

Realty company included in \$210,000 lawsuit

by MICHAEL P. JONES
Post Correspondent

Bucher Realty has been added as a third-party defendant in the \$210,068 multiple-plaintiff suit against the owners of the Bowman's Mt. Hood Resort and the developer of its subdivision.

American Guaranty Life Insurance Company and Rippling River developer Carl Bright of Welches are being sued by five individuals and two Oregon corporations for alleged misrepresentations

made about sewer assessments that they pertain to lots sold at the Rippling River development.

The complaint, filed in circuit court in Multnomah County on February 12, 1981, is claiming damages for "unlawful trade practices and fraud."

The individual plaintiffs in the case include Edward B. Lilly, who is seeking \$26,860 in damages, Dale C. Kresge of Brookpark Investment Co., who is seeking \$28,532 in damages, William J. Harris, who is seeking \$33,529 in damages, John Bushman of

J.B. Properties, who is seeking \$30,030, and William Bushman of Style Profile Homes Co., who is seeking \$28,359 in damages.

Corporate plaintiffs are Hartco Properties Inc., seeking \$28,860 in damages, and Brookpark Homes Inc., seeking \$8,448 in damages.

Plaintiffs are seeking the cost of the assessment on their property and punitive damages, as well as attorneys' fees.

The land sales were made in the years 1977 and 1978 while represen-

tatives of Clackamas County's utilities division, of the Department of Environmental Services, attempted to get a federal grant to pay for a sewage treatment plant.

In a telephone interview last week John R. Bakkensen, one of the attorneys representing the plaintiffs, said that his clients were told they would be buying into a "full-service" subdivision and the only cost was the purchase of a \$25,000 to \$30,000 lot.

Bakkensen said the plaintiffs were told that the new sewer plant was going to be constructed with money

secured from a federal grant, and they would only be paying a hook-up fee of about \$400.

"They had no idea they were going to be assessed for the cost of the sewer," said Bakkensen.

Bakkensen said American Guaranty and Bright are claiming the full cost of the suit should be borne by Bucher Realty, which was acting as their sales representative.

On the other hand, said Bakkensen, Bucher Realty is claiming that its sales people were only repeating what Bright had told them in regard

to the new sewage treatment plant and assessments.

They are claiming that American Guaranty and its developer, Bright, should be held accountable, not them.

Earlier this year, said Bakkensen, American Guaranty and Bright brought Bucher Realty into the suit as a third party defendant.

The attorney for Bucher Realty was not available for comment.

The trial date has been set for October 11.

Plans at Brightwood Glen include 347 units on 93 acres

by MICHAEL P. JONES
Post Correspondent

The third planned unit development proposed for the Cedar Ridge area near Brightwood has officially been unveiled by the project's engineers, Boatwright Engineering of Salem.

The proposed subdivision, known as "Brightwood Glen," is owned by the Real Estate Loan Fund of Oregon Ltd., a subsidiary of the Mortgage Bancorporation of Salem.

Proposed for 93 acres located south of Highway 26 between Blue Jay (just east of the Salmon River bridge) and Miller Road, is 347 units.

Also proposed for the complex are four tennis courts, two practice putting greens, four horseshoe pits, pedestrian walkways and two detention ponds.

Preliminary plans for the Brightwood Glen development have been complete for close to a year now, but the developers were awaiting approval of the county's comprehensive plan by the state Land Conservation and Development Commission.

The development is to be located in the Cedar Ridge area, a large wood-

ed tract of land which has been amidst public controversy for nearly ten years.

Area residents, as well as community groups, had opposed developments in this area, fearing there would be degradation of habitat for wildlife and birds, and the destruction of what biologists from the state Department of Fish and Wildlife have identified as an important winter range for deer.

In addition, it is feared the development of the Cedar Ridge area will severely impact the wetlands reportedly in the area, as well as affect the water quality of the Salmon River.

Each of these claims, according to reports of the developers, are unfounded.

In the preliminary environmental assessment statement (E.A.S.) prepared by the developers, they took issue with the fish and wildlife department's claim that the proposed subdivision would destroy a winter deer range.

The Brightwood Glen project area, according to the developers preliminary E.A.S., is only a "very limited big game summer time habitat."

The E.A.S. reports the area is not a unique or significant habitat for wildlife, nor does it provide a nesting area for birds.

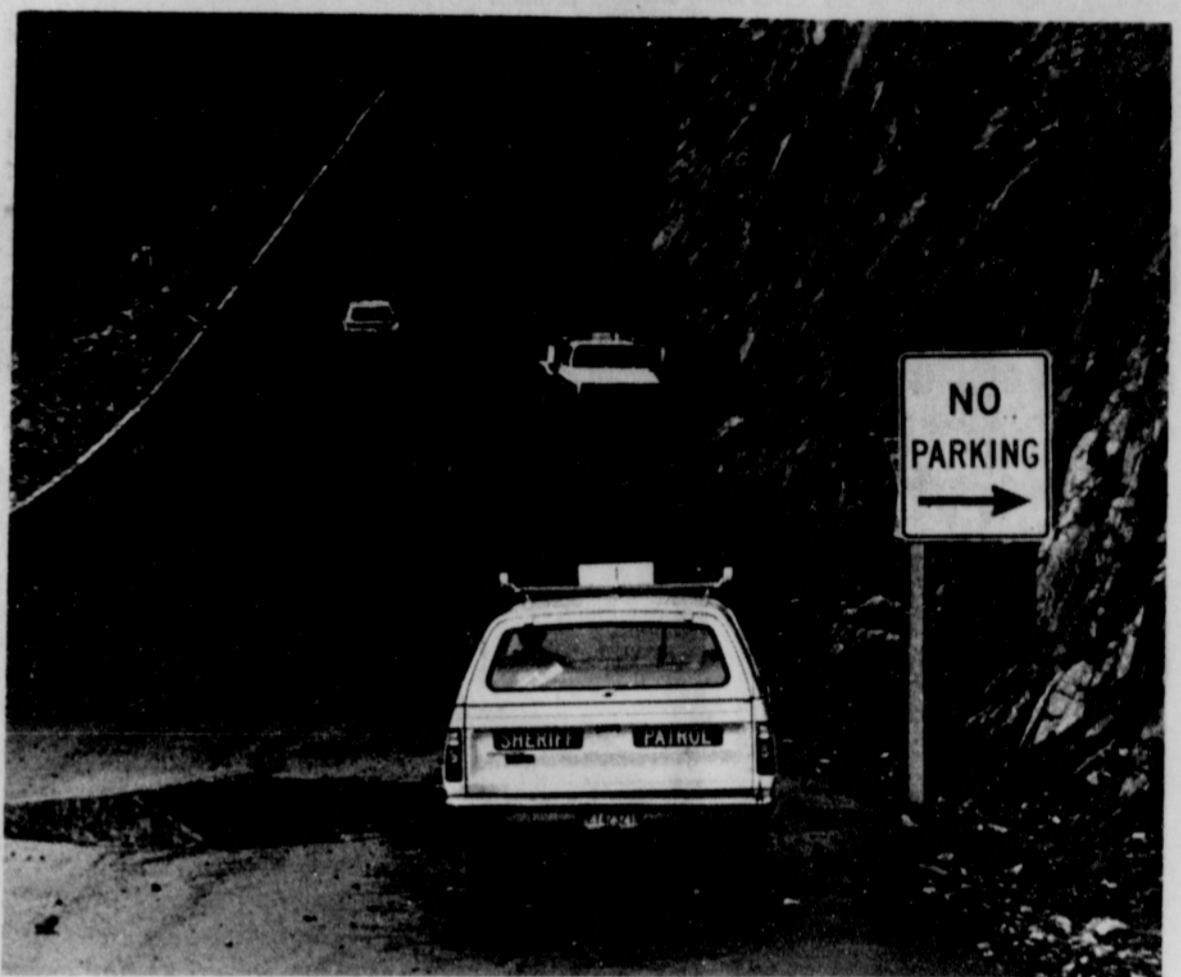
The developers acknowledged that the proposed development area does provide a food source for wildlife but claim that it does not provide a water source.

Past reports conducted by biologists of the fish and wildlife department contradicts the E.A.S. findings, and is steadfast against development in the area.

Comments on Brightwood Glen have been sent out to citizen planning organizations that are located in close proximity of the proposed development, as well as to public agencies the planning staff has determined would be impacted.

The county has set June 16 as a deadline for comments on the project and will include the responses in a staff report that will be submitted when the project goes before a hearings officer for a conditional use permit.

The hearing for the Brightwood Glen's development conditional use permit had not been set by press time.



Christian Osmer of Teton Village, Wyo., was charged with careless driving on a runaway truck ramp on Highway 26 late Saturday afternoon, according to the Clackamas County sheriff's department. \$50 was assessed for the offense. Alpine Towing of Rhododendron prepares to pull the car out.

Groups prepare, hearings near on June 14 Mt. Hood plan

by MICHAEL P. JONES
Post Correspondent

Mt. Hood residents and citizen planning organizations, as well as other groups in the corridor, are gearing up for the June 14 hearing before the Clackamas County planning commission concerning revisions to area's 1976 plan.

The Sane Economic Development Association (SEDA), along with the Rhododendron Neighborhood Group and the Mt. Hood Corridor CPO, has criticized the proposed changes, which condense the 220-page community plan into 13 pages, which is accompanied by three maps.

Once approved by the planning commission and adopted by the board of county commissioners, the 13 pages will become an addendum to the county's comprehensive plan.

Down Zoning Objected To
SEDA objects to the elimination of the community plan, which the county planning staff says will become "a background report" for proposed revisions. SEDA claims it will greatly reduce the number of developable units per acre outside the urban growth boundary.

The planning staff has proposed to "down zone" areas they claim should be left for farm or forest uses. They propose the zoning go from one unit per five acres to one per forty. Such a move would conform to the state's land use goals, which the county has been unable to meet in past planning efforts.

Earlier this year they proposed the down zoning for this area to be one unit per forty acres. However, after complaints by some of the property owners to be affected by the new land designations, they reduced the acreage.

Wes Post, one of the organizers of SEDA, pointed out the 1976 plan had the area zoned at one unit per five acres. He said people had planned on this, and that it is something people can live with.

With the planning staff's proposed revisions, Post said that property owners can no longer carry out their plans. He said people's rights would be violated.

SEDA representatives, in May, sent a letter to the commissioners requesting an additional six months before the public hearing so

they could conduct a study of all the property to be affected.

The commissioners denied the request and so the revisions, as drafted by the planning staff, will be scrutinized in three public hearings.

Wetland Concerns

The Environmental Committee On Suitability, the Mountain Area Corridor Citizens, and the RNG, have raised concerns both over the protection of wetlands and their designations.

ECOS and MACC are objecting to the county allowing the developments of three subdivisions in an undeveloped section of the Cedar Ridge area near Brightwood, which would allow the construction of 192 mobile homes and an estimated 750 condominiums on 600 acres.

Such developments, according to MACC Treasurer Andrea Cabral of Brightwood, would be detrimental to both the wetlands located in the area and impact the quality of water in the Sandy and Salmon Rivers.

Cabral said that both MACC and ECOS are recommending the county protect the Cedar Ridge area through proper zoning that would conform to the state's planning goals, which require such natural resources be protected.

Beth and Jack Baker of the RNG said that the CPO has been unsuccessfully trying to get the planning department to once again acknowledge and protect, through zoning, a 30-acre wetland located in the town of Rhododendron.

The Bakers said that the county had ignored the letters the RNG sent to them requesting that this wetland be recognized as it was in the 1976 plan.

Ardis Stevenson, assistant director of the department of environmental services, wrote the RNG on May 26 and attempted to ease the organization's fears.

Stevenson wrote that the planning staff is aware of the wetlands existence and said that it "will be included in the background report, which is adopted with the Mt. Hood Community Plan."

"For this rural area a larger 5-acre minimum lot size is proposed."

"The County feels these non-urban lot sizes protect non-urban

wetlands, especially when combined with limitation on locations of septic tanks and drainfields and the provisions of the Zoning Ordinance Section 1002.6," wrote Stevenson.

Beth Baker expressed her dissatisfaction with the response and said the RNG "wishes they (the county) would adhere to the 1976 plan, which really granted protection to wetlands."

"The county still hasn't gotten the message that we don't want less or reduced building on our wetland, we want no development on them," said Beth Baker. "Building would only down-grade them."

In previous letters to the county, the RNG claims "the function of wetlands or riparian systems is of vital importance to the maintenance of water quality and purity in our water systems, whether they are of surface or subsurface origin."

These riparian systems, according to the Bakers, act as sponges or strainers and work to improve water quality, especially in the Rhododendron area where the wetland is situated between Henry and Meadow Creeks.

Any dislocation or disturbance of these areas, said the Bakers, or of the adjacent areas that may appear to be dry, would result in the destruction of the riparian system.

The position the RNG has taken, said Beth Baker, is to leave the original community plan intact. That would protect not only Rhododendron's wetland, but also the estimated 33 yet undesignated wetlands (or riparian systems) that exist in the corridor, excluding those existing within the service district.

"It stated very well in the (1976) plan wetlands shall not be disturbed or developed," said Jack Baker. "That's what protection we thought we had."

Public Hearing Schedule

The hearing before the planning commission will be held on Monday, June 14, at 7:30 p.m. at the Hoodland Women's Club in Zigzag. On Wednesday, July 7, the commissioners will conduct two public hearings, also at the Women's Club. They are scheduled for 2 and 7 p.m.

County sets value of timber, trial date awaited by logger

by MICHAEL P. JONES
Post Correspondent

The Clackamas County office of county counsel is awaiting a trial date for a \$1,860,000 civil suit against a former Mt. Hood logger who was recently indicted by a federal grand jury for timber theft.

Tim McCoy Henderson, 46, of Gresham, has been charged with three counts of theft after allegedly taking 677,000 board feet of timber from Bureau of Land Management and Forest Service lands near Brightwood and Zig Zag. The thefts are believed to have been committed between November 1979 and early October 1980.

The county is seeking civil damages from Henderson for conducting an illegal logging operation on its land prior to or during the same time he is accused of taking federal timber.

The complaint charges that Henderson "willfully and intentionally" removed 1,233,000 board feet of salable softwoods from its lands along North Boulder Creek, about two miles south of Highway 26 near

Brightwood.

The missing 330,000 board feet of BLM timber was taken from an estimated 15 to 20 acres of land the agency administers along Boulder Creek, which is next to county land.

Also named in the suit is Henderson's wife, Darlene, who is listed as one of the owners and operators of Henderson Forest Products.

The suit also seeks damages from Cascade Timber Company of Tacoma, Wash., and two of its officers.

The county claims company President Gary G. Garrison, and Vice President Clifford T. Frederickson, were acting within the scope of their authority for the company when they accepted the allegedly-stolen timber from Henderson.

Assistant County Counsel Cythia Phillips said Henderson and his logging crew are accused of entering land administered by the county during the period of time between January 15, 1979, through September 9, 1980, and cutting and carrying away Douglas fir and hemlock with a market value of \$370,000.

Henderson reportedly entered county property through adjacent lands, then owned by Cascade Timber Company.

Circuit court records show on March 9, 1981, in a cross-claim motion filed by Cascade Timber and its two officers, that the company had entered into a contract with Henderson to log timber from their land. That was on January 28, 1980.

The county's suit, however, alleges that Henderson illegally removed timber from its land beginning on Nov. 15, 1979. If the timber cutting began on this date it would have occurred 73 days prior to the signing of the Cascade Timber contract.

In a motion filed on February 4, 1981, by Cascade Timber in an attempt to have Garrison and Frederickson dismissed as defendants, another contradictory date was given as the time the alleged theft of county timber began. This date is November 21, 1979.

A search of deeds in the county recorder's office shows that on November 20, 1979, Cascade Timber purchased the Boulder

In Rhododendron

Gallery owner sets new pace

by MICHAEL P. JONES
Post Correspondent

A former Hollywood screenwriter and advertising executive who tired of the fast pace of city life will open an art gallery in Rhododendron on June 20.

Sharon Smith, formerly of Lake Oswego, is opening the "Glacier Gallery," which she says will feature the "very high quality artwork" of Northwestern artists.

Smith's gallery, which is located next to the Rhododendron post office, is currently being remodeled to accommodate "unique" paintings, sculptures, ceramics and weavings by some of the best artists in the Northwest.

The gallery is a three-way partnership between Smith and Charlotte Schwartz, the manager for Kelly Services for Oregon and southwestern Washington, and Donna Briuati, a solar contractor.

No Newcomer
Smith said that she is no newcomer

to the mountain. She first came here when she was 12 years old to take advantage of the area's ski opportunities.

In the fall of 1965 she and a group of individuals staying at a cabin near the Kiwanis Camp became trapped by the Zig Zag fire, which was burning out of control. In less than 40 hours it had consumed 1,750 acres.

They stayed three days and protected a cluster of cabins with water buckets and wet gunnysacks before they were evacuated.

Smith said she selected the area because of her love of the mountains and because she "didn't want a big city gallery."

From Screenwriter To Ad Exec
Smith grew up in Milwaukee and attended Catlin Gabel, a private school located in the West Hills of Portland. It was there, she said, that she first became interested in art. Her art teacher was Mabel Griffin, who is currently retired and living in Rhododendron.

She attended Lewis and Clark Col-

lege and earned a degree in liberal arts, but wanted to get into advertising. However, she quickly learned that Portland wasn't about to give her a chance so she headed for Los Angeles, where she ended up at NBC as a screenwriter.

Smith wrote for such shows as "Queen For A Day" as well as working on "formula flicks" for teenage audiences.

She and two other writers turned out one screenplay a week, with the topic dealing with themes such as beach parties and hot rods. She said they "sold like hotcakes."

However, as time flew by she began to miss Oregon and decided if she was going to break into the advertising field she'd better start right away. So while she churned out television and movie scripts she went to work for an advertising agency writing commercials for White King Soap and Planter Peanuts.