

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
AUGUST 7, 1990 MEETING

Vice-Chair Gretchen Kafoury convened the meeting at 9:30 a.m., with Commissioners Pauline Anderson, Rick Bauman and Sharron Kelley present, and Chair Gladys McCoy absent.

1. CU 12-90 APPROVE, SUBJECT TO CONDITIONS, development of this property with a non-resource related single family residence, for property located at 23680 NW Moran Road
2. CU 14-90 APPROVE, SUBJECT TO CONDITIONS, development of this property with a non-resource related single family residence, for property located at 12485 NW Skyline Blvd
3. CU 13-90 APPROVE, SUBJECT TO CONDITIONS, continued use of a portion of the residence as a one-person tax office, for property located at 12704 NE Halsey Street
5. LD 22-90 APPROVE, SUBJECT TO CONDITIONS, the tentative plan for the Type I land division request, a rural subdivision resulting in four lots, all for property at 34799 East Crown Point Highway

Vice-Chair Kafoury acknowledged the foregoing July 9, 1990 Decisions of the Planning Commission.

4. CU 15-90 DENY requested conditional use to allow an existing 30' x 40' building as a kennel for show dogs and pet grooming facility;
HV 10-90 DENY requested variances, all for property at 5031 SE Jenne Road

Planner Mark Hess advised that an appeal had been filed in this matter and submitted copies of the Notice of Review. Mr. Hess reported that appellant asks for a September 18 hearing date, on the record with additional testimony. Mr. Hess advised that appellant wishes to include testimony regarding the dog kennel ordinance and its lack of distinction between commercial and non-commercial kennels, which Planning staff feels is a legislative issue and therefore not appropriate for appeal of a quasi-judicial action. Mr. Hess advised staff recommends that the hearing be on the record only.

In response to a question of Commissioner Anderson, Mr. Hess reported that appellant also wants to present testimony concerning an easement agreement with her neighbor to the north.

Vice-Chair Kafoury asked Mr. Hess to refer appellant to Commissioner Anderson concerning the legislative issue of the ordinance at the time he informs her of the hearing on the record only, scheduled for 9:30 a.m. on Tuesday, September 18, 1990, with testimony limited to 15 minutes per side.

6. CU 8-90 DE NOVO HEARING
Review the Decision of the Planning Commission of June 11, 1990, approving, subject to conditions, the relocation of an existing rural service commercial use for an automobile,

truck and farm equipment repair shop, in an MUA-20, multiple use agricultural zone, all for property located at 400 NE Evans Road

Senior Planner Robert Hall gave the staff report, advising application was submitted to Planning in an attempt to rectify a violation on property south of the subject site that applicant began using 20 years ago for repair purposes and developed into a full-time vocation for which no conditional use permit was obtained. Mr. Hall related that applicant is in the process of building a larger building to the north on property subject to this hearing in which to relocate his repair business. Mr. Hall identified various approval criterion reviewed by the Planning Commission in making its decision, advising the use was approved on condition that all repair work be done inside the building, that applicant have no more than 4 vehicles stored outside at any one time, and other conditions relating to design review, engineering service requirements and obtaining any necessary permits. Mr. Hall advised he had some slides to present, but he left the key to the projector cabinet at the Planning Department office.

In response to a question of Commissioner Anderson, Mr. Hall related that applicant's business began as a hobby and evolved into a vocation but applicant did not apply for a permit and the operation was not brought to the attention of the County until recently. In response to Commissioner Anderson asking if the extension of an illegal business could become legal, Mr. Hall reported that applicant proposes to discontinue use on the property to the south and relocate his business to the north, and that such a use would be allowed under the multiple use agriculture zone if it meets approval criteria. In response to Commissioner Anderson's question as to any penalties for operating illegally on the site to the south, Mr. Hall advised the County ordinance contains no penalty for violations.

In response to a question of Vice-Chair Kafoury, Mr. Hall reported that a neighbor complaint to Planning resulted in a notice of violation to the applicant.

Appellant David M. Stefonek of 324 NE Evans Rd, advised he had about 24 slides to present which he felt would dispute the claims of applicant. Mr. Stefonek reported he feels applicant's request for establishment of a commercial business in an MUA-20 zone is inappropriate to the area, and discussed the definition of cottage industry, suggesting repair work on local farm equipment but not buses from the Corbett and Lake Oswego School Districts, is appropriate in the cottage industry category. Mr. Stefonek expressed concern over previous instances of applicant building without a permit and stated it is not possible to park 4 vehicles in the small area of driveway on the proposed lot and that the area has poor access for a commercial shop because it is between two sharp corners. Mr. Stefonek reported on noises from buses beeping as they are backed up at odd times and from pneumatic tools, and suggested that solvents, used oil and anti-freeze waste products could present environmental concerns. Mr. Stefonek suggested applicant could locate his business in a cottage industry designated area with direct highway access and described a property adjacent to the Corbett Hardware Store which he felt would be suitable and would not be a hardship on customers.

In response to Commissioner Anderson's question as to whether there were other commercial operations in the vicinity of the proposed shop, Mr. Stefonek advised the nearest are in Corbett half a mile south, and there are others 3 miles away in Springdale.

In response to Commissioner Kelley asking what he meant by odd times when referring to the beeping sounds, Mr. Stefonek advised as early as 6:00 a.m and as late as 11:00 p.m.

Applicant Chris Mijares of 400 NE Evans Rd, submitted copies of his local customer list, support letters and a map depicting the neighboring properties not objecting to his business. Mr. Mijares advised when he built his original shop he had a Troutdale address and when he tried to get a business license and the City informed him he was not within the City limits, he did not pursue the matter further. Mr. Mijares reported he has never had an accident coming out of his driveway and stated that at the time he built the shop to the south a permit was not required to put up an agriculture building, but he has now been advised that if the new building will be used for commercial purposes, it needs to be brought up to code and meet all County requirements, which he intends to conform with.

In response to a question of Vice-Chair Kafoury, Mr. Mijares advised he has agreed not to have more than 4 vehicles outside the premises at any one time.

In response to a question of Commissioner Anderson as to whether a permit is necessary for an agriculture building, Mr. Mijares advised it is not, and that originally he used the building to the south as a barn for his tractor, equipment and a few animals.

In response to Commissioner Kelley's question regarding the beeping or disruptive sounds, Mr. Mijares stated he does not start work until 8:00 in the morning and only occasionally works late in the evening.

Frank A. Windust, Jr. of 36039 E Crown Pt Hwy, testified in support of the application and stated that 74 people in the Corbett area do not object to continuation of Mr. Mijares' business in the proposed location. Mr. Windust stated that noises from tractors, aerial spraying, logging, and other rural activities are to be expected in resource lands. Mr. Windust refuted Mr. Stefonek's statement regarding the availability of commercial property in the Corbett area and suggested that Mr. Mijares should not have to relocate his business if he meets the zoning criteria.

Deputy County Counsel John DuBay reported that in looking over the Planning Commission decision and ordinance criteria referring to the requirement that the conditional use be consistent with the area, the area must be established, the uses in the area that establish its character must be determined, and an explanation why the proposed use is consistent with that character must be provided. Mr. DuBay noted that the findings before the Board merely indicate the use is similar to such other limited service commercial operations being practiced in the rural community in conjunction with the rural residents, and suggested that the Board address that criteria more completely.

M. Keith Evans, Jr. of 311 SE Evans Rd, testified in support of the proposed application and suggested that beeping equipment noise is typical in a farming community.

Lennart A. Swenson of 38909 E Crown Pt Hwy, testified in opposition to the proposed application, advising that the term cottage industry refers to a business which is relatively small and unobtrusive and does not damage the area, and that a repair shop such as Mr. Mijares is running is more of a true commercial establishment and does not fit in with the character of the area. Mr. Swenson suggested that if Mr. Mijares had applied to the County in the beginning, the commercial use would probably not have been approved due to the small amount of frontage on Evans Road, the poor access and the nature of the business. Mr. Swenson urged the Board not to set by precedent by allowing the operation to continue in the area.

In response to Commissioner Anderson's question, Mr. Swenson reported there are no other commercial buildings in the area.

Malcolm Freund of 228 NE Evans Rd, testified in support of the application, advising it is helpful to have Mr. Mijares nearby for repairs.

In response to a question of Commissioner Anderson, Mr. Freund advised it is helpful to have a repair shop in the immediate vicinity, rather than having to cross the Sandy River Bridge and go into Gresham or the Parkrose area.

In response to a question of Commissioner Kelley, Mr. Freund advised that most of the neighboring residents are either vocational or hobby farmers.

Mr. Stefonek reported that he purchased his property in 1965, before either Mr. Mijares or Mr. Freund bought their properties and that there are other neighbors who do not support having a shop in the area.

Vice-Chair Kafoury asked Mr. Hall to clarify discussions the Planning Commission may have had regarding whether the proposed use was consistent with the character of the area.

Mr. Hall reported the statement referred to by Mr. DuBay was provided by applicant and that the Planning Commission did not go into detailed discussion but accepted it as adequate. Mr. Hall advised that to go into the type of detail County Counsel suggests would require a continuance unless the Board could develop more detailed criteria at this time. Mr. Hall stated that the conditional use application is not a request for a cottage industry but for a limited, rural service commercial use in the multiple use agriculture zone, and that the rural center zoning addressed in the downtown Corbett area does not allow any type of a commercial use without going through a conditional use hearing process before the Board.

In response to Commissioner Bauman's question as to whether the 4 vehicle limit applied to both lots, Mr. Hall advised that it just applied to the lot under application.

In response to Commissioner Bauman asking if there would be any prohibition to Mr. Mijares parking vehicles on his southern lot, Mr. Hall advised the County has a vehicle limit in urban zones but not in rural zones, but the Board could expand the conditions to include a provision that all vehicles awaiting repair must be stored on the lot subject to the application. In response to Commissioner Bauman asking if a neighbor were driving by and saw 6 school buses parked outside, what recourse would they have and what actions could be expected, Mr. Hall advised that a complaint would be called in, the County would send an inspector out to observe it and write the alleged violater a letter, and that if no response were obtained, the matter would be turned over to County Counsel.

Mr. DuBay advised the County would file for injunctive relief through the Court system.

In response to Commissioner Anderson asking whether being close to the scenic area could also be considered as part of the character of the area, Mr. Hall advised that the area to the north immediately adjacent to the property is within the scenic area. In response to Commissioner Anderson asking if there were any legal expectations at the time Mr. Mijares bought the property that he could obtain a conditional use permit for the purpose of having a commercial enterprise, Mr. Hall advised he would have to check the date the property was purchased and research what laws were in effect at the time.

Commissioner Kelley moved, seconded by Commissioner Bauman, for adoption of the recommendations of the Planning Commission and to accept the report of the Planning staff.

Commissioner Kelley reported that with the constraints placed on the conditional use she is convinced the proposed use is an appropriate and legitimate accessory to agriculture.

Commissioner Bauman advised he would feel more comfortable setting the matter over one week so the Board could either visit the site or view the slides in order to make an informed decision on the character of the area.

Commissioner Anderson reported the area is adjacent to the scenic area of the Columbia Gorge and it is in Corbett where cottage industry is also a part of the character of the area and that she feels the Board can establish that the use is inconsistent with the character of the area.

UPON MOTION of Commissioner Kelley, seconded by Commissioner Bauman, it was UNANIMOUSLY APPROVED that the hearing be continued for one week for the purpose of viewing the slides, with rebuttal limited to 5 minutes per side.

At 10:30 a.m. the Board recessed for 10 minutes.

7. Resolution for the Purpose of Requesting that Logging on Land Adjacent to Forest Park be Suspended; and to Request that the Oregon Department of Fish and Wildlife Conduct an Inventory of Endangered Species on Private Lands Near Forest Park

Vice-Chair Kafoury advised that public testimony would be limited to 3 minutes per person but since the speakers were heavily weighed in favor of the proposed resolution, those wishing to speak against it would be given some additional time in the interest of fairness.

Diane Luther, Staff Assistant for Commissioner Pauline Anderson, reported that the resolution before the Board was drafted in response to testimony given last Thursday asking that the Board express its concern over logging in the Wildlife Corridor near Forest Park. Ms. Luther advised the resolution asks those conducting clear cut logging operations in areas adjacent to Forest Park to suspend their activities in order for the County to complete the Wildlife Corridor Study started this July first which should take about a year to complete; and asks that the Oregon Department of Fish and Wildlife inventory the area known as the Wildlife Corridor for endangered and threatened species.

Nancy Rosenlund of 5830 NW Cornell Rd, advised she lives adjacent to Forest Park and favors suspension of the cutting. Ms. Rosenlund stated she wishes to protect the quality of life, the diminishing wildlife and the trees in our community; and that she equates the timber industry with an anthropologist trying to whip a dinosaur back into life.

Richard Seidman, Executive Director of Friends of Trees, submitted and read written testimony urging the Board to adopt the proposed resolution, to request a moratorium on the logging until the Wildlife Corridor Study is completed, asking the County to assign staff to draft a comprehensive tree protection ordinance and to assign staff to explore ways to modify the Oregon Forest Practices Act to give local governments control over logging operations within their jurisdiction. Mr. Seidman advised his organization would be happy to work with the County on any of these issues.

Tim Bauman of 2534 SE 23rd, urged passage of the proposed resolution, advising it is important to recognize how vital our connection to the natural world relates to our quality of life. Mr. Bauman stated that the City of Portland and Multnomah County are viewed as leaders and pioneers for their progressive environmental policies, and that it is critical that citizens and elected officials help each other forge new guidelines with which land use planning can meet the needs of an ever growing populace and a respect for the quality of life all humans and other creatures have come to expect in the Pacific Northwest.

Howard Thorn of 10080 SW 5th, Beaverton, testified in favor of the proposed resolution, advising there is a large, forested ecosystem close to the heart of the City which still contains a number of large animals able to pass fairly freely through many areas of Forest Park, but that if clear cutting is allowed to continue the animals will cease to migrate from the coast ranges into Portland. Mr. Thorn suggested the area could become a large tree farm instead of a natural park with a forested ecosystem, and recommended that in addition to cessation of logging during the Study, some of the forested areas on the edge of Forest Park be incorporated into the Park itself to prevent migration bottlenecks from being too thinned out.

Jane Glazer of 2378 SW Madison, testified in support of the proposed resolution and reported that as an urban forestry commissioner, she has begun to study the problems of urban forest management across the nation by looking at ordinances and reading recent findings of scientific inquiry. Ms. Glazer stated that it would take a thousand years for clear cut land to re-establish itself and that cutting adversely affects not only wildlife, but soil bacteria, plant life and water resources as well.

In response to a question of Ms. Glazer, Commissioner Anderson advised that it is not binding but if adopted, the resolution will reflect the tenor of the Board, call upon the principals to suspend their clear cut operations and encourage Fish and Wildlife to conduct an endangered species study.

Deb Stout of 3116 SE Clinton, urged adoption of the proposed resolution and reported she was one of the people who spent 5 days and nights in a tree on Mr. Hampton's property and feels it is outrageous that logging is permitted to continue before completion of the Wildlife Corridor Study.

John Ferguson of 19110 SE White Crest, Boring, testified that logging and development should not be allowed free rein without measuring its impact and accessing the abstract cost of altering the land; and stated that logging by Forest Park sacrifices old growth trees for short term profits and disrupts a continuous wildlife corridor to the coast range which is a rare and invaluable land feature, and that it is critical to maintain contiguous wild land to counter the effects of habitat and food alterations caused by global warming.

Andee Carlstrom of 15400 NW McNamee Rd, urged adoption of the proposed resolution and presented an aerial map of the Forest Park area showing that after the Hampton logging operation, the combined clear cutting will cover more than 600 acres. Ms. Carlstrom testified that wildlife has decreased over the years due to logging operations and expressed concern over the validity of a multiple use forest zoning designation which allows clear cutting in such a narrow forested area and replacement of the native forest with a mono-cultured tree farm.

John Hampton, owner of Agency Creek Management Company, testified against the proposed resolution, advising the company determined the property was zoned for forestry and that a County Land Use Plan had been submitted and approved by the Department of Land Conservation and Development prior to submitting its bid and acquiring the property this Spring. Mr. Hampton reported that in an effort to be sensitive to the concerns of the public, the Department of Forestry was informed of the proposed operation prior to beginning any logging; that his company employs approximately 475 people, and that immediately after harvest they plan to plant 450 trees per acre with vigorous growing 3 year old trees. Mr. Hampton submitted a copy of a letter from Randy Fisher of the Department of Fish and Wildlife in response to Mr. Hampton's question concerning the status of the Wildlife Corridor; and stated that his company purchased the property with the expectation that it would be available for harvest under the State Forest Practices Act and the County Land Use Plan and that due to its sizable investment, it would be impractical for his company to postpone logging.

Mr. Hampton reported that although the property has some unique ecological attributes, it should not be construed as a pristine, natural area because of its proximity to the St. Helens Highway and to the Burlington Northern Railroad lines and because it is slightly over a half mile at its widest point. Mr. Hampton reported his company was contacted by the Trust for Public Lands who arranged a meeting with Friends of Forest Park and that the ensuing discussion resulted in the company agreeing to make a 38 acre tract containing approximately a half million feet of old growth timber in the southeast corner of the property available for purchase, together with a free right-of-way and access. Mr. Hampton advised discussions are not complete but the intent is to have an appraisal done and to enter into negotiations. Mr. Hampton stated that the State Forest Practices Act is nationally renowned in terms of protection of natural resources, including wildlife considerations and that it is his judgment the area is adequately protected under current zoning.

In response to questions of Commissioner Bauman, Mr. Hampton reported the company has been removing logs cut and decked along the rights-of-way; are almost ready to begin logging an area of approximately 270 acres; anticipates completion of the harvesting by the end of December; and that they will not be burning slash in the area because of the fire hazard.

Mr. Hampton advised that the area was logged 80 to 100 years previously so the timber is between 80 and 100 years old, with most of the older growth clustered in the southeast corner of the property.

In response to a question of Commissioner Bauman, Mr. Hampton advised that passage of the proposed resolution would not affect his company's operation.

Ray Wilkeson, representing the Oregon Forest Industries Council, testified against the proposed resolution, advising that the 1987 Legislature passed a significant piece of natural resources legislation within the Forest Practices Act which established a clear division of jurisdiction between the State and local governments in connection with lands zoned for forestry outside the Urban Growth Boundary. Mr. Wilkeson reported that interest groups included 1,000 Friends of Oregon and the Portland Audubon Society who agreed the entire package was an improvement in how natural resources are regulated and protected and was in the best interest of the State. Mr. Wilkeson related that a 1984 cooperative agreement between the Board of Forestry and the Department of Fish and Wildlife lists a number of critical wildlife species for protection and assures that no operations are permitted without prior approval of the State Forester after consultation with Fish and Wildlife biologists and agreement among all parties that the operation will not be environmentally damaging to those species. Mr. Wilkeson stated the forest products industry in Oregon has its back to the wall at the moment, but in general, elected officials at the State level believe it is not in the long term best interests of the State to shut down the forest products industry. Mr. Wilkeson suggested Oregonians have little control over the State's mature trees owned by the Federal government but logging on remaining private forest land can continue indefinitely if appropriate resource decisions are made.

Commissioner Bauman reported he was looking at the State's Strategic Economic Development Plan and it made the point that timber is a diminishing industry. In response to Commissioner Bauman asking if his organization recognizes that, Mr. Wilkeson reported statistics would reflect that in terms of employment and production levels, and suggested this was because the increasing number of set asides on Federal lands is causing the land base for commercial timber production to shrink and because the industry has become more automated and can produce the same volume of product with fewer workers, not because of biological or economical disease or the way we grow and harvest trees.

In response to Commissioner Anderson asking if there was any provision or concern in the Forest Practices Act for a Wildlife Corridor set aside, Mr. Wilkeson stated the term Wildlife Corridor is not part of the Forest Practices Act, however under the cooperative agreement with Fish and Wildlife, no forest operations are allowed until Fish and Wildlife biologists are convinced logging operations will not adversely affect the species in question.

Commissioner Anderson reported that as she understands it, there is no documentation or body of knowledge which states whether or not clear cutting keeps wildlife from migrating, so the County is asking that we find out for sure before proceeding, and is asking Fish and Wildlife to conduct an endangered species study.

Donna Pfister of 13253 NW McNamee Rd, testified her family has owned 120 acres of MUF-20 zoned property for 80 years and that marring the surrounding area are guards at logging gates trying to keep Earth First and other organizations from damaging equipment. Ms. Pfister advised her family always planned to harvest their timber but are now concerned they may not be allowed to enjoy their property, harvest the timber and reforest it when the time comes. Ms. Pfister reported that although they had not planned to log it yet, they have obtained a permit from Department of Forestry because they feel they must do so before they lose that right. Ms. Pfister stated she is glad to hear the resolution is not binding and asked that the Board also consider private property owners when making resolutions.

Nora Riches of 12600 NW Rock Creek Rd, Vice-President of Skyline Neighborhood Association, testified that the Association supports the Wildlife Corridor Study and is concerned the Study might be jeopardized by the large clear cuts. Ms. Riches reported that Michael Pelton, a bear expert from Tennessee, informed her organization that animals would not have a problem with 20 acres of clear cut here and there, and expressed her concern over allowing 270 acres of clear cut right next door to 250 acres of clear cut in the narrow area of Forest Park where the Wildlife Corridor starts to bottleneck.

Roy Porter of 29526 Dodge Park Blvd in Gresham, testified in favor of the proposed resolution and urged the Board to help change the laws to preserve as much forested land as possible to make a more natural environment.

Dave Mazza, Vice-Chair of the Columbia Group Sierra Club, testified in support of the proposed resolution and advised the Club feels that the uniqueness of Forest Park is based on the

Wildlife Corridor connecting Forest Park to the coastal range habitat which allows us to enjoy a variety of land and avian species and provides an important base for a number of other ecosystems in the immediate area. Mr. Mazza reported the Club feels the Board should pass the resolution and use all its moral and legal powers of persuasion to make Mr. Hampton realize that while he is acting within the letter of the law at present, he also has a certain civic and moral responsibility not only to those here today, but to future generations and that he should not be pursuing dollars in the interest of depriving our children and children's children of a rare treasure.

Richard Meyer of the Portland Audubon Society, testified that this is a fairly complex issue involving people's property rights and expectations, the under-represented rights of trees and wildlife, good land use laws and their limits, biological connections and diversity, and quality of life issues. Mr. Meyer stated there is much we don't know about Forest Park and its environs and that the Wildlife Corridor Study is an important tool. Mr. Meyer stated he thinks the issues come down to neighborliness and that when an action on one's own property upsets a good number of people in the community whether it is addressed by legal ordinances or not, it is simply the right and sensible thing to pause, study the act and its ramifications, listen to the views of others, look for new information and then make the best, most reasonable decision; and reported that the Portland Audubon Society feels it is responsible to ask Mr. Hampton to pause, think of the forest and streams as habitat for wildlife and as community resource as well as his own resource, and then decide to balance the economic considerations with environmental and social concerns. Mr. Meyer stated that the County's challenge for people to be good stewards of land will bring us closer to no longer turning streams into ditches, filling wetlands for parking and cutting forests carelessly, that compromise is possible and that it is vital people learn to live in partnership with nature.

Fred Crowe of 5992 SE Monroe, Milwaukie, testified he is a forester with Crown Pacific, Ltd, and related the company met with the Forestry Department prior to starting logging in the McNamee area, that road construction and logging began in mid-April and that shortly thereafter the Forest Park logging activity was brought to the company's attention. Mr. Crowe reported that in an effort to act responsibly, his company met with wildlife biologists and various environmental groups to discuss and develop various logging compromises which included wildlife easements across subdivided properties. Mr. Crowe advised there is positive proof according to a wildlife biologist that the size of clear cutting affects wildlife migration and that buffered, small clear cuts in a non-contiguous fashion allow migration, but large clear cuts without buffered or leave areas, affects species such as bear, bobcat and cougar, who require timbered areas to migrate through and open areas in which to feed. Mr. Crowe presented Crown Pacific's plan showing the areas of proposed clear cutting and leave areas and advised they are also leaving stream buffers to allow additional areas for animal migration. Mr. Crowe presented a photo from a 1948 clear cutting operation, a 1956 aerial photo showing the area to be barren, and a 1986 photo showing the same area timbered with a 42 year old stand averaging 18" on the stump.

Commissioner Anderson commended Mr. Crowe and Crown Pacific for their ability and willingness to compromise.

Don Joyce of 226 NW Hermosa, advised he opposes clear cutting but feels property owners have the right to manage their timber, and urged the Board to consider the rights of property owners relative to the proposed resolution.

Jim Ferner of 14245 SW Walker Rd, Beaverton, read and submitted a letter from the Northwest District Association in opposition to clear cutting.

Jay Ward of 8120 SW 56th Av, testified he is a member of Earth First, and stated that due to Crown Pacific's cut, the Wildlife Corridor is only half a mile wide today where 6 months ago it was a mile wide; and expressed concern that planting a tree farm does not create the same system it takes away. Mr. Ward suggested the County confirm with Mr. Fisher that his previous letter is still his opinion with regard to the area and that he believes the resolution is a welcome, positive first step toward having biologists determine whether or not the area is a Wildlife Corridor. Mr. Ward suggested that the Board has a responsibility and obligation to consider possibly rezoning the area or expanding the Willamette River Greenway to provide whatever statutory relief is possible, or to revise the Oregon Forest Practices Act. Mr. Ward stated that Mr. Hampton's actions may be legal, but are not fair or just and illuminates the shortcomings of present environmental regulations.

John Saemann of 159 SW Florence, Gresham, advised he came to the meeting to support the resolution but after hearing the testimony of Mr. Hampton and other property owners, he understands their perspective. Mr. Saemann requested that everyone concerned consider the long term results of their actions and stated that it is necessary to maintain the balance which is slowly tilting against the preservation of homo sapiens and other living things; and that the warming of the planet and destruction of the ozone layer can be reversed through the continued life of large forests.

Carl Jones of Portland, advised he is employed as a tree planter for the timber industry and testified in support of the proposed resolution. Mr. Jones explained that on Federal lands clear cutting is not allowed on more than 40 contiguous acres, and expressed concern that the proposed Hampton logging along with the adjacent Crown Pacific operation, could result in a contiguous clear cut of 500 to 1,000 acres. Mr. Jones stated that planting 450 trees per acre is no better than average and that people in the industry consider private tree planting a stuff and run operation where survival is not considered important. Mr. Jones advised that the only way jobs in the timber industry will be preserved is through sustainable forest practices.

Commissioner Anderson moved and Commissioner Bauman seconded, for adoption of the resolution.

Planner Mark Hess introduced Esther Lev, a consultant hired to conduct the Wildlife Corridor Study.

Commissioner Bauman asked Ms. Lev to describe the potential impact the clear cut could have on the quality of the Study.

Ms. Lev explained the County's charge, the manner in which she chose to conduct the Study, and the conclusions she hopes to arrive at over the next year, reporting they will choose areas or transects which represent each use and have several control areas, and will look at what animals are there, how they are using the area and how they are moving along, in order to determine how each land use may affect animal travel, use or breeding. Ms. Lev reported one area chosen for a control site was the Hampton property and that a meeting with Planning staff is scheduled next week to arrive at some intermediate strategies and discuss proposed control sites to see if any are in danger of being developed or changed over the next year.

In response to a question of Commissioner Bauman as to whether the County has a responsibility or the ability to initiate or clarify the Fish and Wildlife approval position and possibly seek restraining action, Mr. DuBay advised that the role of Fish and Wildlife is dependent upon a cooperative agreement with the Department of Forestry.

Mr. Hess reported it is his understanding that Fish and Wildlife is a consultant to the Department of Forestry and that they do not have veto power over Department of Forestry decisions.

Vice-Chair Kafoury advised that Commissioner Bauman may have misstated his concern, that he should have related the Department of Forestry has the approval authority and they allegedly consult with Fish and Wildlife.

Commissioner Kelley advised she was saddened that Mr. Hampton made a statement indicating he was unwilling to compromise despite the full support of the Board.

Vice-Chair Kafoury reported that the Board worked long and hard earlier this Spring with Angell Brothers and were able to come up with a compromise which protected areas the Board felt strongly about for the Wildlife Corridor, and that it is her hope that process could be invoked again.

Commissioner Anderson reported that this area is a natural resource which provides a beautiful setting for the City of Portland; and that despite the Forest Practices Act, the forest zoning and the fact that the resolution is not binding, the Board is asking for suspension of logging operations until the County can determine the effects of a large clear cut to wildlife migration and that Fish and Wildlife conduct an endangered and threatened species study.

Resolution 90-117 UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 12:10 p.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By DEBORAH ROGERS