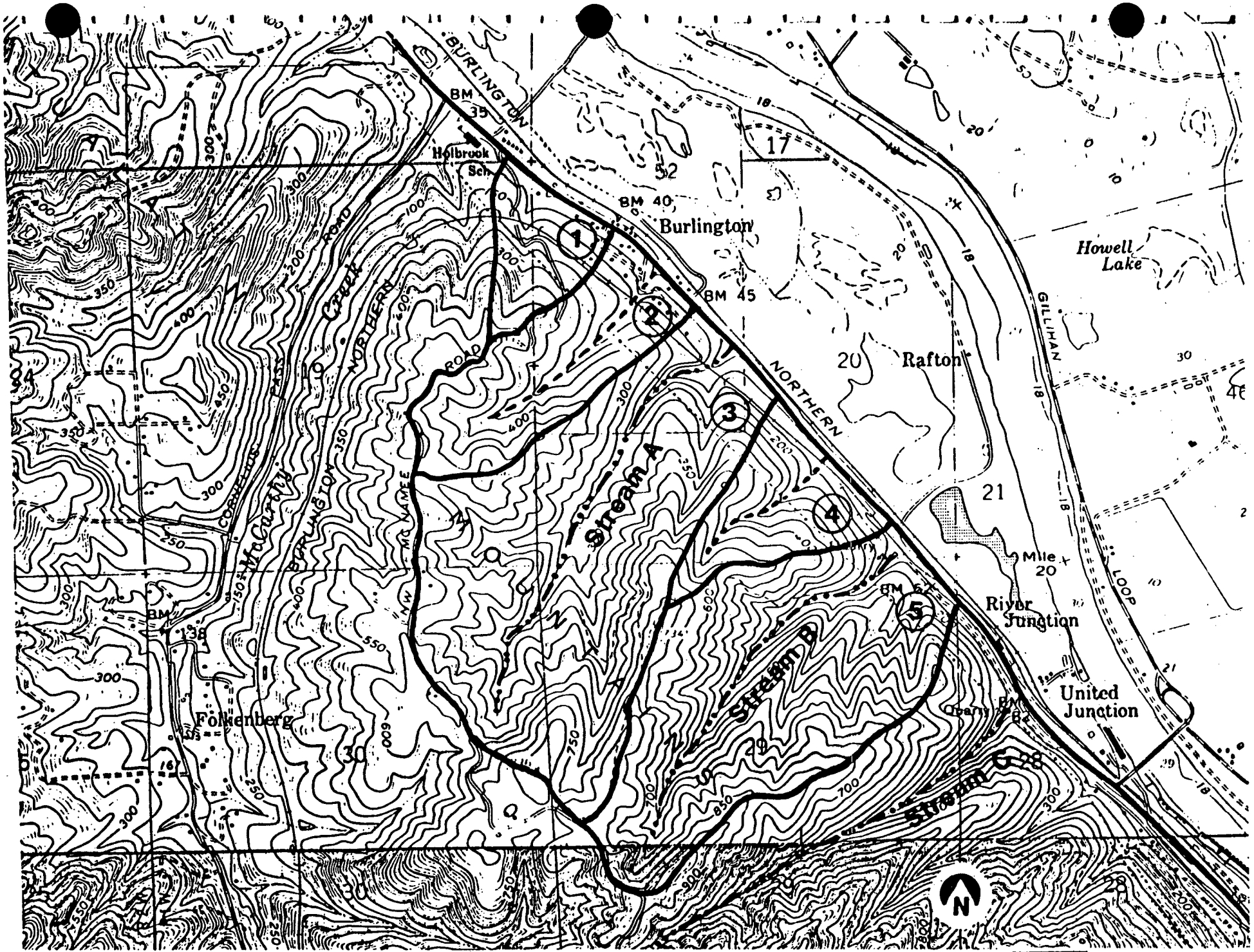
Burlington Bottoms Hydrology and Hydraulics Assessment

Prepared for

The Oregon Department of Fish and Wildlife

By

W&H PACIFIC
8405 S.W. Nimbus Avenue
P.O. Box 80040
Portland, OR 97280



Contributing Sub-Basin Map

W&H PACIFIC

To get an understanding of this 900 acre watershed it was divided into five sub-basins as shown Figure 3. Data are presented in Table 1.

Table 1

Calculated Areas of Watersheds Contributing to Burlington Bottoms

Sub-Basin	Drainageway Name	Area (AC)
1	Ephemeral Stream 1	40
2	Ephemeral Stream 2	141
3	Stream A	351
4	Ephemeral Stream 4	95
5	Stream B	270
Total		897

Sub-Basins 1, 2 and 4 contribute a small amount of flow via culvert crossings to the project site during rainstorm events only.

From field investigations, it was determined that both McCarthy Creek and Stream C do not contribute flows to the Burlington Bottom area. McCarthy Creek flows directly to the Multnomah Channel, however during periods of high stage in the Multnomah Channel there is a hydraulic connection between the McCarthy Creek Slough and the isolated slough. The direction of flow is dependent on the relative surface elevations of the sloughs.

Stream C may have, at one time, contributed flows to the project area. However, constructed drainage ways of U.S. 30 and the BN railroad have diverted the drainage south through United Junction. Stream C is the principal drainage way of the existing Angell Brothers Quarry. Since it does not discharge to Burlington Bottoms it appears that there are no direct water quality impacts.

Stream A conveys perennial flows from sub-basin 3. It drains an area of approximately 350 acres and enters the lower lakes of Burlington Bottoms through two 48" corrugated metal pipes passing beneath the railroad. Stream A has a reach of about 6,200 feet with an average stream gradient of 8.1 percent.

Stream B conveys perennial flows from an area of 270 acres and enters the upper lakes of Burlington Bottoms through a 30" concrete pipe. The northwestern end of the Angell Brothers quarry is a part of the watershed that drains through stream B. A site investigation showed that an access road belonging to the Angell Brothers Quarry is within this watershed. At the time of the site visits it was difficult to establish if the roadway is contributing sediment to the stream reach. Stream B's reach is about 5,400 feet in length with an average stream gradient of 14.0 percent.

Jim Lenhart - "They deliberately stayed away from quarry issue."

United States
Department of
Agriculture

Conservation
Service

2115 S. E. Morrison
Portland, Oregon 97214
Phone 231-2270

Date: June 17, 1994

C 2-94

Multnomah County Board
of Commissioners
1120 SW Fifth Ave.
Portland, OR 97204

Dear Commissioners,

I wish to respond to written testimony submitted by Metro at the joint Board of Commissioners and County Planning Commission meeting held on 13 June 1994. In that testimony Metro disagrees with the planning staffs recommendation to not regulate agriculture and to limit the Soil and Water Conservation Districts appropriations to restoration activities, exclusively.

I agree with staffs recommendation to allow the Soil and Water Conservation Districts to handle the water quality issue related to agriculture. More regulation has not demonstrated itself as the answer to water quality issues related to any landuse. If recommending appropriations is part of this testimonial process I recommend appropriating the money the county would waste trying to figure out how to regulate agriculture to the Soil and Water Conservation Districts to bolster their program which actually achieves results.

I admire the Metro Greenspaces program and the fine work they do; and I appreciate the opportunity to present my view

Sincerely,

Steven Fedje
District Conservationist

C1-94
RESPONDENT'S EXHIBIT
26

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797

METRO

Multnomah County Board of Commissioners
c/o The Clerk of the Board
1120 S.W. Fifth Avenue
Portland, OR 97204

Multnomah County Planning Commission
c/o Scott Pemble, Director
2115 SE Morrison
Portland, OR 97214

June 17, 1994

Re: "West Hills Reconciliation Report", May 23, 1994

Dear Commissioners:

We appreciate the opportunity to submit these additional comments to the file for the "West Hills Reconciliation Report".

At the June 13, 1994 joint hearing of the Multnomah County Board of Commissioners and the Multnomah County Planning Commission, it came to our attention that the Oregon Department of Fish and Wildlife (ODFW) has submitted two conflicting opinions to the file regarding the level of protection necessary for the North Angell Brothers Creek, which drains into the downstream Goal 5 wetland, Burlington Bottom.

A May 19, 1994 letter concluded that ODFW does not believe the North Angell Brothers Creek warrants a determination of "significance", i.e. no protection, while a June 9, 1994 letter (attached) from Sue Beilke, Burlington Bottom Project Coordinator for ODFW, recommended protection of the entire length of the North Angell Brothers Creek, including enhancing the habitat of the lower section.

C1-94

RESPONDENT'S EXHIBIT 27

Recycled Paper

ODFW's Habitat Conservation Division did not advise Metro, nor the owner (Bonneville Power Administration) of the site visit they conducted to Burlington Bottom on May 4, 1994, on which the May 19, 1994 letter was based.

Metro's testimony and written comments (provided at the June 13 public hearing) regarding protection for the North Angell Brothers Creek were based on the reasoning of Sue Beilke's June 9, 1994 letter and my personal involvement in the Burlington Bottom management planning team. The two year cooperative management planning effort coordinated by Ms. Beilke for ODFW, involved the expert advice of several other resource agencies including Bonneville Power Administration (the current owner of Burlington Bottom), The Nature Conservancy and U.S. Fish and Wildlife Service. The Burlington Bottom Management Plan/Environmental Assessment document is in its final preparation phase prior to federal National Environmental Policy Act (NEPA) review. The joint management plan/environmental assessment reflects hundreds of hours of expert knowledge and recommends appropriate protection measures, including protection and enhancement of watersheds contributing to the Burlington Bottom wetland.

Technical appendices to the document include a hydrological report (W&H Pacific, 1993), which confirms that there is high erosion potential associated with the clear cut section of the North Angell Brothers Creek. A well-reputed Portland Hydrologist, Jon Rhodes prepared a statement (September 1992) regarding the quarry expansion (entered into the file at the June 13 joint hearing) that predicts significant risk to the longevity and ecological health of Burlington Bottom from increased streamflow, erosion and sedimentation of the North Angell Brothers Creek.

ODFW's May 19 letter stated that ODFW manages the Burlington Bottom wildlife mitigation area, which is not true. In a recent discussion between Metro planner Jane Hart and Burlington Bottom Coordinator for BPA Charlie Craig (pers. comm. 6/10/94), Mr. Craig said that ODFW is under contract with BPA for Sue Beilke to prepare the joint Burlington Bottom Management Plan/Federal Environmental Assessment document. However, no contract or agreement exists at this time between BPA and ODFW for management of Burlington Bottom. BPA has yet to determine a strategy for who will manage the wildlife habitat mitigation area, but ODFW and Metro are being considered.

As mentioned previously, BPA is the owner and responsible for management of Burlington Bottoms as a wildlife habitat mitigation area. We have inquired whether they were consulted or notified of the West Hills Goal 5 review process which has implications for Burlington Bottom. Their response was that they were unaware that this process had been initiated. It is recommended that their comments be requested. Charlie Craig is the appropriate contact. He can be reached at 231-6964.

For the reasons stated above, we believe our June 13, 1994 letter recommending no quarry activities in the watersheds that drain into the Burlington Bottom wetland are based on sound, thorough and credible scientific studies and judgement. We believe we have proposed the minimum requirements to achieve protection of the North Angell Brothers Creek and the downstream Burlington Bottom and hope that you will incorporate them into the West Hills Reconciliation Report.

Thank you again for considering our comments.

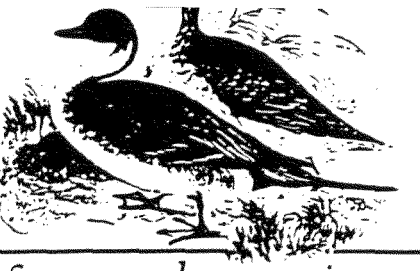
Sincerely,

Charles Ciecko
Director
Metro Regional Parks and Greenspaces

enclosure

CC: Steve Oulman, Department of Land Conservation and Development
Robert Walker, Bonneville Power Administration
Jill Zarnowitz, Oregon Department of Fish and Wildlife
Neil Mullane, Oregon Department of Environmental Quality
Rena Cusma, Metro
Judy Wyers, Metro
Merrie Waylett, Metro

SAUVIE ISLAND Conservancy



dedicated to the preservation of island rural life, wildlife & natural recreation area

6/17/94

Scenic Corridor from Sauvie Island Rd

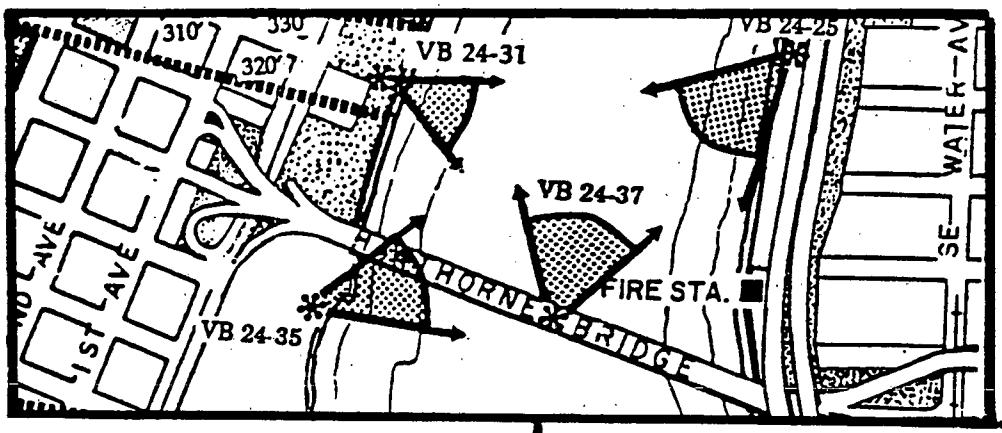
City of Portland
Scenic Resources Plan
vs
Multnomah County
Proposed West Hills Scenic Resource Plan

... inside ...

highlights of the most significant differences C/-94

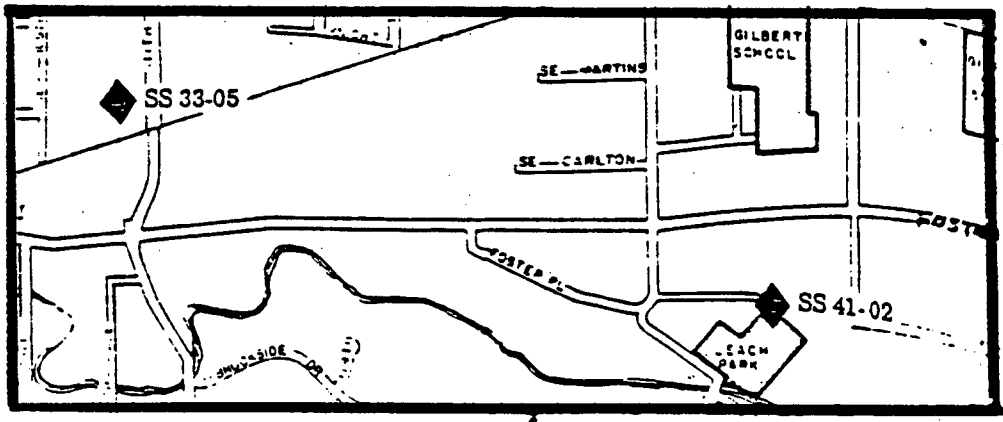
RESPONDENT'S EXHIBIT 28

CITY OF PORTLAND
SCENIC RESOURCES PLAN
ENCOMPASSES:



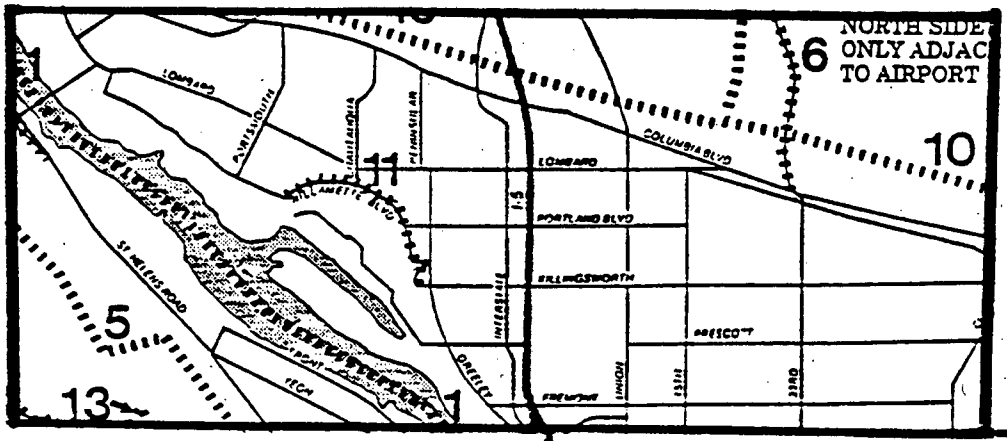
SCENIC RESOURCES PROTECTION PLAN
SCENIC VIEWPOINTS

SCENIC VIEWS



SCENIC RESOURCES PROTECTION PLAN
SCENIC SITES

SCENIC SITES

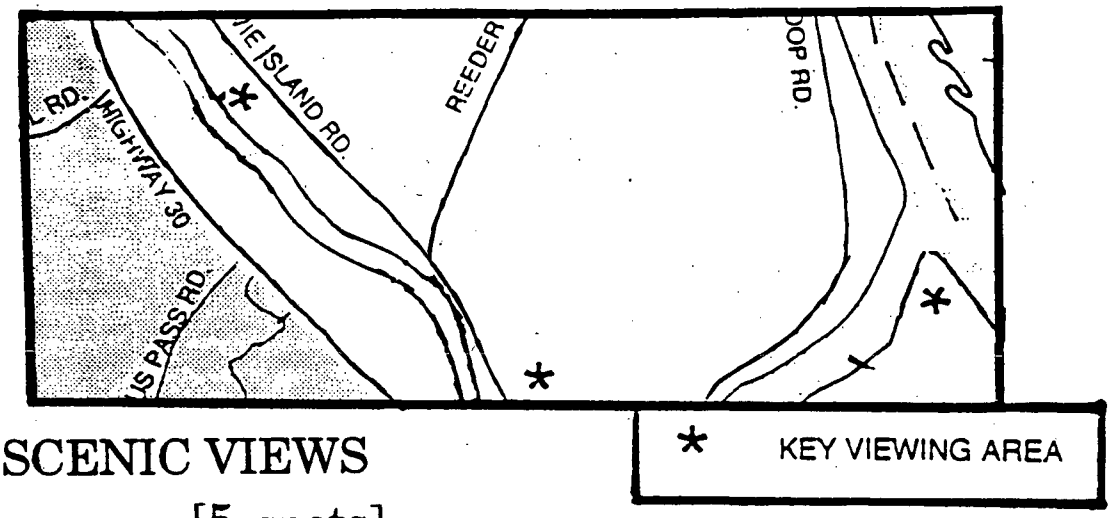


SCENIC RESOURCES PROTECTION PLAN

SCENIC CORRIDORS

SCENIC CORRIDORS

MULTNOMAH COUNTY PROPOSED WEST HILLS SCENIC RESOURCE PROTECTION PLAN ENCOMPASSES



SCENIC VIEWS

[5 spots]

[Note: None of the approximately 50 miles of Scenic Corridors is protected]

CITY OF PORTLAND
SCENIC RESOURCES PLAN

FULLY PROTECTS

SCENIC VIEWS

C. **Scenic view:** A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway or path. A view may be to a far away object such as a mountain or of a nearby object such as a city bridge.

MULTNOMAH COUNTY PROPOSED WEST HILLS SCENIC RESOURCE AND PROTECTION PLAN

RESTRICTS PROTECTION OF

SCENIC VIEWS

a) by proximity of viewer
b) by length of time the view is experienced from a car

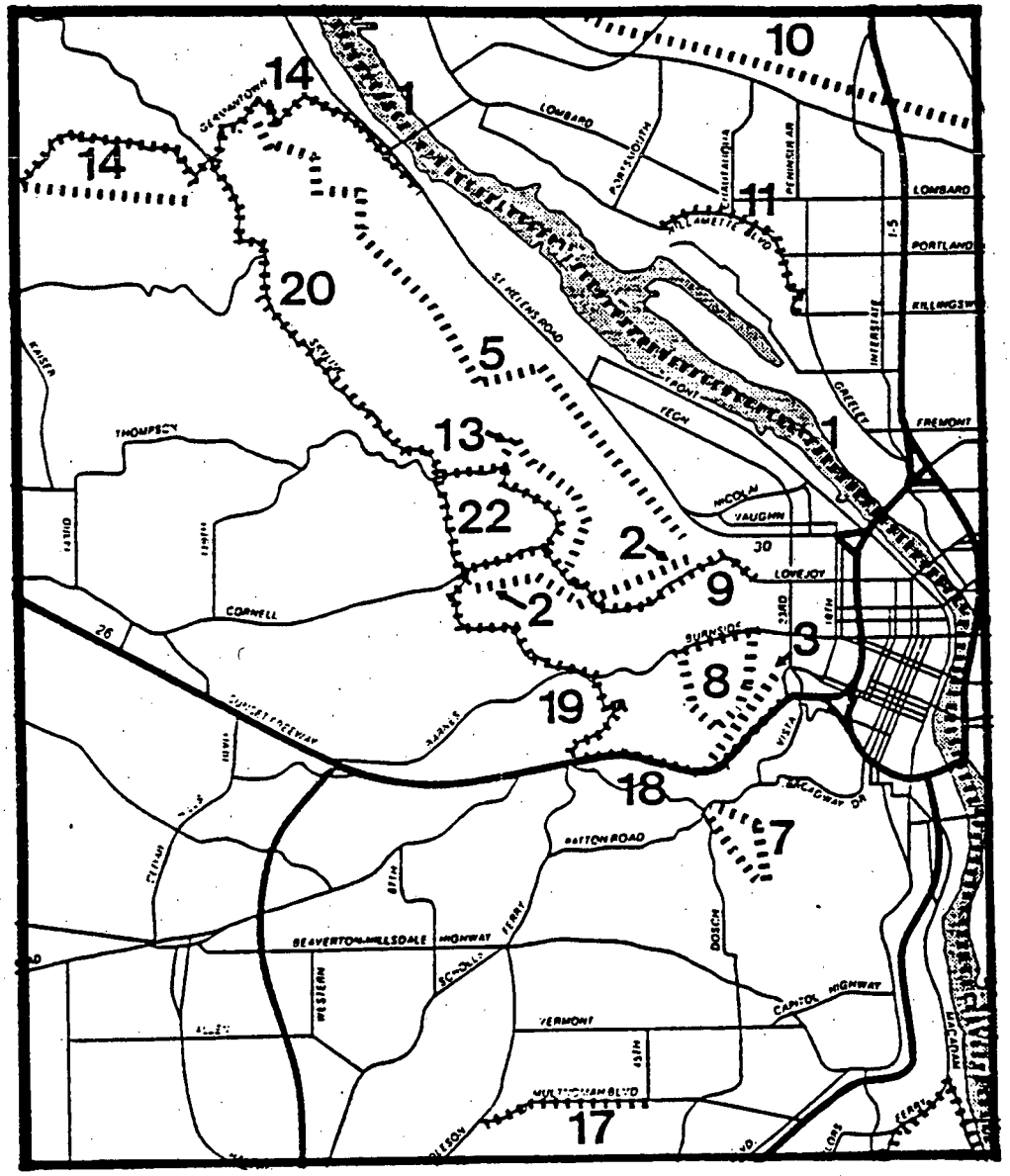
However, it is logical to assume that almost any development will be visible from foreground views, while a larger area must be disturbed to be visible from middle or background views.

A third viewing parameter relates to the time span during which a specific view can be seen from key viewing corridors - Highway 30 in particular but also Sauvie Island Roads. It may not be important to protect views that are seen for only a few seconds from a passing car.

CITY OF PORTLAND
SCENIC RESOURCES PLAN

includes as scenic corridors:

The Winding Wooded Roads Between Skyline Blvd & Route 30



Zone Code 33.910.000 Definitions

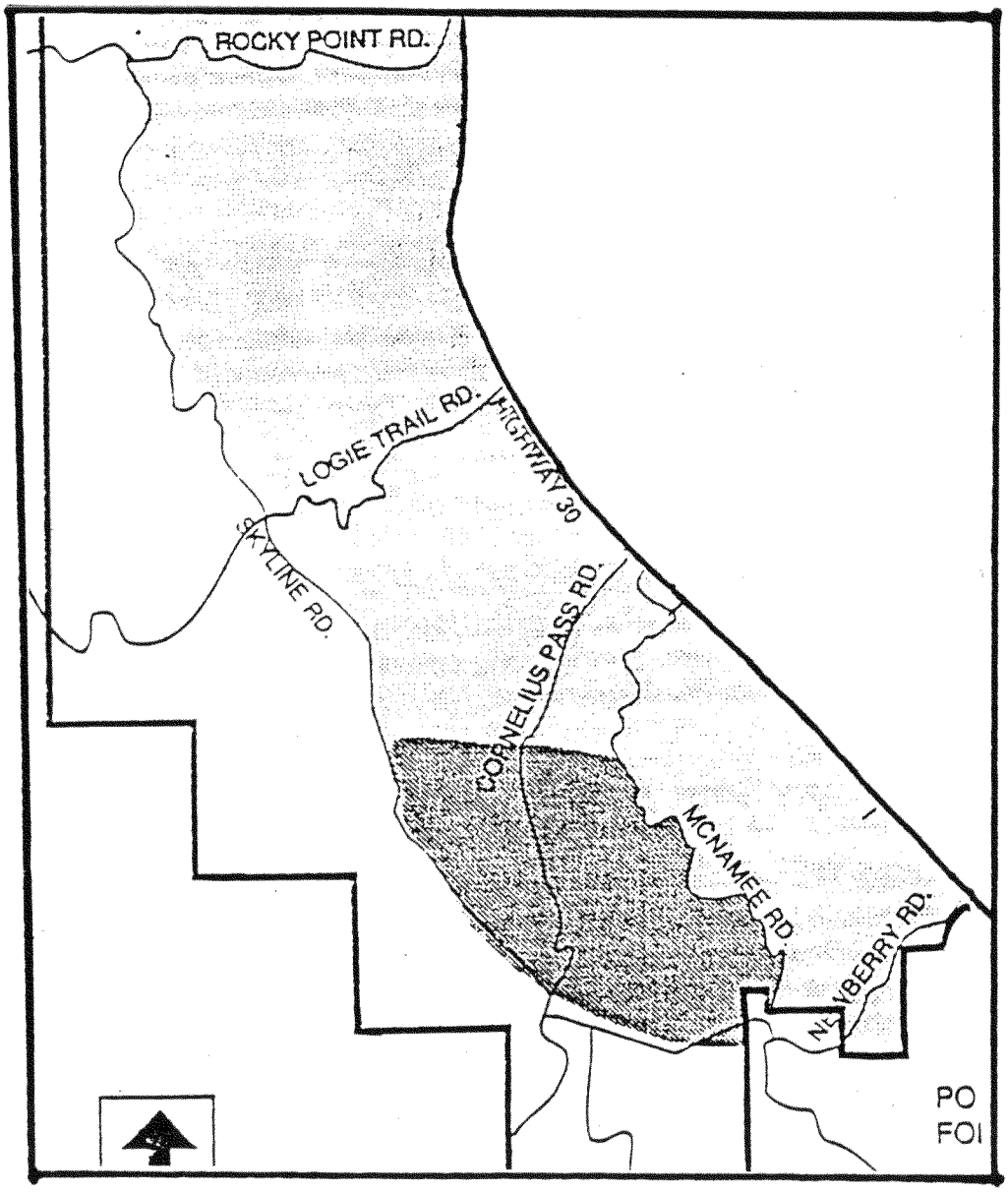
A. Scenic Corridor

"... The corridor may be valued for its intrinsic scenic qualities such as a winding road through a wooded area."

MULTNOMAH COUNTY PROPOSED WEST HILLS SCENIC RESOURCE PROTECTION PLAN

excludes as scenic corridors:

The Winding Wooded Roads Between Skyline Blvd & Route 30



CITY OF PORTLAND
SCENIC RESOURCES PROTECTION PLAN

is written in language that is SPECIFIC AND ENFORCEABLE

Example:

"Two rows of trees, one deciduous and one evergreen, must be planted on 30-foot centers along the length of the building between the structure and the protected resource."

Example:

"All trees over 6 inches in diameter measured at 5 feet above the ground must be retained."

Example:

"Mirrored glass with a reflectance greater than 20% is prohibited."

MULTNOMAH COUNTY PROPOSED WEST HILLS SCENIC RESOURCE AND PROTECTION PLAN

is written in language that is VAGUE AND UNENFORCEABLE

Example:

"New vegetation should be planted to provide additional screening when any portion of new development will be visible from a key viewing area."

Example:

"Existing vegetation that screens the development should be retained wherever possible."

Example:

"Reflective materials should not be allowed."

RECOMMENDATIONS

The Proposed West Hills Scenic Resource Plan should be rewritten:

1) Protection should include all viewing corridors (as does the Portland Plan)

2) All winding wooded roads between Skyline Blvd and Route 30 should be protected as Scenic Viewing Corridors (as they are in the Portland Plan)

3) All protection must be written in language that describes standards that are enforceable (as they are in the Portland Plan)

4) Standards should include all new and future development in Burlington

Faxed 6/20/94 pd

Oregon

DEPARTMENT O
LAND
CONSERVATION
AND
DEVELOPMENT

June 20, 1994

R. Scott Pemble, Planning Director
Multnomah County Planning Division
2115 SE Morrison Street
Portland, OR 97214

Dear Scott:

Testimony to the planning commission and board of county commissioners on June 13 about the Howard Canyon aggregate site emphasized the possible effects of truck traffic on roads near Corbett. I said at the meeting that the staff so far has done an adequate job with the revised Goal 5 analysis. You asked that I clarify the department's interpretation of Goal 5 requirements and LCDC's expectations of Multnomah County's response to the commission's April 1993 required amendments order. I've organized this response around three questions.

1. What does Goal 5 require?

Statewide Planning Goal 5 directs local governments to conserve open space and protect natural and scenic resources. Local governments approach this goal by inventorying resources, analyzing land use conflicts, and developing programs to carry out local decisions about resource protection.

The Goal 5 administrative rules (OAR Chapter 660, Division 16) explain the process local governments follow to develop Goal 5 protection programs. One of the steps is an analysis of the economic, social, environmental and energy consequences of conflicts with resource protection. OAR 660-16-005(2) states, "The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process [the ESEE analysis]."

Based on the analysis of ESEE consequences, a local government must resolve conflicts in one of three ways explained in OAR 660-16-010. LCDC judges compliance with a local government's Goal 5 program based on the plan's overall ability to protect and conserve each Goal 5 resource. The department consistently has told local governments not to use transportation conflicts to withhold protection of a significant aggregate resource. We have advised, however, that they may enact reasonable restrictions to mitigate demonstrated effects of truck traffic.

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Barbara Roberts
Governor

1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

2. What has LCDC said about Multnomah County's compliance with Goal 5?

Multnomah County's 1992 final periodic review order contained a decision about the Howard Canyon Goal 5 aggregate resource site. The county decided to allow conflicting uses fully, irrespective of the effects on the resource. Among its reasons, the county stated that land use conflicts arising from quarry truck traffic precluded protection of the significant resource. It did so on the basis of Statewide Planning Goal 12's direction to provide and encourage a safe, convenient and economic transportation system.

In its review of the county's decision, LCDC found that the county inappropriately conducted its Goal 5 analysis. LCDC did not say that transportation was not a factor in the Goal 5 analysis. Instead, it found that the county made errors in its analysis.

a. Goal 12, like Goal 5, requires planning solutions. Goal 12 is not an independent standard used to deny protection of significant resources.

b. The county had not shown how the use of area roads conflicted with protecting a significant resource site. The county did not explain how trucks were more hazardous than autos or why trucks required special prohibition.

c. Goal 5 requires resolution of conflicts. The county had not identified an area in which to assess traffic concerns. Therefore, it had no basis for making conclusions about truck traffic. The county also did not show why local ordinance provisions for developer financed road improvements could not mitigate alleged conflicts.

3. Is the county's response adequate?

In its reevaluation of the Goal 5 analysis for the Howard Canyon aggregate site, the county has approached transportation conflicts differently. It has not looked at road use conflicts as a limitation for resource protection. Instead, it has assessed the conflicts as transportation issues.

This is an appropriate planning response. Our view is that local governments must develop programs to protect resources from conflicting uses. Having done so, a local government may impose restrictions on the mining activity consistent with its comprehensive plan and land use regulations. Gravel truck traffic is no different than other vehicle traffic. It must meet standards established by local governments to protect public safety and ensure long life of roads.

We encourage Multnomah County to identify a strategy for making necessary improvements to Corbett area roads. We note that the county code (MCC 11.15.7325(C)(1)(d)) allows aggregate operators to contribute to needed improvements. A similar provision could apply to other land uses that affect the road system. Other strategies such as phasing development, establishing an improvement district, or imposing vehicle weight limits should be examined.

Summary

Goal 5 requires local governments to identify significant resources. Based on an analysis of conflicts, they must resolve conflicts and carry out a program to protect Goal 5 resources. LCDC directed Multnomah County to reexamine its decisions for a variety of resources.

The planning staff has followed the proper steps of the Goal 5 planning process. In its analysis of the Howard Canyon aggregate site, the staff noted transportation conflicts apart from the question of protecting this resource from conflicting uses. This approach has merit. The county should follow through and identify a strategy to resolve conflicts among road users.

I hope these comments are helpful. The department remains committed to helping conclude Multnomah County's periodic review for this and other issues. Call me at 378-5144 if you have questions.

Sincerely,

Steve Oulman, AICP
Community Assistance & Review Division

Original faxed on 6/20/94 - was not clear - re-faxed on 6/21/94 ES

June 20, 1994

Oregon

DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES

MINED LAND RECLAMATION

Scott Pemble
Planning Director
Multnomah County Department Environmental Services
Planning Division
2115 SE Morrison
Portland OR 97232

SENT VIA FAX 248-3389

RE: ID No. 26-0065, Howard Canyon Site

Dear Mr. Pemble,

Please accept this letter as part of the record for the above referenced site which is under consideration for aggregate zoning.

If approval is granted from Multnomah County for the proposed 50,000 yard a year operation, this would require an Operating Permit from DOGAMI. This would involve obtaining approval for an operational and reclamation plan for the quarry site plus filing a reclamation bond.

DOGAMI's operational concerns for this site are stable storage of overburden and isolating turbidity from public waters. There is adequate room to establish buffers to protect drainages and locations for the safe storage of overburden. There is no technical reason why this site can't be developed well.

As I explained in my testimony at the June 13 hearing, DOGAMI's inspection frequency has been irregular because this site has been recognized as being exempt. If an Operating Permit is required DOGAMI will attempt to inspect the site annually. If natural resource impacts develop, DOGAMI will conduct frequent inspections until the problem is resolved. C 1-94

RESPONDENT'S EXHIBIT 30

Sincerely,

E. Frank Schnitzer

E. Frank Schnitzer
Reclamationist
Mined Land Reclamation

Post-it™ Fax Note 7671	Date 6/21	# of pages ▶ 1
To Scott Pemble	From EFS	
Co./Dept. Mu H. Co	Co. DOGAMI	
Phone #	Phone #	
Fax # 248-3389	Fax # 967-2075	

EFS/cc:26-00650694.lct

c: Raymond Smith

1536 Queen Avenue
Albany, OR 97321
(503) 967-2039

June 20, 1994

Arnold Rochlin
P.O. Box 83645
Portland, OR 97283-0645
(503) 289-2657

Multnomah County Planning Commission, and
Multnomah County Board of Commissioners

Testimony on West Hills Reconciliation Report

SUPPLY OF ROCK IN ANGELL BROTHERS QUARRY.

Skip Anderson testified that Angell Brothers would exhaust the currently approved quarry area in eleven years. He based the calculation on an assumption that he should increase production by 8% compounded each year, because he's done so in the past. There is no substantial evidence that such an increase in production is necessary or desirable, considering the multiplication of undesirable impacts. Nor is there any evidence of demand for such increased production.

An 8% annual increase **would more than double production**. Mr. Anderson, at long last, has gone on the record with testimony that is reasonably interpreted to mean that, with stable production, the existing quarry area would last over 20 years. There is substantial evidence that a more accurate figure is 60 years, but the essential point is that we don't need to destroy the hills now. We can wait and see what actual needs are.

C 1-94
RESPONDENT'S EXHIBIT 31

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Multnomah County
Zoning Division

O'DONNELL RAMIS CREW CORRIGAN & BACHRACH

JEFF H. BACHRACH
PAMELA J. BERRY
MARK L. BUSCH
CHARLES F. CORRIGAN*
STEPHEN F. CREW
GARY FIRESTONE
G. FRANK HAMMOND*
WILLIAM A. MONAHAN
MARK P. O'DONNELL
TIMOTHY V. RAMIS
WILLIAM J. STALNAKER
TY K. WYMAN

*ALSO ADMITTED TO PRACTICE IN WASHINGTON

ATTORNEYS AT LAW
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

PLEASE REPLY TO PORTLAND OFFICE

CLACKAMAS COUNTY OFFICE
181 N. Grant, Suite 202
Canby, Oregon 97013
(503) 266-1149

JAMES M. COLEMAN
Special Counsel

June 20, 1994

Multnomah County Planning
2115 S.E. Morrision St.
Portland, Or. 97214

RE: West Hills Reconciliation Report

This office represents Susan Widder and Jeff Bachrach. They own property on the north side of McNamee Road, within the study area.

The property has received a clearing permit, and thus should be removed from any proposed scenic or other Goal 5 overlays.

Further, the Reconciliation Report does not comply with the Goal 5 implementing rule in numerous respects, in particular it violates OAR 660-16-010 and -020 and Goal 10.

Please be sure to include this letter in the record. Thank you.

Very truly yours,

Jeff Bachrach

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JUN 20 1994
Multnomah County
Zoning Division

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RESPONDENT'S EXHIBIT
32

R. TED BOTTIGER
CHAIRMAN
Washington

Ken Casavant
Washington

Ted Hallock
Oregon

Angus Duncan
Oregon

NORTHWEST POWER PLANNING COUNCIL

851 S.W. SIXTH AVENUE, SUITE 1100
PORTLAND, OREGON 97204-1337

Phone: 503-222-5161
Toll Free: 1-800-222-3355
FAX: 503-795-3370

JAY L. WEBB
VICE CHAIRMAN
Idaho

Robert (Bob) Saxvik
Idaho

Stan Grace
Montana

John N. Etchart
Montana

June 20, 1994

Multnomah County Planning Commission
c/o Scott Pemble, Director
2115 SE Morrison
Portland, OR 97214

Re: "West Hills Reconciliation Report"

Dear Mr. Premble:

I have recently become aware of actions that the Board of Commissioners may take that could affect the long term value of the Burlington Bottom Wildlife Mitigation Site. This project is being implemented and funded by the Bonneville Power Administration under the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program. The project serves as partial mitigation for wildlife habitat lost due to construction of the federal hydropower system. As stated in the Fish and Wildlife Program, the Council expects mitigation projects, funded by the regions electric ratepayers, to provide permanent mitigation.

Over the past several days, I have been provided with a number of comments to your agency regarding the status of North Angell Brothers Creek and how possible uses may affect the Burlington Bottom Site. It is clear that there is a technical dispute on this issue. Since I have only become aware of this issue and have not had time to discuss it with the other parties, including the Bonneville Power Administration, I would request that you would allow us until June 30, 1994 to try and resolve this matter.

Thank you for your consideration. If you have any further questions, please contact me at the above telephone number.

Sincerely,

Peter J. Paquet, Ph.D.

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JUN 20 1994
Multnomah County
Zoning Division

C 1-94

RESPONDENT'S
EXHIBIT
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Oregon

DEPARTMENT OF
FISH AND
WILDLIFE

HABITAT
CONSERVATION
DIVISION

June 20, 1994

Scott Pemble, Planning Director
Multnomah County Department of Environmental Services
2115 SW Morrison St.
Portland, OR 97214

Dear Scott:

The Oregon Department of Fish and Wildlife (Department) has reviewed the West Hills Reconciliation Report, and offers the following comments.

The County's objective for the West Hills Wildlife Habitat Area (WHWHA) is to maintain continuous forested habitat between Forest Park and the Coast Range. The Reconciliation Report (page V-9) states that:

> "A minimum half-mile wide corridor of forested habitat is necessary to maintain a forested connection at any given location. The half-mile wide forest strip allows for animals to travel and seek cover in dense forests, and to compensate for edge effects that diminish wildlife habitat where forests meet clear cuts, agricultural land, roads, rural development and mining operations."

The County's response to Issue 16 on Pages V-88 - V-89 of the Reconciliation Report provides clarification on the County's objective:

> "The critical area of habitat which would assure or destroy contiguity between Forest Park and the Coast Range lies between Newberry and Cornelius Pass Roads to the east of Skyline Blvd. Maintenance of a one-half mile area of continuous forest habitat (not cover) in this area is considered essential. Forested habitat includes areas of varying levels of forest canopy, ranging from cleared brushy areas to old-growth forest. A Study of Forest Wildlife Habitat in the West Hills (Lev et. al., 1992)

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2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-6967

recommends maintenance of minimum 200-foot wide forested canopy areas running throughout the half-mile width in order to provide cover for those animals which require it in order to survive, range and feed."

The Department believes that the distinction between forest habitat and forest cover is very important. We are glad that the County has clarified its objectives for the WHWHA. In our opinion, maintenance of a one-half mile area of continuous forest cover in the area between Newberry and Cornelius Pass Roads to the east of Skyline Boulevard is not an achievable objective, given the County's inability to regulate forestry on lands zoned Commercial Forest Use and the level of existing and potential residential development allowed within the Folkenberg and McNamee-Harborton subareas (see chart on Page V-35 of the Reconciliation Report). Maintenance of a one-half mile area of continuous forest habitat, with 200-foot wide forested canopy areas running throughout the half-mile width is a more achievable objective, and would benefit wildlife in the WHWHA.

The County's program for management of the WHWHA proposes to regulate rather than prohibit additional residential development. The Reconciliation Report (Page VI-25) contains siting standards, fencing regulations, limitations on size of lawns and gardens, and prohibition of introduced vegetation. These measures would not be adequate to ensure the maintenance of a one-half mile area of continuous forest cover, or eliminate the deleterious effects of residential development on wildlife. However, they could be used to achieve the objective of a one-half mile area of continuous forest habitat, with 200 foot-wide forested canopy areas running throughout the half-mile width.

Similarly, the County could meet their stated objective with respect to mining without prohibiting expansion of the Angell Brothers quarry within a one-half mile wide primary forest habitat area located between the existing quarry on the northeast, and secondary cleared habitat areas along McNamee Road to the southwest (Reconciliation Report, Page V-21). If the County's objective is to achieve a one-half mile area of continuous forest

habitat, with 200-foot wide forested canopy areas running through the half-mile width, there are other options which should be considered.

We believe that long-term benefits to wildlife could be gained through conscientious reclamation of the quarry site and subsequent establishment of conservation easements in areas adjacent to McNamee Road. Mining could be allowed for an interim period within portions of this half-mile area. Expansion of the mining operation into this half-mile area could be phased so that mining does not begin until forest cover has been reestablished in the clearcuts adjacent to and northwest of the quarry. Topsoil could be stockpiled for use during reclamation. Expansion of the mining operation could be conditioned to require that areas nearest to McNamee Road be mined first, and that the mining be phased to provide for sequential reclamation so as to minimize non-vegetated areas and provide a maximum of regenerating wildlife habitat. The County, in conjunction with DOGAMI, could require a demonstration that reclaimed areas are capable of supporting forest vegetation. Conservation easements could be obtained to ensure that reclaimed areas are set aside in perpetuity as wildlife habitat.

In closing, we suggest that the County consider entering into mediation to resolve planning issues in the West Hills area. The Department believes that a mediation process could be very beneficial, and would be willing to participate.

Thank you for your consideration of these comments. Please enter this letter into the record of your June 21 Planning Commission hearing.

Sincerely,

Jill Zarnowitz

Jill Zarnowitz
Assistant Director
Habitat Conservation Division

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JUN 20 1994
Multnomah County
Zoning Division

BCC✓

BOARD OF
COUNTY COMMISSIONERS
1994 JUN 20 PM 3:54
MULTNOMAH COUNTY
OREGON

TO: Board of County Commissioners

FROM: Donis McArdle

DATE: June 17, 1994

It is my opinion that the Board should reverse its decision for a number of reason, not the least of which is Goal 1. Goal 1 requires that there be citizens involvement of a cross section of affected citizens in all phases of planning process. The Deceased Commissioner McCoy cautioned the Planning Department and Commission in the last meeting on Goal 4 that she did not want this to ever happen again. She's dead and it is happening, again and again. There are 19 Goals--are you going to enact Goals 2 thru 19 before you get around to Goal 1? Goal 1 should have been firmly in place before you began on any of the other goals. I have attached a notice that was sent out with a tax statement. If the the County has the funds with which to include this kind of notice in their tax statements, it is hard for me to believe that they do not have the money or the time to properly notify its citizens that they are taking their property rights. You have made these designations without properly notifying the citizens directly affected.

The Board should be aware that almost all those ordinary citizens that were present at the October 12, 1993 hearing would have spoken out against the scenic designation had they not believed that the Staff Report which was approved and adopted by the Planning Commission would have been approved and adopted by you. Those citizens are aware that 95 to 97% of the time, the Staff's recommendation is approved and adopted by the Planning Commission and then adopted by you. That is a statistic furnished me by the Planning Department.

If you review your tapes of the October 12, 1993 hearing you will find that none of the proponents for the 1C Scenic designation were citizens who live in the West Hills outside the Urban Growth Boundary except Commissioner Hunt and if you review her testimony, you will understand that if the Angell Brothers expansion was not still around, she would not have reversed her vote.

You are not properly notifying the citizens of the ramifications of your actions. The protection and/or conservation overlays all have a price tag and I do not believe that has been properly addressed. I will use the City of Portland as an example. The City has two overlays with which I am very familiar, the EC and EP. Those overlays affect what one can and cannot do with and on their property and they affect everyone whether or not they already have a home on their property. If an owner with an overlay wants to replace a deck, add a room, put up a fence, etc., that owner must apply for a

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RESPONDENT'S EXHIBIT 35

permit. That overlay would require an additional application, cost of which is approximately $800 plus fees paid to consultants, engineers, and other professionals for plans of mitigation with absolutely no certainty the applicant would prevail. Each and every overlay, protection, conservation, and restriction has a price tag. All property which is subject to governmental restrictions making it necessary for an application to get a variance or go through special studies will be discounted by the market. This discount will reflect the expense, time, risk, inconvenience and other problems involved in obtaining the governmental authorization. It also has a monetary affect on every citizen of the County. For example in Cox vs. Oregon Department of Revenue and Multnomah County, the lot owner, Cox, went to the City for a building permit only to find the City, without notice to him, had placed the EP overlay on all but an 18 foot strip of his property and that 18 foot strip had an EC overlay. The 1991 assessed value was $49,500 with taxes due for that assessed value of $1,658.50. The Judge found that the lot had no value based on development but had a speculative value of $2,000. The County's loss of tax revenues, in this case alone, for 1991, 1992, and 1993 totals $3,817.70 ($4,113.50 taxes based on $49,500 assessment value for all three years, less the $295.80 actually received on the $2,000 value ordered by the Court.) To that #3,817.50 loss you must also add the County's court cost, attorney fees, appraiser's fees, PLUS the Court ordered the County to pay plaintiff's costs and disbursements. These lost revenues must be made up somewhere. This property owner has set an example others will undoubtedly follow. Each of the proposed restrictions will have a price tag, each will diminish the property owner's rights thereby ultimately diminish his value. I do not believe this was properly addressed.

If you don't stop this you are going to protect us right into the poor house.

You are elected by the people. I am enclosing copies of the response I received to a mailout which I previously forwarded to you through the Planning Commission. I sent this to every landowner in the West Hills outside the UGB. **PLEASE LISTEN TO YOUR CONSTITUENTS AND NOT JUST TO THE SPECIAL INTEREST GROUPS WHO PAY NO TAXES.**

Tonia McCaddle

YOUR PROPERTY RIGHTS ARE IN DANGER!!

PROFESSIONALS 100
PROFESSIONALS 100, REALTORS®

January 25, 1994

Dear West Hills Property Owner:

July 21, 1993, I sent you a notice regarding Multnomah County Planning action regarding Goal 5, specifically the significant wildlife and significant scenic designations. Planning Staff recommended that the West Hills be designated "Significant Wildlife Habitat Area" and not be designated "Significant Scenic Resource." The matter was considered by the Planning Commission on July 26, 1993 and time for written comments was extended to September 3, 1993. At the September 7, 1993 Planning Commission meeting, the Planning Commission adopted Staff's recommendations. However, at the Board of County Commissioner's meeting on October 12. 1993, there was additional testimony from Arnold Rochlin, Oregon Parks and Recreation Department, Sauvie Island Conservancy, Friends of Forest Park, Audubon Society, Richard Shaffer, and others. One Planning Commissioner testified that she now favored the scenic designation she had opposed on September 7th. The "emerald arms embracing the City" greatly appealed to the artistic side of Chair Commissioner Beverly Stein and the Board of Commissioners voted to designate the West Hills as "Significant Scenic Resource."

December 31, 1993, I received notice that on January 3, 1994 the Multnomah County Planning Commission was to hear Staff's Report on the West Hills Scenic Resources, ESEE Analysis and Conclusions. Sorry, insufficient time to notify you. Wildlife & streams studies are in the process of being done. Planning Commission voted "unaminously to designate the West Hills Scenic Resource as "3-C", limit conflicting uses." They adopted the Staff Report with the following changes: "(l) Include a definition/description of the scenic resource. (2) Designate the McNamee Road area (that staff had suggested be removed from the significant area) as "3-B", which allows all conflicting uses. (3) All conflicting uses should be regulated to protect scenic values. including residences, businesses and industry." Planning Commissioner Chris Foster stated that all uses (including forestry practices) should be restricted to protect the scenic value. He was reminded that the County has no jurisdiction over forestry practices. He said that should also be looked into. He also recommended design review on residences. The Planning commission meets the first Monday of every month at 6:00 p.m., Multnomah County Courthouse, Room 602. Multnomah County Board of Commissioners meets the second and fourth Tuesday of each month at 1:30 p.m. in the same room. **Please attend these meetings whenever possible!!**

A Citizens Advisory Committee was appointed by Chair Commissioner Beverly Stein to work with County Staff to study and resolve the land use issues of the rural West Hills area. That Committee roster includes Holly Bona, Helen Sherman Cohen, Kimberly Marcellus, Arthur Marx, Donis McArdle, James McGrew. Vernon Munson, Tom Nash, George Sowder, Seth Tane, Art Wagner, Chris Wrench. John Ingle is the Multnomah County Planning Commission Liaison. Our introductory meeting was held November 30, 1993 and the first working meeting was January 11. Future meetings are set for February 8, March 8, April 5, and May 3, 1994 from 7:00 pm to 9:00 pm at the Sauvie Island School, 1445 NW Charlton Road. For your convenience, I am attempting to change the meeting place to Skyline School beginning with the March 8th meeting. At our meeting on January 11th, one or two of us voted for no further restrictions on residential use, however, others thought such restrictions as to placement on the lot, possible design review, restrictions on exterior building materials e.g., no reflective materials, no house should extend above skyline instead of the ridgeline referred to in the Staff Report. If we are to be of any use to you, we need your input. One suggestion made to me was to put the question of further restrictions to the landowners that were going to be directly affected by the restrictions. Therefore, on the back of this notice I have printed a ballot. All you need to do is mark the ballot. make comments, fold and staple it, then stamp and mail it. Please let us hear from you!

Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

Dear Citizens Advisory Committee:

Thank you for the opportunity to provide some thoughts of mine. I am limited by time so I'll make this short and to the point. Multnomah County does an absolutly miserable job when it comes to enforcing "existing ordinances, policies & guidelines, and land-use related conditions. I have pointed out past violations to the planning and zoning staff with little success and absolutely no follow-up to ensure the violations were corrected. On NW Morgan Rd. there currently exists multiple land-use violations and because of past practices by the planning staff I am reluctant to get get involved. It appears that zoning and land-use conditions/restrictions are for those who choose to abide by them and those that do not receive no sanctions nor are they required to correct the violations in spite of some "threatening letter" from Multnomah county. There just isn't any follow-up. The other factor seems that if you're "connected" or have enough money to hire the "right" consultant there is an exception for every rule, ordinance, zoning requirement or condition.

I do not want to see the northwest hills turned into what the southwest hills are BUT until Multnomah county can get its sh__ together and enforce its existing laws I am against more restrictions.

Thank You.

✓ I recommend no further restrictions be placed on landowners in the West Hills.

_____ I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:

_____

_____

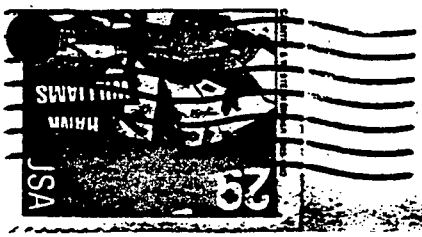
_____

✓ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

TINA LOUISE Miller
21230 NW Gilkison Rd
SCAPPOOSE, OR 97056

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006



DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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_____

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Greg J. Miller
22230 NW Gilkison Rd -
Scappoose, OR 97056

Greg J. Miller

97006-4846 82

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

& raising herds of barking dog

✓ I recommend no further restrictions be placed on landowners in the West Hills.

✓ I recommend no further restrictions on residential uses. to a point

✓ I recommend the following restrictions on:
Some ugly sheds, Call The Cops on Pack Creek Rd. Johnson Rd. Sheet Metal fence & illegal homes being built over the Tuality hill & on bottom of Wilson hill (left side) Forth & Johnson road. People living in garages on Beck Rd. Wilson Rd.

Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.
all shots & license for dogs. No Dog Kennels.

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

YOUR PROPERTY RIGHTS ARE IN DANGER!!

PROFESSIONALS 100

PROFESSIONALS 100, REALTORS®

January 25, 1994

Dear West Hills Property Owner:

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

X I recommend no further restrictions be placed on landowners in the West Hills.

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_____

_____

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9431 SW 12th DRIVE, PORTLAND OR 97219.

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Doris — Thank you for all your hard work & communication. I'm simply unable to attend these meetings & appreciate info.

97006-4846 03

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PROFESSIONALS 100
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Beaverton, Oregon 97006

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January 25, 1994

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X I recommend the following restrictions on: unelected officials. All restrictions shall be abolished until ratified by vote of property owners affected.

X Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

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Mrs. James C. Nelson (Eleanor) & James C Nelson (Chet)

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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HCR2 Box 13-530 Keaau - HI 96749

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Lewis E. Myatt
2939 NW 53rd Drive
Portland OR 97210

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Beaverton, Oregon 97006

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6140 NW Skyline Blvd, Portland, Or 97229

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...229

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1994

ALWAYS USA 29
USE ZIP
I pledge allegiance...

Doni's McArdle
Professionals 100
1800 N.W. 167th Place, Suite 100
Beaverton, OR 97006

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KEEP WEST-HILLS LIKE THAY ARE = NOW

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97006-4646 03

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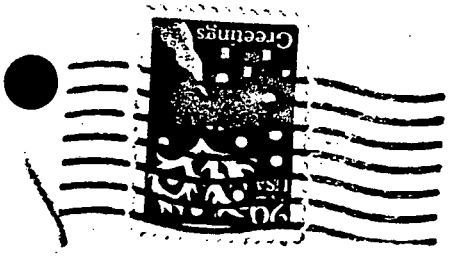

IF YOU WISH TO ADD
MORE TO THE INFOMITE
LIST YOU'S YOUR OWN
GOOD JUDGE MENT
AND DO IT.
I BELIEVE YOU ARE
RIGHT.

BRACIE T BARRETT

May this year
and the coming
year enrich you
and your loved
ones with all
that is Good

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BOWEN REAL ESTATE GROUP

WALTER C. BOWEN
President & CEO

2260 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, Oregon 97204

(503) 274-8400 voice
(503) 274-4685 fax

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PROFESSIONALS 100
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97006-4546 03

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

yes I recommend no further restrictions be placed on landowners in the West Hills.

yes I recommend no further restrictions on residential uses.

I recommend the following restrictions on:
People that have no connection to our property, having too much to say about the County adopting these input and ignoring us

Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

Dorothy English
13100 N.W. McNamee Rd.

Dorothy English
13100 N.W. McNamee Rd.
Port Land, OR 97231

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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PROFESSIONALS 100
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YOUR PROPERTY RIGHTS ARE IN DANGER!!

PROFESSIONALS 100

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January 25, 1994

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(503) 645-7433 FAX: (503) 645-3049

X I recommend no further restrictions be placed on landowners in the West Hills.

_____ I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:

Restrictions on buildable design and design review is a little sticky. Differences can be reached at a distance by someone "enjoying the view."

X Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning. Tom Chamlee
12305 NW McNamee, Portland OR 97231

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

97006-4846 03

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

29 USA

PORTLAND OR 972
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1994

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PROFESSIONALS 100, REALTORS®

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X I recommend no further restrictions be placed on landowners in the West Hills.

X I recommend no further restrictions on residential uses.

X I recommend the following restrictions on:
Non Residential Uses.
Bury Power lines and Telephone lines

X Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning. James Zollner
16300 N.W. Sheltered Nook Rd. Portland, OR 97231

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

Note to Doris McArdle: Thank you for your efforts
I will call you if I ever sell my home

Jim Zollner
16300 N.W. Sheltered Nook Rd.
Portland, OR 97231

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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V I recommend no further restrictions be placed on landowners in the West Hills.

V I recommend no further restrictions on residential uses.

I recommend the following ~~restrictions~~ on: NEW Houses on small lots (across from Holly Farm) on McNamee. This is supposed to be MUF-19.

V Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

Ron Fry 15203 NW McNamee
621-3569

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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FYI 2/8/94

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_____ I recommend the following restrictions on:

_____

_____

_____.

_____ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

April L Smith
19003 NW Columbia
Portland, OR 97231

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
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_____ I recommend the following restrictions on:
people trying to tell me what I can & can't do with my land

Clifton Z Smith

X Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

Clifton G. Smith
19003 NW. Columbia St
Portland OR 97231

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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✓ I recommend no further restrictions be placed on landowners in the West Hills.

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_____ I recommend the following restrictions on:
Too many restrictions already On the landowners who have been paying taxes on this property for forty five years!

✓ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

Mr & Mrs A.E. Hammack

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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YOUR PROPERTY RIGHTS ARE IN DANGER!!

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PROFESSIONALS 100, REALTORS®

January 25, 1994

Dear West Hills Property Owner:

July 21, 1993, I sent you a notice regarding Multnomah County Planning action regarding Goal 5, specifically the significant wildlife and significant scenic designations. Planning Staff recommended that the West Hills be designated "Significant Wildlife Habitat Area" and not be designated "Significant Scenic Resource." The matter was considered by the Planning Commission on July 26, 1993 and time for written comments was extended to September 3, 1993. At the September 7, 1993 Planning Commission meeting, the Planning Commission adopted Staff's recommendations. However, at the Board of County Commissioner's meeting on October 12, 1993, there was additional testimony from Arnold Rochlin, Oregon Parks and Recreation Department, Sauvie Island Conservancy, Friends of Forest Park, Audubon Society, Richard Shaffer, and others. One Planning Commissioner testified that she now favored the scenic designation she had opposed on September 7th. The "emerald arms embracing the City" greatly appealed to the artistic side of Chair Commissioner Beverly Stein and the Board of Commissioners voted to designate the West Hills as "Significant Scenic Resource."

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

___ I recommend no further restrictions be placed on landowners in the West Hills.

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___ I recommend the following restrictions on:

_____

_____

_____.

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Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

Gary Sears
1800 NW 216 ct
Hillsboro Ore 97124

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DAVID FLING
12931 NW SPRINGVILLE
PORTLAND OR 97229

_____

_____

_____.

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Dear Ms. McArdle — Please lets not get personal - I believe you have maliciously misquoted me here in an attempt to attack my credibility. Please retract the inaccuracies and refrain from further tactics. Lets be civil and fair! Thanks. Chris Foster.

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Design review on residences so that they contribute to the beauty of the area -
Forestry: Restrict clear cutting - promote selective cutting, if at all possible

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Carl and Mary Kittelson
10575 NW Skyline Blvd.
Portland, OR. 97231

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Increased authority given to Friends of Forest Park and the committee supervised by Portland Park Bureau (Jim Sjulin) in their long-range study for uses of Forest Park. I am particularly interested in our area which is N. W. 53rd Drive and N. W. Forest Lane or Fire Lane #1.

__X__ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

Dear Mrs. McArdle:

Thank you for your mailings.

My husband died in 1992, and I am slowly getting my affairs in order and am beginning to realize that Multnomah County, the City of Portland and the State of Oregon are all contriving to limit our rights of use of our property, even though the county assessor increases its value each year.

Last Monday, February 7, I attended a neighborhood meeting at which a committee from Portland Park Bureau presented a long-range study of increased uses of Forest Park. In this increased use they are considering closing N. W. 53rd Drive, or parts of it.

At the same meeting planners for the many new developments on Skyline presentedfuture plans. Considering all the possible cars, people, etc. I should think we would not improve the neighborhood by closing any roads. As you know, there is over-use now.

Sincerely,

Virginia C. Attenson
2950 N.W. 53rd Drive
Portland, Oregon 97210
292-6362

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

Place Stamp Here

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Dennis & Fran Trettin, Skyline & Ash

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

X I recommend no further restrictions be placed on landowners in the West Hills.

X I recommend no further restrictions on residential uses.

M.A.K. Khalil
9961 N.W. Kaiser Rd
Portland, OR 97231

_____ I recommend the following restrictions on:

_____

_____

_____

X Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

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DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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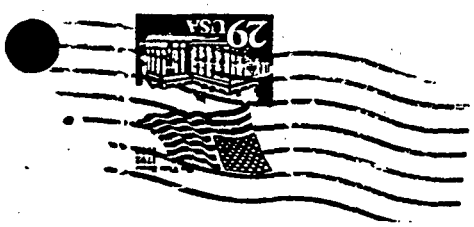

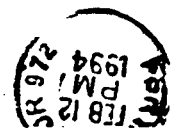

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PROFESSIONALS 100
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January 25, 1994

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(503) 645-7433 FAX: (503) 645-3049

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X I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:

_____

_____

_____

X Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning. Don Glodden, P.O. Box 57, Gaston, OR 97119

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

(We previously lived in Clinton, WA)

97006-4446 03

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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X I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:
NO design review on HOUSES !!

X Please have my name placed on Multnomah County's list to receive all information regarding Wes Hills Planning. Stephanie G. Pierce 219 SW Anthony Portland 97204

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

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Beaverton, Oregon 97006

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Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

I am on the county's mailing list.

Thank You

MR. WESLEY A. KNAUF
3300 NE. 164TH ST. #T-2
RIDGEFIELD, WA. 98642-8932

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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_____ I recommend no further restrictions on residential uses.

X I recommend the following restrictions on:
further land development and deforestation. Keep the forests and open areas / scenic areas.

_____ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning. Dr D.R. Illingworth, 2729 NW 81st Place Portland OR 97229

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

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Cherie Sprando
Fred's Marina 12800 NW Marina Way 97231

97006-4846 03

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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(503) 645-7433 FAX: (503) 645-3049

✓ I recommend no further restrictions be placed on landowners in the West Hills.

_____ I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:

_____

_____

_____

✓ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning. J.E. BARTELS, 520 S.W. YAMHILL, STE. 800, PORTLAND, OR. 97204

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

YOUR PROPERTY RIGHTS ARE IN DANGER!!

PROFESSIONALS 100
PROFESSIONALS 100, REALTORS®

January 25, 1994

Dear West Hills Property Owner:

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Sincerely, Donis McArdle

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Any actions under consideration now or for the future until all due process has been provided to the property owners impacted Properties (areas) under discussion for alteration to current designation - should be posted, all owners of that and adjacent properties notified and a sufficient time (say, 90 days) for comment and/or request for additional hearing

✓ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

N. F. Byrkit
10843 N.W. Laidlaw Rd.
Portland, Or. 97229

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Dennis Reynolds
Holly Reynolds
11660 NW Plainview Rd.
Portland, OR 97231

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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PORTLAND, OR 972
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Greetings 29
USA

YOUR PROPERTY RIGHTS ARE IN DANGER!!

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Ves L. Roth trustee - Chester M. Leona L. Bates

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EUGENE OSTER
20928 NW GILKISON ROAD
SCAPPOOSE, OR 97058

Feb 7 1994

Multnomah Co
Division of Planning etc
Attention Gordon Howard

Sir: When you speak of significant streams, please specify "Significant to whom, for what purpose".

For instance, a small trickle of water, a few gallons per minute, may be sufficient to provide drinking water for man or beast, but nowhere near enough to irrigate a commercial field.

One other topic: The type or style of house that city dwelling planners may think proper for me may not suit my needs or limitations at all, or may be priced far beyond by financial means.

Please respect the rights of property owners. We are not domestic livestock to be used at your discretion.

Eugene A Oster
Scappoose, OR

X I recommend no further restrictions be placed on landowners in the West Hills.

X I recommend no further restrictions on residential uses.

EUGENE OSTER
20928 NW GILKISON ROAD
SCAPPOOSE, OR 97056

X I recommend the following restrictions on: Land use planners — That they respect the property rights of the property owners.

Y Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

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Because of steep terrain building sites are limited by septic drainfield requirements and road access. The few building sites are already spaced along existing county roads; I think it not likely that more roads will be built. I think it not likely that there will ever be 64 homes per square mile (one per 10 acres) because of the terrain. If I am not allowed to harvest timber on my land, the only thing I can do is pay taxes on land which someone else controls. Phooey on that. Eugene A Oster
My land is not a public park.

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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Received Feb 7 1994

PROFESSIONALS 100

PROFESSIONALS 100, REALTORS®

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20928 NW GILKISON-ROAD
SCAPPOOSE, OR 97056

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WALLY MOORE
6700 N.W. THOMPSON RD
PORTLAND, OREGON
97229

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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I am an out-of-state property owner and know nothing of this situation - I would like to learn more, so please keep me informed about any pertinent information -

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

X I recommend no further restrictions be placed on landowners in the West Hills.

X I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:

_____

_____

_____

X Please have my name placed on Multmomah County's list to receive all information regarding West Hills Planning. Marie Hines 10485 NW Lee Ct. Portland, OR 97229

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

97006-4846 03

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
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YOUR PROPERTY RIGHTS ARE IN DANGER!!

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PROFESSIONALS 100, REALTORS®

January 25, 1994

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GARY & JANE DAVIS
20506 NW SKYLINE BLVD
HILLSBORO, OR 97124

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97006-4846 03

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PROFESSIONALS 100
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Beaverton, Oregon 97006

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1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

Greetings 29 USA

PORTLAND OR 972
9 FEB 1994
PM

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SCOTT & VICKY CONVERSE
10548 N.W. SKYLINE
PTLD 97231

97006-4446 03

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PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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____ I recommend the following restrictions on: Gun Club - especially the time - some people come out on Sunday & shoot Digestive Constantly - makes for a Loud Sunday -

X Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning. Florence J. Davis 12925 N.W. Rocky Rd. Portland, OR 97231

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12305 N.W. McNamee Rd.
Portland, OR 97231

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I've noticed, in 27 years of living in the Forest Park area, that my opinions have little consequence on the grand scheme of developers. Note, the intrusion on the coast range animal corridors by Forest Park Estates. Recently Blue Heron literally took up the topsoil and leveled deciduous growth by extending off skyline.

Your information has been noteworthy, yet I feel impotent as an individual.

The greater development will mean enlarged roadway systems. At some point the lack of building restrictions will turn this area into another Tualatin.

While not indifferent to your work I am not sure I am of value in it.

LouAnn Schreiber
7200 NW Thompson Rd.
Port. Ore 97229.

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

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Place Stamp Here

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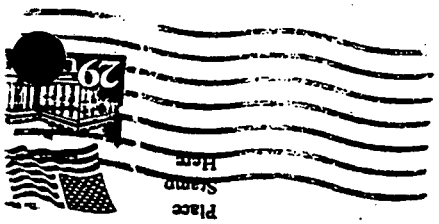
_____ I recommend the following restrictions on:

I Recommend that Sewer & water be extended To Cornelius Pass & Thru Quality homes be allowed all along Skyline Blvd. How to define Quality???

__✓__ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning. H. M. Adams, 450 SW 90th Ave Portland 97225

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006



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Beaverton, Oregon 97006

YOUR PROPERTY RIGHTS ARE IN DANGER!!

PROFESSIONALS 100
PROFESSIONALS 100, REALTORS®

January 25, 1994

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

✓ I recommend no further restrictions be placed on landowners in the West Hills.

_____ I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:

Oregon Land and
Exploration, Inc.
5919 NW Skyline Blvd.
Portland, OR 97229

WILLIAM KIRKHAM

_____

_____

_____

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97006-4646 03

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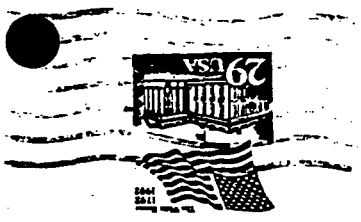

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(503) 645-7433 FAX: (503) 645-3049

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Georgie L. Manton
Halsey

_____ I recommend the following restrictions on:

_____

_____

_____

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_____I recommend no further restrictions on residential uses.

_____I recommend the following restrictions on:

Septic Approval without regard to spring water used for domestic purposes.

No New Homes on previous forest taxed land without regard to si:
Keep Scenic designation & significant wildlife Habitat Area

__V__Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

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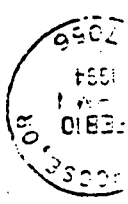

mcfarell
Marquette-
2560 NW Gilkison Road
Scappoose, Oregon 97056
503/543-2071 or 778-9332

: 100

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RESTRICTIONS

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Mr L.J. Niedermeyer Jr
9070 S.E. Lynn Lane
Portland, Or 97266 (777-0039)

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97006-4846 03

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_____

_____

_____.

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Dear Doris —
Thank you for this letter. I appreciate + applaud your efforts on landowners behalf. As you know, the entire process you are participat in is totally + only plitical with "protectionists" causing all of the furor. Their zealous attitudes will be tempered by lawsuits + litigation which will cost the county 100's of 1,000's of $ over ti Rather than fight with them on an on-going basis, my friends and I are organizing a group of wealthy (very) landowners + will challenge these decisions where they will do the most good — in their pockets The only true protector of scenic + wildlife value is the landow who knows what stewardship really means. As per the forestry is: don't worry — these small minded facists will never be able to take our livelyhoods away from us.
Check with OIA / Dave Smith, atty. et al.
People are rapidly becoming aware of these peoples' agendas and only time, $, + the court system will stop them. In the meantim

Thanx for trying —
Ken Newman

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

NEWMAN'S TREE FARM
19863 N.W. LOGIE TRAIL
PORTLAND, OREGON 97231

Am. Tree Farm System
Or. Sm. Woodlot Owners
Organizations In Action

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
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Place Stamp Here

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PROFESSIONALS 100

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R J NIEDERLE ETAL
12209 NW SKYLINE BL
PORTLAND OR 97231-2401

97006-4646 03

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

Mr. & Mrs. Rudy Niederle
12209 N.W. Skyline Blvd.
Portland, OR 97231

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

29

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

_____ I recommend no further restrictions be placed on landowners in the West Hills.

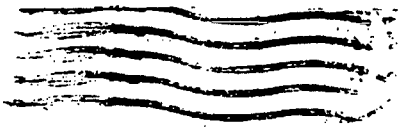
__X__ I recommend no further restrictions on residential uses.

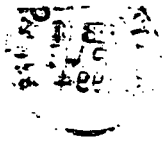
_____ I recommend the following restrictions on:
Design review ok if includes ability to cluster homes on large parcels to help keep open character. Prefer not to see "suburban lots" (set backs etc.) in all cases. The true planned unit development tailored to rural setting should be restored. The current choice between rural & suburban needs a third alternative in between — Rural - Planned Unit Development.

_____ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Phil Papworth

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.





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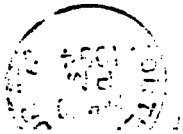

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_____ I recommend the following restrictions on:

My response to this is not so simple as anyone of the above options

_____.

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Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

Michael Kenneth Smith 20300 N.W. WATSON Rd
Scappoose, OR 97056

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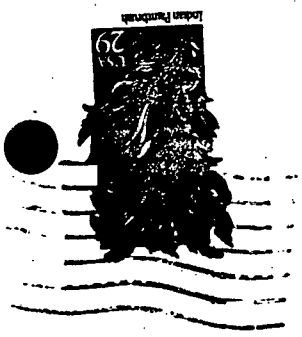

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_____I recommend the following restrictions on:
Restrict, within reason, removal of trees from building sites & restrict grading that has long term effects on trees, erosion & watershed.

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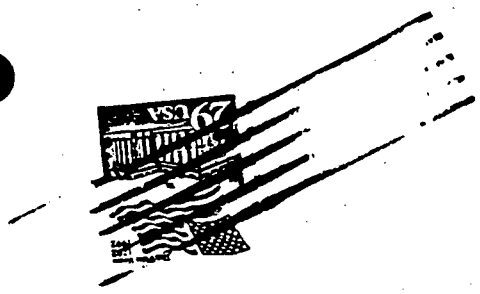

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

X I recommend no further restrictions be placed on landowners in the West Hills.

_____ I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:

_____

_____

_____.

X Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

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PROFESSIONALS 100

PROFESSIONALS 100, REALTORS®

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97006-4846 03

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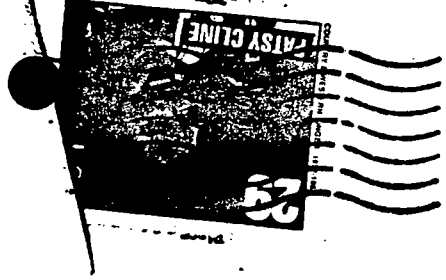

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97006-4846 03

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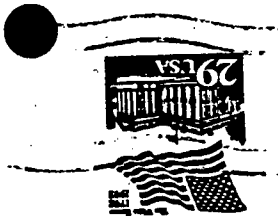

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✓ I recommend the following restrictions on:

Californians living in this area without living somewhere else in the state for 10 years first.

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97006-4646 03

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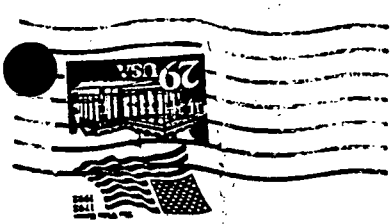

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__X__I recommend the following restrictions on:
regulate heavy truck use & heavy truck business & Septic & Gravel Co. equip, dog trucks etc on McNamee Rd.

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97006-4846 03

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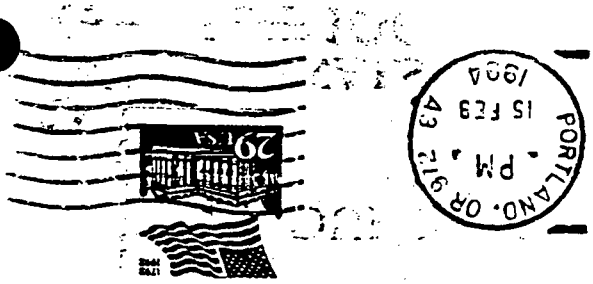

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(503) 645-7433 FAX: (503) 645-3049

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_____I recommend the following restrictions on:
Limit and enforce The number of old, unlicensed cars That can be collected on residential property.

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97006-4846 03

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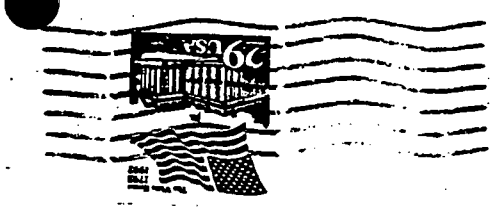

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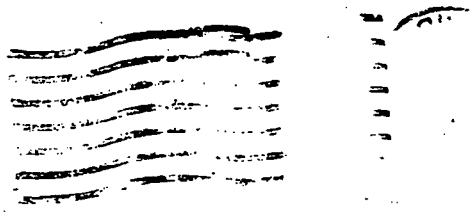

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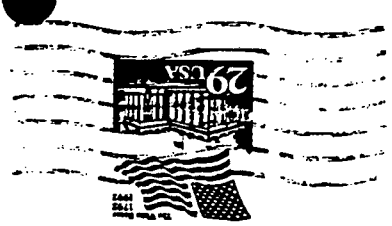

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___ I recommend no further restrictions be placed on landowners in the West Hills.

___ I recommend no further restrictions on residential uses.

✓ I recommend the following restrictions on:
No logging within 100' of All Secondary Streams.
Strict Compliance with Septic drain fields near streams & Watersheds. Low interest loans to correct inadequate drain fields; protected by Grandfather Clauses.

✓ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

97006-4846 03

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USA 29

YOUR PROPERTY RIGHTS ARE IN DANGER!!

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PROFESSIONALS 100 REALTORS®

January 25, 1994

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Restrict ALL governing bodies from placing any conditions on privately held properties which may cause Financial harm to the owner without FULL compensation to the owner at fair market value, including future increase in value loss.

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[redacted] RESIDENCES, BUSINESSES AND INDUSTRY INCLUDING FORESTRY PRACTICES. ALL CONFLICTING [redacted] USES SHOULD BE REGULATED TO PROTECT SCENIC VALUES AND WILDLIFE HABITAT.

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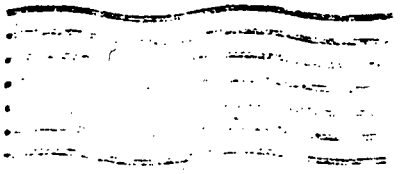

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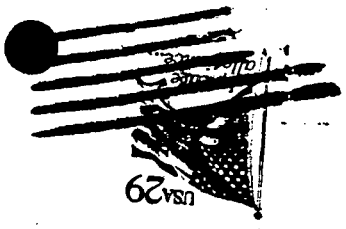

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A Citizens Advisory Committee was appointed by Chair Commissioner Beverly Stein to work with County Staff to study and resolve the land use issues of the rural West Hills area. That Committee roster includes Holly Bona, Helen Sherman Cohen, Kimberly Marcellus, Arthur Marx, Donis McArdle, James McGrew, Vernon Munson, Tom Nash, George Sowder, Seth Tane, Art Wagner, Chris Wrench. John Ingle is the Multnomah County Planning Commission Liaison. Our introductory meeting was held November 30, 1993 and the first working meeting was January 11. Future meetings are set for February 8, March 8, April 5, and May 3, 1994 from 7:00 pm to 9:00 pm at the Sauvie Island School, 1445 NW Charlton Road. For your convenience, I am attempting to change the meeting place to Skyline School beginning with the March 8th meeting. At our meeting on January 11th, one or two of us voted for no further restrictions on residential use, however, others thought such restrictions as to placement on the lot, possible design review, restrictions on exterior building materials e.g., no reflective materials, no house should extend above skyline instead of the ridgeline referred to in the Staff Report. If we are to be of any use to you, we need your input. One suggestion made to me was to put the question of further restrictions to the landowners that were going to be directly affected by the restrictions. Therefore, on the back of this notice I have printed a ballot. All you need to do is mark the ballot, make comments, fold and staple it, then stamp and mail it. Please let us hear from you!

Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

X I recommend no further restrictions be placed on landowners in the West Hills.

X I recommend no further restrictions on residential uses.

_____ I recommend the following restrictions on:

_____

_____

_____

_____ Please have my name placed on Multnomah County's list to receive all information regarding West Hills Planning.

Your comments will be forwarded to the Citizens Advisory Committee, the Planning Commission, and the Multnomah County Board of Commissioners.

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

DONIS McARDLE
PROFESSIONALS 100
1800 NW 167th Place, Suite 100
Beaverton, Oregon 97006

YOUR PROPERTY RIGHTS ARE IN DANGER!!

PROFESSIONALS 100
PROFESSIONALS 100, REALTORS®

January 25, 1994

Dear West Hills Property Owner:

July 21, 1993, I sent you a notice regarding Multnomah County Planning action regarding Goal 5, specifically the significant wildlife and significant scenic designations. Planning Staff recommended that the West Hills be designated "Significant Wildlife Habitat Area" and not be designated "Significant Scenic Resource." The matter was considered by the Planning Commission on July 26, 1993 and time for written comments was extended to September 3, 1993. At the September 7, 1993 Planning Commission meeting, the Planning Commission adopted Staff's recommendations. However, at the Board of County Commissioner's meeting on October 12, 1993, there was additional testimony from Arnold Rochlin, Oregon Parks and Recreation Department, Sauvie Island Conservancy, Friends of Forest Park, Audubon Society, Richard Shaffer, and others. One Planning Commissioner testified that she now favored the scenic designation she had opposed on September 7th. The "emerald arms embracing the City" greatly appealed to the artistic side of Chair Commissioner Beverly Stein and the Board of Commissioners voted to designate the West Hills as "Significant Scenic Resource."

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Sincerely, Donis McArdle

Sunset Corridor Branch • 1800 NW 167th Place • Suite 100 • Beaverton, OR 97006
(503) 645-7433 FAX: (503) 645-3049

BOARD OF
COUNTY COMMISSIONERS

1994 AUG -2 AM 9:08

MULTNOMAH COUNTY
OREGON

7 copies delivered to Board Clerk 12:30 pm. 7/1 Chris Foster

August 1, 1994

RE: Case C1-94a, West Hills Reconciliation Report; Response to the letter from Frank Schnitzer, DOGAMI, dated July 25, 1994.

Dear Multnomah County Board Members,

At the July 26th Hearing, a letter from Frank Schnitzer of DOGAMI was entered into the Record. The Board left the Record open to respond to this letter recieved just before the Hearing. This is my reply.

I'd like to respond to the usefulness of some of the comments therein. On the first page, he states " Seismic information is an accepted method of mineral exploration and does provide information on mineral location." In the Schlicker Report, the type of seismic test as stated on page 4, is " suitable for investigating depths of approximately 20 - 30 feet". With an overburden estimated in the same report as averaging 30 feet, a test like this isn't exploring anything. Its obvious that Mr. Schnitzer is talking about a more sophisticated test procedure. Everyone knows that rock in varying qualities and quantities exists under all of the Tualatin Mountains. The Record shows nearby well logs with a multitude of layers of varying consistencies. Oddly, no bore holes and just one 20 - 30 foot seismic test was made within the Planning Staff's proposed expansion area. (Schlicker Report p. 8.) Some people would probably like other types of Goal 5 significance determinations to be so easy ! Basically, we have nothing to establish that the relative quality and quantity is better than anywhere else in the region where Columbia River Basalts are found. As the Record shows, Columbia River Basalt is one of the region's most extensive geologic formations. (Prof. Beeson and others.)

One piece of useful information is found on page 2 of the Schnitzer Letter. It says, " Because of the naturally steep slopes....only a limited amount of removal can occur off of the upper benches." I believe this plainly to be a comment on the productivity of the uphill areas. Conversely, its obvious that mine sites of less slope are more productive if other factors are equal.

Coursing through this letter is an issue which I feel needs some clarity. Although the proponents of this mine would have us believe it, DOGAMI (or any other State agency for that matter) is not endorsing this site as a good choice as a major regional expansion site. Naturally, the regulators strive to maintain a co-operative spirit with those that they regulate. Life is tough enough for these guys without entering into policy decisions which go well beyond the scope of their expertise. What constitutes a good mine site, or to what extent it should be exploited in the public interest, is solely your decision.

Sincerely,

Chris Foster

Christopher H. Foster

copies to County Counsel, Planning Office.

8/9/94 Chair Stein Submittal

Beverly Stein, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
P.O. Box 14700
Portland, Oregon 97204
(503) 248-3308

MEMORANDUM

TO: Commissioner Collier
Commissioner Hansen
Commissioner Kelley
Commissioner Saltzman

FROM: Chair Beverly Stein

DATE: July 28, 1994

SUBJECT: Meeting Format for the August 9 Board Deliberations on the Howard Canyon and West Hills Appeals

On July 26, 1994, appellants and opponents of the appellants of the Planning Commission's recommendations on the West Hills and Howard Canyon Reconciliation Reports presented their positions to the Board. Appellants challenged some but not all of the Planning Commission's recommendations.

To help organize and address all the issues before us at the August 9 Board Meeting, I propose we use the following outline for the meeting. This outline reflects the Goal 5 process. There will be two appeal hearings to deliberate: West Hills and Howard Canyon Reconciliation Reports.

DECISION #1 Is the Resource Significant? (Using measures of location, quality, and quantity.) The date next to each resource indicates when the Board determined the resource was significant. All the resources but streams have been determined significant. However, we will have to determine once more whether the resources are significant.

West Hills Resources

- Aggregate (1992)
- Wildlife (October, 1993)
- Streams (Have not been determined)
- Scenic (October, 1993)

Howard Canyon Resources

- Aggregate (1992)
- Streams (Have not been determined)

DISCUSSION Is the "ESEE" analysis for each resource complete and accurate (including the impact area)?

West Hills Resources

- Aggregate
- Wildlife
- Streams
- Scenic

Howard Canyon Resources

- Aggregate
- Streams

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DECISION #2 Based on the "ESEE" analysis, how should conflicts between uses be resolved for each resource?

3A **Protect the Resource Site**: Completely protects the resource (e.g. scenic, streams, wildlife, and aggregate). This designation would preclude all uses (e.g. residential, community service, agricultural). This designation is considered an extreme finding and could lead to a "takings" claim.

3B **Allow Conflicting Uses Fully**: Does not protect the resource (e.g. scenic, streams, wildlife, and aggregate). Allows conflicting uses. For example, the Angell Brothers Quarry site is designated "3B" meaning the aggregate resource is not protected and conflicting uses (in this case scenic, streams, and wildlife) are paramount.

3C **Limiting Conflicting Uses**: Limits conflicting uses to achieve a balance. With scenic, steams, and wildlife resources, a protection plan to achieve balance is possible by limiting residential, community service, and conditional use conflicts by reviewing and regulating the siting and design of new structures.

NEXT STEPS...

On August 9th, we will deliberate and decide how the conflicts between uses will be resolved for each resource (3A, 3B or 3C). Due to the partial legislative nature of these decisions, the reconciliation reports are actually presented to the Board as ordinances. Planning staff will draft ordinances based on our decisions. Depending on our August 9th decisions, the first reading of the ordinances is tentatively scheduled for Tuesday, August 23, and the second reading is tentatively scheduled for Tuesday, August 30.

After the reconciliation ordinances are finally approved, planning staff will craft a protection plan for the resources in the form of a second ordinance. The protection plan ordinances will contain specific conditions of approval that must be met prior to the approval of any land use application in the designated impact areas. Depending on the number of readings required to approve the reconciliation report ordinances, the protection plan ordinances are tentatively scheduled to be presented to the Board for approval in September. Remember, on August 9 we are not deciding whether to approve a permit for a quarry expansion, but whether to protect the aggregate resource for future use. This future use may be next year, it may be 20 years from now, it may be never.

Depending on our "Decision #2" decisions, any permit for an expansion to either Angell Brothers or Howard Canyon Quarries, would have to meet the conditions of approvals set out in the protection plan ordinances and ultimately be reviewed by the Board for approval in a conditional issue permit.

Goal 5 Process

GOAL 5 ANALYSIS (August 9)

↓

PROTECTION PLAN (September)
(Ordinances stating specific conditions of approval)

↓

REQUEST FOR CONDITIONAL ISSUE PERMIT
(None filed at this time)

I have crafted a memo to the Board outlining my position on the West Hills and Howard Canyon Reconciliation Reports. This memo will be available to the Board on Friday. Early next week, I will schedule a meeting with each of you to discuss my positions and your positions. Bill Farver and Gordon Howard will accompany me.

If you have any questions or suggestions on the proposed August 9 Board Meeting format, please contact Bill at 248-3958.

N:\DATA\WPCENTER\CHAIR\LBST008

8/9/94 CO COLLIER SUBMITTAL

TANYA COLLIER
Multnomah County Commissioner
District 3

1120 SW Fifth St., Suite 1500
Portland, OR 97204
(503) 248-5217

M E M O R A N D U M

TO: Chair, Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Dan Saltzman

FROM: Commissioner Tanya Collier

DATE: August 9, 1994

SUBJECT: Position on Angell Brothers Quarry as a Goal Five Resource

It is my position that the Streams, Wildlife, Scenic and Aggregate are all resources that need to be protected. By designating all resources a 3-C classification and implementing stringent protection and reclamation plans, balance can be achieved.

WILDLIFE

With respect to the issue of the wildlife corridor, the line drawn by staff is an arbitrary one. It is my position that the recommendation by the Oregon Department of Fish and Wildlife is based in empirical evidence and takes into effect land contours and existing roadways.

On pages 3 and 4 of a letter addressed to Scott Pemble from Jill Zarnowitz, Assistant Director of the habitat Conservation Division of the Oregon Department of Fish and Wildlife, dated June 20, 1994 (known as C1-94, respondent's exhibit 34), she states the following:

> In our opinion, maintenance of a one-half mile area of continuous forest cover in the area between Newberry and Cornelius Pass Roads to the east of Skyline Blvd. is not an achievable objective, given the County's inability to regulate forestry on lands zoned Commercial Forest Use and the level of existing and potential residential development allowed within the Folkenberg and McNamee-Harborton subareas.
> Maintenance of a one-half mile area of continuous forest habitat, with 200-foot wide forested canopy areas running throughout the half-mile width is a more achievable objective, and would benefit wildlife in the WHWHA.
>
> Similarly, the County could meet their stated objective with respect to mining without prohibiting expansion of the Angell Bros. quarry within a one-half mile wide primary forest habitat area located between the existing quarry on the northeast, and secondary cleared habitat areas along McNamee Road to the southwest.
>
> We believe that long-term benefits to wildlife could be gained through conscientious reclamation of the quarry site and subsequent establishment of conservation easements in areas adjacent to McNamee Road. **Mining could be allowed for an interim period within portions of this half-mile area.** Expansion of the mining operation into this half-

mile area could be phased so that mining does not begin until forest cover has been reestablished in the clearcuts adjacent to and northwest of the quarry. Topsoil could be stockpiled for use during reclamation. Expansion of mining operation could be conditioned to require that areas nearest to McNamee Road be mined first, and that the mining be phased to provide for sequential reclamation so as to minimize non-vegetated areas and provide a maximum of regenerating wildlife habitat. The County, in conjunction with DOGAMI, could require a demonstration that reclaimed areas are capable of supporting forest vegetation. Conservation easements could be obtained to ensure that reclaimed areas are set aside in perpetuity as wildlife habitat.

Additional evidence in the record to support my position comes from the Final Report of the West Hills Wildlife Study, by Ester Lev prepared for the Multnomah County Planning Department. The report states, on page 25, that clearcutting and residential development are the main cause of habitat loss.

> "The clearcutting, residential development, associated clearing, and fences along McNamee Road have created a checkerboard matrix, fragmenting forested patches within the study area, which may over time threaten the survival of some population of native wildlife species within the peninsula."

> "Compared to the effects of logging and residential development, the impacts of the existing quarry appear minor, given its location adjacent to Highway 30."

The report conclusions regarding a minimum of a half-mile wide corridor is not drawn from scientific or topographical findings.

> "The minimum of a half-mile wide is suggested as a good estimate which would not only provide some habitat..." (Page 26).

> "Logging in the area north of Forest Park between Newberry and Cornelius Pass Roads has fragmented forest habitat to the point that the remaining contiguous forest providing a passage route for wildlife has been reduced to a single area of a half-mile long by approximately 800 ft. wide" (Page iii).

The report further states that improving this situation depends on careful habitat reclamation.

> "The success of future colonization or recolonization of this peninsula will depend on habitat conditions throughout the peninsula" (Page 25).

> "This forest area should be managed to provide snags, down woody material, and a diversity of native trees, shrubs, and herbaceous plant species over the long term (Page 26).

Further evidence submitted into the record by Richard Shepard, Ph.D. of Applied Ecosystem Services in a letter dated June 10, 1994 (known as Respondent's Exhibit 6) states;

> "The most significant errors arise from the conclusions drawn from the myth that the West Hills is a wildlife corridor. Because the County agrees that the concept of a wildlife corridor is a myth (page V-90, issue 18) the concept of a movement bottleneck and the requirement for forested swaths of a defined minimum size become irrelevant. Without the demonstrated existence of a movement bottleneck there is no reason to restrict the expansion of the Angell Brothers quarry along the south and west of the property or to maintain a 0.5 mile swath of forest for movement of large mammals. There is not a 0.5

mile wide forested swath anywhere in the vicinity of Newberry Road, McNamee Road, and Skyline Road, nor has there been such a forested swath for a long time."

Shepard goes on to state:

> "The expansion area on the Angell Brothers Quarry property is very steep and the suggested restricted area will not be used by wildlife nearly as much as will other areas. For example, there is a wide, fairly well forested band of land west of the quarry property which would be of higher wildlife habitat values and could be preserved by the County for that use until the upper reaches of the quarry have been mined and reclaimed."

I feel that with close partnership with DOGAMI and ODFW that mining could be expanded into the half-mile boundary without adversely effecting the ability of wildlife to access Forest Park from the Coastal Range.

STREAMS

With respect to the North Angell Brothers Creek, it is my position that this is a significant resource that while not a fish habitat today, with proper stewardship could and must be reclaimed to be a vital fish habitat. I would suggest an expansion proposal that would not compromise the North Angell Brothers Creek watershed.

As a result of reading the Final Report of the Burlington Bottoms Hydrology and Hydraulics Assessment prepared for the ODFW by W & H Pacific, I feel that any expansion granted must not compromise the watershed of Stream B (known outside the report as North Angell Brothers Creek). On page seven, paragraph 5 the report states that Burlington Creek or Stream A flows via a pipe into Lower Burlington Bottoms. In paragraph six, the report goes on to state that Stream B (N. Angell Bros.) is in the Burlington Bottoms watershed and consists of a 270 acre drainage field with an access road. **It is this watershed that I would like to see protected and enhanced.**

In reference to the wetlands to the south of Burlington Bottoms; the report sites, on page four, paragraph 2, Burlington Northern Railroad as being responsible for the reduction and channelization of off-site flows into Burlington Bottoms thus perpetuating the siltation of this lower wetlands.

On page forty-three, paragraph seven the report goes on to say that "there is no strong evidence that sediment transported from the upper watershed is presently a problem...sediment controls should be a major component of the long term management plan...buffer strips should be maintained or even enhanced to maintain water quality.

It is my position that all of these factors will be stipulated to Angell Brothers in the protection program should we grant a modified expansion permit.

SCENIC

This resource is a very difficult resource to identify and speak to. It is perhaps one of the most personal and sensitive issues surrounding the proposed expansion. No one wishes to have an eye-sore "in their back yard." Yet inevitably, it is always in someone's back yard. In this case it is in the site of the residents of Sauvie Island. I personally do not feel that the entire view of the West Hills is destroyed due to the open pit of the quarry. From the key viewing points that we visited, the quarry was significantly visible from two locations.

Addressing the view from Highway 30, for the four to six seconds (depending on your rate of travel) that the quarry is visible, does not degrade the entire perception of the West Hills. I also do not concur with the assumption that the "psychological value" of the West Hills has been hampered by the current mining operation.

AGGREGATE

I do feel strongly that the aggregate and the supply of future aggregate to Multnomah County is a valued resource. It is my opinion that with strict protection and stringent reclamation guidelines, conscientious mining can be balanced with other Goal Five resources. I would rather see this site expanded than have new sources of aggregate exploited.

It has been demonstrated to my satisfaction that there is a demand for high quality aggregate in Multnomah County. It has also been demonstrated that the Angell Brothers site is a site for this high quality aggregate. There was evidence in the record that the higher elevation (or south reaches) possessed a higher quality rock and would enable a more successful reclamation strategy. This position was supported by the DOGAMI testimony and bolstered by the ODFW letter of June 20, 1994.

CONCLUSION

After reviewing the evidence and listening to several hours of testimony, I would recommend that the Angell Brothers Quarry as well as the Wildlife, Stream and Scenic resources be designated 3-C. I believe that with the proper protection plan, all of the Goal Five resources can be balanced in such a fashion that the wildlife corridor will continue to provide the valuable linkage between Forest Park and the Coastal range; the North Angell Brothers Creek watershed can be enhanced as a viable habitat; and that the long-term impact on scenic views can be minimized through conscientious reclamation. This can be achieve in consort with a modified expansion permit and a stringent protection plan.

Some of the conditions or provisions that I would like to see in the protection plan are:

- Require the Planning Department to use topographical data to determine a boundary for the expansion of the existing quarry in a southern and southwesterly direction that will not jeopardize the success of phased reclamation. Using the same technique, the staff should be required to use contours to determine the northwestern boundary to prevent mining in the watershed of the North Angell Brothers Creek.

- Require a demonstration that reclaimed areas are capable of sustaining forest vegetation prior to allowing further expansion.

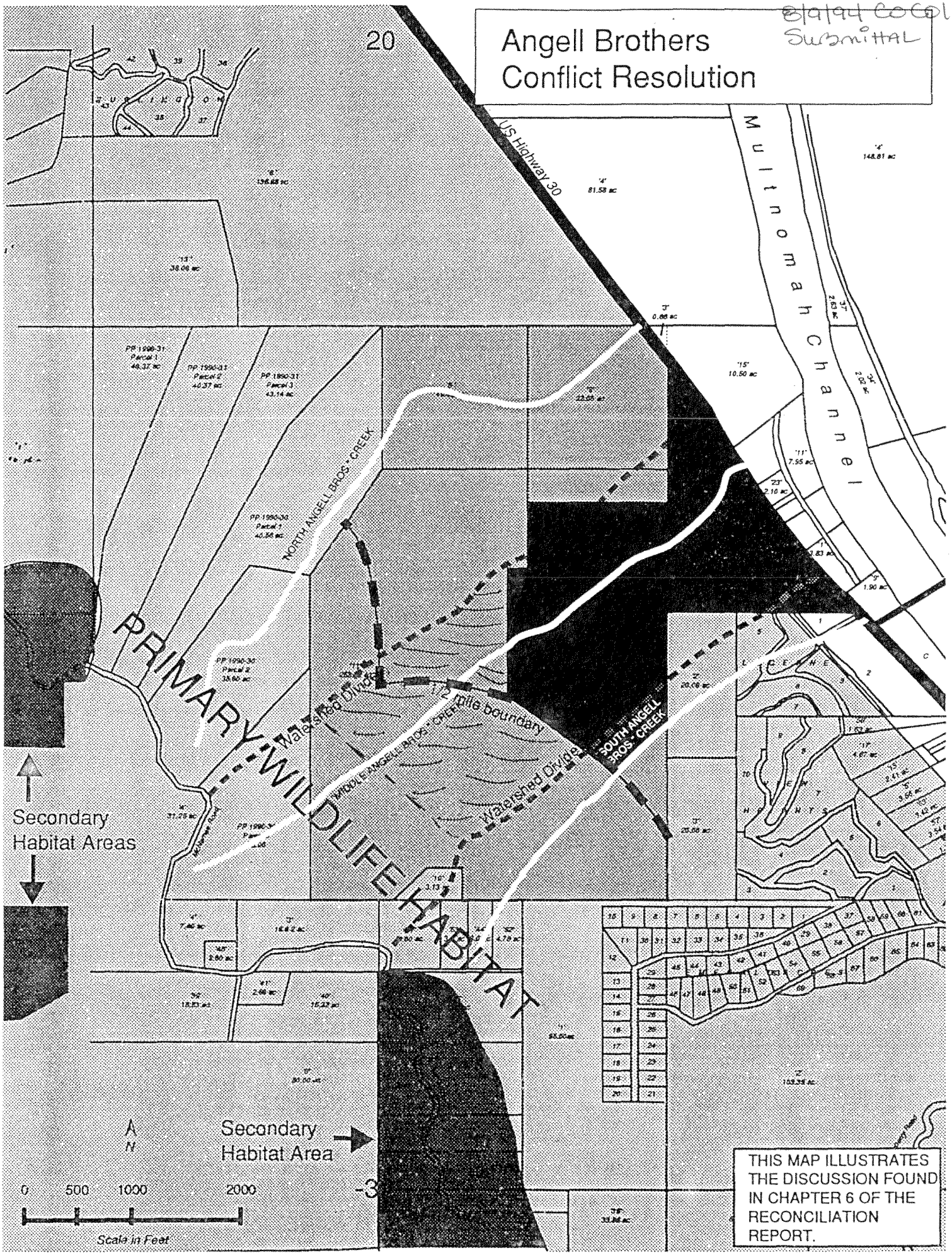
- Phasing of areas to be mined within the half-mile zone only after forest cover has been reestablished in the clearcuts adjacent to and northwest of the existing quarry site.

- Condition the expansion of the quarry to mine the area most northeasterly first, and that the mining be phased to provide sequential reclamation so as to minimize non-vegetated areas and provide a maximum of regeneration to wildlife habitat.

- Require annual site visits to the Angell Brothers Quarry by DOGAMI and DEQ to insure that violations have not occurred.

8/9/94 CO Collier Submittal

Angell Brothers Conflict Resolution



THIS MAP ILLUSTRATES THE DISCUSSION FOUND IN CHAPTER 6 OF THE RECONCILIATION REPORT.

8/9/94 CHAIR STEIN SUBMITTAL

Beverly Stein, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
P.O. Box 14700
Portland, Oregon 97204
(503) 248-3308

CONFIDENTIAL MEMORANDUM

TO: Commissioner Collier
Commissioner Hansen
Commissioner Kelley
Commissioner Saltzman

FROM: Chair Stein

DATE: July 29, 1994

RE: Position on West Hills and Howard Canyon Reconciliation Reports

After reviewing the record, listening to the testimony at the appeal hearings, and consulting with my staff, I feel it will facilitate our August 9th Board deliberations if I present my position to you now. I have collected my thoughts on the West Hills and Howard Canyon Reconciliation Reports and have formulated a position that represents my thinking at this time. In this memo I am also setting forth the reasons for my position, which are very important since our decision must be legally defensible against the probable appeals and court actions which will follow. I am, however, open to feedback and change.

First, I will present a brief review of the Goal 5 process and the required Board actions. Second, I will present my position on the West Hills Reconciliation Report and a justification for my position as required by the Goal 5 process. Third, I will present my position on the Howard Canyon Reconciliation Report and a justification for my position as required by the Goal 5 process.

GOAL 5 PROCESS

As you know, the Goal 5 review process is a statutory requirement. The basic process requires us to identify Goal 5 resources and then, if we decide to protect the resource, to develop a protection plan, in the form of an ordinance. Protection plans usually consist of specific conditions that must be satisfied prior to receiving approval for a land use application. For example, a land use application for a new residential dwelling or expansion of a quarry in the impact area would

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have to meet the conditions of approval outlined in the ordinance prior to receiving a permit.

We are involved in this Goal 5 review process at this time because our original decisions on the Angell Brothers and Howard Canyon quarries were remanded to us by the State Land Conservation and Development Commission (LCDC) in April, 1993. It is important to note that the LCDC did not overturn our decision to deny expansion of these two quarries -- rather they sent the matter back to us with instructions relating to the improper **process** the County used to make this decision. The decision as to whether to allow expansion of these two quarries or not remains ours, although our actions will once again be reviewed by the LCDC when we complete this process.

REQUIRED BOARD ACTIONS

On August 9th, we will be deciding which Goal 5 resources are significant and how to resolve the conflicts between uses for each resource. Due to the partial legislative nature of these decisions, the reconciliation reports are being presented to the Board as ordinances. Our first reading of the ordinances is scheduled for our August 23th meeting. The second reading is scheduled for early September. However, based on the number and types of changes made to the reconciliation reports at the August 9th meeting, County Counsel may advise us to have a third reading.

After these ordinances are finally approved, planning staff will craft a protection plan ordinance for the resources. The ordinances will contain specific conditions of approval that must be met prior to the approval of any land use application in the designated impact areas. Depending on the number of readings required to approve the reconciliation report ordinances, the protection plan ordinances are tentatively scheduled to be presented to the Board for approval in September.

WEST HILLS POSITION - SUMMARY

- **Scenic** (East face of the West Hills scenic area **3C**) — Find that scenic view are significant (**1C**) and limit residential, community service and conditional use conflicts by reviewing and regulating the siting and design of new structures within the scenic area.

- **Streams** (26 West Hills Streams **3C**) — Find that 26 West Hills streams are significant (**1C**). Recognize the critical link between North Angell Brothers Stream and Burlington Bottoms wetland (already designated a Goal 5 resource). Limit residential, community service and conditional use and transportation/public improvements conflicts by regulating proposed development in the riparian zone of each significant stream.

- **Wildlife** (West Hills **3C**) — Find that wildlife habitat in the West Hills is significant (**1C**) and limit residential and similar use by reviewing and regulating the siting of proposed development to have minimal impact upon wildlife and its habitat.

- **Aggregate** (Angell Brothers Quarry **3B**) — Find that it is significant (**1C**) and that con-

flicts with streams, scenic views, wildlife habitat, and Burlington Bottoms wetland can only be resolved by not allowing quarry operations to be expanded any further.

If the aggregate resource was protected and mining was allowed to expand (3A or 3C), I am convinced that scenic views, wildlife habitat, streams, and Burlington Bottoms wetlands would suffer irreversible impacts. Based on the record, there is no convincing evidence that these conflicting uses can be balanced without permanently degrading scenic views, wildlife habitat, streams, and Burlington Bottoms.

JUSTIFICATION (taken from the record)

Wildlife

- The reconciliation report and its supporting technical documents identify the West Hills as an **ecosystem** for wildlife and its habitat where the presence of humans is much less intrusive than in the urban areas of Multnomah County. In order to maintain and even enhance this ecosystem, human activities must remain a relatively minor part of the landscape. Long-term quarrying, by its nature, is one activity that can have significant adverse effects upon the West Hills ecosystem.

- *The Study of Forest Wildlife in the West Hills* recommends maintenance of a continuous, 1.5 mile wide peninsula of forested habitat extending from Forest Park to the Coast Range. A minimum half-mile wide area of contiguous forested habitat is necessary to maintain a forested connection at any given location.

- We received testimony that proper reclamation of the quarry site could actually increase wildlife habitat value. However, there is no convincing evidence that reclamation of the ecosystem is possible in this area, only conjecture at this point. The quarrying activities although temporary, would have a much longer impact than logging would. A long-term disruption to the contiguous wildlife habitat area/ecosystem would have less chance of regeneration through reclamation.

- State law prohibits Multnomah County from regulating forest practices. Therefore, it is extremely important that the impacts of other conflicting uses (residential development and quarrying) must be carefully controlled at the County level. To protect the wildlife/ecosystem resource, a wide peninsula of undeveloped forest land must be maintained so that the pattern of clear cuts, when combined with other uses, does not result in long-term uninterrupted barriers to wildlife. Staff's proposed protection program along with the restrictions on residential development within the Commercial Forest Use Zone would appropriately limit new residential development within this key area. To best protect it, we must not allow quarry expansion as well.

- The social, economical, and environmental consequences of losing a small amount of West Hills wildlife habitat in certain locations are much greater than losing a great deal of habitat in other portions of the County. Loss of prime wildlife habitat in the West

Hills means obstruction of a vital connecting link within the ecosystem which lies between Forest Park and the thousands of acres of wildlife habitat in the Coast Range.

- Forest Park is the largest forested city park in the United States. We should not approve any project such as this quarry expansion which has a chance of significantly diminishing its wildlife habitat values.

Streams

- The record indicates that Burlington Bottoms "represents one of the state's largest remaining wapato woodlands" and ranks 3rd highest for wildlife habitat of all Goal 5 wetlands in Multnomah County.

- Peter Paquet, a representative of the Northwest Power Planning Council, wrote a letter entering the following into the record (emphasis added): "The Burlington Bottom Wildlife Mitigation Site is being implemented and funded by the Bonneville Power Administration under the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program. The project serves as partial mitigation for wildlife habitat lost due to construction of the federal hydropower system. The Council expects mitigation projects, **funded by the region's electric ratepayers**, to provide **permanent** mitigation."

- The Final Report on Burlington Bottoms Hydrology and Hydraulics Assessment prepared for the Oregon Department of Fish and Wildlife by W&H Pacific states:

> "Stream B (North Angell Brothers Creek) convey perennial flows from an area of 270 acres and enters the upper lakes of Burlington Bottoms through a 30" concrete pipe. The northwestern end of the Angell Brothers Quarry is part of the watershed that drains through Stream B."

Current flows into Burlington Bottoms from the North Angell Brothers Creek are minor because the drainage area is relatively small and there has been little activity other than logging to increase runoff and sedimentation. However, the record indicates that personal communication from John Lenart, the signer of the Report, to Chris Wrench (Friends of Forest Park) included information that there would be NO DOUBT heavy impact on Burlington Bottoms if the quarry were to expand.

- Portland Hydrologist Jon Rhodes, provided testimony (September 1992) in response to the proposed Angell Brothers quarry expansion that outlined the likely impacts on the North Angell Brothers Stream and its downstream environs. Mr. Rhodes asserted that the proposed expansion would increase streamflow, erosion, and downstream sedimentation into Burlington Bottoms and that these increases would probably be extremely significant. As a worst case, enough sediment could be transported into Burlington Bottoms so that it would become filled and would no longer function as a wetland.

- We received testimony that sedimentation from the existing Angell Brothers quarry has entered the Middle Angell Brothers Creek and has signficantly contributed to the filling of a small wetland adjacent to Multnomah Channel and south of Burlington Bottoms. Testimony from the State Department of Environmental Quality (DEQ) indicated that the Angell Brothers quarry operators are working diligently to resolve the problem -- however, DEQ will not know whether the sedimentation problem is fully resolved until the site is subject to a heavy rainstorm. This situation illustrates two points: 1) the negative impact that quarry runoff can have on a wetland such as Burlington Bottoms, and 2) the difficulty of assuring that once a sedimentation problem is identified by DEQ a good solution can be quickly implemented.

- The State Department of Environmental Quality (DEQ) stated that controlling storm runoff problems from quarries is "an art, not a science." While DEQ works with quarry operators, they apparently cannot guarantee compliance with DEQ water quality standards within a short period of time. Significant amounts of erosive runoff may flow into the high quality Burlington Bottoms wetlands before the operator and DEQ can resolve any problems. Unlike the Howard Canyon Quarry site, which is several hundred feet away from any significant streams and which is about two miles from the Sandy River, the Angell Brothers proposed expansion area would envelop the North Angell Brothers Creek and is only separated from Burlington Bottoms by a powerline easement, railroad tracks, and Highway 30. If the County has **any** doubts about the ability to adequately clean quarry runoff into Burlington Bottoms of sedimentation, much less the significant doubts raised on the record, we would be remiss in dismissing these doubts with a statement that DEQ will "take care of it."

<u>Scenic</u>

- The Sauvie Island Conservancy stated: "Island wildlife areas alone accounted for nearly 800,000 visitors. The Angell Brothers Quarry is located by the Sauvie Island Bridge, the island's sole access and exit point, where it is overwhelmingly visible to every island visitor."

- If mining is permitted to expand, the original topography would be permanently changed, scarring the scenic backdrop to Sauvie Island and Multnomah Channel. Even if reclamation is successful, the "benched" landform, with intervening cliffs, will not bring back the original scenic backdrop.

- No reclamation has occurred on the site of the existing quarry. We have no convincing evidence that successful reclamation is possible in this area, only conjecture at this point. Any failure to properly reclaim the land will leave permanent scars.

- Because of the landform alteration, potential reclamation problems, and also because the negative impact of mining activities on the landscape lasts for many years, quarrying activities are fundamentally different from logging activities and have much more impact on the scenic views of the West Hills. Logging is to mining as shaving is to cosmetic surgery.

- Due to its proximity to a major metropolitan area, the scenic resources increase in value the closer they are located to an urban center.

ESEE CONSEQUENCES

The following comments reflect my general directions on the important points within the analysis of Economic, Social, Environmental, and Energy (ESEE) Consequences. I would recommend that staff modify the ESEE analysis as necessary to reflect these directions.

Consequences of Allowing Mining

Economic

The economic impacts of loss of wildlife habitat, scenic resources and streams and wetlands directly impact our quality of life. I recognize that protection of significant natural resources has direct economic benefits that contribute substantially to our quality of life. Quality of life is an important consideration for business recruitment and retention. Forest Park, one of the nation's unique urban parks, is an amenity which enhance livability in Multnomah County which in turns attracts and supports a healthy and viable business community. Multnomah County's wildlife and natural resources (Forest Park, Sauvie Island, Columbia Gorge) are key elements in the state and region's tourism industry.

Social

The West Hills have a psychological value to people, being perceived as integral and important part of the forested landscape linking Forest Park to the Coast Range; contributing to the image of a natural area with wildlife habitat on the outskirts of Portland; and providing a scenic backdrop to visitors and residents of Sauvie Island. Loss of these significant natural resources will have a social public impact if the educational and recreational opportunities are eroded.

Environmental

There would be a direct loss of wildlife habitat in West Hills. Loss of prime wildlife habitat in the West Hills means obstruction of a vital connecting link between Forest Park and the thousands of acres of wildlife in the Coast Range.

There could be significant degradation to Burlington Bottoms, a mitigation project for wildlife habitat already lost to dam construction. It is one of the state's largest remaining wapato wetlands and the 3rd highest ranking wildlife habitat of all Goal 5 wetlands in Multnomah County.

Permanent changes to the landform, scarring the scenic backdrop to Sauvie Island. Loss of significant aesthetic qualities.

Significant reduction in water resources and water quality.

Energy

Increased energy costs for individuals to drive further to other recreation sites.

CONCLUSION

Based on the above stated consequences, the protection of scenic, wildlife and stream resources and Burlington Bottoms outweighs the protection of the aggregate resource. I recommend designating the Angell Brothers site "3B". The irreversible negative impacts to the other resources which would result from any expansion of mining are far more important than the limited benefits to be gained by such expansion.

HOWARD CANYON POSITION

SUMMARY

Streams (Knierem, Howard Canyon & Big Creek **3C**) — Find that these streams are significant (1C). Knierem and Howard Canyon Creeks flow into Big Creek which flows into the Sandy River, a significant regional, state and federal natural resource. Limit residential and community service and conditional use and transportation/public improvement conflicts by regulating proposed development in the riparian zone of each significant stream.

Aggregate (Howard Canyon Quarry 3C) — Find that it is significant (**1C**) and that:

1) Conflicts with residential uses can be resolved by adopting plan and overlay zoning designations which require some restrictions on new houses, such as setbacks from potential mining areas, and require restrictions on mining operations in order to meet DEQ noise and dust standards for existing residences, minimize visual impacts, and minimize operational impacts.

2) Conflicts with significant streams and the Sandy River can be resolved by adopting a phased development approach for the site. Each year based on the results of a erosion sampling program for the site, the County would review a request for a modest increase in the amount of material extracted from the site. The amount of production at the site would ultimately be limited to an amount to be determined at the conditional use permit stage of review.

3) Multnomah County will require independent ongoing verifications that noise, dust and water quality standards are being met by the mining operations.

4) Multnomah County will require a traffic management plan for operation conditions as a condition of approval.

JUSTIFICATION (taken from the record)

Streams (Knierem, Howard Canyon & Big Creek)

- Metro stated: "Big Creek flows into the Sandy river adjacent to Oxbow Park. The Sandy River has been included in the National Wild and Scenic Rivers System (1988) and State Scenic Waterways Program (1973). In both cases, the river has been designated, in part, due to its outstanding wildlife values. Pg. 18 of the BLM "Sandy Wild and Scenic Waterways Management Plan", (September 1993) states: The Sandy River Gorge offers one of the highest levels of diversity in both wildlife species and habitat of any river in the region."

  ". .. BLM, USFS, BPA, US Fish and Wildlife, Oregon Department of Fish and Wildlife, Northwest Power Planning Council, Oregon State Parks, Oregon Water Resources Department and virtually every other natural agency recognizes the importance and diversity of the Sandy River fish resource - both resident and anadromous."

"Big Creek flows into the Sandy River approximately 100 yards upstream from a known spawning area for Fall chinook salmon and Winter steelhead. Impacts to tributaries result in diminished resource values downstream. "

ESEE CONSEQUENCES

The following comments reflect my general directions on the important points within the analysis of Economic, Social, Environmental, and Energy (ESEE) Consequences. I would recommend that staff modify the ESEE analysis as necessary to reflect these directions.

Metro notes:

"Between 1980 and 1990, over one billion dollars were spent on efforts to restore the Columbia River salmon fishery. Habitat destruction and associated impacts on flows and water quality are important factors contributing to the salmon crisis which has only continued to escalate into the 90's. Without question, salmon are important both economically, socially and environmentally. Although none of the creeks are utilized by anadromous fish, (due to a natural barrier) they are tributaries to the Sandy River which is an important spawning and rearing area. The Sandy River is a reflection of the quality of its tributaries."

"The Oregon Department of Fish And Wildlife has made efforts to document the financial impact of hunting and wildlife observations. Scientific studies have documented the importance of riparian corridors to wildlife for forage, cover and migration purposes. "

"BLM and Oregon State Parks have estimated that up to one (1) million people annually utilize the Sandy River for a myriad of recreational activities. This intense use creates substantial economic activity for a variety of businesses throughout the region."

"The report recognizes the contribution of riparian vegetation removal to increased flooding. The impacts of flooding and flood control have economic, social and energy consequences."

I believe that this evidence is an important addition to the ESEE analysis discussion of ESEE consequences.

CONCLUSION

Knierem and Howard Canyon Creeks flow into Big Creek which flows into the Sandy River. Based on the record, the Sandy River is an outstanding regional, state and federal resource that warrants complete protection.

Unlike the situation with the Angell Brothers quarry in relation to Burlington Bottoms, there clearly appears to be sufficient distance for runoff mitigation based on the distance of the exist-

ing quarry and the proposed expansion site from Knierem and Howard Canyon Creek. I, therefore, recommend designating the aggregate site "3C'. However, the significance of the streams in relationship to the Sandy River justifies a very prudent approach to development of the site.

Proposed Conditions of Approval to be Included in the Protection Plan

Conflicts with significant streams can be resolved by adopting a phased development approach for the site. Each year based on the results of an erosion sampling program for the site, the County would review a request for a modest increase in the amount of material extracted from the site. The amount of production at the site would ultimately be limited to an amount to be determined at the conditional use permit stage of review.

Determination of the annual increases and ultimate cap will be based on protection of the stream resources, resolving conflicts with residential uses and findings from the traffic management plan.

A mining and reclamation plan shall be required that is approved by Oregon Department of Fish and Wildlife and DEQ, in addition to DOGAMI.

It appears that the majority of the existing residential dwellings are located to the west of the site. During the development of the protection plan, planning staff will be directed to explore the feasibility of future expansions occurring on or moving towards the east end of the site, away from the majority of existing residences. This strategy may provide an additional buffer area thus reducing noise and dust impacts on the neighboring residents to the west.

Conflicts with residential uses can by resolved by restricting operation to reasonable weekday hours. Rock crushing and blasting shall be similarly restricted. We should require that notice of blasting events shall be given by the mining operator to all residents within the impact area in a manner that will ensure receipt of the notice well before the blasting event.

A traffic management plan shall be required that recognizes the inadequacy of Howard, Knierem, Littlepage and possible other nearby roads for certain levels of heavy traffic. Based on this plan, the County Engineer will stipulate the mine operator's share of the costs for improvements to these roads and a timeline for the necessary improvements. The findings from the traffic management plan and subsequent review and findings from the County Engineer may also contribute to the need to establish a limit on the amount of material that can be hauled from the site. It should be noted that, although the operator should only fund his "fair share" of the road improvements, it may be necessary to limit the number of gravel trucks using these roads until full improvements are completed. We may also require that the gravel trucks take certain routes through the community, either to concentrate traffic on roads where the least impact will result, or to spread traffic onto many roads so that impacts are not concentrated to the detriment of any one road and its adjoining residences. Which of these two approaches we should take must await the results of a traffic management plan prepared at the conditional use permit stage of review.

In addition, the area around the Howard Canyon quarry is rural in character. We must set a limit to the amount of material extracted and resulting truck trips which preserves that rural character, regardless of whether the roads are improved or not. This is additional justification for a "phased" expansion approach and an ultimate annual cap.

MEETING DATE: August 9, 1994

AGENDA NO: R-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 2-94a Howard Canyon Reconciliation Report

BOARD BRIEFING **Date Requested:** _____

Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** August 9, 1994

Amount of Time Needed: 1 hour

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: _____ **TELEPHONE #:** 2192

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY **[ ] POLICY DIRECTION** **[ ] APPROVAL** **[ ] OTHER**

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 2-94a Board deliberation and adoption of the Howard Canyon Reconciliation Report, an amendment to the Multnomah County Comprehensive Framework Plan.

1994 AUG -4 PM 1:16
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: RSP

OR

DEPARTMENT MANAGER: Betsy Williams

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

AUG 04 '94 12:15 TO:3093 FROM:MULT. CO. ENV. SVCS. T-704 P.02

7/26/94
SUBMITTAL

MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT / 2115 S.E. MORRISON / PORTLAND, OREGON 97214

C 2-94a
July 13 thru July 22, 1994
Open Record Exhibits
Howard Canyon

1. Oregon Department of Environmental Quality
   (Paul Keiran)

2. Kathleen and David Shelman

Oregon

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

NORTHWEST REGION

July 18, 1994

RECEIVED
JUL 22 1994
Multnomah County
Zoning Division

MS SHARON TIMCO
LEGISLATIVE ASSISTANT
MULTNOMAH COUNTY COMMISSION
OFFICE OF THE CHAIR
1120 SW 5TH
ROOM 1410
PORTLAND OR 97204

RE: Stormwater Considerations for the
Howard Canyon Mine

Dear Ms Timco:

On Thursday, July 7, 1994 representatives of the Department of Environmental Quality (DEQ) and the Department of Geology and Mining Industries (DOGAMI) inspected the Howard Canyon quarry in Corbett. The purpose of this inspection was to view the site's proximity to Howard Canyon Creek and Kneiriem Creek, and determine how water quality in these creeks might be affected by expanded mining activities.

We met onsite with the quarry's owner, Raymond Smith, and toured the site from the existing pit to well below the proposed expansion area. The quarry area, located on the site's upper reaches, contains grasslands and large rock outcroppings. Steep gradients, some nearly vertical, exist in this area. The area below the existing and proposed quarry area contains a mixture of deciduous and conifer tree clusters, thickets and open meadow, with gentler slopes in the range of 2 to 10 percent.

It is below the lower portion of the site where Howard Canyon Creek exists. This creek lies over 500 feet from the area presently being mined, and would be approximately 300 feet from the nearest proposed expansion area. Given the amount of thick vegetative matter existing between the proposed expansion and Howard Canyon Creek, any mine area runoff from a significant storm event would certainly receive a great deal of biological treatment prior to entering the stream. If any stormwaters required additional treatment, there are numerous sites available for construction of large detention ponds to detain stormwater.

The second creek, Knieriem Creek, is situated in the drainage basin to the north of both the existing and proposed mining area. A means in which to avoid mining water quality impacts to this creek would be to to prohibit any sidecasting of material into this drainage. In simple terms, if the pollutants are not placed in an area where they can be washed into the

2020 SW Fourth Avenu
Suite 400
Portland, OR 97201-498
(503) 229-5263 Voice/TD

creek then there can be no impact to the creek. This management practice can be easily implemented.

Additional management practices, such as sloping the pit floor down into the highwall to trap stormwater, fracturing the pit floor to allow for stormwater infiltration, and keeping upper benches wide enough so that mining can occur there in the rainy season while lower levels impound stormwater, should arrest runoff from all but the most extreme of storms. Employing these practices in the active mine area of this site, and others downgradient if necessary, in conjunction with the vast amount of vegetation available for filtration, should create a rather formidable treatment and barrier system.

The consensus reached by both DEQ and DOGAMI is that, in the event that a long period of heavy rain occurred during expanded operations, the protection of water quality in Howard Canyon and Knieriem Creeks, would be a matter of logical development of the mine pits, installation of several stormwater detention facilities, and the presence of thick vegetative matter for additional stormwater treatment.

If you have any questions, please contact Frank Schnitzer of DOGAMI at (503) 967-2039 or myself at 229-5937.

Sincerely,

Paul Keiran

Paul Keiran
Stormwater Specialist

prk

cc: Gary Clifford, Planning Division
Multnomah County Planning Commission

36141 SE Hurlburt Rd.
Corbett, OR 97019
July 17, 1994

Multnomah County Planning Commission
2115 SE Morrison St.
Portland, OR 97214

To Whom it May Concern:

We own property at the intersection of Hurlburt and Gordon Creek Roads in Corbett. We anticipate that a large portion of the traffic from the Howard Canyon quarry would pass down Hurlburt Road.

Our property is zoned Rural Residential and is surrounded by property with the same designation or with zoning for farm use. Traffic on Hurlburt Road, in this rural setting, is heavy and is made up of a mix of log trucks, gravel trucks, tourists, buses and private cars traveling to the camps on Gordon Creek Road, fishermen with boats, farm vehicles, county road equipment and commuters. The intersection is busy and has been the scene of many near-misses. We have minimal sheriff's presence in the area and no patrol cars which have the time to monitor traffic safety either on Hurlburt Road or at this intersection. As a result, we observe many cars moving directly through the intersection (a 4-way stop) without either stopping or even slowing down.

We do not feel that it would be wise to add more heavy traffic to this intersection, or to our small local roads which are already carrying more traffic than they were designed for. We certainly will not welcome the increased congestion, road noise or dust.

We also do not feel that an industrial-size quarry is an appropriate land use in this area and will have a detrimental effect on the quality of life of those living near it. We would support specific and temporary expansion of use for the quarry, i.e., to provide rock for the construction of the new school or similar local projects.

Sincerely,

Kathleen and David Shelman

cc: Steve Oulman, DLCD

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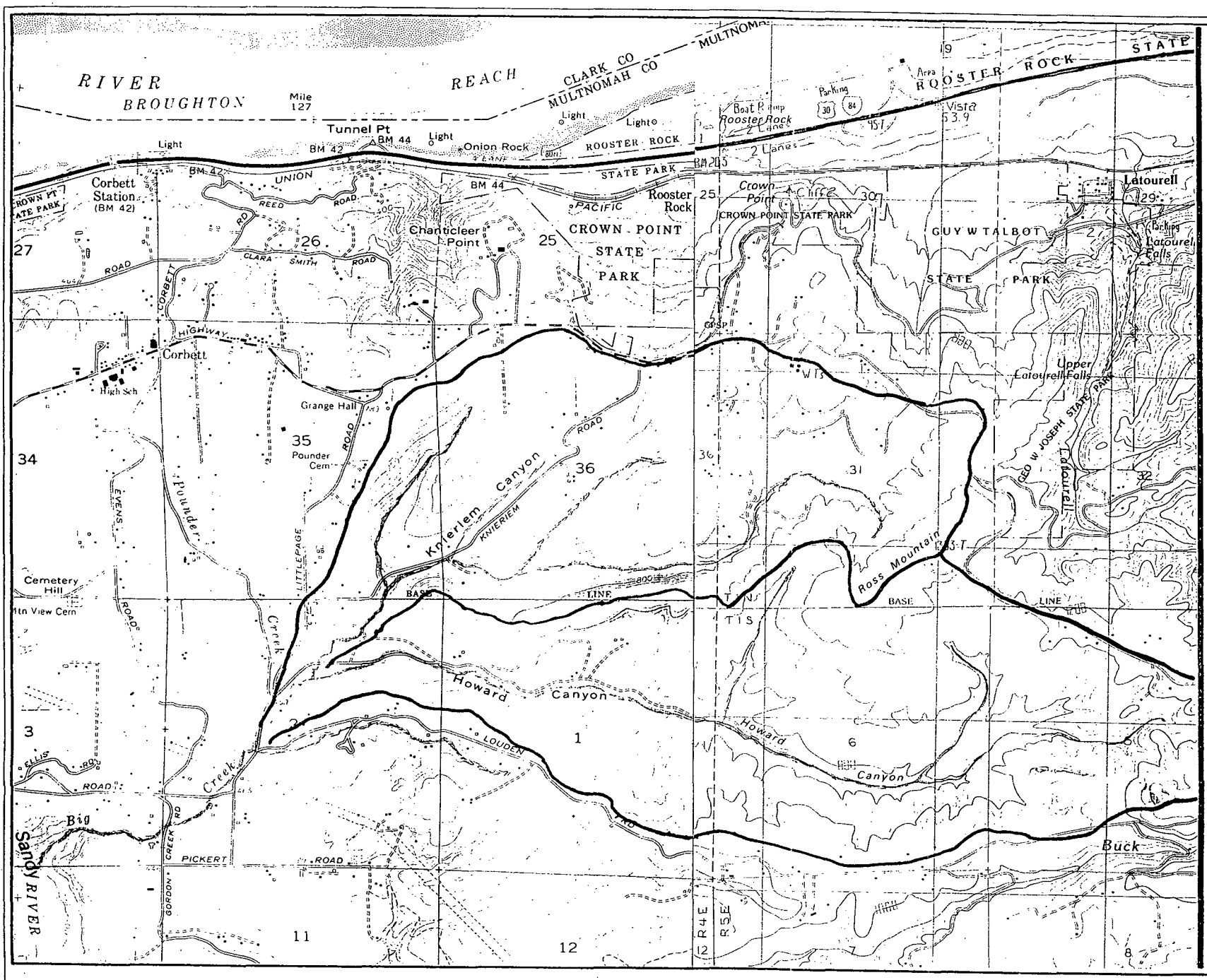
Multnomah County
Zoning Division



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CHARLES CECKO

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797

METRO

Multnomah County Board of Commissioners
1120 SW Fifth Avenue
Portland, Oregon 97204

July 26, 1994

Re: Additional Comments -
West Hills Reconciliation Report, May 25, 1994
Howard Canyon Reconciliation Report, May 23, 1994

Dear Commissioners;

Thank you for yet another opportunity to provide testimony regarding the above referenced topics.

The primary purpose of our correspondence at this point is to re-emphasize some of our earlier comments and submit several additional exhibits for your consideration.

We are taking the time to submit these additional comments because we continue to believe that your actions related to these initial "rural planning" efforts will set a tone, if not a precedent, for future efforts which have yet to be initiated. In other words, your treatment of significant resources now will temper future actions related to other significant resources.

West Hill - Angell Brothers Quarry

Previous Recommendation: Prohibit all mining in watershed(s) draining into Burlington Bottoms

Rationale:

Burlington Bottom is rated as one of the most valuable Goal 5 resources (Natural Area/Wetland) in Multnomah County. It's value has been recognized by the Northwest Power Planning Council and BPA who (with formal support of Multnomah County) acquired the

Recycled Paper

428 acre site as mitigation for wildlife losses associated with Willamette and Columbia River hydroelectric projects.

We must respectfully disagree with the conclusions reached by ODFW as conveyed in a letter from Jill Zarnowitz dated May 19, 1994. In essence, this letter states that the "North Angell Brothers" creek is not significant because it is not a major water source for Burlington Bottom.

In our opinion, any water source for Burlington Bottom is significant, especially one with the capability of conveying sediments in considerable quantity into the site.

We urge you to consider these facts:

- Angell Brothers has a history of water quality violations in their existing operation.
- Sediment from the existing operation has seriously degraded a wetland downstream of the quarry site.
- Improvements have been constructed, however, their effectiveness is untested by significant precipitation.
- Over-burden (top soil) in the proposed expansion areas is up to 70 feet deep. this material will be stripped, stockpiled (on-site) and presumably "stabilized".
- The proposed expansion area is moderately to steeply sloping which significantly limits space for effective sediment controls such as retention ponds while increasing both the amount and velocity of run-off and consequently erosion potential.
- Even the best designed storm-water retention facilities have been acknowledged by DEQ as inadequate. See Exhibit A "Quarry Poses Threat To Coastal Steelhead Runs", Oregonian, July 5, 1994.

Based on the above, we believe the risk to Burlington Bottom is too great. Our position is further bolstered by the realization that if expansion were permitted and problems did develop, there's little, if anything, that could be done to stop the problem in a timely manner. Specifically, DEQ fines won't curb

sedimentation and restoration would take years, if feasible at all.

In summary, the question related to the significance of this aggregate source is outside our area of interest and expertise. However, we oppose any expansion of mining activities into watershed(s) that drain into Burlington Bottom because we believe the risk it simply too great.

Howard Canyon - Aggregate Site

Previous Recommendations:

It is recommended that mining activity be prohibited within 200 feet of a significant stream and that all riparian vegetation be protected except for hazard trees. It is further recommended that:

- No mining be permitted within 100 feet of any tributary to a significant stream and that all riparian vegetation be protected except for hazard trees.
- Roads associated with aggregate mining be treated per 7b above and strictly limited to one (1) crossing.
- That the mine operator be required to complete fish, wildlife and water quality inventories prior to an expansion of mining activity.
- That a mining and reclamation plan require specific approval of the Oregon Department of Fish and Wildlife and DEQ in addition to DOGAMI.
- That the mine operator be required to test water quality downstream of the mine at a frequency which is adequate to capture the full range flows expected in the significant streams.
- That exposed earth never exceed two (2) acres at any time.

Rationale:

- The Howard Canyon site is relatively level as compared to the West Hills site and significant streams do not flow through the aggregate site.

- The Corbett Community appears to be in need of an economic source of aggregate for a variety of purposes.

- The existing operation has been characterized as "small-scale", serving primarily Corbett's needs (under 5,000 cu yards/year).

- Our recommendations allow for a finding of significance, a source of aggregate for the Corbett area, reasonable protection for significant streams and, hopefully, residential quality of life.

Howard Canyon - Significant Streams (Howard, Knierem, Big)

Previous Recommendations: Limit conflicting uses as follows:

Residential, Community Services and Conditional Uses:

- Prohibit these uses within 100 feet of significant streams.

- Prohibit these uses within 50 feet of tributaries to significant streams.

- Protect all reparian vegetation within buffers described above.

- Avoid road crossing of significant streams whenever practical. If crossings are unavoidable, require bridge or arch culvert installed in manner approved by ODFW.

- Within buffers described above, restrict soil disturbing activities to typically dry months, require erosion prevention measures and revegetation prior to rainy season.

Agricultural Uses:

- Prohibit crop cultivation and livestock within 100 feet of significant streams.

- Prohibit crop cultivation and livestock within 50 feet of tributaries to significant streams.

- Treat roads as noted above.

- Investigate options for incentives for landowner compliance.

Rationale:

The "Howard Canyon Reconciliation Report" acknowledges the severe degradation of significant streams caused by these uses. See "Stream Profiles" pgs. II-37 thru II-53. For example:

> Pg. II-37, "Big Creek was severely impacted by housing and pasture land. Over half of the surveyed area had paved roads adjacent to the stream. Streamside vegetation was degraded and cover was minimal in most areas".
>
> Pg. II-42, regarding Howard Canyon Creek, "The first seven sections have housing and pasture lands adjacent to stream. Where there is pasture, animals for the most part have unrestricted access and at the time this survey was done, cattle were actually seen in the stream..... Banks along this area were eroding with large pieces of bank falling off into stream because of storm event."
>
> Pg. II-49, "Knieriem Creek in general is impacted by housing, roads running along side and lack of cover. Large trees are minimal..... The water is murky and banks show signs of erosion..... Animals have direct access to stream and there is little or no reparian vegetation."

- EPA calls "silt" (from land uses noted above) the number one problem threatening America's waterways. See Exhibit "B", "Silt Major Culprit In Lowering Nation's Water Quality", Oregonian, Tuesday, June 14, 1994.

- Department of Agriculture cites agriculture as major source of pollution in the nation's waterways. See Exhibit "C", "The Invisible Menace", Trout Magazine, Summer 1994.

- Scientists agree that protection of streamside (riparian) vegetation is critical to fisheries and water quality. See Exhibit "D", "Panel Sees Key To Saving Salmon", Oregonian, June 30, 1994.

- Multnomah County has the authority to implement regulations to protect significant streams. In fact, Multnomah County may be the only jurisdiction with the authority to regulate these uses on private property within the area currently under consideration. See Exhibit "E", "Troutdale moves To Protect Beaver Creek", Outlook, July 20, 1994.

In summary, the significant streams in question have been, and continue to be, seriously degraded by agricultural residential, community service and conditional uses within the riparian corridor. Scientists generally agree that riparian corridors must be protected for fishery and water quality purposes. Multnomah County has the authority through its land use planning program to restrict uses within the riparian corridor. Other jurisdictions as noted in the exhibits have implemented restrictions to protect significant streams.

Thank you for the opportunity to submit these additional comments and exhibits.

Warm Regards,

Charles Ciecko (mg)

Charles Ciecko
Director

cc: Rena Cusma
Merrie Waylette
Judy Wyers
Betsy Williams
Scott Pemble
Steve Oulma

CC/mb
mulcolet.726

Quarry poses threat to coastal steelhead runs

Exhibit "A"

■ Despite extensive efforts to prevent it from happening, silt finds its way into a tributary of the Salmonberry River

By PAT FORGEY
Correspondent, The Oregonian

Every spring, wild steelhead fight their way up the Salmonberry River to spawn in its cool, clear waters deep in Oregon's Coast Range.

Their return each year is all the more remarkable because the Salmonberry almost died.

A series of forest fires in the 1930s and '40s known as the Tillamook Burn left the river choked with silt and runoff from scorched hillsides. The Salmonberry healed, restoring the clarity and cleanliness needed to support a fish run.

The steelhead are threatened again, this time by a quarry that all players hoped would provide a perfect balance between the public's need for a clean environment and its need for business development and jobs.

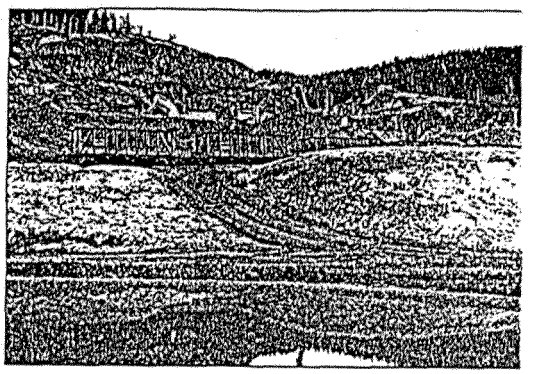
The plan didn't work. In its first winter of operations, Karban Rock Inc. of Hillsboro followed all the state's environmental precautions. But it wasn't enough to keep silt from flowing into a tributary of the Salmonberry River during heavy rain.

State regulators would like to fix the problem before the winter rains return, but they don't know how. Karban isn't talking about the silt.

Several agencies regulate different aspects of quarry operations, but for protection of the Salmonberry, the most important is the Department of Environmental Quality. It's supposed to enforce the federal Clean Water Act and prevent problems such as muddy runoff that can come from the quarry.

Paul Keiran, a DEQ storm-water engineer responsible for watching Karban, said that the company's storm-water controls appeared adequate. But when they were tested by heavy rain, he said, they proved incapable of preventing violations.

Please turn to KARBAN, Page B4



PAT FORGEY/for The Oregonian

Despite settling ponds to capture dirt particles, work at the Karban Rock Inc. quarry in the Coast Range continues to feed silt into the Salmonberry River.

■ Continued from Page B1

"They've gone to a lot of effort, but apparently it's not enough," said Walt Weber, district fisheries biologist with the Department of Fish & Wildlife.

Weber is monitoring Karban's compliance with its DEQ permits because of the biological value of the river. Besides steelhead, the Salmonberry has healthy populations of chinook salmon, coho salmon and cutthroat trout.

The river's prize species is its wild steelhead run, though. Those fish are among the best leapers of any anadromous fish and have migrated up the steep river canyon the farthest. They also are a rare genetically pure stock. That is, the run is completely wild and has never mixed with hatchery stocks.

The muddy water that threatens those fish comes in essentially two forms: settleable solids and turbidity.

Settleable solids are particles that settle out when the rushing water slows slightly. Because salmon need clean gravel in which to spawn, settleable solids can smother eggs already in the stream and ruin it for future use as spawning habitat.

While the quarry's first winter of operation has loaded a nearby Salmonberry tributary with sediment, damage to spawning habitat has been minimal because a waterfall blocks fish passage to the creek.

Turbidity poses problem

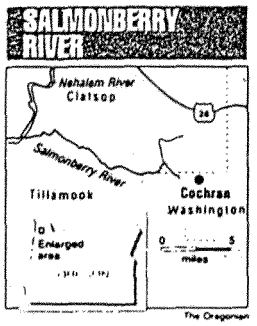
Turbidity is a bigger problem. It's the result of extremely fine particles that float in the water and don't settle out easily. Turbid water can harm fish by stunting the production of aquatic invertebrates that young fish eat, and it can clog their gills and make it harder for them to feed.

The material that causes turbidity is so fine that it won't settle out of the river until it reaches Nehalem Bay at the coast.

The water quality problems have been unfortunate, because the quarry's location seems nearly perfect.

Quarrying and mining operations are noisy and dirty, the classic "not in my back yard" activity that neighbors almost always oppose, said Gary Lynch of the Department of Geology and Mineral Industries, another of the regulatory agencies.

At Cochran, the site of an abandoned lumber mill in western Washington County, there's not a neighbor within miles. It may be the most remote location in northwestern Oregon. There's also an outcropping of hard, high quality basaltic rock, the kind demanded by a booming Washington County for roadbeds and foundations.



Old rail line figures in

No less important is Cochran's proximity to the old Southern Pacific rail line that runs to Tillamook. The railroad once flourished, carrying lumber from the Cochran mill and dozens of others from the coast to the valley.

The Port of Tillamook Bay purchased the old Southern Pacific rail line in 1989 with $2.8 million in lottery money. State and federal agencies have spent millions more in public money to subsidize the railroad, which has struggled to break even carrying feed to Tillamook County's dairies and lumber back from its mills.

Now its main freight is rock, extracted from Karban's quarry and shipped down the rails to Hillsboro. The cheap rail transport has been a boon to Karban, but it's also been crucial to getting the railroad back on its feet financially.

"It's critical to us; it provides a million dollars' revenue a year," said Jack Crider, port manager. That revenue has allowed the line to be repaired and upgraded, and the railroad now employs 35 people, 25 of whom are based in Tillamook County, where good paying jobs are scarce.

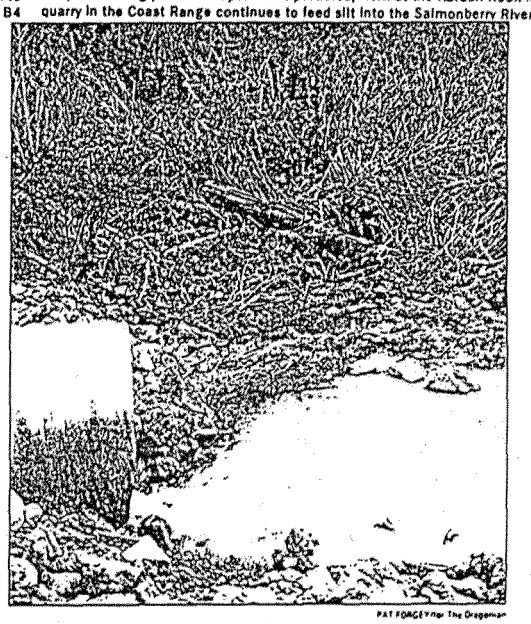
The importance of the Karban quarry — both economically and environmentally — has made it a high-profile client for the state's regulatory agencies.

Various agencies involved

Besides the DEQ and Department of Geology and Mineral Industries, the Division of State Lands also regulates some aspects of the operation.

Looking over those agencies' shoulders is the state Department of Fish & Wildlife. And the governor's office is watching everybody.

Karban has used a series of measures to try to keep the river clean. The company built five settling ponds designed to purify runoff by filtering the sediments that would otherwise settle out in the Salmonberry.



PAT FORGEY/for The Oregonian

Water flows from a culvert at the end of ponds. It will reach the Salmonberry River, home to one of the state's few genetically pure steelhead runs.

"Their storm-water retention facilities are the best I've ever seen," Keiran said, estimating that the company has spent $200,000 on erosion control.

The company has also covered exposed hills of bare dirt with jute netting or straw, used logs and hay bales to block runoff, scattered small retention ponds around the site to reduce runoff, and even shut down operations during storms.

"When it rains, they quit," said Crider. "We've had to head down the mountain with a train that's half full."

Now, after a winter in which Karban repeatedly violated water quality standards, regulators are trying to figure out where they went wrong.

Karban has admitted to the state that its storm-water controls were simply inadequate for heavy rain. And that was with a drier-than-average winter.

Phone calls not returned

Karban President Peter Adams did not return phone calls or messages to discuss the company's water quality violations. But company filings with state agencies and interviews with state regulators indicate the company seriously underestimated the effectiveness of its pollution controls.

"It turns out there was a lot more overburden on the site than anybody thought," said Bill Parks, with the Division of State Lands.

Overburden is the dirt, clay and waste rock that must be moved to get at the high quality rock underneath, and it's the bane of the aggregate industry. Finding a safe place to put the huge — and growing — pile of overburden has been one of Karban's biggest problems.

Karban is now proposing to divert a nearby stream into a culvert and dump its overburden in the ravine along with other improvements.

Biologist Weber said his hope is that Karban will figure out how to keep its muddy runoff out of the Salmonberry so that the river's steelhead will survive the expected 50-year life of the quarry.

The state has the power to cite, fine or revoke the permit of a company that violates environmental regulations. The problem with Karban is that the state can't simply order a specific action to prevent runoff because the experts aren't sure how to do that.

"This is an art, not a science," Keiran said.

Exhibit "B"

Silt major culprit in lowering nation's water quality

EPA finds cause but another report blames herbicide spray

By DAVID ROTHBARD and CRAIG RUCKER

Having seen the effectiveness of Bill Clinton's campaign focus on the economy, supporters of clean rivers might adopt a similar slogan: "It's the silt, silly."

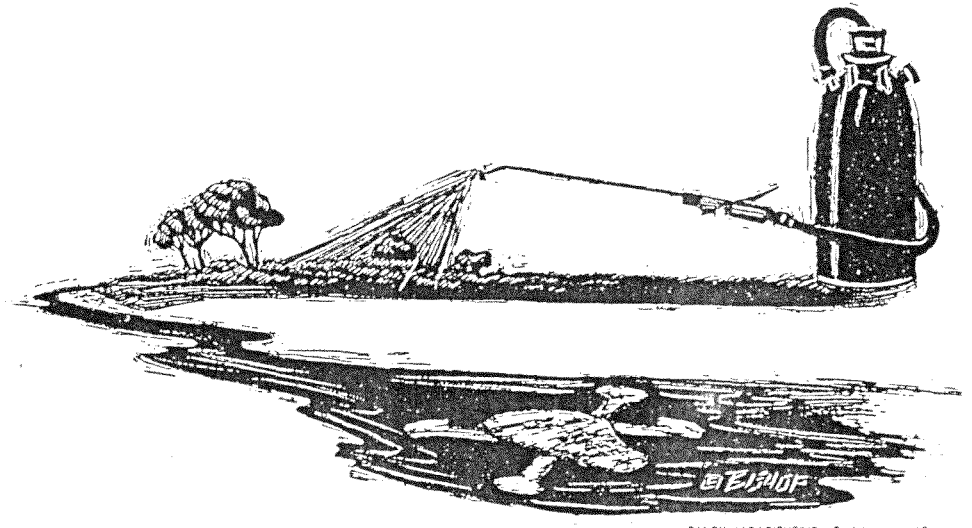
If our country is truly serious about improving water quality substantially, the focus needs to be on the real problem, silt, rather than the imagined and perceived problems that get so much attention in public forums.

It's plain old dirt — topsoil from farm fields, clay from urban construction sites and sediment from unprotected streambanks — that is clogging our nation's waterways.

In a statement issued this spring, Carol Browner, administrator of the Environmental Protection Agency, called silt "the No. 1 problem threatening America's waterways."

Because of sedimentation, "fish respiration is impaired, plant productivity and water depth are reduced, aquatic organisms and their habitats are smothered, and our aesthetic enjoyment of the water is reduced," according to EPA's report, "The Quality of Our Nation's Water: 1992," which was issued this March.

Incongruously, another federal agency has been creating a controversy that has the potential to make this problem worse. Misperception resulting from work by the U.S. Geological Survey might actually change agricultural practices to the point that soil erosion and stream sedimentation could increase.



RANDY MACK BISHOP/Pen Tip International Features

The Geological Survey has been monitoring herbicide concentrations in lakes, rivers and streams for the last three years. It has also been releasing information to the media about trace amounts of herbicides in spring and summer, when farmers use the products.

However it has never issued a press release reporting on a full year of monitoring, even though federal drinking-water standards are based on the average of samples taken during a full year. Temporary peaks slightly higher than the allowable annual average are of little, if any, significance.

Last August, in a little-known technical report, the Geological Survey revealed the full picture of its monitoring: "During 1991 and 1992, the annual average concentrations for these herbicides were far below health-based standards."

The same report carried a prediction about herbicide concentrations in the waters of the great 1993 flood: "Concentrations for these herbicides probably will not exceed [health-based standards] in 1993."

Many Americans will remember the scene a month earlier when TV reporters and newspaper headlines across the nation told of "surprisingly high" herbicide concentrations in the floodwaters. These reports were based on the Geological Survey's findings of one-day concentrations that were only slightly higher than the allowable annual average. These concentrations were nowhere close to any level of concern, as the Geological Survey acknowledged a month later.

But the perception is long-lasting. Now, when EPA reports that agriculture is the leading contributor to stream impairment, many jump to the conclusion that EPA is talking about herbicides.

"It's the silt, silly."

The most common water pollutants, according to EPA's report, are, in order: Silt, nutrients, metals and biological pathogens. Herbicides, even when detections of insignificant concentrations are considered, don't rate with that group.

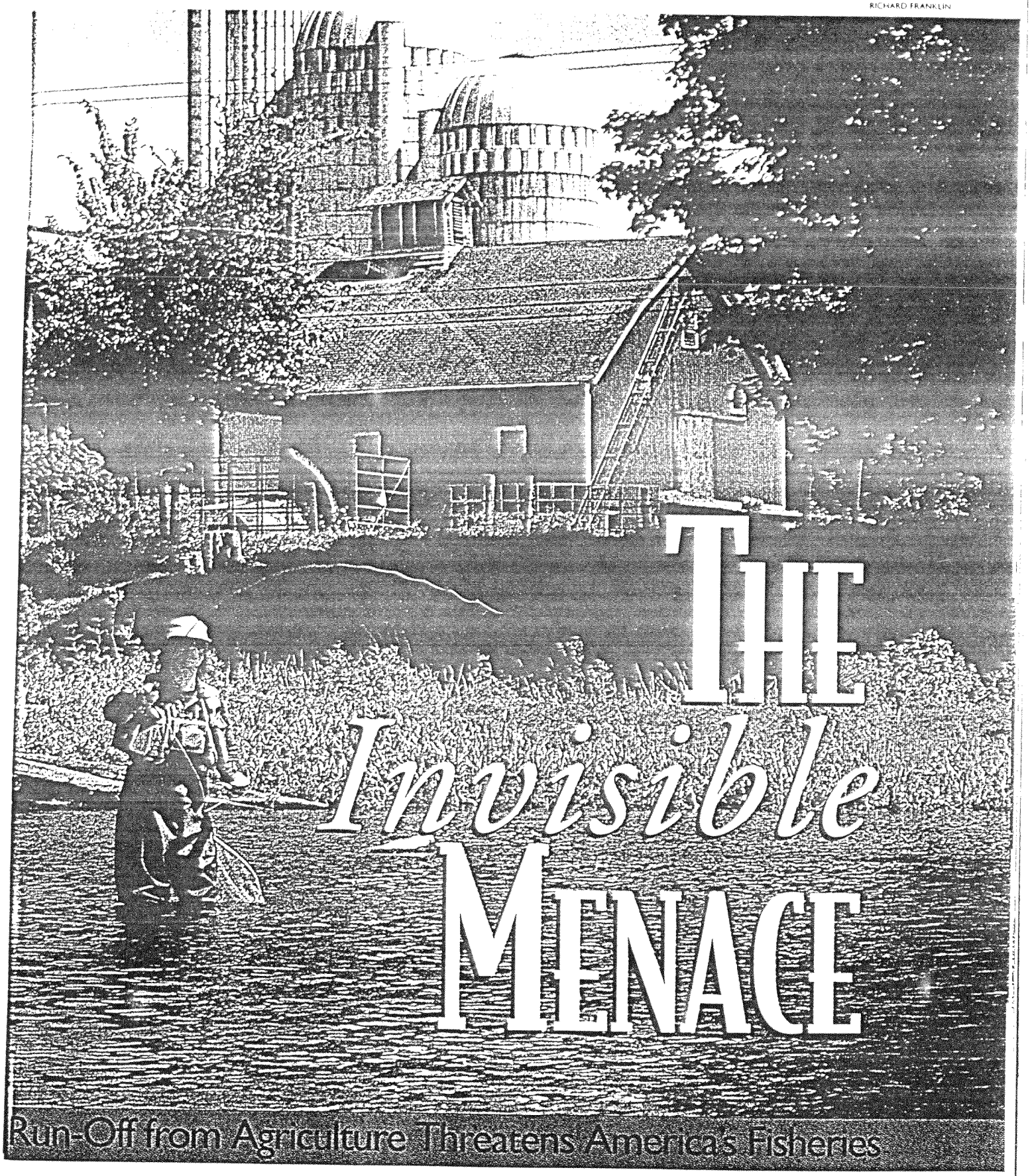
In fact, herbicides are an essential tool in reducing the amount of silt that gets into streams. While farming remains the leading contributor to river impairment — more stream miles border farms than cities — farmers have made great strides in reducing siltation in recent years.

They have been converting millions of acres to conservation tillage — a practice that leaves last year's crop stubble on the field. Instead of plowing the field and exposing the soil to wind and water erosion, farmers plant seeds through the stubble. Herbicides are used as needed to control the untilled weeds. The crop stubble keeps the herbicide, and the silt, in the field and out of the stream.

Without herbicides, the only way to control weeds is to plow them under before planting and follow up with another tillage trip, further contributing to the No. 1 problem threatening U.S. streams — silt.

David Rothbard is president of the Committee For A Constructive Tomorrow, a Washington-based public-interest organization. Craig Rucker is the group's executive director.

Exhibit "C"



RICHARD FRANKLIN

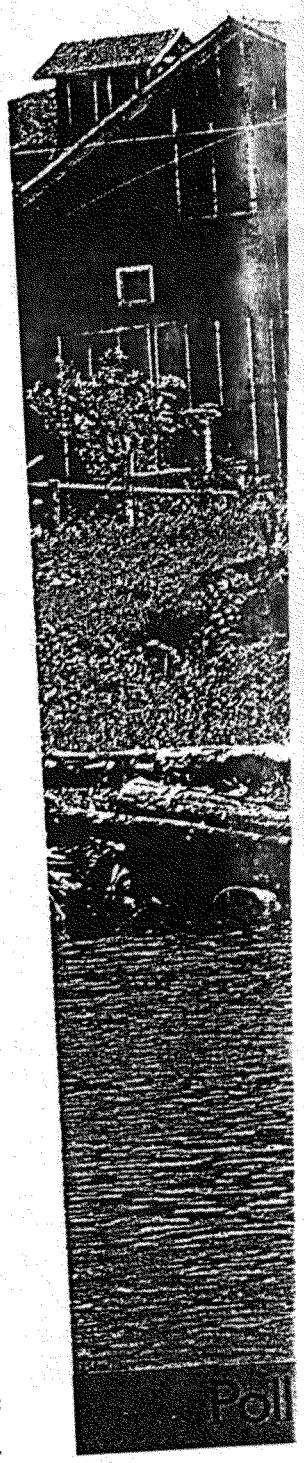
THE *Invisible* MENACE

Run-Off from Agriculture Threatens America's Fisheries

By Jerome Cramer

Tom Culp runs a 350 acre farm amid the rolling hills of Lexington, Ohio. Clean water that bubbles up from springs on his farm flows gently into nearby rivers. That's how Culp likes it. "My goal is to keep the soil on the land — not running off into streams and fouling the water," he says. To cut down on soil erosion and to keep his water clean, Culp and a growing number of farmers have discovered ways to use the land wisely and help prevent the largest single source of water pollution in the United States. It's called "nonpoint source pollution" and it happens when rain and melting snow wash pesticides, topsoil, fertilizer, cow manure and minerals into rivers and streams. And on farms, ranches, and in the U.S. Congress, this polluted run-off is a subject of increasingly intense debate. According to the Environmental Protection Agency (EPA) more than two-thirds of all drainage basins in the U.S. are affected by polluted run-off. The most recent National Water Quality Inventory produced by the EPA says that 38 percent of the nation's rivers are impaired — in large part from the more than 1 billion tons of sediment washed into waterways each year. Activities such as logging and mining also result in tons of pollution in sensitive cold-water fisheries. But whatever the source, this polluted run-off spells death for fish. A recent study by the American Fisheries Society found that one-third of all our native freshwater fish species are threatened or endangered, and an additional one-fifth of all our aquatic species are now threatened. An estimated 106 Pacific salmon stocks are already extinct, and scores of others are seriously depleted due to problems that Congress intended the Clean Water Act to eliminate. Monitoring the status of such environmentally sensitive fishes as the salmonids is key to establishing the overall health of our surface waters. Salmonids, including trout, salmon, and chars, require high quality waters and therefore serve as ideal indicators of quality aquatic environments. Specifically, salmonids require low temperatures, high dissolved oxygen concentrations, clean substrates, sufficient water depth and velocity, and hiding and escape cover to survive. All of these variables are subject to impairment by traditional agricultural practices and their associated polluted run-off. Salmonids are therefore especially good indicators of the presence of nonpoint source pollutants since most trout and salmon habitat is located in headwater areas of our river systems, where point sources are seldom present, and where a large proportion of polluted run-off occurs.

The worst sources of water pollution are no longer factories and sewers; farms and development are the biggest sources of contamination.



As bad as the problem is, there are some signs of hope.

Solving the polluted run-off problem must involve cutting our dependence on chemical pesticides and fertilizers.

ERODED, WASHED-AWAY TOPSOIL FROM TRADITIONAL tillage, irrigation, and grazing practices smothers spawning gravels and disables fish respiration. Resultant high turbidity reduces sight feeding and growth by salmonids and interferes with migration. Salmonid sight feeding is impaired at even moderate turbidity, and while the fish will migrate in water of higher turbidity, they avoid muddy, clouded waters for rearing and feeding.

Clean substrates are important habitat components because salmonids build nests (redds) in gravel and cobble substrate. Clean substrates are required to provide dissolved oxygen to the embryo, remove metabolic wastes, and allow alevins (fry) to emerge from the redd. Sediment from polluted run-off limits the capacity of the substrate to serve these functions and thus reduces the survival of salmonid embryos.

The flow of sediment often carries with it nutrients and pesticides that degrade water quality and diminish biological productivity. Depending on context and concentrations, nutrients and animal wastes from traditional agricultural practices can have a toxic effect on aquatic organisms, or they can contribute to excessive enrichment, which reduces the amount of dissolved oxygen in the water. Low dissolved oxygen concentrations affect salmonid growth, food conversion efficiency, swimming performance, and survival.

Farmer Tom Culp employs cutting-edge techniques to prevent polluted run-off.

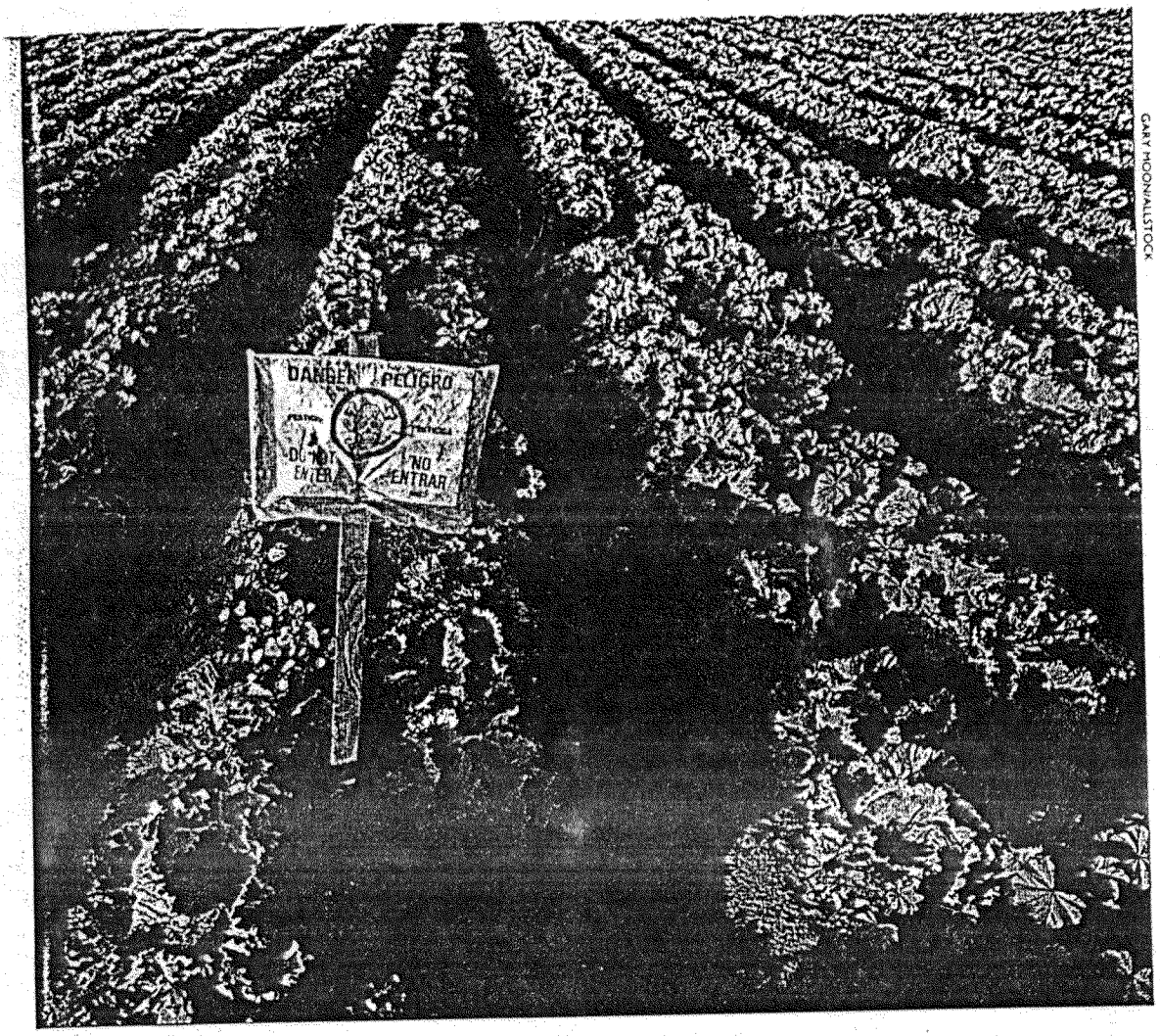
TOM HUBBARD/BLACK STAR

PESTICIDES IN POLLUTED run-off can also have toxic effects on salmonids, and in higher concentrations can destroy entire aquatic ecosystems. For example, from 1963 to 1985, more than 200,000 fish were killed by the pesticides toxaphene and endosulfan in California's Central Valley alone.

Trout are also particularly sensitive to temperature, especially when spawning. Agricultural practices such as clearing riparian areas for crop production, or allowing livestock to graze right up to the stream bank, reduce bank undercutting and vegetative cover and decrease bank stability, ultimately resulting in decreased shading and widening of the stream channel. Greater surface area of the stream channel exposed to sunlight, coupled with the decreased stream velocity associated with widening, increases water temperatures, often drastically impairing salmonid habitat.

By far the largest source of polluted run-off is agriculture. The EPA says that silt — often contaminated with fertilizers, herbicides, and pesicides — runs off of land and into creeks, streams and lakes. And while the ranching, mining, and timber industries are serious sources of polluted run-off in themselves, by far the largest source of polluted run-off is traditional farm agriculture.

"I don't like to call it nonpoint source pollution," says Diane Cameron of the Natural Resources Defense Council. "I call it what it really is: poison run-off. And it's the biggest water pollution problem in the nation." Cameron says that trout fishermen, who spend most of their time in cold-water areas, only see part of the problem. "By the time that polluted headwater



GARY HOONAILSTOCK

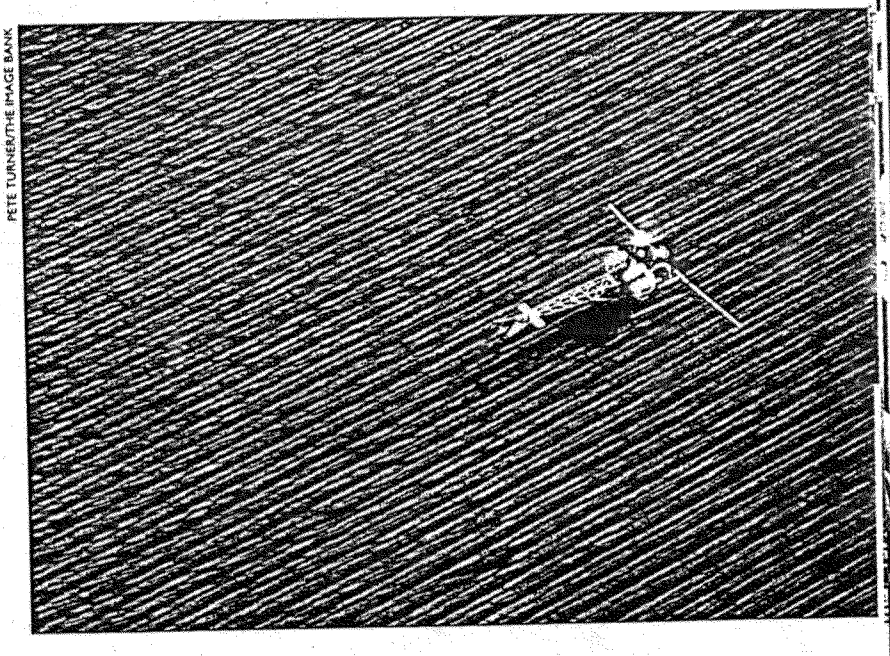
Traditional farming methods often entail expensive repeated applications of toxic chemicals.

reaches the sea it is often a virtual witches brew" of chemicals, pesticides and manure.

As bad as the problem is, there are some signs of hope.

According to Cameron and other experts, a growing number of farmers understand that they have to find new ways to halt nonpoint source pollution. Some of the reasons are altruistic — love of the land and nature — but many involve simple, bottom-line economics. In many parts of the nation farmers find their topsoil is eroding, their streams are polluted, and their groundwater is undrinkable due to years of abuse. Agricultural policies handed down through the generations have backfired, and many farmers now are searching to find new ways to coax a living out of the land.

Culp, whose family has farmed for generations, realized "sometime around 1981, that traditional methods of raising crops were just not working." He was pouring as much as 200 pounds of nitrogen fertilizer annually on each acre of ground. But during rainy winters the soil and fertilizer would simply wash away. His water was dirty and his farm was being stripped of topsoil.



PETE TURNER/THE IMAGE BANK

In 1981, Culp started adopting "alternative" farming techniques that included the use of cover crops. After fall haryest, he has an airplane drop a combination of legumes and rye grass on his fields. The legumes spread roots that contain nitrogen-fixing bacteria. As this cover crop grows during the fall and winter, it replenishes the soil.

CHARLES MAUZY/NATURAL SELECTION

Timber harvest is another major source of silt-laden runoff.

It also keeps the important topsoil from blowing away or being washed into streams during sudden winter storms.

In the spring he simply plows these fields and the cover crops become "green manure," he says. Spring rains soak into this newly plowed ground, he says, and his streams run clear. This new method of cultivation and his continued rotation of crops has eliminated his need for using insecticides. One report recently stated that planting cover crops in this way can reduce run-off to nearby rivers and streams by up to 60 percent.

Rhonda Janke is director of the Rodale Institute Research Center, an organization that has long helped farmers adopt techniques that prevent polluted run-off. She says that "farmers can increase crop yields and replenish soil fertility while reducing — or eliminating altogether — synthetic chemical pesticides and fertilizers. The major obstacle now is getting the information to farmers so they can convert to non-chemical agriculture."

OHIO FARMER RICH BENNETT USES A "NO plow" technique to help keep his water — and his neighbors' — flowing clean and clear. Bennett plants winter cover crops to save on fertilizer, but in the spring uses a light application of herbicide to kill them. "The crops control soil erosion and provide nutrition that is excellent for my corn and soybeans," he says. Then, rather than plow the ground for planting, seeds are placed directly in the ground. The crops are harvested but the roots remain in the soil to hold it in place and enrich it as they decay.

"I'd like to say I adopted these techniques just to save the land and the water, but the truth is I did it for economic reasons," he admits. Bennett says no-plow farming has meant a 50 percent savings in cost of farm equipment and fuel. His reduction in fertilizers and insecticides means that his expenses "which used to run $45,000 to $50,000 are now down to $15,000 to $18,000 per year." He adds, "This is a win-win situation. I help improve the water and soil and make more money at the same time."

For example, Bennett says that state farm guidelines call for using up to 250 pounds of nitrogen fertilizer per acre each year. He now uses only about 60 pounds per acre.

"I built this farm from my grandfather's original 40 acres," he says. "These new techniques will mean that the soil will stay on the land — and out of the streams and lakes — so future generations can continue farming."

Bennett and Culp are part of a small but growing band of farmers and ranchers who understand the need to stop polluted run-off. Most of his neighbors look upon his farming methods as an anomaly. He laughs when asked about the surrounding farms. "Oh, my neighbors keep an eye on me," he says.

Once a year Bennett has an "open house" to show other farmers what can be accomplished with progressive farming techniques. "But you know what they say about a prophet in his own land," Bennett adds. "I get farmers from Indiana and Michigan, but my neighbors pretty much ignore me."

BARRY EPLEY FARMS 2,000 ACRES NEAR Wabash, Ind., that includes property that has been his family since 1885. Three families make their living from this land and Epley understands the hard realities of agricultural economics. "I like to think I am a good steward, but I need to turn a profit to stay in business," he says.

Though he has experimented with no-till farming, lately he has used a technique called "ridge tillage." The soil is mounded into humps, or ridges, and only the top layer is disturbed during planting and harvesting. "There is much less erosion and I save money on fuel and labor."

He adopted these alternative agricultural practices as a way to save his soil — and his pocketbook. But Epley and other farmers understand that alternative farming requires vision. (See Sidebar, opposite) According to Ralph Lentz, a Minnesota rancher and former teacher of agricultural

science: "Farmers must look at the big picture. They have to know the topography on which they farm, they have to understand the best and safest ways to increase productivity, and they have to look at the quality of the life they are creating for themselves and their neighbors."

But for all the progress being made by farmers, polluted run-off remains a serious problem that is crying out for state, local and federal attention.

As this goes to press, Congress is toiling over revisions to the Clean Water Act, the major law through which the federal government can help control polluted run-off. The law, which conservationists assert is much too lax, tells each state to measure nonpoint pollution and describe what it plans to do to solve the problem. The law also requires states to create enforceable programs to control polluted run-off and to submit them to the EPA for approval. But as of January 1992, only 15 states had submitted plans that had been approved.

Says the EPA's clean water expert Carl Myers, "Currently the CWA is a voluntary program. We can't force farmers to do the right thing."

A coalition of environmental groups, including Trout Unlimited, is pushing to put teeth in the law. They want the CWA to include tough language to force states to adopt programs to control run-off. The general guidelines would be created by the EPA but would be amended to meet local needs and conditions by the states. Says EPA's Myers: "We want farmers and ranchers to clean up water voluntarily, but there has to be some bottom line... Voluntary programs are well and good, but they are not making much progress."

BUT MANY FARMERS, CATTLEMEN, AND TIMBER producers strongly disagree with the effort to force states to adopt mandates. These groups want local citizens and businessmen to develop best management practices (BMPs) and have those adopted by the states with some minimal guidance from the EPA. What they fear the most, it seems, is the federal government in Washington dictating the ways local farmers and ranchers manage their land and water.

"The Administration and environmentalists want the EPA to write and impose new regulations on the states," says Mitch Dubensky, a spokesman for the American Forest and Paper Association. "We want people on the ground — business, industry, workers and local government — to write the regulations."

But this view is countered by those who have seen the voluntary approach of farmers like those

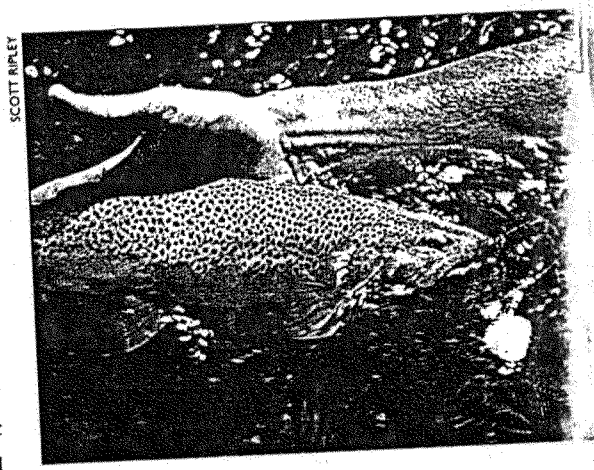
The Clean Water Act: Up to the Task?

THE GOOD NEWS ABOUT WATER QUALITY IS THAT OUR RIVERS are much cleaner now than they were 25 years ago, says Carol M. Browner, Administrator of the U.S. Environmental Protection Agency. "We no longer have rivers catching on fire," she says.

That is the result of the Clean Water Act, first passed in 1972. The main thrust of this bill was to stop point-source pollution, the garbage and poisons flowing into streams and waterways from "points" such as municipal sewage systems or factories. The bill has been a remarkable success and point-source pollution has been greatly decreased.

But serious problems remain. Approximately 1,300 water bodies have been so degraded by pesticides, organic chemicals, and metals that the states have limited the public's consumption of fish and shellfish from these waters. Bottom sediments contaminate more than 1,000 waterways. And each year it is estimated that more than 740 million pounds of toxic chemicals pour into our waterways.

The Clinton Administration and many in Congress want to amend the Clean Water Act to take care of these problems. According to a recent paper released by the Administration, the goal is to "protect and conserve our water, aquatic habitats, and the living resources within, through an integrated, holistic approach, based on natural watersheds and aimed at reducing pollutants from all sources that impair water quality."


SCOTT RIPLEY

Until now the states have been asked to use a voluntary approach to cleaning up nonpoint-source pollution. Environmentalists want the new CWA to set federal standards and time lines that states must meet when creating programs to clean up streams and rivers. "Until now the states have had little success with controlling polluted run-off," says Trout Unlimited's Steve Moyer, Director of Government Affairs. "The new Clean Water Act must include flexible, yet mandatory language that requires American agriculture to substantially reduce polluted run-off and restore watershed health." ■

Only by looking at an entire ecosystem within a drainage can comprehensive solutions be developed.

Innovative programs in Pennsylvania are helping get cows out of trout streams.

mentioned earlier overwhelmed by much of mainstream agriculture. They point out that without mandates most farmers will continue with business as usual. "We'd like everybody to be model citizens," says EPA's Jeff Grubbs, director of water quality for the EPA. "But the strictly voluntary approach is not working."

What is surprising, however, is the general agreement that has been reached by these two groups. Both sides agree that polluted run-off is a problem that must be solved, and both want to take an active role in finding solutions. According to groups such as the Rodale Institute and the World Resources Institute, farmers in rural America have the power to make huge environmental gains while protecting their own profits. In short, what's good for farms is also good for water and fish. Most of the disagreement centers over the best ways to make sure new farming practices are adopted and the water is cleaned up.

For example, the American Farm Bureau and many environmental groups both agree that the best way to clean up water is to treat entire watersheds rather than individual rivers or streams. State governments should develop plans that take into consideration the soil characteristics, the drainage patterns, land use, and potential for development. Only by looking at an entire ecosystem within a drainage can comprehensive solutions be developed.

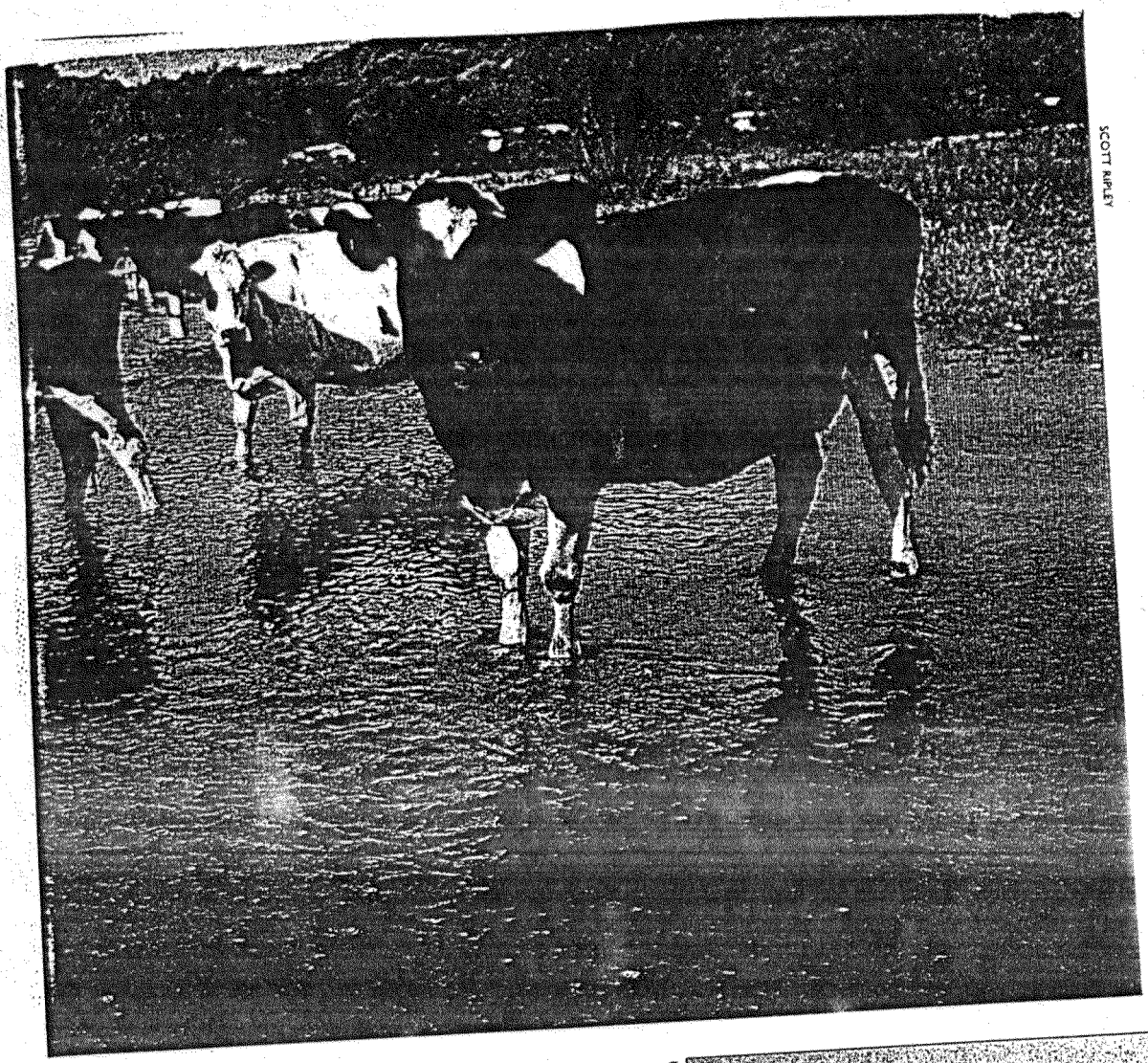
SOUNDS EASY. BUT WHAT DO YOU DO WITH areas that, for historical reasons, have continually produced polluted run-off? Such a place is Lancaster County, Pennsylvania, home of one of the most intensive dairy industries in the U.S. And where there are cows there is cow manure.

For more than 200 years farmers have been raising dairy cows on the lush land that runs through the Susquehanna River Valley. But as farms were broken up and passed to surviving family members, the farms got smaller and economics dictated that more cows were needed to keep farmers in business. Soon the ratio of smaller and smaller farms supporting more and more cows hit the critical mass: huge amounts of nitrogen in the form of cow manure was being washed into the river and down into the Chesapeake Bay. Currently one-third of the nitrogen and one quarter of the phosphorous pouring into the Bay can be traced to the Susquehanna River Basin.

The Chesapeake Bay Foundation, local Trout Unlimited chapters, other conservation groups, farmers, and state lawmakers are working to solve this polluted run-off problem. Farmers along the trout-rich Yellow Breeches in the southern part of the state can get government aid to help them cure their run-off problems. Some local TU chapters kick in additional funds to help farmers pay for improvements that protect streams. The improvements include fencing to keep cows away from fragile stream banks, building pits to contain the manure, and creating buffer zones to keep manure on the land.

Many farmers are happy to take part in these programs; yet too many are not. The question gets down to bare knuckles: How does the government get companies and landowners to adopt policies that control polluted run-off? Most agricultural, timber, and mining interests want an all-carrot, no-stick approach that encourages voluntary and cooperative measures. Environmentalists say this approach has failed, and they want more power in the hands of the federal and state government to force compliance.

Says one USDA official who asked not to be



SCOTT RIPLEY

Deep plowing allows wind and rain to carry away valuable topsoil—into nearby rivers.

named: "Right now there is no clear mandate for the states to clean up their water. If we don't make our laws tougher then we will doom ourselves to water too dirty to drink — much less fish in." This dismal future can best be avoided by putting real bite into the Clean Water Act and the U.S. farm laws, he asserts.

While farm and ranch lobbyists want Congress to avoid mandates, the experiences in various states show how important tough laws are to cleaning up the water. Wisconsin, for example, has a polluted run-off law that has been on the books for the past 15 years. The state has spent $75 million on this voluntary program, but the "overall water quality improvements are not discernable at this time," according to a recent state report.

Like much in life, this issue also gets down to money. All sides want the federal government and the states to come up with cold hard cash to get these programs off the ground.

There have been some limited successes. USDA's conservation reserve program pays farmers to take their most highly erodable land out of crop production. This could "reduce farm run-off by as much as 50 percent in the coming years," predicts the USDA's John Burt. And the Conservation Compliance Program is well designed but is lacking funds that could increase compliance.

JOE MCDONALD/NATURAL SELECTION

Since the Dust Bowl, farmers have been receiving government funds to grow crops, not grow crops, put land into use, or take land out of cultivation. This financial (*continued on page 62*)

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scope, it will be a standard reference work in years to come.

DEEP RIVER
by Elaine Moore
illustrations by Henri Sorensen
1994 Simon & Schuster Books for Young Readers $15.00

. . . . . .

CHILDREN'S BOOKS about fishing are few and far between, and fish stories with little girls as protagonists are scarcer still. As Jessie progresses from worrying about what her brothers would think of her first clumsy casts to reveling in her first fish, Moore's prose and Sorensen's impressionistic illustrations make Jessie's first fishing trip an evocative adventure. This charming, gentle story of Jessie and her grandfather and their day on the water belongs in the library of every newly-hatched future angler.

THE LITTLE BOOK OF FISHING:
AN ANTHOLOGY
Introduced and edited by Nick Lyons
1994 Atlantic Monthly Press, $16.00

. . . . . .

THE LAST COUPLE OF years have seen the market all but flooded with meditations on the "meaning" of fishing With a few exceptions (Ted Leeson's extraordinary *The Habit of Rivers* and Wetherell's *Upland Stream* spring to mind), they tend to cover the same territory: fishing as metaphor for life, life as metaphor for fishing — if you've read one, you've read them all. *The Little Book of Fishing* is an exception. Drawn from 14 authors as disparate as Ernest Hemingway, Sparse Grey Hackle, Tom McGuane and former *Rolling Stone* editor P. J. O'Rourke, the selections cover everything from first trout to first tuna to first love. The secret, I think, lies in the length of the pieces — they range from just a page of verse to a meaty short story, but nothing longer — and in the deeply personal perspectives each embodies. Although you may find it hard to resist reading the whole collection at one sitting, this is a book to savor, and one to which you'll surely return again and again. ■

The Invisible Menace

(continued from page 25) intervention now can mean the difference between success and failure for many American farmers. The sad irony: The most heavily subsidized programs for farmers encourage practices that increase environmental damage. Environmentalists want the USDA to switch funding from programs that encourage massive plowing and the use of pesticides and herbicides to more conservation-minded practices. At the same time, farmers and ranchers will have to be taught how to produce food and survive in a new era for agriculture.

As the battle rages on in Washington, rivers continue to fill and choke with sediment.

Several bills before Congress call for spending up to $300 million to control nonpoint-source pollution. Under one scenario, this would be increased to $600 million within five years. In a Congress fighting for a new health care system, welfare reform, and money to battle urban crime, money is short.

As the battle drags on in Washington, rivers continue to fill and choke with sediment; fish continue to disappear. A new clean water law is needed. States must use their powers to help landowners solve this problem. In the meantime, farmers and ranchers who are working to control polluted run-off should be applauded. And governments should make sure their practices are studied and duplicated. ■

Exhibit "D"

OREGONIAN 6-30-94

Panel sees key to saving salmon

A group of scientists praises streamflows and the quality of streamside land but criticizes the hatcheries

By JOAN LAATZ
of The Oregonian staff

The key to saving Oregon's coastal salmon lies in improving streamflows and the quality of streamside land, not in hatcheries, a panel of scientists said Wednesday.

In fact, hatcheries in general may not be effective in increasing the number of adult salmon, the scientists said. The amount of water in a stream, they said, is more important.

The panel's conclusions, delivered to the Oregon Senate Agriculture and Natural Resources Committee, could be used to craft future state policies about logging and farming.

"We have found the data to be overwhelming that the most effective management of salmon should be directed at the riparian zone" alongside waterways, stream ecologist Kenneth Cummins told a committee of lawmakers. And streamside protective measures should be extended to all the streams in a river basin, he said, not just those that have salmon.

"It's still surprising that only now are we learning to use what we know about how riparian zones operate . . . to decide how to manage resources," Cummins said.

Cummins was one of three scientists on a panel commissioned by the Legislature in 1991 to study the connection between forest practices and declining salmon runs.

Daniel B. Botkin, president of the Center For the Study of the Environment in Santa Barbara, Calif., headed the panel, which also included Matthew J. Sobel, dean of the W. Averell Harriman School for Management and Policy at the State University of New York at Stony Brook.

Their four-part draft report, "The Status and Future of Salmon of Western Oregon and Northern California," suggests a basin-by-basin approach to managing the 32 river basins they studied. The use of land and water in those basins could be affected.

"They don't give us any panacea," state Sen. Ron Cease, D-Portland, chairman of the committee, said after hearing the panel's report. "Lots of people want easy answers, and there aren't any easy answers."

Ward Armstrong, executive director of the Oregon Forest Industries Council, fell short of endorsing the panel's recommendations, but he called the report "badly needed."

He predicted, however, that a solution to the salmon crisis would be tough. "I think it's going to be very expensive and painful before we get through."

The scientists's report is based on a review of existing research and information gleaned from public hearings. It will be circulated for public comment for a month and then released along with several others in final form in January 1995.

The panel studied only salmon, not other species such as northern spotted owls. "There's no hidden agenda here," Botkin said. "We're not talking about conservation of old growth."

The scientists concluded that:

- November streamflows are a better indicator of the size of the adult salmon run that will return in three years than are hatchery releases of young salmon.
- Using streamflows to predict future run size would give fishermen more certainty about the future.
- Forests should be managed to include trees of varying ages, with at least half the forest being mature trees.
- Buffer zones along streams throughout the basin should be based on the width of the stream at high water, called "bankfull." Small streams would have a protected zone six "bankfulls" wide, while the largest rivers would have a protected zone one "bankfull" wide.

Federal protections for buffer zones under the Clinton administration's forest plan are based on tree height. Oregon forestry rules are based on the stream size. Both state and federal rules have reduced the amount of timber that can be cut.

Botkin said his panel's plan would allow for buffer zones to be customized according to stream characteristics and the surrounding land. In some cases, Cummins said, that would allow for more trees to be cut than under current rules. In other cases, fewer trees could be cut.

Troutdale moves to protect Beaver Creek

Outlook 7-20-94

Exhibit "E"

❑ Development within 50 feet of bank limited

by JOHN HENDERER
of The Outlook staff

TROUTDALE — A new city ordinance won't stop a local pub owner from building 48 two-bedroom apartments a dozen yards from Beaver Creek, but it will push future developments further away.

The City Council adopted a new ordinance last week designed to prevent stream bed erosion and protect the natural environment.

Landowner Spiro Sassalos has already submitted his plans for "Beaver Green Apartments," five apartment buildings on 3.9 acres, and the new ordinances will not take effect until Aug. 10.

Sassalos sparked controversy last year, prompting the city's effort to draw up new ordinances. He was fined last year for clearing his land of between six and 18 trees over six inches in diameter. He has since replanted 73 trees, say city officials.

Troutdale's new ordinance does not allow development closer than 50 feet away from the bank of a water way. In addition, it limits development to 30 feet from the top of an escarpment.

"These ordinances are a big step in cutting down on the amount of silt that winds up in the creek," said Carolyn Taylor, a member of the board of directors for Friends of Beaver Creek.

Taylor said she has noticed fewer and fewer steelhead and coho salmon spawning in Beaver Creek behind her home.

Various regions use different standards for development setbacks, according to Rita Haberman of River Network in Portland. In Austin, Texas, setbacks range between 50 to 400 feet, and in Douglas County, Ga., they range between 100 to 300 feet.

Troutdale had no standard setback.

"We really did not have any specific regulation regarding erosion control," said City Administrator Pam Christian.

STEVE KASSERMAN/The Outlook

Carolyn Taylor, left, and Bill Herbert, members of the board of directors of the Friends of Beaver Creek, examine some of the erosion of the creekside behind Taylor's property.

Suzanne Barker, the city's development coordinator, said, "We hadn't had anybody develop that close to the creek before."

Approval of building permits depended not so much on standards as personalities.

"In the old days it used to be who you knew," Barker said. "The discretionary decisions are much more limited today because we're such a litigious society."

The city has always used state requirements to limit development setbacks. Those left a loophole, however, for developments smaller than 5 acres.

Under Troutdale's new ordinance, on hillsides with slope between 15 and 24 percent, developers can build up to 70 percent of the normal density for that land zoning and transfer 30 percent to land with slope less than 15 percent. The resulting density on the buildable portion of land must not exceed 150 percent of the zoning for that area.

"We're not absolutely prohibiting development on some of those steeper slopes, but we do restrict the density of development," Christian said.

Existing ordinances drew complaints from developers for their unpredictability. Christian said the new ordinance should remove personal judgment and guard against subjective standards.

"The whole motivation on our part was that it be clear and objective standards," Christian said. "All of this criteria is measurable."

City Attorney Tim Sercombe said the ordinance does not permit the city to take private property. "The issue of takings — people are discussing it more and more," Sercombe said.

He said the recent U.S. Supreme Court case of the Tigard business owner who refused to dedicate part of her property towards a bike path as a condition for expansion does not prohibit Troutdale from establishing the erosion prevention ordinances.

"The U.S. Supreme Court in Dolan (vs. Tigard), and prior to Dolan, has recognized the validity of zonings," Sercombe said.

Restricting land use is legal as long as property owners have an economically viable use of their land and the government's reason for regulation is legitimate, he added.

Homeowners whose residences border the creek should not necessarily expect a reduction in their property values, said Bob Ellis, Multnomah County assessor.

Turn to CREEK, Page 2A.

Continued from Page 1A.

"It may help the value by making it a more attractive area," Ellis said.

Landowners of property zoned for apartments could potentially demonstrate the protective ordinance limits the amount of development they could impose on the land. That could reduce some values, he said.

"If it was shown that the ordinance did restrict use of the land I think we probably would believe the market would recognize the difference in the land," Ellis said.

In an unrelated issue, the City Council will decide whether to spend an estimated $50,000 to $100,000 to halt erosion along Beaver Creek which is threatening a 12-inch sewer line.

"If we don't do something it would be exposed eventually," said Mike Sorenson, sewer treatment plant superintendent. He said erosion along a private drive has crept to within 15 feet of the line.

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Multnomah County Board of Commissioners
1120 SW Fifth Avenue
Portland, Oregon 97204

July 26, 1994

Re: Additional Comments -
West Hills Reconciliation Report, May 25, 1994
Howard Canyon Reconciliation Report, May 23, 1994

Dear Commissioners;

Thank you for yet another opportunity to provide testimony regarding the above referenced topics.

The primary purpose of our correspondence at this point is to re-emphasize some of our earlier comments and submit several additional exhibits for your consideration.

We are taking the time to submit these additional comments because we continue to believe that your actions related to these initial "rural planning" efforts will set a tone, if not a precedent, for future efforts which have yet to be initiated. In other words, your treatment of significant resources now will temper future actions related to other significant resources.

West Hill - Angell Brothers Quarry

Previous Recommendation: Prohibit all mining in watershed(s) draining into Burlington Bottoms

Rationale:

Burlington Bottom is rated as one of the most valuable Goal 5 resources (Natural Area/Wetland) in Multnomah County. It's value has been recognized by the Northwest Power Planning Council and BPA who (with formal support of Multnomah County) acquired the

Recycled Paper

428 acre site as mitigation for wildlife losses associated with Willamette and Columbia River hydroelectric projects.

We must respectfully disagree with the conclusions reached by ODFW as conveyed in a letter from Jill Zarnowitz dated May 19, 1994. In essence, this letter states that the "North Angell Brothers" creek is not significant because it is not a major water source for Burlington Bottom.

In our opinion, any water source for Burlington Bottom is significant, especially one with the capability of conveying sediments in considerable quantity into the site.

We urge you to consider these facts:

- Angell Brothers has a history of water quality violations in their existing operation.
- Sediment from the existing operation has seriously degraded a wetland downstream of the quarry site.
- Improvements have been constructed, however, their effectiveness is untested by significant precipitation.
- Over-burden (top soil) in the proposed expansion areas is up to 70 feet deep. this material will be stripped, stockpiled (on-site) and presumably "stabilized".
- The proposed expansion area is moderately to steeply sloping which significantly limits space for effective sediment controls such as retention ponds while increasing both the amount and velocity of run-off and consequently erosion potential.
- Even the best designed storm-water retention facilities have been acknowledged by DEQ as inadequate. See Exhibit A "Quarry Poses Threat To Coastal Steelhead Runs", Oregonian, July 5, 1994.

Based on the above, we believe the risk to Burlington Bottom is too great. Our position is further bolstered by the realization that if expansion were permitted and problems did develop, there's little, if anything, that could be done to stop the problem in a timely manner. Specifically, DEQ fines won't curb

sedimentation and restoration would take years, if feasible at all.

In summary, the question related to the significance of this aggregate source is outside our area of interest and expertise. However, we oppose any expansion of mining activities into watershed(s) that drain into Burlington Bottom because we believe the risk it simply too great.

Howard Canyon - Aggregate Site

Previous Recommendations:

It is recommended that mining activity be prohibited within 200 feet of a significant stream and that all riparian vegetation be protected except for hazard trees. It is further recommended that:

- No mining be permitted within 100 feet of any tributary to a significant stream and that all riparian vegetation be protected except for hazard trees.

- Roads associated with aggregate mining be treated per 7b above and strictly limited to one (1) crossing.

- That the mine operator be required to complete fish, wildlife and water quality inventories prior to an expansion of mining activity.

- That a mining and reclamation plan require specific approval of the Oregon Department of Fish and Wildlife and DEQ in addition to DOGAMI.

- That the mine operator be required to test water quality downstream of the mine at a frequency which is adequate to capture the full range flows expected in the significant streams.

- That exposed earth never exceed two (2) acres at any time.

Rationale:

- The Howard Canyon site is relatively level as compared to the West Hills site and significant streams do not flow through the aggregate site.

- The Corbett Community appears to be in need of an economic source of aggregate for a variety of purposes.

- The existing operation has been characterized as "small-scale", serving primarily Corbett's needs (under 5,000 cu yards/year).

- Our recommendations allow for a finding of significance, a source of aggregate for the Corbett area, reasonable protection for significant streams and, hopefully, residential quality of life.

Howard Canyon - Significant Streams (Howard, Knierem, Big)

Previous Recommendations: Limit conflicting uses as follows:

Residential, Community Services and Conditional Uses:

- Prohibit these uses within 100 feet of significant streams.

- Prohibit these uses within 50 feet of tributaries to significant streams.

- Protect all reparian vegetation within buffers described above.

- Avoid road crossing of significant streams whenever practical. If crossings are unavoidable, require bridge or arch culvert installed in manner approved by ODFW.

- Within buffers described above, restrict soil disturbing activities to typically dry months, require erosion prevention measures and revegetation prior to rainy season.

Agricultural Uses:

- Prohibit crop cultivation and livestock within 100 feet of significant streams.

- Prohibit crop cultivation and livestock within 50 feet of tributaries to significant streams.

- Treat roads as noted above.

- Investigate options for incentives for landowner compliance.

Rationale:

The "Howard Canyon Reconciliation Report" acknowledges the severe degradation of significant streams caused by these uses. See "Stream Profiles" pgs. II-37 thru II-53. For example:

> Pg. II-37, "Big Creek was severely impacted by housing and pasture land. Over half of the surveyed area had paved roads adjacent to the stream. Streamside vegetation was degraded and cover was minimal in most areas".
>
> Pg. II-42, regarding Howard Canyon Creek, "The first seven sections have housing and pasture lands adjacent to stream. Where there is pasture, animals for the most part have unrestricted access and at the time this survey was done, cattle were actually seen in the stream..... Banks along this area were eroding with large pieces of bank falling off into stream because of storm event."
>
> Pg. II-49, "Knieriem Creek in general is impacted by housing, roads running along side and lack of cover. Large trees are minimal..... The water is murky and banks show signs of erosion..... Animals have direct access to stream and there is little or no reparian vegetation."

- EPA calls "silt" (from land uses noted above) the number one problem threatening America's waterways. See Exhibit "B", "Silt Major Culprit In Lowering Nation's Water Quality", Oregonian, Tuesday, June 14, 1994.

- Department of Agriculture cites agriculture as major source of pollution in the nation's waterways. See Exhibit "C", "The Invisible Menace", Trout Magazine, Summer 1994.

- Scientists agree that protection of streamside (riparian) vegetation is critical to fisheries and water quality. See Exhibit "D", "Panel Sees Key To Saving Salmon", Oregonian, June 30, 1994.

- Multnomah County has the authority to implement regulations to protect significant streams. In fact, Multnomah County may be the only jurisdiction with the authority to regulate these uses on private property within the area currently under consideration. See Exhibit "E", "Troutdale moves To Protect Beaver Creek", Outlook, July 20, 1994.

In summary, the significant streams in question have been, and continue to be, seriously degraded by agricultural residential, community service and conditional uses within the riparian corridor. Scientists generally agree that riparian corridors must be protected for fishery and water quality purposes. Multnomah County has the authority through its land use planning program to restrict uses within the riparian corridor. Other jurisdictions as noted in the exhibits have implemented restrictions to protect significant streams.

Thank you for the opportunity to submit these additional comments and exhibits.

Warm Regards,

Charles Ciecko (mg)

Charles Ciecko
Director

cc: Rena Cusma
Merrie Waylette
Judy Wyers
Betsy Williams
Scott Pemble
Steve Oulma

CC/mb
mulcolet.726

Quarry poses threat to coastal steelhead runs

Exhibit "A"

■ Despite extensive efforts to prevent it from happening, silt finds its way into a tributary of the Salmonberry River

By PAT FORGEY
Correspondent, The Oregonian

Every spring, wild steelhead fight their way up the Salmonberry River to spawn in its cool, clear waters deep in Oregon's Coast Range.

Their return each year is all the more remarkable because the Salmonberry almost died.

A series of forest fires in the 1930s and '40s known as the Tillamook Burn left the river choked with silt and runoff from scorched hillsides. The Salmonberry healed, restoring the clarity and cleanliness needed to support a fish run.

The steelhead are threatened again, this time by a quarry that all players hoped would provide a perfect balance between the public's need for a clean environment and its need for business development and jobs.

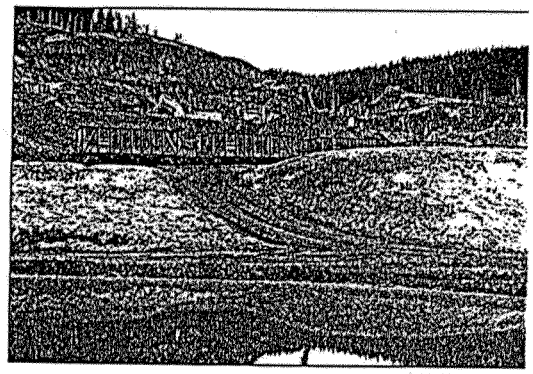
The plan didn't work. In its first winter of operations, Karban Rock Inc. of Hillsboro followed all the state's environmental precautions. But it wasn't enough to keep silt from flowing into a tributary of the Salmonberry River during heavy rain.

State regulators would like to fix the problem before the winter rains return, but they don't know how. Karban isn't talking about the silt.

Several agencies regulate different aspects of quarry operations, but for protection of the Salmonberry, the most important is the Department of Environmental Quality. It's supposed to enforce the federal Clean Water Act and prevent problems such as muddy runoff that can come from the quarry.

Paul Keiran, a DEQ storm-water engineer responsible for watching Karban, said that the company's storm-water controls appeared adequate. But when they were tested by heavy rain, he said, they proved incapable of preventing violations.

Please turn to KARBAN, Page B4



PAT FORGEY/for The Oregonian

Despite settling ponds to capture dirt particles, work at the Karban Rock Inc. quarry in the Coast Range continues to feed silt into the Salmonberry River.

■ Continued from Page B1

"They've gone to a lot of effort, but apparently it's not enough," said Walt Weber, district fisheries biologist with the Department of Fish & Wildlife.

Weber is monitoring Karban's compliance with its DEQ permits because of the biological value of the river. Besides steelhead, the Salmonberry has healthy populations of chinook salmon, coho salmon and cutthroat trout.

The river's prize species is its wild steelhead run, though. Those fish are among the best leapers of any anadromous fish and have migrated up the steep river canyon the farthest. They also are a rare genetically pure stock. That is, the run is completely wild and has never mixed with hatchery stocks.

The muddy water that threatens those fish comes in essentially two forms: settleable solids and turbidity.

Settleable solids are particles that settle out when the rushing water slows slightly. Because salmon need clean gravel in which to spawn, settleable solids can smother eggs already in the stream and ruin it for future use as spawning habitat.

While the quarry's first winter of operation has loaded a nearby Salmonberry tributary with sediment, damage to spawning habitat has been minimal because a waterfall blocks fish passage to the creek.

Turbidity poses problem

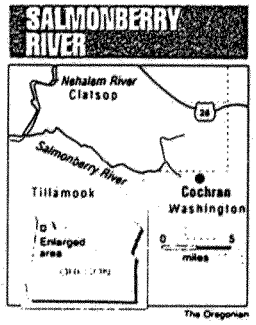
Turbidity is a bigger problem. It's the result of extremely fine particles that float in the water and don't settle out easily. Turbid water can harm fish by stunting the production of aquatic invertebrates that young fish eat, and it can clog their gills and make it harder for them to feed.

The material that causes turbidity is so fine that it won't settle out of the river until it reaches Nehalem Bay at the coast.

The water quality problems have been unfortunate, because the quarry's location seems nearly perfect.

Quarrying and mining operations are noisy and dirty, the classic "not in my back yard" activity that neighbors almost always oppose, said Gary Lynch of the Department of Geology and Mineral Industries, another of the regulatory agencies.

At Cochran, the site of an abandoned lumber mill in western Washington County, there's not a neighbor within miles. It may be the most remote location in northwestern Oregon. There's also an outcropping of hard, high quality basaltic rock, the kind demanded by a booming Washington County for roadbeds and foundations.



The Oregonian

Old rail line figures in

No less important is Cochran's proximity to the old Southern Pacific rail line that runs to Tillamook. The railroad once flourished, carrying lumber from the Cochran mill and dozens of others from the coast to the valley.

The Port of Tillamook Bay purchased the old Southern Pacific rail line in 1989 with $2.8 million in lottery money. State and federal agencies have spent millions more in public money to subsidize the railroad, which has struggled to break even carrying feed to Tillamook County's dairies and lumber back from its mills.

Now its main freight is rock, extracted from Karban's quarry and shipped down the rails to Hillsboro. The cheap rail transport has been a boon to Karban, but it's also been crucial to getting the railroad back on its feet financially.

"It's critical to us; it provides a million dollars' revenue a year," said Jack Crider, port manager. That revenue has allowed the line to be repaired and upgraded, and the railroad now employs 35 people, 25 of whom are based in Tillamook County, where good paying jobs are scarce.

The importance of the Karban quarry — both economically and environmentally — has made it a high-profile client for the state's regulatory agencies.

Various agencies involved

Besides the DEQ and Department of Geology and Mineral Industries, the Division of State Lands also regulates some aspects of the operation.

Looking over those agencies' shoulders is the state Department of Fish & Wildlife. And the governor's office is watching everybody.

Karban has used a series of measures to try to keep the river clean. The company built five settling ponds designed to purify runoff by filtering the sediments that would otherwise settle out in the Salmonberry.

PAT FORGEY/for The Oregonian

Water flows from a culvert at the end of ponds. It will reach the Salmonberry River, home to one of the state's few genetically pure steelhead runs.

"Their storm-water retention facilities are the best I've ever seen," Keiran said, estimating that the company has spent $200,000 on erosion control.

The company has also covered exposed hills of bare dirt with jute netting or straw, used logs and hay bales to block runoff, scattered small retention ponds around the site to reduce runoff, and even shut down operations during storms.

"When it rains, they quit," said Crider. "We've had to head down the mountain with a train that's half full."

Now, after a winter in which Karban repeatedly violated water quality standards, regulators are trying to figure out where they went wrong.

Karban has admitted to the state that its storm-water controls were simply inadequate for heavy rain. And that was with a drier-than-average winter.

Phone calls not returned

Karban President Peter Adams did not return phone calls or messages to discuss the company's water quality violations. But company filings with state agencies and interviews with state regulators indicate the company seriously underestimated the effectiveness of its pollution controls.

"It turns out there was a lot more overburden on the site than anybody thought," said Bill Parks, with the Division of State Lands.

Overburden is the dirt, clay and waste rock that must be moved to get at the high quality rock underneath, and it's the bane of the aggregate industry. Finding a safe place to put the huge — and growing — pile of overburden has been one of Karban's biggest problems.

Karban is now proposing to divert a nearby stream into a culvert and dump its overburden in the ravine along with other improvements.

Biologist Weber said his hope is that Karban will figure out how to keep its muddy runoff out of the Salmonberry so that the river's steelhead will survive the expected 50-year life of the quarry.

The state has the power to cite, fine or revoke the permit of a company that violates environmental regulations. The problem with Karban is that the state can't simply order a specific action to prevent runoff because the experts aren't sure how to do that.

"This is an art, not a science," Keiran said.

Exhibit "B"

Silt major culprit in lowering nation's water quality

EPA finds cause but another report blames herbicide spray

By DAVID ROTHBARD and CRAIG RUCKER

Having seen the effectiveness of Bill Clinton's campaign focus on the economy, supporters of clean rivers might adopt a similar slogan: "It's the silt, silly."

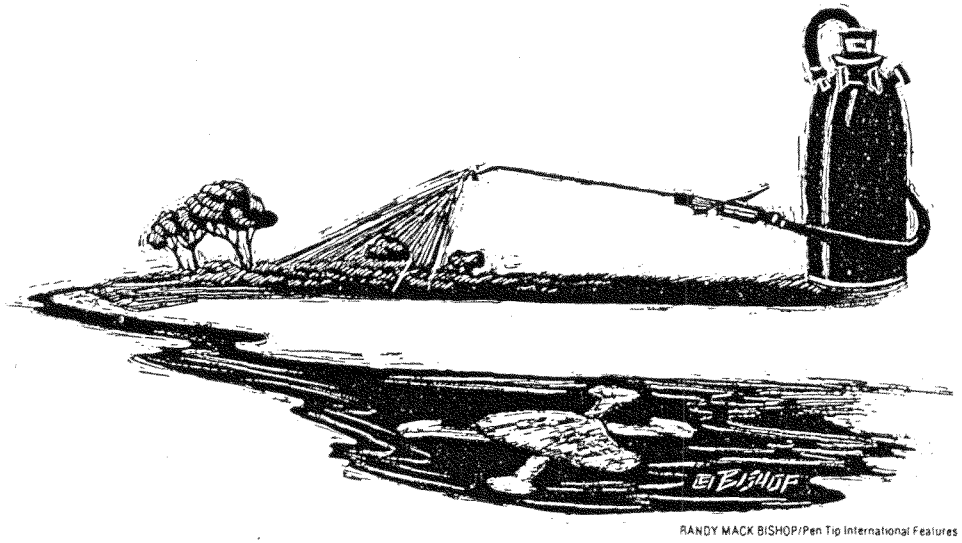
If our country is truly serious about improving water quality substantially, the focus needs to be on the real problem, silt, rather than the imagined and perceived problems that get so much attention in public forums.

It's plain old dirt — topsoil from farm fields, clay from urban construction sites and sediment from unprotected streambanks — that is clogging our nation's waterways.

In a statement issued this spring, Carol Browner, administrator of the Environmental Protection Agency, called silt "the No. 1 problem threatening America's waterways."

Because of sedimentation, "fish respiration is impaired, plant productivity and water depth are reduced, aquatic organisms and their habitats are smothered, and our aesthetic enjoyment of the water is reduced," according to EPA's report, "The Quality of Our Nation's Water: 1992," which was issued this March.

Incongruously, another federal agency has been creating a controversy that has the potential to make this problem worse. Misperception resulting from work by the U.S. Geological Survey might actually change agricultural practices to the point that soil erosion and stream sedimentation could increase.



RANDY MACK BISHOP/Pen Tip International Features

The Geological Survey has been monitoring herbicide concentrations in lakes, rivers and streams for the last three years. It has also been releasing information to the media about trace amounts of herbicides in spring and summer, when farmers use the products.

However it has never issued a press release reporting on a full year of monitoring, even though federal drinking-water standards are based on the average of samples taken during a full year. Temporary peaks slightly higher than the allowable annual average are of little, if any, significance.

Last August, in a little-known technical report, the Geological Survey revealed the full picture of its monitoring: "During 1991 and 1992, the annual average concentrations for these herbicides were far below health-based standards."

The same report carried a prediction about herbicide concentrations in the waters of the great 1993 flood: "Concentrations for these herbicides probably will not exceed [health-based standards] in 1993."

Many Americans will remember the scene a month earlier when TV reporters and newspaper headlines across the nation told of "surprisingly high" herbicide concentrations in the floodwaters. These reports were based on the Geological Survey's findings of one-day concentrations that were only slightly higher than the allowable annual average. These concentrations were nowhere close to any level of concern, as the Geological Survey acknowledged a month later.

But the perception is long-lasting. Now, when EPA reports that agriculture is the leading contributor to stream impairment, many jump to the conclusion that EPA is talking about herbicides.

"It's the silt, silly."

The most common water pollutants, according to EPA's report, are, in order: Silt, nutrients, metals and biological pathogens. Herbicides, even when detections of insignificant concentrations are considered, don't rate with that group.

In fact, herbicides are an essenital tool in reducing the amount of silt that gets into streams. While farming remains the leading contributor to river impairment — more stream miles border farms than cities — farmers have made great strides in reducing siltation in recent years.

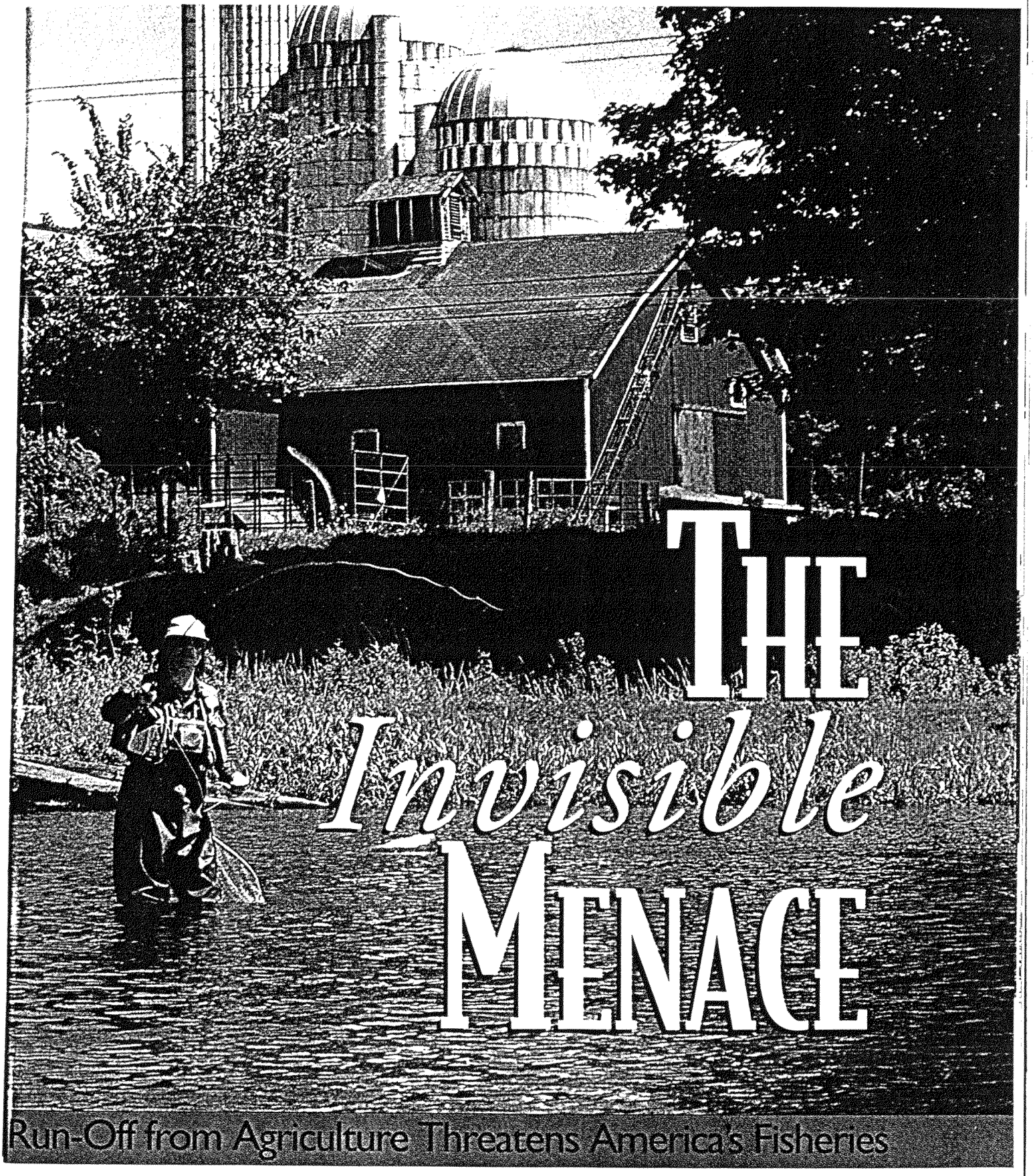
They have been converting millions of acres to conservation tillage — a practice that leaves last year's crop stubble on the field. Instead of plowing the field and exposing the soil to wind and water erosion, farmers plant seeds through the stubble. Herbicides are used as needed to control the untilled weeds. The crop stubble keeps the herbicide, and the silt, in the field and out of the stream.

Without herbicides, the only way to control weeds is to plow them under before planting and follow up with another tillage trip, further contributing to the No. 1 problem threatening U.S. streams — silt.

David Rothbard is president of the Committee For A Constructive Tomorrow, a Washington-based public-interest organization. Craig Rucker is the group's executive director.

Exhibit "C"

RICHARD FRANKLIN



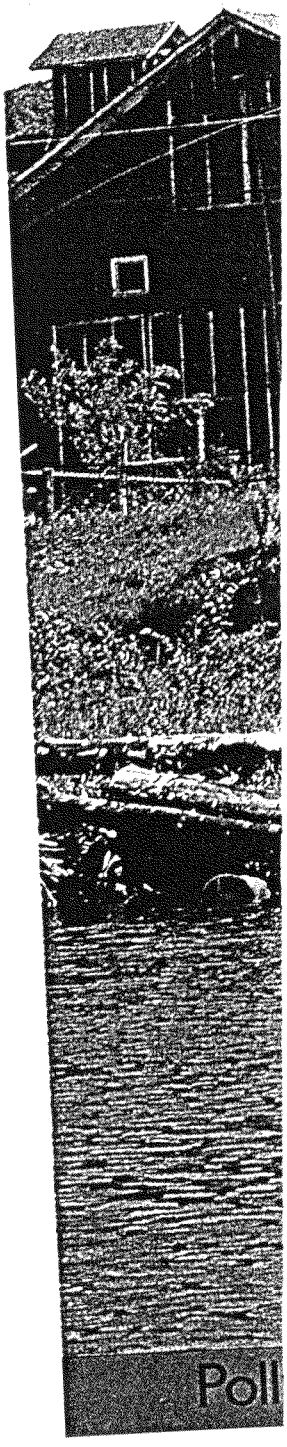
THE *Invisible* MENACE

Run-Off from Agriculture Threatens America's Fisheries

By Jerome Cramer

Tom Culp runs a 350 acre farm amid the rolling hills of Lexington, Ohio. Clean water that bubbles up from springs on his farm flows gently into nearby rivers. That's how Culp likes it. "My goal is to keep the soil on the land — not running off into streams and fouling the water," he says. To cut down on soil erosion and to keep his water clean, Culp and a growing number of farmers have discovered ways to use the land wisely and help prevent the largest single source of water pollution in the United States. It's called "nonpoint source pollution" and it happens when rain and melting snow wash pesticides, topsoil, fertilizer, cow manure and minerals into rivers and streams. And on farms, ranches, and in the U.S. Congress, this polluted run-off is a subject of increasingly intense debate. According to the Environmental Protection Agency (EPA) more than two-thirds of all drainage basins in the U.S. are affected by polluted run-off. The most recent National Water Quality Inventory produced by the EPA says that 38 percent of the nation's rivers are impaired — in large part from the more than 1 billion tons of sediment washed into waterways each year. Activities such as logging and mining also result in tons of pollution in sensitive coldwater fisheries. But whatever the source, this polluted run-off spells death for fish. A recent study by the American Fisheries Society found that one-third of all our native freshwater fish species are threatened or endangered, and an additional one-fifth of all our aquatic species are now threatened. An estimated 106 Pacific salmon stocks are already extinct, and scores of others are seriously depleted due to problems that Congress intended the Clean Water Act to eliminate. Monitoring the status of such environmentally sensitive fishes as the salmonids is key to establishing the overall health of our surface waters. Salmonids, including trout, salmon, and chars, require high quality waters and therefore serve as ideal indicators of quality aquatic environments. Specifically, salmonids require low temperatures, high dissolved oxygen concentrations, clean substrates, sufficient water depth and velocity, and hiding and escape cover to survive. All of these variables are subject to impairment by traditional agricultural practices and their associated polluted run-off. Salmonids are therefore especially good indicators of the presence of nonpoint source pollutants since most trout and salmon habitat is located in headwater areas of our river systems, where point sources are seldom present, and where a large proportion of polluted run-off occurs.

The worst sources of water pollution are no longer factories and sewers; farms and development are the biggest sources of contamination.



As bad as the problem is, there are some signs of hope.

Solving the polluted run-off problem must involve cutting our dependence on chemical pesticides and fertilizers.

ERODED, WASHED-AWAY TOPSOIL FROM TRADITIONAL tillage, irrigation, and grazing practices smothers spawning gravels and disables fish respiration. Resultant high turbidity reduces sight feeding and growth by salmonids and interferes with migration. Salmonid sight feeding is impaired at even moderate turbidity, and while the fish will migrate in water of higher turbidity, they avoid muddy, clouded waters for rearing and feeding.

Clean substrates are important habitat components because salmonids build nests (redds) in gravel and cobble substrate. Clean substrates are required to provide dissolved oxygen to the embryo, remove metabolic wastes, and allow alevins (fry) to emerge from the redd. Sediment from polluted run-off limits the capacity of the substrate to serve these functions and thus reduces the survival of salmonid embryos.

The flow of sediment often carries with it nutrients and pesticides that degrade water quality and diminish biological productivity. Depending on context and concentrations, nutrients and animal wastes from traditional agricultural practices can have a toxic effect on aquatic organisms, or they can contribute to excessive enrichment, which reduces the amount of dissolved oxygen in the water. Low dissolved oxygen concentrations affect salmonid growth, food conversion efficiency, swimming performance, and survival.

Farmer Tom Culp employs cutting-edge techniques to prevent polluted run-off.

TOM HUBBARD/BLACK STAR

PESTICIDES IN POLLUTED run-off can also have toxic effects on salmonids, and in higher concentrations can destroy entire aquatic ecosystems. For example, from 1963 to 1985, more than 200,000 fish were killed by the pesticides toxaphene and endosulfan in California's Central Valley alone.

Trout are also particularly sensitive to temperature, especially when spawning. Agricultural practices such as clearing riparian areas for crop production, or allowing livestock to graze right up to the stream bank, reduce bank undercutting and vegetative cover and decrease bank stability, ultimately resulting in decreased shading and widening of the stream channel. Greater surface area of the stream channel exposed to sunlight, coupled with the decreased stream velocity associated with widening, increases water temperatures, often drastically impairing salmonid habitat.

By far the largest source of polluted run-off is agriculture. The EPA says that silt — often contaminated with fertilizers, herbicides, and pesticides — runs off of land and into creeks, streams and lakes. And while the ranching, mining, and timber industries are serious sources of polluted run-off in themselves, by far the largest source of polluted run-off is traditional farm agriculture.

"I don't like to call it nonpoint source pollution," says Diane Cameron of the Natural Resources Defense Council. "I call it what it really is: poison run-off. And it's the biggest water pollution problem in the nation." Cameron says that trout fishermen, who spend most of their time in cold-water areas, only see part of the problem. "By the time that polluted headwater

GARY MOON/ALLSTOCK

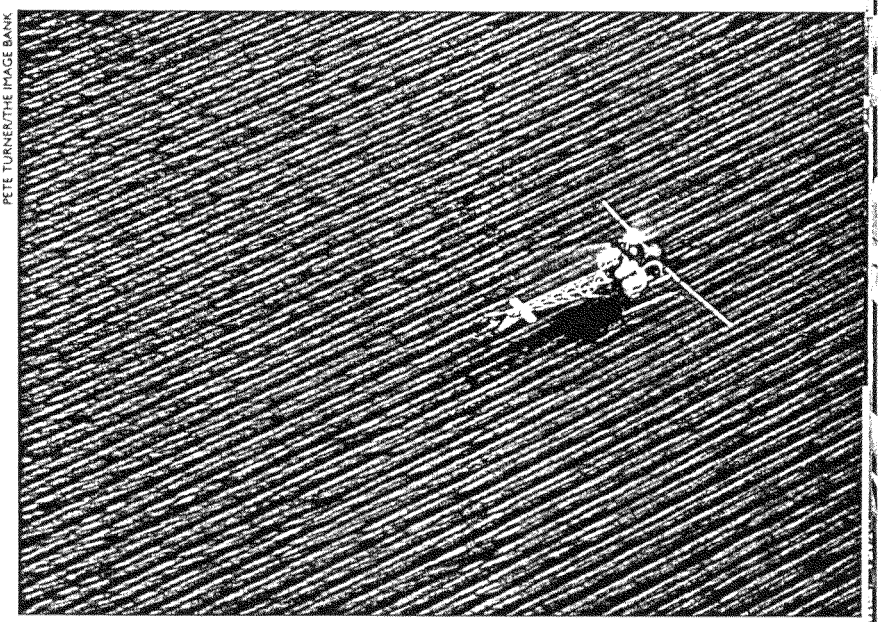
Traditional farming methods often entail expensive repeated applications of toxic chemicals.

reaches the sea it is often a virtual witches brew" of chemicals, pesticides and manure.

As bad as the problem is, there are some signs of hope.

According to Cameron and other experts, a growing number of farmers understand that they have to find new ways to halt nonpoint source pollution. Some of the reasons are altruistic — love of the land and nature — but many involve simple, bottom-line economics. In many parts of the nation farmers find their topsoil is eroding, their streams are polluted, and their groundwater is undrinkable due to years of abuse. Agricultural policies handed down through the generations have backfired, and many farmers now are searching to find new ways to coax a living out of the land.

Culp, whose family has farmed for generations, realized "sometime around 1981, that traditional methods of raising crops were just not working." He was pouring as much as 200 pounds of nitrogen fertilizer annually on each acre of ground. But during rainy winters the soil and fertilizer would simply wash away. His water was dirty and his farm was being stripped of topsoil.



PETE TURNER/THE IMAGE BANK

In 1981, Culp started adopting "alternative" farming techniques that included the use of cover crops. After fall harvest, he has an airplane drop a combination of legumes and rye grass on his fields. The legumes spread roots that contain nitrogen-fixing bacteria. As this cover crop grows during the fall and winter, it replenishes the soil.

CHARLES MAUZY/NATURAL SELECTION

Timber harvest is another major source of silt-laden runoff.

It also keeps the important topsoil from blowing away or being washed into streams during sudden winter storms.

In the spring he simply plows these fields and the cover crops become "green manure," he says. Spring rains soak into this newly plowed ground, he says, and his streams run clear. This new method of cultivation and his continued rotation of crops has eliminated his need for using insecticides. One report recently stated that planting cover crops in this way can reduce run-off to nearby rivers and streams by up to 60 percent.

Rhonda Janke is director of the Rodale Institute Research Center, an organization that has long helped farmers adopt techniques that prevent polluted run-off. She says that "farmers can increase crop yields and replenish soil fertility while reducing — or eliminating altogether — synthetic chemical pesticides and fertilizers. The major obstacle now is getting the information to farmers so they can convert to non-chemical agriculture."

OHIO FARMER RICH BENNETT USES A "NO plow" technique to help keep his water — and his neighbors' — flowing clean and clear. Bennett plants winter cover crops to save on fertilizer, but in the spring uses a light application of herbicide to kill them. "The crops control soil erosion and provide nutrition that is excellent for my corn and soybeans," he says. Then, rather than plow the ground for planting, seeds are placed directly in the ground. The crops are harvested but the roots remain in the soil to hold it in place and enrich it as they decay.

"I'd like to say I adopted these techniques just to save the land and the water, but the truth is I did it for economic reasons," he admits. Bennett says no-plow farming has meant a 50 percent savings in cost of farm equipment and fuel. His reduction in fertilizers and insecticides means that his expenses "which used to run $45,000 to $50,000 are now down to $15,000 to $18,000 per year." He adds, "This is a win-win situation. I help improve the water and soil and make more money at the same time."

For example, Bennett says that state farm guidelines call for using up to 250 pounds of nitrogen fertilizer per acre each year. He now uses only about 60 pounds per acre.

"I built this farm from my grandfather's original 40 acres," he says. "These new techniques will mean that the soil will stay on the land — and out of the streams and lakes — so future generations can continue farming."

Bennett and Culp are part of a small but growing band of farmers and ranchers who understand the need to stop polluted run-off. Most of his neighbors look upon his farming methods as an anomaly. He laughs when asked about the surrounding farms. "Oh, my neighbors keep an eye on me," he says.

Once a year Bennett has an "open house" to show other farmers what can be accomplished with progressive farming techniques. "But you know what they say about a prophet in his own land," Bennett adds. "I get farmers from Indiana and Michigan, but my neighbors pretty much ignore me."

BARRY EPLEY FARMS 2,000 ACRES NEAR Wabash, Ind., that includes property that has been his family since 1885. Three families make their living from this land and Epley understands the hard realities of agricultural economics. "I like to think I am a good steward, but I need to turn a profit to stay in business," he says.

Though he has experimented with no-till farming, lately he has used a technique called "ridge tillage." The soil is mounded into humps, or ridges, and only the top layer is disturbed during planting and harvesting. "There is much less erosion and I save money on fuel and labor."

He adopted these alternative agricultural practices as a way to save his soil — and his pocketbook. But Epley and other farmers understand that alternative farming requires vision. (See Sidebar, opposite) According to Ralph Lentz, a Minnesota rancher and former teacher of agricultural

science: "Farmers must look at the big picture. They have to know the topography on which they farm, they have to understand the best and safest ways to increase productivity, and they have to look at the quality of the life they are creating for themselves and their neighbors."

But for all the progress being made by farmers, polluted run-off remains a serious problem that is crying out for state, local and federal attention.

As this goes to press, Congress is toiling over revisions to the Clean Water Act, the major law through which the federal government can help control polluted run-off. The law, which conservationists assert is much too lax, tells each state to measure nonpoint pollution and describe what it plans to do to solve the problem. The law also requires states to create enforceable programs to control polluted run-off and to submit them to the EPA for approval. But as of January 1992, only 15 states had submitted plans that had been approved.

Says the EPA's clean water expert Carl Myers, "Currently the CWA is a voluntary program. We can't force farmers to do the right thing."

A coalition of environmental groups, including Trout Unlimited, is pushing to put teeth in the law. They want the CWA to include tough language to force states to adopt programs to control run-off. The general guidelines would be created by the EPA but would be amended to meet local needs and conditions by the states. Says EPA's Myers: "We want farmers and ranchers to clean up water voluntarily, but there has to be some bottom line... Voluntary programs are well and good, but they are not making much progress."

BUT MANY FARMERS, CATTLEMEN, AND TIMBER producers strongly disagree with the effort to force states to adopt mandates. These groups want local citizens and businessmen to develop best management practices (BMPs) and have those adopted by the states with some minimal guidance from the EPA. What they fear the most, it seems, is the federal government in Washington dictating the ways local farmers and ranchers manage their land and water.

"The Administration and environmentalists want the EPA to write and impose new regulations on the states," says Mitch Dubensky, a spokesman for the American Forest and Paper Association. "We want people on the ground — business, industry, workers and local government — to write the regulations."

But this view is countered by those who have seen the voluntary approach of farmers like those

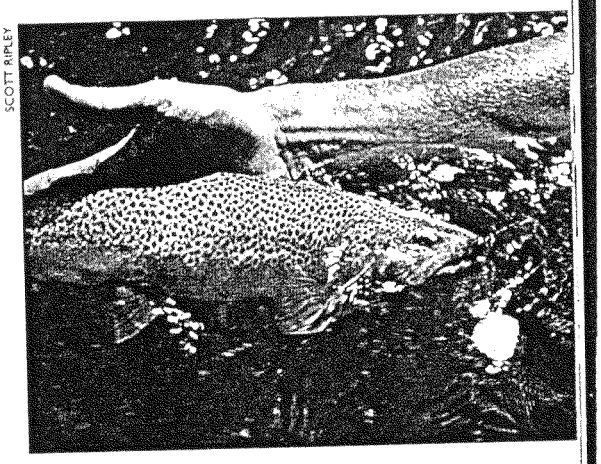
The Clean Water Act: Up to the Task?

THE GOOD NEWS ABOUT WATER QUALITY IS THAT OUR RIVERS are much cleaner now than they were 25 years ago, says Carol M. Browner, Administrator of the U.S. Environmental Protection Agency. "We no longer have rivers catching on fire," she says.

That is the result of the Clean Water Act, first passed in 1972. The main thrust of this bill was to stop point-source pollution, the garbage and poisons flowing into streams and waterways from "points" such as municipal sewage systems or factories. The bill has been a remarkable success and point-source pollution has been greatly decreased.

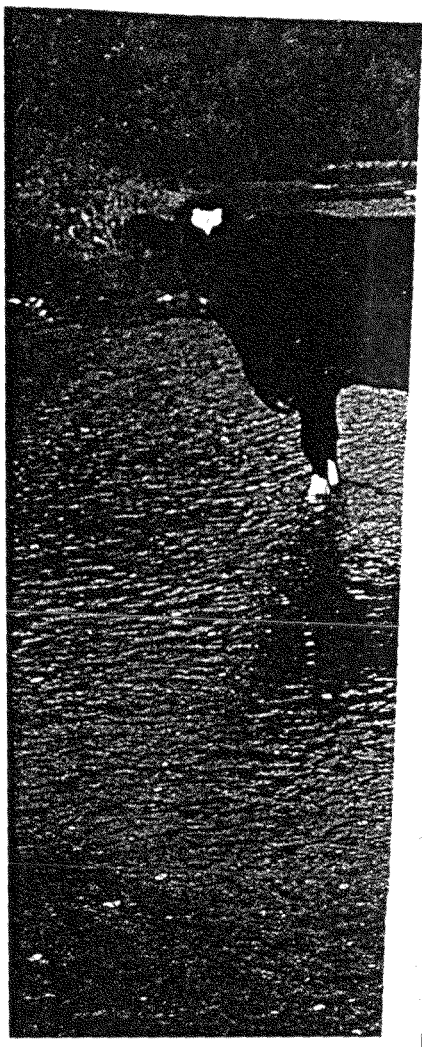
But serious problems remain. Approximately 1,300 water bodies have been so degraded by pesticides, organic chemicals, and metals that the states have limited the public's consumption of fish and shellfish from these waters. Bottom sediments contaminate more than 1,000 waterways. And each year it is estimated that more than 740 million pounds of toxic chemicals pour into our waterways.

The Clinton Administration and many in Congress want to amend the Clean Water Act to take care of these problems. According to a recent paper released by the Administration, the goal is to "protect and conserve our water, aquatic habitats, and the living resources within, through an integrated, holistic approach, based on natural watersheds and aimed at reducing pollutants from all sources that impair water quality."


SCOTT RIPLEY

Until now the states have been asked to use a voluntary approach to cleaning up nonpoint-source pollution. Environmentalists want the new CWA to set federal standards and time lines that states must meet when creating programs to clean up streams and rivers. "Until now the states have had little success with controlling polluted run-off," says Trout Unlimited's Steve Moyer, Director of Government Affairs. "The new Clean Water Act must include flexible, yet mandatory language that requires American agriculture to substantially reduce polluted run-off and restore watershed health." ■

Only by looking at an entire ecosystem within a drainage can comprehensive solutions be developed.



Innovative programs in Pennsylvania are helping get cows out of trout streams.

mentioned earlier overwhelmed by much of mainstream agriculture. They point out that without mandates most farmers will continue with business as usual. "We'd like everybody to be model citizens," says EPA's Jeff Grubbs, director of water quality for the EPA. "But the strictly voluntary approach is not working."

What is surprising, however, is the general agreement that has been reached by these two groups. Both sides agree that polluted run-off is a problem that must be solved, and both want to take an active role in finding solutions. According to groups such as the Rodale Institute and the World Resources Institute, farmers in rural America have the power to make huge environmental gains while protecting their own profits. In short, what's good for farms is also good for water and fish. Most of the disagreement centers over the best ways to make sure new farming practices are adopted and the water is cleaned up.

For example, the American Farm Bureau and many environmental groups both agree that the best way to clean up water is to treat entire watersheds rather than individual rivers or streams. State governments should develop plans that take into consideration the soil characteristics, the drainage patterns, land use, and potential for development. Only by looking at an entire ecosystem within a drainage can comprehensive solutions be developed.

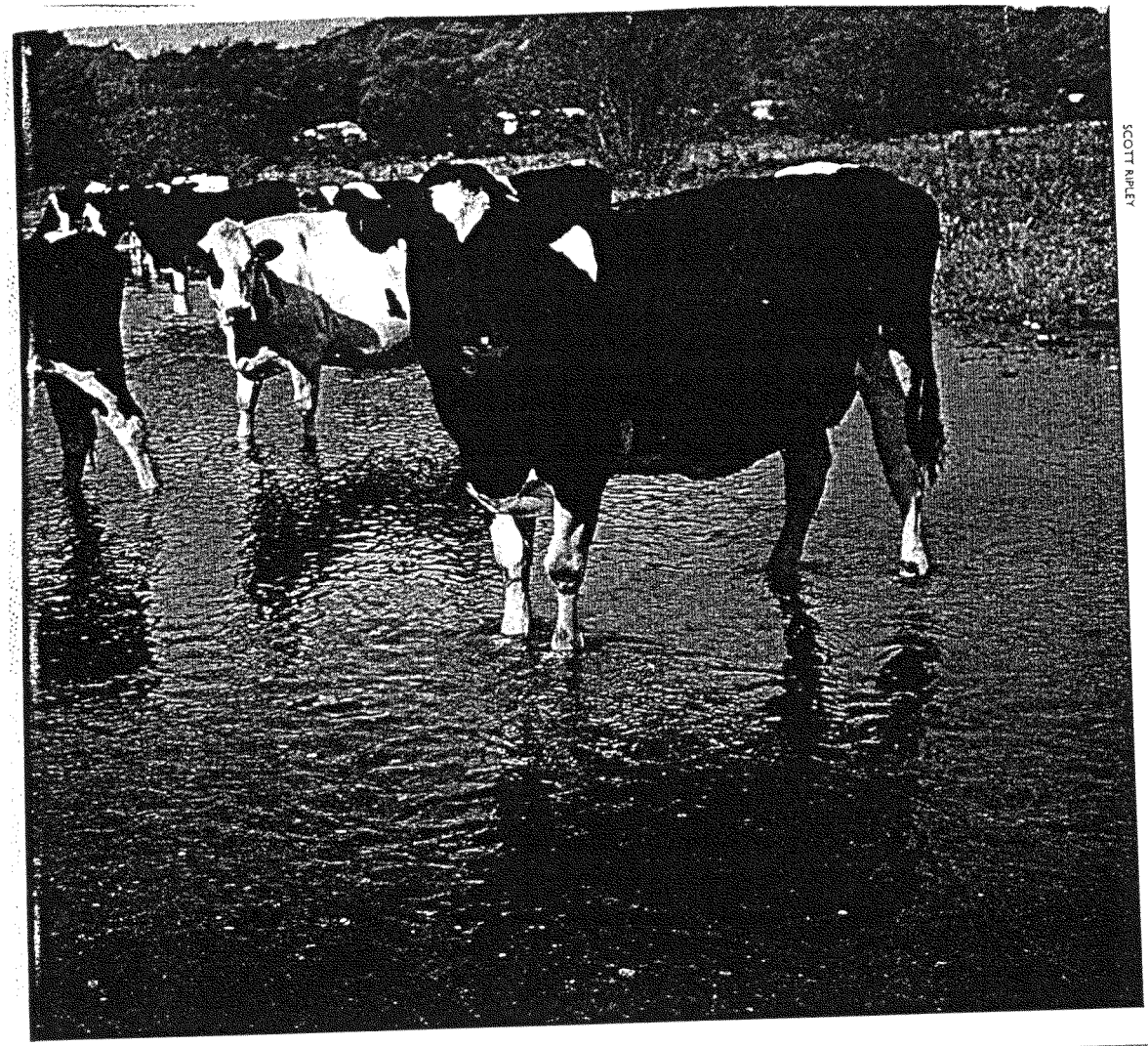
SOUNDS EASY. BUT WHAT DO YOU DO WITH areas that, for historical reasons, have continually produced polluted run-off? Such a place is Lancaster County, Pennsylvania, home of one of the most intensive dairy industries in the U.S. And where there are cows there is cow manure.

For more than 200 years farmers have been raising dairy cows on the lush land that runs through the Susquehanna River Valley. But as farms were broken up and passed to surviving family members, the farms got smaller and economics dictated that more cows were needed to keep farmers in business. Soon the ratio of smaller and smaller farms supporting more and more cows hit the critical mass: huge amounts of nitrogen in the form of cow manure was being washed into the river and down into the Chesapeake Bay. Currently one-third of the nitrogen and one quarter of the phosphorous pouring into the Bay can be traced to the Susquehanna River Basin.

The Chesapeake Bay Foundation, local Trout Unlimited chapters, other conservation groups, farmers, and state lawmakers are working to solve this polluted run-off problem. Farmers along the trout-rich Yellow Breeches in the southern part of the state can get government aid to help them cure their run-off problems. Some local TU chapters kick in additional funds to help farmers pay for improvements that protect streams. The improvements include fencing to keep cows away from fragile stream banks, building pits to contain the manure, and creating buffer zones to keep manure on the land.

Many farmers are happy to take part in these programs; yet too many are not. The question gets down to bare knuckles: How does the government get companies and landowners to adopt policies that control polluted run-off? Most agricultural, timber, and mining interests want an all-carrot, no-stick approach that encourages voluntary and cooperative measures. Environmentalists say this approach has failed, and they want more power in the hands of the federal and state government to force compliance.

Says one USDA official who asked not to be



SCOTT RIPLEY

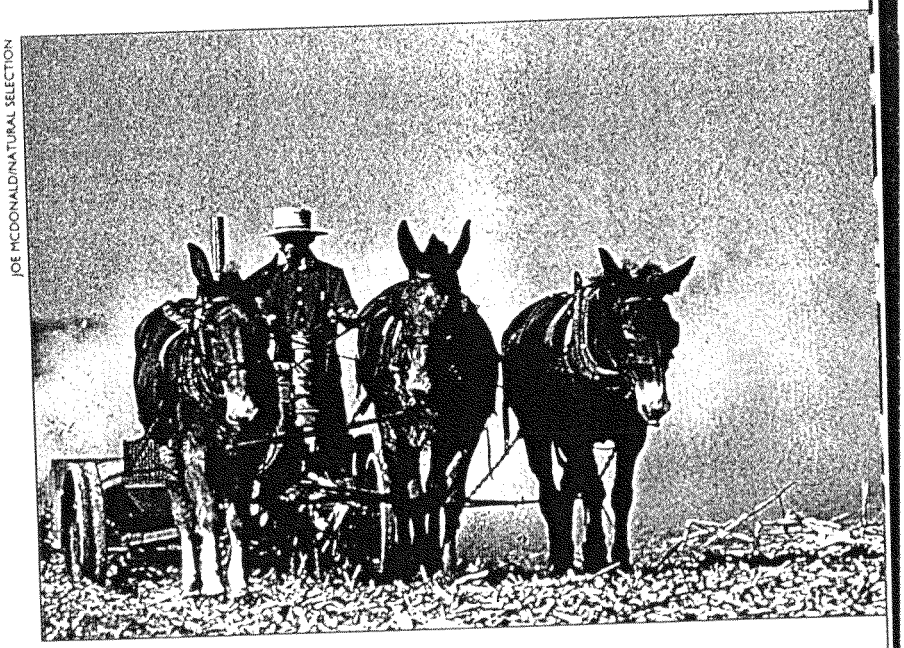
Deep plowing allows wind and rain to carry away valuable topsoil—into nearby rivers.

named: "Right now there is no clear mandate for the states to clean up their water. If we don't make our laws tougher then we will doom ourselves to water too dirty to drink — much less fish in." This dismal future can best be avoided by putting real bite into the Clean Water Act and the U.S. farm laws, he asserts.

While farm and ranch lobbyists want Congress to avoid mandates, the experiences in various states show how important tough laws are to cleaning up the water. Wisconsin, for example, has a polluted run-off law that has been on the books for the past 15 years. The state has spent $75 million on this voluntary program, but the "overall water quality improvements are not discernable at this time," according to a recent state report.

Like much in life, this issue also gets down to money. All sides want the federal government and the states to come up with cold hard cash to get these programs off the ground.

There have been some limited successes. USDA's conservation reserve program pays farmers to take their most highly erodable land out of crop production. This could "reduce farm run-off by as much as 50 percent in the coming years," predicts the USDA's John Burt. And the Conservation Compliance Program is well designed but is lacking funds that could increase compliance.



JOE MCDONALD/NATURAL SELECTION

Since the Dust Bowl, farmers have been receiving government funds to grow crops, not grow crops, put land into use, or take land out of cultivation. This financial (*continued on page 62*)

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scope, it will be a standard reference work in years to come.

DEEP RIVER
by Elaine Moore
illustrations by Henri Sorensen
1994 Simon & Schuster Books for Young Readers $15.00

. . . . . .

CHILDREN'S BOOKS about fishing are few and far between, and fish stories with little girls as protagonists are scarcer still. As Jessie progresses from worrying about what her brothers would think of her first clumsy casts to reveling in her first fish, Moore's prose and Sorensen's impressionistic illustrations make Jessie's first fishing trip an evocative adventure. This charming, gentle story of Jessie and her grandfather and their day on the water belongs in the library of every newly-hatched future angler.

THE LITTLE BOOK OF FISHING: AN ANTHOLOGY
Introduced and edited by Nick Lyons
1994 Atlantic Monthly Press, $16.00

. . . . . .

THE LAST COUPLE OF years have seen the market all but flooded with meditations on the "meaning" of fishing With a few exceptions (Ted Leeson's extraordinary *The Habit of Rivers* and Wetherell's *Upland Stream* spring to mind), they tend to cover the same territory: fishing as metaphor for life, life as metaphor for fishing — if you've read one, you've read them all. *The Little Book of Fishing* is an exception. Drawn from 14 authors as disparate as Ernest Hemingway, Sparse Grey Hackle, Tom McGuane and former *Rolling Stone* editor P. J. O'Rourke, the selections cover everything from first trout to first tuna to first love. The secret, I think, lies in the length of the pieces — they range from just a page of verse to a meaty short story, but nothing longer — and in the deeply personal perspectives each embodies. Although you may find it hard to resist reading the whole collection at one sitting, this is a book to savor, and one to which you'll surely return again and again. ■

The Invisible Menace

(continued from page 25) intervention now can mean the difference between success and failure for many American farmers. The sad irony: The most heavily subsidized programs for farmers encourage practices that increase environmental damage. Environmentalists want the USDA to switch funding from programs that encourage massive plowing and the use of pesticides and herbicides to more conservation-minded practices. At the same time, farmers and ranchers will have to be taught how to produce food and survive in a new era for agriculture.

As the battle rages on in Washington, rivers continue to fill and choke with sediment.

Several bills before Congress call for spending up to $300 million to control nonpoint-source pollution. Under one scenario, this would be increased to $600 million within five years. In a Congress fighting for a new health care system, welfare reform, and money to battle urban crime, money is short.

As the battle drags on in Washington, rivers continue to fill and choke with sediment; fish continue to disappear. A new clean water law is needed. States must use their powers to help landowners solve this problem. In the meantime, farmers and ranchers who are working to control polluted run-off should be applauded. And governments should make sure their practices are studied and duplicated. ■

Exhibit "D"

OREGONIAN 6-30-94

Panel sees key to saving salmon

■ A group of scientists praises streamflows and the quality of streamside land but criticizes the hatcheries

By JOAN LAATZ
of The Oregonian staff

The key to saving Oregon's coastal salmon lies in improving streamflows and the quality of streamside land, not in hatcheries, a panel of scientists said Wednesday.

In fact, hatcheries in general may not be effective in increasing the number of adult salmon, the scientists said. The amount of water in a stream, they said, is more important.

The panel's conclusions, delivered to the Oregon Senate Agriculture and Natural Resources Committee, could be used to craft future state policies about logging and farming.

"We have found the data to be overwhelming that the most effective management of salmon should be directed at the riparian zone" alongside waterways, stream ecologist Kenneth Cummins told a committee of lawmakers. And streamside protective measures should be extended to all the streams in a river basin, he said, not just those that have salmon.

"It's still surprising that only now are we learning to use what we know about how riparian zones operate . . . to decide how to manage resources," Cummins said.

Cummins was one of three scientists on a panel commissioned by the Legislature in 1991 to study the connection between forest practices and declining salmon runs.

Daniel B. Botkin, president of the Center For the Study of the Environment in Santa Barbara, Calif., headed the panel, which also included Matthew J. Sobel, dean of the W. Averell Harriman School for Management and Policy at the State University of New York at Stony Brook.

Their four-part draft report, "The Status and Future of Salmon of Western Oregon and Northern California," suggests a basin-by-basin approach to managing the 32 river basins they studied. The use of land and water in those basins could be affected.

"They don't give us any panacea," state Sen. Ron Cease, D-Portland, chairman of the committee, said after hearing the panel's report. "Lots of people want easy answers, and there aren't any easy answers."

Ward Armstrong, executive director of the Oregon Forest Industries Council, fell short of endorsing the panel's recommendations, but he called the report "badly needed."

He predicted, however, that a solution to the salmon crisis would be tough. "I think it's going to be very expensive and painful before we get through."

The scientists's report is based on a review of existing research and information gleaned from public hearings. It will be circulated for public comment for a month and then released along with several others in final form in January 1995.

The panel studied only salmon, not other species such as northern spotted owls. "There's no hidden agenda here," Botkin said. "We're not talking about conservation of old growth."

The scientists concluded that:

- November streamflows are a better indicator of the size of the adult salmon run that will return in three years than are hatchery releases of young salmon.
- Using streamflows to predict future run size would give fishermen more certainty about the future.
- Forests should be managed to include trees of varying ages, with at least half the forest being mature trees.
- Buffer zones along streams throughout the basin should be based on the width of the stream at high water, called "bankfull." Small streams would have a protected zone six "bankfulls" wide, while the largest rivers would have a protected zone one "bankfull" wide.

Federal protections for buffer zones under the Clinton administration's forest plan are based on tree height. Oregon forestry rules are based on the stream size. Both state and federal rules have reduced the amount of timber that can be cut.

Botkin said his panel's plan would allow for buffer zones to be customized according to stream characteristics and the surrounding land. In some cases, Cummins said, that would allow for more trees to be cut than under current rules. In other cases, fewer trees could be cut.

Troutdale moves to protect Beaver Creek

Outlook 7-20-94

Exhibit "E"

❑ Development within 50 feet of bank limited

by JOHN HENDERER
of The Outlook staff

TROUTDALE — A new city ordinance won't stop a local pub owner from building 48 two-bedroom apartments a dozen yards from Beaver Creek, but it will push future developments further away.

The City Council adopted a new ordinance last week designed to prevent stream bed erosion and protect the natural environment.

Landowner Spiro Sassalos has already submitted his plans for "Beaver Green Apartments," five apartment buildings on 3.9 acres, and the new ordinances will not take effect until Aug. 10.

Sassalos sparked controversy last year, prompting the city's effort to draw up new ordinances. He was fined last year for clearing his land of between six and 18 trees over six inches in diameter. He has since replanted 73 trees, say city officials.

Troutdale's new ordinance does not allow development closer than 50 feet away from the bank of a water way. In addition, it limits development to 30 feet from the top of an escarpment.

"These ordinances are a big step in cutting down on the amount of silt that winds up in the creek," said Carolyn Taylor, a member of the board of directors for Friends of Beaver Creek.

Taylor said she has noticed fewer and fewer steelhead and coho salmon spawning in Beaver Creek behind her home.

Various regions use different standards for development setbacks, according to Rita Haberman of River Network in Portland. In Austin, Texas, setbacks range between 50 to 400 feet, and in Douglas County, Ga., they range between 100 to 300 feet.

Troutdale had no standard setback.

"We really did not have any specific regulation regarding erosion control," said City Administrator Pam Christian.

STEVE KASSERMAN/The Outlook

Carolyn Taylor, left, and Bill Herbert, members of the board of directors of the Friends of Beaver Creek, examine some of the erosion of the creekside behind Taylor's property.

Suzanne Barker, the city's development coordinator, said, "We hadn't had anybody develop that close to the creek before."

Approval of building permits depended not so much on standards as personalities.

"In the old days it used to be who you knew," Barker said. "The discretionary decisions are much more limited today because we're such a litigious society."

The city has always used state requirements to limit development setbacks. Those left a loophole, however, for developments smaller than 5 acres.

Under Troutdale's new ordinance, on hillsides with slope between 15 and 24 percent, developers can build up to 70 percent of the normal density for that land zoning and transfer 30 percent to land with slope less than 15 percent. The resulting density on the buildable portion of land must not exceed 150 percent of the zoning for that area.

"We're not absolutely prohibiting development on some of those steeper slopes, but we do restrict the density of development," Christian said.

Existing ordinances drew complaints from developers for their unpredictability. Christian said the new ordinance should remove personal judgment and guard against subjective standards.

"The whole motivation on our part was that it be clear and objective standards," Christian said. "All of this criteria is measurable."

City Attorney Tim Sercombe said the ordinance does not permit the city to take private property. "The issue of takings — people are discussing it more and more," Sercombe said.

He said the recent U.S. Supreme Court case of the Tigard business owner who refused to dedicate part of her property towards a bike path as a condition for expansion does not prohibit Troutdale from establishing the erosion prevention ordinances.

"The U.S. Supreme Court in Dolan (vs. Tigard), and prior to Dolan, has recognized the validity of zonings," Sercombe said.

Restricting land use is legal as long as property owners have an economically viable use of their land and the government's reason for regulation is legitimate, he added.

Homeowners whose residences border the creek should not necessarily expect a reduction in their property values, said Bob Ellis, Multnomah County assessor.

Turn to CREEK, Page 2A.

Continued from Page 1A.

"It may help the value by making it a more attractive area," Ellis said.

Landowners of property zoned for apartments could potentially demonstrate the protective ordinance limits the amount of development they could impose on the land. That could reduce some values, he said.

"If it was shown that the ordinance did restrict use of the land I think we probably would believe the market would recognize the difference in the land," Ellis said.

In an unrelated issue, the City Council will decide whether to spend an estimated $50,000 to $100,000 to halt erosion along Beaver Creek which is threatening a 12-inch sewer line.

"If we don't do something it would be exposed eventually," said Mike Sorenson, sewer treatment plant superintendent. He said erosion along a private drive has crept to within 15 feet of the line.

MEETING DATE: July 26, 1994

AGENDA NO: P-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 2-94a Public Hearing - DeNovo

BOARD BRIEFING **Date Requested:**

Amount of Time Needed:

REGULAR MEETING: **Date Requested:** July 26, 1994

Amount of Time Needed: 2 hours

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: R. Scott Pemble **TELEPHONE #:** 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [ ] APPROVAL [ ] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 2-94a DeNovo Public Hearing - 3:30 p.m.

In the matter of the Howard Canyon Reconciliation Report and Periodic Review Work Program requirements for Goal 5 Resources

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER: Betsy Williams

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

In the Matter of the Howard Canyon)
Reconciliation Report and Periodic Review Work)
Program requirements for Goal 5 resources)

RESOLUTION
C 2-94a

WHEREAS, Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the Howard Canyon area; and

WHEREAS, On March 9, 1994, the Land Conservation and Development Commission approved the county's Work Program (WKPROG - 0038) which indicated work tasks that must be completed to fulfill the requirements of the Remand Order; and

WHEREAS, The Howard Canyon Reconciliation Report contains findings and makes recommendations concerning protection of Goal 5 resources, pursuant to OAR 660-16, for streams and the Howard Canyon mineral and aggregate site as required by WKPROG - 0038; and

WHEREAS, Notice and the opportunity for public comment were provided during several steps of the Work Program, and a joint public hearing with the Planning Commission and Board of County Commissioners was conducted on June 13, 1994, to consider additional testimony on the Howard Canyon Reconciliation Report; and

WHEREAS, The Planning Commission met for deliberation of the Howard Canyon Reconciliation Report on June 21, 1994 and June 27, 1994;

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby recommends that the Board of County Commissioners adopt the Howard Canyon Reconciliation Report and appended Howard Canyon Reconciliation Report Addenda dated June 21, 1994, as partial fulfillment of Periodic Review Remand WKPROG - 0038.

BE IT FURTHER RESOLVED that the Planning Commissions recommends that Planning Division staff be directed to prepare Comprehensive Plan and zoning code amendments in accordance with WKPROG - 0038.

Approved this 27th day of June, 1994

By Leonard Yoon, Jr.
Leonard Yoon, Chair
Multnomah County Planning Commission

C2-94a
Fee
Fee
$800.00
Last day
to file
Notice
Received
Friday
July 8, 1994
by 3:30 pm

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

NOTICE OF REVIEW

11#
ZONING 800.00
TOTAL 800.00
CASH 800.00
0000-081 7/ 8/94
1045 SHARON 11:24AM

1. Name: Kagan (Last), S. (Middle), Neil (First)
2. Address: 522 SW 5th, Suite 1050 (Street or Box), Portland (City), OR 97204 (State and Zip Code)
3. Telephone: (503) 223 - 4272
4. If serving as a representative of other persons, list their names and addresses:
   Friends of Howard Canyon, which includes among its members Glenda Hagan, 37841 SE Howard Canyon Rd, Corbett, OR 97019, Lynn & Bob Keys, 37746 SE Rickert Rd, Corbett, OR 97019, Victor Meyers, 651 SE Littlepage Rd, Corbett, OR 97019, Cynthia Wiancko, PO Box 246, Corbett, OR 97019
5. What is the decision you wish reviewed (*e.g.*, denial of a zone change, approval of a subdivision, *etc.*)? Planning Commission Resolution C2-94a, recommending adoption of the Howard Canyon Reconciliation Report & addenda, and preparation of plan and code amendments, as part of periodic review.
6. The decision was announced by the Planning Commission on June 27, 1994
7. On what grounds do you claim status as a party [redacted]
   Friends of Howard Canyon appeared as a party at the joint hearing on June 13, 1994, and at that time submitted written and oral testimony against the Howard Canyon Reconciliation Report. In addition, individual members of FOHC are adversely impacted by mineral extraction from Howard Canyon, because they live within sight or sound of the site, or travel the same roads serving the site. In addition, the individual members of FOHC named in #4, above, are persons entitled to mailed notice under MCC 11.05.260(B) and received notice of the joint hearing.

8. Grounds for Reversal of Decision (*use additional sheets if necessary*):
The Planning Commission violated LCDC's Statewide Planning Goal 5 and Goal 5 rule, OAR Chapter 660, Division 16, by basing its recommendations on a defective description of impact areas, identification of conflicting uses, and ESEE analysis, as detailed in the attached letter of June 10, 1994, to R. Scott Pemble.

9. Scope of Review *(Check One)*:

(a) [X] 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*.

Signed: _____ Date: July 8, 1994

For Staff Use Only

Fee:

Notice of Review = $300.00
Transcription Fee:
Length of Hearing — x $3.50/minute = $ —

Total Fee = $ 300.00

Received by: _____ Date: _____ Case No. 21-94

NEIL S. KAGAN
ATTORNEY AT LAW

1050 Yeon Building
522 S.W. Fifth Avenue
Portland, Oregon 97204

Telephone
(503) 223-4272
Fax
(503) 225-0811

June 10, 1994

R. Scott Pemble
Planning Director
Department of Environmental Services
Division of Planning and Development
2115 S. E. Morrison Street
Portland, Oregon 97214

Re: Howard Canyon Reconciliation Report

Dear Mr. Pemble:

On behalf of the Howard Canyon Committee of Friends of Forest Park, I am writing to comment on your staff's Howard Canyon Reconciliation Report of May 23, 1994 ("the report"). I will begin with general comments on the misinterpretations of LCDC's remand order which pervade and undermine the report. I will continue with specific comments on the report's defects, noting the measures that must be taken to correct the report and ensure the county's compliance with Goal 5.

GENERAL COMMENTS

With respect to the Howard Canyon mineral and aggregate resource site, LCDC identified four issues in finding the county's compliance with Goal 5 inadequate. The staff has misinterpreted two of these issues. For this reason, and the reasons mentioned under my specific comments, the staff has produced a report that does not comply with Goal 5.

I will discuss both of the issues identified by LCDC that were misinterpreted by the staff. First, I will identify the issue. Next, I will show how the staff misinterpreted it. Last, I will explain how the staff's misinterpretation has rendered the report invalid.

"No Impact Test"

LCDC invalidated the previous Goal 5 decision, in part, because the county explained and expressed its preference for protecting conflicting uses in the ESEE analysis, instead of keeping the ESEE analysis neutral. LCDC said the county must make its decision after completing the ESEE analysis, rather than construct the ESEE analysis to justify a decision the county has

already made. This was LCDC's third issue.

Specifically, LCDC said:

> "Throughout the ESEE analysis, the county maintained that the ultimate decision to allow conflicting uses fully was preferable because operation of the quarry could not demonstrate 'no impact' on surrounding land uses or natural resources. This approach violates Goal 5. OAR 660-16-010 requires that decisions be based on the ESEE analysis, not that the ESEE analysis be used to justify a predetermined outcome."

LCDC's explanation does not prevent the county from choosing to protect other uses on the ground that quarry operations do not have a zero impact on those uses. Any contrary view would violate Goal 5, as interpreted by LCDC in the Goal 5 rule.

Under the Goal 5 rule, the county is only obligated to protect the aggregate resource if using it has no impact on other uses. If quarry operations have any negative impact on other uses, the Goal 5 rule authorizes the county to withhold protection of the aggregate resource. All the Goal 5 rule requires of the county is an explanation of the reasons for its decision. Were the county to explain, for instance, that it found existing rural residential uses especially sensitive to the noise quarry operations would produce, it could protect those uses -- even were the loss in property values produced by quarry noise small in relation to the loss that might be produced by not protecting the aggregate resource.

The staff misinterpreted LCDC's "no impact" issue, however, to mean that the county can not deny protection to the aggregate resource on the ground the impact of quarry operations on other uses will not be zero. As a result, the report mistakenly observed that decreased wildlife habitat and property values could not be grounds for denying protection to the aggregate resource unless the decrease were significant. Report at III-28, III-52, and III-53. Since the staff's mistaken belief led to the recommendation that the site be classed "3C", the report must be revised, and the recommendation reconsidered.

Potential Transportation Effects

LCDC invalidated the previous Goal 5 decision, in part, because the county used the Transportation Goal, Goal 12, as an approval standard in making its decision. LCDC deemed Goal 12 not to be an approval standard, but a directive "to provide and encourage a safe, convenient and economic transportation system" through the development of transportation plans.

Specifically, LCDC said:

> "In its analysis, the county used the language of Goal 12 ('To provide and encourage a safe, convenient and economic transportation system') to conclude that protection of the aggregate resource was not warranted. Goal 12 requires development of transportation plans to serve land uses. The [sic] Goal 12 is not an independent standard used to deny protection of a significant aggregate resource. The county has not shown how the use of area roads is a conflict to protecting the aggregate resource. If a conflict does exist, Goal 5 requires resolution of the conflict.
>
> "Because the county failed to define the impact area surrounding the aggregate resource site, it has no basis to analyze traffic conflicts resulting from the resource's use."

LCDC did not say the existence of conflicts between protection of the aggregate resource and transportation can not be a reason for choosing to protect uses other than aggregate extraction. Nor did LCDC say no conflicts exist between protection of the aggregate resource and transportation. LCDC faulted the county only because it had not defined the impact area in such a way as to justify the identification and discussion of transportation as a conflicting use.

The staff misinterpreted LCDC's order to mean that the county can not deny protection to the aggregate resource on the ground it will conflict with transportation. As a result, the report does not include the rural roads leading from the site, or the land bordering those roads, in the impact area. Report at III-14 through III-16, III-49 ("Extending the 1,200 foot impact area to include all road concerns would serve no purpose in the ESEE analysis because such concerns cannot be used as a basis for determining if the site should be protected"). The staff's mistaken position led to the report's failure to identify as conflicting uses the impacts of truck traffic on the uses of the land bordering those roads, and on the use of the roads themselves. Report at III-49 ("The road impact issues are in the Resource Analysis only to be on record for post-Goal 5 analysis use in reviewing any specific operating permit application.")

Consequently, the ESEE analysis is fatally flawed, as is the recommendation that the site be classed "3C". The report therefore must be revised, and the recommendation reconsidered.

SPECIFIC COMMENTS

Howard Canyon Stream Resources

1. Impact Areas

The report's analysis of the stream resources associated with the Howard Canyon mineral and aggregate resource site is defective because it establishes incorrect impact areas. The impact area of each stream should include the watershed it drains. As the report itself acknowledged, forestry, agricultural, and other uses occur within each stream's watershed, and cause or can cause increased turbidity, chemical pollution, erosion, and siltation. Report at II-12 through II-13.

Although the use of any single piece of property outside the riparian zone may not have an immediate or significant impact on stream quality, the existing and allowed land uses within the watershed together may have a cumulatively significant adverse effect. Such an effect can not be ignored because it occurs over the long term, in view of Goal 5's purpose of protecting the streams for future generations.

The riparian zone is also too small an impact area because it does not include the Sandy River. The Sandy is both a federal Wild and Scenic River and a state Scenic Waterway, and is used by the public for recreation. Howard Canyon Creek, Knierem Creek, and Big Creek all contribute water to the Sandy River. Report at II-9 through II-10. Big Creek contributes water directly to the Sandy, while Howard Canyon Creek and Knierem Creek contribute water indirectly as tributaries of Big Creek.

According to the report itself, the impact area of streams that contribute water to public parks, or to recreation areas used by the public, should include the downstream park or recreational area. Report at II-9. As both a Wild and Scenic River and a Scenic Waterway, the Sandy qualifies as a public park or a recreation area used by the public. Therefore, the Sandy River should have been included in the impact area.

The failure to describe proper impact areas renders the entire report insufficient under Goal 5, because a valid ESEE analysis and program to achieve the goal depend on an accurate impact area. Consequently, the staff must revise the report.

2. ESEE Analysis

The ESEE analysis is defective for other reasons, as well. First, in the discussion of the consequences of not protecting the streams, the ESEE analysis fails to analyze the economic

consequences of mining on the streams. See Report at II-14 through II-15. The analysis also fails to analyze the social consequences of conflicting uses on the recreational use of the federally and state-protected Sandy River. See Report at II-15. The analysis also fails to analyze the environmental consequences of conflicting uses on the Sandy River. See Report at II-16. The analysis also fails to analyze the water quality impacts of mining in discussing environmental consequences. See Report at II-16.

In the discussion of the consequences of protecting the streams, the ESEE analysis fails to consider any of the beneficial economic, social, environmental, and energy consequences of protection. See Report at II-17 through II-21. For example, protecting the streams would mean the Sandy River would continue to attract recreational users, including tourists, which would have beneficial economic and social impacts. Protecting the streams would also mean the expenditure of less money and energy to prevent or clean up pollution, and the continued aesthetic appreciation residents of the area experience.

The ESEE analysis also fails to put the effects of restricting development of the Howard Canyon mineral and aggregate resource site in perspective. See Report at II-19. The site has just 1% of the aggregate found at the Angell Bros. site, the other site under Multnomah County's jurisdiction. Report at III-6. As a result, the economic consequences of restricting the site's development will be relatively minor.

The ESEE analysis also improperly speculates that protecting the streams may create adverse environmental consequences on other, unspecified sites. Report at II-20. The analysis must be tied to the impact area.

The ESEE analysis also assumes incorrectly that restrictions on the Howard Canyon mineral and aggregate resource site will require the expenditure of more energy to transport such resources to Portland from sources outside the county. Report at II-20. Yet, the existing, protected Angell Bros. operation is not only within the county, it is right outside Portland's city limits. Similarly, other sites within the county, but under Gresham's jurisdiction, are closer to Portland than the Howard Canyon site. Further, other sites outside the county, in Clackamas County, Washington County, and Columbia County, may be closer to Portland.

Again, since the development of a program to achieve Goal 5 depends on an adequate ESEE analysis, the foregoing defects in the ESEE analysis of the streams and their conflicting uses necessitate a revision of the report.

Howard Canyon Aggregate Resource

1. Impact Area

a. The immediate impact area

The description of the immediate impact area is deficient for a number of reasons. First, the report justifies a 1200-foot impact area on the ground that the sound produced by "typical" mining equipment beyond that distance will meet DEQ noise standards. Report at III-12. Yet the noise assessment study cited in the report never specifies what it means by typical mining equipment. What exactly are the specifications of a "typical" dozer, front end loader, jaw crusher, etc.? For example, how large is the dozer overall? How large is its engine? Such specifications are essential if the county is going to draw the boundaries of the impact area on the basis of the equipment that might be used to extract and process the aggregate resource.

The noise assessment study also never indicates whether it considered the cumulative noise levels produced by the individual pieces of equipment when they are operating at the same time. The study only seems to predict compliance with DEQ standards for each piece of equipment operated individually. The 1200-foot boundary may describe an insufficient impact area when more than one piece of equipment is operating simultaneously.

The report also determines that the DEQ noise standards are the appropriate standards to use in defining the extent of the impact area. That determination is justified on the ground that other jurisdictions have adopted the DEQ noise standards, and that the standards were purportedly designed to protect the health, safety, and welfare of Oregon citizens. Report at III-30, III-48. Under the Goal 5 rule, however, the only acceptable ground for using DEQ noise standards is that they accurately describe the area in which quarry operations produce or might produce conflicts. The report cites no evidence to that effect.

b. The extended impact area

As discussed in my general comments, the report unjustifiably excludes rural roads leading from the site, and the land bordering those roads, from the impact area. In fact, allowing the site to be used for the extraction of aggregate will create conflicts with use of the roads beyond those caused by existing traffic. It may also produce noise and dust conflicting with the use of the land bordering the roads. Report at III-31. Therefore, the roads and the land adjoining them should have been included within the impact area.

The proof that use of the site will adversely affect traffic on the roads may be found in a traffic study prepared by Robert Bernstein, a transportation expert. To summarize, the study established that slow-moving trucks traveling to and from the quarry will cause localized congestion; that roadway and shoulder widths, roadway structural characteristics, and sight distances are inadequate to accommodate trucks safely; that truck traffic in the rural area will create unsafe conditions for motorists, school buses, and pedestrians. (The study is attached and incorporated in these comments by this reference.) The report reinforces Bernstein's evidence about inadequate roadway structural characteristics. Report at III-15 through III-17.

Since an accurate description of the impact area is vital to the subsequent steps in the Goal 5 process -- the identification of conflicting uses, the ESEE analysis, and the development of a program to achieve Goal 5, the foregoing deficiencies in the report's description of the immediate and extended impact area must be revised.

2. Conflicting Uses

As just indicated, the report's identification of conflicting uses is insufficient, because it does not include the demonstrated conflicts with transportation, or the potential conflicts of truck traffic on the land bordering rural roads. In addition, the report provides no explanation why certain uses allowed in the forest and agriculture zoning districts will not conflict with the aggregate resource. See Report at III-19 through III-22. For instance, were the site managed to produce timber or crops, or devoted to uses to conserve soil, air, and water quality for wildlife and fisheries resources, it could not be used as a source of aggregate.

The absence of the above-mentioned conflicting uses from the report makes both the ESEE analysis and the program proposed to achieve Goal 5 inadequate. The report therefore must be revised.

3. ESEE Analysis

The report concluded that allowing conflicting residential uses would increase the cost of county roads, because it would take more time to acquire high quality aggregate. The evidence does not support the conclusion, however. The evidence was that the State Highway Department considers "high quality" rock to be scarce in Multnomah County. Report at III-26. Although the report deemed the quality of the aggregate found at the Howard Canyon site significant enough to include the site on the inventory, no evidence established it to be "high quality." In fact, the Howard Canyon aggregate barely meets state wear requirements for base aggregate. Report at III-8. Moreover, no evidence established

whether it would take more or less time to transport aggregate from the Howard Canyon site over narrow, steep, winding rural roads to sites within the county.

For the reasons given in my general comments, and in my specific comments on the impact area and conflicting uses, the analysis of the economic, social, and environmental effects of quarry operations on existing residential uses is inaccurate and incomplete. It must be revised.

Also in need of revision is the analysis of the economic, social, environmental, and energy consequences of protecting the aggregate resource on the significant streams and their impact areas. See my specific comments on the Howard Canyon Stream Resources section of the report.

The report dismisses the environmental consequences on the significant streams by assuming mitigation measures can be implemented to protect fish habitat, and that quarry operations can meet current environmental standards. The county must reconsider this tack, because no evidence justifies it. The report does cite the expert testimony of Robert Ellis, but Ellis based his testimony on the assumption that only one or two acres would be mined at any one time. Once the site's aggregate resource is protected, however, nothing would prevent the owner of the site from seeking to mine a substantially larger area.

The report also dismissed the environmental consequences on big game habitat on the ground that the habitat is not a Goal 5 resource. The county must reconsider this tack, too, because big game habitat does not have to be a Goal 5 resource to constitute a conflicting use.

Finally, in discussing the energy consequences of protecting the aggregate resource on the significant streams, the report failed to consider the energy effects of cleaning up pollution caused by quarry operations. It must therefore be revised.

Conflict Resolution and Protection Program

As I have demonstrated in my comments, the report has seriously erred in describing impact areas, identifying conflicting uses, and analyzing ESEE consequences. As a result, the underpinnings of the conflict resolution and protection program are grossly insufficient. Therefore, it would be premature for the county to make a decision on the protection of the competing uses at this point. Once the staff has revised the report as I have indicated, it should be re-submitted to the Board of Commissioners, the Planning Commission, and the public for comment and final action.

Yours truly,

Neil S. Kagan

NSK/gmm
Enc.

cc: Steve Oulman, DLCD

Traffic/Transportation Planning & Engineering

Robert Bernstein, Inc. P.S.

507 - 18th Ave. E.
Seattle, WA 98112

Mr. Edward J. Sullivan
Mitchell, Lang & Smith
2000 One Main Place
101 SW Main St.
Portland, OR 97204

April 2, 1987

SUBJECT: Report on traffic and transportation issues related to the proposed quarry operation on Howard Road in the Corbett, Oregon, area

Dear Mr. Sullivan,

The report attached to this letter has been prepared at the request of Mr. Gary Thomas and some of his neighbors. The report 1) summarizes my review of available materials related to the proposed quarry and its Multnomah County permit application, 2) evaluates traffic and transportation issues not adequately addressed in the available material, and 3) draws general conclusions about road system adequacy and traffic safety impacts of the proposed quarry.

The following documents were reviewed:

- Multnomah County Conditional Use Permit Application CU 7-87, dated October 23, 1986
- Multnomah County Staff Report and Recommendation, CU 13-80, dated August 18, 1980
- various environmental and geological permit applications and reports

In addition, I visited the site and the surrounding area on March 29, 1987.

My qualifications, in the form of my resume, are attached for your information. If I can be of any further assistance, please do not hesitate to call on me.

Sincerely,

Rob

Robert Bernstein, P.E.

REVIEW OF MULTNOMAH CO. CONDITIONAL USE PERMIT APPLICATION (CU 7-87)

CONCLUSIONS

A conditional use permit application for a quarry operation at the site of the subject quarry proposal was filed nearly seven years ago. As recorded in the Decision of the Hearings Officer (Multnomah County File No. CU 13-80, #666-681, 8/18/80), the Hearings Officer concluded that 1) the proposal was "not consistent with the rural character of the area, because its location would force large numbers of heavily-loaded trucks to traverse many miles of rural roads not intended to serve that type of use," 2) the proposal "will have an impact on services, because the level of truck traffic indicated by the applicant will affect the rural road system beyond Howard Road," and 3) the proposal "will generate hazardous conditions because of the level of truck traffic on roads designed to handle normal rural uses, this being particularly true at intersections." Based on these conclusions, the Hearings Officer denied the proposed conditional use.

The 1980 findings of the Hearings Officer are applicable to the current quarry proposal: nothing has happened in the past seven years to alleviate the problems identified. Furthermore, continuing rural residential development-- with its increased traffic-- makes the traffic impacts of the proposed quarry operation more severe every year, because the truck traffic has to interact with more auto traffic.

It should be noted that the traffic problems associated with quarry truck traffic as described later in this report (i.e., localized traffic congestion, hazardous operations at intersections, and hazardous operations on the roadways) are caused by each individual truck. These problems do not disappear with lower truck volumes: the Hearings Officer's conclusions are applicable to the current quarry proposal, despite its lower estimated truck volume. (The applicant's estimate of an average of 10 truck trips per day seems to be unrealistically low, and is certainly not indicative of a "worst case.")

It is also important to keep in mind that any promises made by the applicant or conditions of approval imposed by the County Commission regarding operation of the proposed quarry-- and the truck traffic it would generate-- may be difficult or impossible to enforce. If the applicant or the County are unwilling or unable to make good on operational conditions regarding truck operations or their enforcement, the surrounding rural neighborhood will be left with the safety and congestion problems that such conditions were intended to address. Since the County, in reality, has little ability to enforce conditions on operations, the neighborhood should

not have to rely on conditions of approval to avoid and/or mitigate serious safety and congestion problems.

The basic conclusions stated above lead to the final conclusion that the application should be denied for traffic safety reasons. The following discussion focuses on the main traffic impacts of the proposed quarry.

TRAFFIC CONGESTION

Traffic congestion, such as that experienced in urbanized areas, is not a problem in the vicinity of the proposed quarry. However, localized congestion can occur when cars "stack up" behind a slow-moving loaded gravel truck. Due to the topography in the area, steep grades and sharp curves abound on the road system that would be used by quarry truck traffic, regardless of the trucks' origins or destinations. These grades and curves will force trucks to move very slowly in numerous locations. Impatience and frustration may lead motorists to make ill-advised or downright hazardous maneuvers.

TRAFFIC SAFETY

In addition to its congestion impacts, truck traffic generated by the proposed quarry would significantly increase traffic safety problems along any of the roads the trucks might conceivably use in travelling to/from the quarry: Howard, Little Page, Louden, Hurlburt, Pounder, Knieriem, Salzman, and Evans, as well as the Columbia River Scenic Highway and Corbett Hill Road. These problems are related to roadway design, the physical characteristics of trucks and their operation, and the behavior of individual motorists. The importance of recognizing these truck-related safety problems is magnified by the fact that accidents involving cars and large trucks tend to be more severe than accidents involving cars only.

In the following discussion, it should be kept in mind that inclement weather and darkness would aggravate each of the safety problems described. The icy conditions often found in this part of eastern Multnomah County during the winter pose an extreme hazard for all traffic operations. Impaired visibility due to darkness, precipitation or truck wheel spray, as well as wet or slippery pavement all contribute to increased accident potential.

Roadway Characteristics

The design of any roadway should facilitate safe traffic operations by providing adequate roadway width, sight distance and riding surface. The design should be as "forgiving" as possible; i.e., the design should forgive motorists' errors by minimizing the

potential for or severity of accidents resulting from such errors. For example, flatter roadway sideslopes and wider shoulders reduce the potential for rollovers in run-off-the-road accidents. In such cases, the motorist is "forgiven" for leaving the travel lanes.

One geometric design element of all the roads in the vicinity of the proposed quarry that is substandard-- and unforgiving in the accommodation of existing traffic-- is the roadway and shoulder widths. At 12-20 feet in width, the roadways are narrow. The narrow lanes, combined with the narrow unpaved or non-existent shoulders leave little room for motorists to maneuver, and provide little leeway for even temporary or minor loss of control on the part of a driver.

Large trucks in these narrow lanes have little lateral space within which to maneuver without either running off the road themselves or causing on-coming traffic to take evasive action. The narrow lanes and poor shoulders strictly limit the ability of vehicles to maneuver safely, whether these maneuvers be emergency or preventative in nature. There is no room for an auto to swerve to avoid a real or perceived encroachment by an on-coming truck, nor is there room to give an on-coming truck a "wide berth." In such situations, even minor incidents have the potential for serious consequences.

Safety problems associated with the steep, narrow, winding roadways in the vicinity of the proposed quarry will be aggravated by the degradation of roadway riding surface caused by heavy truck traffic. Many of the roads in the quarry vicinity simply are not structurally designed to carry heavy trucks; such roads will begin to break up fairly quickly under repeated truck usage. The other roads that are structurally capable of carrying heavy truck traffic will also deteriorate much more quickly than they would otherwise. As the Hearings Officer found in 1980, it would be financially infeasible to reconstruct all of the roadways that quarry truck traffic would use. Furthermore, the repair of deteriorating road surfaces-- aside from being expensive-- is rarely immediate, forcing local traffic to use a deteriorated roadway until such time as repairs can be made.

Sight Distance

With the exception of a number of blind driveways, available sight distance along the rural arterials in the area meet American Association of State Highway & Transportation Officials (AASHTO) sight distance standards, which are based on the ability of a motorist to bring an automobile to a safe stop. To stop a loaded gravel truck safely, however, requires a distance at least 40% in excess of the distance needed by cars to stop safely. (The sight distance requirements stated above are not purely arbitrary or empirical, but are in fact based on the laws of physics, the

reactive ability of drivers, and the decelaration capabilities of cars and heavy trucks.). As a result, the available stopping sight distance throughout the area leaves trucks with little or no margin for error in reacting to roadway obstructions and traffic.

It is generally assumed that the AASHTO sight distance standards are adequate in the case of heavy trucks, because the higher eye height of the drivers of the trucks compensates for the longer distance required to stop the trucks. However, it has been found that this assumption does not hold on crest vertical curves for the larger and heavier trucks with their longer braking distances. And of course eye height makes little difference on horizontal curves and sag vertical curves. Therefore, the fact that the roads in the area have sight distances that meet AASHTO standards does not ensure that adequate safe stopping sight distance exists for site-generated trucks.

Traffic Conflicts

All the sight distance in the world won't compensate for the motorist who misjudges a truck's speed and pulls out of a side street or driveway into a truck's path. Heavy trucks are unable to react to such roadway and traffic conflicts as quickly as the autos and small trucks that comprise most of the area traffic. This disparity of control capabilities between trucks and local traffic increases accident potential. Likewise, trucks take longer to accelerate when entering a road, and drivers often misjudge the rate at which they are overtaking a truck. This problem is exacerbated by trucks' need to make relatively wide turns, which, on the narrow roads in the area, results in the truck occupying the entire intersection as it makes its turn. This is a problem throughout the area, and it is a particular problem at the intersections along the Columbia River Scenic Highway. At the oblique Little Page Road and Larch Mountain Road intersections, it is very difficult for truck drivers to see traffic approaching from the east. At any of the Scenic Highway intersections, trucks will be turning left onto a highway that is heavily used by tourist automobile traffic, which often is not expecting heavy truck traffic entering the highway from the side roads. The Howard/Little Page/Pounder intersection is also particularly bad for trucks, due to limited sight distance and insufficient turning radii for trucks.

Driver Behavior

Safety problems also result from the incompatibility of regular heavy truck operations and the expectations of motorists on the rural arterials, rural collectors, and the Scenic Highway. The potential for accidents increases when motorists encounter unexpected or confusing traffic flow conditions, traffic controls or roadway conditions. Most of the traffic in the area is recreational or is generated by rural residential land uses, and motorists may

not expect to encounter heavy trucks on a regular basis. Traffic slowdowns and restricted visibility caused by the trucks have the potential to induce motorists to make a variety of ill-advised or unsafe maneuvers, such as tail-gating or passing where it is unsafe to do so. The braking and evasive capabilities of heavy trucks can be easily overestimated, and as stated previously, the roadway design does not compensate for errors in judgment or reaction.

Pedestrians, School Buses, and Mail Delivery

Heavy truck traffic generated by the proposed quarry would be totally incompatible with the school bus operations and access on most of the area's roads, including Knieriem, Little Page, Salzman, and Howard. Even if school children need not actually cross these roads enroute to or from school bus, truck traffic creates serious hazards for children waiting for the bus in the morning or walking along the road to or from the bus stop. Such hazards are significantly magnified in poor weather and during early morning darkness.

In addition, the risk of a truck rear-ending a stopped school bus would be significantly increased by the increased truck traffic generated by the proposed quarry. Postal carriers face similar risks.

ROBERT D. BERNSTEIN, P.E.

SERVICES

- Traffic and transportation planning for state and local agencies
- Neighborhood traffic management
- Traffic impact analysis for environmental studies
- Traffic analysis and design for site development
- Expert review of environmental studies and land use proposals
- Transportation demand management programs
- Public involvement/participation for transportation projects
- Origin-destination surveys and other surveys
- Transit planning

QUALIFICATIONS

- 10 years experience in city and regional transportation planning agencies and consulting firms
- strong educational background:
  MSCE-Transportation (Northwestern U.), BCE (Georgia Tech)
- skilled in computer applications for transportation planning and traffic engineering
- innovative and skilled at problem-solving and consensus-building
- extensively experienced in the public involvement and citizen participation aspects of all types of transportation projects
- registered professional engineer (civil) in Oregon and Washington

ROBERT D. BERNSTEIN, P.E.

SELECTED PROJECT EXPERIENCE

Transit Projects and Studies

Multi-Corridor Project (PSCOG, 1985-86)
North Corridor Extension Project (Sno-Tran, PSCOG, 1985)
North Corridor Alternatives Analysis (PSCOG, 1983-84)
Banfield Transitway Project (ODOT, City of Portland, 1978-82)
Westside Transitway Project (Metro, City of Portland, 1978-80)
Tacoma-Seattle Transit Connections Study (PSCOG, 1986)

Transportation Plans

Arterial Streets Classification Policy Update (City of Portland, 1982-83)
Eastside Transportation Plan (PSCOG, King and Snohomish Counties, Cities of Bellevue, Redmond, Kirkland, Bothell, and Issaquah, 1985-)
Green River Valley Transportation Action Plan (PSCOG, WSDOT, King County, Cities of Renton, Kent, Auburn, and Tukwila, 1986)

Corridor/Sub-area Transportation Studies

Alderwood/North Creek Transportation Study (PSCOG, Snohomish County, 1985)
Northwest Portland Transportation Study (City of Portland, 1980-82)
Bellevue CBD Transportation Study (PSCOG, City of Bellevue, 1985-86)
Greater Lynnwood/I-5 Transportation Study (PSCOG, City of Lynnwood, Snohomish County, WSDOT, Community Transit, 1987)
South Snohomish SR-99 Corridor Study (PSCOG, WSDOT, Community Transit, City of Edmonds, 1987)
SR-9 (Snohomish - SR-522) Corridor Study (PSCOG, Snohomish County, WSDOT, City of Snohomish, 1987)

Neighborhood Traffic Management Plans

McLoughlin Neighborhoods Project (City of Portland, 1979-83)
Division Corridor Neighborhood Traffic Management Plan (City of Portland, 1985)
South Burlingame Neighborhood Traffic Management Plan (City of Portland, 1984)
King County Neighborhood Traffic Control Demonstration Project (King County, 1987)

Freeway Corridor/Interchange Planning and Design

Alternative to I-505 Project (City of Portland, 1978-82)
East Marquam Interchange (I-5) Project (ODOT, City of Portland, 1979-80)
McLoughlin Boulevard Project (ODOT, City of Portland, 1979-83)
Terwilliger/I-5 Project (ODOT, City of Portland, 1982-83)
Frontier Village SR-9/SR-204 Project (WSDOT, Snohomish County, 1985)
I-84 (181st - Troutdale) Project (ODOT, 1986-87)
Seattle SR-99 Connections Study (WSDOT, City of Seattle, PSCOG, 1987)

Special Studies

Tacoma Dome Access and Parking Study (PSCOG, City of Tacoma, 1985-86)
Industrial Access Study (City of Portland, 1979-81)
Alternative Access Modes Database Project (PSCOG, 1985)
Everett Navy Base Traffic Impact Study (PSCOG, WSDOT, FHWA, 1986)

[illegible] (206) 461-6168 (home) (206) 375-8868 (home)

ROBERT D. BERNSTEIN, P.E.

EXPERIENCE -

1983 - Present: Consulting Transportation Planner/Engineer

Mr. Bernstein has completed numerous traffic impact analyses and neighborhood traffic management studies for clients that include the Portland (OR) Bureau of Transportation Planning & Finance, Washington State Department of Transportation, Oregon Department of Transportation, Snohomish County (WA) Public Works Department, Southland Corporation and several neighborhood groups in Portland, Hillsboro, Washington County and Clackamas County, Oregon.

1983 - Present: Puget Sound Council of Governments

As Senior Transportation Engineer, Mr. Bernstein develops, manages and supports a wide variety of multi-jurisdictional sub-area and corridor transportation studies, short- and long-range planning efforts, and various traffic operations and impact analyses. Mr. Bernstein also serves as Coordinator for the Snohomish Subregional Council.

1978 - 1983: City of Portland, Oregon, Bureau of Planning

As City Planner-Transportation, Mr. Bernstein was responsible for the Projects and Area Studies program area of the Transportation Planning Section. General responsibilities included development of work programs, direction of other staff and consultants, technical and policy-related research, preparation of reports, and presentations and testimony at public meetings and meetings of the Planning Commission and City Council. Specific responsibilities included project management, the evaluation of and provision of city input for highway and transit projects being developed by other agencies, and the evaluation of transportation impacts of proposed land use changes and developments for the Land Use Hearings Officer, Planning Commission and City Council.

1976 - 1978: John Hamburg & Associates, Chicago, Illinois

As Transportation Engineer, Mr. Bernstein designed, programmed and tested computer models used for analysis of trip generation, regional VMT/VHT, and intersection capacity and delay. Clients included UMTA, FHWA, North Central Texas COG (Dallas), NE Ohio Areawide Coordinating Agency (Cleveland) and Tri-State RPC (New York).

507-18th Ave. E., Seattle, WA 98112 206 464-6360 (days), 206 325-8060 (eves)

ROBERT D. BERNSTEIN, P.E.

EDUCATION

MSCE, 1978, Northwestern University, Evanston, IL
(Urban Transportation Planning program)

BCE, 1976, Georgia Institute of Technology, Atlanta, GA,
with Highest Honors

Elementary and Secondary Schooling:
David Douglas School District, Portland, Oregon

PROFESSIONAL AFFILIATIONS

Registered Professional Civil Engineer,
Oregon (No. 11677) and Washington (No. 21677)

Transportation Research Board

Institute of Transportation Engineers

American Society of Civil Engineers

CONTINUING EDUCATION

Northwestern University Traffic Institute Transportation Impacts of Land Development Course; Seattle, WA November, 1986

ITE Site Development Transportation Impacts Conference; Orlando, FL March, 1986

Traffic Engineering and Safety Educators Traffic Signal Systems Course; Seattle, WA October, 1984

UMTA Alternatives Analysis Course; Portland, OR August, 1983

UMTA/FHWA Microcomputers in Transportation Course; Portland, OR March, 1983

Univ. of California Institute for Transportation Studies Conference: Neighborhood Transportation Planning and Management; Berkeley, CA November, 1982

UMTA/FHWA Special Topics in UTPS Course: Sub-area Analysis; Los Angeles, CA May, 1982

UMTA/FHWA Energy Contingency Planning Workshop; Seattle, WA July, 1979

507-18th Ave. E., Seattle, WA 98112 206 464-6360 (days), 206 325-8060 (eves)

ROBERT D. BERNSTEIN, P.E.

REPORTS AND PUBLICATIONS

"Multi-Corridor Project Traffic Analysis," accepted for publication, Transportation Research Record, Transportation Research Board, 1987

"Alternative Access Modes Database Project," accepted for publication, Transportation Research Record, Transportation Research Board, 1987 (coauthor)

Green River Valley Transportation Action Plan, Puget Sound Council of Governments (King Subregional Council) for Cities of Kent, Renton, Auburn, Tukwila, King County and Washington State Department of Transportation, January, 1987

Everett Navy Base Traffic Impact Study, Puget Sound Council of Governments for Washington State Department of Transportation, August, 1986 (coauthor)

"Alternative Access Modes Database Project," Compendium of Papers, Institute of Transportation Engineers District 6/7 1986 Annual Meeting, July, 1986

Bellevue CBD Long Range Transportation Study, Puget Sound Council of Governments (King Subregional Council) for City of Bellevue, May, 1986 (coauthor)

Alternative Access Modes Database Project, Puget Sound Council of Governments (King Subregional Council), May, 1986

Tacoma Dome Access and Parking Study, Puget Sound Council of Governments (Pierce Subregional Council) for City of Tacoma, March, 1986

Multi-Corridor Project Traffic Analysis, Puget Sound Council of Governments, February, 1986

Division Corridor Neighborhood Traffic Management Study, for Portland Bureau of Transportation Planning & Development, October, 1985

North Corridor Extension Project: Engineering Reconnaisance for Light Rail Transit Alignment Options, Puget Sound Council of Governments (Snohomish Subregional Council) for Sno-Tran, June, 1985

Alderwood/North Creek Transportation Study, Puget Sound Council of Governments (Snohomish Subregional Council) for Snohomish County, March, 1985 (coauthor)

South Burlingame Neighborhood Traffic Management Plan, for Portland Bureau of Transportation Planning & Development, February, 1985

North Corridor Alternatives Analysis Technical Summary, Chapter 4, Transportation Impacts, Puget Sound Council of Governments and Municipality of Metropolitan Seattle, June, 1984

McLoughlin Neighborhoods Project, Portland Bureau of Planning, November, 1982

Northwest Portland Transportation Study, Portland Bureau of Planning, July, 1982

501-18th Ave. E., Seattle, WA 98112 206 464-6360 (days), 206 325-8060 (eves)

REPORTS AND PUBLICATIONS (continued)

Industrial Access Study: Summary and Recommendations,
Portland Bureau of Planning, February, 1981 (coauthor)

McLoughlin Corridor Report, Portland Bureau of Planning, August, 1979

Industrial Access Study: Assessment of Transportation Access Needs,
Portland Bureau of Planning, April, 1979 (coauthor)

Zone Scheduling of Urban Bus Transit Service,
Northwestern University Masters Thesis, May 1978

507-18th Ave. E., Seattle, WA 98112 206 464-6360 (days), 206 325-8060 (eves)

MEETING DATE: July 12, 1994

AGENDA NO: P-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution C 2-94a

BOARD BRIEFING **Date Requested:**

Amount of Time Needed:

REGULAR MEETING: **Date Requested:** July 12, 1994

Amount of Time Needed: 30 Minutes

DEPARTMENT: DES **DIVISION:** Planning

CONTACT: R. Scott Pemble **TELEPHONE #:** 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [x] APPROVAL [ ] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 2-94a In the matter of reporting to the Board the Multnomah County Planning Commission's recommendation on the Howard Canyon Reconciliation Report, a quasi-judicial plan amendment to the Multnomah County Comprehensive Framework Plan, Volume I Findings Document

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER: /s/ Betsy Williams

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION

In the Matter of the Howard Canyon)
Reconciliation Report and Periodic Review Work)
Program requirements for Goal 5 resources)

RESOLUTION
C 2-94a

WHEREAS, Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to Statewide Planning Goal 5 resources in the Howard Canyon area; and

WHEREAS, On March 9, 1994, the Land Conservation and Development Commission approved the county's Work Program (WKPROG - 0038) which indicated work tasks that must be completed to fulfill the requirements of the Remand Order; and

WHEREAS, The Howard Canyon Reconciliation Report contains findings and makes recommendations concerning protection of Goal 5 resources, pursuant to OAR 660-16, for streams and the Howard Canyon mineral and aggregate site as required by WKPROG - 0038; and

WHEREAS, Notice and the opportunity for public comment were provided during several steps of the Work Program, and a joint public hearing with the Planning Commission and Board of County Commissioners was conducted on June 13, 1994, to consider additional testimony on the Howard Canyon Reconciliation Report; and

WHEREAS, The Planning Commission met for deliberation of the Howard Canyon Reconciliation Report on June 21, 1994 and June 27, 1994;

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby recommends that the Board of County Commissioners adopt the Howard Canyon Reconciliation Report and appended Howard Canyon Reconciliation Report Addenda dated June 21, 1994, as partial fulfillment of Periodic Review Remand WKPROG - 0038.

BE IT FURTHER RESOLVED that the Planning Commissions recommends that Planning Division staff be directed to prepare Comprehensive Plan and zoning code amendments in accordance with WKPROG - 0038.

Approved this 27th day of June, 1994

By Leonard Yoon, Jr.
Leonard Yoon, Chair
Multnomah County Planning Commission

HOWARD CANYON RECONCILIATION REPORT

ADDENDA

June 21, 1994

(Note: Struck through language is deleted and bolded language is added).

Page & paragraph #

II-3 ¶5

The three streams surveyed are located east of the Sandy River and approximately one-half to two miles south and east of the rural community of Corbett. Knieriem Creek and Howard Canyon Creek are tributaries of Big Creek, which in turn is a tributary of the Sandy River which empties into the Sandy at Oxbow County Park. **The Sandy River is designated as a state scenic waterway and a federal wild and scenic waterway. Within the County's existing Goal 5 inventory the Sandy River is designated as a significant natural area and a significant water body.** A map of the sites is located within ~~the SRI/Shapiro section of this chapter contained in the appendix to this document~~ **Appendix A**.

II-8 ¶4

This report discusses three significant streams in the Howard Canyon ~~subregion of the West Hills Rural~~ Area. These streams drain westward from Ross Mountain to the Sandy River. They lie between the Sandy River and Louden Road to the south, and Larch Mountain Road and the rural community of Corbett to the north. **The Sandy River is designated as a state scenic waterway and a federal wild and scenic waterway. Within the County's existing Goal 5 inventory the Sandy River is designated as a significant natural area and a significant water body.** A map of the sites is contained within ~~the Technical~~ Appendix **A** relating to significance at the back of this report.

II-14 ¶1

Big Creek: This watershed is affected primarily by use of adjacent properties as pasture land and by rural residential development in its upper reach (below the confluence of Howard Canyon Creek and Knieriem Creek). The lower stream segments, west of Gordon Creek Road, are more protected by vegetation and steep topography. ~~The creek does not flow into a wildlife habitat area or any other sensitive area.~~

II-19 ¶3

In regard to the Howard Canyon Quarry, it is one of a very limited number of known aggregate sources **available for development** in Multnomah County. Limitations on site development to preserve significant streams will result in a shortened life span of the facility, with economic impacts on the owners, and on employees and suppliers.

II-55, II-56, II-57, II-58

The Planning Commission acted to remove those portions of the Comment / Response section which identify the group or individual who made the comment (ISSUE RAISED BY).

III-27 ¶5

In consideration of the above, the economic effect of allowing conflicting residential uses would not only likely prevent the extraction of a significant amount of aggregate with a certain (undetermined) dollar value, but the resulting economic effect will also be higher costs for this material for most of the unincorporated East Multnomah County. *(asterisk added)

III-27 Bottom of Page

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* **The analysis of the economic effects does not attempt to the evaluate the comparative costs of different transportation modes such as river barging of aggregate material. It is recognized that a complete economic analysis would include the study of "externalities" in the evaluation of costs of using, and impacts on, different transportation alternatives.**

III-47, III-48, III-49, III-50, III-51, III-52, III-53, III-54

The Planning Commission acted to remove those portions of the Comment / Response section which identify the group or individual who made the comment (ISSUE RAISED BY).

IV-6 ¶2

CONCLUSION: The FPA, **if properly enforced,** provides **some** protections to streams from logging activities, and the county cannot regulate or prohibit forestry activities on forest lands. Forestry activities should be allowed fully within the impact area of the significant streams. **The conflicting use analysis shows, how-**

ever, that forest practices, if not carried out in a manner which provides effective buffer areas for streams, can result in significant adverse impacts to streams. Multnomah County should urge the Oregon Department of Forestry to effectively enforce the Forest Practices Act provisions for protection of fish and wildlife habitat in the Howard Canyon area, and work with the Department of Forestry to craft new rules, if necessary, which better protect significant streams in the Howard Canyon area.

IV-13 ¶2

b. Conflicting Uses to be allowed fully

(i) Forestry/timber **(however, see discussion under 1.e. below)**
(ii) Farm Use **(however, see discussion under 1.e. below)**

IV-15 new ¶ after ¶3

- **Provide for a minimum setback from the ordinary high water mark of each stream which will protect the stream's resources.**

IV-15 new ¶ after ¶3

As discussed earlier, agricultural and forestry activities adjacent to streams can have significant negative environmental consequences. While Multnomah County cannot (forestry on forest lands) or should not (forestry on "exception" lands) institute zoning regulation of these uses, the County must work to ameliorate and if possible eliminate the conflicts between these uses and significant streams. As regards forestry, the County should monitor the Oregon Department of Forestry's effective enforcement of the State Forest Practices Act, and work with the Department of Forestry to adopt and implement standards which may more effectively protect significant streams. As regards Agriculture, the County should work with the East Multnomah Soil and Water Conservation District to adopt and properly fund a program of education and assistance to farmers in order to better protect significant streams from the negative impacts of agricultural practices such as livestock damage to streams, misuse of fertilizers and pesticides, and cultivation adjacent to streams which negatively impacts fish & wildlife habitat and water quality.

IV-21 ¶2

(vi) A condition of approval of a mine operation shall be a verification that DEQ noise standards are continually satisfied. Noise studies shall be periodically required. The studies shall be by an independent consultant and paid for by the mine operator. The mine operator and the Planning Director shall agree on the cost and scope of the studies and the Planning Director

shall select the consultant.

~~As a condition of approval, and within a specified time frame, another acoustical study shall be required to verify that DEQ noise standards are being met at all the existing homes in the impact area once quarrying activities are in full operation. That study shall be by an independent consultant hired by the mining operator and acceptable to the Planning Director. All quarry operations and vehicles shall continue to comply with applicable DEQ noise control standards.~~

IV-21 ¶3

(vii) A condition of approval of a mine operation shall be a verification that DEQ water quality standards are continually satisfied. Water quality studies shall be periodically required. The studies shall be by an independent consultant and paid for by the mine operator. The mine operator and the Planning Director shall agree on the cost and scope of the studies and the Planning Director shall select the consultant.

~~As a condition of approval, and within a specified time frame, an erosion sampling study, should be required for waters entering the Goal 5 streams to verify that DEQ water quality standards are being met once quarrying activities are in full operation. Obtaining that information will be the responsibility of the mining operator and could be from either State DEQ reports or from an independent consultant hired by the mining operator and acceptable to the Planning Director. All quarry operations shall continue to comply with applicable DEQ erosion control standards to ensure continuing water quality in the streams.~~

IV-22 new ¶ after ¶2

(xvi) In recognition of the inadequacy of Howard, Knieriem, Littlepage and possibly other nearby roads for certain levels of heavy truck service, it shall be a requirement of a conditional use review of any mining operation that an applicant submit the following as part of the proposed application:

1. **A traffic management plan for normal operating conditions; and**
2. **A traffic management plan for extraordinary demands for aggregate and other rock materials supplied to a single site, such as a large public works project.**

Pursuant to County policy procedures in MCC 11.60 and related Administrative Rules, the County Engineer will stipulate the mine operator's fair share of the costs for improvements to Howard, Knieriem, Littlepage and other roads which will be impacted by heavy truck traffic as identified in any approved traffic management plans.

MULTNOMAH COUNTY OREGON
DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

C 2-94a
June 13, 1994
Hearing Exhibits
Howard Canyon

#1. Statewide Planning Program Goal 5 Process Chart

#2. Department of Land Conservation and Development (Richard P. Benner)

#3. Neil S. Kagan

#4. Guardians of Larch Mountain (Klaus Heyne)

#5. Guardians of Larch Mountain (Klaus Heyne - Duplication of #4)

#6. Bob and Nev Scott

#7. William J. McGinnis and Judy E. McGinnis

#8. John Windust

#9. James Redden

#10. Paul and Connie Renner

#11. Daniel Roberts

#12. Metro (Charles Ciecko and Ralph Rogers)

#13. Neil Kagan

#14. Oregon's Visitor Industry (Doris Nelson)

#15. Dave Black Submittal

#16. Oregon Natural Resources Council

#17. Directors, Corbett Water District Board

#18. Mike Grover

#19. Vera Dafoe

#20. Bob And Nev Scott (Duplication of #6)

#21. Petitioned Submitted by Paul Hribernick

MULTNOMAH COUNTY OREGON
DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

C 2-94a
June 14 thru June 20, 1994
Open Record Exhibits
Howard Canyon

#22. Oregon Department of Transportation (Dan Bacon)

#23. Carolyn Coons

#24. Metro (Charles Ciecko)

#25. United States Department of Agriculture (Steven Fedje)

#26. Guardians of Larch Mountain (Klaus Heyne)

#27. Wm Scott Morgan

#28. Robert J. Morgan

#29. Wm. James Morgan

#30. 20/20 Properties (Mike Grover)

#31. Patricia E. Smith

#32. Carol Gama

#33. G.H. (Jerry) Chinn, Jr.

#34. East Multnomah Soil and Water Conservation District (Dianna Pope)

#35. Oregon Department of Fish and Wildlife (Jill Zarnowitz)

#35a. Black Helterline (Paul R. Hribernick)

#36. Rusy M. Mayes

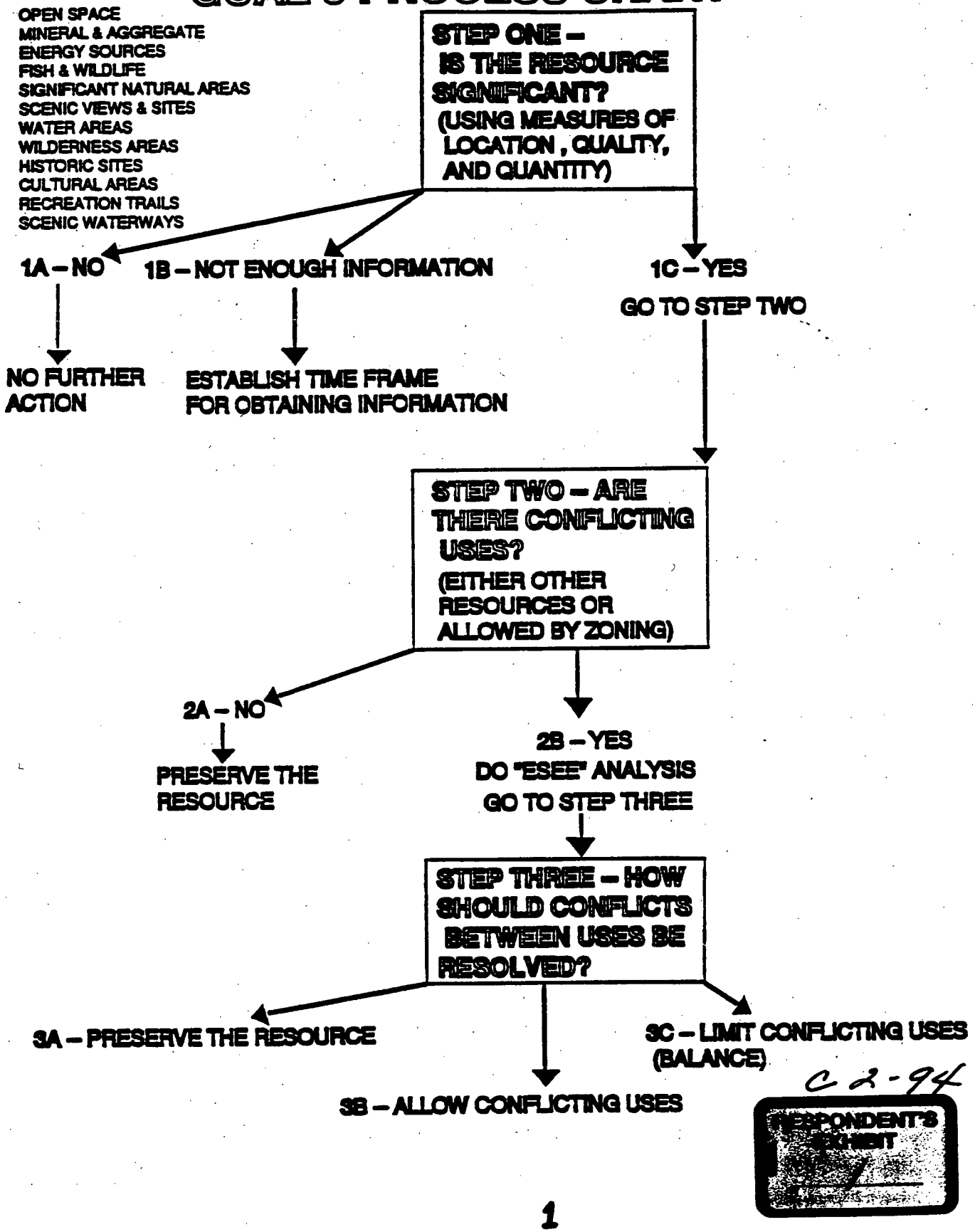
#37. WH Lewis

#38. M. Keith Evans, Jr.

#39. Ed and Cathy Vandenberg

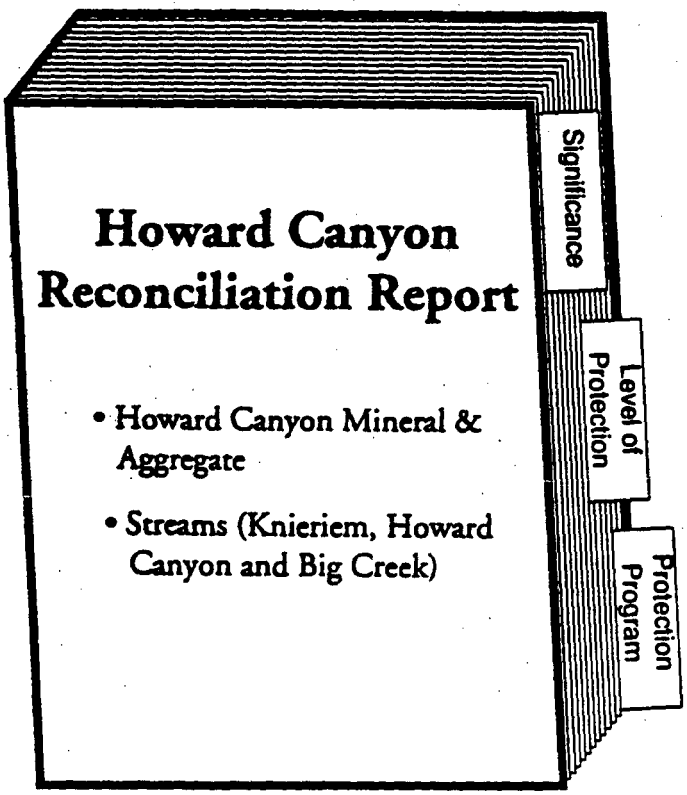
#40. Gerard and Ruth Welch

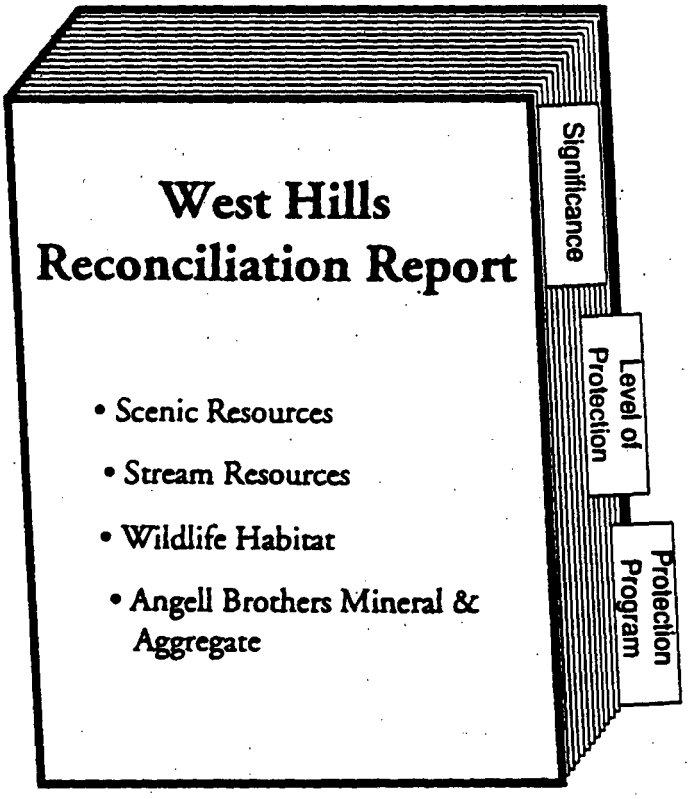
STATEWIDE PLANNING PROGRAM
GOAL 5 PROCESS CHART



C 2-94

RESPONDENT'S EXHIBIT


Howard Canyon Reconciliation Report
• Howard Canyon Mineral & Aggregate
• Streams (Knieriem, Howard Canyon and Big Creek)
Significance
Level of Protection
Protection Program


West Hills Reconciliation Report
• Scenic Resources
• Stream Resources
• Wildlife Habitat
• Angell Brothers Mineral & Aggregate
Significance
Level of Protection
Protection Program

Overall Conclusions

Howard Canyon

- Streams (Knieriem, Howard Canyon & Big Creeks) — "3–C"
- Aggregate — "3–C"

West Hills

- Scenic — "3–C"
- Streams — "3–C"
- Wildlife — "3–C"
- Aggregate — "3–B" for approximately south one-half
  "3–C" for approximately north one-half

OVERALL CONCLUSIONS

HOWARD CANYON

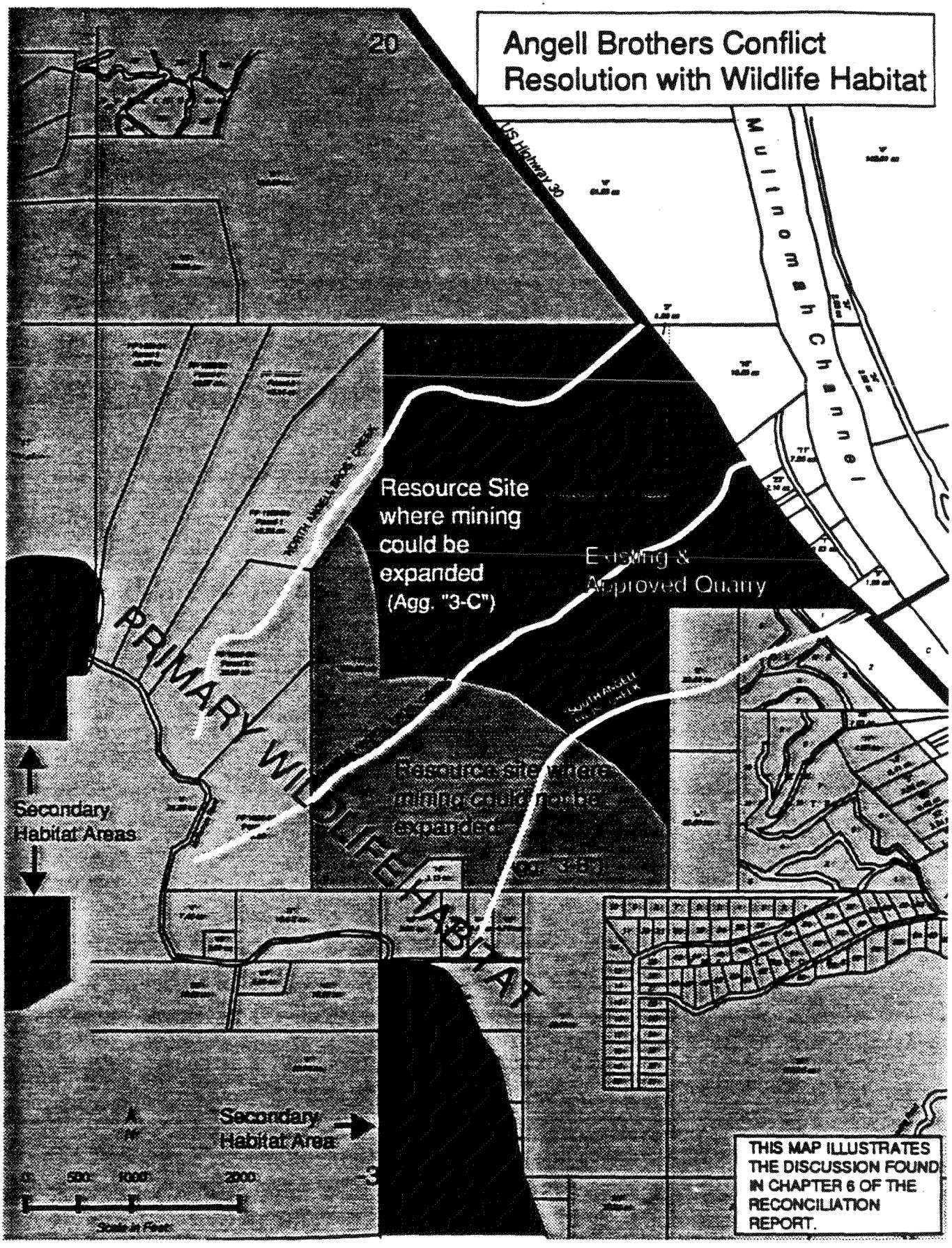
- Streams (Knierem, Howard Canyon & Big Creeks "3C") -- Find that these streams are significant ("1-C"), and limit residential, community service and conditional use, and transportation/public improvement conflicts by regulating proposed development in the riparian zone of each significant stream.

- Aggregate (Howard Canyon Quarry "3C") -- Find that it is significant ("1-C") and that:

  1) Conflicts with residential uses can be resolved by adopting plan and overlay zoning designations which require some restrictions on new houses, such as setbacks from potential mining areas, and require some restrictions on mining operations in order to meet DEQ noise and dust standards for existing residences, minimize visual impacts, and minimize blasting impacts.

  2) Conflicts with significant streams can be resolved by requiring that mining runoff meet DEQ standards for water quality and prohibiting construction of holding ponds in the riparian zone.

  3) Multnomah County will require independent ongoing verification that noise, dust, and water quality standards are being met by mining operations.


Angell Brothers Conflict
Resolution with Wildlife Habitat
20
US Highway 30
Multnomah Channel
Resource Site
where mining
could be
expanded
(Agg. "3-C")
Existing &
Approved Quarry
PRIMARY WILDLIFE HABITAT
Secondary
Habitat Areas
Resource site where
mining could not be
expanded
(Agg. "3-B")
Secondary
Habitat Area
THIS MAP ILLUSTRATES
THE DISCUSSION FOUND
IN CHAPTER 6 OF THE
RECONCILIATION
REPORT.

OVERALL CONCLUSIONS

WEST HILLS

- **Scenic** (East face of the West Hills "scene areas" "3C") -- Find that scenic views are significant ("1-C") and limit residential, community service and conditional use conflicts by reviewing and regulating the siting and design of new structures within the scene areas.

- **Streams** (26 West Hills Streams "3C") -- Find that 26 West Hills streams are significant ("1-C") and limit residential, community service and conditional use, and transportation/public improvement conflicts by regulating proposed development in the riparian zone of each significant stream except for "North Angell Brothers" Creek within the Angell Brothers aggregate site, which is not protected ("3-B").

- **Wildlife** (West Hills "3C") -- Find that wildlife habitat in the West Hills is significant ("1-C") and limit residential and similar uses by reviewing and regulating the siting of proposed development to have minimal impact upon wildlife and its habitat.

- **Aggregate** (Angell Brothers Quarry, Northern 1/2 "3C" and southern 1/2 "3B") -- Find that it is significant ("1-C") and that:

  1) Conflicts with residential uses can be resolved by adopting plan and overlay zoning designations which require some restrictions on new houses, such as setbacks from potential mining areas, and require some restrictions on mining operations in order to meet DEQ noise and dust standards for existing residences, minimize visual impacts, and minimize blasting impacts.

  2) Conflicts with streams can be resolved by allowing quarry operations on a portion of the North Angell Brothers stream, but protecting water quality into Burlington Bottoms to DEQ standards.

  3) Conflicts with scenic views can be resolved by requiring quarry operations to use berming and reclamation techniques which minimize the amount of unreclaimed mined area visible at any one time.

  4) Conflicts with wildlife habitat can be resolved by not allowing quarry operations on the south half of the Angell Brothers aggregate site, in order to preserve a minimum one-half mile wide contiguous wildlife habitat area through the West Hills

  5) Multnomah County will require independent ongoing verification that noise, dust, and water quality standards are being met by mining operations

June 10, 1994

DEPARTMENT OF
LAND
CONSERVATION
AND
DEVELOPMENT

Multnomah County Board of Commissioners
Multnomah County Planning Commission
2115 SE Morrison Street
Portland, OR 97214

Dear Chair Stein, County Commissioners, Chair Yoon and Planning Commissioners:

Since LCDC approved Multnomah County's periodic review work program for resolving Goal 5 issues, the department has worked closely with the county planning staff. We have offered advice about the requirements of the statewide planning goals. We have suggested approaches and opportunities available to Multnomah County to make the policy decisions before you. Please consider these comments in your deliberations.

First, we are concerned with the county treating these hearings as quasi-judicial proceedings. To our knowledge, you have treated no other aspect of periodic review in this way. The issues before you are complex and affect significant areas of the county. The department believes a satisfactory conclusion to this controversy demands a broad view that cannot be achieved by focussing on one or two specific land uses in the narrow confines of a quasi-judicial proceeding.

Second, we are continuing to review and analyze the county's written reports. We will watch how the analyses evolve as the county works towards its September 6, 1994 deadline to submit a completed product. After this date, the department will review the work for compliance with Goal 5.

Finally, we ask you to consider three comments about the analyses. One, the county should be clear about its identification of significant resources, and why the resources are significant. Two, the level of protection for any resource must be commensurate with the identified conflicts and the consequences of these conflicts on protection of the resource. Three, the county needs to examine thoroughly opportunities to mitigate conflicts between resources.

We are able to help your staff with the Goal 5 analyses and development of appropriate implementation tools. Steve Oulman is the department's lead staff person for this project. Call him at 378-5144 if you have questions.

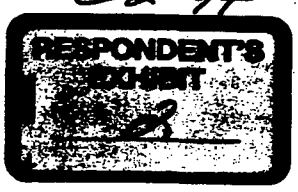
Sincerely,

Richard P. Benner
Director

Barbara Roberts
Governor

1175 Court Street NE
Salem, OR 97310-0590
(503) 373-0050
FAX (503) 362-6705

C2-94



BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

In the Matter of Adopting Hearing Rules for the Conduct of a Joint Planning Commission and Board Quasi judicial Hearing on June 13, 1994	))))	**RESOLUTION** 94-95

WHEREAS, ORS 197 requires the Land Conservation and Development Commission to Review the Multnomah County Comprehensive Framework Plan periodically to determine consistency with the State Land Use Goals; and

WHEREAS, the Land Conservation and Development Commission reviewed in April 1993 the Multnomah County Comprehensive Framework Plan and determined it did not comply with State Land Use Goal 5; and

WHEREAS, the Land Conservation and Development Commission required Multnomah County to complete Goal 5 work by December 31, 1993 and subsequently approved a detailed work Program extending the County's deadline to September 6, 1994; and

WHEREAS, the Land Conservation and Development Commission approved a work program which requires the Multnomah County Planning Commission and Board to conduct a Hearing to consider two "Reconciliation Reports"; and

WHEREAS, both the Multnomah County Planning Commission and Board have adopted rules for the conduct of quasi judicial hearings; and

WHEREAS, the Board must amend their rules to hold a hearing with the Planning Commission;

NOW, THEREFORE, IT IS RESOLVED for the June 13, 1994, joint hearing of the Planning Commission and Board of County Commissioners on the two Reconciliation Reports, or any continuation thereof, the RULES FOR THE CONDUCT OF PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS JOINT QUASI-JUDICIAL HEARING as set forth in Exhibit "A" are hereby adopted.

APPROVED this 24th day of May, 1994

MULTNOMAH COUNTY, OREGON

REVIEWED:
COUNTY COUNSEL FOR
MULTNOMAH COUNTY, OREGON

By _____
John L. Dubay, Deputy County Counsel

By _____
Beverly Stein
Multnomah County Chair

Exhibit "A"
RULES FOR THE CONDUCT OF PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS JOINT QUASI-JUDICIAL HEARING

SECTION 1. NATURE AND CONDUCT OF HEARING

A. Parties are entitled to an opportunity to appear, in person or by a representative or Counsel, to present and rebut testimony and evidence to an impartial approval authority, to have the proceedings recorded and to receive a written decision which includes Findings of Fact and Conclusions based on the record made at the hearing.

B. The following persons are parties and shall be entitled, either themselves or through their representatives or Counsel, to make an appearance of record before the Board of Commissioners and the Planning Commission:

1. All persons entitled to individual mailed notice under the applicable Ordinance; and
2. Other persons who demonstrate an interest in the proposed action.

C. The Board of Commissioners or the Planning Commission may call as a witness a person with technical or specialized knowledge regarding an issue in an action.

D. No person shall testify without:

1. Receiving recognition from the Chair of the County Commissioner;
2. Stating his or her full name and residence address; and
3. If requested, stating the basis on which he or she is entitled to status as a party, pursuant to these Rules or as a witness on behalf of a party pursuant to these Rules.
   (a) A challenge to the party or witness status of a person, and a ruling thereon by the Chairperson, shall be made at the time the person requests recognition to testify.
   (b) A challenge to the party or witness status of a person may be made only by a party.

E. There shall be no audience demonstration, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Disruptive conduct may be cause for expulsion from the hearing, termination of the hearing, or other appropriate action.

F. The term person includes an individual, partnership, corporation, association, governmental unit or public or private organization.

SECTION 2. CONFLICT OF INTEREST: BIAS, EX PARTE CONTACT

A. Any actual or potential conflicts of interest, bias or partiality shall be disclosed at the hearing where the action is considered.

B. Any party may challenge the impartiality of any member before or during the hearing. A challenge must include the facts relied on by the challenging party, relating to the member's alleged bias, prejudgment, or personal interest, or other facts from which the party has concluded that the member cannot participate in a decision in an impartial manner.

C. In the event of a challenge for bias, the challenged member shall respond in a statement which shall be part of the record. The statement shall refer to the challenge and include the reasons why the member has elected to participate or abstain. The statement shall not be subject to cross examination or rebuttal.

D. In the event any member has pre-hearing *ex parte* contact with a party, the member shall publicly disclose the occurrence and the substance of such contact and the persons involved. The statement shall also indicate any interest or independent knowledge of the member. The term independent knowledge refers to facts received by other than public means which are not capable of judicial or official notice, are not in the record of the action and are not a matter of general knowledge. The statement shall be made at the beginning of the hearing on the action or at such time during the course of the hearing that the member becomes aware of the existence of an ex parte contact or independent knowledge. The statement regarding ex parte contact shall be subject to the same Rules as for a statement of bias in paragraph (C) in this section.

SECTION 3. QUORUM and PRESIDING OFFICER

A. A quorum of the Planning Commission and a quorum of the Board of Commissioners shall constitute a quorum for the joint meeting.

B. The Presiding Officer of a joint meeting shall be the Chair of the County Commission or a person designated by the Chair.

SECTION 4. RULES OF EVIDENCE

A. Evidence received at a hearing shall be of the quality that reasonable persons rely on in the conduct of everyday affairs.

B. Irrelevant, immaterial or repetitious testimony or evidence shall not be admitted.

SECTION 5. ORDER OF PROCEDURE

The order of procedure shall be as follows.

A. Call the session to order.

B. Call for the Staff Report relating to actions previously decided, if appropriate. And list the applicable and substantive criteria governing the action.

C. Summarize the nature and conduct of the hearing as described in these Rules and explain where the public can obtain copies of the Rules of Procedure and the Agenda.

D. Explain the sequence of events to be followed at the hearings as described in Subsections (F) through (O) of this Section.

E. Instruct the audience that only testimony or evidence directed to the approval criteria will be accepted and that failure to raise an issue with sufficient specificity to afford the Commission and the parties an opportunity to respond to the issue precludes appeal to LUBA on that issue.

F. Call the first Agenda item and describe the Action.

G. Request a representative of the Division of Planning and Development to describe the nature of the proposal, explain any graphic or pictorial displays which are to be part of the record and summarize the Staff Report and Recommendation.

H. Call for the presentation by Proponents of the Action.

1. Those testifying in support of an action have three minutes per person, exclusive of time used by the Board and Planning Commission for questions. Additional time shall only be granted if the evidence/testimony is not repetitious, irrelevant, or immaterial.

2. Proponents shall be heard in the following order.

NEIL S. KAGAN
ATTORNEY AT LAW

1050 Yeon Building
522 S.W. Fifth Avenue
Portland, Oregon 97204

Telephone
(503) 223-4272
Fax
(503) 225-0811

June 10, 1994

RECEIVED
JUN 10 1994
Multnomah County
Zoning Division

R. Scott Pemble
Planning Director
Department of Environmental Services
Division of Planning and Development
2115 S. E. Morrison Street
Portland, Oregon 97214

Re: Howard Canyon Reconciliation Report

Dear Mr. Pemble:

On behalf of the Howard Canyon Committee of Friends of Forest Park, I am writing to comment on your staff's Howard Canyon Reconciliation Report of May 23, 1994 ("the report"). I will begin with general comments on the misinterpretations of LCDC's remand order which pervade and undermine the report. I will continue with specific comments on the report's defects, noting the measures that must be taken to correct the report and ensure the county's compliance with Goal 5.

GENERAL COMMENTS

With respect to the Howard Canyon mineral and aggregate resource site, LCDC identified four issues in finding the county's compliance with Goal 5 inadequate. The staff has misinterpreted two of these issues. For this reason, and the reasons mentioned under my specific comments, the staff has produced a report that does not comply with Goal 5.

I will discuss both of the issues identified by LCDC that were misinterpreted by the staff. First, I will identify the issue. Next, I will show how the staff misinterpreted it. Last, I will explain how the staff's misinterpretation has rendered the report invalid.

"No Impact Test"

LCDC invalidated the previous Goal 5 decision, in part, because the county explained and expressed its preference for protecting conflicting uses in the ESEE analysis, instead of keeping the ESEE analysis neutral. LCDC said the county must make its decision after completing the ESEE analysis, rather than construct the ESEE analysis to justify a decision the county has C2.

RESPONDENT'S EXHIBIT 3

already made. This was LCDC's third issue.

Specifically, LCDC said:

> "Throughout the ESEE analysis, the county maintained that the ultimate decision to allow conflicting uses fully was preferable because operation of the quarry could not demonstrate 'no impact' on surrounding land uses or natural resources. This approach violates Goal 5. OAR 660-16-010 requires that decisions be based on the ESEE analysis, not that the ESEE analysis be used to justify a predetermined outcome."

LCDC's explanation does not prevent the county from choosing to protect other uses on the ground that quarry operations do not have a zero impact on those uses. Any contrary view would violate Goal 5, as interpreted by LCDC in the Goal 5 rule.

Under the Goal 5 rule, the county is only obligated to protect the aggregate resource if using it has no impact on other uses. If quarry operations have any negative impact on other uses, the Goal 5 rule authorizes the county to withhold protection of the aggregate resource. All the Goal 5 rule requires of the county is an explanation of the reasons for its decision. Were the county to explain, for instance, that it found existing rural residential uses especially sensitive to the noise quarry operations would produce, it could protect those uses -- even were the loss in property values produced by quarry noise small in relation to the loss that might be produced by not protecting the aggregate resource.

The staff misinterpreted LCDC's "no impact" issue, however, to mean that the county can not deny protection to the aggregate resource on the ground the impact of quarry operations on other uses will not be zero. As a result, the report mistakenly observed that decreased wildlife habitat and property values could not be grounds for denying protection to the aggregate resource unless the decrease were significant. Report at III-28, III-52, and III-53. Since the staff's mistaken belief led to the recommendation that the site be classed "3C", the report must be revised, and the recommendation reconsidered.

Potential Transportation Effects

LCDC invalidated the previous Goal 5 decision, in part, because the county used the Transportation Goal, Goal 12, as an approval standard in making its decision. LCDC deemed Goal 12 not to be an approval standard, but a directive "to provide and encourage a safe, convenient and economic transportation system" through the development of transportation plans.

Specifically, LCDC said:

> "In its analysis, the county used the language of Goal 12 ('To provide and encourage a safe, convenient and economic transportation system') to conclude that protection of the aggregate resource was not warranted. Goal 12 requires development of transportation plans to serve land uses. The [sic] Goal 12 is not an independent standard used to deny protection of a significant aggregate resource. The county has not shown how the use of area roads is a conflict to protecting the aggregate resource. If a conflict does exist, Goal 5 requires resolution of the conflict.
>
> "Because the county failed to define the impact area surrounding the aggregate resource site, it has no basis to analyze traffic conflicts resulting from the resource's use."

LCDC did not say the existence of conflicts between protection of the aggregate resource and transportation can not be a reason for choosing to protect uses other than aggregate extraction. Nor did LCDC say no conflicts exist between protection of the aggregate resource and transportation. LCDC faulted the county only because it had not defined the impact area in such a way as to justify the identification and discussion of transportation as a conflicting use.

The staff misinterpreted LCDC's order to mean that the county can not deny protection to the aggregate resource on the ground it will conflict with transportation. As a result, the report does not include the rural roads leading from the site, or the land bordering those roads, in the impact area. Report at III-14 through III-16, III-49 ("Extending the 1,200 foot impact area to include all road concerns would serve no purpose in the ESEE analysis because such concerns cannot be used as a basis for determining if the site should be protected"). The staff's mistaken position led to the report's failure to identify as conflicting uses the impacts of truck traffic on the uses of the land bordering those roads, and on the use of the roads themselves. Report at III-49 ("The road impact issues are in the Resource Analysis only to be on record for post-Goal 5 analysis use in reviewing any specific operating permit application.")

Consequently, the ESEE analysis is fatally flawed, as is the recommendation that the site be classed "3C". The report therefore must be revised, and the recommendation reconsidered.

SPECIFIC COMMENTS

Howard Canyon Stream Resources

1. Impact Areas

The report's analysis of the stream resources associated with the Howard Canyon mineral and aggregate resource site is defective because it establishes incorrect impact areas. The impact area of each stream should include the watershed it drains. As the report itself acknowledged, forestry, agricultural, and other uses occur within each stream's watershed, and cause or can cause increased turbidity, chemical pollution, erosion, and siltation. Report at II-12 through II-13.

Although the use of any single piece of property outside the riparian zone may not have an immediate or significant impact on stream quality, the existing and allowed land uses within the watershed together may have a cumulatively significant adverse effect. Such an effect can not be ignored because it occurs over the long term, in view of Goal 5's purpose of protecting the streams for future generations.

The riparian zone is also too small an impact area because it does not include the Sandy River. The Sandy is both a federal Wild and Scenic River and a state Scenic Waterway, and is used by the public for recreation. Howard Canyon Creek, Knierem Creek, and Big Creek all contribute water to the Sandy River. Report at II-9 through II-10. Big Creek contributes water directly to the Sandy, while Howard Canyon Creek and Knierem Creek contribute water indirectly as tributaries of Big Creek.

According to the report itself, the impact area of streams that contribute water to public parks, or to recreation areas used by the public, should include the downstream park or recreational area. Report at II-9. As both a Wild and Scenic River and a Scenic Waterway, the Sandy qualifies as a public park or a recreation area used by the public. Therefore, the Sandy River should have been included in the impact area.

The failure to describe proper impact areas renders the entire report insufficient under Goal 5, because a valid ESEE analysis and program to achieve the goal depend on an accurate impact area. Consequently, the staff must revise the report.

2. ESEE Analysis

The ESEE analysis is defective for other reasons, as well. First, in the discussion of the consequences of not protecting the streams, the ESEE analysis fails to analyze the economic

consequences of mining on the streams. See Report at II-14 through II-15. The analysis also fails to analyze the social consequences of conflicting uses on the recreational use of the federally and state-protected Sandy River. See Report at II-15. The analysis also fails to analyze the environmental consequences of conflicting uses on the Sandy River. See Report at II-16. The analysis also fails to analyze the water quality impacts of mining in discussing environmental consequences. See Report at II-16.

In the discussion of the consequences of protecting the streams, the ESEE analysis fails to consider any of the beneficial economic, social, environmental, and energy consequences of protection. See Report at II-17 through II-21. For example, protecting the streams would mean the Sandy River would continue to attract recreational users, including tourists, which would have beneficial economic and social impacts. Protecting the streams would also mean the expenditure of less money and energy to prevent or clean up pollution, and the continued aesthetic appreciation residents of the area experience.

The ESEE analysis also fails to put the effects of restricting development of the Howard Canyon mineral and aggregate resource site in perspective. See Report at II-19. The site has just 1% of the aggregate found at the Angell Bros. site, the other site under Multnomah County's jurisdiction. Report at III-6. As a result, the economic consequences of restricting the site's development will be relatively minor.

The ESEE analysis also improperly speculates that protecting the streams may create adverse environmental consequences on other, unspecified sites. Report at II-20. The analysis must be tied to the impact area.

The ESEE analysis also assumes incorrectly that restrictions on the Howard Canyon mineral and aggregate resource site will require the expenditure of more energy to transport such resources to Portland from sources outside the county. Report at II-20. Yet, the existing, protected Angell Bros. operation is not only within the county, it is right outside Portland's city limits. Similarly, other sites within the county, but under Gresham's jurisdiction, are closer to Portland than the Howard Canyon site. Further, other sites outside the county, in Clackamas County, Washington County, and Columbia County, may be closer to Portland.

Again, since the development of a program to achieve Goal 5 depends on an adequate ESEE analysis, the foregoing defects in the ESEE analysis of the streams and their conflicting uses necessitate a revision of the report.

Howard Canyon Aggregate Resource

1. Impact Area

a. The immediate impact area

The description of the immediate impact area is deficient for a number of reasons. First, the report justifies a 1200-foot impact area on the ground that the sound produced by "typical" mining equipment beyond that distance will meet DEQ noise standards. Report at III-12. Yet the noise assessment study cited in the report never specifies what it means by typical mining equipment. What exactly are the specifications of a "typical" dozer, front end loader, jaw crusher, etc.? For example, how large is the dozer overall? How large is its engine? Such specifications are essential if the county is going to draw the boundaries of the impact area on the basis of the equipment that might be used to extract and process the aggregate resource.

The noise assessment study also never indicates whether it considered the cumulative noise levels produced by the individual pieces of equipment when they are operating at the same time. The study only seems to predict compliance with DEQ standards for each piece of equipment operated individually. The 1200-foot boundary may describe an insufficient impact area when more than one piece of equipment is operating simultaneously.

The report also determines that the DEQ noise standards are the appropriate standards to use in defining the extent of the impact area. That determination is justified on the ground that other jurisdictions have adopted the DEQ noise standards, and that the standards were purportedly designed to protect the health, safety, and welfare of Oregon citizens. Report at III-30, III-48. Under the Goal 5 rule, however, the only acceptable ground for using DEQ noise standards is that they accurately describe the area in which quarry operations produce or might produce conflicts. The report cites no evidence to that effect.

b. The extended impact area

As discussed in my general comments, the report unjustifiably excludes rural roads leading from the site, and the land bordering those roads, from the impact area. In fact, allowing the site to be used for the extraction of aggregate will create conflicts with use of the roads beyond those caused by existing traffic. It may also produce noise and dust conflicting with the use of the land bordering the roads. Report at III-31. Therefore, the roads and the land adjoining them should have been included within the impact area.

The proof that use of the site will adversely affect traffic on the roads may be found in a traffic study prepared by Robert Bernstein, a transportation expert. To summarize, the study established that slow-moving trucks traveling to and from the quarry will cause localized congestion; that roadway and shoulder widths, roadway structural characteristics, and sight distances are inadequate to accommodate trucks safely; that truck traffic in the rural area will create unsafe conditions for motorists, school buses, and pedestrians. (The study is attached and incorporated in these comments by this reference.) The report reinforces Bernstein's evidence about inadequate roadway structural characteristics. Report at III-15 through III-17.

Since an accurate description of the impact area is vital to the subsequent steps in the Goal 5 process -- the identification of conflicting uses, the ESEE analysis, and the development of a program to achieve Goal 5, the foregoing deficiencies in the report's description of the immediate and extended impact area must be revised.

2. Conflicting Uses

As just indicated, the report's identification of conflicting uses is insufficient, because it does not include the demonstrated conflicts with transportation, or the potential conflicts of truck traffic on the land bordering rural roads. In addition, the report provides no explanation why certain uses allowed in the forest and agriculture zoning districts will not conflict with the aggregate resource. See Report at III-19 through III-22. For instance, were the site managed to produce timber or crops, or devoted to uses to conserve soil, air, and water quality for wildlife and fisheries resources, it could not be used as a source of aggregate.

The absence of the above-mentioned conflicting uses from the report makes both the ESEE analysis and the program proposed to achieve Goal 5 inadequate. The report therefore must be revised.

3. ESEE Analysis

The report concluded that allowing conflicting residential uses would increase the cost of county roads, because it would take more time to acquire high quality aggregate. The evidence does not support the conclusion, however. The evidence was that the State Highway Department considers "high quality" rock to be scarce in Multnomah County. Report at III-26. Although the report deemed the quality of the aggregate found at the Howard Canyon site significant enough to include the site on the inventory, no evidence established it to be "high quality." In fact, the Howard Canyon aggregate barely meets state wear requirements for base aggregate. Report at III-8. Moreover, no evidence established

whether it would take more or less time to transport aggregate from the Howard Canyon site over narrow, steep, winding rural roads to sites within the county.

For the reasons given in my general comments, and in my specific comments on the impact area and conflicting uses, the analysis of the economic, social, and environmental effects of quarry operations on existing residential uses is inaccurate and incomplete. It must be revised.

Also in need of revision is the analysis of the economic, social, environmental, and energy consequences of protecting the aggregate resource on the significant streams and their impact areas. See my specific comments on the Howard Canyon Stream Resources section of the report.

The report dismisses the environmental consequences on the significant streams by assuming mitigation measures can be implemented to protect fish habitat, and that quarry operations can meet current environmental standards. The county must reconsider this tack, because no evidence justifies it. The report does cite the expert testimony of Robert Ellis, but Ellis based his testimony on the assumption that only one or two acres would be mined at any one time. Once the site's aggregate resource is protected, however, nothing would prevent the owner of the site from seeking to mine a substantially larger area.

The report also dismissed the environmental consequences on big game habitat on the ground that the habitat is not a Goal 5 resource. The county must reconsider this tack, too, because big game habitat does not have to be a Goal 5 resource to constitute a conflicting use.

Finally, in discussing the energy consequences of protecting the aggregate resource on the significant streams, the report failed to consider the energy effects of cleaning up pollution caused by quarry operations. It must therefore be revised.

Conflict Resolution and Protection Program

As I have demonstrated in my comments, the report has seriously erred in describing impact areas, identifying conflicting uses, and analyzing ESEE consequences. As a result, the underpinnings of the conflict resolution and protection program are grossly insufficient. Therefore, it would be premature for the county to make a decision on the protection of the competing uses at this point. Once the staff has revised the report as I have indicated, it should be re-submitted to the Board of Commissioners, the Planning Commission, and the public for comment and final action.

Yours truly,

Neil S. Kagan

NSK/gmm
Enc.

cc: Steve Oulman, DLCD

Traffic, ansportation Planning & En leering

Robert Bernstein, Inc. P.S.

507 - 18th Ave. E.
Seattle, WA 98112

Mr. Edward J. Sullivan
Mitchell, Lang & Smith
2000 One Main Place
101 SW Main St.
Portland, OR 97204

April 2, 1987

SUBJECT: Report on traffic and transportation issues related to the proposed quarry operation on Howard Road in the Corbett, Oregon, area

Dear Mr. Sullivan,

The report attached to this letter has been prepared at the request of Mr. Gary Thomas and some of his neighbors. The report 1) summarizes my review of available materials related to the proposed quarry and its Multnomah County permit application, 2) evaluates traffic and transportation issues not adequately addressed in the available material, and 3) draws general conclusions about road system adequacy and traffic safety impacts of the proposed quarry.

The following documents were reviewed:

- Multnomah County Conditional Use Permit Application CU 7-87, dated October 23, 1986
- Multnomah County Staff Report and Recommendation, CU 13-80, dated August 18,1980
- various environmental and geological permit applications and reports

In addition, I visited the site and the surrounding area on March 29, 1987.

My qualifications, in the form of my resume, are attached for your information. If I can be of any further assistance, please do not hesitate to call on me.

Sincerely,

Rob

Robert Bernstein, P.E.

REVIEW OF MULTNOMAH CO. CONDITIONAL USE PERMIT APPLICATION (CU 7-87)

CONCLUSIONS

A conditional use permit application for a quarry operation at the site of the subject quarry proposal was filed nearly seven years ago. As recorded in the Decision of the Hearings Officer (Multnomah County File No. CU 13-80, #666-681, 8/18/80), the Hearings Officer concluded that 1) the proposal was "not consistent with the rural character of the area, because its location would force large numbers of heavily-loaded trucks to traverse many miles of rural roads not intended to serve that type of use," 2) the proposal "will have an impact on services, because the level of truck traffic indicated by the applicant will affect the rural road system beyond Howard Road," and 3) the proposal "will generate hazardous conditions because of the level of truck traffic on roads designed to handle normal rural uses, this being particularly true at intersections." Based on these conclusions, the Hearings Officer denied the proposed conditional use.

The 1980 findings of the Hearings Officer are applicable to the current quarry proposal: nothing has happened in the past seven years to alleviate the problems identified. Furthermore, continuing rural residential development-- with its increased traffic-- makes the traffic impacts of the proposed quarry operation more severe every year, because the truck traffic has to interact with more auto traffic.

It should be noted that the traffic problems associated with quarry truck traffic as described later in this report (i.e., localized traffic congestion, hazardous operations at intersections, and hazardous operations on the roadways) are caused by each individual truck. These problems do not disappear with lower truck volumes: the Hearings Officer's conclusions are applicable to the current quarry proposal, despite its lower estimated truck volume. (The applicant's estimate of an average of 10 truck trips per day seems to be unrealistically low, and is certainly not indicative of a "worst case.")

It is also important to keep in mind that any promises made by the applicant or conditions of approval imposed by the County Commission regarding operation of the proposed quarry-- and the truck traffic it would generate-- may be difficult or impossible to enforce. If the applicant or the County are unwilling or unable to make good on operational conditions regarding truck operations or their enforcement, the surrounding rural neighborhood will be left with the safety and congestion problems that such conditions were intended to address. Since the County, in reality, has little ability to enforce conditions on operations, the neighborhood should

not have to rely on conditions of approval to avoid and/or mitigate serious safety and congestion problems.

The basic conclusions stated above lead to the final conclusion that the application should be denied for traffic safety reasons. The following discussion focuses on the main traffic impacts of the proposed quarry.

TRAFFIC CONGESTION

Traffic congestion, such as that experienced in urbanized areas, is not a problem in the vicinity of the proposed quarry. However, localized congestion can occur when cars "stack up" behind a slow-moving loaded gravel truck. Due to the topography in the area, steep grades and sharp curves abound on the road system that would be used by quarry truck traffic, regardless of the trucks' origins or destinations. These grades and curves will force trucks to move very slowly in numerous locations. Impatience and frustration may lead motorists to make ill-advised or downright hazardous maneuvers.

TRAFFIC SAFETY

In addition to its congestion impacts, truck traffic generated by the proposed quarry would significantly increase traffic safety problems along any of the roads the trucks might conceivably use in travelling to/from the quarry: Howard, Little Page, Louden, Hurlburt, Pounder, Knieriem, Salzman, and Evans, as well as the Columbia River Scenic Highway and Corbett Hill Road. These problems are related to roadway design, the physical characteristics of trucks and their operation, and the behavior of individual motorists. The importance of recognizing these truck-related safety problems is magnified by the fact that accidents involving cars and large trucks tend to be more severe than accidents involving cars only.

In the following discussion, it should be kept in mind that inclement weather and darkness would aggravate each of the safety problems described. The icy conditions often found in this part of eastern Multnomah County during the winter pose an extreme hazard for all traffic operations. Impaired visibility due to darkness, precipitation or truck wheel spray, as well as wet or slippery pavement all contribute to increased accident potential.

Roadway Characteristics

The design of any roadway should facilitate safe traffic operations by providing adequate roadway width, sight distance and riding surface. The design should be as "forgiving" as possible; i.e., the design should forgive motorists' errors by minimizing the

potential for or severity of accidents resulting from such errors. For example, flatter roadway sideslopes and wider shoulders reduce the potential for rollovers in run-off-the-road accidents. In such cases, the motorist is "forgiven" for leaving the travel lanes.

One geometric design element of all the roads in the vicinity of the proposed quarry that is substandard-- and unforgiving in the accommodation of existing traffic-- is the roadway and shoulder widths. At 12-20 feet in width, the roadways are narrow. The narrow lanes, combined with the narrow unpaved or non-existent shoulders leave little room for motorists to maneuver, and provide little leeway for even temporary or minor loss of control on the part of a driver.

Large trucks in these narrow lanes have little lateral space within which to maneuver without either running off the road themselves or causing on-coming traffic to take evasive action. The narrow lanes and poor shoulders strictly limit the ability of vehicles to maneuver safely, whether these maneuvers be emergency or preventative in nature. There is no room for an auto to swerve to avoid a real or perceived encroachment by an on-coming truck, nor is there room to give an on-coming truck a "wide berth." In such situations, even minor incidents have the potential for serious consequences.

Safety problems associated with the steep, narrow, winding roadways in the vicinity of the proposed quarry will be aggravated by the degradation of roadway riding surface caused by heavy truck traffic. Many of the roads in the quarry vicinity simply are not structurally designed to carry heavy trucks; such roads will begin to break up fairly quickly under repeated truck usage. The other roads that are structurally capable of carrying heavy truck traffic will also deteriorate much more quickly than they would otherwise. As the Hearings Officer found in 1980, it would be financially infeasible to reconstruct all of the roadways that quarry truck traffic would use. Furthermore, the repair of deteriorating road surfaces-- aside from being expensive-- is rarely immediate, forcing local traffic to use a deteriorated roadway until such time as repairs can be made.

Sight Distance

With the exception of a number of blind driveways, available sight distance along the rural arterials in the area meet American Association of State Highway & Transportation Officials (AASHTO) sight distance standards, which are based on the ability of a motorist to bring an automobile to a safe stop. To stop a loaded gravel truck safely, however, requires a distance at least 40% in excess of the distance needed by cars to stop safely. (The sight distance requirements stated above are not purely arbitrary or empirical, but are in fact based on the laws of physics, the

reactive ability of drivers, and the decelaration capabilities of cars and heavy trucks.) As a result, the available stopping sight distance throughout the area leaves trucks with little or no margin for error in reacting to roadway obstructions and traffic.

It is generally assumed that the AASHTO sight distance standards are adequate in the case of heavy trucks, because the higher eye height of the drivers of the trucks compensates for the longer distance required to stop the trucks. However, it has been found that this assumption does not hold on crest vertical curves for the larger and heavier trucks with their longer braking distances. And of course eye height makes little difference on horizontal curves and sag vertical curves. Therefore, the fact that the roads in the area have sight distances that meet AASHTO standards does not ensure that adequate safe stopping sight distance exists for site-generated trucks.

Traffic Conflicts

All the sight distance in the world won't compensate for the motorist who misjudges a truck's speed and pulls out of a side street or driveway into a truck's path. Heavy trucks are unable to react to such roadway and traffic conflicts as quickly as the autos and small trucks that comprise most of the area traffic. This disparity of control capabilities between trucks and local traffic increases accident potential. Likewise, trucks take longer to accelerate when entering a road, and drivers often misjudge the rate at which they are overtaking a truck. This problem is exacerbated by trucks' need to make relatively wide turns, which, on the narrow roads in the area, results in the truck occupying the entire intersection as it makes its turn. This is a problem throughout the area, and it is a particular problem at the intersections along the Columbia River Scenic Highway. At the oblique Little Page Road and Larch Mountain Road intersections, it is very difficult for truck drivers to see traffic approaching from the east. At any of the Scenic Highway intersections, trucks will be turning left onto a highway that is heavily used by tourist automobile traffic, which often is not expecting heavy truck traffic entering the highway from the side roads. The Howard/Little Page/Pounder intersection is also particularly bad for trucks, due to limited sight distance and insufficient turning radii for trucks.

Driver Behavior

Safety problems also result from the incompatibility of regular heavy truck operations and the expectations of motorists on the rural arterials, rural collectors, and the Scenic Highway. The potential for accidents increases when motorists encounter unexpected or confusing traffic flow conditions, traffic controls or roadway conditions. Most of the traffic in the area is recreational or is generated by rural residential land uses, and motorists may

not expect to encounter heavy trucks on a regular basis. Traffic slowdowns and restricted visibility caused by the trucks have the potential to induce motorists to make a variety of ill-advised or unsafe maneuvers, such as tail-gating or passing where it is unsafe to do so. The braking and evasive capabilities of heavy trucks can be easily overestimated, and as stated previously, the roadway design does not compensate for errors in judgment or reaction.

Pedestrians, School Buses, and Mail Delivery

Heavy truck traffic generated by the proposed quarry would be totally incompatible with the school bus operations and access on most of the area's roads, including Knieriem, Little Page, Salzman, and Howard. Even if school children need not actually cross these roads enroute to or from school bus, truck traffic creates serious hazards for children waiting for the bus in the morning or walking along the road to or from the bus stop. Such hazards are significantly magnified in poor weather and during early morning darkness.

In addition, the risk of a truck rear-ending a stopped school bus would be significantly increased by the increased truck traffic generated by the proposed quarry. Postal carriers face similar risks.

ROBERT D. BERNSTEIN, P.E.

SERVICES

- o Traffic and transportation planning for state and local agencies
- o Neighborhood traffic management
- o Traffic impact analysis for environmental studies
- o Traffic analysis and design for site development
- o Expert review of environmental studies and land use proposals
- o Transportation demand management programs
- o Public involvement/participation for transportation projects
- o Origin-destination surveys and other surveys
- o Transit planning

QUALIFICATIONS

- o 10 years experience in city and regional transportation planning agencies and consulting firms
- o strong educational background:
  MSCE-Transportation (Northwestern U.), BCE (Georgia Tech)
- o skilled in computer applications for transportation planning and traffic engineering
- o innovative and skilled at problem-solving and consensus-building
- o extensively experienced in the public involvement and citizen participation aspects of all types of transportation projects
- o registered professional engineer (civil) in Oregon and Washington

ROBERT D. BERNSTEIN, P.E.

SELECTED PROJECT EXPERIENCE

Transit Projects and Studies

Multi-Corridor Project (PSCOG, 1985-86)
North Corridor Extension Project (Sno-Tran, PSCOG, 1985)
North Corridor Alternatives Analysis (PSCOG, 1983-84)
Banfield Transitway Project (ODOT, City of Portland, 1978-82)
Westside Transitway Project (Metro, City of Portland, 1978-80)
Tacoma-Seattle Transit Connections Study (PSCOG, 1986)

Transportation Plans

Arterial Streets Classification Policy Update (City of Portland, 1982-83)
Eastside Transportation Plan (PSCOG, King and Snohomish Counties, Cities of Bellevue, Redmond, Kirkland, Bothell, and Issaquah, 1985-)
Green River Valley Transportation Action Plan (PSCOG, WSDOT, King County, Cities of Renton, Kent, Auburn, and Tukwila, 1986)

Corridor/Sub-area Transportation Studies

Alderwood/North Creek Transportation Study (PSCOG, Snohomish County, 1985)
Northwest Portland Transportation Study (City of Portland, 1980-82)
Bellevue CBD Transportation Study (PSCOG, City of Bellevue, 1985-86)
Greater Lynnwood/I-5 Transportation Study (PSCOG, City of Lynnwood, Snohomish County, WSDOT, Community Transit, 1987)
South Snohomish SR-99 Corridor Study (PSCOG, WSDOT, Community Transit, City of Edmonds, 1987)
SR-9 (Snohomish - SR-522) Corridor Study (PSCOG, Snohomish County, WSDOT, City of Snohomish, 1987)

Neighborhood Traffic Management Plans

McLoughlin Neighborhoods Project (City of Portland, 1979-83)
Division Corridor Neighborhood Traffic Management Plan (City of Portland, 1985)
South Burlingame Neighborhood Traffic Management Plan (City of Portland, 1984)
King County Neighborhood Traffic Control Demonstration Project (King County, 1987)

Freeway Corridor/Interchange Planning and Design

Alternative to I-505 Project (City of Portland, 1978-82)
East Marquam Interchange (I-5) Project (ODOT, City of Portland, 1979-80)
McLoughlin Boulevard Project (ODOT, City of Portland, 1979-83)
Terwilliger/I-5 Project (ODOT, City of Portland, 1982-83)
Frontier Village SR-9/SR-204 Project (WSDOT, Snohomish County, 1985)
I-84 (181st - Troutdale) Project (ODOT, 1986-87)
Seattle SR-99 Connections Study (WSDOT, City of Seattle, PSCOG, 1987)

Special Studies

Tacoma Dome Access and Parking Study (PSCOG, City of Tacoma, 1985-86)
Industrial Access Study (City of Portland, 1979-81)
Alternative Access Modes Database Project (PSCOG, 1985)
Everett Navy Base Traffic Impact Study (PSCOG, WSDOT, FHWA, 1986)

[illegible]

ROBERT D. BERNSTEIN, P.E.

EXPERIENCE

1983 - Present: Consulting Transportation Planner/Engineer

Mr. Bernstein has completed numerous traffic impact analyses and neighborhood traffic management studies for clients that include the Portland (OR) Bureau of Transportation Planning & Finance, Washington State Department of Transportation, Oregon Department of Transportation, Snohomish County (WA) Public Works Department, Southland Corporation and several neighborhood groups in Portland, Hillsboro, Washington County and Clackamas County, Oregon.

1983 - Present: Puget Sound Council of Governments

As Senior Transportation Engineer, Mr. Bernstein develops, manages and supports a wide variety of multi-jurisdictional sub-area and corridor transportation studies, short- and long-range planning efforts, and various traffic operations and impact analyses. Mr. Bernstein also serves as Coordinator for the Snohomish Subregional Council.

1978 - 1983: City of Portland, Oregon, Bureau of Planning

As City Planner-Transportation, Mr. Bernstein was responsible for the Projects and Area Studies program area of the Transportation Planning Section. General responsibilities included development of work programs, irection of other staff and consultants, technical and policy-related research, preparation of reports, and presentations and testimony at public meetings and meetings of the Planning Commission and City Council. Specific responsibilities included project management, the evaluation of and provision of city input for highway and transit projects being developed by other agencies, and the evaluation of transportation impacts of proposed land use changes and developments for the Land Use Hearings Officer, Planning Commission and City Council.

1976 - 1978: John Hamburg & Associates, Chicago, Illinois

As Transportation Engineer, Mr. Bernstein designed, programmed and tested computer models used for analysis of trip generation, regional VMT/VHT, and intersection capacity and delay. Clients included UMTA, FHWA, North Central Texas COG (Dallas), NE Ohio Areawide Coordinating Agency (Cleveland) and Tri-State RPC (New York).

807-18th Ave. E., Seattle, WA 98112 206 464-6368 (days), 206 325-8068 (eves)

ROBERT D. BERNSTEIN, P.E.

EDUCATION

MSCE, 1978, Northwestern University, Evanston, IL
(Urban Transportation Planning program)

BCE, 1976, Georgia Institute of Technology, Atlanta, GA,
with Highest Honors

Elementary and Secondary Schooling:
David Douglas School District, Portland, Oregon

PROFESSIONAL AFFILIATIONS

Registered Professional Civil Engineer,
Oregon (No. 11677) and Washington (No. 21677)

Transportation Research Board

Institute of Transportation Engineers

American Society of Civil Engineers

CONTINUING EDUCATION

Northwestern University Traffic Institute Transportation Impacts of Land Development Course; Seattle, WA November, 1986

ITE Site Development Transportation Impacts Conference; Orlando, FL March, 1986

Traffic Engineering and Safety Educators Traffic Signal Systems Course; Seattle, WA October, 1984

UMTA Alternatives Analysis Course; Portland, OR August, 1983

UMTA/FHWA Microcomputers in Transportation Course; Portland, OR March, 1983

Univ. of California Institute for Transportation Studies Conference: Neighborhood Transportation Planning and Management; Berkeley, CA November, 1982

UMTA/FHWA Special Topics in UTPS Course: Sub-area Analysis; Los Angeles, CA May, 1982

UMTA/FHWA Energy Contingency Planning Workshop; Seattle, WA July, 1979

801-18th Ave. E., Seattle, WA 98112 206 464-6368 (days), 206 325-8868 (eves)

ROBERT D. BERNSTEIN, P.E.

REPORTS AND PUBLICATIONS

"Multi-Corridor Project Traffic Analysis," accepted for publication, Transportation Research Record, Transportation Research Board, 1987

"Alternative Access Modes Database Project," accepted for publication, Transportation Research Record, Transportation Research Board, 1987 (coauthor)

Green River Valley Transportation Action Plan, Puget Sound Council of Governments (King Subregional Council) for Cities of Kent, Renton, Auburn, Tukwila, King County and Washington State Department of Transportation, January, 1987

Everett Navy Base Traffic Impact Study, Puget Sound Council of Governments for Washington State Department of Transportation, August, 1986 (coauthor)

"Alternative Access Modes Database Project," Compendium of Papers, Institute of Transportation Engineers District 6/7 1986 Annual Meeting, July, 1986

Bellevue CBD Long Range Transportation Study, Puget Sound Council of Governments (King Subregional Council) for City of Bellevue, May, 1986 (coauthor)

Alternative Access Modes Database Project, Puget Sound Council of Governments (King Subregional Council), May, 1986

acoma Dome Access and Parking Study, Puget Sound Council of Governments (Pierce Subregional Council) for City of Tacoma, March, 1986

Multi-Corridor Project Traffic Analysis, Puget Sound Council of Governments, February, 1986

Division Corridor Neighborhood Traffic Management Study, for Portland Bureau of Transportation Planning & Development, October, 1985

North Corridor Extension Project: Engineering Reconnaisance for Light Rail Transit Alignment Options, Puget Sound Council of Governments (Snohomish Subregional Council) for Sno-Tran, June, 1985

Alderwood/North Creek Transportation Study, Puget Sound Council of Governments (Snohomish Subregional Council) for Snohomish County, March, 1985 (coauthor)

South Burlingame Neighborhood Traffic Management Plan, for Portland Bureau of Transportation Planning & Development, February, 1985

North Corridor Alternatives Analysis Technical Summary, Chapter 4. Transportation Impacts, Puget Sound Council of Governments and Municipality of Metropolitan Seattle, June, 1984

McLoughlin Neighborhoods Project, Portland Bureau of Planning, November, 1982

rthwest Portland Transportation Study, Portland Bureau of Planning, July, 1982

501-18th Ave. E., Seattle, WA 98112 206 464-6360 (days), 206 325-8060 (eves)

REPORTS AND PUBLICATIONS (continued)

Industrial Access Study: Summary and Recommendations,
Portland Bureau of Planning, February, 1981 (coauthor)

McLoughlin Corridor Report, Portland Bureau of Planning, August, 1979

Industrial Access Study: Assessment of Transportation Access Needs,
Portland Bureau of Planning, April, 1979 (coauthor)

Zone Scheduling of Urban Bus Transit Service,
Northwestern University Masters Thesis, May 1978

507-18th Ave. E., Seattle, WA 98112 206 464-6360 (days), 206 325-8068 (eves)

Ex Parte
Contact
Co Kelley
6/13/94

GUARDIANS OF LARCH MOUNTAIN

P.O. Box 185
CORBETT, OR 97019
503 695-3412

April 22, 1994

Multnomah County
Division of Planning
2115 SE Morrison
Portland, OR 97214

C2-94
RESPONDENT'S EXHIBIT 1

COMMENTS: SIGNIFICANT AGGREGATE RESOURCE ANALYSIS - HOWARD CANYON

Our comments are primarily focussed on the origin, description and validity of the Impact Area and its substantial consequences throughout the entire analysis report.

County staff chose an impact area of 1200 ft. surrounding the Howard Canyon aggregate site by applying data from a 'noise assessment study'. The study concludes that noise generated by mining equipment operated at the quarry site would be within DEQ noise standards at a distance of 1200 ft. from the site.
The 'noise assessment study' used by County staff (pg.6 of report) was ordered, paid for and submitted to the county by the Howard Canyon quarry owner during the 1990 Goal Five periodic review. Its intent was to provide supporting data for allowing a commercial mining operation on the site.
Noise data for the analysis report came exclusively from this study (Standlee report Re: Howard Canyon, 2-19-1990). Multnomah County Planning staff justifies its determination of a 1200 ft. impact area: "At receiver point 5 the sound levels...did not exceed the DEQ noise standard". Staff further states, that these noise levels were "based upon the mining equipment located in the center of the resource on both the north and south side." (both quotes pg.6).

We find it unacceptable that Multnomah County planning staff:

* did not disclose that the "report by a Registered Acoustical Engineer" (pg.20) was in fact a four year old opinion by a paid consultant who was hired by the quarry owner to help him in his efforts to achieve commercial operation permit.

* did not disclose the fact that no noise measurements including "mining equipment"

noise measurements were ever conducted! The noise-consultant for the quarry owner openly admits: "Sound levels that would radiate from an operation located at the Howard Canyon site were *predicted using a computer program...*" and: "Sound level data for *typical quarry equipment* used in large commercial operations was used in our *model...*" (1990 Standlee report, pg.4,5, italics added)

* made no efforts during the last four years to verify any of the opinions submitted by the consultant to the quarry owner.

* made no efforts to order an independent noise analysis from a source not connected to the quarry operator, despite the all-important consequences of noise data interpretation for this analysis report.

Staff brushes aside the concerns of residents affected by noise despite the fact that the 1990 periodic review by the county resulted in a "3B" designation for the quarry site, mainly because of noise impact on surrounding residences.

Staff uses the unsubstantiated opinions by the acoustical consultant for the quarry owner throughout the ESEE findings, because "the County accepts Mr. Stadlee's report as credible expert testimony" (pg.22). As a result conflicting use evaluations which deal with quarry noise have a predictably biased outcome, and sometimes border on the absurd:
Reduction in property value as a result of unacceptably high noise impacts could not possibly occur, because "no convincing evidence in support of that position has ever been presented to the County" (pg.20). It is ludicrous to assume a potential buyer for two homes of equal sale price, one close to a commercial quarry operation, the other far away from it, would not choose the home far away from blasting and truck noise, dust, etc. As a consequence of lower demand, the price of the unsold home is invariably driven down.
No negative economic or social effects on nearby residences is acknowledged because "expert testimony has demonstrated that noise levels associated with a mining plan...will produce noise levels at any nearby residence well below the DEQ noise standards" (pg.21), and because "Registered Professional Engineer (acoustical) Mr.Standlee has determined that noise from blasting, machinery and rock crushing will be well within DEQ standards as measured at existing dwellings in the area" (pg.22).

The only other "expert" used by the county to evaluate streams as conflicting uses in the ESEE analysis is another paid consultant for the quarry owner, Robert Ellis, biologist. Predictably, the conclusion he offers (and staff accepts, without veryfication or additional testimony by unbiased parties) finds no significant environmental effect on conflicting uses of streams if aggregate resource is fully allowed (pg.24, 25).

The inventory process for Statewide Planning Goal Five begins with the collection of available data from as many sources as possible (OAR 660-16-000 -1). Since the last periodic review for Howard Canyon aggregate site in 1990, Multnomah County has

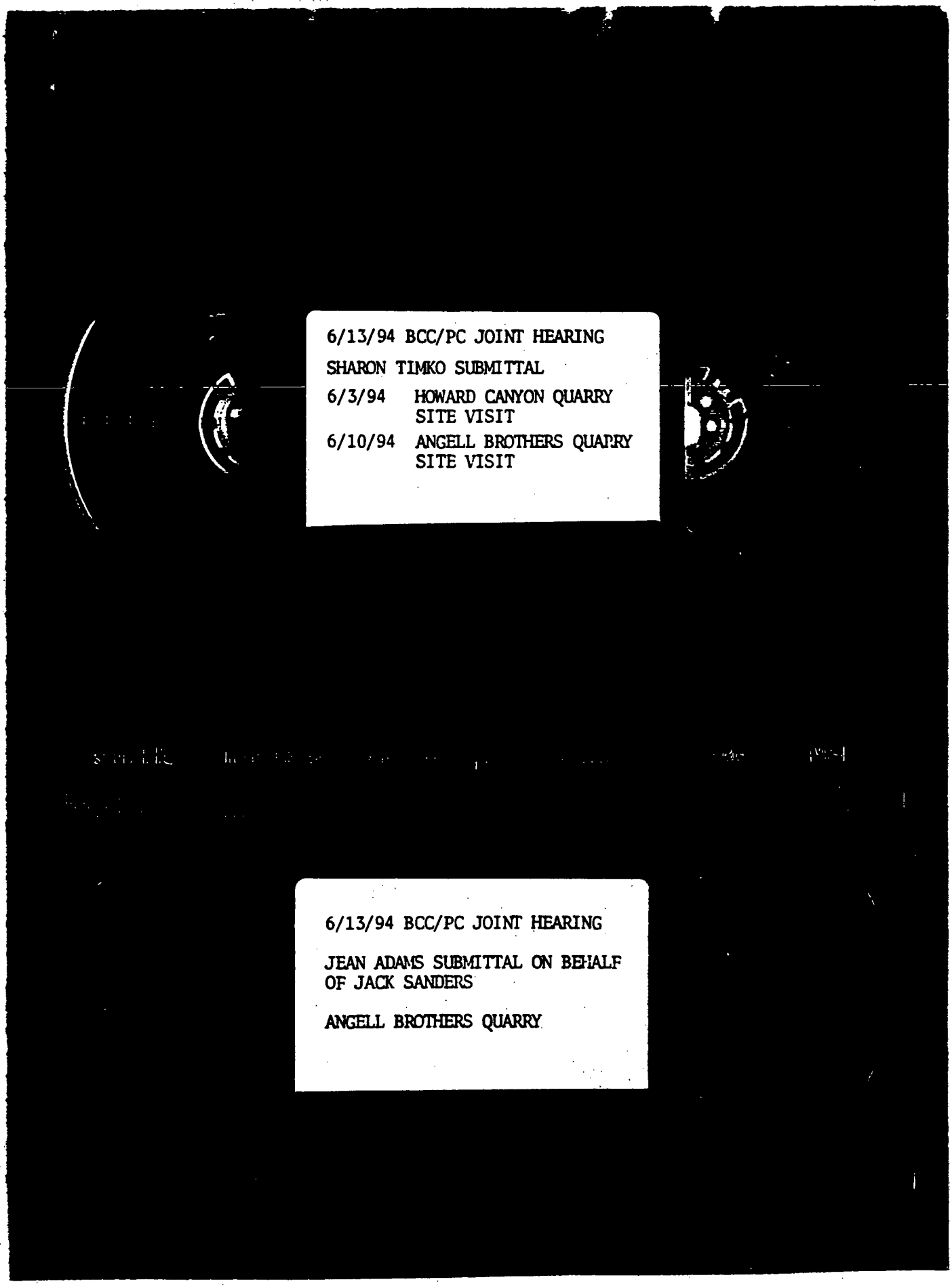
made little effort to add unbiased expert testimony or alternative expert opinions for inclusion in the Resource Analysis Report. Instead, the County agrees to impact areas which were drawn up by an 'expert witness', a consultant of the quarry owner, who was paid to consult and give expert testimony on his behalf. The county also relies heavily on another paid consultant to the same party for conflicting use and ESEE analysis.

The County's decision of basing impact area- and analysis determinations on opinions which were presented to advance the quarry owner's cause is unacceptable. The county violates OAR 660-16. The Howard Canyon Significant Analysis Report (C2-94) must be rejected as invalid.

Sincerely,

For the Guardians Of Larch Mountain: Klaus Heyne

cc: D.L.C.D.



6/13/94 BCC/PC JOINT HEARING

SHARON TIMKO SUBMITTAL

6/3/94 HOWARD CANYON QUARRY SITE VISIT

6/10/94 ANGELL BROTHERS QUARRY SITE VISIT

6/13/94 BCC/PC JOINT HEARING

JEAN ADAMS SUBMITTAL ON BEHALF OF JACK SANDERS

ANGELL BROTHERS QUARRY

GUARDIANS OF LARCH MOUNTAIN
P.O. Box 185
Corbett, OR 97019
503 695-3412

April 22, 1994

Multnomah County
Division of Planning
2115 SE Morrison
Portland, OR 97214

COMMENTS: HOWARD CANYON AREA SIGNIFICANT STREAMS ANALYSIS REPORT APRIL 11, 1994

A - General Comments on Process

- Multnomah County Division of Planning charged $0,30 per page to obtain document copies, including reports, during the first four days of the comment period. (The charge was protested by several interested parties and consequently reversed, and the moneys refunded). This prohibitive charge initially discouraged public participation and valuable comment time was lost.

-The Analysis Report provided to the Guardians Of Larch Mountain by Multnomah County Planning staff on 4-12-94 did not include the 'Significance Report' (C5-94), technical appendix, three stream profiles, or any maps. On 4-20-94, upon inquiry, staff provided Significance Report, appendix and stream profiles. No map(s) were ever provided.

B - Inventory of Resources

OAR 660-16-000 stipulates that a "valid" Goal 5 inventory shall include location, quality, and quantity of the resource, as well as consideration of the resource site's value relative to others in at least the jurisdiction (Multnomah County) itself.

-Location - The report defines the impact area as "the riparian zone along each stream" (pg.2), citing an average, minimum and maximum width, in feet. A more

C 2-94
RESPONDENT'S EXHIBIT 5

precise identification of impact areas for the three streams which have a combined total length in excess of 6.8 miles is missing. A map identifying impact areas for each stream was not provided with this report. A map accompanying the 'Significant Aggregate Resource Analysis/Howard Canyon' identifies the three "significant Goal Five streams", but does not assign any impact areas for these streams. Lacking any additional information, we assume, the county did not assign any impact areas beyond the actual stream beds to the three streams,. and did not include any part of the 4,134 acres of watershed area in the impact areas for the streams.
Inclusion of impact areas is particularly important when evaluating conflicting Goal 5 resources and their respective impact areas. To omit a detailed definition, description and map of impact areas from an inventory of a significant resource makes the resource worthless relative to a conflicting resource whose impact area has been defined and mapped. Consequently, procedural requirements for inventory as outlined in OAR-16-000 (2) were not met by the report.

-Quality and Quantity - The survey on which the report is based, inventoried only 63% of the total length of Howard Canyon Creek and its tributaries and 85% of Big creek. No explanation is given. The three streams inventoried are Class I (year-round fish bearing) streams. The report makes no mention of species and quantity of fish which are living, migrating or hatching in these streams. An incomplete inventory (and subsequent ESEE analysis) of fish bearing streams which omits any information on fish is an invalid inventory, resulting in an invalid ESEE analysis.

-Quality and Quantity (Relative value) - OAR 660-16-000 (3) describes in clear language the need for consideration of relative abundance in a given jurisdiction to determine the relative worthiness for protection of the inventoried resource. The Resource Analysis Report omits any mention or evaluation of other stream resources, inside (or outside) of the jurisdiction, relative to the three streams inventoried. Similarly, Multnomah County's 'Significance Report' (C5-94) states: "In terms of quality relative to other streams in the eastern portion of Multnomah County, detailed data is not available." (pg.4)
The mandate of Goal Five is to conserve open space and protect natural and scenic resources. Multnomah County is the most populous and most densely populated county in the State of Oregon. Determining relative value and relative abundance(or lack of abundance!) of three significant fish bearing streams in the Howard Canyon area is mandatory in a rapidly expanding urban environment which threatens natural resources in the county. To omit information on the relative value of three significant, fish bearing steams within the most urban county of the state violates the relative quality and quantity requirements of the Administrative Rules for Goal 5.

C - ESEE Analysis

-While the report's ESEE analysis explicitly mentions increased run-off and turbidity in streams as impacts by conflicting use 'forestry' (pg.5), the chapter on 'mining' (pg.5). omits any mention of negative impacts on streams through run-off turbidity from quarry

operations.

-The report omits negative environmental consequences from mining for Big Creek from its "matrix"-tabulation (Matrix 1).

-The report evaluates in detail many impacts on streams by conflicting forestry, agriculture, residential, community/commercial and transportation uses without offering suggestions for remedies or mitigation. Curiously, when it comes to mining, the authors of the report deviate from a neutral position and downplay any environmental consequences with a summary statement: "...environmental impacts outside the [mining] site during quarry operations can be minimized", and the authors refer further mitigation to several state agencies. (Page 9)
Thus, the report suggests ways to alleviate recognized stream impacts through mining, and refers solutions to other agencies, where no suggestion at minimizing impact consequences is made for any other conflicting resource. Suggesting a remedy and best possible outcome for one conflicting use impact only elevates that conflicting resource (mining) above all others. The result is a clear bias towards mining. The ESEE analysis is meaningless under these circumstances and any conclusions which are derived from it are invalid.
-The ESEE evaluation fails to consider an important concern of LCDC's remand order : During the last Goal Five Periodic Review, Multnomah County denied protection status for the Howard Canyon aggregate site because of the considerable social and economic impact a commercial quarry operation would have on surrounding residences. The ESEE analysis omits any negative economic or social consequences of allowing a conflicting use of mining for dozens of existing residences surrounding Howard Canyon.

D - Conclusion

The 'Howard Canyon Area Significant Streams Resource Analysis Report', including the 'Significance Report', fails to comply with several important procedural requirements, as mandated in OAR 660-16. Components of the report's ESEE analysis include unsubstantiated opinions, and were arranged and evaluated, in order to skew ESEE analysis results towards allowing commercial mining - to the detriment of stream protection. The report's validity and "3-C" designation for Big, Kniriem, and Howard Canyon Creeks must be rejected.

Sincerely,

For the Guardians Of Larch Mountain: Klaus Heyne

cc: D.L.C.D.

6/13/94
Submittal By
Co. Sharron Kelley

Bob & Nev Scott
31700 Columbia River Hwy.
Troutdale, Oregon 97060
June 3, 1994

Commissioner Sharron Kelly
1120 SW 5th
Portland, Oregon 97204

Attention: Robert Trachtenberg

Dear Robert;

Re: Rock Quarry on Howard Canyon in Corbett

Per our conversation this afternoon, here are the copies I promised.

The Corbett area stands to gain by having this small quarry increase tonnage, and 50,000 tons per year does not even approach what the NEMCCA "scare" card suggests as being a "large industrial rock quarry"!

We have been to the site, and see no reason for not granting this. The operation is well contained in so far as noise and dust is concerned, it does not endanger the waterways in the area, and there are two roads to it that connect to multiple roads.

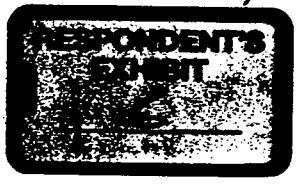
Corbett is building a school that will require many tons of rock. There is no reason the local residents need pay more to transport the rock from Washington, and impact the fragile old Columbia River Highway, when the product is locally available.

Please enter this letter into the record in support of increasing Mr.Smith's operation.

Sincerely,

Bob & Nev Scott
695-2553

C 2-94



A LARGE INDUSTRIAL ROCK QUARRY IN CORBETT ???

A proposed commercial mining operation in Howard Canyon could have great impact on our roads and property values!
The mining of several million tons of rock over many years could mean:

- AS MANY AS 48 TRUCKS A DAY, or ONE TRUCK EVERY 10 MINUTES, on CROWN PT. HWY. between CORBETT and TROUTDALE, on HURLBURT, LITTLEPAGE, KNIERIEM, and HOWARD Roads ... and on roads and bridges that connect to these roads!
- NOISE and DUST from ROCK BLASTING AND CRUSHING!
- NO LOCAL ENFORCEMENT: traffic, safety, noise, streams and wildlife..... Only state agents will regulate the impacts of a large commercial quarry!

MULTNOMAH COUNTY WILL DECIDE IN 90 DAYS WHETHER THE PRESENT OPERATION CAN EXPAND TO AN INDUSTRIAL SIZE QUARRY... ARE YOU CONCERNED ???

Come to the NEMCCA Meeting
Wednesday May 25, 1994, 7pm Corbett Middle/High School MPB
Invited Guests: Quarry owner & County officials

Robert
This is a copy of the card that 2 of the Board members dropped and then pretty much the reason we got

To Whom it May Concern: 13 June 1994

The rock quarry located in Howard Canyon is a needed source of rock for the Corbett community. This source of rock is used for the majority of the new construction and maintenance in the area. This rock quarry is also one of the last available sources of rock in Multnomah.

There have been concerns that the mining of rock will cause excessive noise in the community. The method of mining now used is excavation with a back hoe, which does not cause excessive noises that harm the neighbors.

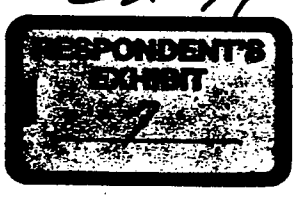
It has also been stated by an employee of Multnomah County that the roads are unsafe for rock hauling trucks. If this is indeed the case, then the roads are also not safe for the following:

1) All rock hauling trucks regardless of the source of the rock
2) All concrete trucks
3) All trucks transporting mobile homes
4) All school buses
5) Most of District #14 emergency vehicles
6) All large moving vans
7) All log hauling trucks

As you can see, not permitting the trucks from the Howard Canyon rock quarry on the roads in the Corbett area would also stop the seven references above from using the same roads. Not allowing any of the above to use the roads would basically shut down the Corbett area.

It has also been stated that the rock form the Howard Canyon rock quarry can not be use for anything but road building. This false statement was made by an engineer hired by the local people against the quarry. The truth is the rock can be used for drain fields. In fact, I have installed two drain fields with drain rock from this quarry and both drain fields were inspected and approved by Multnomah. It was also stated the rock could not be used as concrete aggregate because crushed rock is not structurally sound. This statement is completely false. In fact, most of the concrete in the United States of America contains crushed rock as the structural aggregate. An example a little closer to home is the Corps of Engineers' dams on the Columbia River used crushed rock in their structural concrete.

C 2-94



We believe that the quarry in Howard Canyon is an asset to the Corbett area and is a much needed source of rock. We are confident that arrangements/compromises can be made so the Raymond Smith rock quarry can remain functional.

William J. McGinnis, P.E.

Judy E. McGinnis

Judy E. McGinnis
39227 SE Gordon Creek Road
Corbett, Oregon 97019-9711

June 12, 1994

To the County Board,

My name is John Windust and I live at 2207 N.E. Corbett Hill Road in Corbett, Oregon. I am writing this letter in support of Raymond Smiths application for additional rock product to be mined at the Howard Canyon Quarry.

Over the years I have attended many meetings on this project and I continually question the previous outcomes. I have seen some of my neighbors continue to complain about the roads, the creeks, the noise, and various safety problems in referring to this project. I have seen no such problems as the applicant has been operating on a limited yardage permit for years. I can see no reason not to allow an increase in yardage considering the need of this product in our community.

Icurently reside on the busiest noiseist and heaviest traveled road in the Corbett area. (Corbett Hill Road). I knew this when I moved here and I also was aware it would not get better but only worse considering the greater uses of the Gorge.

I moved here to view the Gorge and I moved from one of the Most peaceful secluded spots in the Corbett area. This property was situated on 45 acres between Howard Canyon road and Louden Road. This property's east boundary was next to Mr. Smiths property on which the quarry is located. Howard Creek ran thru the north corner of the property.

For the 10 years I lived there this quarry was operating on a part time basis. During that time I did not notice any adverse conditions. The creek was clear and un-effected, noise and air quality was not an issue. Traffic was about the same since we either got rock from this pit or it was transported from the Gresham area. This residence was one of the homes closeist to the actual quarry site. It seems strange to me that people that live miles from this location continue to tell this board how this project will impose upon the air, the creek, roads and the safety of the area. I disagree, and feel we should allow this resource to be used in our community. What right do I, or my neighbors, to limit the tpye of uses or types of trucks that can use the roads. Its okay for log trucks cement trucks, tour buses, bikes, cars, lumber trucks, farm vehicles but not a dump truck?

I Have continually heard that we don't need rock and that this site does not have a good enough supply. If that was the case why would Mr. Smith even apply for the application. The reverse is true, People are well aware that a great need is there and they are concered that this may turn into a large scale operation hauling rock out of the area. I am sure that some rock will be haued out of the Corbett area,but logistes tell me that it would not a lot. I Have known Mr. Smith for a long time and he has always been a good neighbor. I trust him to operate this quarry in the best interests of the community.

C 2-94

What sence does it make to have to truck gravel for up to 50 miles on all of the roads to satisfy needs that can served on a local basis. If people were really concerned for enviromental reasons how can they justify the increased traffic from outside the area and greater use of fossil fuels.
We are going to build a new school next year and I hear that as much as 30000 yards of rock may be needed. Why would we send 3000 truck trips thru the community when we could source it locally and not have the outside traffic to contend with. I'm sure the cost savings would also be significant.
It is up to Corbett as a community to work together with Mr. Smith instead of against him to allow this use to be expaned at the least impact to the local area.

Thank you for your time. John Windust

John Windust
2207 N.E. Corbett Hill Road
Corbett, Oregon 97019

James P. Redden
37837 SE Richt
Corbett Ore 9701

To the
Multnomah board of Commissioners

Having a rock pit in Corbett is an excellent service to our community. You have less miles for trucks to haul the rock, as opposed to hauling it from Gresham or Portland.

The people who run the pit have a small business and are not trying fill their pockets with money, just make a living.

I live on the ridge just south of the operation, the noise does not bother me, in fact I rarely hear it. We need a pit in Corbett Thankyou.

Sincerely
James P. Redden
James P. Redden

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RESPONDENT'S EXHIBIT
7

6-9-94

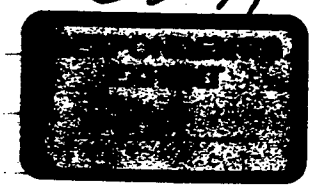
To Whom it may Concern-

As residents of Corbett oregon for several years, we feel that the Howard Canyon Road Rock Quarry is a asset to the Corbett Community and has been greatly appreciated by many people + its property owners. We would like (and have) to get our Rock from the Howard quarry rather than anywhere else -

Thank you

Paul and Connie Kenne.

C-2-94



June 10, 1994

To Mult Co.

This is a Letter of Support, to the Rock Pit on Howard Rd

I do Excavation & Driveways in the Corbett Area.
The Areas Driveways are Long and Steep.

The Rock, at Howard Rd Pit, is Full Fractured, No Rounds, like Pits West, of the Sandy River,
The closest Pit, with equal Full Fractured Rock is, Mt Hood Rock Pead in Brightwood, 40 Tuff miles Round Trip.

Full Fractured Rock is a, Must, on most of the Driveways in Corbett Area.

C 2-94

[redacted]

Daniel L. Roberts
206 N/E Littlepage
Corbett, Ore.

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797

METRO

June 13, 1994

Multnomah County Board
of Commissioners
1120 SW Fifth Avenue
Portland, Oregon 97204

Multnomah County
Planning Commission

Re: "Howard Canyon Reconciliation Report", May 23, 1994.

Dear Commissioners,

We are writing on behalf of the Metro Regional Parks and Greenspaces Department. We appreciate this opportunity to share our thoughts and concerns regarding the "Howard Canyon Reconciliation Report".

Our comments are as follow:

1). We concur with the report's conclusion that Big Creek, Howard Canyon Creek and Knierem Creek are significant. However, we are concerned that the report understates, omits, or mis-states certain information which, if included, would strengthen the basis for the finding of significance.

We recommend the following changes and additions:

A). Chapter I, Part A, Section 3. "Quantity". pg II-4 is faulty because it compares the three streams in question to all streams in East Multnomah County. This is a meaningless comparison for two reasons. First, the Bull River and Sandy River are lumped into the total "length" and "drainage area". Although both are "class I", it is inappropriate to compare streams to rivers. Second, the

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Recycled Paper

comparison apparently includes streams which are not tributary to Sandy River.

This apples to oranges comparison results in a skewed assessment which leads to an inaccurate conclusion of "insignificance" in terms of "quantity".
This comparison should include only streams of similar size which flow into the Sandy River.

2). Section 4, "Quality", pg II-5 indicates that criteria and measurements used to judge criteria are extensively discussed in the "Multnomah County Significant Streams Study - Howard Canyon Area" - Appendix A.

Review of this section reveals that important information has not been collected which, if included, would strengthen the basis of the significance findings.

For example, a stream survey for aquatic life has not been conducted, consequently the analysis lacks significant information on fish resources in the creeks. It is quite possible that trout populations may be genetically unique due to their isolation created by the waterfalls on Big Creek.

Additionally, the inventory does not address amphibians, neo-tropical birds, resident bird species or botanical resources. Despite these glaring omissions, the analysis concludes that the "study area" does not contain habitat for endangered or threatened species. This conclusion is unsupportable. A more appropriate conclusion would be that the "study area" may provide habitat for rare, threatened or endangered species.

Apparently, no data on water quality has been collected. The lack of basic water quality data prevents reasonable assessment of impacts related to adjacent land uses and associated enforcement of water quality laws and standards.

3). Chapter II, part B, Section 4, pg. II-10 states that "uses that represent potential conflicts with streams include any activity that results in the removal of vegetation along the riparian zone". While this statement is true, it ignores the impacts of various land uses throughout the watershed on the stream and the section completely overlooks the conflicts created by removal of water from the stream for consumption, irrigation, hydroelectric generation, etc.. Any and all of the primary or conditional/community service uses that would depend on surface water for "out-of-stream" purposes will conflict with the protection of the significant streams and existing state law. "Out of stream" water uses should be included as a "Conflicting Use Impact" on pages II-12 and II-13.

4). Chapter II, part B, Section 4,C.,I, pg 11-14 states: "The creek (Big) does not flow into a wildlife habitat area or any other sensitive area". This statement is false! Big Creek flows into the Sandy River adjacent to Oxbow Park. The Sandy has been included in the National Wild and Scenic Rivers System (1988) and the State Scenic Waterways Program (1973). In both cases, the river has been designated, in part, due to its outstanding wildlife habitat values. Pg. 18 of the BLM "Sandy Wild and Scenic River and State Scenic Waterway Management Plan", (September 1993) states: "The Sandy River Gorge offers one of the highest levels of diversity in both wildlife species and habitat of any river in the region" and "The habitats bordering the river and major tributaries provide critically important travel corridors for wildlife movement along the river and to and

from the Larch Mountain area to the east, especially for important big game species such as Roosevelt Elk".

Furthermore, BLM, USFS, BPA, US Fish and Wildlife, Oregon Department of Fish and Wildlife, Northwest Power Planning Council, Oregon State Parks, Oregon Water Resources Department and virtually every other natural resource agency recognize the importance and diversity of Sandy River fish resources - both resident and anadromous species.

Big Creek flows into the Sandy River approximately 100 yards upstream from a known spawning area for Fall chinook salmon and Winter steelhead.
Impacts to tributaries result in diminished resource values downstream. We strongly recommend appropriate amendments to this section of the report.

5). ESEE analysis, pg. II-14 thru II-26 - this section concludes that the "consequences of not protecting significant streams are primarily environmental in nature, while the consequences of prohibiting or limiting conflicting uses in order to preserve significant streams are primarily economic, social and energy in nature".

We believe the conclusion is faulty because the analysis is focused too narrowly on impacts associated with limiting land uses adjacent to the stream.

For example, the section on "Economic Consequences of Allowing Conflicting Uses" fails to address the economic consequences of lowered water quality on anadromous fish resources; the economic impact of reduced wildlife population and diversity; the economic impact of reduced flows and lowered water quality on recreational use of the Sandy River; and the economic impact of flooding and flood control projects. Similar omissions are noted in sections on social and energy consequences.

Between 1980 and 1990, over one billion dollars were spent on efforts to restore the Columbia River salmon fishery. Habitat destruction and associated impacts on flows and water quality are important factors contributing to the salmon crisis which has only continued to escalate into the 90's without question, salmon are important both economically and socially. Although none of the three (3) creeks are utilized by anadromous fish, (due to a natural barrier) they are tributary to the Sandy River which is an important spawning and rearing area. The Sandy river is a reflection of the quality of its tributaries.

Oregon's diverse wildlife resources are important elements in the state's tourism industry. Wildlife attracts both hunters and viewers. The Oregon Department of Fish and Wildlife has made efforts to document the financial impact of hunting and wildlife observation, and scientific studies have documented the importance of riparian corridors to wildlife for forage, cover and migration purposes. This information should be included in analysis along with the cost of mitigation efforts caused by conflicting uses.

BLM and Oregon State Parks have estimated that up to one (1) million people annually utilize the Sandy River for a myriad of recreational activities. This intense use creates substantial economic activity for a variety of businesses throughout the region. This information should be considered in the analysis.

Finally, the report recognizes the contribution of riparian vegetation removal to increased flooding. However, a discussion of the economic, social, and energy consequences of flooding is omitted. The economic impacts of flooding and flood control should be included as an economic, social, and energy impact.

Each of these impacts of conflicting uses have economic, social, and energy consequences which have not

been addressed. We believe that they should be considered in the ESEE analysis and that the result will be a conclusion which supports stronger limitations on conflicting uses within the riparian corridors of significant streams and their tributaries.

6). ESEE Analysis - Howard Canyon Aggregate Resource, pgs III-25 thru III-43.

We are concerned that staff has assumed too much regarding the potential impacts of mining on the significant streams. For example, the report states: "Staff from DOGAMI has verified that they are confident that there is enough separation between the extraction area and these significant Goal 5 streams to accommodate holding ponds that would catch enough soil to ensure that the drainage that leaves the ponds would meet applicable water quality control standards".

Curiously, it appears that neither DEQ (agency responsible for water quality) or Oregon Department of Fish and Wildlife were consulted regarding their opinion of the impacts of the proposed mining on the significant streams. A "to scale" map depicting the mining site and streams is not a part of the report.

Additionally, without baseline information on the current status of fish, wildlife or water quality, we question how anyone will be able to judge the impact of the mining operation. Speculation seems unnecessarily risky.

It is recommended that both DEQ and the Oregon Department of Fish and Wildlife be consulted about fish, wildlife, and water quality issues and their response be included and considered in the ESEE analysis.

It is further recommended that credible baseline information be collected on fish, wildlife and water quality. This should be done at the expense of the mine operator.

7). Conflict Resolution, pgs IV-3 thru IV-22 -

Full protection (3-A) of significant streams in our view, would require prohibition of all conflicting uses throughout the entire watersheds of the streams in question. We concede that this course of action is unrealistic. However, we strongly believe that the proposed conclusions and protection strategies fall far short of what is required to achieve even limited protection of the stream resources.

Our specific recommendations include the following:

a). Forestry - Although the Forest Practices Act has been updated and improved, there is still considerable room for further improvement, particularly in the area of stream protection. Protection standards on federal lands have recently been amended and strengthened in response to considerable evidence regarding the negative impacts of timber harvest and road construction on Class I streams and their tributaries. By assuming that the FPA protects these significant streams, the County is shirking its responsibility to the Goal 5 resources and missing an opportunity to help shape timber harvest guidelines by participating in the process.

It is recommended that the County advise the State Forestry Department of its determinations relative to this and other "resource reconciliation" efforts and recommend the implementation of appropriate protection measures. Additionally, it would be advantageous to assign County Staff to monitor and participate in various issues and processes initiated by the Board of Forestry which impact

timber harvest activities adjacent to Class I streams and their tributaries.

b). Residential Uses - It is recommended that residential uses be prohibited within 100 feet of significant streams, 50 feet of their tributaries, and all riparian vegetation protected except for hazard trees. It is further recommended that access drives in the riparian zone be avoided whenever practical and in the event crossing a significant stream cannot be avoided, a bridge or arch culvert should be required and installed in a manner that is approved by the Oregon Department of Fish and Wildlife.

Soil disturbing activities should be restricted to typically dry months, erosion prevention measures should be required for all soil distributing activities and revegetation required prior to the rainy season.

c). Community Service and Conditional Uses - It is recommended that these uses be prohibited within 100 feet of significant streams and 50 feet of their tributaries. Access roads, riparian vegetation and soil disturbing should be restricted as noted above in 7b.

d). Agricultural Uses - We strongly disagree with the report's reasoning for concluding that the County should not regulate agricultural activities. It is widely accepted that agricultural activities have and continue to be a major factor in the degradation and destruction of riparian habitat, decline in wildlife diversity, degradation of water quality, destruction of fish resources and introduction and spread of exotic plant species and, in some cases, disease.

Information in the "stream profile" section clearly contradicts reasons "3" and "4" (pg IV-9) for not pursuing regulation of agricultural activities. You have the authority and ability to begin a process of restoration. We urge you to use it.

At a minimum, it is recommended that livestock and crop cultivation be prohibited within 100 feet of significant streams and 50 feet of their tributaries. Where streams have been degraded, landowners should be required to repair the damage they've done. Roads associated with agricultural activities should be treated per 7b above.

It is further recommended that the County limit its annual appropriation to the East County Soil and Water Conservation District to restoration activities on streams and wetlands which have been degraded by agricultural activities. These funds should be earmarked to assist landowners with restoration efforts.

e). Mining of Mapped Aggregate Resource -

It is recommended that mining activity be prohibited within 200 feet of a significant stream and that all riparian vegetation be protected except for hazard trees. It is further recommended that:

- No mining be permitted within 100 feet of any tributary to a significant stream and that all riparian vegetation be protected except for hazard trees.

- Roads associated with aggregate mining be treated per 7b above and strictly limited to one (1) crossing.

- That the mine operator be required to complete fish, wildlife and water quality inventories prior to an expansion of mining activity.

- That a mining and reclamation plan require specific approval of the Oregon Department of Fish and Wildlife and DEQ in addition to DOGAMI.

- That the mine operator be required to test water quality downstream of the mine at a frequency which is adequate to capture the full range flows expected in the significant streams

- That exposed earth never exceed two (2) acres at any time.

In closing, the "Multnomah County Natural Areas Protection and Management Plan" adopted by the Board in June 1992 states:

> "Although the Board of County Commissioners is mindful of concerns regarding the rights of property owners, it also recognizes the responsibility of all land owners to develop and manage property in a manner which is consistent with the conservation of 'publicly-owned' resources such as fish, wildlife, scenery, air and water".

We believe our recommendations represent the minimum actions required to protect the streams that have been found to be significant. We appreciate your consideration of our comments and recommendations.
Again, thank you for the opportunity to share our views.

Sincerely,

Charles Ciecko
Director

Ralph Thomas Rogers (RTR)
Ralph Thomas Rogers
EPA Biologist

cc: Multnomah County Board of Commissioners:
Beverly Stein, Chair of the Board
Dan Saltzman, District 1
Gary Hansen, District 2
Tanya Collier, District 3
Sharron Kelley, District 4

Multnomah County Planning Commission:
Leonard Yoon, Chair
Karin Hunt, Vice Chair
Laurie Craghead
Samuel L, Diack
Chris Foster
William Fritz
Peter Finely Fry
John Ingle
Dave Kunkel

Steve Oulman, Dept. of Land Conservation and Development
Robert Walker, Bonneville Power Administration
Jill Zarnowitz, Oregon Department of Fish And Wildlife
Neil Mullane, Oregon Dept. of Environmental Quality
Rena Cusma, Metro
Judy Wyers, Metro
Merrie Waylett, Metro

CC/mb

hcrr.let

NEIL S. KAGAN
ATTORNEY AT LAW

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Portland, Oregon 97204

Telephone
(503) 223-4272
Fax
(503) 225-0811

June 13, 1994

MEMORANDUM

TO: Multnomah County Board of Commissioners
Multnomah County Planning Commission

RE: Howard Canyon

The Friends of Howard Canyon ask the Board and the Commission:

- to defer action on the recommendations made in the Howard Canyon Reconciliation Report until the planning department revises the report and re-submits it to the Board, the Commission, and the public for comment; and

- to direct the planning department to revise the Howard Canyon Reconciliation Report as follows, consistent with the letter submitted to the planning department by the Howard Canyon Committee of the Friends of Forest Park on June 10, 1994:

1. **Howard Canyon Stream Resources**

   a. Re-describe the impact area of each stream to include the watershed it drains

   b. Re-describe the impact area of the streams to include the federally and state-protected Sandy River

   c. Re-do the analysis of the economic, social, environmental, and energy consequences of conflicting uses, and particularly mining, on the streams and their impact areas

   d. Make the discussion of the economic consequences of restricting the use of the Howard Canyon aggregate resource reflect the absolute and relative size of the resource

   e. Restrict the ESEE analysis of the environmental consequences of restricting the use of the Howard Canyon aggregate resource to the streams and their impact areas

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RESPONDENT'S EXHIBIT 13

f. Make the discussion of the energy consequences of restricting the use of the Howard Canyon aggregate resource reflect the presence of other sources of aggregate closer to Portland

2. **Howard Canyon Aggregate Resource**

a. Re-calculate the impact area of the aggregate resource using mining equipment with stated specifications

b. Re-calculate the impact area of the aggregate resource considering the cumulative noise levels of mining equipment operating simultaneously

c. Re-describe the impact area of the aggregate resource to include the area in which quarry operations produce or might produce conflicts

d. Re-describe the impact area of the aggregate resource to include the rural roads leading from the site, and the land bordering those roads

e. Re-do the analysis of the economic, social, environmental, and energy consequences of mining on the conflicting uses within the impact area, especially residential uses and streams

f. Consider conflicting uses such as timber production, agricultural production, and conservation in analyzing the economic, social, environmental, and energy consequences of mining on the conflicting uses within the impact area

g. Delete the conclusion that allowing conflicting residential uses would increase the cost of county roads, unless further evidence supporting such a conclusion is adduced

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(503) 225-0811

June 10, 1994

R. Scott Pemble
Planning Director
Department of Environmental Services
Division of Planning and Development
2115 S. E. Morrison Street
Portland, Oregon 97214

Re: Howard Canyon Reconciliation Report

Dear Mr. Pemble:

On behalf of the Howard Canyon Committee of Friends of Forest Park, I am writing to comment on your staff's Howard Canyon Reconciliation Report of May 23, 1994 ("the report"). I will begin with general comments on the misinterpretations of LCDC's remand order which pervade and undermine the report. I will continue with specific comments on the report's defects, noting the measures that must be taken to correct the report and ensure the county's compliance with Goal 5.

GENERAL COMMENTS

With respect to the Howard Canyon mineral and aggregate resource site, LCDC identified four issues in finding the county's compliance with Goal 5 inadequate. The staff has misinterpreted two of these issues. For this reason, and the reasons mentioned under my specific comments, the staff has produced a report that does not comply with Goal 5.

I will discuss both of the issues identified by LCDC that were misinterpreted by the staff. First, I will identify the issue. Next, I will show how the staff misinterpreted it. Last, I will explain how the staff's misinterpretation has rendered the report invalid.

"No Impact Test"

LCDC invalidated the previous Goal 5 decision, in part, because the county explained and expressed its preference for protecting conflicting uses in the ESEE analysis, instead of keeping the ESEE analysis neutral. LCDC said the county must make its decision after completing the ESEE analysis, rather than construct the ESEE analysis to justify a decision the county has

already made. This was LCDC's third issue.

Specifically, LCDC said:

> "Throughout the ESEE analysis, the county maintained that the ultimate decision to allow conflicting uses fully was preferable because operation of the quarry could not demonstrate 'no impact' on surrounding land uses or natural resources. This approach violates Goal 5. OAR 660-16-010 requires that decisions be based on the ESEE analysis, not that the ESEE analysis be used to justify a predetermined outcome."

LCDC's explanation does not prevent the county from choosing to protect other uses on the ground that quarry operations do not have a zero impact on those uses. Any contrary view would violate Goal 5, as interpreted by LCDC in the Goal 5 rule.

Under the Goal 5 rule, the county is only obligated to protect the aggregate resource if using it has no impact on other uses. If quarry operations have any negative impact on other uses, the Goal 5 rule authorizes the county to withhold protection of the aggregate resource. All the Goal 5 rule requires of the county is an explanation of the reasons for its decision. Were the county to explain, for instance, that it found existing rural residential uses especially sensitive to the noise quarry operations would produce, it could protect those uses -- even were the loss in property values produced by quarry noise small in relation to the loss that might be produced by not protecting the aggregate resource.

The staff misinterpreted LCDC's "no impact" issue, however, to mean that the county can not deny protection to the aggregate resource on the ground the impact of quarry operations on other uses will not be zero. As a result, the report mistakenly observed that decreased wildlife habitat and property values could not be grounds for denying protection to the aggregate resource unless the decrease were significant. Report at III-28, III-52, and III-53. Since the staff's mistaken belief led to the recommendation that the site be classed "3C", the report must be revised, and the recommendation reconsidered.

Potential Transportation Effects

LCDC invalidated the previous Goal 5 decision, in part, because the county used the Transportation Goal, Goal 12, as an approval standard in making its decision. LCDC deemed Goal 12 not to be an approval standard, but a directive "to provide and encourage a safe, convenient and economic transportation system" through the development of transportation plans.

Specifically, LCDC said:

> "In its analysis, the county used the language of Goal 12 ('To provide and encourage a safe, convenient and economic transportation system') to conclude that protection of the aggregate resource was not warranted. Goal 12 requires development of transportation plans to serve land uses. The [sic] Goal 12 is not an independent standard used to deny protection of a significant aggregate resource. The county has not shown how the use of area roads is a conflict to protecting the aggregate resource. If a conflict does exist, Goal 5 requires resolution of the conflict.
>
> "Because the county failed to define the impact area surrounding the aggregate resource site, it has no basis to analyze traffic conflicts resulting from the resource's use."

LCDC did not say the existence of conflicts between protection of the aggregate resource and transportation can not be a reason for choosing to protect uses other than aggregate extraction. Nor did LCDC say no conflicts exist between protection of the aggregate resource and transportation. LCDC faulted the county only because it had not defined the impact area in such a way as to justify the identification and discussion of transportation as a conflicting use.

The staff misinterpreted LCDC's order to mean that the county can not deny protection to the aggregate resource on the ground it will conflict with transportation. As a result, the report does not include the rural roads leading from the site, or the land bordering those roads, in the impact area. Report at III-14 through III-16, III-49 ("Extending the 1,200 foot impact area to include all road concerns would serve no purpose in the ESEE analysis because such concerns cannot be used as a basis for determining if the site should be protected"). The staff's mistaken position led to the report's failure to identify as conflicting uses the impacts of truck traffic on the uses of the land bordering those roads, and on the use of the roads themselves. Report at III-49 ("The road impact issues are in the Resource Analysis only to be on record for post-Goal 5 analysis use in reviewing any specific operating permit application.")

Consequently, the ESEE analysis is fatally flawed, as is the recommendation that the site be classed "3C". The report therefore must be revised, and the recommendation reconsidered.

SPECIFIC COMMENTS

Howard Canyon Stream Resources

1. Impact Areas

The report's analysis of the stream resources associated with the Howard Canyon mineral and aggregate resource site is defective because it establishes incorrect impact areas. The impact area of each stream should include the watershed it drains. As the report itself acknowledged, forestry, agricultural, and other uses occur within each stream's watershed, and cause or can cause increased turbidity, chemical pollution, erosion, and siltation. Report at II-12 through II-13.

Although the use of any single piece of property outside the riparian zone may not have an immediate or significant impact on stream quality, the existing and allowed land uses within the watershed together may have a cumulatively significant adverse effect. Such an effect can not be ignored because it occurs over the long term, in view of Goal 5's purpose of protecting the streams for future generations.

The riparian zone is also too small an impact area because it does not include the Sandy River. The Sandy is both a federal Wild and Scenic River and a state Scenic Waterway, and is used by the public for recreation. Howard Canyon Creek, Knierem Creek, and Big Creek all contribute water to the Sandy River. Report at II-9 through II-10. Big Creek contributes water directly to the Sandy, while Howard Canyon Creek and Knierem Creek contribute water indirectly as tributaries of Big Creek.

According to the report itself, the impact area of streams that contribute water to public parks, or to recreation areas used by the public, should include the downstream park or recreational area. Report at II-9. As both a Wild and Scenic River and a Scenic Waterway, the Sandy qualifies as a public park or a recreation area used by the public. Therefore, the Sandy River should have been included in the impact area.

The failure to describe proper impact areas renders the entire report insufficient under Goal 5, because a valid ESEE analysis and program to achieve the goal depend on an accurate impact area. Consequently, the staff must revise the report.

2. ESEE Analysis

The ESEE analysis is defective for other reasons, as well. First, in the discussion of the consequences of not protecting the streams, the ESEE analysis fails to analyze the economic

consequences of mining on the streams. See Report at II-14 through II-15. The analysis also fails to analyze the social consequences of conflicting uses on the recreational use of the federally and state-protected Sandy River. See Report at II-15. The analysis also fails to analyze the environmental consequences of conflicting uses on the Sandy River. See Report at II-16. The analysis also fails to analyze the water quality impacts of mining in discussing environmental consequences. See Report at II-16.

In the discussion of the consequences of protecting the streams, the ESEE analysis fails to consider any of the beneficial economic, social, environmental, and energy consequences of protection. See Report at II-17 through II-21. For example, protecting the streams would mean the Sandy River would continue to attract recreational users, including tourists, which would have beneficial economic and social impacts. Protecting the streams would also mean the expenditure of less money and energy to prevent or clean up pollution, and the continued aesthetic appreciation residents of the area experience.

The ESEE analysis also fails to put the effects of restricting development of the Howard Canyon mineral and aggregate resource site in perspective. See Report at II-19. The site has just 1% of the aggregate found at the Angell Bros. site, the other site under Multnomah County's jurisdiction. Report at III-6. As a result, the economic consequences of restricting the site's development will be relatively minor.

The ESEE analysis also improperly speculates that protecting the streams may create adverse environmental consequences on other, unspecified sites. Report at II-20. The analysis must be tied to the impact area.

The ESEE analysis also assumes incorrectly that restrictions on the Howard Canyon mineral and aggregate resource site will require the expenditure of more energy to transport such resources to Portland from sources outside the county. Report at II-20. Yet, the existing, protected Angell Bros. operation is not only within the county, it is right outside Portland's city limits. Similarly, other sites within the county, but under Gresham's jurisdiction, are closer to Portland than the Howard Canyon site. Further, other sites outside the county, in Clackamas County, Washington County, and Columbia County, may be closer to Portland.

Again, since the development of a program to achieve Goal 5 depends on an adequate ESEE analysis, the foregoing defects in the ESEE analysis of the streams and their conflicting uses necessitate a revision of the report.

Howard Canyon Aggregate Resource

1. Impact Area

a. The immediate impact area

The description of the immediate impact area is deficient for a number of reasons. First, the report justifies a 1200-foot impact area on the ground that the sound produced by "typical" mining equipment beyond that distance will meet DEQ noise standards. Report at III-12. Yet the noise assessment study cited in the report never specifies what it means by typical mining equipment. What exactly are the specifications of a "typical" dozer, front end loader, jaw crusher, etc.? For example, how large is the dozer overall? How large is its engine? Such specifications are essential if the county is going to draw the boundaries of the impact area on the basis of the equipment that might be used to extract and process the aggregate resource.

The noise assessment study also never indicates whether it considered the cumulative noise levels produced by the individual pieces of equipment when they are operating at the same time. The study only seems to predict compliance with DEQ standards for each piece of equipment operated individually. The 1200-foot boundary may describe an insufficient impact area when more than one piece of equipment is operating simultaneously.

The report also determines that the DEQ noise standards are the appropriate standards to use in defining the extent of the impact area. That determination is justified on the ground that other jurisdictions have adopted the DEQ noise standards, and that the standards were purportedly designed to protect the health, safety, and welfare of Oregon citizens. Report at III-30, III-48. Under the Goal 5 rule, however, the only acceptable ground for using DEQ noise standards is that they accurately describe the area in which quarry operations produce or might produce conflicts. The report cites no evidence to that effect.

b. The extended impact area

As discussed in my general comments, the report unjustifiably excludes rural roads leading from the site, and the land bordering those roads, from the impact area. In fact, allowing the site to be used for the extraction of aggregate will create conflicts with use of the roads beyond those caused by existing traffic. It may also produce noise and dust conflicting with the use of the land bordering the roads. Report at III-31. Therefore, the roads and the land adjoining them should have been included within the impact area.

The proof that use of the site will adversely affect traffic on the roads may be found in a traffic study prepared by Robert Bernstein, a transportation expert. To summarize, the study established that slow-moving trucks traveling to and from the quarry will cause localized congestion; that roadway and shoulder widths, roadway structural characteristics, and sight distances are inadequate to accommodate trucks safely; that truck traffic in the rural area will create unsafe conditions for motorists, school buses, and pedestrians. (The study is attached and incorporated in these comments by this reference.) The report reinforces Bernstein's evidence about inadequate roadway structural characteristics. Report at III-15 through III-17.

Since an accurate description of the impact area is vital to the subsequent steps in the Goal 5 process -- the identification of conflicting uses, the ESEE analysis, and the development of a program to achieve Goal 5, the foregoing deficiencies in the report's description of the immediate and extended impact area must be revised.

2. Conflicting Uses

As just indicated, the report's identification of conflicting uses is insufficient, because it does not include the demonstrated conflicts with transportation, or the potential conflicts of truck traffic on the land bordering rural roads. In addition, the report provides no explanation why certain uses allowed in the forest and agriculture zoning districts will not conflict with the aggregate resource. See Report at III-19 through III-22. For instance, were the site managed to produce timber or crops, or devoted to uses to conserve soil, air, and water quality for wildlife and fisheries resources, it could not be used as a source of aggregate.

The absence of the above-mentioned conflicting uses from the report makes both the ESEE analysis and the program proposed to achieve Goal 5 inadequate. The report therefore must be revised.

3. ESEE Analysis

The report concluded that allowing conflicting residential uses would increase the cost of county roads, because it would take more time to acquire high quality aggregate. The evidence does not support the conclusion, however. The evidence was that the State Highway Department considers "high quality" rock to be scarce in Multnomah County. Report at III-26. Although the report deemed the quality of the aggregate found at the Howard Canyon site significant enough to include the site on the inventory, no evidence established it to be "high quality." In fact, the Howard Canyon aggregate barely meets state wear requirements for base aggregate. Report at III-8. Moreover, no evidence established

whether it would take more or less time to transport aggregate from the Howard Canyon site over narrow, steep, winding rural roads to sites within the county.

For the reasons given in my general comments, and in my specific comments on the impact area and conflicting uses, the analysis of the economic, social, and environmental effects of quarry operations on existing residential uses is inaccurate and incomplete. It must be revised.

Also in need of revision is the analysis of the economic, social, environmental, and energy consequences of protecting the aggregate resource on the significant streams and their impact areas. See my specific comments on the Howard Canyon Stream Resources section of the report.

The report dismisses the environmental consequences on the significant streams by assuming mitigation measures can be implemented to protect fish habitat, and that quarry operations can meet current environmental standards. The county must reconsider this tack, because no evidence justifies it. The report does cite the expert testimony of Robert Ellis, but Ellis based his testimony on the assumption that only one or two acres would be mined at any one time. Once the site's aggregate resource is protected, however, nothing would prevent the owner of the site from seeking to mine a substantially larger area.

The report also dismissed the environmental consequences on big game habitat on the ground that the habitat is not a Goal 5 resource. The county must reconsider this tack, too, because big game habitat does not have to be a Goal 5 resource to constitute a conflicting use.

Finally, in discussing the energy consequences of protecting the aggregate resource on the significant streams, the report failed to consider the energy effects of cleaning up pollution caused by quarry operations. It must therefore be revised.

Conflict Resolution and Protection Program

As I have demonstrated in my comments, the report has seriously erred in describing impact areas, identifying conflicting uses, and analyzing ESEE consequences. As a result, the underpinnings of the conflict resolution and protection program are grossly insufficient. Therefore, it would be premature for the county to make a decision on the protection of the competing uses at this point. Once the staff has revised the report as I have indicated, it should be re-submitted to the Board of Commissioners, the Planning Commission, and the public for comment and final action.

Yours truly,

Neil S. Kagan

NSK/gmm
Enc.

cc: Steve Oulman, DLCD

Traffic/Transportation Planning & Engineering

Robert Bernstein, Inc. P.S.

507 - 18th Ave. E.
Seattle, WA 98112

Mr. Edward J. Sullivan
Mitchell, Lang & Smith
2000 One Main Place
101 SW Main St.
Portland, OR 97204

April 2, 1987

SUBJECT: Report on traffic and transportation issues related to the proposed quarry operation on Howard Road in the Corbett, Oregon, area

Dear Mr. Sullivan,

The report attached to this letter has been prepared at the request of Mr. Gary Thomas and some of his neighbors. The report 1) summarizes my review of available materials related to the proposed quarry and its Multnomah County permit application, 2) evaluates traffic and transportation issues not adequately addressed in the available material, and 3) draws general conclusions about road system adequacy and traffic safety impacts of the proposed quarry.

The following documents were reviewed:

- Multnomah County Conditional Use Permit Application CU 7-87, dated October 23, 1986
- Multnomah County Staff Report and Recommendation, CU 13-80, dated August 18, 1980
- various environmental and geological permit applications and reports

In addition, I visited the site and the surrounding area on March 29, 1987.

My qualifications, in the form of my resume, are attached for your information. If I can be of any further assistance, please do not hesitate to call on me.

Sincerely,

Rob

Robert Bernstein, P.E.

REVIEW OF MULTNOMAH CO. CONDITIONAL USE PERMIT APPLICATION (CU 7-87)

CONCLUSIONS

A conditional use permit application for a quarry operation at the site of the subject quarry proposal was filed nearly seven years ago. As recorded in the Decision of the Hearings Officer (Multnomah County File No. CU 13-80, #666-681, 8/18/80), the Hearings Officer concluded that 1) the proposal was "not consistent with the rural character of the area, because its location would force large numbers of heavily-loaded trucks to traverse many miles of rural roads not intended to serve that type of use," 2) the proposal "will have an impact on services, because the level of truck traffic indicated by the applicant will affect the rural road system beyond Howard Road," and 3) the proposal "will generate hazardous conditions because of the level of truck traffic on roads designed to handle normal rural uses, this being particularly true at intersections." Based on these conclusions, the Hearings Officer denied the proposed conditional use.

The 1980 findings of the Hearings Officer are applicable to the current quarry proposal: nothing has happened in the past seven years to alleviate the problems identified. Furthermore, continuing rural residential development-- with its increased traffic-- makes the traffic impacts of the proposed quarry operation more severe every year, because the truck traffic has to interact with more auto traffic.

It should be noted that the traffic problems associated with quarry truck traffic as described later in this report (i.e., localized traffic congestion, hazardous operations at intersections, and hazardous operations on the roadways) are caused by each individual truck. These problems do not disappear with lower truck volumes: the Hearings Officer's conclusions are applicable to the current quarry proposal, despite its lower estimated truck volume. (The applicant's estimate of an average of 10 truck trips per day seems to be unrealistically low, and is certainly not indicative of a "worst case.")

It is also important to keep in mind that any promises made by the applicant or conditions of approval imposed by the County Commission regarding operation of the proposed quarry-- and the truck traffic it would generate-- may be difficult or impossible to enforce. If the applicant or the County are unwilling or unable to make good on operational conditions regarding truck operations or their enforcement, the surrounding rural neighborhood will be left with the safety and congestion problems that such conditions were intended to address. Since the County, in reality, has little ability to enforce conditions on operations, the neighborhood should

not have to rely on conditions of approval to avoid and/or mitigate serious safety and congestion problems.

The basic conclusions stated above lead to the final conclusion that the application should be denied for traffic safety reasons. The following discussion focuses on the main traffic impacts of the proposed quarry.

TRAFFIC CONGESTION

Traffic congestion, such as that experienced in urbanized areas, is not a problem in the vicinity of the proposed quarry. However, localized congestion can occur when cars "stack up" behind a slow-moving loaded gravel truck. Due to the topography in the area, steep grades and sharp curves abound on the road system that would be used by quarry truck traffic, regardless of the trucks' origins or destinations. These grades and curves will force trucks to move very slowly in numerous locations. Impatience and frustration may lead motorists to make ill-advised or downright hazardous maneuvers.

TRAFFIC SAFETY

In addition to its congestion impacts, truck traffic generated by the proposed quarry would significantly increase traffic safety problems along any of the roads the trucks might conceivably use in travelling to/from the quarry: Howard, Little Page, Louden, Hurlburt, Pounder, Knieriem, Salzman, and Evans, as well as the Columbia River Scenic Highway and Corbett Hill Road. These problems are related to roadway design, the physical characteristics of trucks and their operation, and the behavior of individual motorists. The importance of recognizing these truck-related safety problems is magnified by the fact that accidents involving cars and large trucks tend to be more severe than accidents involving cars only.

In the following discussion, it should be kept in mind that inclement weather and darkness would aggravate each of the safety problems described. The icy conditions often found in this part of eastern Multnomah County during the winter pose an extreme hazard for all traffic operations. Impaired visibility due to darkness, precipitation or truck wheel spray, as well as wet or slippery pavement all contribute to increased accident potential.

Roadway Characteristics

The design of any roadway should facilitate safe traffic operations by providing adequate roadway width, sight distance and riding surface. The design should be as "forgiving" as possible; i.e., the design should forgive motorists' errors by minimizing the

potential for or severity of accidents resulting from such errors. For example, flatter roadway sideslopes and wider shoulders reduce the potential for rollovers in run-off-the-road accidents. In such cases, the motorist is "forgiven" for leaving the travel lanes.

One geometric design element of all the roads in the vicinity of the proposed quarry that is substandard-- and unforgiving in the accommodation of existing traffic-- is the roadway and shoulder widths. At 12-20 feet in width, the roadways are narrow. The narrow lanes, combined with the narrow unpaved or non-existent shoulders leave little room for motorists to maneuver, and provide little leeway for even temporary or minor loss of control on the part of a driver.

Large trucks in these narrow lanes have little lateral space within which to maneuver without either running off the road themselves or causing on-coming traffic to take evasive action. The narrow lanes and poor shoulders strictly limit the ability of vehicles to maneuver safely, whether these maneuvers be emergency or preventative in nature. There is no room for an auto to swerve to avoid a real or perceived encroachment by an on-coming truck, nor is there room to give an on-coming truck a "wide berth." In such situations, even minor incidents have the potential for serious consequences.

Safety problems associated with the steep, narrow, winding roadways in the vicinity of the proposed quarry will be aggravated by the degradation of roadway riding surface caused by heavy truck traffic. Many of the roads in the quarry vicinity simply are not structurally designed to carry heavy trucks; such roads will begin to break up fairly quickly under repeated truck usage. The other roads that are structurally capable of carrying heavy truck traffic will also deteriorate much more quickly than they would otherwise. As the Hearings Officer found in 1980, it would be financially infeasible to reconstruct all of the roadways that quarry truck traffic would use. Furthermore, the repair of deteriorating road surfaces-- aside from being expensive-- is rarely immediate, forcing local traffic to use a deteriorated roadway until such time as repairs can be made.

Sight Distance

With the exception of a number of blind driveways, available sight distance along the rural arterials in the area meet American Association of State Highway & Transportation Officials (AASHTO) sight distance standards, which are based on the ability of a motorist to bring an automobile to a safe stop. To stop a loaded gravel truck safely, however, requires a distance at least 40% in excess of the distance needed by cars to stop safely. (The sight distance requirements stated above are not purely arbitrary or empirical, but are in fact based on the laws of physics, the

reactive ability of drivers, and the deceleration capabilities of cars and heavy trucks.). As a result, the available stopping sight distance throughout the area leaves trucks with little or no margin for error in reacting to roadway obstructions and traffic.

It is generally assumed that the AASHTO sight distance standards are adequate in the case of heavy trucks, because the higher eye height of the drivers of the trucks compensates for the longer distance required to stop the trucks. However, it has been found that this assumption does not hold on crest vertical curves for the larger and heavier trucks with their longer braking distances. And of course eye height makes little difference on horizontal curves and sag vertical curves. Therefore, the fact that the roads in the area have sight distances that meet AASHTO standards does not ensure that adequate safe stopping sight distance exists for site-generated trucks.

Traffic Conflicts

All the sight distance in the world won't compensate for the motorist who misjudges a truck's speed and pulls out of a side street or driveway into a truck's path. Heavy trucks are unable to react to such roadway and traffic conflicts as quickly as the autos and small trucks that comprise most of the area traffic. This disparity of control capabilities between trucks and local traffic increases accident potential. Likewise, trucks take longer to accelerate when entering a road, and drivers often misjudge the rate at which they are overtaking a truck. This problem is exacerbated by trucks' need to make relatively wide turns, which, on the narrow roads in the area, results in the truck occupying the entire intersection as it makes its turn. This is a problem throughout the area, and it is a particular problem at the intersections along the Columbia River Scenic Highway. At the oblique Little Page Road and Larch Mountain Road intersections, it is very difficult for truck drivers to see traffic approaching from the east. At any of the Scenic Highway intersections, trucks will be turning left onto a highway that is heavily used by tourist automobile traffic, which often is not expecting heavy truck traffic entering the highway from the side roads. The Howard/Little Page/Pounder intersection is also particularly bad for trucks, due to limited sight distance and insufficient turning radii for trucks.

Driver Behavior

Safety problems also result from the incompatibility of regular heavy truck operations and the expectations of motorists on the rural arterials, rural collectors, and the Scenic Highway. The potential for accidents increases when motorists encounter unexpected or confusing traffic flow conditions, traffic controls or roadway conditions. Most of the traffic in the area is recreational or is generated by rural residential land uses, and motorists may

not expect to encounter heavy trucks on a regular basis. Traffic slowdowns and restricted visibility caused by the trucks have the potential to induce motorists to make a variety of ill-advised or unsafe maneuvers, such as tail-gating or passing where it is unsafe to do so. The braking and evasive capabilities of heavy trucks can be easily overestimated, and as stated previously, the roadway design does not compensate for errors in judgment or reaction.

Pedestrians, School Buses, and Mail Delivery

Heavy truck traffic generated by the proposed quarry would be totally incompatible with the school bus operations and access on most of the area's roads, including Knieriem, Little Page, Salzman, and Howard. Even if school children need not actually cross these roads enroute to or from school bus, truck traffic creates serious hazards for children waiting for the bus in the morning or walking along the road to or from the bus stop. Such hazards are significantly magnified in poor weather and during early morning darkness.

In addition, the risk of a truck rear-ending a stopped school bus would be significantly increased by the increased truck traffic generated by the proposed quarry. Postal carriers face similar risks.

ROBERT D. BERNSTEIN, P.E.

SERVICES

- Traffic and transportation planning for state and local agencies
- Neighborhood traffic management
- Traffic impact analysis for environmental studies
- Traffic analysis and design for site development
- Expert review of environmental studies and land use proposals
- Transportation demand management programs
- Public involvement/participation for transportation projects
- Origin-destination surveys and other surveys
- Transit planning

QUALIFICATIONS

- 10 years experience in city and regional transportation planning agencies and consulting firms
- strong educational background:
  MSCE-Transportation (Northwestern U.), BCE (Georgia Tech)
- skilled in computer applications for transportation planning and traffic engineering
- innovative and skilled at problem-solving and consensus-building
- extensively experienced in the public involvement and citizen participation aspects of all types of transportation projects
- registered professional engineer (civil) in Oregon and Washington

ROBERT D. BERNSTEIN, P.E.

SELECTED PROJECT EXPERIENCE

Transit Projects and Studies

Multi-Corridor Project (PSCOG, 1985-86)
North Corridor Extension Project (Sno-Tran, PSCOG, 1985)
North Corridor Alternatives Analysis (PSCOG, 1983-84)
Banfield Transitway Project (ODOT, City of Portland, 1978-82)
Westside Transitway Project (Metro, City of Portland, 1978-80)
Tacoma-Seattle Transit Connections Study (PSCOG, 1986)

Transportation Plans

Arterial Streets Classification Policy Update (City of Portland, 1982-83)
Eastside Transportation Plan (PSCOG, King and Snohomish Counties, Cities of Bellevue, Redmond, Kirkland, Bothell, and Issaquah, 1985-)
Green River Valley Transportation Action Plan (PSCOG, WSDOT, King County, Cities of Renton, Kent, Auburn, and Tukwila, 1986)

Corridor/Sub-area Transportation Studies

Alderwood/North Creek Transportation Study (PSCOG, Snohomish County, 1985)
Northwest Portland Transportation Study (City of Portland, 1980-82)
Bellevue CBD Transportation Study (PSCOG, City of Bellevue, 1985-86)
Greater Lynnwood/I-5 Transportation Study (PSCOG, City of Lynnwood, Snohomish County, WSDOT, Community Transit, 1987)
South Snohomish SR-99 Corridor Study (PSCOG, WSDOT, Community Transit, City of Edmonds, 1987)
SR-9 (Snohomish - SR-522) Corridor Study (PSCOG, Snohomish County, WSDOT, City of Snohomish, 1987)

Neighborhood Traffic Management Plans

McLoughlin Neighborhoods Project (City of Portland, 1979-83)
Division Corridor Neighborhood Traffic Management Plan (City of Portland, 1985)
South Burlingame Neighborhood Traffic Management Plan (City of Portland, 1984)
King County Neighborhood Traffic Control Demonstration Project (King County, 1987)

Freeway Corridor/Interchange Planning and Design

Alternative to I-505 Project (City of Portland, 1978-82)
East Marquam Interchange (I-5) Project (ODOT, City of Portland, 1979-80)
McLoughlin Boulevard Project (ODOT, City of Portland, 1979-83)
Terwilliger/I-5 Project (ODOT, City of Portland, 1982-83)
Frontier Village SR-9/SR-204 Project (WSDOT, Snohomish County, 1985)
I-84 (181st - Troutdale) Project (ODOT, 1986-87)
Seattle SR-99 Connections Study (WSDOT, City of Seattle, PSCOG, 1987)

Special Studies

Tacoma Dome Access and Parking Study (PSCOG, City of Tacoma, 1985-86)
Industrial Access Study (City of Portland, 1979-81)
Alternative Access Modes Database Project (PSCOG, 1985)
Everett Navy Base Traffic Impact Study (PSCOG, WSDOT, FHWA, 1986)

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ROBERT D. BERNSTEIN, P.E.

EXPERIENCE

1983 - Present: Consulting Transportation Planner/Engineer

Mr. Bernstein has completed numerous traffic impact analyses and neighborhood traffic management studies for clients that include the Portland (OR) Bureau of Transportation Planning & Finance, Washington State Department of Transportation, Oregon Department of Transportation, Snohomish County (WA) Public Works Department, Southland Corporation and several neighborhood groups in Portland, Hillsboro, Washington County and Clackamas County, Oregon.

1983 - Present: Puget Sound Council of Governments

As Senior Transportation Engineer, Mr. Bernstein develops, manages and supports a wide variety of multi-jurisdictional sub-area and corridor transportation studies, short- and long-range planning efforts, and various traffic operations and impact analyses. Mr. Bernstein also serves as Coordinator for the Snohomish Subregional Council.

1978 - 1983: City of Portland, Oregon, Bureau of Planning

As City Planner-Transportation, Mr. Bernstein was responsible for the Projects and Area Studies program area of the Transportation Planning Section. General responsibilities included development of work programs, irection of other staff and consultants, technical and policy-related research, preparation of reports, and presentations and testimony at public meetings and meetings of the Planning Commission and City Council. Specific responsibilities included project management, the evaluation of and provision of city input for highway and transit projects being developed by other agencies, and the evaluation of transportation impacts of proposed land use changes and developments for the Land Use Hearings Officer, Planning Commission and City Council.

1976 - 1978: John Hamburg & Associates, Chicago, Illinois

As Transportation Engineer, Mr. Bernstein designed, programmed and tested computer models used for analysis of trip generation, regional VMT/VHT, and intersection capacity and delay. Clients included UMTA, FHWA, North Central Texas COG (Dallas), NE Ohio Areawide Coordinating Agency (Cleveland) and Tri-State RPC (New York).

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ROBERT D. BERNSTEIN, P.E.

EDUCATION

MSCE, 1978, Northwestern University, Evanston, IL
(Urban Transportation Planning program)

BCE, 1976, Georgia Institute of Technology, Atlanta, GA,
with Highest Honors

Elementary and Secondary Schooling:
David Douglas School District, Portland, Oregon

PROFESSIONAL AFFILIATIONS

Registered Professional Civil Engineer,
Oregon (No. 11677) and Washington (No. 21677)

Transportation Research Board

Institute of Transportation Engineers

American Society of Civil Engineers

CONTINUING EDUCATION

Northwestern University Traffic Institute Transportation Impacts of Land Development Course; Seattle, WA November, 1986

ITE Site Development Transportation Impacts Conference; Orlando, FL March, 1986

Traffic Engineering and Safety Educators Traffic Signal Systems Course; Seattle, WA October, 1984

UMTA Alternatives Analysis Course; Portland, OR August, 1983

UMTA/FHWA Microcomputers in Transportation Course; Portland, OR March, 1983

Univ. of California Institute for Transportation Studies Conference: Neighborhood Transportation Planning and Management; Berkeley, CA November, 1982

UMTA/FHWA Special Topics in UTPS Course: Sub-area Analysis; Los Angeles, CA May, 1982

UMTA/FHWA Energy Contingency Planning Workshop; Seattle, WA July, 1979

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REPORTS AND PUBLICATIONS

"Multi-Corridor Project Traffic Analysis," accepted for publication, Transportation Research Record, Transportation Research Board, 1987

"Alternative Access Modes Database Project," accepted for publication, Transportation Research Record, Transportation Research Board, 1987 (coauthor)

Green River Valley Transportation Action Plan, Puget Sound Council of Governments (King Subregional Council) for Cities of Kent, Renton, Auburn, Tukwila, King County and Washington State Department of Transportation, January, 1987

Everett Navy Base Traffic Impact Study, Puget Sound Council of Governments for Washington State Department of Transportation, August, 1986 (coauthor)

"Alternative Access Modes Database Project," Compendium of Papers, Institute of Transportation Engineers District 6/7 1986 Annual Meeting, July, 1986

Bellevue CBD Long Range Transportation Study, Puget Sound Council of Governments (King Subregional Council) for City of Bellevue, May, 1986 (coauthor)

Alternative Access Modes Database Project, Puget Sound Council of Governments (King Subregional Council), May, 1986

acoma Dome Access and Parking Study, Puget Sound Council of Governments (Pierce Subregional Council) for City of Tacoma, March, 1986

Multi-Corridor Project Traffic Analysis, Puget Sound Council of Governments, February, 1986

Division Corridor Neighborhood Traffic Management Study, for Portland Bureau of Transportation Planning & Development, October, 1985

North Corridor Extension Project: Engineering Reconnaisance for Light Rail Transit Alignment Options, Puget Sound Council of Governments (Snohomish Subregional Council) for Sno-Tran, June, 1985

Alderwood/North Creek Transportation Study, Puget Sound Council of Governments (Snohomish Subregional Council) for Snohomish County, March, 1985 (coauthor)

South Burlingame Neighborhood Traffic Management Plan, for Portland Bureau of Transportation Planning & Development, February, 1985

North Corridor Alternatives Analysis Technical Summary, Chapter 4. Transportation Impacts, Puget Sound Council of Governments and Municipality of Metropolitan Seattle, June, 1984

McLoughlin Neighborhoods Project, Portland Bureau of Planning, November, 1982

rthwest Portland Transportation Study, Portland Bureau of Planning, July, 1982

501-18th Ave. E., Seattle, WA 98112 206 464-6360 (days), 206 325-8060 (eves)

REPORTS AND PUBLICATIONS (continued)

Industrial Access Study: Summary and Recommendations,
Portland Bureau of Planning, February, 1981 (coauthor)

McLoughlin Corridor Report, Portland Bureau of Planning, August, 1979

Industrial Access Study: Assessment of Transportation Access Needs,
Portland Bureau of Planning, April, 1979 (coauthor)

Zone Scheduling of Urban Bus Transit Service,
Northwestern University Masters Thesis, May 1978

507-18th Ave. E., Seattle, WA 98112 206 464-6360 (days), 206 325-8060 (eves)

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Dept. | Phone # 986-0003
Fax # | Fax #

Tourism Division
March 1994

Oregon's Visitor Industry

As Oregon's economy continues to diversify, tourism plays a vital role in creating new job opportunities and strengthening local and regional economies.

In 1992, more than $3 billion was generated statewide by visitor expenditures, a 5.6 percent increase over 1991 expenditures. This confirms that the visitor industry is not only a key economic force in Oregon, but a significant growth industry as well.

In addition to direct impacts, employment and revenue in support sectors such as business services, utilities and personal services are significant.

Oregon's visitor industry provides important entry-level jobs as well as increasing opportunities in managerial and professional positions. It also provides important transferable skills and employment for women and minorities entering the job market.

Interestingly, tourism employment has grown at a slower rate between 1987 and 1992 (33.5%) than payroll (68%) and travel spending (72%), which in part reflects rising average wage rates in the industry. As the Oregon visitor industry matures, so do the quantity, and particularly, the quality of jobs.

Between 1987 and 1992, the growth in the tourism industry in Oregon has shown substantial increases, as indicated by the statistics below (prepared by Dean Runyan Associates):

Tourism Economic Impacts

1987: $1.8 billion
1992: $3.1 billion
72% increase

Tourism Employment

1987: 38,541 people
1992: 51,400 people
33.5% increase

Tourism Payroll

1987: $355,262,000
1992: $596,900,000
68% increase

Average Tourism Industry Wage (1991)
$11,601 (28.6 hours/week)
$18,666 (adjusted full-time equivalent, including tip income)

Average Tourism Proprietor Family Income (1991)
$36,800 per year

State Tax Receipts

1987: $48,531,000
1992: $88,478,000
82% increase

Statewide Room Tax Receipts

1987–88: $20 million
1992–93: $33.7 million
68.5% increase

Visitor Volume

Total visitor volume, 1992: 23.3 million visits
7.5 million out-of-state visitors (32%)
15.8 in-state visits (68%)

Out-of-state visitors generated approximately half of all visitor expenditures in 1992 ($1.5 billion), but comprise one-third of all visits

1987: 6 million out-of-state visitors
1992: 7.5 million out-of-state visitors
25% increase

1992: International visitors:
397,400 Canadians
213,000 Overseas

C2-94

RESPONDENT'S EXHIBIT 14

Why Tourism in Oregon?

- Compatible with Oregon's commitment to a high quality of life and protection of the natural environment.
- Positive return on investment:
  - For every dollar the Tourism Division invests in advertising, $19–$20 in new visitor revenue is returned to the state.
  - For every dollar the Tourism Division invests in the State Welcome Centers, $41 in new visitor revenue is added to the state's economy.
- Helps build rural economies; links rural and urban areas.
- Encourages regional partnerships and private-public cooperative ventures.
- Provides entrepreneurial opportunities (nearly 75% of Oregon's visitor-industry businesses have a "working proprietor" whose average annual salary is $36,800).
- Showcases the state and often leads to other businessdevelopment.
- Generates more than $3 billion per year for local, county and state governments and businesses.
- As tourism grows, investments in facility developments improve the quality of life for all Oregonians. Since 1992, these major new attractions have been (or will be) added to our product inventory:
  - Oregon Coast Aquarium, Newport (May 1992)
  - Oregon Trail Interpretive Center, Baker City (May 1992)
  - New OMSI, Portland (October 1992)
  - Museum at Warm Springs (March 1993)
  - Pacific Northwest Museum of Natural History, Ashland (July 1994)

The Outlook?

- Nationally, the tourism industry is predicted to grow at 4 percent annually through 1995—Oregon has grown at a higher rate than this over the past six years.
- Special-interest travel (ecotourism, heritage tourism, adventure tourism) will become more important—Oregon's outdoor activities, diverse natural beauty and historic attractions will be sought after.
- Cost-effective, safe, family-oriented destinations will become increasingly popular into the next century.
- "Niche" marketing to special-interest groups (bicyclists, jazz lovers, history buffs, etc.) will require less costly but more sophisticated marketing.

The Challenges?

- Ensuring that facility and product development (and maintenance) keep pace with marketing efforts.
- Training and preparing the visitor-industry workforce; creating career ladders and advancement opportunities in the industry.
- Seeking public-private partnerships to alleviate housing shortages during peak seasons and in primary tourism destinations.
- Maintaining local, state and regional visitor promotion budgets during difficult fiscal situations, and forming partnerships to fund tourism marketing and development projects.
- "Internationalizing" Oregon to better serve and welcome international visitors.
- Seeking ways to expand off-season tourism and alleviate congestion during peak seasons at primary locations.
- Encouraging more "packaging" of the Oregon tourism product, making it easier for consumers and the travel trade to purchase Oregon travel packages.

MICHAEL GAR
SUBMITTAL
6/13/94

Oregon. Things look different here.

Printed on recycled stock

Dave Black
Submittal
Howard Canyon
Opponent 6/13/

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
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

02 November 1993

Jeffrey J & Taryn D Liggett
36335 S E Hurlburt Road
Corbett
Oregon - - 97019-9708

Subject: **Notice of Zoning Violation (Certificate # P 426 968 046)**
Property located at 36335 & 36501 S E Hurlburt Road.

Dear Mr & Ms Liggett:

Over the past year it has been brought to our attention that certain conditions relevant to land use were probably in violation of Multnomah County rules and regulations at the location referenced above. The situation reported was:

1. Land-disturbing activity on your property in the vicinity of Big Creek.
2. Operating a motor cross track with three wheeled vehicles.
3. Excessive noise at times.
4. Excessive dust created when vehicles are using the track.
5. Illegal mobile home being occupied as a dwelling.
6. Big Creek had been dammed, impeding flow.

Site statistics for the property referenced above are:

1.	Site Ident	Tax Lots 77 and 66 in the southwest quarter of Section 2, Township 1 South, Range 4 East, W M
2.	Property Owners	Jeffrey & Taryn Liggett
	Mail to:	36335 S E Hurlburt Road Corbett, Oregon 97019-9708
3.	Tax Acct Numbers	R-99402-0770 and R-99402-0660
4.	State ID Numbers	Not assigned yet
5.	Site Size	5.00 acres (Tax Lot 77) 5.75 acres (Tax Lot 66)

C2-94
RESPONDENT'S EXHIBIT 15

AN EQUAL OPPORTUNITY EMPLOYER

A staff person from the Zoning Code Enforcement Office made a site inspection on Friday, 29 October 1993 and noted the following from S E Hurlburt Road:

1. A large portion of the two tax lots was devoid of any vegetation. About two-thirds of the race track "oval" appeared to be on Tax Lot 66, the easterly of the two properties.

2. Two large mounds of dirt had been piled up along the southerly edge of the combined properties.

   A. These mounds apparently had been created for the use of racing three-wheeled vehicles or motorcycles.

   B. With binoculars it appeared that one of the two mounds observed was located at the easterly part of the two properties, adjacent to Big Creek, a Class 1 Stream.

3. On the south side of the stream, near the jumping mound, there was a well maintained picnic area (with tables).

4. Big creek appeared to be free flowing (ie there was no dam apparent).

5. Mobile home situated on the easterly half of the site It appeared to be on Tax Lot 66.

6. On two occasions during the site visit a single three-wheeled vehicle was observed travelling westbound, for a short distance, on S E Hurlburt Road (adjacent to the south edge of the property).

The base zone for the property is RR, "Rural Residential". Other portions of the Zoning Ordinance that apply to the above-described property (and activity) are HD, "Hillside Development and Erosion Control" and SEC, "Significant Environmental Concern":

MCC 11.15.2202 thru .2230 RR, "Rural Residential"

.2202 "Purposes"

The purposes of the Rural Residential District are as follows:

1. " . . to provide areas for residential use for those persons who desire rural living environments;

2. "to provide standards for rural land use and development consistent with desired rural character, . . ."

It does not seem that creation and use of a race track, private or public, for motorized vehicles, is consistent with the above-quoted excerpts from the "Purposes" section as stated in the RR District.

Also, making "excessive" noise (as claimed by local residents) is not in keeping with the above "Purposes".

In addition, creating clouds of dust which drift onto adjacent properties (according to local residents) is not in keeping with the purposes section.

It could be concluded that the above reported activities taking place on your property which affect and cause discomfort to adjacent property owners is not in keeping with the rural character of the area, particularly when such activities are not agricultural in nature.

.2206, "Uses"

"No building, structure or land shall be used and no building or structure shall hereafter be erected, altered or enlarged in this district except for the uses listed in MCC .2208 through .2216."

.2208, "Primary Uses"

None of the uses listed in this section could be construed to include a race track, public or private, as an allowed use.

.2210, "Uses Permitted Under Prescribed Conditions"

(A). "Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home, subject to the following conditions:

(1). "Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.

(2). "The dwelling shall be attached to a foundation for which a building permit has been obtained.

(3). "The dwelling shall have a minimum floor area of 600 square feet."

It appears that the dwelling unit in question, a mobile home, meets the above listed requirements. Therefore the mobile home is not in violation of the RR District as previously reported.

A search of our building permit records indicates that a permit was issued on 5/28/85 to Jeff Liggett for a mobile home (permit # 850853).

Regarding the race track constructed:

None of the uses listed in this section could be construed to include a race track, public or private, as an allowed use.

.2212, "Conditional Uses"

None of the uses listed in this section could be construed to include a race track, public or private, as an allowed use.

.2214, "Accessory Uses"

None of the uses listed in this section could be construed to include a race track, public or private, as an allowed use.

The land has been modified to accommodate a particular kind of use or activity that is not allowed in the Rural Residential District.

Allowing outsiders onto the site, whether for free or a fee, to participate in such an activity (which is not an allowed use), which creates dust and noise, violates the purposes and intent of the Rural Residential District. It could also be stated that any activity which creates an adverse effect off-site is not in keeping with the purposes of the RR District.

MCC 11.15.6400 thru .6422 SEC, "Significant Environmental Concern"

.6400 "Purposes"

"The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, . . . wetlands, wildlife and fish habitats, ..."

.6404 "Uses - SEC Permit Required"

"(C)" "Any building, structure, or physical improvement within 100 feet of the normal high water level of a Class 1 stream, as defined by the State of Oregon Forest Practice Rules, shall require an SEC permit under MCC .6412, regardless of the zoning designation of the site."

The property under your ownership, specifically Tax Lot 66, in the southwest quarter of Section 2, T 1 S, R 4 E, falls within this category.

Big Creek, which flows southwesterly through Tax Lot 66, crossing under Hurlburt Road, is on your property. As such, any land-disturbing activity taking place on your property within 100 feet of this water feature is required to have an SEC Permit approved prior to commencing any work.

You claimed, during our conversation that took place on Hurlburt Road last Friday, that you were familiar with protecting streams and that you maintained a fifty yard buffer between the race track and the stream.

With binoculars I observed what appeared to be a much closer relationship between a large mound of dirt and Big Creek near your picnic area.

Also, that no erosion control measures had been taken between the edge of that mound of dirt and the creek bank, which looked to be no more than twenty-five feet away. This is an estimate, since I was not invited onto your property to observe more closely.

The land-disturbing activity which has taken place could cause sedimentation into the creek and disturb the fish habitat during the rainy season.

Our records do not show that an SEC permit has been applied for or approved to cover the work that has been done within the 100 feet adjacent to Big Creek.

MCC 11.15.6700 thru .6735 HD, "Hillside Development and Erosion Control"

.6700 "Purposes"

"The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County . . . ."

"This subdistrict is intended to:

"(D)" "Control erosion, production and transport of sediment; and

"(E)" "Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and" . . . .

.6710 "Permits Required"

"(B)" "Grading and Erosion Control Permit"

"All persons proposing site grading where the volume of soil or earth material disturbed, stored, disposed of, or used as fill exceeds 50 cubic yards, or which obstruct or alter a drainage course, shall obtain a Grading and Erosion Control Permit as prescribed by this subdistrict, unless exempted by MCC .6715(B)(2) through (8) or .6715(C)."

Regarding .6710 "(B)" noted above:

1. The amount of material "disturbed" and placed in mounds appears to exceed fifty (50) cubic yards.

2. The fill material, being at least partially within the 100 feet adjacent to Big Creek, also requires an SEC Permit.

3. A search of our records does not show that a a"Grading and Erosion Control Permit" or an SEC Permit has been applied for or approved.

From the observations made it can be concluded that the activity which has been taking place on your property is in violation of the RR, "Rural Residential section (MCC 11.15.2202 - 2230), SEC, "Significant Environmental Concern" section (MCC 11.15.640 - 6422), and the HD, "Hillside Development and Erosion Control" section (MCC 11.15.6700 - 6735) of the County Zoning Ordinance.

As the property owner of record you are responsible for such activity. You are hereby respectfully requested to comply immediately with the provisions of the County's "Rural Residential", "Significant Environmental Concern", and "Hillside Development and Erosion Control" portions of the Zoning Ordinance.

If you feel that you have received this notice in error, please respond in writing. It is important to include copies of pertinent documents pertaining to permits issued, etc to support your claim.

It is hoped that this matter can be resolved in a voluntary, cooperative manner. If satisfactory resolution of this item has not been completed within 30 days, however, the matter will be referred to Multnomah County Counsel with a request for legal action to cause the property to be brought into compliance with Zoning standards.

If you have any questions regarding Flood Hazard or Hillside Development and Erosion Control please contact Mark R Hess, Planner, at this office ('phone 248-3043). Mr Hess is usually available for consultation daily between 3:00 P M and 4:30 P M. It is recommended that you 'phone for an appointment prior to coming to the Planning Division Office.

Sincerely,

Irving G Ewen
Zoning Code Enforcement Office

Encl

MCC 11.15.2202 thru .2230, RR, "Rural Residential"
MCC 11.15.6400 thru .6422, SEC, "Significant Environmental Concern"
MCC 11.15.6700 thru .6735, HD, "Hillside Development & Erosion Control"

This notice is issued in accordance with Chapter 11.15 of the Multnomah County Code. Pursuant to MCC 11.15.9053 (Penalties), failure to remedy violation will result in a fine of up to $500.00 for each day the violation continues beyond this 30 day notice period.

OREGON
NATURAL
RESOURCES
COUNCIL

MAIN OFFICE

YEON BUILDING, SUITE 1050
522 SOUTHWEST FIFTH AVENUE
PORTLAND, OREGON 97204
503-223-9001

Protecting Oregon's lands, waters and natural resources

TO: Honorable Chair Stein and Multnomah County Commissioners

FR: Lyn Mattei, ONRC Land Use Director

DT: June 13, 1994

RE: Multnomah West Hills and Howard Canyon Reconciliation Hearing, June 13, 1994

The Oregon Natural Resources Council has been involved in Multnomah County's Goal 5 Periodic Review process for at least two years. We commend the County for the major efforts it has made to comply with the Department of Land Conservation and Development's (LCDC's) complicated, sometimes unreasonable, and seemingly punitive compliance directives. We are pleased that the County's May 23, 1994 Reconciliation Report recommends protection of the major wildlife corridor which is part of Forest Park. We find, however, that the Report is lacking in the following areas:

1. Agricultural Uses

Agricultural uses in the West Hills and especially Howard Canyon need affirmative regulation to maximize protection of riparian areas and to minimize sedimentation, erosion, turbidity, high temperatures, and non-point pollution in adjacent streams. Reliance on the Soil Conservation Service to regulate rural agricultural activities is misplaced and inadequate. Rural stream identification and protection need to be a priority.

2. Fish and Wildlife Resources

The Reconciliation Report's ESEE analysis for Howard Canyon apparently omits any consideration of ESEE consequences for wildlife. This is unacceptable. In addition, the Report fails to include fisheries resources in it's ESEE analysis of uses that conflict with mining. Fish and wildlife resources are critical natural resources expressly included under Goal 5 and must be factored into any ESEE analysis of aggregate uses.

Proposed stream protection in both the West Hills and Howard Canyon are inadequate. At a minimum, the County should adopt protection at least as strong as that provided under Clinton's new forestry plan. In the alternative, the

C2-94

RESPONDENT'S EXHIBIT 12

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County could even adopt the weaker stream protection rules which will go into effect in September 1994 under our Forest Practices Act regulations.

3. Burlington Bottoms

Burlington Bottoms is a significant wetland of local and regional concern and is recognized as a wildlife mitigation area of state-wide concern. The wetlands area was purchased and enhanced by Bonneville Power as a major mitigation site. BPA gave Burlington Bottoms to the County to protect and maintain, and the County turned it over to Metro.

Although the County has been entrusted with the maintenance and protection of Burlington Bottoms, its designation in the impact area found in the reconciliation Report eliminates almost all protection for this critical wetland. Although we are happy that the County has decided to protect the wildlife corridor adjacent to Forest Park, this does not justify the sacrifice of Burlington Bottoms. As proposed, the wetland will be degraded and probably eventually destroyed by excess sedimentation and polluted runoff from Angel Brothers Quarry activities. No mining activity should be allowed in the North Angel Brothers Creek watershed or in any other watershed that empties into Burlington bottoms.

Thank you for your time and consideration.

6/13/94
Submittal
Steve Dix

R.Scott Pemble
Planning Director
Department of Environmental Services
Division of Planning and Development
2115 SE Morrison Street
Portland, OR 97214

June, 11, 1994

The Corbett Water District operates under a domestic water supply permit.

Commercial and industrial customers, like a commercial industrial rock mining operation, can only receive surplus water from the Corbett Water District. As specified in Oregon State Regulation ORS 264.310, water supply cannot be guaranteed to commercial/industrial operations. If supplied, it must be immediately canceled when no surplus water exists. Please evaluate and include the ESEE consequences of this information in the Howard Canyon aggregate site analysis

Douglas Dodd

Jim Mastne

Directors, Corbett Water District Board

C2-94
RESPONDENT'S EXHIBIT 12

I am a licensed realtor with 20/20 properties. I am a long time resident of Corbett, and I also list and sell property in Corbett.

In general, a rock quarry will reduce the value of homes in the vicinity of the quarry. If two homes are exactly the same in all respects, but one is located in the vicinity of a rock quarry, and the other isn't, the one near the rock quarry will be worth less.

In particular, I know about the Howard Canyon rock quarry and I am familiar with the surrounding area. If the quarry expands into a commercial quarry, my opinion is that property values will drop

As an example of the impact a quarry has on sales, I remember showing some buyers a home close to a rock quarry in Scappoose. The buyers liked the home, and the buyers liked the rural setting, but when they were told about the rock quarry they were no longer interested. The rock quarry was not even in sight of the home, but the fear of having to compete with large dump trucks on the same small road, and the fear of the noise they might hear was enough to kill their interest.

A seller will have to compensate for these problems by adjusting the price down.

Mike Grove, 20/20 Properties

Please include this information in your ESEE analysis for Howard Canyon. We would also like you to keep the record open for One week, in order to have enough time to submit additional written testimony by Real Estate Professionals which attest to the provable reduction in value of existing homes next to Industrial Mining and Quarry operations.

C2-94

RESPONDENT'S EXHIBIT 11

June 13, 1994

Multnomah County Board of Commissioners
Portland, Oregon

RE: Howard Canyon Rock Quarry Site
Reconciliation Report

Honorable Commissioners:

The Proposition that the Howard Canyon Rock Quarry site be designated a Goal 5 protected natural resource is unacceptable.

The present "Permit of Exemption" which allows 5,000 cubic ~~feet~~ yards of rock be removed each year aleady exceeds logic. That amounts to some 500 truck-loads each year, or about two truck-loads each weekday all year 'round.

If the site were designated a "Protected Area", an industrial-level rock mining operation would be developed at the end of a dead-end road which serves a rural neighborhood residential area.

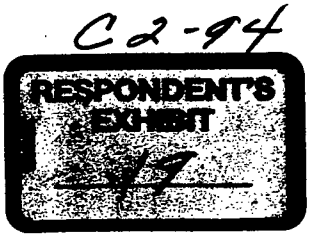
There has been no defined impact area, as is necessary to make such a determination. There are three year-round streams that would be impacted.

At this time, there are approximately twelve residences along the Howard Canyon Road, which are served by a school bus.

The entire road is one and one-third miles long. It is winding and without shoulders, turn-outs. The last half-mile is single-vehicle width. In order to accommodate an industrial-level gravel pit operation, taxpayers would need to fund major widening and upgrading of the road.

The frequent heavy-weight traffic increase to a little-traveled road would constitute a major change and impact to this neighborhood.

C2-94



The conflicting uses these combinations of residential and industrial uses would create far outweigh the Goal 5 requirement for protection of Oregon's mineral resources.

I recommend that the Howard Canyon Rock Quarry site NOT be designated a "Protected Area."

Sincerely,

Vera Dafoe

Vera Dafoe
9449 SW 62nd Drive
Portland, OR 97219
244-5202

Bob & Nev Scott
31700 Columbia River Hwy.
Troutdale, Oregon 97060
June 3, 1994

Commissioner Sharron Kelly
1120 SW 5th
Portland, Oregon 97204

Attention: Robert Trachtenberg

Dear Robert;

Re: Rock Quarry on Howard Canyon in Corbett

Per our conversation this afternoon, here are the copies I promised.

The Corbett area stands to gain by having this small quarry increase tonnage, and 50,000 tons per year does not even approach what the NEMCCA "scare" card suggests as being a "large industrial rock quarry"!

We have been to the site, and see no reason for not granting this. The operation is well contained in so far as noise and dust is concerned, it does not endanger the waterways in the area, and there are two roads to it that connect to multiple roads.

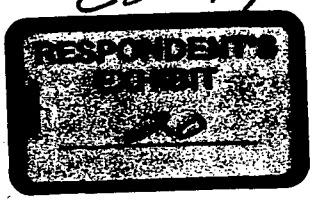
Corbett is building a school that will require many tons of rock. There is no reason the local residents need pay more to transport the rock from Washington, and impact the fragile old Columbia River Highway, when the product is locally available.

Please enter this letter into the record in support of increasing Mr.Smith's operation.

Sincerely,

Bob & Nev Scott
695-2553

C2-94



A LARGE INDUSTRIAL ROCK QUARRY IN CORBETT ???

A proposed commercial mining operation in Howard Canyon could have great impact on our roads and property values!
The mining of several million tons of rock over many years could mean:

- AS MANY AS 48 TRUCKS A DAY, or ONE TRUCK EVERY 10 MINUTES, on CROWN PT. HWY. between CORBETT and TROUTDALE, on HURLBURT, LITTLEPAGE, KNIERIEM, and HOWARD Roads ... and on roads and bridges that connect to these roads!
- NOISE and DUST from ROCK BLASTING AND CRUSHING!
- NO LOCAL ENFORCEMENT: traffic, safety, noise, streams and wildlife..... Only state agents will regulate the impacts of a large commercial quarry!

MULTNOMAH COUNTY WILL DECIDE IN 90 DAYS WHETHER THE PRESENT OPERATION CAN EXPAND TO AN INDUSTRIAL SIZE QUARRY... ARE YOU CONCERNED ???

Come to the NEMCCA Meeting
Wednesday May 25, 1994, 7pm Corbett Middle/High School MPB
Invited Guests: Quarry owner & County officials

Robert
This is a copy of the card that 2 of the board members dropped and then pretty much the reason we're here

6/13/94 HEARING
PAUL HABERNICK SUBMITTAL
Support LET

For Approval On The Rock Quarry owned by Raymond Smith

We, the Citizen Residents in the Commun of East Mt. H. County, Would like to bring to your attention not only the Benifits but Needed Necessities in approveing the ROCK QUARRY owne by Raymond Smith. We the citizen Residents feel it more a neccesity to have the Rock Quarry in Our Community, most drive ways are gravel it would not only save us alo of money on the traveling time & Cost the labor involved, let alone the grave itself.

Most Importantly, by this Commun approveing this needed Rock Quarry not only will it fulfill Citizen Residents needs & neccesities, it will keep financial funds in our Community & will benifit & complement Corbett C needs.

C2-94

RESPONDENT'S EXHIBIT 21

East Mult. County Community Residents To approve A Rock Quarry Owned By Raymond Smith

	Signature	Phone # or Mess
1.	[illegible]	695-520[illegible]
2.	Michelle D. Berg	695-5201 wk 6607-9
3.	Dance Houck	695-2768
4.	William Davis	695-5131
5.	[illegible]	695-5734
6.	Kurt M. Smith	695-5201
7.	James A. Palmer	695-5134
8.	Ethel J. Rowley	695-2146
9.	[illegible]	695-2146
10.	[illegible]	695-2146
11.	Terri Cortesser	695-2525
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		

Oregon

DEPARTMENT OF
TRANSPORTATION

HIGHWAY
MAINTENANCE
District 2C

FILE CODE:

June 8, 1994

Gary Clifford
Multnomah County Planning & Development
2115 SE Morrison Street
Portland, OR 97214

Subject: **Howard Canyon**
Reconciliation Report
May 23, 1994

I have reviewed the subject report with regard to the impacts on the Historic Columbia River Highway. I feel that the proposal will not produce a significant negative impact on the highway and that it would not necessitate modifications to our facility.

Thank you for requesting our input.

Sincerely,

Dan Bacon
Assistant District 2C Manager

DB:lpHOWARDCN.GC

cc: Jeanette Kloos
Dan Gibson

C 2-94
RESPONDENT'S EXHIBIT
22

RECEIVED
JUN 15 1994
Multnomah County
Zoning Division

999 NW Frontage Road
Suite 250
Troutdale, OR 97060-9
(503) 665-4193
PERMITS (503) 665-40
FAX (503) 665-5419

Carolyn L. Coons
41101 S.E. Louden Rd.
Corbett, OR 97019

June 15, 1994

R. Scott Pemble
Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison St.
Portland, OR 97214

Re: Howard Canyon Reconciliation Report / June 13, 1994 Public Testimony

The following is the text of the testimony I delivered at the June 13th joint meeting of the Multnomah County Board of Commissioners and Planning Commissioners. Please enter this into the written record, which to my understanding, remains open until 4pm on June 21, 1994.

I would like to express to the Board my belief that the Reconciliation Report of the Howard Canyon aggregate site is deficient and must be reworked by the Planning staff. The state's Remand Order to the county addresses four specific issues. A central issue, #4, concerns transportation as a conflict with protection of the aggregate site.

In response to Issue 4 of the remand order, the county planning staff made a choice not to include transportation effects in their recent resource analysis and reconciliation reports... In other words, in looking at the conflicting uses to protecting the aggregate, they did not consider the impacts of rock transportation...and you and I know, ladies and gentleman, that rock aggregate is only valued once it is transported. In this respect, rock aggregate is fundamentally different from other resources protected under Goal 5.

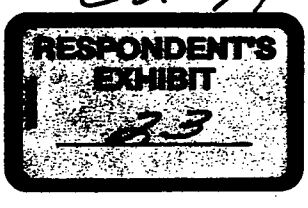
The county planning staff argued in their reports that under the Remand Order they could not discuss or analyze the transportation impacts as a conflicting use. To quote the county (Reconciliation Report Pg. III-53), ... *"From the Remand Order language and subsequent discussions with DLCD staff, the directive is that protection of the resource in the Goal 5 analysis cannot be denied by transportation concerns."*...
Mr. Pemble reiterated this point when he showed you a flow chart at the Briefing on June 7th, that outlined the four Howard Canyon issues of the Remand Order. He referred to the transportation issue as follows (and I quote): " we cannot deny the protection of a Goal 5 Resource for future generations based on the current transportation situation".

We know we have to protect resources for future generations according to Goal 5, but Madam chair and commissioners, no where in the Remand Order does it state that transportation issues cannot be used to deny protection of an aggregate resource. Nor does the remand order say that no conflict exists between aggregate protection and transportation. The remand order simply states, *" the county has not shown how the use of area roads is a conflict to protecting the aggregate resource. If a conflict does exist, Goal 5 requires resolution of the conflict."*

In other words, the state practically invited the county to make a credible case of transportation issues along the appropriate administrative guidelines,... that is, if you want to include transportation issues in your discussions of aggregate resource protection, consider the economic, social, environmental, and energy consequences, (the ESEE)...which is the same method of evaluation used for other conflicting uses under the Goal 5 Framework.

In 1990, the county did bring up transportation impacts as a major conflicting use, but then didn't follow the state's Administrative rules. Thus, the state rightfully called the county to task, with Issue 4 of the Remand Order.

C 2 - 94



Now, in 1994, the county chooses to totally eliminate transportation impacts instead of incorporating them into the ESEE analysis? While we understand that the county is overburdened and strapped for resources, the planning staff is doing a great injustice to the Goal 5 process by not analyzing one of the most important conflicting uses associated with aggregate sites. They may argue that existing transportation is not affected by the aggregate remaining untouched and 'protected'...but by its nature, this aggregate resource only has value and interest in conjunction with extraction and transportation, thus, the impacts of extraction and transportation must be considered now, at this point in the analysis.

In summary, to use an analogy,... you take your car to a car mechanic, where the hood needs to be opened for proper diagnosis. In 1990, the county, as mechanic, pried open the hood. In 1993, the state came back and said, 'you must use the proper release lever to open the hood'. Now, in 1994, in response to the state, the county refuses to open the hood at all, thereby robbing us of a fair diagnosis. I urge you to insist that transportation issues be included in the ESEE Goal 5 analysis of the Howard Canyon site.

Thank you.

Respectfully submitted,

Carolyn L. Coons

Carolyn L. Coons

CLC/hc

cc: Neil S. Kagan

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JUN 17 1994
Multnomah County
Zoning Division

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797

METRO

Multnomah County Board of Commissioners
c/o The Clerk of the Board
1120 SW Fifth Avenue
Portland, Oregon 97204

Multnomah County Planning Commission
c/o Scott Pemble, Director
2115 SE Morrison
Portland, Oregon 97214

June 17, 1994

Re: Follow-up Comments, "Howard Canyon Reconciliation Report", (May 23, 1994)

Dear Commissioners;

Thank you for the opportunity to submit additional comments related to the "Howard Canyon Reconciliation Report".

Hopefully, the following will be of value in your deliberations regarding the proposed program to protect streams which have been found to be significant.

1). Please find attached excerpts from "Standards and Guidelines for Management of Habitat for Late-Sucessional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl" (BLM, USFS, April 1994) and excerpts from the State Forestry Department's Administrative Rules, which were recently amended to strengthen protection of streams and riparian corridors.

We are submitting these documents for three (3) reasons:

a). To demonstrate the vast disparity between the regulation of timber harvest activities, agricultural activities and other uses in the vicinity of streams.

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RESPONDENT'S EXHIBIT 34

Recycled Paper

b). To demonstrate that protection measures do not result in the loss of economic use or value of private lands.

c). To provide examples of measurable and enforceable standards and guidelines which are lacking in the proposed "protection program" (see our June 13, 1994 letter).

2). In an attempt to support the recommendation of not regulating agricultural practices within riparian areas, County staff states the US Soil and Water Conservation Service and East Multnomah Soil and Water Conservation District have as one of their primary missions, the promotion of sound agricultural practices which protect streams.

While this may be true, our inquiry with the East County Soil and Water Conservation District (pers. comm. Steve Fedji, June 13, 1994) indicates that no program is in place to achieve the mission.

Staff to the District Board stated that all they currently are able to do is respond to calls for technical advise. Mr. Fedji also indicated that district efforts have recently been focused on urban rather than rural streams. Additionally, we are unaware of any active program related to stream protection or restoration which is currently being pursued by the US Soil and Water Conservation District.

Perhaps planning staff could investigate and report on specific projects within Multnomah County which target streams degraded by agricultural practices. (See attached "Oregonian" article on "silt").

3). BLM is the Federal Agency responsible for managing the Sandy River segment which is designated a National Wild and Scenic River. Big Creek is tributary to this segment. We have inquired whether BLM was consulted or notified of this process which has implications for the Sandy River. BLM's response was that they were unaware that this process had been initiated. It is recommended that BLM's comments be requested. Bob Radcliff of the Salem Office is the appropriate contact. He can be reached at (503) 375-5669.

4). Through Jane Hart (Regional Parks and Greenspaces Planner), Gordon Howard (County Planning staff) has inquired how we would propose to fund the enforcement and restoration components of our proposal regarding agricultural practices.

In response we suggest the following:

a). As noted on pg. 9 of our written comments dated June 13, 1994 we recommended that the County consider limiting use of its annual appropriation to the East County Soil and Water Conservation District to activities related to restoring agriculturally degraded streams and wetlands. Furthermore, should the County adopts agricultural restrictions as we've recommended, an effort should be made to determine the feasibility of delegating enforcement authority to the District.

b). In the event, that the current County appropriation to the District is insufficient for the purposes described above, the County could investigate the possibility of amending MCC Title 5.30 (Motor Vehicle Fuel Tax; excerpt attached).

As currently structured, this ordinance allows a full refund of County Fuel Taxes to "farmers" who have utilized the taxed fuels for "farming operations". We believe the County has the authority to amend this provision. Rather than refund fuel taxes which are already paid, the County could direct those funds (or a portion thereof) towards enforcement and especially restoration efforts on agricultural lands such as fencing to exclude livestock and re-establishment of riparian vegetation.

c). As an alternative, the County could consider tapping its one million dollar contingency fund. We believe that $50,000 - $70,000 would allow for an initial enforcement and restoration effort.

d). Once a basic level of County support is implemented for this type of program, we believe there are several "outside" funding sources which could be tapped to leverage County funds. These include but are not limited to:

1). Governor's Watershed Enhancement Board - Administers a grant program for watershed restoration.

2). ODFW Restoration and Enhancement Program - Grant Program for fish and wildlife related projects.

3). Oregon State Lottery Funds - awards have been made for environmental enhancement/restoration projects.

4). Land and Water Conservation Fund - Federal funds administered by Oregon State Parks for state and local projects.

5). Americorps - A Clinton program designed to put youth to work restoring degraded portions of the environment.

6). Metro Greenspaces Restoration Grants - Under certain conditions, this program could be a funding source for restoration of riparian corridors degraded by agricultural practices.

7). DEQ Section 319 Non-point Source Grant Program - Agriculture is considered a non-point pollution source.

In summary, We believe a program could be crafted which would not require new taxes or require anything more from farm operators than cooperation. However, in order for a program to be successful, it is imperative that you adopt restrictions which assure restoration efforts are not reversed or new degradation problems created by conflicting land uses.

In summary, a more aggressive program is required to protect significant streams from the impacts of residential, agricultural, community service and other conditional uses. We have proposed what we believe are the minimum requirements to achieve protection (see June 13, 1994 letter).

As evidenced by both federal and state rules and guidelines, timber harvest has been regulated in an effort to protect streams and their associated values without sacrificing economic use of public or private lands. Similar restrictions should be implemented by the County for the uses noted above.

There are opportunities to develop an enforcement and restoration program which would not require new taxes and be leveraged with funds available from existing regional, state and federal programs.

What is missing at this point is your commitment to crafting and implementing a program which is so desperately needed for these and other degraded but restorable streams throughout the County. Metro Regional Parks and Greenspaces would like to participate in the development and implementation of such a program. We hope to hear from you soon.

Thank you again for considering our comments.

Sincerely,

Charles Ciecko
Director
Metro Regional Parks and Greenspaces

CC: Steve Oulman, Dept. of Land Conservation and Development
Robert Walke, Bonneville Power Administration
Jill Zarnowitz, Oregon Department of Fish and Wildlife
Neil Mullane, Oregon Dept. of Environmental Quality
Bob Radcliff, Bureau of Land Management
Rena Cusma, Metro
Judy Wyers, Metro
Merrie Waylett, Metro

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hcrr2.let

06/17/94 FRI 14:41 FAX 503 797 1849 PARKS/GREENSPACE
MT. HOOD NF
06/13/94 10:58 ACG 0641

United States Department of Agriculture

Forest Service

United States Department of the Interior

Bureau of Land Management

April 1994

Record of Decision

for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl

Standards and Guidelines

for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl

Riparian Reserves

Acres

Key and non-Key Watersheds are specified for all areas, and therefore overlay all other land allocations. For the portion of Riparian Reserves located within Key Watersheds, standards and guidelines for Key Watersheds (see Key Watersheds on page C-7, and the Aquatic Conservation Strategy starting on page B-9 of these standards and guidelines), as well as standards and guidelines for Riparian Reserves (listed below) apply. See additional detail under Hierarchy of Standards and Guidelines on page C-1 of these standards and guidelines.

Riparian Reserves within Tier 1 Key Watersheds	631,000
Riparian Reserves within Tier 2 Key Watersheds	113,700
Riparian Reserves within non-Key (other) Watersheds	1,882,800
Total Riparian Reserve acres (based on samples)	2,627,500

Acreage of Riparian Reserves is calculated after all other designated areas have been calculated. Thus, the acres shown here are only those acres that are interspersed with matrix. However, Riparian Reserve standards and guidelines apply in the other designated area categories.

Description - Riparian Reserve Widths

Riparian Reserves, as described in detail in the Aquatic Conservation Strategy starting on page B-9 of these standards and guidelines, are specified for five categories of streams or waterbodies as follows:

- *Fish-bearing streams* - Riparian Reserves consist of the stream and the area on each side of the stream extending from the edges of the active stream channel to the top of the inner gorge, or to the outer edges of the 100-year floodplain, or to the outer edges of riparian vegetation, or to a distance equal to the height of two site-potential trees, or 300 feet slope distance (600 feet total, including both sides of the stream channel), whichever is greatest.

- *Permanently flowing nonfish-bearing streams* - Riparian Reserves consist of the stream and the area on each side of the stream extending from the edges of the active stream channel to the top of the inner gorge, or to the outer edges of the 100-year floodplain, or to the outer edges of riparian vegetation, or to a distance equal to the height of one site-potential tree, or 150 feet slope distance (300 feet total, including both sides of the stream channel), whichever is greatest.

- *Constructed ponds and reservoirs, and wetlands greater than 1 acre* - Riparian Reserves consist of the body of water or wetland and: the area to the outer edges of the riparian vegetation, or to the extent of seasonally saturated soil, or the extent of unstable and potentially unstable areas, or to a distance equal to the height of one site-potential tree, or 150 feet slope distance from the edge of the wetland greater than

1 acre or the maximum pool elevation of constructed ponds and reservoirs, whichever is greatest.

- *Lakes and natural ponds* - Riparian Reserves consist of the body of water and: the area to the outer edges of the riparian vegetation, or to the extent of seasonally saturated soil, or to the extent of unstable and potentially unstable areas, or to a distance equal to the height of two site-potential trees, or 300 feet slope distance, whichever is greatest.

- *Seasonally flowing or intermittent streams, wetlands less than 1 acre, and unstable and potentially unstable areas* - This category applies to features with high variability in size and site-specific characteristics. At a minimum, the Riparian Reserves must include:

  The extent of unstable and potentially unstable areas (including earthflows),

  The stream channel and extend to the top of the inner gorge,

  The stream channel or wetland and the area from the edges of the stream channel or wetland to the outer edges of the riparian vegetation, and

  Extension from the edges of the stream channel to a distance equal to the height of one site-potential tree, or 100 feet slope distance, whichever is greatest.

A site-potential tree height is the average maximum height of the tallest dominant trees (200 years or older) for a given site class.

Intermittent streams are defined as any nonpermanent flowing drainage feature having a definable channel and evidence of annual scour or deposition. This includes what are sometimes referred to as ephemeral streams if they meet these two physical criteria.

Standards and Guidelines

Also see Standards and Guidelines Common to all Land Allocations starting on page C-2 of these standards and guidelines.

As a general rule, standards and guidelines for Riparian Reserves prohibit or regulate activities in Riparian Reserves that retard or prevent attainment of the Aquatic Conservation Strategy objectives. Watershed analysis and appropriate NEPA compliance is required to change Riparian Reserve boundaries in all watersheds.

Timber Management

TM-1. Prohibit timber harvest, including fuelwood cutting, in Riparian Reserves, except as described below. Riparian Reserve acres shall not be included in calculations of the timber base.

a. Where catastrophic events such as fire, flooding, volcanic, wind, or insect damage result in degraded riparian conditions, allow salvage and fuelwood cutting if required to attain Aquatic Conservation Strategy objectives.

b. Salvage trees only when watershed analysis determines that present and future coarse woody debris needs are met and other Aquatic Conservation Strategy objectives are not adversely affected.

c. Apply silvicultural practices for Riparian Reserves to control stocking, reestablish and manage stands, and acquire desired vegetation characteristics needed to attain Aquatic Conservation Strategy objectives.

Roads Management

RF-1. Federal, state, and county agencies should cooperate to achieve consistency in road design, operation, and maintenance necessary to attain Aquatic Conservation Strategy objectives.

RF-2. For each existing or planned road, meet Aquatic Conservation Strategy objectives by:

a. minimizing road and landing locations in Riparian Reserves.

b. completing watershed analyses (including appropriate geotechnical analyses) prior to construction of new roads or landings in Riparian Reserves.

c. preparing road design criteria, elements, and standards that govern construction and reconstruction.

d. preparing operation and maintenance criteria that govern road operation, maintenance, and management.

e. minimizing disruption of natural hydrologic flow paths, including diversion of streamflow and interception of surface and subsurface flow.

f. restricting sidecasting as necessary to prevent the introduction of sediment to streams.

g. avoiding wetlands entirely when constructing new roads.

RF-3. Determine the influence of each road on the Aquatic Conservation Strategy objectives through watershed analysis. Meet Aquatic Conservation Strategy objectives by:

a. reconstructing roads and associated drainage features that pose a substantial risk.

b. prioritizing reconstruction based on current and potential impact to riparian resources and the ecological value of the riparian resources affected.

c. closing and stabilizing, or obliterating and stabilizing roads based on the ongoing and potential effects to Aquatic Conservation Strategy objectives and considering short-term and long-term transportation needs.

RF-4. New culverts, bridges and other stream crossings shall be constructed, and existing culverts, bridges and other stream crossings determined to pose a substantial risk to riparian conditions will be improved, to accommodate at least the 100-year flood, including associated bedload and debris. Priority for upgrading will be based on the potential impact and the ecological value of the riparian resources affected. Crossings will be constructed and maintained to prevent diversion of streamflow out of the channel and down the road in the event of crossing failure.

RF-5. Minimize sediment delivery to streams from roads. Outsloping of the roadway surface is preferred, except in cases where outsloping would increase sediment delivery to streams or where outsloping is unfeasible or unsafe. Route road drainage away from potentially unstable channels, fills, and hillslopes.

RF-6. Provide and maintain fish passage at all road crossings of existing and potential fish-bearing streams.

RF-7. Develop and implement a Road Management Plan or a Transportation Management Plan that will meet the Aquatic Conservation Strategy objectives. As a minimum, this plan shall include provisions for the following activities:

a. inspections and maintenance during storm events.

b. inspections and maintenance after storm events.

c. road operation and maintenance, giving high priority to identifying and correcting road drainage problems that contribute to degrading riparian resources.

d. traffic regulation during wet periods to prevent damage to riparian resources.

e. establish the purpose of each road by developing the Road Management Objective.

Grazing Management

GM-1. Adjust grazing practices to eliminate impacts that retard or prevent attainment of Aquatic Conservation Strategy objectives. If adjusting practices is not effective, eliminate grazing.

GM-2. Locate new livestock handling and/or management facilities outside Riparian Reserves. For existing livestock handling facilities inside the Riparian Reserve, ensure that Aquatic Conservation Strategy objectives are met. Where these objectives cannot be met, require relocation or removal of such facilities.

GM-3. Limit livestock trailing, bedding, watering, loading, and other handling efforts to those areas and times that will ensure Aquatic Conservation Strategy objectives are met.

Recreation Management

RM-1. New recreational facilities within Riparian Reserves, including trails and dispersed sites, should be designed to not prevent meeting Aquatic Conservation Strategy objectives. Construction of these facilities should not prevent future attainment of these objectives. For existing recreation facilities within Riparian Reserves, evaluate and mitigate impact to ensure that these do not prevent, and to the extent practicable contribute to, attainment of Aquatic Conservation Strategy objectives.

RM-2. Adjust dispersed and developed recreation practices that retard or prevent attainment of Aquatic Conservation Strategy objectives. Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective, eliminate the practice or occupancy.

RM-3. Wild and Scenic Rivers and Wilderness management plans will address attainment of Aquatic Conservation Strategy objectives.

Minerals Management

MM-1. Require a reclamation plan, approved Plan of Operations, and reclamation bond for all minerals operations that include Riparian Reserves. Such plans and bonds must address the costs of removing facilities, equipment, and materials; recontouring disturbed areas to near pre-mining topography; isolating and neutralizing or removing toxic or potentially toxic materials; salvage and replacement of topsoil; and seedbed preparation and revegetation to meet Aquatic Conservation Strategy objectives.

MM-2. Locate structures, support facilities, and roads outside Riparian Reserves. Where no alternative to siting facilities in Riparian Reserves exists, locate them in a way compatible with Aquatic Conservation Strategy objectives. Road construction will be kept to the minimum necessary for the approved mineral activity. Such roads will be constructed and maintained to meet roads management standards and to minimize damage to resources in the Riparian Reserve. When a road is no longer required for mineral or land management activities, it will be closed, obliterated, and stabilized.

MM-3. Prohibit solid and sanitary waste facilities in Riparian Reserves. If no alternative to locating mine waste (waste rock, spent ore, tailings) facilities in Riparian Reserves exists, and releases can be prevented, and stability can be ensured, then:

a. analyze the waste material using the best conventional sampling methods and analytic techniques to determine its chemical and physical stability characteristics.

b. locate and design the waste facilities using best conventional techniques to ensure mass stability and prevent the release of acid or toxic materials. If the best conventional technology is not sufficient to prevent such releases and ensure stability over the long term, prohibit such facilities in Riparian Reserves.

c. monitor waste and waste facilities after operations to ensure chemical and physical stability and to meet Aquatic Conservation Strategy objectives.

d. reclaim waste facilities after operations to ensure chemical and physical stability and to meet Aquatic Conservation Strategy objectives.

e. require reclamation bonds adequate to ensure long-term chemical and physical stability of mine waste facilities.

MM-4. For leasable minerals, prohibit surface occupancy within Riparian Reserves for oil, gas, and geothermal exploration and development activities where leases do not already exist. Where possible, adjust the operating plans of existing contracts to eliminate impacts that retard or prevent the attainment of Aquatic Conservation Strategy objectives.

MM-5. Salable mineral activities such as sand and gravel mining and extraction within Riparian Reserves will occur only if Aquatic Conservation Strategy objectives can be met.

MM-6. Include inspection and monitoring requirements in mineral plans, leases or permits. Evaluate the results of inspection and monitoring to effect the modification of mineral plans, leases and permits as needed to eliminate impacts that retard or prevent attainment of Aquatic Conservation Strategy objectives.

Fire/Fuels Management

FM-1. Design fuel treatment and fire suppression strategies, practices, and activities to meet Aquatic Conservation Strategy objectives, and to minimize disturbance of riparian ground cover and vegetation. Strategies should recognize the role of fire in ecosystem function and identify those instances where fire suppression or fuels management activities could be damaging to long-term ecosystem function.

FM-2. Locate incident bases, camps, helibases, staging areas, helispots and other centers for incident activities outside Riparian Reserves. If the only suitable location for such activities is within the Riparian Reserve, an exemption may be granted following review and recommendation by a resource advisor. The advisor will prescribe the location, use conditions, and rehabilitation requirements. Use an interdisciplinary team to predetermine suitable incident base and helibase locations.

FM-3. Minimize delivery of chemical retardant, foam, or additives to surface waters. An exception may be warranted in situations where overriding immediate safety imperatives exist, or, following review and recommendation by a resource advisor, when an escape would cause more long-term damage.

Forestry Dept. Administrative Rules

WATER PROTECTION RULES; PURPOSE AND GOALS

629-57-2000

(1) The leading use on private forestland is the growing and harvesting of trees, consistent with sound management of soil, air, water, fish and wildlife resources. There is a unique concentration of public resource values in and near waters of the state because these areas are critical for the overall maintenance of fish and wildlife and for maintaining water quality. Consequently, the policies of the Forest Practices Act, including encouraging economically efficient forest practices, are best achieved by focusing protection measures in riparian management areas.

(2) OAR 629-57-2000 through 629-57-2670 shall be known as the "water protection rules."

(3) The purpose of the water protection rules is to protect, maintain and, where appropriate, improve the functions and values of streams, lakes, wetlands, and riparian management areas. These functions and values include water quality, hydrologic functions, the growing and harvesting of trees, and fish and wildlife resources.

(4) The water protection rules include general vegetation retention prescriptions for streams, lakes and wetlands that apply where current vegetation conditions within the riparian management area have or are likely to develop characteristics of mature forest stands in a "timely manner." Landowners are encouraged to manage stands within riparian management areas in order to grow trees in excess of what must be retained so that the excess may be harvested.

(5) The water protection rules also include alternative vegetation retention prescriptions for streams to allow incentives for operators to actively manage vegetation where existing vegetation conditions are not likely to develop characteristics of mature conifer forest stands in a "timely manner."

(6) OARs 629-57-2270 and 629-57-2320 allow an operator to propose site-specific prescriptions for sites where specific evaluation of vegetation within a riparian management area and/or the condition of the water of the state is used to identify the appropriate practices for achieving the vegetation and protection goals.

(7) The overall goal of the water protection rules is to provide resource protection during operations adjacent to and within streams, lakes, wetlands and riparian management areas so that, while continuing to grow and harvest trees, the protection goals for fish, wildlife, and water quality are met.

(a) The protection goal for water quality (as prescribed in ORS 527.765) is to ensure through the described forest practices that, to the maximum extent practicable, non-point source discharges of pollutants resulting from forest operations do not impair the achievement and maintenance of the water quality standards.

(b) The protection goal for fish is to establish and retain vegetation consistent with the vegetation retention objectives described in OAR 629-57-2220 (streams), OAR 629-57-2300 (significant wetlands), and OAR 629-57-2400 (lakes) that will maintain water quality and provide aquatic habitat components and functions such as shade, large woody debris, and nutrients.

(c) The protection goal for wildlife is to establish and retain vegetation consistent with the vegetation retention objectives described in OAR 629-57-2220 (streams), OAR 629-57-2300 (significant wetlands), and OAR 629-57-2400 (lakes) that will maintain water quality and habitat components such as live trees of various species and size classes, shade, snags, downed wood, and food within riparian management areas. For wildlife species not necessarily reliant upon riparian areas, habitat in riparian management areas is also emphasized in order to capitalize on the multiple benefits of vegetation retained along waters for a variety of purposes.

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WATER PROTECTION RULES: APPLICABILITY AND MONITORING

OAR 629-57-2010

(1) Except as described below, the water protection rules shall become effective on September 1, 1994 and shall be applied as follows:

(a) Operations for which a notification has been received after April 22, 1994, must comply with the water protection rules in all portions of the operation that have not been felled prior to September 1, 1994.

(b) Operations for which a notification has been received and a written plan has been approved by the State Forester on or before April 22, 1994, shall continue to comply with the written plan and the rules that were in effect April 21, 1994, through December 31, 1994, unless the operator has requested and the State Forester has approved a change to the water protection rules as allowed in subsection (1)(d).

(c) After December 31, 1994 the water protection rules shall apply fully to all operations.

(d) Operators may request to have the water protection rules apply to an operation at any time following April 22, 1994. The State Forester shall approve such requests so long as the operator will fully apply the water protection rules on the operation.

(2) (a) For the purposes of the Oregon Forest Practices Act (ORS 527.610 to ORS 527.770, and related sections, Chapter 919, Oregon Laws 1991), Type F and Type D streams classified under OAR 629-57-2100 are equivalent to "Class I streams."

(b) For the purposes of ORS 215.730(1)(b)(c), Type N Streams classified under OAR 629-57-2100 are equivalent to "Class II streams."

(3) (a) Monitoring and evaluation of the water protection rules are necessary because of the innovative approach taken in the rules. Monitoring and evaluation are needed to increase the level of confidence of all concerned that the rules will maintain and improve the condition of riparian vegetation and waters of the state over time.

(b) In cooperation with state and federal agencies, landowners and other interested parties, the department shall conduct monitoring on a continuing basis to evaluate the effectiveness of the water protection rules. The monitoring shall determine the effectiveness of the rules to meet the goals of the Forest Practices Act and the purposes stated in the rules, as well as their workability and operability.

(c) It is the Board of Forestry's intent that the department and its cooperators place a high priority on assessing the monitoring needs and securing adequate resources to conduct the necessary monitoring. The department shall work with its cooperators and the Legislature to secure the necessary resources, funding and coordination for effective monitoring.

(d) The department shall report to the Board of Forestry annually about current monitoring efforts and, in a timely manner, present findings and recommendations for changes to practices. The Board of Forestry shall consider the findings and recommendations and take appropriate action.

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WATERSHED SPECIFIC PRACTICES FOR WATER QUALITY LIMITED WATERSHEDS AND THREATENED OR ENDANGERED AQUATIC SPECIES

629-57-2020

(1) The objective of this rule is to describe a process for determining whether additional watershed specific protection rules are needed for watersheds that have been designated as water quality limited or for watersheds containing threatened or endangered aquatic species.

(2) The Board of Forestry shall appoint an interdisciplinary task force, including representatives of forest landowners within the watershed and appropriate state agencies, to evaluate a watershed, if the board has determined based on evidence presented to it that forest practices in a watershed are measurably limiting to water quality achievement or species maintenance, and either:

(a) The watershed is designated by the Environmental Quality Commission as water quality limited; or

(b) The watershed contains threatened or endangered aquatic species identified on lists that are adopted by rule by the State Fish and Wildlife Commission, or are federally listed under the Endangered Species Act of 1973 as amended.

(3) The board shall direct the task force to analyze conditions within the watershed and recommend watershed-specific practices to ensure water quality achievement or species maintenance.

(4) The board shall consider the report of the task force and take appropriate action.

(5) Nothing in this rule shall be interpreted to limit the Board's ability to study and address concerns for other species on a watershed basis.

WRITTEN PLANS FOR STREAMS, LAKES, WETLANDS AND RIPARIAN MANAGEMENT AREAS

629-57-2030

(1) Operators shall obtain written approval from the State Forester of a written plan before conducting any operation requiring notification under OAR 629-24-107 within:

(a) 100 feet of fish use or domestic water use streams (classified as Type F or Type D under OAR 629-57-2100), except as described in section (3) of this rule.

(b) 300 feet of significant wetlands.

(c) 100 feet of large lakes.

(2) In addition to the written plan requirements in OAR 629-24-113(6), operators shall specifically describe in the written plan for operations within 100 feet of domestic water use portions of Type F or D streams the practices and methods that will be used to prevent sediment from entering waters of the state.

(3) The State Forester may waive, in writing, the requirement for a written plan within 100 feet of a Type F or Type D stream, if the State Forester determines the intended forest practice will not directly affect the physical components of the riparian management area. "Physical components" means materials such as, but not limited to, vegetation, snags, rocks, and soil. "Directly affect" means that physical components will be moved, disturbed, or otherwise altered by the operation activity, even if only temporarily.

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(4) Written plans required under section (1) of this rule are subject to the process required for a written plan pursuant to ORS 527.670 (8) through (12), and appeal pursuant to ORS 527.700.

(5) The operator shall comply with all provisions of an approved written plan.

WATER CLASSIFICATION

629-57-2100

(1) The purpose of this water classification system is to match the physical characteristics and beneficial uses of a water body to a set of appropriate protection measures.

(2) For the purposes of applying appropriate protection measures, waters of the state shall be classified as either streams, wetlands, or lakes.

(3) Streams shall be classified further according to their beneficial uses and size.

(4) Streams shall be classified into one of the following three beneficial use categories:

(a) Streams that have fish use, including fish use streams that have domestic water use, shall be classified as Type F.

(b) Streams that have domestic water use, but not fish use, shall be classified as Type D.

(c) All other streams shall be classified as Type N.

(5) For purposes of classification, a stream is considered to have domestic water use only if a water use permit has been issued by the Oregon Water Resources Department.

(6) A channel is considered to have domestic water use upstream of an intake for the distances indicated below:

(a) For domestic water use that is a community water system (as defined under OAR 333-61-020), Type D classification shall initially apply to the length of stream that was designated as Class I under the classification system that was in effect on April 22, 1994, which is that shown on district water classification maps at the time of adoption of this rule.

(b) For domestic water use that is not a community water system, Type D classification shall be initially applied for the shortest of the following distances:

(A) The distance upstream of the intake to the farthest upstream point of summer surface flow;

(B) Half the distance from the intake to the drainage boundary; or

(C) 3000 feet upstream of the intake.

(c) Type D classification shall apply to tributaries off the main channel as long as the conditions of subsections (6)(a) and (b) of this rule apply.

(7) (a) A representative of a community water system or other domestic use water permit holder may request that the department designate additional lengths of channels upstream of a domestic water intake or reservoir as Type D. The representative or permit holder must present evidence that the additional stream

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protection is needed. The department will decide whether or not to extend Type D classification to these other channels based on evidence presented by the requesting party showing that protection measures associated with Type N classification would be insufficient to prevent adverse detrimental temperature increases, turbidity increases, or other adverse water quality changes at the domestic water use intake or reservoir.

(b) The process and criteria described in subsection (7)(a), and the criteria under section (6) of this rule will be used to evaluate the extent of Type D classification for new community water systems.

(c) The department will decide whether or not to extend the length of Type D classification within 30 days of the presentation of evidence.

(8) The domestic water use classification may be waived by the department at the request of a landowner who is the sole domestic water use permit holder for an intake and who owns all the land along upstream channels that would be affected by the classification related to that intake. This waiver shall not affect the classification related to downstream domestic water use intakes.

(9) A stream or lake will be considered to have fish use if inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts.

(10) The fish use classification does not apply to waters where fish were introduced through a fish stocking permit that includes documentation that the stream had no fish prior to stocking.

(11) The department, with assistance from the Oregon Department of Fish and Wildlife, will conduct a comprehensive field survey to identify fish use on non-federal forestland in Oregon. However, this survey will take a number of years to complete. In the interim, the following procedures apply to determining which unsurveyed waters are designated Type F:

(a) The department will assume that waters have fish use if they were Class I under the previous classification system. Waters that were Class I solely because of domestic water use are excluded.

(b) If waters within the boundaries of a proposed operation were not Class I (under the previous classification system) and fish use is unknown, then:

(A) The department will conduct a field survey for fish after a notification of operation is received; or

(B) The department will approximate the upstream extent of fish use in a watershed by considering the connection of the water with downstream waters where fish use is known. Fish use will be assumed to occur upstream of the known fish use until the first natural barrier to fish use is encountered.

(c) Where fish use is unknown, an operator may request that the department conduct a field survey for fish use for reaches of a stream that will be included within an operation that is scheduled to start at least 12 months following the request. The operator shall limit such requests to operations that are part of a landowner's planned harvest schedule and will be conducted during the following year. The department, with assistance from the Oregon Department of Fish and Wildlife when needed, shall attempt to complete such surveys within 12 months following the request. If the survey cannot be conducted in the time indicated, the stream will be considered to have no fish use. However, if the operation has not commenced within six months of the time the operation was scheduled to begin, the stream will again be considered to have unknown fish use.

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(d) The department may use other reliable fish survey information when determining whether or not a stream has fish use. This information could include surveys done by landowners, federal or state agencies, universities, or other persons or entities. The department will determine whether such information is reliable.

(12) For each of the three beneficial use categories (Type F, Type D, and Type N), streams shall be categorized further according to three size categories: large, medium, and small. The size categories are based on average annual flow.

(a) Small streams have an average annual flow of two cubic feet per second or less.

(b) Medium streams have an average annual flow greater than two and less than ten cubic feet per second.

(c) Large streams have an average annual flow of ten cubic feet per second or greater.

(13) The assignment of size categories to streams on forestland will be done by the department as follows:

(a) The department will index average annual flow to the upstream drainage area and average annual precipitation. The methodology is described in Technical Note FP1 dated April 21, 1994.

(b) Actual measurements of average annual flow may substitute for the calculated flows described in the technical note.

(c) Any stream with a drainage area less than 200 acres shall be assigned to the small stream category regardless of the flow index calculated in subsection (13)(a).

(14) Wetlands shall be classified further as indicated below:

(a) The following types of wetlands are classified as "significant wetlands":

(A) Wetlands that are larger than eight acres;

(B) Estuaries;

(C) Bogs; and

(D) Important springs in eastern Oregon.

(b) Stream-associated wetlands that are less than eight acres are classified according to the stream with which they are connected.

(c) All other wetlands, including seeps and springs are classified according to their size as either "other wetlands greater than one-quarter acre" or "other wetlands less than one-quarter acre."

(15) Lakes shall be classified further as indicated below:

(a) Lakes greater than eight acres are classified as "large lakes."

(b) All other lakes are classified as "other lakes."

RIPARIAN MANAGEMENT AREAS AND WATER QUALITY PROTECTION MEASURES

629-57-2150

(1) Riparian management area widths are designated to provide adequate areas along streams, lakes, and significant wetlands to retain the physical components and maintain the functions necessary to accomplish the purposes and to meet the protection objectives and goals for water quality, fish, and wildlife set forth in OAR 629-57-2000.

(2) Specified protection measures, such as for site preparation, yarding and stream channel changes, are required for operations near waters of the state and within riparian management areas to maintain water quality.

(3) (a) Operators shall apply the specified water quality protection measures and protect riparian management areas along each side of streams and around other waters of the state as described in OAR 629-57-2200 through 629-57-2670.

(b) Operators may vary the width of the riparian management area above or below the average specified width depending upon topography, operational requirements, vegetation, fish and wildlife resources and water quality protection as long as vegetation retention and protection standards are met. However, the average width of the entire riparian management area within an operation must equal or exceed the required width.

RIPARIAN MANAGEMENT AREA WIDTHS FOR STREAMS

629-57-2200

(1) (a) The riparian management area widths for streams are designated for each stream type as shown in Table 1.

(b) Except as indicated in section (2), operators shall measure the riparian management area width as a slope distance from the high water level of main channels.

(c) Notwithstanding the distances designated in subsection (1)(a), where wetlands or side channels extend beyond the designated riparian management area widths, operators shall expand the riparian management area as necessary to entirely include any stream-associated wetland or side channel plus at least 25 additional feet. This provision does not apply to small Type N streams.

(2) In situations where the slope immediately adjacent to the stream channel is steep exposed soil, a rock bluff or talus slope, operators shall measure the riparian management area as a horizontal distance until the top of the exposed bank, bluff or talus slope is reached. From that point, the remaining portion of the riparian management area shall be measured as a slope distance.

VEGETATION RETENTION GOALS FOR STREAMS; DESIRED FUTURE CONDITIONS

629-57-2220

(1) The purpose of this rule is to describe how the vegetation retention measures for streams were determined, their purpose and how the measures are implemented. The vegetation retention requirements for streams described in OAR 629-57-2230 through OAR 629-57-2270 are designed to produce desired future conditions for the wide range

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of stand types, channel conditions, and disturbance regimes that exist throughout forestlands in Oregon.

(2) The desired future condition for streamside areas along fish use streams is to grow and retain vegetation so that, over time, average conditions across the landscape become similar to those of mature streamside stands. Oregon has a tremendous diversity of forest tree species growing along waters of the state and the age of mature streamside stands varies by species. Mature streamside stands are often dominated by conifer trees. For many conifer stands, mature stands occur between 80 and 200 years of stand age. Hardwood stands and some conifer stands may become mature at an earlier age. Mature stands provide ample shade over the channel, an abundance of large woody debris in the channel, channel-influencing root masses along the edge of the high water level, snags, and regular inputs of nutrients through litter fall.

(3) The rule standards for desired future conditions for fish use streams were developed by estimating the conifer basal area for average unmanaged mature streamside stands (at age 120) for each geographic region. This was done by using normal conifer yield tables for the average upland stand in the geographic region, and then adjusting the basal area for the effects of riparian influences on stocking, growth and mortality or by using available streamside stand data for mature stands.

(4) The desired future condition for streamside areas that do not have fish use is to have sufficient streamside vegetation to support the functions and processes that are important to downstream fish use waters and domestic water use and to supplement wildlife habitat across the landscape. Such functions and processes include: maintenance of cool water temperature and other water quality parameters; influences on sediment production and bank stability; additions of nutrients and large conifer organic debris; and provision of snags, cover, and trees for wildlife.

(5) The rule standards for desired future conditions for streams that do not have fish use were developed in a manner similar to fish use streams. In calculating the rule standards, other factors used in developing the desired future condition for large streams without fish use and all medium and small streams included the effects of trees regenerated in the riparian management area during the next rotation and desired levels of instream large woody debris.

(6) For streamside areas where the native tree community would be conifer dominated stands, mature streamside conditions are achieved by retaining a sufficient amount of conifers next to large and medium sized fish use streams at the time of harvest, so that halfway through the next rotation or period between harvest entries, the conifer basal area and density is similar to mature unmanaged conifer stands. In calculating the rule standards, a rotation age of 50 years was assumed for even-aged management and a period between entries of 25 years was assumed for uneven-aged management. The long-term maintenance of streamside conifer stands is likely to require incentives to landowners to manage streamside areas so that conifer reforestation occurs to replace older conifers over time.

(7) Conifer basal area and density targets to produce mature stand conditions over time are outlined in the general vegetation retention prescriptions. In order to ensure compliance with state water quality standards, these rules include requirements to retain all trees within 20 feet and understory vegetation within 10 feet of the high water level of specified channels to provide shade.

(8) For streamside areas where the native tree community would be hardwood dominated stands, mature streamside conditions are achieved by retaining sufficient hardwood trees. As early successional species, the long-term maintenance of hardwood streamside stands will in some cases require managed harvest using site specific vegetation retention prescriptions so that reforestation occurs to replace older trees. In order to ensure compliance with state water quality standards, these rules include requirements in the general vegetation retention prescription to retain all trees within 20 feet and understory vegetation within 10 feet of the high water level of specified channels to provide shade.

(9) In many cases the desired future condition for streams can be achieved by applying the general vegetation

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retention prescriptions, as described in OAR 629-57-2230 and OAR 629-57-2250. In other cases, the existing streamside vegetation may be incapable of developing into the future desired conditions in a "timely manner." In this case, the operator can apply an alternative vegetation retention prescription described in OAR 629-57-2260 or develop a site specific vegetation retention prescription described in OAR 629-57-2270. For the purposes of the water protection rules, "in a timely manner" means that the trees within the riparian management area will meet or exceed the applicable basal area target or vegetation retention goal during the period of the next harvest entry that would be normal for the site. This will be 50 years for many sites.

(10) Where the native tree community would be conifer dominant stands, but due to historical events the stand has become dominated by hardwoods, in particular, red alder, disturbance is allowed to produce conditions suitable for the re-establishment of conifer. In this and other situations where the existing streamside vegetation is incapable of developing characteristics of a mature streamside stand in a "timely manner," the desired action is to manipulate the streamside area and woody debris levels at the time of harvest (through an alternative vegetation retention prescription or site specific vegetation retention prescription) to attain such characteristics more quickly.

(Fish)

GENERAL VEGETATION RETENTION PRESCRIPTION FOR TYPE F STREAMS

629-57-2230

(1) (a) Operators shall apply the vegetation retention requirements described in this rule to the riparian management areas of Type F streams.

(b) Segments of Type F streams that are different sizes within an operation shall not be combined or averaged together when applying the vegetation retention requirements.

(c) Trees left to meet the vegetation retention requirements for one stream type shall not count towards the requirements of another stream type.

(2) Operators shall retain:

(a) All understory vegetation within 10 feet of the high water level;

(b) All trees within 20 feet of the high water level; and

(c) All trees leaning over the channel.

(3) Operators shall retain within riparian management areas and streams all downed wood and snags that are not safety or fire hazards. Snags felled for safety or fire hazard reasons shall be retained where they are felled unless used for stream improvement projects approved by the State Forester.

(4) Notwithstanding the requirements of section (2) of this rule, vegetation, snags and trees within 20 feet of the high water level of the stream may be felled, moved or harvested as allowed in other rules for road construction, yarding corridors, temporary stream crossings, or for stream improvement.

(5) Operators shall retain at least 40 live conifer trees per 1000 feet along large streams and 30 live conifer trees per 1000 feet along medium streams. This includes trees left to meet the requirements described in section (2) of this rule. Conifers must be at least 11 inches DBH for large streams and 8 inches DBH for medium streams to count toward these requirements.

(6) Operators shall retain trees or snags six inches or greater DBH to meet the following requirements (this includes

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trees left to meet the requirements of sections (2) and (5) of this rule):

(a) If live conifer tree basal area in the riparian management area is greater than the standard target shown in Table 2 where the harvest unit will be a clearcut (as defined by ORS 527.620(2)), or Table 3 where the harvest unit will be a partial harvest or thinning, operators shall retain live conifer trees of sufficient basal area to meet the standard target.

(b) If live conifer tree basal area in the riparian management area is less than the standard target (as shown in Table 2 where the harvest unit will be a clearcut, or Table 3 where the harvest unit will be a partial harvest or thinning) but greater than one-half the standard target shown in Table 2, operators shall retain all live conifer trees six inches DBH or larger in the riparian management area (up to a maximum of 150 conifers per 1000 feet along large streams, 100 conifers per 1000 feet along medium streams, and 70 conifers per 1000 feet along small streams).

(c) If live conifer tree basal area in the riparian management area is less than one-half the standard target shown in Table 2:

(A) Operators may apply an alternative vegetation retention prescription as described in OAR 629-57-2260, where applicable, or develop a site specific vegetation retention prescription as described in OAR 629-57-2270; or

(B) Operators shall retain all conifers in the riparian management area and all hardwoods within 50 feet of the high water level for large streams, within 30 feet of the high water level for medium streams, and within 20 feet of the high water level for small streams.

(7) In the Coast Range, South Coast, Interior, Western Cascade, and Siskiyou geographic regions, hardwood trees and snags six inches or greater DBH may count toward the basal area requirements in subsection (6)(a) of this rule as follows:

(a) All cottonwood and Oregon ash trees within riparian management areas that are beyond 20 feet of the high water level of large Type F streams, may count toward the basal area requirements.

(b) Up to 10 percent of the basal area requirement may be comprised of sound conifer snags at least 30 feet tall and other large live hardwood trees, except red alder, growing in the riparian management area more than 20 feet from the high water level and at least 24 inches DBH.

(8) In the Eastern Cascade and Blue Mountain geographic regions, hardwood trees, dying or recently dead or dying trees and snags six inches or greater DBH may count toward the basal area requirements in subsection (6)(a) of this rule as follows:

(a) The basal area of retained live hardwood trees may count toward meeting the basal area requirements.

(b) Up to 10 percent of the basal area retained to meet the basal area requirement may be comprised of sound conifer snags at least 30 feet tall.

(c) For small Type F streams, the maximum required live conifer tree basal area that must be retained to meet the standard target is 40 square feet. The remaining basal area required may come from retained snags, dying or recently dead or dying trees, or hardwoods if available within the riparian management area.

(9) Notwithstanding the requirements indicated in this rule, operators may conduct precommercial thinning and other release activities to maintain the growth and survival of conifer reforestation within riparian management

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areas. Such activities shall contribute to and be consistent with enhancing the stand's ability to meet the desired future condition.

(10) When determining the basal area of trees, the operator may use the average basal area for a tree's diameter class, as shown in Table 4, or determine an actual basal area for each tree. The method for determining basal area must be consistent throughout the riparian management area.

(11) (a) For large and medium Type F streams, live conifer trees retained in excess of the active management target and hardwoods retained beyond 20 feet of the high water level of the stream that otherwise meet the requirements for leave trees may be counted toward requirements for leave trees within clearcuts (pursuant to Section 5, Chapter 919, Oregon Laws 1991).

(b) For small Type F streams, all retained live trees that otherwise meet the requirements for leave trees may count toward requirements for leave trees within clearcuts.

(12) Trees on islands with ground higher than the high water level may be harvested as follows:

(a) If the harvest unit is solely on an island, operators shall apply all the vegetation retention requirements for a large Type F stream described in this rule to a riparian management area along the high water level of the channels forming the island.

(b) Otherwise, operators shall retain all trees on islands within 20 feet of the high water level of the channels forming the island and all trees leaning over the channels. In this case, conifer trees retained on islands may count toward the basal area requirement for adjacent riparian management areas so long as the trees are at least 11 inches DBH for large streams and eight inches DBH for medium streams.

(13) When applying the vegetation retention requirements described in this rule to the riparian management areas, if an operator cannot achieve the required retention without leaving live trees on the upland side of a road that may be within the riparian management area and those trees pose a safety hazard to the road and will provide limited functional benefit to the stream, the State Forester may modify the retention requirements on a site specific basis.

LIVE TREE RETENTION CREDIT FOR IMPROVEMENT OF TYPE F STREAMS

629-57-2240

(1) Many Type F streams currently need improvement of fish habitat because they lack adequate amounts of large woody debris in channels, or they lack other important habitat elements.

(2) This rule allows operator incentives to place conifer logs in channels or to take other enhancement actions to create immediate improvements in fish habitat.

(3) Subject to prior approval of the State Forester, operators may place conifer logs or downed trees in Type F streams and receive basal area credit toward meeting the live tree retention requirements in a stream's riparian management area.

(4) For each conifer log or tree the operator places in a large or medium Type F stream, the basal area credit is twice the basal area of the placed log or tree.

(5) For each conifer log or tree the operator places in a small Type F stream, the basal area credit is equal to the basal area of the placed log or tree.

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(6) Basal area credit will be determined by measuring the cross-sectional area of the large end of a log or by measuring the point on a downed tree that would be equivalent to breast height.

(7) To receive basal area credit for downed trees or conifer logs placed in a stream, the operator shall comply with the guidance and restrictions for placing logs or trees prescribed by the State Forester.

(8) Operators may propose other stream enhancement projects for basal area credit such as creation of backwater alcoves, riparian grazing exclosures (such as fencing), and placement of other instream structure such as boulders and rootwads. When a project is approved by the department through consultation with the Oregon Department of Fish and Wildlife, basal area credit shall be given toward meeting the live tree requirements within riparian management areas. The basal area credit shall be negotiated between the department, operator and Oregon Department of Fish and Wildlife.

(9) Basal area credit may be given to an operation for enhancement projects conducted at locations other than at the operation site so long as the project is in the same immediate vicinity as the operation site (for instance, within one or two miles of the operation).

(10) Basal area credit may be given to an operation for improvement projects conducted at a later date (this may be necessary to avoid operating under high water conditions or to protect spawning areas), but the project must be completed within six months of the completion of the operation.

(11) In granting basal area credit, the standing tree basal area retained within riparian management areas of Type F streams shall not be reduced to less than the active management targets shown in Table 2 or 3, as applicable.

(a) For small Type F streams in the Eastern Cascade and Blue Mountain geographic regions, the live conifer tree basal area may be reduced to 30 square feet for the active management target. The remaining portion of the basal area requirement must come from snags, dying or recently dead or dying trees, or hardwood trees if available in the riparian management area.

(12) Operators shall notify the State Forester of the completion of live tree retention credit stream improvement projects that were planned for locations other than on the operation site under section (10) of this rule or that were planned to be completed at another date under section (11) of this rule.

GENERAL VEGETATION RETENTION PRESCRIPTION FOR TYPE D AND TYPE N STREAMS

629-57-2250

(1) (a) Operators shall apply the vegetation retention requirements described in this rule to the riparian management areas of Type D and Type N streams.

(b) Segments of Type D or Type N streams that may be of a different size within operation shall not be combined or averaged together when applying the vegetation retention requirements.

(c) Trees left to meet the vegetation retention requirements for one stream type shall not count toward the requirements of another stream type.

(2) Operators shall retain along all Type D, and large and medium Type N streams:

(a) All understory vegetation within 10 feet of the high water level;

(b) All trees within 20 feet of the high water level; and

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(c) All trees leaning over the channel.

(3) Operators shall retain all downed wood and snags that are not safety or fire hazards within riparian management areas and streams. Snags felled for safety or fire hazard reasons shall be retained where they are felled unless used for stream improvement projects approved by the State Forester.

(4) Notwithstanding the requirements of section (2), vegetation, snags and trees within 20 feet of the high water level of the stream may be felled, moved or harvested as allowed in the rules for road construction, yarding corridors, temporary stream crossings, or for stream improvement.

(5) Operators shall retain at least 30 live conifer trees per 1000 feet along large Type D and Type N streams and 10 live conifer trees per 1000 feet along medium Type D and Type N streams. This includes any trees left to meet the requirements described in section (2) of this rule. Conifers must be at least 11 inches DBH for large streams and eight inches DBH for medium streams to count toward these requirements.

(6) Operators shall retain all understory vegetation and non-merchantable conifer trees (conifer trees less than six inches DBH) within 10 feet of the high water level on each side of small perennial Type N streams indicated in Table 5.

(a) The determination that a stream is perennial shall be made by the State Forester based on a reasonable expectation that the stream will have summer surface flow after July 15.

(b) The determination in subsection (6)(a) of this rule can be made based on a site inspection, data from other sources such as landowner information, or by applying judgment based upon stream flow patterns experienced in the general area.

(c) Operators are encouraged whenever possible to retain understory vegetation, non-merchantable trees, and leave trees required within clearcuts (pursuant to Section 5, Chapter 919, Oregon Laws 1991) along all other small Type N streams within harvest units.

(7) Operators shall retain trees six inches or greater DBH to meet the following requirements (this includes trees left to meet the requirements of sections (2) and (5) of this rule):

(a) If the live conifer tree basal area in the riparian management area is greater than the standard target shown in Table 6 where the harvest will be a clearcut (as defined by ORS 527.620(2)), or in Table 7 where the harvest unit is a partial harvest or thinning, operators shall retain along all Type D, and medium and large Type N streams live conifer trees of sufficient basal area to meet the standard target.

(b) If the live conifer tree basal area in the riparian management area is less than the standard target (as shown in Table 6 where the harvest will be a clearcut or Table 7 where the harvest unit is a partial harvest or thinning), but greater than one-half the standard target shown in Table 6, operators shall retain along all Type D, and medium and large Type N streams all conifers 6 inches DBH or larger in the riparian management area (up to a maximum of 100 conifers per 1000 feet along large streams, and 70 conifers per 1000 feet along medium streams).

(c) If the live conifer tree basal area in the riparian management area is less than one-half the standard target shown in Table 6:

(A) Operators may apply an alternative vegetation retention prescription as described in OAR 629-57-2260, where applicable, or develop a site specific vegetation retention prescription as described in OAR 629-57-2270; or

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(B) Operators shall retain along all Type D, and medium and large Type N streams all conifers in the riparian management area and all hardwoods within 30 feet of the high water level for large streams and within 20 feet of the high water level for medium streams.

(8) In the Coast Range, South Coast, Interior, Western Cascade, and Siskiyou geographic regions, hardwood trees and snags six inches or greater DBH may count toward the basal area requirements in subsection (7)(a) of this rule as follows:

(a) All cottonwood and Oregon ash trees within riparian management areas that are beyond 20 feet of the high water level of large Type D and N streams, may count toward the basal area requirements.

(b) For large Type D and N streams, up to 10 percent of the basal area requirement may be comprised of sound conifer snags at least 30 feet tall and other large live hardwood trees, except red alder, growing in the riparian management area more than 20 feet from the high water level and at least 24 inches DBH.

(c) For medium Type D and N streams:

(A) Up to 30 square feet of basal area per 1000 feet of stream may be comprised of hardwood trees.

(B) Up to five percent of the basal area retained may be comprised of sound conifer snags that are at least 30 feet tall.

(9) In the eastern Oregon and Blue Mountain geographic regions:

(a) The basal area of all retained live hardwood trees may count toward meeting the basal area requirements.

(b) For large Type D and N streams, up to 10 percent of the basal area requirement may be comprised of sound conifer snags at least 30 feet tall.

(c) For medium Type D and N streams:

(A) Up to 30 square feet of basal area per 1000 feet of stream may be comprised of hardwood trees.

(B) Up to five percent of the basal area retained may be comprised of sound conifer snags that are at least 30 feet tall.

(10) Notwithstanding the requirements indicated in this rule, operators may conduct precommercial thinning and other release activities to maintain the growth and survival of conifer reforestation within riparian management areas. Such activities shall contribute to and be consistent with enhancing the stand's ability to meet the desired future condition.

(11) When determining the basal area of trees along streams in a harvest unit, operators may use the average basal area for a tree's diameter class, as shown in Table 4 in OAR 629-57-2230, or determine an actual basal area for each tree. The method for determining basal area must be consistent throughout the riparian management area.

(12) All live trees retained along Type D and N streams that otherwise meet the requirements for leave trees may count toward requirements for leave trees within clearcuts (pursuant to Section 5, Chapter 919, Oregon Laws 1991).

(13) Trees on islands with ground higher than the high water level may be harvested as follows:

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(a) If the harvest unit is solely on an island, operators shall apply all the vegetation retention requirements for a large Type F stream described in this rule to a riparian management area along the high water level of the channels forming the island.

(b) Otherwise, operators shall retain all trees on islands within 20 feet of the high water level of the channels forming the island and all trees leaning over the channels. In this case, conifer trees retained on islands may count toward the basal area requirement for adjacent riparian management areas so long as the trees are at least 11 inches DBH for large streams and 8 inches DBH for medium streams.

(c) All merchantable trees may be harvested from islands within small Type N streams.

(14) When applying the vegetation retention requirements described in this rule to the riparian management areas, if an operator cannot achieve the required retention without leaving live trees on the upland side of a road that may be within the riparian management area and those trees pose a safety hazard to the road and will provide limited functional benefit to the stream, the State Forester may modify the retention requirements on a site specific basis.

ALTERNATIVE VEGETATION RETENTION PRESCRIPTIONS

629-57-2260

(1) Alternative prescriptions are intended to apply to situations where the existing streamside stand is too sparse or contains too few live conifers to maintain fish, wildlife, and water quality resources over time. Future desired streamside stand conditions are achieved through immediate manipulation of vegetation, including reforesting the riparian management area with conifers.

(2) Sections (3) and (4) of this rule are alternative vegetation retention prescriptions that operators may apply if the conifer basal area in the riparian management area is no more than one-half of the standard target indicated in either Table 2 of OAR 629-57-2230 or Table 6 of OAR 629-57-2250, as may be applicable, and conditions described in the alternative prescription are applicable.

(3) Alternative Vegetation Retention Prescription 1 (Catastrophic Events). This alternative prescription applies to streamside stands that have been damaged by wildfire or by catastrophic windthrow, insect or disease mortality. Such mortality must occur at the stand level and shall not include normal endemic mortality. The prescription is intended to provide adequate stream shade, woody debris, and bank stability for the future while creating conditions in the streamside area that will result in quick establishment of a new and healthy stand. Operators shall:

(a) Retain trees that have fallen in the stream. Only portions of these trees that are outside the high water levels and do not contribute to the ability of the downed tree to withstand movement during high flows may be harvested.

(b) Retain all live and dead trees within 20 feet of the high water level of large and medium streams and 10 feet of the high water level of small streams.

(c) For Type F streams, retain live trees, dying or recently dead trees, and downed logs sufficient to satisfy the active management target shown in Table 2.

(d) For Type D and N streams, retain live trees, dying or recently dead trees, or downed logs sufficient to satisfy the standard target shown in Table 6.

(e) Live conifers shall be retained first to meet the target. If live conifers are too few to satisfy the target, then the target shall be met as much as possible by including windthrown trees within the channel and dying

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or recently dead trees.

(f) For purposes of this prescription the basal area of a windthrown tree in the channel or a retained dying or recently dead tree contributes two times its basal area toward meeting the target.

(4) Alternative Vegetation Retention Prescription 2 (Hardwood Dominated Sites). This alternative prescription applies to streamside sites that are capable of growing conifers, and where conifer stocking is currently low and unlikely to improve in a "timely manner" because of competition from hardwoods and brush. If portions of such riparian management areas currently contain abundant conifer basal area, it is intended that these areas of good conifer basal area be segregated and managed using the general vegetation retention prescription while the remainder is managed according to this alternative prescription. The alternative prescription is intended to provide adequate stream shade, some woody debris, and bank stability for the future while creating conditions in the streamside area that will result in quick establishment of a conifer stand. The operator shall:

(a) Evaluate the stand within the riparian management area and, where they exist, segregate segments (200 feet or more in length) that are well-stocked with conifer, as identified from an aerial photograph, from the ground or through other appropriate means. The general vegetation retention prescription for vegetation retention shall be applied to these segments.

(b) For the remaining portion of the riparian management area that has lower conifer basal area, the riparian management area shall be divided into conversion blocks and retention blocks.

(c) No more than half of the total stream length in the harvest unit can be included within conversion blocks. Conversion blocks can be no more than 500 feet long and must be separated from each other by at least 200 feet of retention block or by at least a 200 foot segment where the general vegetation retention prescription is applied.

(d) Within conversion blocks the operator shall retain:

(A) All trees growing in the stream or within 10 feet of the high water level of the stream.

(B) All trees leaning over the channel within 20 feet of the high water level of large streams.

(e) Within retention blocks the operator shall retain:

(A) For large streams, all conifer trees within 50 feet of the high water level of the stream and all hardwood trees within 30 feet of the high water level of the stream.

(B) For medium streams, all conifer trees within 30 feet of the high water level of the stream and all hardwood trees within 20 feet of the high water level of the stream.

(C) For small streams, all trees within 20 feet of the high water level of the stream.

SITE SPECIFIC VEGETATION RETENTION PRESCRIPTIONS FOR STREAMS AND RIPARIAN MANAGEMENT AREAS

629-57-2270

(1) (a) Operators are encouraged to develop site specific vegetation retention prescriptions in an alternate plan.

(b) A primary aim of these prescriptions is to identify opportunities and allow incentives for restoring or

Fax pg. 16

enhancing riparian management areas or streams.

(c) Another purpose of site specific vegetation retention prescriptions is to allow for changes to the vegetation retention requirements in OARs 629-57-2230 and 629-57-2250. The changes must provide for the functions and values of stream and their riparian management areas as described in the vegetation retention goals for streams while affording a better opportunity to meet other objectives.

(2) Operators may develop site specific vegetation retention prescriptions for streams and their riparian management areas to achieve the vegetation retention goals described in OAR 629-57-2220 if:

(a) The potential of the streamside stand to achieve basal area and stand density similar to mature conifer forest stands in a "timely manner" is questionable; or

(b) In-stream conditions are impaired due to inadequate large woody debris or other factors; or

(c) The modification of a standard or practice would result in less environmental damage than if the standard or practice were applied.

(3) A site specific vegetation retention prescription shall be approved if the State Forester determines that when properly executed the alternate plan will have no significant or permanent adverse effects: and

(a) It will meet or exceed the vegetation retention goals in a more "timely manner" than if the plan were not implemented; or

(b) The long-term benefits of the proposed restoration practice are greater than short-term detrimental effects; or

(c) The proposed practice will result in less environmental damage than if the regular rules were followed.

(4) Factors that may need to be considered in the plan include, but are not limited to, the potential of the existing streamside stand to achieve mature conifer forest characteristics, the long-term supply of woody debris, survival of planted conifers, sensitivity to changes in water temperature and water quality, the potential for sedimentation, the stability of woody debris placed in aquatic areas, and monitoring the direct effects of the proposed practices.

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To Diane Hart	From Nada Austin
Co.	Co. ODF
Dept.	Phone # 945-7470
Fax #	Fax #

FAX. pg. 17

Table 1. Riparian Management Area Widths for Streams of Various Sizes and Beneficial Uses

	Type F	Type D	Type N
LARGE	100 feet	70 feet	70 feet
MEDIUM	70 feet	50 feet	50 feet
SMALL	50 feet	20 feet	Apply specified water quality protection measures, and see OAR 629-57-2250.

TABLE 2. General Prescription for Type F streams: Streamside Tree Retention for Clearcut Harvest Units

Geographic region	SQUARE FEET OF BASAL AREA PER 1000 FEET OF STREAM, EACH SIDE					
	LARGE Type F RMA = 100 feet		MEDIUM Type F RMA = 70 feet		SMALL Type F RMA = 50 feet	
	Standard Target	Active Management Target	Standard Target	Active Management Target	Standard Target	Active Management Target
Coast Range and South Coast	230	170	120	90	40	20
Interior and Western Cascade	270	200	140	110	40	20
Siskiyou	220	170	110	90	40	20
Eastern Cascade and Blue Mountain	170	130	90	70	50[1]	50[2]

[1] The maximum live conifer tree basal area that must be retained is 40 square feet. The remaining basal area may come from snags, dying or recently dead or dying trees, or hardwood trees if available within the riparian management area.

[2] Live conifer tree basal area may be reduced to 30 square feet for the active management target. The remaining portion of the basal area requirement must come from snags, dying or recently dead or dying trees, or hardwood trees if available within the riparian management area.

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TABLE 3. General Prescription for Type F Streams: Streamside Tree Retention for Partial Harvest or Thinning Units.

Geographic region	SQUARE FEET OF BASAL AREA PER 1000 FEET OF STREAM, EACH SIDE					
	LARGE Type F RMA = 100 feet		MEDIUM Type F RMA = 70 feet		SMALL Type F RMA = 50 feet	
	Standard Target	Active Management Target	Standard Target	Active Management Target	Standard Target	Active Management Target
Coast Range and South Coast	300	270	160	140	50	30
Interior and Western Cascade	350	310	180	160	50	30
Siskiyou	290	260	140	120	50	30
Eastern Cascade and Blue Mountain	220	200	120	100	50[1]	50[2]

TABLE 4. Basal Area for Various Diameter Classes

Diameter Breast Height (inches)	Basal Area (square feet)	Diameter Breast Height (inches)	Basal Area (square feet)
6 to 10	0.3	41 to 45	10.1
11 to 15	0.9	46 to 50	12.6
16 to 20	1.8	51 to 55	15.3
21 to 25	2.9	56 to 60	18.3
26 to 30	4.3	61 to 65	21.6
31 to 35	5.9	66 to 70	25.2
36 to 40	7.9	71 to 75	29.0

[1] The maximum live conifer tree basal area that must be retained is 40 square feet. The remaining basal area may come from snags, dying or recently dead or dying trees, or hardwood trees if available within the riparian management area.

[2] Live conifer tree basal area may be reduced to 30 square feet for the active management target. The remaining portion of the basal area requirement must come from snags, dying or recently dead or dying trees, or hardwood trees if available within the riparian management area.

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TABLE 5. Vegetation Retention for Specified Small Type N Streams.

Geographic Region	Retain Understory Vegetation and Unmerchantable Conifers 10 Feet Each Side of Stream for:
Eastern Cascades and Blue Mountains	All perennial streams.
South Coast	Portions of perennial streams where the upstream drainage area is greater than 160 acres.
Interior	Portions of perennial streams where the upstream drainage area is greater than 330 acres.
Siskiyou	Portions of perennial streams where the upstream drainage area is greater than 580 acres.
Coast Range and Western Cascades	No retention required.

TABLE 6. General Prescription for Type D, and Large and Medium Type N Streams: Streamside Tree Retention for Clearcut Harvest Units.

Geographic Region	SQUARE FEET OF BASAL AREA PER 1000 FEET OF STREAM, EACH SIDE		
	LARGE TYPE D AND N RMA = 70 feet	MEDIUM TYPE D AND N RMA = 50 feet	SMALL TYPE D RMA = 20 feet
	Standard Target	Standard Target	Standard Target
Coast Range and South Coast	90	50[1]	0
Interior and Western Cascade	110	50[1]	0
Siskiyou	90	50[1]	0
Eastern Cascade and Blue Mountain	70	50[1]	0

[1] Hardwoods may count up to 30 square feet per 1000 feet towards meeting the standard target.

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TABLE 7. General Prescription for Type D, and Large and Medium Type N Streams: Streamside Tree Retention for Partial Harvest and Thinning Units.

Geographic Region	SQUARE FEET OF BASAL AREA PER 1000 FEET OF STREAM, EACH SIDE		
	LARGE TYPE D AND N RMA = 70 feet	MEDIUM TYPE D AND N RMA = 50 feet	SMALL TYPE D RMA = 20 feet
	Standard Target	Standard Target	Standard Target
Coast Range and South Coast	140	60[1]	0
Interior and Western Cascade	160	60[1]	0
Siskiyou	120	60[1]	0
Eastern Cascade and Blue Mountain	100	60[1]	0

[1] Hardwoods may count up to 30 square feet of basal area per 1000 feet toward meeting the standard target.

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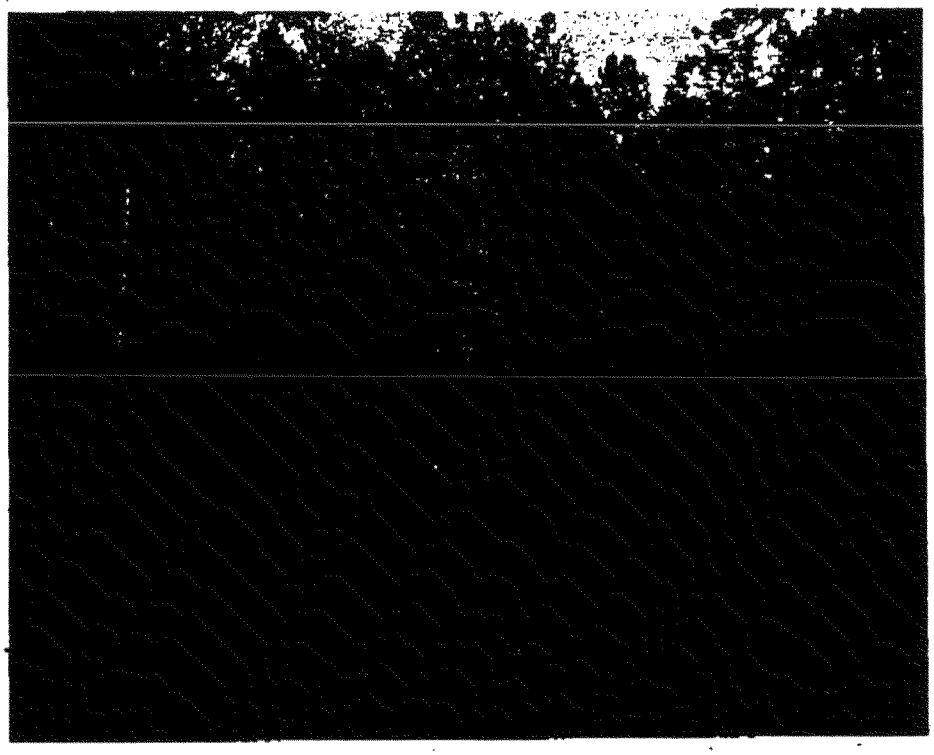


1994

Columbia River Basin

Fish and Wildlife Program

Overview

Northwest
Power Planning
Council

94-1

Excerpts

Over the past hundred years or so, this ecosystem has been harnessed to serve development. From the perspective of many in the Northwest, there have been great benefits. The region prospered. But that prosperity cost the ecosystem dearly.

We are most familiar with the loss of salmon, our most potent symbol of endurance and vigor. Ironically, these fish are now among the region's most vulnerable species. A century ago, between 10 million and 16 million salmon and steelhead returned to the Columbia each year. Today, there are only about 2.5 million salmon, and most of those come from hatcheries.

We have lost not only numbers of fish, but whole runs and more than a third of their original habitat. Additional runs could disappear entirely, too. As recently as 1962, nearly 30,000 adult fall chinook salmon migrated past Ice Harbor Dam on the Snake River on their way to spawn. In 1993, the Snake River fall chinook count was just over 1,000 fish.

Our goal is a healthy basin that supports both humans and fish and wildlife.

Other fish and wildlife species also suffered. Thousands of acres of prime wildlife habitat were flooded behind hydroelectric dams. Some fish — most notably sturgeon, which used to migrate up and down the Columbia and into the ocean — became landlocked.

Many species adapted to the developed Columbia River Basin. Others did not. Several species became extinct. Others have been listed on federal and state endangered species lists.

This Columbia River Basin Fish and Wildlife Program is designed to balance the needs of both the developed and the natural worlds within the watershed. It includes actions to protect and enhance salmon runs, as well as other fish and wildlife. Our goal is a healthy basin that supports both humans and fish and wildlife. We hope to make future Endangered Species Act listings of Columbia River Basin fish and wildlife unnecessary.

The Pacific Northwest Through Time

Evolution of a River Basin

13,000–10,800 B.C.
More than 40 floods scour much of the present day Pacific Northwest.

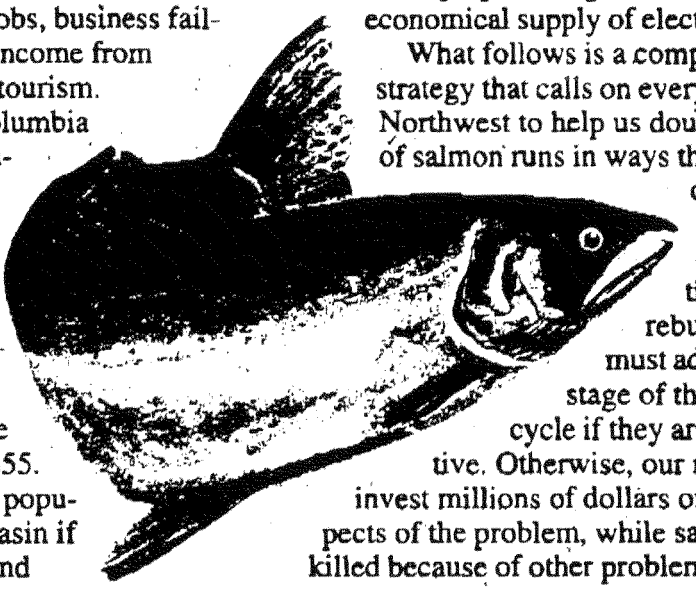
A Strategy for Salmon

Salmon: The price of prosperity

The price for the region's prosperity is being paid by people, businesses and river communities that once thrived on salmon. It is a price realized in lost jobs, business failures and lost community income from business investments and tourism.

It is a price that hits Columbia Basin Indian tribes particularly hard. Salmon are important to the tribes for religious, cultural, economic and subsistence purposes. Some tribes are guaranteed the right to fish for Columbia salmon by treaties with the United States dating to 1855.

We can rebuild salmon populations in the Columbia Basin if we act quickly, carefully and cooperatively. And we can accomplish this goal without eliminating other uses of the river, or jeopardizing our efficient and economical supply of electricity.



What follows is a comprehensive strategy that calls on everyone in the Northwest to help us double the size of salmon runs in ways that ensure continued returns for many generations. Salmon rebuilding efforts must address every stage of the salmon life cycle if they are to be effective. Otherwise, our region could invest millions of dollars on a few aspects of the problem, while salmon are still killed because of other problems.

1840s
First farm irrigation systems installed adjacent to missions near Walla Walla, Washington, and Lewiston, Idaho.

Improve salmon habitat

Salmon habitat includes the streams where spawners lay their eggs, where eggs hatch and where young fish spend the first year or two of their lives. It includes the rivers, the tributaries, the Columbia estuary and the Pacific Ocean.

The quality of habitat determines how many fish survive. Ideally, good spawning habitat has clean, cool water. Streambanks are well-shaded by vegetation. Spawning gravel is abundant and clean. Rocks and woody debris in the water create pools for resting and feeding.

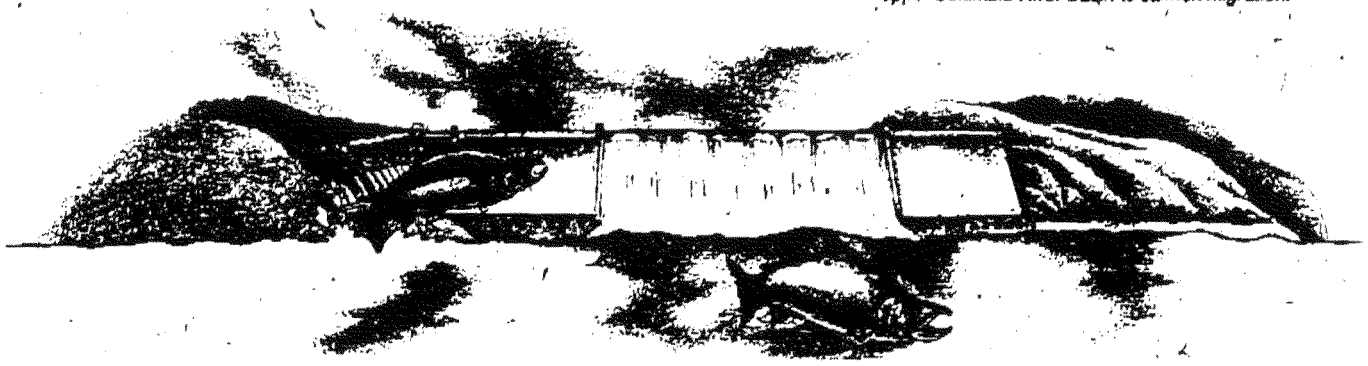
HABITAT

Before and After

Salmon need cool, clean water in the shallow streams where they reproduce. Where shorelines have been stripped of grasses, shrubs and trees that shade the water, the stream heats up. Erosion is more likely, and erosion can silt up the gravel in the stream, making it less suitable for the salmon to build nests and lay eggs.

Planting the shorelines with quick-growing grasses and shrubs, and keeping livestock away from the plants restores the stream to a healthier environment for the salmon.

1941
Grand Coulee Dam begins operation, closing off entire upper Columbia River Basin to salmon migration.



As human populations increased, so did impacts on salmon habitat. For example, the construction of Grand Coulee and Hells Canyon dams, which have no fish ladders, eliminated about one-third of the available salmon habitat in the basin. Other activities degraded the quality of remaining habitat.

Our highest priority for salmon habitat is to maintain its quantity and productivity. We are especially concerned about preserving or restoring streams where salmon and steelhead can spawn naturally.

One objective of our strategy is to ensure that activities to improve salmon production are coordinated for each watershed. This is not just a planning process. It should be how salmon enhancement is carried out, with all parties' interests — especially the salmon's — considered and integrated into an overall approach.

Land and water managers need to focus their attention on protecting streamside areas.

Because about 40 percent of the remaining salmon and steelhead habitat in the Columbia Basin is bordered by private land, it is essential that public and private landowners cooperate in comprehensive efforts to manage salmon habitat.

We are encouraged by cooperative habitat improvements being undertaken in partnerships between private individuals and governments around the basin. These projects not only improve conditions for salmon, but many of them improve agricultural practices and provide educational opportunities, too. Controlling erosion, for example, can make farmland more productive and also improve conditions for salmon by reducing the amount of silt that flows into rivers. We also call on federal and state land and water managers to improve salmon habitat by revising timber, mining and livestock management practices. Land and water managers need to focus their attention on protecting streamside areas.

1948
A 20-day flood on the Columbia destroys the community of Vanport, Oregon, and kills 32 people.

Wildlife Projects in the Columbia River Basin

Dams in the Columbia River Basin affected birds and other animals, as well as fish. Our program includes measures to mitigate these losses. We want estimates of fish and wildlife losses that are attributable to the hydropower system, including habitat losses. We will then call for replacement of this habitat and, where necessary, improvment of it for use by birds and animals.

In Idaho, Oregon and Washington, mitigation has involved individual projects approved by the Council. Montana has a trust fund, established in 1989 and financed by Bonneville, to pay for wildlife mitigation projects developed by the state.

Here is a look at projects approved by the Council so far to aid wildlife:

Idaho

South Fork Snake River: Protect and enhance 64 miles of the Snake River in eastern Idaho for bald eagles. Mitigation for Palisades Dam.

Camas Prairie: 6,100 acres near Anderson Ranch Reservoir in southern Idaho, including wetlands and uplands for waterfowl. Mitigation for Anderson Ranch Dam.

Pack River: 3,100 acres of wetlands along the northern shore of Lake Pend Oreille in northern Idaho for waterfowl. Mitigation for Albeni Falls Dam.

Craig Mountain: 60,000 acres near the confluence of the Salmon and Snake rivers on Craig Mountain for a variety of wildlife. Mitigation for Dworshak Dam.

Washington

Pend Oreille wetlands: 440 acres along the Washington shore of the Pend Oreille River for waterfowl, bald eagles, deer, muskrat and small birds. Mitigation for Albeni Falls Dam.

Blue Creek Winter Range: 5,400 acres on the Spokane Indian Reservation for big game and upland birds. Mitigation for Grand Coulee Dam.

Peregrine falcon project: Involves releasing three to five falcons per year in the Grand Coulee Dam National Recreation Area between 1993 and 1998. Mitigation for Grand Coulee Dam.

Pygmy rabbit/sharp-tailed grouse: 18,000 acres near the Columbia River in eastern Washington to benefit sharp-tailed grouse and pygmy rabbits. Mitigation for Grand Coulee Dam.

Vancouver Lake lowlands: 814 acres north of Vancouver Lake, along the Columbia River in southwest Washington, for waterfowl, shorebirds, wintering wildlife and migratory wildlife. Mitigation for Bonneville Dam.

Yakima Valley wetlands: 4,870 acres on the Yakama Indian Reservation to benefit waterfowl. Mitigation for four dams on the lower Yakima River.

Oregon

Burlington Bottoms: 428 acres along the Willamette River north of Portland to benefit wintering waterfowl and Columbian white-tailed deer. Mitigation for Willamette River Basin dams.

Amazon Basin/Willow Creek: 331 acres of wetlands in Eugene, Oregon, to benefit a variety of wildlife. Mitigation for Willamette River Basin dams.

Conforth Ranch: 2,700 acres along the south shore of the Columbia River near Hermiston, Oregon, to benefit waterfowl and other wildlife. Mitigation for McNary Dam.

Western Pond Turtle: This project involves research on western pond turtles in the Willamette River Basin and, eventually, development of a mitigation plan. Mitigation for Willamette River Basin dams.

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Silt major culprit in lowering nation's water quality

EPA finds cause but another report blames herbicide spray

By DAVID ROTHBARD and CRAIG RUCKER

Having seen the effectiveness of Bill Clinton's campaign focus on the economy, supporters of clean rivers might adopt a similar slogan: "It's the silt, silly."

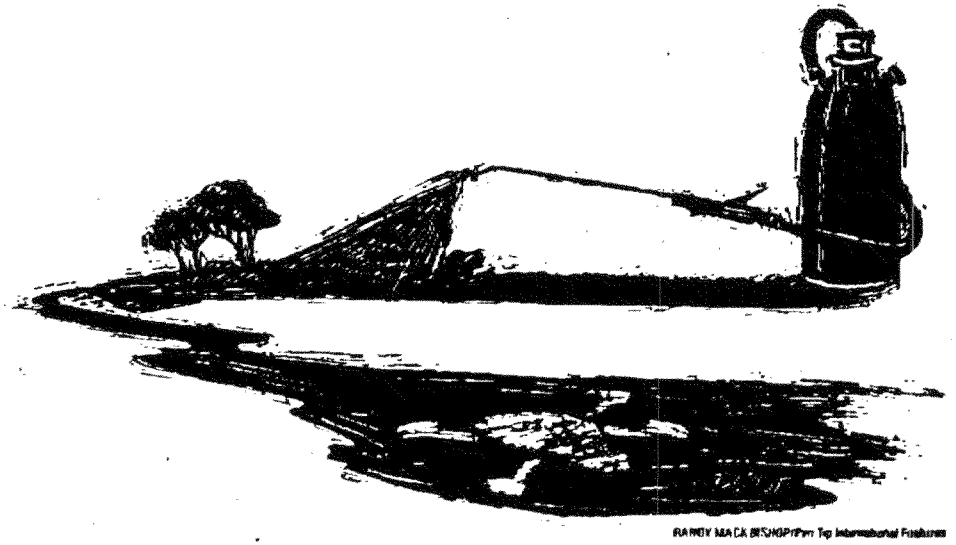
If our country is truly serious about improving water quality substantially, the focus needs to be on the real problem, silt, rather than the imagined and perceived problems that get so much attention in public forums.

It's plain old dirt — topsoil from farm fields, clay from urban construction sites and sediment from unprotected streambanks — that is clogging our nation's waterways.

In a statement issued this spring, Carol Browner, administrator of the Environmental Protection Agency, called silt "the No. 1 problem threatening America's waterways."

Because of sedimentation, "fish respiration is impaired, plant productivity and water depth are reduced, aquatic organisms and their habitats are smothered, and our aesthetic enjoyment of the water is reduced," according to EPA's report, "The Quality of Our Nation's Water: 1992," which was issued this March.

Incongruously, another federal agency has been creating a controversy that has the potential to make this problem worse. Misperception resulting from work by the U.S. Geological Survey might actually change agricultural practices to the point that soil erosion and stream sedimentation could increase.



RANDY MACK BISHOP/Pmn Tip International Features

The Geological Survey has been monitoring herbicide concentrations in lakes, rivers and streams for the last three years. It has also been releasing information to the media about trace amounts of herbicides in spring and summer, when farmers use the products.

However it has never issued a press release reporting on a full year of monitoring, even though federal drinking-water standards are based on the average of samples taken during a full year. Temporary peaks slightly higher than the allowable annual average are of little, if any, significance.

Last August, in a little-known technical report, the Geological Survey revealed the full picture of its monitoring: "During 1991 and 1992, the annual average concentrations for these herbicides were far below health-based standards."

The same report carried a prediction about herbicide concentrations in the waters of the great 1993 flood: "Concentrations for these herbicides probably will not exceed [health-based standards] in 1993."

Many Americans will remember the scene a month earlier when TV reporters and newspaper headlines across the nation told of "surprisingly high" herbicide concentrations in the floodwaters. These reports were based on the Geological Survey's findings of one-day concentrations that were only slightly higher than the allowable annual average. These concentrations were nowhere close to any level of concern, as the Geological Survey acknowledged a month later.

But the perception is long lasting. Now, when EPA reports that agriculture is the leading contributor to stream impairment, many jump to the conclusion that EPA is talking about herbicides.

"It's the silt, silly."

The most common water pollutants, according to EPA's report, are, in order: Silt, nutrients, metals and biological pathogens. Herbicides, even when detections of insignificant concentrations are considered, don't rate with that group.

In fact, herbicides are an essential tool in reducing the amount of silt that gets into streams. While farming remains the leading contributor to river impairment — more stream miles border farms than cities — farmers have made great strides in reducing siltation in recent years.

They have been converting millions of acres to conservation tillage — a practice that leaves last year's crop stubble on the field. Instead of plowing the field and exposing the soil to wind and water erosion, farmers plant seeds through the stubble. Herbicides are used as needed to control the untilled weeds. The crop stubble keeps the herbicide, and the silt, in the field and out of the stream.

Without herbicides, the only way to control weeds is to plow them under before planting and follow up with another tillage trip, further contributing to the No. 1 problem threatening U.S. streams — silt.

David Rothbard is president of the Committee For A Constructive Tomorrow, a Washington-based public-interest organization. Craig Rucker is the group's executive director.

Mult.Co. Code Chapter 5.30

(2) By any person on any road, thoroughfare or property, other than a state highway, county road or city street, for the removal of forest products, as defined in ORS 321.005, or the products of such forest products converted to a form other than logs at or near the harvesting site, or for the construction or maintenance of the road, thoroughfare or property, pursuant to a written agreement or permit authorizing the use, construction or maintenance of the road, thoroughfare or property, with or by:

(a) An agency of the United States;
(b) The state board of forestry;
(c) The state forester; or
(d) A licensee of any agency named in subparagraph (a), (b) or (c) of this paragraph.

(3) By an agency of the United States or of the State of Oregon or any county, city or port of the State of Oregon on any road, thoroughfare or property, other than a state highway, county road or city street.

(4) By any person on any county road for the removal of forest products, as defined in ORS 321.005, or the products of such forest products converted to a form other than logs at or near the harvesting site, if:

(a) The use of the county road is pursuant to a written agreement entered into with, or to a permit issued by, the state board of forestry, the state forester or an agency of the United States, authorizing such person to use such road and requiring such person to pay for or to perform the construction or maintenance of the county road;
(b) The board, officer or agency that entered into the agreement or granted the permit, by contract with the county court or board of county commissioners, has assumed the responsibility for the construction or maintenance of such county road; and
(c) Copies of the agreements or permits required by subparagraphs (a) and (b) of this paragraph are filed with the division.

(B) Except for a farmer subject to subsection (C) of this section, the person or agency, as the case may be, who has paid any fee on such motor vehicle fuels imposed or directed to be paid, as provided by this chapter, is entitled to claim a refund of the fee so paid on such fuels or for the proportionate part of the fee paid on fuels used in the operation of such vehicles, when part of the operations are over such road, thoroughfares or property. The proportionate part shall be based upon the number of miles traveled by any such vehicle over such roads, thoroughfares or property as compared to the total number of miles traveled by such vehicle. To be eligible to claim such refund the person or agency, as the case may be, shall first establish and maintain a complete record of the operations, miles traveled, gallons of fuel used and other information, in such form and in such detail as the division may prescribe and require, the source of supply of all fuels purchased or used, and the particular vehicles or equipment in which used. Whenever any such claim is received and approved by the division, it shall cause the refund of fee to be paid to the claimant in like manner as provided for paying of other refund claims.

(C) A farmer who has paid any fee on motor vehicle fuels imposed or directed to be paid, as provided by this chapter, is entitled to claim a refund of the fee paid on such fuels used in farming operations in the operation of any motor vehicle on any road, thoroughfare or property in private ownership. To be eligible to claim such refund a farmer shall maintain in such form and in such detail as the division may prescribe and require, a record, supported by purchase invoices, of all such motor vehicle fuel purchased (including fuel purchased to operate any motor vehicle on the highway) and, for each and every motor vehicle operated on the highway, a record of all fuel used and of all miles traveled on the highway. Whenever any such claim is received and approved by the division, it shall cause the refund of fee to be paid to the claimant in like manner as provided for paying of other refund claims.

(D) As used in subsections (B) and (C) of this section, "farmer" includes any person who manages or conducts a farm for the production of livestock or crops but does not include a person who manages or conducts a farm for the production of

forest products, as defined in ORS 321.005, or the products of such forest products converted to a form other than logs at or near the harvesting site, or of forest trees unless the production of such forest products or forest trees is only incidental to the primary purpose of the farming operation.
[Ord. 123 § 24 (1976)]

5.30.250. Refunds to purchasers of fuel for aircraft.

Whenever any statement and invoices are presented to the division showing that motor vehicle fuel has been purchased and used in operating aircraft engines and upon which the fee on motor vehicle fuel has been paid, the division shall refund the fee paid.
[Ord. 123 § 25 (1976)]

5.30.260. Refunds to counties and road assessment districts.

Any county or road assessment district formed under ORS 371.405 to 371.535, which buys and uses any motor vehicle fuel for the purpose of operating or propelling road maintainers, graders, tractors, trucks and other equipment used in the construction and maintenance of public highways and which has paid any fee on motor vehicle fuel imposed or directed to be paid under this chapter either directly by the collection of the fee by the vendor from the consumer, or indirectly by adding the amount of the fee to the price of the fuel and paid by the consumer, shall be reimbursed and repaid the amount of the fee paid by the county or road assessment district as provided by MCC 5.30.200 to 5.30.250 if such machinery is used exclusively for the maintenance and construction of such public highways.
[Ord. 123 § 26 (1976)]

5.30.270. Refunds to state, cities and towns.

(A) The State of Oregon and any incorporated city or town, by its proper officer or officers, may secure from the county a refund of any and all fees imposed and collected by the county on any motor vehicle fuel purchased and used by the state or such incorporated city or town.

(B) The division may establish rules necessary to safeguard the county in the matter of the fee refunds authorized in this section. Noncompliance with any of such rules by the state or any incorporated city or town claiming refund under this section is grounds for refusal by the division to allow such claims.

(C) The procedure for refund of fees provided by MCC 5.30.200 to 5.30.250 shall apply insofar as applicable to claims for the refunds authorized by this section.
[Ord. 123 § 27 (1976)]

5.30.280. Refund of fee on fuel used in transportation of rural free delivery or special delivery mail.

(A) All fees collected by the county on the sale, use or distribution of any motor vehicle fuel used exclusively in the transportation of rural free delivery mail or special delivery mail of the United States of America shall be refunded to the person paying the fee if the person is engaged solely and exclusively in the transportation of rural free delivery mail or special delivery mail of the United States of America.

(B) Any person engaged solely and exclusively in transportation of rural free delivery or special delivery mail of the United States of America, who buys any motor vehicle fuel and uses it exclusively in the transportation of rural free delivery mail or special delivery mail of the United States of America, and who has paid any fee on motor vehicle fuel, either directly by the collection of the fee by the vendor from the consumer or indirectly by adding the amount of the fee to the price of the fuel and paid by the consumer, shall be reimbursed and repaid the amount of the fee paid by him upon presenting to the division a statement accompanied by the original invoice showing the purchase. The statement shall be made over the signature of the claimant and shall state the total amount of fuel so purchased and used by the consumer for the transportation of rural free delivery mail or special delivery mail of the United States of America. The division, upon the presentation of the statement and the voucher, shall cause to be repaid to the consumer, from the fees

United States
Department of
Agriculture

Conservation
Service

2115 S. E. Morrison
Portland, Oregon 97214
Phone 231-2270

Date: June 17, 1994

Multnomah County Board
of Commissioners
1120 SW Fifth Ave.
Portland, OR 97204

C 2-94

Dear Commissioners,

I wish to respond to written testimony submitted by Metro at the joint Board of Commissioners and County Planning Commission meeting held on 13 June 1994. In that testimony Metro disagrees with the planning staffs recommendation to not regulate agriculture and to limit the Soil and Water Conservation Districts appropriations to restoration activities, exclusively.

I agree with staffs recommendation to allow the Soil and Water Conservation Districts to handle the water quality issue related to agriculture. More regulation has not demonstrated itself as the answer to water quality issues related to any landuse. If recommending appropriations is part of this testimonial process I recommend appropriating the money the county would waste trying to figure out how to regulate agriculture to the Soil and Water Conservation Districts to bolster their program which actually achieves results.

I admire the Metro Greenspaces program and the fine work they do; and I appreciate the opportunity to present my view

Sincerely,

Steven Fedje
District Conservationist

C 2-94
RESPONDENT'S EXHIBIT 25

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

GUARDIANS OF LARCH MOUNTAIN

P.O. Box 36
CORBETT, OR 97019
503 695-3412

June 16, 1994

R. Scott Pemble
Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison St.
Portland, OR 97214

Re: Howard Canyon Reconciliation Report / June 13, 1994 Public Testimony

The following is the text of the testimony delivered by the Guardians Of Larch Mountain's co-founder Klaus Heyne at the June 13th joint meeting of the Multnomah County Board of Commissioners and Planning Commissioners.

Please enter the following text into the written record:

I would like to focus on the impact area and the crucial role it plays for the determination of whether the Howard Canyon Aggregate Site should be protected, meaning whether rock should be extracted in the future (in excess of the current 5000 cubic yards currently allowed).

It is central to the Goal Five process to define the impact area for a resource, in this case, a quarry site, because other uses nearby which might be in conflict with the site need to be defined, cataloged and analyzed, in order to be evaluated in the process.

The county planners adopted the current 1200 ft. impact area around the mining site from a 1990 noise study by an acoustic consultant which was commissioned and paid for by the quarry owner. This study was submitted during the 1990 periodic review process, and its purpose was to show the County that if you go a certain distance from the center of the site, the noise generated from mining equipment located at the center of the site would be within acceptable DEQ noise limits for residential areas. The consultant did not actually measure any noise generated by any real equipment, but predicted noise levels mathematically with the help of a computer program. As the noise source on the site he estimated "typical processing equipment" like crushers, screens, front end loader, dozers, etc.

C 2-94

RESPONDENT'S EXHIBIT 26

The noise study did not indicate whether noise levels of several pieces of machinery operating at the same time were considered, or just one machine at a time. The noise study did not consider the topography of a deep canyon and its reflective sound propagation, vegetative buffers or their absence, and other variations germane to the site. In summary, the results of the study were very favorable to the quarry owner's intentions to expand into a fully commercial mining operation because it seemed to indicate an acceptable noise impact on the surrounding residences.

However, in the 1990 Goal Five inventory report, the county planning staff dismissed the conclusions of the noise study. It voiced critical comments on page 16, and 17 of their report, and concluded: "The noise generated by blasting, machinery and rock crushing IS considerable."

Four years later, it now comes as a great surprise, that that SAME noise study by the same noise consultant for the quarry owner was exclusively used by staff in the current Howard Canyon Reports to define a 1200 ft impact area! Yes, the State in its Remand Order found flaws with the county's previous method of evaluating noise impact on residences.
But why didn't the planning staff in the last year and a half independently verify whether the consultant's methods and conclusions were correct? Why didn't they offer to commission an objective study by an independent noise consultant who would not have any benefits by skewing the results one way or the other? We are not asking to draw an impact area around the mining site unnecessarily wide, which benefits the residents, or narrow, which benefits the quarry owner. But is it to much to ask the planning staff to independently and objectively define an impact area when so many vital conclusions regarding the Howard Canyon Site rest on the precise extent of the impact area?

We are simply asking you today, to spend the $2000 or so for an independent noise study of the Howard Canyon Site in order to guarantee an objective and defensible impact area definition!

Thank you.

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

County Commissionary,

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

C 2-94

It is my belief that closing the gravel pit in Corbett will cause undue grief on this community. As it is now there is limit Truck movement on our roads. If Closed, the trucks will have to travel farther, create damage to roads they do not travel now, and possibly interfer with kids playing in yards by road (rocks fall off toad injurying kids). My vote is to keep the Pit open where it causes no harm to the Community but benifits it.

RESPONDENT'S EXHIBIT 37

Wm Scott Morgan
Corbett Resident

TO WHOM IT MAY CONCERN:

The gravel pit is great for the community because every driveway in Corbett has a gravel driveway and we need that gravel from The pit. If we have to get gravel elsewhere IT would make to much Dumptrucks over a long distance and cost way to much. With a gravel pit in Corbett it makes for shorter distances + cost less. The gravel pit makes more sense if left open then if it was closed down.

Sincerely,
Robert J. Morgan
Robert J. Morgan

C2-94

C2-94
RESPONDENT'S EXHIBIT 27

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

TO: Multnomah County Planning Commission

FROM: Mr. and Mrs. Wm. James Morgan Mr. & Mrs. Wm. James Morgan

SUBJ: Gravel Pit located in Corbett Oregon

We would like to present to you an argument for the Gravel Pit in Corbett. We've lived in Corbett for years and like most residents in the area have a gravel driveway. If you've never had one then you wouldn't realize that it's not a matter of putting it in and forgetting it. Gravel drives take constant maintenance. Especially in this weather. Having teens doesn't help either. They tend to drive on it too fast and make pits in it which have to be refilled at least two to three times per year. It also, from time to time, has to be leveled out and resurfaced.

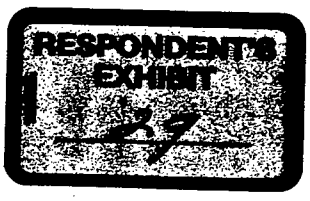
The pit in question is located away from everyone. There is no noise from it, no dust from it, and it's not polluting. Mr. ~~Mott~~ Muck who runs it only has one truck that I'm aware of and is a very good and safe driver. There are some allegations that he has had many driving tickets while transporting gravel and if you check with the DMV you will find that he has no driving citations either professional or personal.

In actuality, most residents of Corbett and Springdale want the gravel pit to remain. Removing it would increase our costs to replace the gravel on our drives. If it is removed, we will have to get our gravel from other vendors, in which there are several in the Portland area. It will cost us more and there will be more trucks on the road during the day and evening because not everyone in the area will choose the same vendor.

We are a small community and as members of it we wish to support small business in our area as much as possible. We appreciate being able to utilize Mr. ~~Mott~~ Muck's services. He is cost effective, efficient and timely. It would be a real loss to this community if the Corbett Gravel Pit is closed.

Thank you so much for your time in this matter.

C 2-94



RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

20/20
PROPERTIES

REALTOR

June 10,1994

To: Multnomah County Commisioners

Re: Rock Quarry

I am a licensed Realtor with 20/20 properties. I am a long time resident of Corbett, I also list and sell property in Corbett. In general, a rock quarry will reduce the value of homes in the vicinity of the quarry. If two homes are exactly the same in all respects, but one is located in the vicinity of a rock quarry, and the other isn't, the one near the rock quarry will be worth less.

In particular I know about the Howard Canyon rock quarry, and I am familiar with the surrounding area. If the quarry expands into a commercial quarry, my opinion is that property values will drop.

As an example of the impact a quarry has on sales, I remember showing some buyers a home close to a rock quarry in Scappoose. The buyers liked the home, and the buyers liked the rural setting, but when they were told about the rock quarry they were no longer interested. The rock quarry was not in sight of the home, but the fear of having to compete with large dump trucks on the same small road, and the fear of the noise they might hear was enough to kill their interest.

A seller will have to compensate for these problems by adjusting the price down.

Mike Grover

Mike Grover
20/20 Properties
1550 NW Eastman Parkway Suite 200
Gresham OR 97030

C2-94
RESPONDENT'S EXHIBIT 30

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JUN 20 1994
Multnomah County
Zoning Division

June 15, 1994

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

Multnomah County Planning Commission
2115 S.E. Morrison
Portland, OR 97220

RE: HOWARD CANYON QUARRY PROPOSAL

C 2-94

Dear Commission Members:

First of all I live at 38210 S.E. Howard Rd., Corbett, Or, Tax Lot 6, which is approximately 400 ft. from the entrance to the property on which the quarry is located. I have lived here since June 25, 1990, and over the last four years have been home much of the time, particulary during the daytime hours when the quarry operates. I can tell you from my own personal observations that I cannot and do not hear the quarry operation other than the trucks that use Howard Rd. to enter and exit. There is no noise and no dust. The trucks run on a very inconsistent schedule, sometimes there will be several trucks in a day maybe as many as 15 trips per day but then there will be weeks when there is no activity at all. The opponents tried to make it sould like this was an everyday event on both Howard and Knieriem Roads which is simply not true. Last Friday for example, one truck ran 12 trips beginning about 8:00 a.m. and quitting about 4:00 p.m. All other days last week there were no trucks so to just pick Friday is misleading.

The only people that could possibly be affected would be us that live on Howard and Knieriem Roads. The other roads will be carrying any rock brought into this community anyway because the market will drive how much rock is used not how much would be crushed. There has to be a market so for people on Louden and Larch Mtn Roads to say this will affect there property values is really a stretch because people will just buy there rock from Gresham or Troutdale and bring it by somebody's house on there way to Larch Mtn, Louden Rd., Gordon Creek, and the Scenic Hwy. There would be less traffic coming into our community if we used our local source. Also, testimony was given on the roads being inadequate for the weight of any additional trucks. What weight do you suppose the County and State trucks are that carry gravel and rock, and how about all the log trucks? Nobody is rebuilding roads and culverts for all the other trucks.

We are hoping for a amicable solution to this problem. This quarry will save jobs and create new ones. This is a resource C2-9
that must be protected and is much needed by this commu

Patricia E. Smith
(503) 695-2545

RESPONDENT'S EXHIBIT 31

37737 S.E. Howard Rd
Corbett, Oregon 97019
6-18-94

Beverly Stein
Chair, County Commissioners
1120 S.W. Fifth Ave., Rm 1410
P.O. Box 14700
Portland , Oregon 97204

Dear Ms. Stein,

I was able to address some of my concerns at the public hearing June 13 regarding the open gravel mine on Howard Canyon. Please let me add a few more concerns.

Our family has lived in Howard Canyon about 1/2 mile from the gravel pit for about 5 years. During that time, as I stated before, the gravel trucks have become part of our daily lives and we have learned to be cautious and tolerate them at this level.

My main concern is for the safety of the children that live on Howard Rd. There are 15 families (from my count) that live on Howard Rd. Out of those 15, seven of them have young children of varying ages. I took a bike ride with my 7-year-old (we must always be with the young ones because of the possibility of encountering a gravel truck) several days ago. I counted 5 blind curves. These are potentially very dangerous if we encounter a truck. Because of the weight of their load it would be difficult for them to stop quickly.

Yesterday and today I have spent some time talking to our neighbors to gain an idea of how they felt. There is not a sense of animosity, but the general consensus is this: we tolerate the present operation; we can not imagine tolerating an operation that would potentially become 10-fold. One person whom I will keep anonymous said, " I wouldn't want to cross him" (meaning Mr. Raymond Smith) and voiced concern that he not be put on a petition. Another individual, again remaining anonymous, stated that four years ago they put their name on a petition to not expand the gravel operation and Mr. Smith arrived at their front door very angry. They felt quite intimidated and although this person expressed a desire to not see it expand, was afraid to give public testimony, fearing the repercussions. There are two families on Howard Canyon with the surname Smith who are related directly to Raymond Smith. Of course, they are for him. All others oppose the expansion of the gravel pit.

I hope that you will consider the desire of the community at large to keep the quality of life as we know it . The main persons who want to expand the operations are: the owners of the pit, the truck drivers, and the families of these individuals, all who would chance to gain financially from this venture at the expense of the rest of the community.

Thank you for your time and consideration.

Sincerely,

Carol Gama

Carol Gama

C 2-94

RESPONDENT'S EXHIBIT 2

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

MICHAEL GAMA & ASSOCIATES
37737 S.E. Howard Road Corbett, Oregon 97019 Phone 695-8134 FAX. 695-5619

G.H.(Jerry) Chinn jr.
745 S.E. Littlepage Rd
Corbett, Or 97019

June 17, 1994

Multnomah County Board & Planning Commissions
Beverly Stein/Leonard Yoon - Chairpersons
1120 S.W. Fifth Avenue
Room 1410
P O. Box 14700
Portland, Or 97204

Dear Multnomah County Board & Planning Commissioners,

I was unable to attend the June 13, 1994, Joint Board/Planning Commission Hearing on the Howard Canyon Area Reconciliation Report. It is my understanding that additional testimony will be considered if received prior to June 21, 1994.

I would like to submit the following written testimony

I live at the open end of Howard Canyon, where the Howard Canyon, Littlepage, and Pounder roads intersect. These roads, along with Kneiriem road are the primary routes used to haul aggregate out of the gravel pit within Howard Canyon. The truck traffic along these roads can be heard for some distance, and because of the terrain, the use of exhaust brakes is essential. Exhaust brakes, commonly known as Jake Brakes, are very noisy and can be heard all over the valley/canyon when they are used. There is a natural echo from the canyon that allows noise to travel outward toward our home. This is a quiet, rural community that embraces and enjoys the quality of life that we share here. The noise is an irritant, but is tolerated at its present level and frequency. The proposed ten-fold increase in hauling would severely degrade the quality of life in our area.

I am a volunteer fire fighter with Multnomah County Fire District 14 that serves the Corbett, Springdale, Aims, and eastern Troutdale areas. As a first responder to emergencies in the area, I am concerned about the safety of the citizens of the community. The roads in our community are narrow, winding, hilly, some with grades as severe as 10%, and many have blind curves. We respond to traffic accidents frequently, most of which are related to the nature of traveling rural roads under adverse weather conditions. The increased hauling would subject all of us to additional exposure to large, heavily loaded ,commercial vehicles on roads that are not designed to handle them. Additional safety concerns are monitoring of load weights, vehicle maintenance(i.e. braking systems), and speed of travel.

C2-94
RESPONDENT'S EXHIBIT 33

The Corbett Area is "The Gateway to the Columbia Gorge National Scenic Area" as designated by Congress. The gravel pit is within a few hundred feet of the boundary to the Scenic Area People visit and play in the Gorge year around. I would hate to see the loss of tourism due to the commercial exploitation of one entrepreneur. I am not opposed to the current commercial usage or hauling practices, just the proposed increases. and the fore-mentioned issues.

Thank you for your consideration in the matter.

Sincerely,

G.H.(Jerry) Chinn jr.

GHC/ghc

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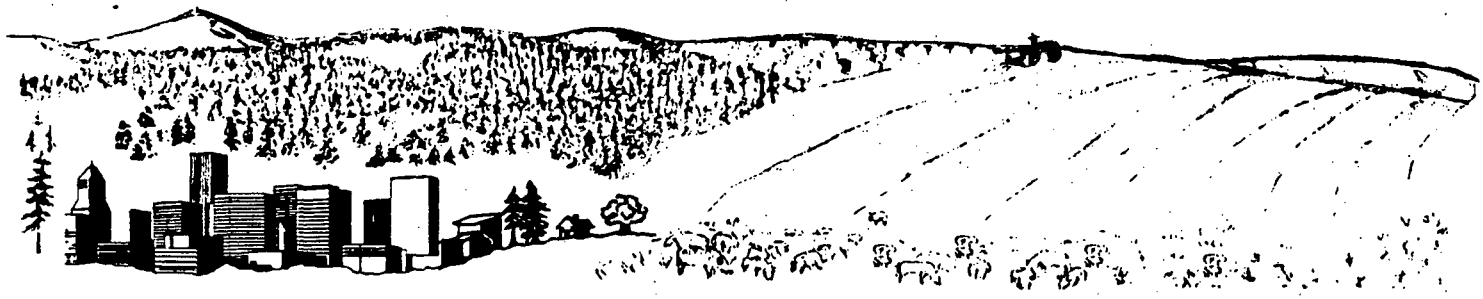
JUN 2 0 1994
Multnomah County
Zoning Division



EAST MULTNOMAH SOIL AND WATER CONSERVATION DISTRICT

2115 S.E. Morrison Portland, Oregon 97214 Phone (503) 231-2270

June 20, 1994

R. Scott Pemble, Director
Multnomah County Planning & Development
2115 S. E. Morrison
Portland, Oregon 97214

Dear Scott:

Re: Comments regarding the "Howard Canyon reconciliation Report," May 23, 1994 submitted on June 13, 1994 by Charles Ciecko, Director, and Ralph Thomas Rogers (EPA Biologist) of Metro Regional Parks and Greenspaces Department.

We wish to address some issues that Mr. Ciecko and Mr. Rogers raise in their comments.

On Page 8 Section C is the following statement:

"It is widely accepted that agricultural activities have and continue to b a major factor in the degradation and destruction of riparian habitat, decline in wildlife diversity, degradation of water quality, destruction of fish resources and introduction and spread of exotic plant species ar in some cases disease."

While we agree that agricultural activities can and do cause damage to riparian areas and streams, their contention places a very heavy burden on one segment of the community. It is our experience that other segments of the community have similar impacts. Whether a regulatory approach on agricultural activities would be effective economically or in changing questionable land practices is debatable. The District stands ready to work with the County in cooperative efforts aimed at those suggestions on pages IV-9 and IV-10 in the reconciliation report. Incentive and educational programs targeted to agricultural land users are additional worthwhile ideas to consider.

Page 9 - Last paragraph of Section D

In this paragraph Messrs. Ciecko and Rogers recommend that the County limit appropriations to our District to include only restoration activities on streams and wetlands which have been degraded by agricultural activities. This suggestion is inappropriate for the following reasons:

C 2-94

RESPONDENT'S EXHIBIT 54

Contains Recycled Materials

The East Multnomah Soil and Water Conservation District (EMSWCD) is a sub-unit of State government established to work with and assist landowners and users in matters involving the conservation and wise use of natural resources for the benefit of citizens of Oregon. Our five Directors are elected at General Elections by the entire electorate. Our District encompasses the entire County east of the Willamette River. We are volunteers with the mandate to serve everyone within those boundaries, not just the agricultural community. We do our work by joining in with citizens, private and public groups, governments and organizations in cooperative collaborative efforts. Our primary administrative and clerical financial support comes from Multnomah County and approximately $9,500 per year is the total county share of our funding. With this basic support we have been able over the past several years to leverage many times those dollars into the area with grants for such activities as public and student educational projects, demonstration stream restoration projects, and summer youth conservation projects for at-risk youth.

If the County were to restrict the use of these funds to stream restoration projects on lands damaged by agricultural practices, our whole program would be jeopardized. Conversely, using the County's $9,500 funding on agricultural lands could not accomplish much restoration. We strongly urge that the county disregard Messrs. Cieko and Rogers's suggestion.

We appreciate the opportunity to comment on this testimony. We are eager to work with you and Metro's Parks and Greenspaces program in the future.

Sincerely,

Dianna L. Pope

Dianna L. Pope, Chair
East Multnomah Soil
and Water Conservation District

cc:
Charles Ciecko
Ralph Thomas Rogers
Multnomah County Board of Commissioners
Multnomah County Planning Commissioners
Steve Oulman, DLCD
Robert Walker, BPA
Jill Zarnowitz, ODF&W
Rena Cusma, Metro
Judy Wyers, Metro
Merrie Waylett, Metro

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JUN 20 1994
Multnomah County
Zoning Division

Oregon

DEPARTMENT OF
FISH AND
WILDLIFE

HABITAT
CONSERVATION
DIVISION

June 20, 1994

Scott Pemble, Planning Director
Multnomah County Department of Environmental Services
2115 SW Morrison St.
Portland, OR 97214

Dear Scott:

The Oregon Department of Fish and Wildlife (Department) has reviewed the Howard Canyon Reconciliation Report, and offers the following comments.

We agree with the County's designation of Knieriem, Howard Canyon and Big Creek as significant Goal 5 resources, and with the County's proposal to limit conflicting uses within the "impact area" of these streams (i.e., the riparian zone).

Mining at the Howard Canyon quarry is identified as a potential conflicting use. The aggregate resource is not located within the riparian area of these streams. However, the 1,200 foot "impact area" of the Howard Canyon quarry includes the drainages between the aggregate resource site and Knieriem, Howard Canyon and Big Creek. Water quality in Knieriem, Howard Canyon and Big Creek could be impacted by unregulated discharge from the quarry operation.

The Department believes that the County's proposed protection measures for streams (Reconciliation Report, Pages IV-13 - IV-15) in conjunction with the County's proposed regulations on aggregate extraction at the Howard Canyon quarry (Reconciliation Report, Pages IV-20 - IV-22, in particular v, vii and x) are adequate to protect Knieriem, Howard Canyon and Big Creek from the impacts of mining at the Howard Canyon quarry.

C2-94

RESPONDENT'S EXHIBIT #5

2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 229-6967

Thank you for your consideration of these comments. Please enter this letter into the record of your June 21 Planning Commission hearing.

Sincerely,

Jill Zarnowitz
Assistant Director
Habitat Conservation Division

Faxed on
6/20/94 ah
01:44pm pd

RECEIVED
JUN 23 1994
Multnomah County
Zoning Division

BLACK HELTERLINE
LAW OFFICES

1200 THE BANK OF CALIFORNIA TOWER
707 S.W. WASHINGTON STREET
PORTLAND, OREGON 97205

TELEPHONE (503) 224-5560
FACSIMILE (503) 224-6148

STARK ACKERMAN
RONALD T. ADAMS
ALBERT J. BANNON
JAMES M. BAUMGARTNER
CLARENCE H. GREENWOOD
PAUL R. HRIBERNICK
DONALD L. KRAHMER, JR.
JOHN M. McGUIGAN*
ROBERT E. GLASGOW
OF COUNSEL
JOHN D. PICCO
COUNSEL

MICHAEL O. MORAN
THOMAS K. O'SHAUGHNESSY
ROBERT J. PRESTON*
GERALD H. ROBINSON
RICHARD N. ROSKIE
DAVID P. ROY
STEVEN R. SCHELL
SUSAN J. WIDDER
RUSSELL M. HELTERLINE
RETIRED
HARVEY N. BLACK (1986)
BORDEN F. BECK, JR. (1989)
GUY J. RAPPLEYEA (1993)

*ALSO ADMITTED IN WASHINGTON

OUR FILE NUMBER

June 20, 1994 S152

HAND-DELIVERED

Multnomah County Board of Commissioners
Multnomah County Planning Commission
c/o Office of Board Clerk
1120 S.W. Fifth, Suite 1510
Portland, OR 97204

1994 JUN 20 PM 3:54
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

Reference: Howard Canyon Reconciliation Report Comments

Dear Members of the Board and Commission:

We are responding to many of the comments which were provided to the Board and Commission relative to the Howard Canyon mineral and aggregate site. We have received the following comment letters from staff assistant, Deborah L. Bogstad: Guardians of Larch Mountain (April 22, 1994); Bob and Nev Scott (June 3, 1994); John Windust (June 12, 1994); undated petition in support of this quarry; undated letter from James Redden; William S. McGinnis, P.E. and Judy E. McGinnis (June 13, 1994); undated letter from Paul and Corrie Renner; Daniel Roberts (June 10, 1994); Metro (June 13, 1994); Neil Kagan (June 10 and 13, 1994); document entitled, "Oregon Visitors Industries," submitted by Michael Gamma on June 13, 1994; unrelated complaint apparently submitted by Dave Black (November 2, 1993); Oregon Natural Resources Council (June 13, 1994); letter dated June 11, 1994 from two members of the Corporate Water District Board submitted by Steve Dixon; undated letter from Mike Grover, submitted by Steve Dixon; and letter dated June 13, 1994 submitted by Vera Dafoe. We understand that this is a complete list of all the supplemental materials submitted to the County as of this date upon which the Planning Commission and Board of Commissioners will make its decision.

We have previously requested copies of all materials submitted to the County. If additional materials have been submitted, we request additional time to respond to them. In

C 2-94

RESPONDENT'S EXHIBIT 35a

addition, because the County is addressing the Howard Canyon quarry as a "quasi-judicial" matter, we request additional time to rebut any late arriving testimony that may be provided by persons in opposition to the staff proposal.

We believe the Howard Canyon reconciliation report, dated May 23, 1994, reaches the appropriate conclusion with regard to the Howard Canyon Goal 5 mineral and aggregate site. This conclusion is that while there may be conflicts which can be associated with the quarry use, such conflicts are either minimal in nature, or may be mitigated through a land use program. We believe this conclusion is the result of thorough and comprehensive work on the part of the County's planning division. We believe that the conclusion and recommendation by the County's planning staff represents a significant improvement to the County's 1990 position given the necessary changes which were suggested by LCDC in order to obtain Goal 5 compliance. We believe it is a practical matter that the staff's work represents a realistic assessment of the impacts and benefits of the proposed quarry use and presents an appropriate balancing in order to protect all resources.

There has been concern expressed about the size of the Howard Canyon quarry. At the NEMCCA meeting of May 25, 1994, we presented a series of suggested conditions which were designed to have the following effect:

1. Keep the Howard Canyon quarry a small, community-based quarry.

2. Have the Howard Canyon quarry serve primarily the general area east of the Sandy River (Corbett, Larch Mountain, Ames, and other areas east of the Sandy River which presently import rock from Gresham, Clackamas County and the State of Washington).

The four suggested conditions offered by Mr. Smith are designed to limit the overall size of the operation in a manner which will alleviate many of the concerns of neighbors about "unlimited trucks rushing material to the competitive markets in downtown Portland." We have enclosed a copy of the proposal which was shared with the Corbett community at the NEMCCA meeting.

The first condition concerns blasting and is basically equivalent to a condition suggested by the County staff. It

would require 48-hour mail notice before the blasting occurred. We do not believe that blasting will be a significant requirement at the site as ongoing exempt operations at the site have occurred without blasting for the last several years. At this point, material can be loosened by mechanical equipment and blasting has not been necessary. In the event blasting would become necessary, we would agree to notify persons in the impact zone prior to any blast.

The second condition suggests limited hours of operation. These should be compared by the County to around-the-clock operations for the Fisher pit in Washington and the extended hour of operation of many of the large quarry operations in Western Oregon. We have requested an early start time so that material could be moved to job sites for those contractors who must be on the job early. Early start time also helps minimize traffic conflicts. Rock crushing hours would start an hour later and end an hour sooner. Saturday operations would be shorter still and there would be no operations on Sunday. We also do not propose operations on major holidays.

The third condition proposes an overall limit on the site of 50,000 yards on any given year. Larger quarry sites in Oregon are producing in excess of 600,000 cubic yards per year. A 50,000 cubic yard cap at the Howard Canyon site represents a very modest operation. We also propose that for the public works project east of the Sandy River, additional rock be allowed to be produced. We emphasize that we would need a mechanism to request permission from the County to increase production for public works projects on a case-by-case basis. Opponents have described this as a "free-for-all" provision. We believe that the County would be very careful in approving exceptions to the 50,000 yard cap and would do so only if the public interest is well served.

The fourth condition suggests a way to address the neighbors' concerns regarding truck traffic. The gravel industry serves the building and construction industry as well as the needs of individuals in the local community to provide rocks for their driveways and other domestic uses. Typically, there is more demand for rock in the summer months when there is more home construction, road building and driveway maintenance. We have proposed that there be a maximum of 520 loads per month allowed to exit the site. This is an average of 20 loads a day over 26 working days. While there would be some days when more than 20 trucks might exit the site, the maximum of 520 monthly loads would control. We believe that most months would be

substantially under the 520 load limit. This defined level of truck traffic could be increased only if the County allowed an increase for public interest projects east of the Sandy River. This proposed limit could easily be enforced by a number of low-cost mechanisms.

The following are comments addressed to specific concerns raised by individual commentors:

Memorandum from Commissioner Sharron Kelley dated June 7, 1994. Commissioner Kelley raises a number of concerns and points. Her first point is that the County did not appeal the LCDC remand order, No. 90-44, and therefore is bound by LCDC's requirement. Commissioner Kelley's second point is that there are other gravel operations which serve East County. Herbert G. Schlicher (Oregon Certified Engineering Geologist, No. 1) provided comments on many of these sites in correspondence dated February 15, 1990. He concluded that the "alternative" sites are too far out of the market area or do not have adequate resources to serve the Corbett area. A copy of Mr. Schlicher's report is enclosed.

Commissioner Kelley's next point is related to the "no impact" issue. The quarry and surrounding properties are located in a resource zone. Nonresource uses in these zones (such as dwellings) must expect some amount of conflict from resource uses, whether they be farming, forestry or others. LCDC's remand order simply reminds the County that proper balancing conflicts under the Goal 5 process does not contemplate a "no impact" standard, particularly in resource zones.

Commissioner Kelley's next point addresses noise issues. She asks why the report of a geologist was not considered for noise purposes. The geologist, Mr. Scott, is not qualified to make any judgments regarding sound levels. Mr. Standlee, a registered professional engineer (acoustical specialty), is specifically qualified to make noise judgments and was found credible by the County staff.

Commissioner Kelley's next point addresses transportation issues. She points out that DLCD has recommended the County treat transportation as a utility (i.e., a resource that serves all types of land uses).

Commissioner Kelley also raises concerns about wildlife habitat and streams. Dr. Robert Ellis, together with Dr. Paul

Whitney, addressed fisheries and wildlife issues for the Howard Canyon site. Their conclusion was that "the proposed quarry site can be developed without harm either to the trout or wildlife (deer and elk) populations." Dr. Ellis pointed out that the quarry site itself lacks thermal cover and therefore is not particularly good habitat. In addition, Dr. Ellis pointed out that substantial distance exists between the quarry and streams for controlling any offsite water quality issues that might arise from the operation of the quarry. At most places at the quarry site, there is at least a quarter-mile beyond the maximum riparian strip of the streams in the impact area.

Finally, Commissioner Kelley raises concerns regarding impacts on farm and forest uses and dust impacts on neighboring uses. Forest uses in the area are primarily harvesting uses and have many of the same impacts as the quarry use. There is no indication that any conflicts would arise between crops, forest uses and the Goal 5 gravel use. Finally, the small quarry itself is simply not a large producer of dust. Distances between the quarry and nearby residences are substantial and help reduce dust. In the event dust becomes a problem, there are many simple solutions which can be used to reduce the impact, including road treatment.

Memorandum of Mr. Kagan

Mr. Kagan's general comments address the "no impact" test and transportation concerns.

LCDC has required the County to redo its Goal 5 program with regard to the Howard Canyon quarry. One of the things LCDC stated very clearly was that a "no impact" approach did not follow the balancing requirement of the Goal 5 process. The County staff's recommendation is a result of months of work with DLCD staff in which the LCDC's order was refined through working guidelines and understandings. The County staff, like LCDC, now recommends to the Board that a "no impact" standard is inappropriate. This is because Goal 5 requires a balancing number of factors in order to reach a legally acceptable and defensible conclusion. The County staff's work is solid and recognizes that due to the location and nature of the Howard Canyon Goal 5 mineral and aggregate resource, impacts from the site will be minimal. The staff has therefore recommended protection for the site. It is important to remember that the owner of the quarry site conceded the significance of the streams in the area more than five years ago when he adopted a mining

plan which will avoid any impacts on the streams. The County staff has recognized this and appropriately designated the quarry site for protection.

Mr. Kagan's other concern is about transportation effects. Contrary to LCDC's findings, he argues that the road impacts should be used to deny protection to the Goal 5 resource. Again, the County staff has worked with the DLCD staff over an extended period in refining the LCDC order and coming up with workable options for the County. The County staff's recommendation to protect the site recognizes that resource protection is distinct from road use issues. One irony of Mr. Kagan's comments (and those of Mr. Michael Gamma) is that they argue for denial of Goal 5 protections on transportation grounds so that the County can encourage tourist buses to visit natural resources. Telephone contacts with Raz Transportation Company, Evergreen Stage Lines (the Gray Line tour operators in Portland) and Laidlaw Transit, Inc. (the school bus contractor for Portland Public Schools) confirm that buses are as wide as dump trucks (approximately 8 feet), are longer than dump trucks (up to 45 feet for tourist class buses), and are heavier than dump gravel trucks (in excess of 44,000 pounds for tourist class buses). These tourist associated road impacts will affect the same roads which Mr. Kagan argues should be protected from dump truck impacts.

As pointed out by Professional Engineer William J. McGinnis, defining road impacts as a problem associated with a specific resource (e.g., gravel) does not make any sense. Blaming road problems on one resource site ignores road impacts from all of the following which are already on the road: rock trucks coming from other sources outside the area; concrete trucks using the same roads; trucks transporting mobile homes through the area; school buses; tourist buses; heavy emergency vehicles such as fire trucks; large moving vans; and significant log truck traffic in the general area. Mr. Kagan seeks to rely on a seven-year old letter report from Mr. Bernstein. Mr. Bernstein concedes that traffic congestion is not a problem in the area. Rather, the Bernstein report raises a number of questions centered around "driver behavior" and the unsafe conditions created by "impatience and frustration" leading passenger car drivers to make "ill advised or downright dangerous" maneuvers. Passenger car driver behavior is not a factor which LCDC nor DLCD believe is sufficient to deny protection to a Goal 5 resource. Mr. Bernstein does not acknowledge that roads in the area are farm-to-market and forest-

to-market roads that cannot, and will not, provide an urban level of comfort. Mr. Bernstein also did not hear the testimony at the NEMCCA meeting on May 25, 1994 (much of it from the opponents), stating that the existing drivers at the quarry are safe and courteous, and that the real hazards on the roads are people rushing to work in Portland. Mr. Kagan would have all of these factors blamed on an existing quarry use. As LCDC and the County staff have pointed out, this is not an appropriate conclusion to reach in the Goal 5 process when the question is whether or not a resource should be protected.

Mr. Kagan also argues that the economic consequences of not protecting the Howard Canyon are small because it is just one percent of the size of the Angell Bros. quarry on the opposite side of the County. Mr. Kagan did not have the benefit of the public comment at the NEMCCA meeting which individuals discussed the cost of bringing in material from out of the area. For example, with the expected expansion of the Corbett school, a local gravel source could save between $50,000 to $100,000 of taxpayers' money simply in reducing transportation costs. Mr. Kagan also did not have the benefit of the testimony of Mr. Clint Davis and Mr. Woodrow Davis, two local individuals who deliver aggregate material in the Corbett area, some of it from the Howard Canyon site. Both individuals indicated that their other source of rock in the State of Washington and that Washington rock costs substantially more than the rock that is produced locally and delivered locally. Both the testimony of the Davises and Mr. Tom Doudy (another driver delivering in the area), make it absolutely clear that less energy is used delivering local rock to the local area and that local rock costs less money. Finally, Mr. Kagan's concerns do not recognize that rock already comes into the area and affects the road system. Testimony of the Davises is that it comes from Vancouver which means that it must come a greater distance through the Corbett area on County roads to reach its ultimate destination. The County staff has considered all of these factors and has recommended that the resource be protected. We agree with the staff's assessment.

Mr. Klaus Heyne

Mr. Heyne (along with Mr. Kagan to a lesser extent) expresses concern about noise generated from the site. Because Mr. Heyne makes several incorrect assertions about the noise study and fails to describe key parts of the study, we have enclosed a copy for the review of the Commissioners.

Mr. Standlee is a registered acoustical engineer. This is a subspecialty dealing with sound measurement and control. Mr. Standlee has a Bachelor's in Architectural Engineering and a Master's in Engineering (Acoustics and Vibration) from the University of Texas in Austin. He is a member of the Acoustical Society of America, the National Association of Noise Control Officials, and the Institute of Noise Control Engineering. He is an expert at what he does and he is a professional. Contrary to Mr. Heyne's and Mr. Kagan's assertions, equipment used by Mr. Smith at the quarry is in some cases "half the size of the typical commercial operation equipment and could generate significantly lower sound and pressure levels." Mr. Smith's crusher is extremely small by industry standards and is much smaller than the equipment used by Mr. Standlee in generating noise levels for modeling. Accordingly, Mr. Standlee's study is conservative and errs on the side of assuming greater noise levels than what would actually be produced at the site.

Mr. Standlee also used "worst case conditions" for the closest residences. Again, his study is conservative in predicting noise effects. Mr. Standlee also lists the type of equipment and again states: "Sound level data for typical quarry equipment used in large commercial operations, no large commercial operations was used in our model even though there is a strong likelihood that equipment which is much smaller in size (and thus in sound level) than that used in the sound analysis will actually be used [at the Howard Canyon site]." (Emphasis added.) Mr. Standlee's report makes it clear that he considered all sources of noises including all crushing equipment and loaders and other equipment on site. [Contrary to Mr. Heyne's assertions, Mr. Standlee's report assumes that all machinery is operating at the same time. In addition, topography was considered by the Standlee study because the transmission sound occurs on the "line of sight" basis. "Line of sight" travel is the reason why Mr. Standlee's report includes noise figures for the operation with berms and the operation without berms, as well as the discussion of decreased sound levels from the operation as it moves toward the interior of the quarry site.] Perhaps the best testimony before the Board is that of Mr. John Windust who states that he lived in Howard Canyon and rarely heard the crushing equipment, and that of Mr. James Redden, who lives on the ridge just south of the operation and rarely hears the noise. Finally, the County staff proposes that the noise issue be revisited once operation at the site commences at a higher level of production. We support this condition and believe that it will validate the staff's conclusion.

Comments of Metro

As a general matter, we agree with Metro that the streams in the area are significant and should be protected. Again, as a general matter, we do not oppose stronger stream protections in the riparian corridor. We disagree that there is any conflict with the mining operation which is, at most locations, between one-quarter and one-third of a mile away from the maximum 200-foot riparian area. No mining will take place within the riparian area nor is any intended. An independent environmental consultant and the Department of Geology and Mineral Industries have both looked at the site and have concluded that it can be developed in a manner that will not affect stream values. The County staff has recognized this and is agreeable with the recommendations of the staff that both the stream and the mineral and aggregate resource be protected.

Oregon Natural Resources Council Letter

We agree generally with this letter that stream-side agricultural practices can have an effect on fish and wildlife resources, but agree with the County staff's conclusion that the distance between the Howard Canyon site and the stream resources in the area are sufficient to protect those resources fully.

Comments of Douglas Dodd and Jim Mastne

We do not understand exactly why this letter has been written. The owner has not requested nor does the quarry it need any water from the Corbett Water District. We also note that Messrs. Dodd and Mastne are not the only members of the Water District Board and the correspondence should not be considered an official letter from the Board.

Mike Grover Letter

We note that there are many factors which affect a property's value in the East County area. Perhaps the largest effect on value is whether the property can be divided to allow additional houses. The County's recent zoning initiatives on resource land in the rural East County area make it extremely difficult to subdivide and probably have a greater effect on value than any other single issue. We believe that the County staff reviewed the value issue when it made a determination of how few additional homes could be added in the impact area due to existing zoning restrictions. We also believe that the impact

area itself serves the delineation of the greatest probable extent of quarry impact and, therefore, the greatest extent of value impacts, if any. We again note that the noise impact of Professional Engineer Standlee is very conservative, the quarry noise impacts should significantly less. All of these factors make the alleged drop in value extremely speculative. In any event, an effect on volume (if any) must be balanced in the Goal 5 process. We agree with the County staff's assessment that the balance should tip in favor of protecting the Goal 5 mineral and aggregate resource.

Letter of Mrs. Dafoe

Mrs. Dafoe, a Portland resident, is concerned about road safety in the area. She was not present at the NEMCCA meeting in which truck drivers, residents and local school bus drivers discussed these issues. Sandra Sax, a temporary school bus driver for the Corbett School District, indicated that she drives school buses on many of the roads in the Corbett area, including the Howard Canyon Road. She stated at the NEMCCA meeting that there was plenty of room on Howard Canyon Road for both buses and trucks and she has never really had a problem. She stated that the residents in the area have realized that their roads are country roads and have adjusted their driving habits accordingly.

OTHER COMMENTS AT THE PUBLIC HEARING

Some of the commentors expressed concern that monitoring an enforcement might be difficult and suggested that there might be more than an exempt number of gravel trucks on the road at this time.

As pointed out by the Planning Commission Chairman, the Department of Geology and Mineral Industries will enforce the mining reclamation aspects of the quarry operation. It is important to note is that DOGAMI consults with other agencies prior to implementing a reclamation program. In addition, water quality issues and air quality issues are monitored and enforced by the Department of Environmental Quality.

With regard to truck traffic, it is important for the Commission and Board to understand that a demand for rock is not linear throughout the year. More activity occurs in the summer months while very little, if any, activity occurs in the winter months. Generally, this means that there are more trucks on the

road in the summer months than a strict mathematical formula would indicate (e.g., number of yards extracted divided by the number of yards per truck divided by 365 days). The "cap" proposal that the quarry owner has made to the County provides a maximum limit of approximately 520 trucks a month, unless the County allows otherwise. We believe that this can be easily monitored. One of the Planning Commissioners pointed out that he did not see any trucks at the site during the site visit. The quarry was in fact open that day, but there were simply no deliveries late on that day. This highlights the fact that the Howard Canyon quarry is a small, community-oriented resource, rather than an "around the clock" industrial quarry.

One of the opponents argued that it is sufficient to meet Goal 5 if the rock is "protected" in the ground even though it cannot be extracted for use. This reasoning has been specifically rejected by the Land Use Board of Appeals, which ruled that Goal 5 requires a mineral and aggregate resource to be preserved for present use. *See Eckis v. Linn County*, 22 Or LUBA 27, 40 (1991) *aff'd* 110 Or App 309, 821 P2d 1127 (1991).

There was also some testimony before the Board that trucks "barreling down" the roads in the area. This is directly contradictory to the testimony, much of it from the opponents, at the NEMCCA meeting. At that meeting, nearly everyone agreed that truck drivers from the quarry are extremely courteous and safe.

With regard to monitoring, one individual commented that DOGAMI has visited the site only twice in the last ten years. At the present time, the site is a "fully exempt" quarry under State statute and DOGAMI regulations. Visits to "fully exempt" pits are rare. For other types of pits (e.g., one with 50,000 cubic yard output), DOGAMI requires annual reporting and schedules more frequent visits.

One individual commented that this was the "worst environmental site" for a quarry. To the contrary, the site is away from adjoining streams and is located in a resource area that is not heavily populated. The quarry owner owns substantial land in the area which can provide at least a partial buffer for the site. Rather than being a bad environmental site, the site is perhaps one of the better ones available. However, one of the important reasons for Goal 5 is that gravel (like other Goal 5 resources) is found only in certain places. As a society, we do not have the option of moving our Goal 5 resources and must protect them where they are found.

Gravel pits are never popular but they provide an essential commodity that is necessary in our society. Because siting decisions are difficult for this type of resource, the State legislature and LCDC created the Goal 5 balancing mechanism to guide the way in which decisions about Goal 5 resource protection are made. The County made a decision in 1990 that would not have protected the Goal 5 gravel resource. This decision was rejected by LCDC. Based on LCDC's remand (and significant additional guidance from the DLCD staff), the County staff has recommended a proposal to the Commission and the Board that would balance the Goal 5 requirements for the quarry with other conflicts and other Goal 5 uses in the area. The staff's recommendation accurately assesses the information in the record and makes tough choices with regard to resource protection issues.

A fundamental concern of the County in the Goal 5 process is that the streams in the area would be protected. The County staff has recognized that the distance between the mining site and the streams is sufficient to allow for this protection. Because streams will be protected, the staff has recommended balanced protection for the streams and the quarry. The staff's inquiry did not end with the streams. The County staff also looked at the probable effects on residences in the area and established an impact zone. After balancing the probable effects within the impact zones, the staff continue to recommend protection of the Goal 5 gravel resource. The "balancing" does not stop simply with these types of considerations. The owner of the site has come forward with additional suggestions that would keep the site small in size and directed toward serving the Corbett community. These proposals provide mechanisms for limiting the quarry to assure that will serve the local area at a reasonable level for years to come. We believe the combination of the LCDC remand order, the staff's conscientious work, the balancing of the resources, and the owner's straightforward

proposal to limit the size of the operation provide the necessary ingredients for the County to protect the site as a Goal 5 resource.

Very truly yours,

Paul R. Hribernick

PRH:vc
Enclosure
S152\PRH32

PRH Copy

LIST OF PROPOSED CONDITIONS

HOWARD CANYON GOAL 5 MINERAL AND AGGREGATE RESOURCE SITE

(presented at NEMCCA, May 25, 1994)

Ray Smith has attempted to develop the Howard Canyon site to be a low impact operation that will serve the long-term gravel needs of residents of Multnomah County in the Corbett and the general area east of the Sandy River. We are suggesting these following conditions as guidelines on the operation that will provide assurance to our neighbors about what to expect from the operation.

NO. 1

We understand blasting can be a concern. We do not believe that a significant amount of blasting will be required at the site because of the nature of the rock and the amount of production that we are proposing for the site. It has been four or five years since a blast was necessary at the site and the ongoing limited operations have been ongoing by "ripping" raw material without blasting. If blasting were to occur, we expect that it would be necessary on a very infrequent basis. Mr. Smith or Mr. Muck would provide 48-hour mail notice of any blasting to those persons in the identified impact zone if they have requested such notice in writing from the County. We believe this is an easy way to keep our neighbors posted about potential blasts at the site.

NO. 2

We understand that hours of operation are a concern for the neighbors. We propose no operation on Sunday. Monday through Friday, we propose that trucking be allowed from the site from 6 a.m. to 6 p.m. We have requested 6 a.m. because many customers wish to have rock early so that they may begin construction work. We do not expect that there would be many deliveries that would begin before 7 a.m. We propose that the crusher operate only between the hours of 7 a.m. and 5 p.m. On Saturdays, we propose that crushing and delivery be allowed from 8 a.m. to 5 p.m.

NO. 3

We propose that the amount of production at the site be limited to 50,000 cubic yards of material delivered per year. This amount would not include the small amount of gravel that Mr. Smith uses on his adjacent land pursuant to an exemption. We propose that this be verified by the annual statements which are provided to the Oregon Department of Geology and Mineral Industries under the Mine Land Reclamation Program. Because the

site would be limited in the amount of material delivered on an annual basis and because the site could be used to save taxpayer money for public projects east of the Sandy River, we request the County to set up a mechanism whereby, on a case-by-case basis, we may increase production for public projects east of the Sandy River. This would allow a savings of taxpayer money by delivering low cost rock to such projects as the recent water district and fire department projects and the upcoming Corbett school project.

NO. 4

Neighbors have expressed concern about the number of trucks leaving the site. Mr. Smith proposes a daily limit of 20 loads exiting the site. The 20 loads would be calculated on a monthly average and would not include the few loads that would be taken directly to Mr. Smith's forest properties. We believe there would be some months where maximum monthly truck traffic would equal the maximum 520 monthly loads allowed. We believe that most months would be substantially under this. In the event approval was obtained for bidding on public projects east of the Sandy River, trucks for these would not be included in the monthly truck limits. In any event, the truck loads exceeding the 50,000 yard limit would not be allowed (unless the County allows an increase for public projects).

S152\PRH27

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Suite 201
Beaverton, Oregon 97005-6321
(503) 646-4420

February 19, 1990

Rappleyea, Beck, Helterline & Roskie
1200 The Bank of California Tower
707 S.W Washington Street
Portland, OR 97205

Attn: Paul Hribernick

Re: Howard Canyon Quarry Noise Assessment File : 109901

From: Daly-Standlee & Associates, Inc.
Kerrie G. Standlee, P.E.
David Gardner

REGISTERED PROFESSIONAL ENGINEER 11,962 OREGON Feb. 3, 1983 KERRIE G. STANDLEE

1.0 Introduction

Daly-Standlee & Associates, Inc. was asked to conduct an analysis of the proposed Howard Canyon Quarry site and determine if quarry activities could occur at the site and meet all appropriate noise standards. Additionally, we were asked to review Multnomah County's ESEE for the Howard Canyon Quarry for material concerning potential noise impacts expected from the quarry.

In conducting our analysis, we visited the site to get a better idea of the topography of the area and the naturally occuring vegetation which might influence sound propogation from the site. We mathematically modeled the noise that would be generated by typical commercial quarry operations which might be located at the site and compared the calculated noise levels with appropriate noise standards.

This report presents the findings and conclusions based on our analysis.

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2.0 Description of the Howard Canyon Quarry Site

2.1 Topography

The proposed quarry site is located about 1.7 miles southeast of Corbett, Oregon and about 3 miles east of Springdale, Oregon (See Figure 1). The site is located on a ridge that runs east and west between Howard Canyon and Knieriem Canyon and west of Ross Mntn. (See Figure 2).

The highest point of the proposed site is the top of the ridge which is approximately 860 feet above sea level. The proposed area for quarry activity is that area of the ridge that lies approximately above the 800 feet elevation level. The land in the area of proposed excavation and crushing activity is generally flat. The flat area is about 700 feet wide and about 3000 feet long and is currently used for pasturing cattle in the summer.

The north side of the ridge has a very steep grade down to Knieriem Canyon Road located at an elevation of approximately 550 feet. The south side of the ridge also has a very steep grade from top to bottom but there is a substantial bench area about 100 feet from the top in a location where quarry activities have taken place in the recent past. The elevation of the canyon to the south is approximately 550 feet above sea level.

The top of the ridge is cleared of trees for pasturing activities. The sides of the canyons adjacent to the ridge are heavily forested with conifers and deciduous trees. The area to the east of the site is owned by the Bureau of Land Managment and has recently been logged.

2.2 Residences Near The Site

Three homes are located north of the ridge at the bottom of Knieriem Canyon on Knieriem Canyon Road. The houses are located

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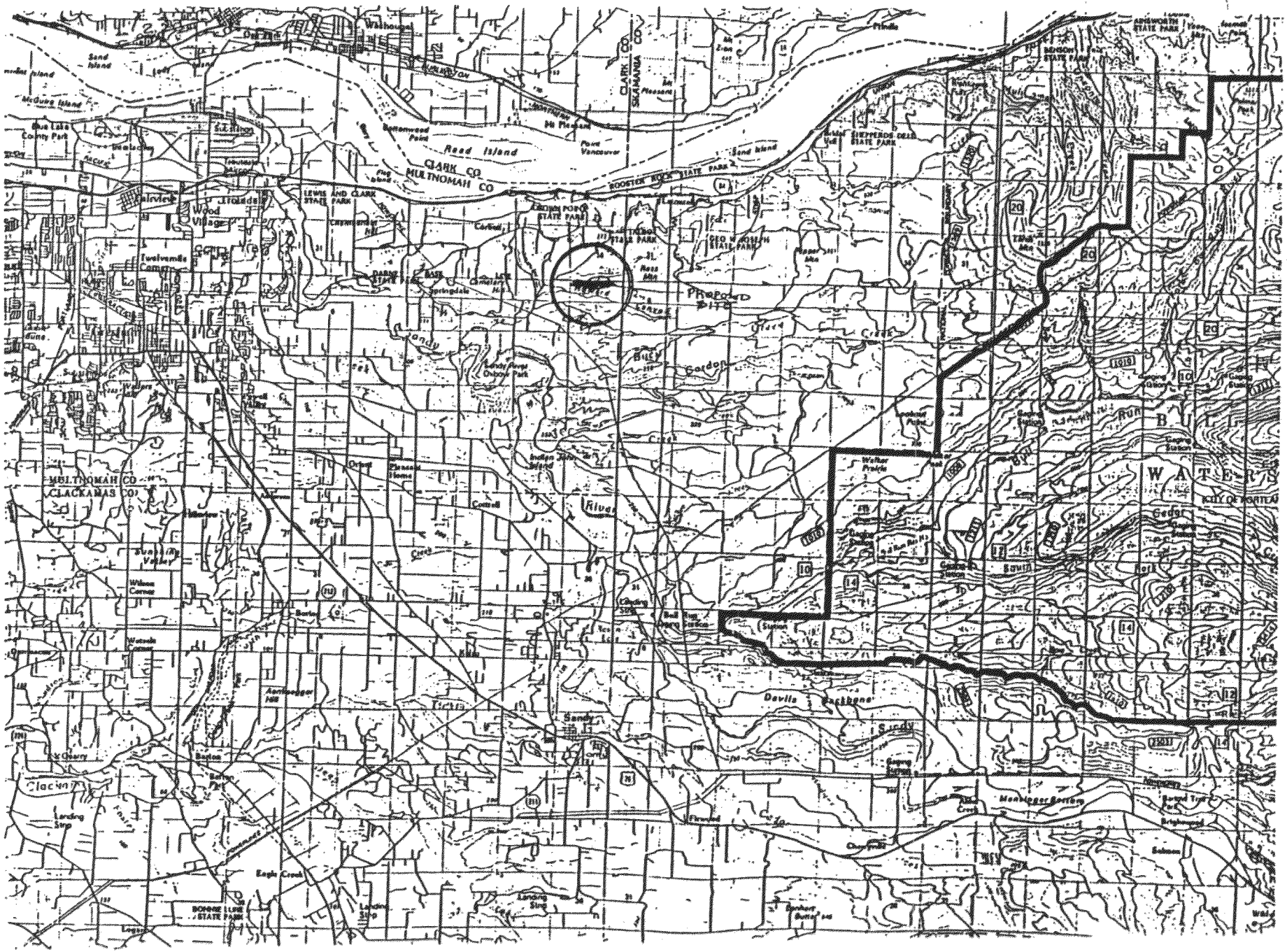
CLARK CO
MULTNOMAH CO
Sand Island
McGuire Island
Blue Lake County Park
Reed Island
Point Vancouver
Rooster Rock State Park
Lewis and Clark State Park
Crown Point State Park
Multnomah Falls
Wood Village
Troutdale
Twelvemile Camp
Springdale
Sandy
Gordon Creek
Indian Island
Pleasant Home
Wilkes
Wilson Corner
Aschoff
Boring
Aschgregor Hill
Eagle Creek
Boring Lava Domes
Bonnie Lure State Park
Landing Strip
Walther Prairie
Devils Backbone
Sandy
Barnhart Butte
Brightwood
Salmon
Zigzag
Rhododendron
Government Camp
Mt Hood
Mt Pleasant
Mt Hood National Forest
Oxbow Park
Sandy Forest Overlook Park
Multnomah Falls State Park
Ainsworth State Park
Bonneville Dam
Shepperds Dell State Park
Latourell Falls
Guy W Talbot State Park
Ross Island
Powell Butte
Gresham
Fairview
Troutdale
Portland
Clackamas
Oregon City
Milwaukie
Damascus
Boring
Estacada
Sandy
Mt Hood
Columbia River
Sandy River
Bull Run
Bull Run Lake
Bull Run Watershed
City of Portland
Bull Run Reservoir
Bull Run Dam
Bull Run Pumping Station
Bull Run Powerhouse
Bull Run Substation
Bull Run Control Station
Bull Run Guard Station
Bull Run Ranger Station
Bull Run Forest Camp
Bull Run Forest Service Road
Bull Run Forest Service Trail
Bull Run Forest Service Campground
Bull Run Forest Service Picnic Area
Bull Run Forest Service Boat Ramp
Bull Run Forest Service Fishing Access
Bull Run Forest Service Hiking Trail
Bull Run Forest Service Horse Trail
Bull Run Forest Service Mountain Bike Trail
Bull Run Forest Service Cross-Country Ski Trail
Bull Run Forest Service Snowmobile Trail
Bull Run Forest Service Interpretive Trail
Bull Run Forest Service Nature Trail
Bull Run Forest Service Scenic Trail
Bull Run Forest Service Historic Trail
Bull Run Forest Service Wilderness Trail
Bull Run Forest Service Backcountry Trail
Bull Run Forest Service Primitive Trail
Bull Run Forest Service Trailhead
Bull Run Forest Service Trail Shelter
Bull Run Forest Service Trail Bridge
Bull Run Forest Service Trail Sign
Bull Run Forest Service Trail Map
Bull Run Forest Service Trail Guide
Bull Run Forest Service Trail Brochure
Bull Run Forest Service Trail Pamphlet
Bull Run Forest Service Trail Booklet
Bull Run Forest Service Trail Newsletter
Bull Run Forest Service Trail Magazine
Bull Run Forest Service Trail Journal
Bull Run Forest Service Trail Report
Bull Run Forest Service Trail Study
Bull Run Forest Service Trail Survey
Bull Run Forest Service Trail Inventory
Bull Run Forest Service Trail Assessment
Bull Run Forest Service Trail Evaluation
Bull Run Forest Service Trail Monitoring
Bull Run Forest Service Trail Maintenance
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Bull Run Forest Service Trail Dedication
Bull Run Forest Service Trail Celebration
Bull Run Forest Service Trail Festival
Bull Run Forest Service Trail Race
Bull Run Forest Service Trail Run
Bull Run Forest Service Trail Walk
Bull Run Forest Service Trail Hike
Bull Run Forest Service Trail Ride
Bull Run Forest Service Trail Bike
Bull Run Forest Service Trail Ski
Bull Run Forest Service Trail Snowshoe
Bull Run Forest Service Trail Horseback
Bull Run Forest Service Trail Mountain Bike
Bull Run Forest Service Trail Cross-Country Ski
Bull Run Forest Service Trail Snowmobile
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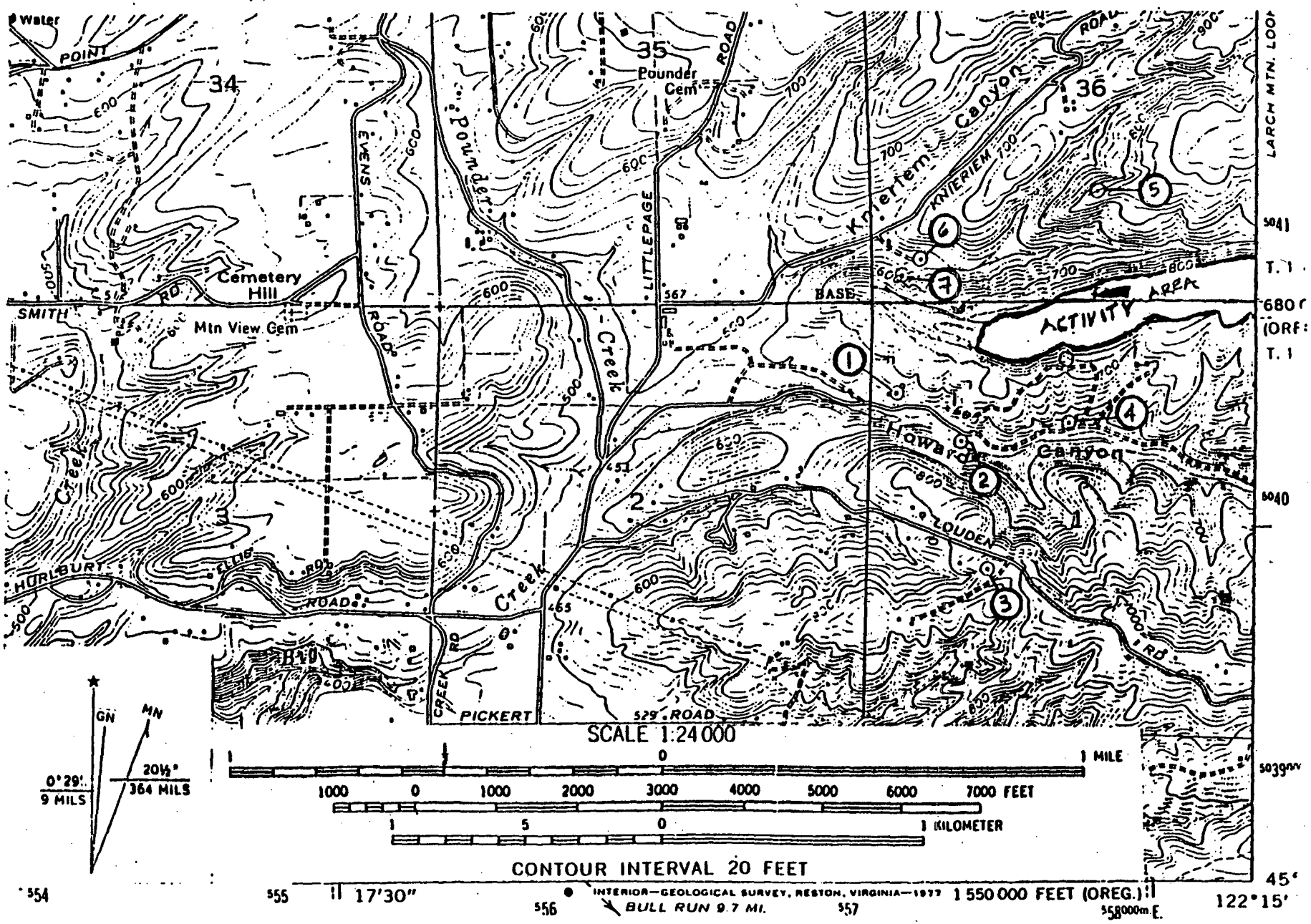

Figure 2

Vicinity Map

approximately 400 feet north of the site boundary but they are located approximately 1600 feet from the area of the proposed quarry activity area. None of these home have a clear line of site view of the proposed quarry activity area. A fourth residence to the north is located on an adjacent ridge at approximately the 800 feet elevation level and within 1200 feet of the proposed quarry activity area. The fourth home also does not have direct line of site of the proposed quarry activity area.

Five homes are located at the bottom of Howard Canyon along Howard Road within 1600 feet of the proposed site. None of the five homes have a direct line of sight to the proposed quarry area. Two more residences on Louden Rd. are located on an adjacent ridge south of the site within 2600 feet of the proposed quarry activity area boundary (See Figure 2). Both of these homes have a clear line of site to the proposed quarry activity area.

2.3 Quarry Operations Overview

The proposed quarry site is one in which the resource material will need to be blasted and then excavated. Typically, to mine the resource at a site such as the Howard Canyon site, the resource extraction operation would begin at a position and elevation which allows easy access to the resource. Extraction would proceed by moving horizontally into the mountain. The equipment used to excavate the resource would always be below the top elevation to the resource area; often as much as 40' below the top elevation.

Primary crushing would be as close to the resource as possible to limit time and energy spent moving the resource from the excavation area to the processing area. Often a pocket is excavated within the resource material and the complete excavation and crushing operation moves into a pocket developed by the extraction process.

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The raw resource material is gathered and pushed into a loading area using a dozer. If the processing area is located close enough to the raw material, the dozer loads the raw material directly into the crushing equipment. Otherwise, a frontend loader scoops up the resource and loads the processing equipment. If the resource is a great distance away from the processing equipment, the frontend loader loads dump trucks or conveyors which deliver the resource to the processing area.

The processing equipment typically consists of a jaw crusher, screens and some sort of secondary crushing equipment such as a cone crusher or an impact crusher, maybe even both. Resource of a predetermined maximum size is loaded into the jaw crusher and reduced in size. The resulting aggregate is then sorted using a set of screens set to a desired size. Aggregate which passes through the screens is sent to the stock pile area via conveyor belts. The aggregate that does not pass through the screens is transferred to the secondary crushers which further reduces the size of the aggregate. This aggregate is again sorted by size and either transferred to the stock pile area or further reduced and sorted.

In this instance, the excavation would continue where exsiting excavation stopped with the jaw crusher located near the southern face of the ridge and a frontend loader would start loading resource at that point. Access to the resource is not difficult by travelling along the existing access road along the south face.

3.0 Analysis and Evaluation of Site Generated Noise

3.1 Sound Propogation Analysis

Sound levels that would radiate from an operation located at the Howard Canyon Quarry site were predicted using a computer program developed by the New York State Department of Public Service.

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Sound level data for typical quarry equipment used in large commercial operations was used in our model eventhough there is a strong likelyhood that equipment which is much smaller in size (and thus in sound level) than that used in the sound analysis will actually be used. The equipment and respective sound data used in our analysis is shown in Table 1.

Sound levels were predicted with the equipment located in two positions within the proposed quarry activity area in order to simulate worst case conditions for the closest residences (see Figure 2). One of the equipment locations used in the model is the south side bench where past excavation and crushing have occurred. This location is most likely the best position to begin excavating into the resource area. The second location was selected because it is closest to the residences along the west end of the quarry activity area.

A-weighted sound levels that will reach the residences around to the site were initially calculated using distance attenuation, attenuation from barriers provided by the topography expected at the site during the excavation period and normal atmospheric attenuation (see attached calculation results). The initial calculation assumed no sound attenuation due ground effects or man-made berms. In cases where excessive sound levels were expected, additional calculations were made to include attenuation from man-made berms located where needed.

3.2 Noise Standards

We have conducted a search for ordinances and standards which will govern noise generated by quarry operations. Multnomah County and the Oregon Department of Enviromental Quality (DEQ), both have noise regulations which must be addressed within Multnomah County.

Multnomah County has an ordinance number 316 which addresses the regulation of excessive sound. However, it is our interpretation

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Table 1

Octave Band Sound Levels (dB) for
Typical Equipment Used at Rock Quarry Operations

	Octave Band Center Frequency, Hz									
Source	31.5	63	125	250	500	1K	2K	4K	8K	16K
Dozer[1]	72	86	80	84	81	84	77	71	67	61
Frontend loader[1]	74	82	82	73	72	76	69	60	54	53
Jaw Crusher[2]	89	93	94	89	80	76	74	69	60	53
Screens[2]	80	90	93	93	94	94	95	95	91	0
Cone Crusher[3]	81	89	95	96	96	95	94	93	90	0
Generator Set[4]	73	83	90	84	86	85	82	79	75	70

Note 1 : Reference Distance 50 feet.
Note 2 : Reference Distance 10 feet.
Note 3 : Reference Distance 5 feet.
Note 4 : Reference Distance 25 feet.

that the ordinance would not regulate noise generated by the a quarry operation at the proposed site. Section 6 titled "EXCEPTIONS", Paragraph F states that sounds caused by industrial or construction organizations or workers during normal operations may be permitted an exception to the ordinance.

The DEQ noise standards state that new and existing industrial sources shall not exceed the following maximum allowable statistical noise levels in any one hour during the hours of:

7:00 am - 10:00 pm	10:00 pm - 7:00 am
L50 - 55 dBA	L50 - 50 dBA
L10 - 60 dBA	L10 - 55 dBA
L01 - 75 dBA	L01 - 60 dBA

The L50, L10, and L01, mean the level equaled or exceeded 50%, 10%, and 1% of an hour respectively.

The DEQ noise standards generally do not apply to trucks engaged in interstate commerce and regulated by Part 202 of title 40 of the Code of Federal Regulations nor to equipment engaged in interstate commerce by railroad that is regulated by Part 201 of Title 40. The DEQ standards do apply, however, to trucks which are located permanently on site and to equipment such as front - end loaders.

3.4 Evaluation of Noise Levels

Based on the calculations, a man-made berm would be required to protect some of the residences south of the site during the initial start-up of the quarry. If the quarry excavation and crushing operation was set up to begin at the existing excavation site, a berm should be constructed to the south and west of the equipment. Once the excavation has proceeded into the mountain, if a rock ridge is left at the perimeter of the resource area,

all residences will be protected from sound levels in excess of that allowed at all hours of the day.

3.5 Conclusions

The results of the analysis show that typical commercial rock quarry equipment could be used at Howard Canyon Quarry and the appropriate noise standards could be met with certain proceedures followed. An earthen berm could be constructed around the initial excavation and crushing area to control sound radiating to the south. Once the excavation area has moved inside the mountain, if a rock ridge is left at the perimeter of the resource area, all residences will be protected from excessive noise levels.

The equipment planned by Mr. Smith for use at the proposed site is, in some cases, half the size of the typical commercial operation equipment and could generate significantly lower sound pressure levels. These lower sound pressure levels at the source results in lower overall sound levels generated at the site. Therefore, similar equipment producing lower sound pressure levels would also meet the appropriate noise standards.

4.0 Review of Multnomah County ESEE for Horward Canyon Quarry

Multnomah County produced an Economic, Social, Environmental and Energy analysis of the Howard Canyon Quarry in preparation of an update of the Mineral Extraction section of the County Comprehensive Code. Within the draft document dated January 30, 1990, the statements concerning the expected sound levels from a quarry operation at the site are subjective, many of which are incorrect. Under the Social analysis section, item 1, Impacts on Resource, the County states that "because of wind and funnel effect of the canyon topography, buffering will have to be extensive to protect nearby noise sensitive uses, if effective at all." The County goes on to reference a report by Mr. Lewis E.

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Scott, an Engineering Geologist, (not an Acoustical Engineer) and appears to use the material stated within that report to justify their conclusions that a noise violation of DEQ noise rules would most likely occur. The County, therefore, concludes that the site can not be operated without negative impacts on other uses.

We find there is no technical support for any of the statements made within the County's analysis. First of all, buffering of the proposed operation will not need to be extensive. The natural terrain of the site lends itself well to providing excellent sound control when the site is mined in a procedure that is normal for the type of resource present at the site. The fact that there may be a predominate wind in the area that blows from the direction of the proposed quarry toward some of the residences is in no way an indication that sound control will be ineffective or impossible. In fact, wind, whether blowing away from a receiver or toward a receiver will provide an attenuation of sound beyond that provided by distance. Our analysis did not include any additional attenuation for environmental effects such as wind and still we found the appropriate noise regulation could be met with no problem at all.

The information in Mr. Scott's report concerning noise issues appears actually to be a restatement of the material presented within the County's worksheet for the ESEE analysis. We do not find any technical information supporting any of the statements made in the report. The report states that the canyon "tends to amplify the noise level". When sound waves are produced, they are generated with a certain amount of energy. Once the sound wave is created, the power associated with the sound wave can never be increased unless electronically altered and reproduced with a greater power than what it started with. This is called amplification.

Mr. Scott appears to be trying to address the fact that a canyon can reflect and possibly focus sound toward one or more locations within a valley. However, based on what we observed during our

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visit to the site and our experience with noise control at quarry operations located in settings such as at Howard Canyon Quarry, we do not see any way sound will be focused on any residences.

The County's analysis states that there is no evidence that a quarry operation at the proposed site would comply with noise regulations. The results our analysis should be sufficient to demonstrate to the County that there are in fact many ways to meet the noise regulations which govern the site.

RESULTS *

ces Located at Initial Location - NO berms Constructed

RESULTS SUMMARY

WITH BACKGROUND NOISE (IF ANY)

	RECEIVER	SOUND PRESSURE LVL. (dB)	LEVEL (dBA)	
1	#1	60.8	54.1	
2	#2	63.7	57.6	
3	#3	59.2	52.1	
4	#4	70.9	65.8	owned by Ray Smith
5	#5	53.8	42.8	
6	#6	41.8	30.7	
7	#7	42.6	30.6	

RESULTS *

ces located at Position #2 - NO berms constructed

RESULTS SUMMARY
WITH BACKGROUND NOISE (IF ANY)

	RECEIVER	SOUND PRESSURE LVL. (dB)	LEVEL (dBA)
# 1	#1	45.7	35.8
# 2	#2	47.0	36.7
# 3	#3	44.4	30.7
# 4	#4	45.8	35.3
# 5	#5	48.1	34.8
# 6	#6	46.0	36.8
# 7	#7	46.1	36.7

* RESULTS *

Sources Located at Initial Position -
Berm Constructed south & west of extraction & crushing area

RESULTS SUMMARY
WITH BACKGROUND NOISE (IF ANY)

	RECEIVER	SOUND PRESSURE LVL. (dB)	LEVEL (dBA)	
# 1	#1	51.0	38.6	
# 2	#2	54.3	42.8	
# 3	#3	53.5	45.3	
# 4	#4	58.0	45.9	- owned by Ray
# 5	#5	53.8	42.8	
# 6	#6	41.8	30.7	
# 7	#7	42.6	30.6	

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(503) 646-4420

KERRIE G. STANDLEE, P.E.

Registered Acoustical Engineer

Mr. Standlee is the principal engineer at Daly-Standlee & Associates, Inc., responsible for management, technical direction and acoustical work on projects undertaken by the firm. His experience includes architectural acoustics design for sound enhancement, industrial noise control, environmental noise assessment and control, transportation noise control, and architectural noise control. Mr. Standlee has been responsible for the measurement, evaluation and design of control or enhancement measures in all of these areas of acoustics.

PROFESSIONAL EXPERIENCE

Mr. Standlee has worked in the field of acoustic design and noise control since 1973. He has participated in many architectural acoustic design projects throughout his career. He has been responsible for the selection and review of acoustical products used in elementary school classrooms, high school facilities, college lecture halls, music practice rooms, band halls, churches, and other architectural constructions to insure the acoustic design is met. Mr. Standlee continues today to increase his experience in architectural acoustics on many new projects.

Mr. Standlee has been responsible for the design of partitions to control sound in architecturally related projects. He has learned the importance of construction details in the control of sound as well as careful inspection of on-site construction to assure that design goals are met. He has worked on many projects (auditoriums, offices, churches, classrooms) where special designs were recommended to reduce noise from mechanical systems and adjacent spaces to assure desired acoustical environment of the critical space.

Mr. Standlee has provided noise control consultation to pulp and paper, timber, food processing, metal fabrication, chemical, rock extraction and crushing and other industrial clients. He has been responsible for the determination and evaluation of indoor worker noise exposure and selection of measures for reduction of that exposure to meet federal and state regulations.

Mr. Standlee is experienced in the measurement, evaluation and control of outdoor environmental noises to meet state regulations (Oregon Department of Environmental Quality). He has designed many noise control measures for commerical and industrial sources which would otherwise have exceeded state regulated limits. Examples of the type of environmental noise projects on which he has worked include gas compressor station noise, rock crushing equipment noise, ashpalt batch plant noise, concrete batch plant noise, cyclone dust collector system noise, wood chipper noise,

boiler exhaust noise and power generator noise.

Mr. Standlee has directed noise studies of transportation sources such as automobile, truck, train and aircraft. He was responsible for the I-5 Jantzen Beach-Delta Park interchange noise study and evaluation performed for the Oregon Department of Transportation. He wrote the noise section of the draft environmental impact statement for ODOT and participated in public hearings to discuss the study and impact statement. He has conducted numerous studies on noise that would be generated by traffic associated with proposed industrial operations.

He has directed studies of existing and future airport locations to determine the impact of sound on surrounding communities. Included amongst these are impacts of air traffic at Portland International Aiport as well as other small community airports. Mr. Standlee has been responsible for the design of noise controls and drafting of land use ordinances related to transportation noise and impacted communities. He has participated on several community noise review boards as a technical member.

EDUCATION

B.S. in Architectural Engineering, University of Texas at Austin.

M.S. in Engineering - Acoustics and Vibrations, University of Texas at Austin.

PROFESSIONAL AFFILIATIONS

Registered Professional Acoustical Engineer in Oregon

Acoustical Society of America (Member)
National Association of Noise control Officials (Member)
Institute of Noise Control Engineering

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317 S.W. Alder, Suite 800
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(503) 248-9507

February 19, 1990

Paul R. Hribernick
Rappleyea, Beck, Helterline & Roskie
1200 The Bank of California Tower
Portland, Oregon 97205

Dear Mr. Hribernick:

As you requested, I conducted a reconnaissance survey of the aggregate resource on Raymond Smith's property in east Multnomah County, Oregon. The objective of the survey was to determine whether development of the resource poses a threat to fish and wildlife. This information is required as part of the Land Conservation and Development Commission (LCDC), Goal 5 assessment process. The survey was conducted on February 17, 1990. I spent several hours examining the area around the site; the site itself and the two small streams located in the canyons to the north and south of the site. The potential development site was covered with about six inches of snow but I was able to see all that was required to make an assessment of the potential for impacts.

The aggregate resource lies on top of a ridge between two small streams, i.e. Howard Canyon Creek on the south and Knieriem Creek on the north. Both streams are second order perennial streams and both support resident populations of trout. Cutthroat trout are the native trout species; rainbow trout have been introduced through state stocking programs. According to Mr. Smith, many of the trout now show evidence of hybridization. I did not sample the trout populations to confirm Mr. Smith's observation, but hybridization between rainbow and cutthroat trout is common where rainbow trout have been introduced to cutthroat trout streams.

Since there was snow on the ground at the time of the site visit, animal tracks were easy to observe. Other than a few deer tracks, I found no evidence of use of the area by big game species. Critical winter range for deer and elk has been designated for an area approximately one mile to the southwest of the site. However, this area lies across several canyons from the aggregate site and is not visible from the site. According to Mr. Smith, who has lived and worked in the vicinity of the aggregate site most of his life, deer occur throughout the year and elk occasionally pass through the area.

After surveying the site and reviewing the site development plan (Attachment A) I concluded that the proposed quarry site can be developed without harm to either the trout or wildlife (deer and elk) populations. The bases for this conclusion are as follows:

1. Runoff from the quarry site would be limited due to a development plan which calls for mining of only a small percentage (e.g., one to two acres) of the quarry site at any one time. As the site is mined, the mined portion would be continually reclaimed by backfilling and replanting with native vegetation. Thus the potential for erosion and runoff would be minimal.

2. Drainage from the quarry site could be easily controlled since the mined area would be surrounded by a berm that would direct all of the drainage to a single point. No drainage is

expected to be discharged to the north of the site since the development plan calls for leaving a strip of unmined rock along the north border of the site. On the south side of the quarry site, there are several relatively flat benches of land between the quarry site and Howard Canyon Creek that provide adequate space for construction of a sediment detention pond. Drainage from the quarry could be channeled to a properly sized detention pond on one of these benches, thus insuring that all but the finest sediment components would be prevented from reaching Howard Canyon Creek. Since logging and associated road building is presently occurring in both drainage basins and is expected to continue, it is doubtful that any increases in sediment loading from the quarry site would be detectable above existing background levels. No measurable impact on the fishery resources of either stream or on downstream areas would be anticipated if the above precautions are incorporated as part of the development permit for the quarry.

3. Access roads to the site have already been constructed. The main access road enters from the south off of Howard Canyon Road. This road would be upgraded if the aggregate site is developed. Standard road engineering procedures to control runoff and erosion should be adequate to insure protection of Howard Canyon Creek from the proposed upgrading.

4. Due to concerns for noise abatement for human concerns, the rock crusher would be surrounded by a wall or berm at all times. Thus the noise from the rock crusher and other mining activities would be greatly diminished. This precaution should also avoid any noise-related impacts on wildlife in the vicinity of the project. It is highly unlikely that elk or deer on the critical winter range over one mile and several canyons southwest of the site would be affected in any way by noise from the quarry.

5. The top of the ridge where the aggregate resource is located is a relatively flat grass field. The field is presently used by cattle for grazing. There is no evidence that this area is presently providing important forage for either deer or elk. Reclamation of the site with native vegetation is planned and could ultimately improve the site for wildlife.

6. The aggregate site is surrounded on both the north and south by deciduous forest comprised primarily of mature red alder. Such forests do not provide thermal cover for deer and elk and therefore, would not represent critical winter refuge areas.

In preparing this letter, I asked Dr. Paul Whitney, a senior wildlife biologist at BEAK to review the project site characteristics and development plan. He is in agreement with the statements made above regarding potential for impacts to deer and elk. Resume's summarizing Dr. Whitney's and my experience and qualifications for assessment of potential impacts of the proposed quarry development are attached as Attachments B and C, respectively.

Sincerely,

Robert H. Ellis

Robert H. Ellis, Ph.D
Principal

ATTACHMENT A

PRELIMINARY EXTRACTION PLAN

HOWARD CANYON QUARRY

The existing Howard Canyon Quarry ("Howard Canyon") is located on the south side of an existing ridge line which is approximately one mile in length from east to west. The ridge line consists of Boring lava (basalt) overlain by small amounts of overburden. Side slopes in the area are steep, but the actual resource to be extracted is located in the level portion on top of the ridge.

Mining of the Boring lava formation will be accomplished by entering the basalt formation from the south at the site of the existing rock quarry. This will allow for the most efficient use of the resource with a minimum amount of blasting and surface disturbance. Extraction will proceed in a northerly direction until sufficient material is removed to allow the mining direction to be changed so that extraction can continue in a generally easterly and westerly direction. At this point, overburden to the east will be removed and stockpiled so that mining may proceed into the Boring lava formation to the east. Stockpiled overburden material will be revegetated to prevent erosion.

Test depths indicate that the resource is deepest toward the center of the flat ridge formation and mining will be directed toward the deepest portion of the resource. Mining will proceed in an easterly or westerly direction and substantial protective berms will be maintained both to the north and south of the mining face. The top of the bench where the resource is located is approximately 700 feet in width. Mining will move toward the center of the ridge. The northernmost portion of the ridge will not be disturbed to prevent noise impacts and sedimentation impacts to the north. To the south, a substantial berm will be maintained to prevent the same impacts. The size of the operation is projected to be relatively small because the market to be served is primarily local in the Corbett/Larch Mountain area. It is estimated that 25,000 cubic yards per year will be removed from the site. This will provide for minimum surface disturbance considering the nature and location of the basalt resource. The Troutdale formation beneath the basalt will not be disturbed by extraction activities.

Ongoing reclamation will occur as the quarry moves into the flat bench area and then turns in an easterly or westerly direction. Stockpiled topsoil will be regraded and revegetated

as extraction operations continue in order to reduce runoff effects. The existing quarry has ample room in which to place a sedimentation pond. As the quarry moves into the rock deposit to the north, the amount of room for a sedimentation pond will increase in direct proportion to the increase in the amount of surface area disturbances. In addition to a sedimentation pond of correct size to adequately handle any runoff from the quarry, the operator will install runoff breaks, such as hay bale or sedimentation fencing, as necessary to control erosion and sedimentation. Revegetation with ground cover and native alder will occur on an ongoing basis on quarry side slopes. A berm will be maintained at all times on the south side of the crusher location so that noise which is produced from crushing operations will be directed to the east where there are no existing residences. Appropriate Mined Land Reclamation authority has been obtained from the Oregon Department of Geology and Mineral Industries ("DOGAMI") (I.D. No. 26-0065). In its last inspection of the site, DOGAMI indicated that the pit is adequately screened and there are no drainages, springs or seeps which would be affected by the operation. DOGAMI also indicated that the rock's resource would be easy to reclaim if topsoil was properly stored. Raymond Smith will obtain the appropriate DOGAMI reclamation plan upon designation of the site for mining by Multnomah County and will maintain a security bond for reclamation as required by DOGAMI.

Raymond Smith

beak

PAUL H. WHITNEY
Principal
Terrestrial Ecologist/Project Manager

Ph.D., 1972, University of Alaska, Ecology/Physiology
M.A., 1967, Indiana University, Zoology
B.A., 1965, Earlham College, Biology
Postgraduate Fellowship, 1972-1974, University of Calgary, Population Ecology
Ford Foundation Fellowship, 1967-1968, Oak Ridge Ecology Division, Systems Ecology, Impact of Radiation on Natural Systems

Publications: Dr. Whitney has published papers in journals such as Science, Ecology, Ecological Monographs and Canadian Journal of Zoology. Topics include: arctic ecology of mammals, mammalian energetics, impact of northern developments, population genetics, and habitat analyses.

1977 to Date Beak Consultants Incorporated, Terrestrial Ecologist/Project Manager. Dr. Whitney has participated in such projects as:

Wetlands

- Seattle City Light, Wetland Feasibility (Principal-in-Charge)
- Snohomish PUD, Wetland Determination/Mitigation (Principal-in-Charge)
- Fallbrook PUD, 404 Permit Wetland/Riparian (Principal-in-Charge)
- James River Corporation, 404/NEPA Permit Review (Project Manager)
- James River Corporation, 404 Permit Chip Facility (Principal-in-Charge)
- Mount Hood Meadows, 404/NEPA Permit Review (Technical Advisor)
- Claremont Project, Wetland Mitigation (Project Manager)

Transmission Line Projects

- Washington State, Pipeline Application Review (Senior Biologist)
- Pacific Gas Transmission, Endangered Species Study (Project Manager)
- City of Redding, Transmission Line EIR (Project Manager)
- Seattle City Light, Transmission Line Mitigation (Project Manager)
- Seattle City Light, Vegetation Management Monitoring (Project Manager)
- Pacific Power & Light, Transmission Line Mitigation/Monitoring (Project Manager)
- US Telecom, Inc., Fiber Optic EA (Principal-in-Charge)

Mining Projects

- Houston Oil and Mineral, Uranium Mine (Senior Biologist)
- Mount Tolman Project, Open Pit Mine (Technical Advisor)
- Stillwater PGM Resources, Platinum-Palladium Mine (Rare, Threatened, and Endangered Species Task Leader)

- Meridian Land & Minerals, Coal Mine (Senior Biologist/Project Manager)
- Asamera Minerals, Mine EIS (Wildlife Task Leader)
- Meridian Land & Minerals, Silica Sand Mine (Project Manager)

Hydroelectric Projects

- Portland Water Works, Hydroelectric Project (Project Manager)
- Seattle City Light, Skagit River, Hydroelectric Project (Senior Biologist)
- Boise Board of Control, Lucky Peak, Hydroelectric Project (Project Manager)
- Kodiak Electric, Hydroelectric Project (Senior Biologist)
- Idaho Power, Dike, Wiley, Swan Falls, Guffy Hydroelectric Projects (Senior Biologist)
- Pacific Power and Light, Keno Hydroelectric Project (Senior Biologist)
- Bonneville Power Administration, Enlow Dam (Technical Advisor)
- City of Klamath Falls, Salt Caves Hydroelectric Project (Wildlife Task Leader)
- City of Bellevue, Water Supply Project (Wildlife Task Leader)
- City of Portland, Water Pumping Project (Wildlife Task Leader)

Mitigation Design Projects

- Snohomish County PUD, Wildlife Mitigation Plan/HEP (Principal-in-Charge)
- Pacific Gas and Electric, Wildlife Mitigation/Monitoring for a Geothermal Plant (Project Manager)
- Wenatchee Mountain Ski, Wildlife Mitigation (Project Manager)
- City of Klamath Falls, Salt Caves Hydroelectric Project (Wildlife Task Leader)
- Idaho Power, Dike, Wiley, Swan Falls, Guffy Hydroelectric Projects (Senior Biologist)
- Mount Tolman Project, Open Pit Mine (Technical Advisor)
- City of Bellevue, Water Supply Project (Wildlife Task Leader)
- Seattle City Light, ROW Mitigation Boundary Hydroelectric Project (Project Manager)
- Pelican Butte Ski Area, Mitigation for Bald Eagle (Technical Advisor)

Monitoring Projects

- Portland General Electric, Terrestrial Monitoring (Team Leader)
- Pacific Gas and Electric, Wildlife Mitigation/Monitoring for a Geothermal Plant (Project Manager)
- Pacific Gas Transmission, Endangered Species Study (Project Manager)
- Pacific Power & Light, Transmission Line Mitigation/Monitoring (Project Manager)
- Seattle City Light, Vegetation Management Monitoring (Project Manager)

NEPA Projects

- o Mount Tolman Project, Open Pit Mine (Technical Advisor)
- o Stillwater PGM Resources, Platinum-Palladium Mine (Rare, Threatened, and Endangered Species Task Leader)
- o US Telecom, Inc., Fiber Optic (Principal-in-Charge)

1975-1976 Principal Biologist, The Lombard North Group Ltd. Dr. Whitney was responsible for projects such as:

- o Public Works Canada, Borrow Pit Reclamation (Project Manager)
- o Public Works Canada, Culvert Impact on Fish (Project Manager)
- o B.P. Exploration, Tar Sands Surface Mine (Project Manager)
- o Provincial Parks, Park Master Plan (Senior Biologist)
- o Dome Petroleum, Ethylene Plant (Project Advisor)
- o Foothills Pipeline, Pipeline Impact (Project Manager)
- o Alcan Pipeline, Pipeline Impact (Biological Team Leader)

1974-1975 Senior Biologist, Aquatic Environments Ltd. Dr. Whitney worked on projects such as:

- o McIntyre Porcupine, Coal Surface Mine (Project Manager)
- o Syncrude Canada, Tar Sands Surface Mine (Senior Biologist)

1972-1974 Postdoctoral fellow and lecturer in population ecology, environmental problems and wildlife management; University of Calgary. Dr. Whitney conducted research on mammals in the Rocky Mountains and in the short grass prairie of southern Alberta, Canada.

1971 Dames and Moore Consultants. Dr. Whitney worked on the baseline inventory for mammals along the Trans Alaska Pipeline.

beak

ROBERT H. ELLIS

Principal
Aquatic Ecologist/Project Manager

Ph.D. 1972, The Pennsylvania State University, Zoology
M.S. 1967, Oregon State University, Fisheries Science
B.S. 1965, Oregon State University, Fisheries Science

Member: American Fisheries Society
American Institute of Fishery Research Biologists
Phi Kappa Phi, Society of Sigma Xi

Publications: Dr. Ellis has published on the effects of pulpmill wastes on juvenile salmon growth, production dynamics and food relations; on long-term effects of oil pollution, and has written and presented numerous technical papers on the potential impact of nuclear power plants and dredging operations on benthic community structure and food relations of fish.

1978 to Date Beak Consultants Incorporated, Vice President and Principal Project Manager Fisheries Biologist. Since joining BEAK, Dr. Ellis has been involved in a wide variety of environmental projects including:

Environmental Monitoring Projects

- Mount Tolman Copper-Molybdenum Mine - Project Manager of biological monitoring program for the pre-operational phase. Responsibilities included experimental design and quality assurance of periphyton, benthos and fish sampling programs, data analysis and report production.

- Seward Peninsula, Alaska, D-V Uranium Prospect - Project manager for a baseline monitoring program for a potential uranium mine. Collected water, sediment and fish tissue samples for radio chemical analysis. A report which interpreted the results of the radio-chemical analysis was prepared.

- Mobile Oil Ferndale Refinery - Project Manager for a subtidal marine invertebrate monitoring program which involved collection of samples by SCUBA diving, quality control of taxonomic identification, data analysis and report production.

Impact Assessment Projects

- Salt Caves Hydroelectric Project - Project manager for the preparation of Exhibit E for FERC license application, agency coordination and expert testimony.

- Grave Creek Hydroelectric Project - Expert witness for Hydroelectric Development Incorporated. Provided testimony at the Oregon Water Resources Board hearings regarding biological design criteria for fish passage facilities at the proposed Grave Creek diversion dam in Southern Oregon.

- Colorado River Oil Shale Development Project - Task leader for aquatic baseline studies designed to determine status of existing fish populations and periphyton and benthos associations. Responsibilities include sampling design, quality control of all aspects of the aquatic sampling program, data analysis and report preparation.

- Port Lions, Alaska Hydroelectric Project - Project manager for impact assessment studies of biological, water quality and socioeconomic aspects of an unconstructed hydroelectric plant.

- White River Hydroelectric Project - Task leader for fisheries studies involving analysis of effects of flow alterations on salmonid fishery resources.

- Keno Hydroelectric Project - Project manager for biological, water quality, cultural, socioeconomic and aesthetic studies of impacts of a major hydroelectric development on the Klamath River, Oregon. Fisheries studies will involve movement studies, population estimates and instream flow requirements.

- Knott Creek Hydroelectric Project - Project manager for impact assessment studies of biological, water quality, and socioeconomic aspects of an unconstructed hydroelectric plant in northwestern Nevada.

- Lucky Peak Dam Hydroelectric Project - Conducted studies to determine impact of alterations in existing water intake configuration at Lucky Peak dam and effects of flow alterations on downstream fishery resources.

- Mount Tolman Copper-Molybdenum Mine Project - Task leader for aquatic studies to determine impacts of a large copper-molybdenum mine on fish, benthos, periphyton, zooplankton and phytoplankton in streams and lakes near the project. Fisheries studies included determination of movement patterns of a lake-run population of rainbow trout, population estimates of selected species trace metals concentrations in muscle and liver tissue, and age and growth determinations.

- Port of Vancouver Copper Loading Facility - Designed, conducted and analyzed bioassays to determine effects of copper concentrates on salmonid fishes. Recommendations were made regarding waste treatment facility design.

Specialized Projects

- Project Manager for radio-tagging and life history study of shortnose and Lost River suckers in the upper Klamath River.
- Review of pipeline permit applications.
- Survey of threatened and endangered aquatic species along a gas transmission line.
- Analysis of hydroacoustic sampling data to evaluate salmon smolt migration patterns past a proposed power plant water intake.
- Designed studies and prepared report for sediment chemistry studies required for a dredging permit.

1977-1978 University of Oregon, Oregon Institute of Marine Biology, Charleston, Oregon, Research Associate. Responsible for the initial development of a research program in the newly established South Slough National Estuarine Sanctuary. The work involved grant preparation and research dealing with aspects of the carbon cycle in Pacific Northwest estuaries.

1973-1977 State University College, Brockport, New York, Department of Biological Sciences, Associate Professor of Biology. Taught upper division and graduate courses in aquatic biology, invertebrate taxonomy, community and ecosystem processes and biometrics. Research activities included studies of the food habits, migrations and spawning activities of fish in Irondequoit Bay, New York, and ecological studies of the New York State Barge Canal.

1971-1973 Ichthyological Associates Inc., Pottstown, Pennsylvania, Senior Aquatic Ecologist. Responsible for designing, and directing a large pre-operational macroinvertebrate sampling program for the proposed Limerick Nuclear Power Plant.

1967-1971 The Pennsylvania State University, Graduate Research Assistant. Doctoral research on the relationships between organic enrichment and the structure and dynamics of a benthic stream community.

1966-1967 Oregon State University, Graduate Research Assistant. Research on the effects of pulpmill wastes on the growth, production dynamics, and food relations of juvenile salmon.

H.G. Schlicker & Associates, Inc.
235 N.E. 122nd Avenue, Suite 315 • Portland, Oregon 97230
(503) 257-9666 Suite 300
Geologists • Engineers

Project #90-541 February 15, 1990

To: Mr. Paul Hribernick, Attorney
Rappleyea, Beck, Helterline & Roskie
1200 The Bank of California Tower
707 S.W. Washington Street
Portland, Oregon 97205

Dear Mr. Hribernick:

This letter refers to the Howard Canyon Quarry, your file No. S152-1. You've asked me to rebut, if possible, two statements made by Mr. Lewis Scott in his report of January 9, 1990 to Michael Beyer, Attorney, Portland, Oregon.

1. "There are eight sources of rock on the 25 mile range of Howard Canyon Quarry."

2. "Signs of instability at the quarry indicate geologic hazards which prevent the quarry's use until a detailed study is made."

Mr. Lewis Scott's report lists five rock sources.

1. Smith Brother's Quarry (Fisher Quarry). This is located on the north side of the Columbia River between Vancouver and Camas. It is primarily a riprap quarry, but it has also produced crushed rock. This quarry should not be considered as a viable source for the Gresham-Columbia River area, and area within a 25 mile radius of the Howard Canyon Quarry because:

   a. The quarry is outside of the state.

   b. The quarry is located far enough that the haul costs would increase the price of rock and it would probably not compete with local sources.

2. Brightwood Quarry near Mt. Hood is owned by Jim Turen. In a discussion with the manager of that site, he stated that Gresham was too far from the site to be competitive and that haul costs were eating up profits. Therefore, he could not sell to the Gresham area. He said the closest that he could come to compete would be the area east of Gresham.

Herbert G. Schlicker, P.G., C.E.G., President
John A. Talbot, P.E., Vice President
Mark E. Shaffer, P.E., P.G.
J. Douglas Gless, P.G., C.E.G.
Russell J. Rolls, P.G.

3. Gresham Sand & Gravel, located between 190th and 220th. This is a fairly large site, has been producing for many years, and will probably be able to continue production of rock for a few years longer, possibly ten. At the present time, they do not sell fill material, they have limited sizes of material available for construction. Gravel pits located in areas of huge density cannot be expanded because of encroaching development and high property values.

4. Cascade Sand & Gravel, Scappoose area. This site is out of the area. The barge material is being brought in to the Portland area, and barges are barely able to transport at capacity to supply the metropolitan Portland area. It is not likely that this site could supply additional areas such as Gresham and East County. In addition, the cost of loading, barging, unloading, stockpiling, loading, and transporting rock adds enormously to the cost of handling.

5. Pacific Rock Products, Vancouver, Washington. Again, this site is located just north of the Camas quarry, referred to as Smith Brothers Quarry. It is not a viable source for the same reasons as #1.

Rock resources listed in the Appendix A, Rock Sources In East Multnomah County, from the ESEE Worksheet, Howard Canyon.

On page 13, Conflicting Use Determination:

> Economic Goal #9. Goal Nine requires that state and federal economic plans be coordinated with local needs. It also requires that other activities, such as current economic bases, materials, and energy availability be considered along with transportation. Developable aggregate resources are locally scarce in that such prices for this commodity are rising. Development of this resource is tied to the transportation costs for sales and the size of the reserves. Transportation is considered to be economically viable up to 25 miles for a one-way trip (Gray, DOGAMI, 1988).

Economic haul of up to 25 miles requires using 25 yard belly dump trucks and trailers. This type of operation requires that the material have a retail outlet in Gresham, which none of these distant quarries have, that the material be brought in belly dumps and stockpiled and then sold in smaller units locally, serviced by smaller sized dump trucks. It is not realistic to compete locally with sources probably more than 15 miles distant for small orders marketed at the source.

Sites listed in the county's ESEE Worksheet are:

1. Damascus Quarry, 14 miles from Springdale.
2. Construction Aggregates, one mile south of Barton, 15 miles to Springdale.
3. Deep Creek, located in the same area.
4. American Sand & Gravel, two miles from Barton, 14 miles from Springdale.
5. Mt. Hood, Brightwood Quarry (#2 on Scott's list). They do not compete in the Gresham area.
6. Gresham Sand & Gravel.
7. Rogers Construction.
8. Oregon Asphalt Paving.

Sites 1, 2, 3, 4, and 5 cannot compete with the Gresham market. The haul routes require travel over narrow winding circuitous routes which exceeds the economic limits for being competitive. The owner of the Brightwood quarry states flatly that the haul distance is too great to be economic.

Several of the quarries listed, such as Deep Creek, have site development problems which limit production considerably.

Sites 6, 7, and 8 cannot and will not be able to supply the east county.

Gresham Sand and Gravel was reported by Gray to have 1,200,000 cubic yards remaining in 1978. Previous production was 3,300,000 c.y. which shows the site was 2/3 depleted in 1978.

Rogers Construction produces rock for use in readymix and asphaltic concrete, mainly for their construction projects. They cannot afford to deplete their reserves by selling relatively lower cost gravel to fulfill the market needs.

SUMMARY

The haul distance from these sites and the previously mentioned sites has not been determined. A radius distance from the sites is incorrectly suggested to be haul distance. Sites within Clackamas County that were mentioned require circuitous routes to reach a destination in Gresham or along the Columbia River. Before one assumes that these sites are within economic distance of Gresham, a road trip log should be made along the routes that material can and would be transported.

We would recommend that the major sources be reviewed and that site visits be made, and that discussions be had with the operators to determine the facts concerning quantity, quality, haul distances, availability, and other factors that are presented as facts, but unsubstantiated, by the opponents of the Howard Canyon Quarry. The statements concerning material sources are, for the most part, in error.

In Multnomah County, east of Troutdale, 21 sites were listed in the report, 88-416 by H.G. Schlicker & Associates. Of these, only one site is available to the public that contains a significant amount of rock. This site is the Raymond-Smith Howard Canyon Quarry. Other sites were listed as being potential suppliers for rock for this area, however, no one bothered to check if the rock was actually available or the actual conditions of the quarries.

The rock resources listed by Scott or the County for the Gresham area boil down to one site, Gresham Sand & Gravel. All others are marginal or uneconomical for rock in the Gresham-Columbia River Gorge area. In order to list and recommend sites for use, the facts for each site need to be considered, otherwise, as we have found, all of these sites have drawbacks which, in most cases, eliminate the sites entirely from public use.

The results of having too little competition is clearly spelled out by Gray in Special Paper #3 (DOGAMI).

The report referred to by Walter Wright entitled, "Geologic and Engineering Slope Hazard Studies, Unincorporated Multnomah County, Oregon", was done by one geologist with the firm. It was a broad-brush address of a large area in which site specific studies were not done. Any area in the Troutdale Formation having a slope over 40% was considered to be a hazard area, and would require slope stability analysis before construction could be done. In a letter written April 123, 1987 by Walter Wright, he states;

> "Until such study is made it is my judgement that the proposal cannot meet the zoning ordinance provisions set forth above."

This is a statement that can be made about <u>any</u> site, <u>anywhere</u>. It has no bearing as to whether the Howard Canyon Quarry could be operated. In fact, in our report, we recommended that;

> "There are areas of potential instability that must be considered in the quarry and roadbuilding operations."

This does not mean the Howard Cnayon Quarry cannot be developed and safely operated. It merely means that certain factors must be considered when operating the quarry. The geologic resource to be mined at the quarry is not unstable as inferred by Mr. Scott. The Troutdale Formation, which lies beneath this

geologic structure to be mined, can be unstable. Quarrying activities will not occur within the Troutdale Formation. Roads crossing the Troutdale Formation must be properly designed and constructed. Roads can be, and are, commonly constructed on the Troutdale Formation. The instability inferred by Mr. Scott and Mr. Wright is not one which prohibits development but merely requires proper design.

There is no basis to assume that the Howard Canyon Quarry cannot be developed and operated in a safe and hazard-free manner. Many of the rock resources in Multnomah and Clackamas Counties are in, or overlie, the Troutdale Formation and are operated safely. Most roads in the Corbett area are in, or on, the Troutdale Formation.

Respectfully submitted,

H.G. SCHLICKER AND ASSOCIATES, INC.

Herbert G. Schlicker, P.G., C.E.G.
President

HGS:lh

To whom it may concern.

My family has purchased rock and gravel from Bill Muck for several years, and plan to buy rock from him again. I feel that that there is a need for a rock pit in Corbett. Most people have long gravel driveways + access roads, It's to expensive to buy rock from Gresham or Portland and it takes longer for them to bring it out. If the Muck's rock pit is shut down not only does our community lose job's, Revenue, and a local service, but there would be more traffic on our roads + bridges from out of town dump trucks. It would cost the community more in the long road if our rock resource was non existant.

Thankyou C 2-94

Sincerely

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

RESPONDENT'S EXHIBIT 36

Kristy M. Mayes
40585 SE Trout Creek
Corbett OR. 97019

WAYNE H LEWIS
DBA
SPRINGDALE TAVERN
32302 E. CROWN
POINT HWY.
CORBETT, OREGON
97019

TO WHOM IT MAY CONCERN:

This letter is written in total support of Corbett Rock operating in EAST - MULTNOMAH COUNTY. I have purchased rock for both my business and residence which saved me both time and expense.

Local business is important and necessary for support of our local area.

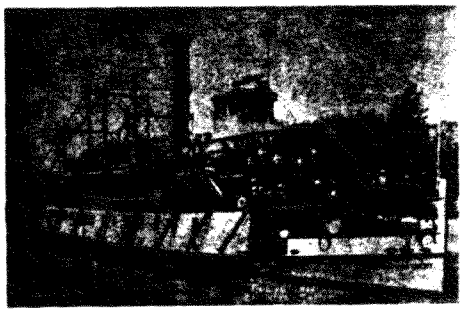
W.H. Lewis

C 2-94

RESPONDENT'S EXHIBIT

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

M. Scott Caron, Jr.
[illegible]
Corbett, OR 97019



On August 6, 1910, the Bailey Gatzert posed for this portrait at Cascade Locks, Oregon.

from the Crown Point Country Historical Society Collection

...INTERESTED PARTIES
MULTNOMAH COUNTY...

AS A FOURTH GENERATION MEMBER OF A FAMILY LIVING IN THE CORBETT AREA FOR OVER 100 YEARS, I WOULD LIKE TO STATE THAT THE LOCAL AREA HAS A NEED FOR ROCK IN THE IMMEDIATE AREA.

THE IMPACT OF HAVING TO GO OUT OF THIS AREA FOR ROCK, NOT ONLY COSTS MORE, BUT IS INCONVENIENT.

WE SHOULD HAVE BUSINESS IN THE AREA THAT NOT ONLY PROVIDES VALUE FOR PRODUCT, BUT NECESSARY SERVICE FOR OUR LOCAL COMMUNITY.

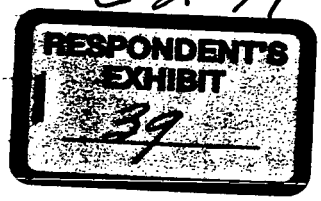
M. Scott Caron, Jr.

C 2-94

RESPONDENT'S EXHIBIT 37

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

C 2-94



Ed & Cathy Vandenberg
38100 S.E. Howard Rd.
Tax Lot 78

We are in favor of allowing the rock crushing operation to expand.

Our property required extensive rock fill and bulldozer work. Bill Mulk, the current operator, not only kept my costs down, he provided the rock on my schedule. Jim Roberts, one of the local drivers that everyone agrees are quite courteous did my excavating. He also tried very hard to operate on my schedule.

Without local resources I would have had to bring the rock in from across the Santiam River. This would have greatly increased the number of miles driven on the roads in question. Everyone out here needs rock for new construction, remodels, or maintaining existing driveways. We have the resources right here and enough very qualified drivers locally to meet our needs. Since we all need rock at one time or another I believe the overall miles

TRAVELED ON THE ROADS WOULD BE SIGNIFICANTLY REDUCED IF WE USED OUR LOCAL SUPPLY.

SINCE I'm AN OWNER LOCATED IN THE IMPACT AREA I BELIEVE my OPINION SHOULD BE HEARD BEFORE SOME OF THE OPPONENTS LIVING OUT OF THE AREA. MANY OF THEM ARE ALSO RENTERS AND SINCE ONE OF THE PRIORITIES IS PROPERTY VALUES THEIR OPINIONS SHOULD BE REVIEWED AS SUCH.

My OPINION IS THAT HOWARD AND KNIGHTON ROADS COULD HANDLE THE INCREASED TRAFFIC WITHOUT SIGNIFICANT IMPACT ON QUALITY OF LIVING OR PROPERTY VALUES. LET US USE OUR LOCAL RESOURCES AND AT THE SAME TIME PROVIDE SOME JOBS FOR LOCAL PEOPLE.

THANK YOU

Ed Vedaly

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

June 19, 1994

To whom it may concern,

I am a proponent of expanding the rock quarry in Howard Canyon and expressed my views at the meeting last Monday. I believe the Planning staff has completed a good report as directed by the DLCD and their recommendations should be followed.

Nearly every person who spoke at the meeting were returning to the Corbett area that night to drive across driveways constructed of gravel. These same people, as myself, will continue to need rock spread at atleast a bi-yearly basis. For that reason I do not understand the discussion of No pit, or limiting the Pit. If we should need more gravel we would be forced to buy from outside areas. That means dump truck traffic coming across the bridges and roads in the area at a greater level than presently. We get our rock from a local area. By a local resident, and I for one would like to keep it that way.

I was shocked that during testimony people were allowed to throw blatant lies out as if they were truths. When the gentleman said this quarry would be selling one hundred thousand yards to the freeway project I thought he should have been stopped. I know that we all express our points from a one sided point of view, but lying is lying and your valuable time should not be wasted in this manner. I furthermore believe Peter Fry has compromised himself so badly he should be removed from these discussions. He is biased in many different way.

Let the rock quarry stay open. Follow the conclusion of the staff recommendation. Revisit the issue if necessary for environmental impact.

Thank You.

Gerard and Ruth Welch
38695 Trout Creek RD.
Corbett, OR 97019

C 2-94
RESPONDENT'S EXHIBIT #2

RECEIVED
JUN 20 1994
Multnomah County
Zoning Division

NEIL S. KAGAN
ATTORNEY AT LAW

1050 Yeon Building
522 S.W. Fifth Avenue
Portland, Oregon 97204

Telephone
(503) 223-4272
Fax
(503) 225-0811

July 11, 1994

FAXED
Office of the Board Clerk
1120 S. W. Fifth Avenue
Portland, Oregon 97204
Fax (503) 248-5262

Re: Review of Planning Commission Resolution C2-94a (Howard Canyon), # P2

Dear Sir or Madam:

Please forward the following letter to Beverly Stein, Chair of the Board of Commissioners, with a request that the letter be circulated to the members of the Board prior to its meeting tomorrow, Tuesday, July 12, 1994, at 1:30 p. m.

Your cooperation is greatly appreciated.

Yours truly,

Neil S. Kagan

NSK/gmm
cc: Paul R. Hribernick, via fax

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1994 JUL 11 PM 1:04

NEIL S. KAGAN
ATTORNEY AT LAW

1050 Yeon Building
522 S.W. Fifth Avenue
Portland, Oregon 97204

Telephone
(503) 223-4272
Fax
(503) 225-0811

July 11, 1994

Beverly Stein, Chair
Multnomah County Board of Commissioners
Suite 1410, Portland Building
1120 S. W. Fifth Avenue
Portland, Oregon 97204

Re: Review of Planning Commission Resolution C2-94a (Howard Canyon), # P2

Dear Chair Stein:

I am writing on behalf of Friends of Howard Canyon, a group of individuals who reside in the Howard Canyon area. Friends of Howard Canyon wishes to make two requests in connection with its appeal of the Planning Commission's recommendations for Howard Canyon's Goal 5 resources.

Friends of Howard Canyon asks for thirty minutes to present its appeal, as well as thirty minutes for any party opposing the appeal. Thirty minutes a side is warranted by the complexity of the issues, as well as by the importance of the Board's decision for the future of the resources, the neighbors, and the character of the Howard Canyon area.

Friends of Howard Canyon also asks for a refund of the combined appeal and transcript fee of $800. Imposing such a substantial financial burden on the neighbors would be unfair, whether or not the Board on its own motion orders review of the Planning Commission's recommendations. It would be unfair if the Board orders review on its own motion, because the neighbors would not have expended the $800 to ensure Board review had they known in advance that the Board itself would order review. Imposing the fee would also be unfair, even if the Board does not itself order review, because the appeal presents significant policy issues, requiring a decision with legislative overtones. As such, the appeal should be treated differently than the usual appeal.

For these reasons, Friends of Howard Canyon asks for the Board's approval of its requests.

Yours truly,

Neil S. Kagan

NSK/gmm
cc: Paul R. Hribernick, via fax

8/9/94 CHAIR STEIN SUBMITTAL

Beverly Stein, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
P.O. Box 14700
Portland, Oregon 97204
(503) 248-3308

CONFIDENTIAL MEMORANDUM

TO: Commissioner Collier
Commissioner Hansen
Commissioner Kelley
Commissioner Saltzman

FROM: Chair Stein

DATE: July 29, 1994

RE: Position on West Hills and Howard Canyon Reconciliation Reports

After reviewing the record, listening to the testimony at the appeal hearings, and consulting with my staff, I feel it will facilitate our August 9th Board deliberations if I present my position to you now. I have collected my thoughts on the West Hills and Howard Canyon Reconciliation Reports and have formulated a position that represents my thinking at this time. In this memo I am also setting forth the reasons for my position, which are very important since our decision must be legally defensible against the probable appeals and court actions which will follow. I am, however, open to feedback and change.

First, I will present a brief review of the Goal 5 process and the required Board actions. Second, I will present my position on the West Hills Reconciliation Report and a justification for my position as required by the Goal 5 process. Third, I will present my position on the Howard Canyon Reconciliation Report and a justification for my position as required by the Goal 5 process.

GOAL 5 PROCESS

As you know, the Goal 5 review process is a statutory requirement. The basic process requires us to identify Goal 5 resources and then, if we decide to protect the resource, to develop a protection plan, in the form of an ordinance. Protection plans usually consist of specific conditions that must be satisfied prior to receiving approval for a land use application. For example, a land use application for a new residential dwelling or expansion of a quarry in the impact area would

have to meet the conditions of approval outlined in the ordinance prior to receiving a permit.

We are involved in this Goal 5 review process at this time because our original decisions on the Angell Brothers and Howard Canyon quarries were remanded to us by the State Land Conservation and Development Commission (LCDC) in April, 1993. It is important to note that the LCDC did not overturn our decision to deny expansion of these two quarries -- rather they sent the matter back to us with instructions relating to the improper **process** the County used to make this decision. The decision as to whether to allow expansion of these two quarries or not remains ours, although our actions will once again be reviewed by the LCDC when we complete this process.

REQUIRED BOARD ACTIONS

On August 9th, we will be deciding which Goal 5 resources are significant and how to resolve the conflicts between uses for each resource. Due to the partial legislative nature of these decisions, the reconciliation reports are being presented to the Board as ordinances. Our first reading of the ordinances is scheduled for our August 23th meeting. The second reading is scheduled for early September. However, based on the number and types of changes made to the reconciliation reports at the August 9th meeting, County Counsel may advise us to have a third reading.

After these ordinances are finally approved, planning staff will craft a protection plan ordinance for the resources. The ordinances will contain specific conditions of approval that must be met prior to the approval of any land use application in the designated impact areas. Depending on the number of readings required to approve the reconciliation report ordinances, the protection plan ordinances are tentatively scheduled to be presented to the Board for approval in September.

WEST HILLS POSITION - SUMMARY

- **Scenic** (East face of the West Hills scenic area **3C**) — Find that scenic view are significant (**1C**) and limit residential, community service and conditional use conflicts by reviewing and regulating the siting and design of new structures within the scenic area.

- **Streams** (26 West Hills Streams **3C**) — Find that 26 West Hills streams are significant (**1C**). Recognize the critical link between North Angell Brothers Stream and Burlington Bottoms wetland (already designated a Goal 5 resource). Limit residential, community service and conditional use and transportation/public improvements conflicts by regulating proposed development in the riparian zone of each significant stream.

- **Wildlife** (West Hills **3C**) — Find that wildlife habitat in the West Hills is significant (**1C**) and limit residential and similar use by reviewing and regulating the siting of proposed development to have minimal impact upon wildlife and its habitat.

- **Aggregate** (Angell Brothers Quarry **3B**) — Find that it is significant (**1C**) and that con-

flicts with streams, scenic views, wildlife habitat, and Burlington Bottoms wetland can only be resolved by not allowing quarry operations to be expanded any further.

If the aggregate resource was protected and mining was allowed to expand (3A or 3C), I am convinced that scenic views, wildlife habitat, streams, and Burlington Bottoms wetlands would suffer irreversible impacts. Based on the record, there is no convincing evidence that these conflicting uses can be balanced without permanently degrading scenic views, wildlife habitat, streams, and Burlington Bottoms.

JUSTIFICATION (taken from the record)

Wildlife

- The reconciliation report and its supporting technical documents identify the West Hills as an **ecosystem** for wildlife and its habitat where the presence of humans is much less intrusive than in the urban areas of Multnomah County. In order to maintain and even enhance this ecosystem, human activities must remain a relatively minor part of the landscape. Long-term quarrying, by its nature, is one activity that can have significant adverse effects upon the West Hills ecosystem.

- *The Study of Forest Wildlife in the West Hills* recommends maintenance of a continuous, 1.5 mile wide peninsula of forested habitat extending from Forest Park to the Coast Range. A minimum half-mile wide area of contiguous forested habitat is necessary to maintain a forested connection at any given location.

- We received testimony that proper reclamation of the quarry site could actually increase wildlife habitat value. However, there is no convincing evidence that reclamation of the ecosystem is possible in this area, only conjecture at this point. The quarrying activities although temporary, would have a much longer impact than logging would. A long-term disruption to the contiguous wildlife habitat area/ecosystem would have less chance of regeneration through reclamation.

- State law prohibits Multnomah County from regulating forest practices. Therefore, it is extremely important that the impacts of other conflicting uses (residential development and quarrying) must be carefully controlled at the County level. To protect the wildlife/ecosystem resource, a wide peninsula of undeveloped forest land must be maintained so that the pattern of clear cuts, when combined with other uses, does not result in long-term uninterrupted barriers to wildlife. Staff's proposed protection program along with the restrictions on residential development within the Commercial Forest Use Zone would appropriately limit new residential development within this key area. To best protect it, we must not allow quarry expansion as well.

- The social, economical, and environmental consequences of losing a small amount of West Hills wildlife habitat in certain locations are much greater than losing a great deal of habitat in other portions of the County. Loss of prime wildlife habitat in the West

Hills means obstruction of a vital connecting link within the ecosystem which lies between Forest Park and the thousands of acres of wildlife habitat in the Coast Range.

- Forest Park is the largest forested city park in the United States. We should not approve any project such as this quarry expansion which has a chance of significantly diminishing its wildlife habitat values.

Streams

- The record indicates that Burlington Bottoms "represents one of the state's largest remaining wapato woodlands" and ranks 3rd highest for wildlife habitat of all Goal 5 wetlands in Multnomah County.

- Peter Paquet, a representative of the Northwest Power Planning Council, wrote a letter entering the following into the record (emphasis added): "The Burlington Bottom Wildlife Mitigation Site is being implemented and funded by the Bonneville Power Administration under the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program. The project serves as partial mitigation for wildlife habitat lost due to construction of the federal hydropower system. The Council expects mitigation projects, **funded by the region's electric ratepayers**, to provide **permanent** mitigation."

- The Final Report on Burlington Bottoms Hydrology and Hydraulics Assessment prepared for the Oregon Department of Fish and Wildlife by W&H Pacific states:

> "Stream B (North Angell Brothers Creek) convey perennial flows from an area of 270 acres and enters the upper lakes of Burlington Bottoms through a 30" concrete pipe. The northwestern end of the Angell Brothers Quarry is part of the watershed that drains through Stream B."

Current flows into Burlington Bottoms from the North Angell Brothers Creek are minor because the drainage area is relatively small and there has been little activity other than logging to increase runoff and sedimentation. However, the record indicates that personal communication from John Lenart, the signer of the Report, to Chris Wrench (Friends of Forest Park) included information that there would be NO DOUBT heavy impact on Burlington Bottoms if the quarry were to expand.

- Portland Hydrologist Jon Rhodes, provided testimony (September 1992) in response to the proposed Angell Brothers quarry expansion that outlined the likely impacts on the North Angell Brothers Stream and its downstream environs. Mr. Rhodes asserted that the proposed expansion would increase streamflow, erosion, and downstream sedimentation into Burlington Bottoms and that these increases would probably be extremely significant. As a worst case, enough sediment could be transported into Burlington Bottoms so that it would become filled and would no longer function as a wetland.

- We received testimony that sedimentation from the existing Angell Brothers quarry has entered the Middle Angell Brothers Creek and has signficantly contributed to the filling of a small wetland adjacent to Multnomah Channel and south of Burlington Bottoms. Testimony from the State Department of Environmental Quality (DEQ) indicated that the Angell Brothers quarry operators are working diligently to resolve the problem -- however, DEQ will not know whether the sedimentation problem is fully resolved until the site is subject to a heavy rainstorm. This situation illustrates two points: 1) the negative impact that quarry runoff can have on a wetland such as Burlington Bottoms, and 2) the difficulty of assuring that once a sedimentation problem is identified by DEQ a good solution can be quickly implemented.

- The State Department of Environmental Quality (DEQ) stated that controlling storm runoff problems from quarries is "an art, not a science." While DEQ works with quarry operators, they apparently cannot guarantee compliance with DEQ water quality standards within a short period of time. Significant amounts of erosive runoff may flow into the high quality Burlington Bottoms wetlands before the operator and DEQ can resolve any problems. Unlike the Howard Canyon Quarry site, which is several hundred feet away from any significant streams and which is about two miles from the Sandy River, the Angell Brothers proposed expansion area would envelop the North Angell Brothers Creek and is only separated from Burlington Bottoms by a powerline easement, railroad tracks, and Highway 30. If the County has **any** doubts about the ability to adequately clean quarry runoff into Burlington Bottoms of sedimentation, much less the significant doubts raised on the record, we would be remiss in dismissing these doubts with a statement that DEQ will "take care of it."

<u>Scenic</u>

- The Sauvie Island Conservancy stated: "Island wildlife areas alone accounted for nearly 800,000 visitors. The Angell Brothers Quarry is located by the Sauvie Island Bridge, the island's sole access and exit point, where it is overwhelmingly visible to every island visitor."

- If mining is permitted to expand, the original topography would be permanently changed, scarring the scenic backdrop to Sauvie Island and Multnomah Channel. Even if reclamation is successful, the "benched" landform, with intervening cliffs, will not bring back the original scenic backdrop.

- No reclamation has occurred on the site of the existing quarry. We have no convincing evidence that successful reclamation is possible in this area, only conjecture at this point. Any failure to properly reclaim the land will leave permanent scars.

- Because of the landform alteration, potential reclamation problems, and also because the negative impact of mining activities on the landscape lasts for many years, quarrying activities are fundamentally different from logging activities and have much more impact on the scenic views of the West Hills. Logging is to mining as shaving is to cosmetic surgery.

- Due to its proximity to a major metropolitan area, the scenic resources increase in value the closer they are located to an urban center.

ESEE CONSEQUENCES

The following comments reflect my general directions on the important points within the analysis of Economic, Social, Environmental, and Energy (ESEE) Consequences. I would recommend that staff modify the ESEE analysis as necessary to reflect these directions.

Consequences of Allowing Mining

Economic

The economic impacts of loss of wildlife habitat, scenic resources and streams and wetlands directly impact our quality of life. I recognize that protection of significant natural resources has direct economic benefits that contribute substantially to our quality of life. Quality of life is an important consideration for business recruitment and retention. Forest Park, one of the nation's unique urban parks, is an amenity which enhance livability in Multnomah County which in turns attracts and supports a healthy and viable business community. Multnomah County's wildlife and natural resources (Forest Park, Sauvie Island, Columbia Gorge) are key elements in the state and region's tourism industry.

Social

The West Hills have a psychological value to people, being perceived as integral and important part of the forested landscape linking Forest Park to the Coast Range; contributing to the image of a natural area with wildlife habitat on the outskirts of Portland; and providing a scenic backdrop to visitors and residents of Sauvie Island. Loss of these significant natural resources will have a social public impact if the educational and recreational opportunities are eroded.

Environmental

There would be a direct loss of wildlife habitat in West Hills. Loss of prime wildlife habitat in the West Hills means obstruction of a vital connecting link between Forest Park and the thousands of acres of wildlife in the Coast Range.

There could be significant degradation to Burlington Bottoms, a mitigation project for wildlife habitat already lost to dam construction. It is one of the state's largest remaining wapato wetlands and the 3rd highest ranking wildlife habitat of all Goal 5 wetlands in Multnomah County.

Permanent changes to the landform, scarring the scenic backdrop to Sauvie Island. Loss of significant aesthetic qualities.

Significant reduction in water resources and water quality.

Energy

Increased energy costs for individuals to drive further to other recreation sites.

CONCLUSION

Based on the above stated consequences, the protection of scenic, wildlife and stream resources and Burlington Bottoms outweighs the protection of the aggregate resource. I recommend designating the Angell Brothers site "3B". The irreversible negative impacts to the other resources which would result from any expansion of mining are far more important than the limited benefits to be gained by such expansion.

HOWARD CANYON POSITION

SUMMARY

Streams (Knierem, Howard Canyon & Big Creek **3C)** — Find that these streams are significant (1C). Knierem and Howard Canyon Creeks flow into Big Creek which flows into the Sandy River, a significant regional, state and federal natural resource. Limit residential and community service and conditional use and transportation/public improvement conflicts by regulating proposed development in the riparian zone of each significant stream.

Aggregate (Howard Canyon Quarry 3C) — Find that it is significant (**1C**) and that:

1) Conflicts with residential uses can be resolved by adopting plan and overlay zoning designations which require some restrictions on new houses, such as setbacks from potential mining areas, and require restrictions on mining operations in order to meet DEQ noise and dust standards for existing residences, minimize visual impacts, and minimize operational impacts.

2) Conflicts with significant streams and the Sandy River can be resolved by adopting a phased development approach for the site. Each year based on the results of a erosion sampling program for the site, the County would review a request for a modest increase in the amount of material extracted from the site. The amount of production at the site would ultimately be limited to an amount to be determined at the conditional use permit stage of review.

3) Multnomah County will require independent ongoing verifications that noise, dust and water quality standards are being met by the mining operations.

4) Multnomah County will require a traffic management plan for operation conditions as a condition of approval.

JUSTIFICATION (taken from the record)

Streams (Knierem, Howard Canyon & Big Creek)

- Metro stated: "Big Creek flows into the Sandy river adjacent to Oxbow Park. The Sandy River has been included in the National Wild and Scenic Rivers System (1988) and State Scenic Waterways Program (1973). In both cases, the river has been designated, in part, due to its outstanding wildlife values. Pg. 18 of the BLM "Sandy Wild and Scenic Waterways Management Plan", (September 1993) states: The Sandy River Gorge offers one of the highest levels of diversity in both wildlife species and habitat of any river in the region."

  ". .. BLM, USFS, BPA, US Fish and Wildlife, Oregon Department of Fish and Wildlife, Northwest Power Planning Council, Oregon State Parks, Oregon Water Resources Department and virtually every other natural agency recognizes the importance and diversity of the Sandy River fish resource - both resident and anadromous."

"Big Creek flows into the Sandy River approximately 100 yards upstream from a known spawning area for Fall chinook salmon and Winter steelhead. Impacts to tributaries result in diminished resource values downstream. "

ESEE CONSEQUENCES

The following comments reflect my general directions on the important points within the analysis of Economic, Social, Environmental, and Energy (ESEE) Consequences. I would recommend that staff modify the ESEE analysis as necessary to reflect these directions.

Metro notes:

"Between 1980 and 1990, over one billion dollars were spent on efforts to restore the Columbia River salmon fishery. Habitat destruction and associated impacts on flows and water quality are important factors contributing to the salmon crisis which has only continued to escalate into the 90's. Without question, salmon are important both economically, socially and environmentally. Although none of the creeks are utilized by anadromous fish, (due to a natural barrier) they are tributaries to the Sandy River which is an important spawning and rearing area. The Sandy River is a reflection of the quality of its tributaries."

"The Oregon Department of Fish And Wildlife has made efforts to document the financial impact of hunting and wildlife observations. Scientific studies have documented the importance of riparian corridors to wildlife for forage, cover and migration purposes. "

"BLM and Oregon State Parks have estimated that up to one (1) million people annually utilize the Sandy River for a myriad of recreational activities. This intense use creates substantial economic activity for a variety of businesses throughout the region."

"The report recognizes the contribution of riparian vegetation removal to increased flooding. The impacts of flooding and flood control have economic, social and energy consequences."

I believe that this evidence is an important addition to the ESEE analysis discussion of ESEE consequences.

CONCLUSION

Knierem and Howard Canyon Creeks flow into Big Creek which flows into the Sandy River. Based on the record, the Sandy River is an outstanding regional, state and federal resource that warrants complete protection.

Unlike the situation with the Angell Brothers quarry in relation to Burlington Bottoms, there clearly appears to be sufficient distance for runoff mitigation based on the distance of the exist-

ing quarry and the proposed expansion site from Knierem and Howard Canyon Creek. I, therefore, recommend designating the aggregate site "3C'. However, the significance of the streams in relationship to the Sandy River justifies a very prudent approach to development of the site.

Proposed Conditions of Approval to be Included in the Protection Plan

Conflicts with significant streams can be resolved by adopting a phased development approach for the site. Each year based on the results of an erosion sampling program for the site, the County would review a request for a modest increase in the amount of material extracted from the site. The amount of production at the site would ultimately be limited to an amount to be determined at the conditional use permit stage of review.

Determination of the annual increases and ultimate cap will be based on protection of the stream resources, resolving conflicts with residential uses and findings from the traffic management plan.

A mining and reclamation plan shall be required that is approved by Oregon Department of Fish and Wildlife and DEQ, in addition to DOGAMI.

It appears that the majority of the existing residential dwellings are located to the west of the site. During the development of the protection plan, planning staff will be directed to explore the feasibility of future expansions occurring on or moving towards the east end of the site, away from the majority of existing residences. This strategy may provide an additional buffer area thus reducing noise and dust impacts on the neighboring residents to the west.

Conflicts with residential uses can by resolved by restricting operation to reasonable weekday hours. Rock crushing and blasting shall be similarly restricted. We should require that notice of blasting events shall be given by the mining operator to all residents within the impact area in a manner that will ensure receipt of the notice well before the blasting event.

A traffic management plan shall be required that recognizes the inadequacy of Howard, Knierem, Littlepage and possible other nearby roads for certain levels of heavy traffic. Based on this plan, the County Engineer will stipulate the mine operator's share of the costs for improvements to these roads and a timeline for the necessary improvements. The findings from the traffic management plan and subsequent review and findings from the County Engineer may also contribute to the need to establish a limit on the amount of material that can be hauled from the site. It should be noted that, although the operator should only fund his "fair share" of the road improvements, it may be necessary to limit the number of gravel trucks using these roads until full improvements are completed. We may also require that the gravel trucks take certain routes through the community, either to concentrate traffic on roads where the least impact will result, or to spread traffic onto many roads so that impacts are not concentrated to the detriment of any one road and its adjoining residences. Which of these two approaches we should take must await the results of a traffic management plan prepared at the conditional use permit stage of review.

In addition, the area around the Howard Canyon quarry is rural in character. We must set a limit to the amount of material extracted and resulting truck trips which preserves that rural character, regardless of whether the roads are improved or not. This is additional justification for a "phased" expansion approach and an ultimate annual cap.

8/9/94 Chair Stein Submittal

AUG 1 '94

Beverly Stein, Multnomah County Chair

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MEMORANDUM

TO: Commissioner Collier
Commissioner Hansen
Commissioner Kelley
Commissioner Saltzman

FROM: Chair Beverly Stein

DATE: July 28, 1994

SUBJECT: Meeting Format for the August 9 Board Deliberations on the Howard Canyon and West Hills Appeals

On July 26, 1994, appellants and opponents of the appellants of the Planning Commission's recommendations on the West Hills and Howard Canyon Reconciliation Reports presented their positions to the Board. Appellants challenged some but not all of the Planning Commission's recommendations.

To help organize and address all the issues before us at the August 9 Board Meeting, I propose we use the following outline for the meeting. This outline reflects the Goal 5 process. There will be two appeal hearings to deliberate: West Hills and Howard Canyon Reconciliation Reports.

DECISION #1 Is the Resource Significant? (Using measures of location, quality, and quantity.) The date next to each resource indicates when the Board determined the resource was significant. All the resources but streams have been determined significant. However, we will have to determine once more whether the resources are significant.

West Hills Resources

- Aggregate (1992)
- Wildlife (October, 1993)
- Streams (Have not been determined)
- Scenic (October, 1993)

Howard Canyon Resources

- Aggregate (1992)
- Streams (Have not been determined)

DISCUSSION Is the "ESEE" analysis for each resource complete and accurate (including the impact area)?

West Hills Resources

- Aggregate
- Wildlife
- Streams
- Scenic

Howard Canyon Resources

- Aggregate
- Streams

DECISION #2 Based on the "ESEE" analysis, how should conflicts between uses be resolved for each resource?

3A **Protect the Resource Site:** Completely protects the resource (e.g. scenic, streams, wildlife, and aggregate). This designation would preclude all uses (e.g. residential, community service, agricultural). This designation is considered an extreme finding and could lead to a "takings" claim.

3B **Allow Conflicting Uses Fully:** Does not protect the resource (e.g. scenic, streams, wildlife, and aggregate). Allows conflicting uses. For example, the Angell Brothers Quarry site is designated "3B" meaning the aggregate resource is not protected and conflicting uses (in this case scenic, streams, and wildlife) are paramount.

3C **Limiting Conflicting Uses:** Limits conflicting uses to achieve a balance. With scenic, steams, and wildlife resources, a protection plan to achieve balance is possible by limiting residential, community service, and conditional use conflicts by reviewing and regulating the siting and design of new structures.

NEXT STEPS...

On August 9th, we will deliberate and decide how the conflicts between uses will be resolved for each resource (3A, 3B or 3C). Due to the partial legislative nature of these decisions, the reconciliation reports are actually presented to the Board as ordinances. Planning staff will draft ordinances based on our decisions. Depending on our August 9th decisions, the first reading of the ordinances is tentatively scheduled for Tuesday, August 23, and the second reading is tentatively scheduled for Tuesday, August 30.

After the reconciliation ordinances are finally approved, planning staff will craft a protection plan for the resources in the form of a second ordinance. The protection plan ordinances will contain specific conditions of approval that must be met prior to the approval of any land use application in the designated impact areas. Depending on the number of readings required to approve the reconciliation report ordinances, the protection plan ordinances are tentatively scheduled to be presented to the Board for approval in September. Remember, on August 9 we are not deciding whether to approve a permit for a quarry expansion, but whether to protect the aggregate resource for future use. This future use may be next year, it may be 20 years from now, it may be never.

Depending on our "Decision #2" decisions, any permit for an expansion to either Angell Brothers or Howard Canyon Quarries, would have to meet the conditions of approvals set out in the protection plan ordinances and ultimately be reviewed by the Board for approval in a conditional issue permit.

Goal 5 Process

GOAL 5 ANALYSIS (August 9)

↓

PROTECTION PLAN (September)
(Ordinances stating specific conditions of approval)

↓

REQUEST FOR CONDITIONAL ISSUE PERMIT
(None filed at this time)

I have crafted a memo to the Board outlining my position on the West Hills and Howard Canyon Reconciliation Reports. This memo will be available to the Board on Friday. Early next week, I will schedule a meeting with each of you to discuss my positions and your positions. Bill Farver and Gordon Howard will accompany me.

If you have any questions or suggestions on the proposed August 9 Board Meeting format, please contact Bill at 248-3958.

N:\DATA\WPCENTER\CHAIR\LBST008

8/9/94 CO Kelley Submittal

SHARRON KELLEY
Multnomah County Commissioner
District 4

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MEMORANDUM

TO: Board of Commissioners

FROM: Commissioner Sharron Kelley

RE: Recommended Position on Howard Canyon Site

DATE: August 9, 1994

With respect to the Howard Canyon site, I recommend that we direct planning staff to revise its Report as indicated in this memo for the reasons set forth.

I. Conflicts with Aggregate Protection

A. Transportation

1. In its Remand Order on the Howard Canyon site, LCDC stated: "The county has not shown how the use of area roads is a conflict to protecting the aggregate resource. If a conflict does exist, Goal 5 requires resolution of the conflict." (Remand Order, p. 10)

2. Section III.B.2.b of the Reconcilation Report (pages III-14 through III-17, appended hereto) details the "specific points and segments in the transportation network of East Multnomah County" which represent one category of the impact area for the aggregate resource. (p. III-12) This section identifies five county bridges as marginal or failing for handling the type 3 trucks used gravel operations as well as the three road segments nearest the Howard Canyon site which are each inadequate for aggregate usage and are designated as local roads on the Multnomah County Functional Classification of Trafficways adopted in March, 1993.

3. On June 20, 1994, DLCD submitted a letter which set forth a more detailed position on this issue as follows:

"LCDC did not say that transportation was not a factor in the Goal 5 analysis. Instead, it found that the county made errors in its analysis. . . .The county had not shown how the use of area roads conflicted with protecting a significant

resource site. The county did not explain how trucks were more hazardous than autos or why trucks required special prohibition. . . . Goal 5 requires resolution of conflicts. The county had not identified an area in which to assess traffic concerns. Therefore, it had no basis for making conclusions about truck traffic. The county also did not show why local ordinance provisions for developer financed road improvements could not mitigate alleged conflicts."

4. The DLCD letter of June 20, 1994 outlines a different approach for handling transportation issues than the assumptions set out in the May 23 Reconciliation Report. This may be summarized as follows:

*Identify an area in which to assess traffic concerns;

*Analyze whether the use of area roads conflicts with a signficant resource site;

*Analyze whether trucks are more hazardous than autos or why trucks require special prohibition;

*If there are conflicts, analyze the possibilities for resolution: Show whether developer financed road improvements could mitigate the alleged conflicts.

5. The Planning Commission added the following language to the Reconciliation Report as its effort to address these issues:

"(xvi) In recognition of the inadequacy of Howard, Knierem, Littlepage and possibly other nearby roads for certain levels of heavy truck service, it shall be a requirement of a conditional use review of any mining operation that an applicant submit the following as part of the proposed application:

1. A traffic management plan for normal operating conditions; and

2. A traffic management plan for extraordinary demands for aggregate and other rock materials supplied to a single site, such as a large public works project. . . . the County Engineer will stipulate the mine operator's fair share of the costs for improvements to Howard, Knierem, Littlepage and other roads which will be impacted by heavy truck traffic as identified in any approved traffic management plans."

6. Under a 3C or mitigation approach, the County may use a traffic management plan, subsequent review and findings from the County Engineer to establish a limit on the amount of

material that can be hauled from the site until full improvements are completed. We may also regulate the routes used by gravel trucks and set a limit to the amount of material extracted and resulting truck trips.

7. While the 3C or mitigation approach is better than no effort at mitigation, it is not likely that conflicts between the aggregate resource and existing dwellings would be resolved. There are two primary problems with this regulatory, balancing approach. First, this approach, to be effective, will require the County to expend funds to monitor the size and weight of trucks leaving the site, the routes the trucks take, and the number of trucks. There is evidence in the record (Testimony of Dave Black) about the ineffectiveness of County efforts at code enforcement. In my view, this testimony is well taken. A regulatory mitigation approach may sound good on paper but it is neither feasible or practical in the real world of county government. Second, the approach will accelerate the demand or need to improve these roads, committing the county to make an equitable contribution to such improvements which will divert funds from other road projects.

8. The Reconciliation Report demonstrates the conflict that protection/development of the resource site would create for area roads. [The Board should add a section showing the reverse: how the use of area roads conflicts with a signficant resource site -- trucks must slow down for children, making the price of gravel more expensive, etc. The Board should also clarify the impact area of the road conflict and revise the responses on pp. III - 48, 49, and 53 in view of the DLCD letter of June 20, 1994] The Report also demonstrates that "trucks are more hazardous than autos or why trucks require special prohibition" because trucks weigh more and are wider. This could be stated a little more explicitly. We should then add a section analyzing the mitigation options and the problems with those, as I describe in Paragraph 7 above.

B. <u>Other Conflicts with Existing Residences</u>

The Reconcilation Report from May reasons that "The State of Oregon DEQ standards are deemed appropriate standards by which to judge noise impacts on adjoining properties, and it is concluded that under DEQ standards there will not be a significant economic impact on existing dwellings in the area."

There is now testimony in the record, however, from a licensed realtor with experience selling property in Corbett showing that the quarry will impact the value of homes

negatively (Mike Grover). This evidence is uncontradicted. Moreover, even though the noise is subject to DEQ standards, the testimony of neighbors on the record demonstrates that the noise on site and its trucks will negatively effect residents of the dwellings despite efforts at mitigation and regulation.

II. Revision of Conflict Resolution Section

A. Because mitigation does not really resolve the conflicts, revision and rethinking of the ESEE analysis is merited. I recommend the revision of section IV.B.6 (pages IV-11 and 12) as follows (brackets [ ] indicate a deletion; underlining indicates and insertion):

Consequences if Mining is not allowed -- 3B

Economic: [Lost jobs; increased transportation costs for obtaining aggregate; loss of aggregate resource and associated value from sales; increased cost to consumers for aggregate] County would save money on improvements to roads and bridges; county and state would save money on costs of regulating noise, air, and erosion into streams as well as truck traffic amounts, weights, and routes; nearby property values would be higher for properties with dwellings than these values will be if mining expands; aggregate jobs would remain at other suppliers instead of shifting to this site as it expanded; opportunity to reduce cost to the consumer and reduce cost of transporting aggregate would be foregone for the nearby rural area unless the owner's share of regulatory costs and transportation needs would have made development economically infeasible.

Social: No local source for aggregate in the rural Corbett area; [reduced property rights] maintains land use status quo for aggregate owner and neighbors; no conflicts from noise and dust from mining activities to noise and dust sensitive uses.

Environmental: [Insignificant] Avoids risk to streams and Sandy River and allows use by wildlife

Energy: Increase in energy expended to transport aggregate in East County; avoids energy expended to transport agency personnel to regulate gravel extraction in East County.

Consequences if Mining is allowed in a limited manner -- 3C

Economic: Potential for some [lost] aggregate jobs to remain at other suppliers instead of shifting to this site as it expanded; opportunity to reduce cost to the consumer and reduce cost of transporting aggregate for the nearby rural area unless the owner's share of regulatory costs and transportation needs would have made development economically infeasible; nearby property values would be lower for properties with

dwellings than these values would be with no expansion; new home builders in impact area assume a portion of the obligation and costs to mitigate conflicts with mining.

Social: Reduced amount of local source of aggregate in the rural Corbett area; mining noise and dust conflicts (to the extent allowed by DEQ standards or not subject to immediate enforcement) will be experienced by residents of the impact area; fewer siting choices for new homes on existing lots in the impact area

Environmental: Noise, dust, and erosion effects (to the extent allowed by DEQ standards or not subject to immediate enforcement) will occur in the impact area

Energy: Some reduction in energy expended to transport aggregate in East County; some increase in energy expended to transport agency personnel to regulate gravel extraction in East County.

Consequences if Mining is allowed fully -- 3A

Economic: Jobs [created] shifted for extracting, processing and transporting aggregate to this site from other suppliers; aggregate available at lower cost in the rural Corbett area; taxpayers subsidize operation by funding regulatory costs and transportation needs; nearby property values would be lower for properties with dwellings than these values would be with no expansion; new home builders in impact area assume a portion of the obligation and costs to mitigate conflicts with mining.

Social: Mining noise and dust conflicts (to the extent allowed by DEQ standards or not subject to immediate enforcement) will be experienced by residents of the impact area; fewer siting choices for new homes on existing lots in the impact area.

Environmental: Noise, dust, and erosion effects (to the extent allowed by DEQ standards or not subject to immediate enforcement) will occur in the impact area

Energy: Reduction in energy expended to transport aggregate in East County; some increase in energy expended to transport agency personnel to regulate gravel extraction in East County.

B. The weight of the evidence before the Board indicates that protection (development and expansion) of the aggregate resource will conflict with the existing dwellings near the site; that mitigation of transportation and noise impacts will not resolve the conflict; and that the economic, social, environmental and energy consequences of the various options render a 3b classification most appropriate at this site. The Conclusion on page IV-12 should be revised as follows:

CONCLUSION: There would not be significant adverse economic consequences if the Goal 5 aggregate resource was not protected (mining not allowed); this would maintain the status quo in terms of supply. There would [also] be adverse consequences to streams and residential uses and local roads if mitigating measures were not required of and effectively enforced against a mining operation [to reduce where practicable or necessary]. A balanced approach which protects the aggregate resource for mining while requiring a mining operation to minimize adverse effects on the streams, local roads and residential uses [is the desired solution to this issue] would require the County and State to expend funds to monitor the size and weight of trucks leaving the site, the routes the trucks take, and the number of trucks as well as dust, noise and erosion effects. This regulatory approach is likely to be neither feasible, practical or effective in reducing conflicts from this site. Because of the conflicts with pre-existing nearby uses from noise and transportation, the County chooses to maintain the quality of life for current and future residents and not protect this site.

C. Other sections of the report should be revised consistent with these revisions.

III. Conflicts with Streams

On the basis of the testimony from Metro, we should revise the Report to incorporate some of the suggestions from Metro Parks to strengthen the stream protection program as follows:

1. Avoid access drives in the riparian zone whenever practical

2. Require a bridge or arch culvert when crossing a significant stream cannot be avoided

3. Budget submissions to the Chair and Board from the East and West Soil and Water Conservation Districts shall include a request for funds for (a) restoration activities on streams and wetlands degraded by agricultural activities (e.g. reestablish riparian vegetation); and (b) a fund for fencing to exclude livestock.

8/9/94 CO COLLIER Submittal

TANYA COLLIER
Multnomah County Commissioner
District 3

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M E M O R A N D U M

TO: Chair, Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Dan Saltzman

FROM: Commissioner Tanya Collier

DATE: August 9, 1994

SUBJECT: Position on Howard Canyon Reconciliation Report

It is my position that the Streams and Aggregate in Howard Canyon are both resources that need to be protected. I concur with the Howard Canyon Reconciliation Report prepared by the Multnomah County Planning Division in that designating these resources a 3-C classification and implementing quantity limitations and operational restrictions, balance can be achieved.

AGGREGATE

In a letter dated December 13, 1988 from Gary Feilding (Rittenhouse-Zeman & Assoc.) that the aggregate located at the Howard Canyon site is of significant quality to justify protection of the resource.

> "This letter presents the results of laboratory testing of rock sampled from the subject location...Based upon the above test results, it is our opinion this rock meets OSHD's specifications for Base Aggregate."

Further evidence to support the quality of this aggregate source was provided in the Schlicker report dated January 9, 1989.

> "Exposures in the existing quarry face show the basalt to be columnar jointed and thinly weathered. Beneath the thin weathering scale the rock is hard and fresh... Tests show the partially weathered rock to make satisfactory base rock. The harder fresh rock can be used for oil and topping...
>
> In addition to crushed rock, the site can produce high quality rip-rap. This material is scarce and after major flood is in short demand."

Based on the evidence in the record the aggregate located in the Howard Canyon site should be designated 3-C.

STREAMS

Howard Canyon Creek, Knierem Creek and Big Creek have been designated by staff as significant. From the evidence submitted in the record I have concluded that the quarry does not play a major role in the degradation of these streams. The record indicates (II-12, ¶3) that the degradation to these streams is caused in large part by the agricultural uses currently permitted.

"Agricultural use conflicts with stream resources in a variety of ways...Farm livestock may graze near and enter the stream thereby destroying riparian vegetation and depositing excrement, which can effect water quality."

The Reconciliation Report (II-14, ¶1) states in reference to Big Creek that:

" This water shed is affected primarily by use of adjacent properties as pasture land and by rural residential development in its upper reaches."

Based on the record, the Streams in the Howard Canyon Reconciliation Report should be designated 3-C.

CONFLICT RESOLUTION or PROTECTION PLAN

As stated in the Reconciliation report (III-38, ¶7);

> "Potential road maintenance and traffic problems should not be a basis for not protecting the resource under the Goal 5 process...However, as also stated in the same review of the County's Goal 5 work, after completion of the Goal 5 process the county can always invoke regulations under its 'police power' to limit the quarry activities at this site to assure the health, safety, and welfare of citizens living in the area."

Evidence submitted by the Oregon Department of Land Conservation and Development to Scott Pemble on June 20, 1994 states;

> " The department consistently has told local governments not to use transportation conflicts to withhold protection of a significant aggregate resource. We have advised, however, that they may enact reasonable restrictions to mitigate demonstrated effects of truck traffic."

Before the County grant a permit to increase the tonnage of aggregate to be removed from this site, a traffic management plan must be in place. I believe that it is necessary to place a cap on the annual tonnage of aggregate allowed to be mined until such time that the road maintenance issue has been resolved. I support the Chair's conclusion that this amount should be determined in conjunction with the County Engineer's findings. The staffs proposal for traffic mitigation (III-39, ¶4 & 5) should be reviewed by the County Engineer to establish if the alternative suggested are sound.

As suggested in the amendments to the Reconciliation Report submitted by the Planning Commission, I would request the term "fair share" be replaced with "cost responsibility," to read,

> "Pursuant to County policy procedures in MCC 11.60 and related Administrative Rules, the County Engineer will stipulate the mine operator's cost responsibility for

improvements to Howard, Knieriem, Littlepage and other roads which will be impacted by heavy truck traffic as identified in any approved traffic management plans."

To address the conflict of noise to the surrounding dwellings, I refer you to Respondents' Exhibit 35A that proposes:

"Hours of operation be limited to a normal five day work week (8 AM. -5 P.M., Monday through Friday).

If blasting were to occur that 48-hour notice be mailed."

I would also suggest that the expansion of the quarry be limited to the area east of the current pit. This action would move the active quarry away from the majority of the existing dwellings and therefore reduce the impact of the mining process on the neighbors.