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## Heliport question remains up in the air

by MICHAEL P. JONES  
For The Post

The decision whether or not to allow a proposed heliport to be developed in an unused 11-acre tract of Clackamas County park land in Zigzag will be a "threshold decision," according to County Counsel Scott Parker, "because its owners (the land is under the jurisdiction of the county commissioners) will have to decide on their own land. Right now it's just not clear; it's muddy because it's our land."

Parker, in a telephone interview, called the issues surrounding the heliport "murky water," because the landing area would be located on publicly-owned land used for "commerce and industry" and because of area residents' concern for children's safety in nearby Welches School.

Parker also indicated that rumors and innuendos associated with the proposal would not make the decision any easier.

At a public meeting last Friday at Welches School did little to clear the

confusion.

According to the meeting's organizer, Carolyn Smith of Rhododendron, Welches School Superintendent Ken Blackburn was selected to moderate the meeting in hopes of facilitating dialogue between heliport developers and its opponents.

Joe Stein and Gale Peterson, both of Zigzag, refused to attend the meeting because it was not a public hearing. They said they prefer to debate the facility in a county hearing.

Randy Priest, owner of Priest Petroleum Products of Portland, defended his role in the proposed facility and denied he would have economic interests in the heliport.

Hoodland Fire Chief Don Armintrout, who had been criticized for his role and support of the heliport, defended his involvement, saying he had no knowledge of the commercial aspect of the facility, adding he did not want to know.

"I don't support the entire proposal," Armintrout said. "I know nothing about the commercial end of it. I am only concerned about the emergency part of it."

Dr. Bruce Free of Welches questioned Armintrout about the use of his name on the petition. Armintrout replied that he had not signed the documents and that his support had been misused. The fire chief added that he was "never on the heliport committee."

Free contended that Emmanuel Hospital's Life Flight Director John Hopkins claimed they would have little need for a designated heliport and that he had questioned whether other emergencies would justify construction.

Armintrout concluded that construction of the landing facility was not warranted by the mountain area's current needs.

Joe Stein, originator of the heliport proposal, addressed the Hoodland Senior Center Tuesday this week and explained the landing area from his standpoint as a former helicopter pilot.

Stein flew a helicopter for the Oregon Journal. He maintained a heliport in the 1940s for three years in the downtown Portland area. He said that

because he had made approximately 1,500 landings, as well as having logged more than 600 hours of flight time, "to raise the question of safety was laughable."

He charged that public opposition had been derived "from misinformation, vague charges, cynicism, if not outright lies."

Stein, who worked for the National Aeronautic and Space Administration for 17 years, contended the heliport at Zigzag is no different than any of the other changes that are occurring in the Mount Hood area.

"It's here with us now," he said. "Helicopters are flying and landing every day in field and parking lots. It's better for both the pilot and the public on the ground to have a designated place to land instead of making indecisive landings where they are now."

To many, the controversy is not based on the heliport itself.

"Reasonable people have to answer the question whether they want to resist change or go out and embrace it," Stein said.

## State claims it owns Sandy River bottom

Ownership of the rocky bed of the Sandy River would not appear to be a moot point, but the state of Oregon is very interested in establishing an owner of the underwater acreage—itsself.

The state is claiming ownership to 39 miles of river from its mouth upstream to Brightwood.

The claim is based on the federal act making Oregon a state on Feb. 14, 1859. At that time, the federal government gave the state title to all submerged and submersible land and the land under navigable rivers as of that date.

The "test" for navigability, according to an 1870 U.S. Supreme Court decision, is "when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on waters."

The Sandy is navigable because it was used to float logs and railroad ties downstream from 1895 to 1926, according to the state. The lower three miles were also used for commercial smelt fisherman.

"Whether or not log driving is a use that establishes navigability of a stream is currently before the federal courts," according to Stan Hamilton, assistant director for Land and Mineral Resources. "The division used the log driving criterion as a basis for determining that the McKenzie River was a navigable river."

The issue is important because the state has mineral rights to the land underneath navigable rivers. For example, anyone wishing to mine gravel from a river bed must get permission from the state and pay

royalties. That money goes into the Common School Fund to be distributed to public schools.

The 1973 Legislature directed the Division of State Lands to determine which rivers are navigable. It also said that determination wouldn't affect any titles of property owners who live along the river.

It's now the Sandy River's turn to be studied.

A public hearing on the river's navigability will be held this Tuesday, May 19, at 3:30 and 7 p.m. in the commons at Sandy Union High School.

The division of State Lands has a July 1 deadline to make its decisions. It is trying to meet that date but the Legislature may consider extending the cutoff to as late as July 1975.

If the Sandy River is declared navigable, the effect won't be very noticeable for most property owners, according to Jay Edwards of the Division of State Lands.

It pertains only to the stream bed which is defined as from the ordinary high water mark on one side (usually the vegetation line) to the high water mark on the other side.

It doesn't affect titles or change the property owners' rights. People still can't trespass across private property to get to the river or to get from the river to a road. The state will not try to maintain the river bed, Edwards said.

The state would get involved if someone started a commercial gravel operation.

Copies of the navigability study can be inspected at the State Forestry Department, 17710 S.E. 412th Ave., Sandy.



A crowd of racers takes off in the first Sandy High Bike Club race Friday, part of the school's Spring Fest. Mike Sheppard (far right) went on to win the 10-mile race

in 25 minutes, finishing five minutes ahead of teacher Bob Karsten (second from right). Photo by Mark Floyd

## Deputies nab Boring robbers

Clackamas County sheriff's deputies arrested two men Tuesday evening and charged them with first-degree robbery following an incident at McCall's Country Store in Boring.

According to sheriff's reports, Jack Lee Wells, 23, of Damascus, and Robert Allen Phelps, 18, address unknown,

allegedly entered the market at approximately 7 p.m. and, wielding a double-barrel shotgun, demanded money.

After being given an undisclosed amount of currency, the two fled on foot. An area resident directed deputies to the approximate location where they were last seen. They were then arrested in a forested area by deputies.

## Hearing set on Carmel shopping center - again

Clackamas County Commissioners will hold two omnibus public hearings next Thursday, May 21, to determine the use of 17,500 acres of "contested" rural land, including the controversial Carmel Estates development at the intersection of Highway 26 and Highway 212.

The 1:30 and 7 p.m. hearings will be at the Carpenters Union Hall, 276 Warner Milne Road in Oregon City.

The hearing comes on the heels of the Land Conservation and Development Commission's decision May 1 that Clackamas County violated state land use goals due to inadequate findings to support its comprehensive plan designations and zoning for these areas.

The so-called "RUPA contested areas" were part of the county's 1979 rural plan amendments. 1000 Friends of Oregon and the Metropolitan Service District challenged the zoning saying it allowed non-farm and non-forest uses on agricultural and forest lands without adequately demonstrating that the areas were irrevocably committed to or needed for non-farm and non-forest uses.

The appeal also alleged that the impacts of rural housing on the regional urban growth boundary was not addressed.

The city of Sandy has battled the proposed Carmel Estates shopping center,

near Heidi's, on the grounds that it would hurt the city's economy and require city sewer service three miles out into a rural area.

The 30-acre site was zoned commercial by the county, but that zoning was overturned twice because the county could not show a need for the center on what is now agricultural land.

The Rural Plan Amendment, adopted by the county in June 1980, amended the comprehensive plan for non-urban portions of Clackamas County. After its adoption, petitions filed with the Land Use Board of Appeals challenged the commercial designation. The petitioners, including 1000 Friends of Oregon and the city of Sandy, alleged violations of state goal 2, land use planning, state goal 3, agricultural lands, and 14, urbanization.

LUBA and LCDC agreed and ruled that the county's designation violated these goals.

According to Ardis Stevenson, Environmental Services assistant director, "People can present facts which they feel clearly demonstrate that property is no longer available for forest or agricultural use."

"They can tell the commissioners about present uses, parcel sizes and ownership patterns, neighborhood characteristics, natural boundaries and any information they feel is relevant," Stevenson said.

## City offers voters 'tight, concise' budget

The city of Sandy will take an austere budget to the voters this Tuesday, but that doesn't mean a drop of services is anticipated.

In his budget message, City Manager Roger Jordan said, "During the budget preparation, every effort was made to streamline the existing budgets and the appropriations are the minimal amounts we feel necessary to meet our needs."

Mayor Ruth Loundree agrees. She said Tuesday, "We're into this thing as tight and concise as possible and I just hope people will support it."

The city is seeking a one-year operating levy of \$319,869.96, which is within the limitations of an 'A' ballot. That sum would balance the annual budget of \$968,880.

The levy would require an estimated tax rate of \$4.50 per \$1,000 assessed valuation. Coupled with an estimated \$2.46 per \$1,000 assessed valuation for general obligation bonds already on the books, the property taxes on a \$50,000 home would be about \$348.

This marks the second year under the new state law controlling property taxes. The law provides for the state to

pay up to 30 percent of the property taxes for operating purposes. However, the state has set a limit on its participation. That limit is last year's levy plus inflation and growth.

At the beginning of the budgeting procedure, it was the city's thinking that it would not pursue a 'B' ballot levy for discretionary funds.

At that time, the city's thinking was that two CETA positions with the city would be phased out under the Reagan administration. As it turned out, the program will be dropped about June 30, which means the city would either have to do without them, integrate the duties into other workloads or hire replacements.

The city opted to do away with one position, at the Sandy Community Center, and reintegrate the duties of the other with either part-time help or a reorganization of jobs.

Thus, in order to live within the 'A' ballot restrictions, the city may experience reductions in staff, according to Jordan.

However, under monies garnered through federal revenue sharing, the city will be able to add a park aide for the

summer. A parking patrolman for the downtown area will pay his own way out of the parking fines collected.

Any capital outlays, such as a budgeted police car and vehicle for the building department, will also come out of revenue sharing, instead of property taxes.

The Sandy area will be reassessed by the County Assessor's office this year and that could have an effect on the local rate.

The city's population grew 16 percent during the past two years. That factor, coupled with inflation, has made it difficult for the city to keep up the same level of services.

The largest portion of the proposed budget would be used to maintain the 24-hour police service. That department would receive \$285,000.

The second largest portion of the budget would go to the Public Works Department, \$235,186. The department pools the personnel and equipment costs and resources for maintenance and improvement of water, sewer, streets and off-street parking into a central fund and the various funds are charged a pro-rated portion for the

crews' time and expenditures.

The rest of the city's general fund would find these allocations: city manager's office, \$85,205; library, \$77,370; senior citizens program, \$54,792; building department, \$44,427; debt service, \$41,374; non-department funds, \$37,740; planning department, \$30,587; general services, \$28,567; recreation department, \$24,833; legal and judicial, \$14,910; city council, \$3,750; community center, \$2,770, and parks, \$2,300.

The city plans some street improvements under the budget. Scheduled as part of this year's improvements are North Bluff Road, installation of a walkway along Meinig Avenue and oiling of Hood Street.

The city will attempt to continue a number of other services with the budget including an increase in library services to residents by increases in the number of books and periodicals and steps toward implementation of an automated check-in system. The library currently serves some 12,000 area residents when it was originally established for in-city service.

### Carpet art

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### Sandy sweep

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