

# Land use board to hear Alderwood appeal

by MICHAEL P. JONES  
Post Correspondent

Six Mt. Hood area residents who appealed the approval of the conditional use permit for the Alderwood Mobile Home Subdivision to the Land Use Board of Appeals will have an opportunity to voice their concerns Sept. 7.

Local developers are proposing to construct accommodations for 192 mobile homes on 48 acres of undeveloped land in the Cedar Ridge area, near Brightwood. The development would provide housing for an estimated 500 persons.

The hearing before LUBA will be heard almost fourteen months after residents opposing the development banded together and formed two citizens groups to combat the Alderwood development. The organizations became known as the Environmental Committee On Suitability and the Mountain Area Corridor Citizens.

ECOS and MACC hired a land-use attorney and proceeded to wage a long and tiresome legal battle in an attempt to halt the proposed subdivision.

The mobile home development proposal was first heard by a Clackamas County hearing officer on July 8, 1981. The hearing was abruptly halted, 15 minutes into the hearing, when ECOS and MACC members complained the

planning department was in violation of state law and county ordinance. They claimed they were either not notified, or did not receive the notice for the hearing within the required amount of time, which prevented them from adequately preparing for the hearing.

After successfully arguing they were not provided the required notification, a new hearing was scheduled.

The second hearing was held on Sept. 21, and those opposing the development said it would adversely affect the environmental quality of the Mt. Hood corridor. These issues included impacting a winter feeding area for big game, adversely affecting water quality and the fisheries of both the Salmon and Sandy Rivers, destroying wetlands and increasing urbanization in the area.

The concerns of the opponents were substantiated by reports from the files of the Oregon Department of Fish and Wildlife, which also opposed the development. Some of these documents dated back ten years, to the time when the first large-scale development was proposed for the Cedar Ridge area.

The hearing officer rendered his oral decision on Sept. 30 and concurred with the concerns of ECOS and MACC representatives.

The developers appealed the denial to the Board of

Clackamas County Commissioners, who reheard the case Feb. 22.

The commissioners delayed making a decision until March 8, after they had made a visit to the proposed Alderwood development site. They overturned the decision of the hearings officer and ruled the mobile home subdivision could be permitted under the county's zoning and development ordinance and comprehensive plan.

In the written order by the commissioners, dated May 10, they took issue with a hearing officer, who said development would adversely affect the water quality of the nearby Sandy and Salmon Rivers, as well as impact the wetland reportedly on the site.

The order claims the development is separated from the Sandy River by the old Mount Hood Loop Highway and forest land. This protects the river by "forming a natural buffer between the site and the river."

On the Salmon River side of the subdivision there is already residential development that is interlaced with forest lands, again forming a buffer, according to the order.

According to the order, the development is within the Hoodland Service District and is being assessed for sewers.

Because "there will be no subsurface sewage disposal drainfields permitted," there will be no

impact on either the rivers or the wetlands.

The commission's order also disclaimed the charge that the subdivision would have a major impact on wildlife. They took issue with reports from fish and wildlife department biologists that the development's site is an important wildlife habitat and winter range for elk and deer.

"The proposed site is surrounded by smaller tracts of land which are developed and have homes on them, and this Board finds that any adverse effect on wildlife habitat or deer and elk refuge has already occurred and the proposed subdivision will not have any worse effect on this resource," states the commission's findings.

"The existing communities within the Mount Hood Corridor, (which are) controlled by the Mount Hood Community Plan, are all within the area designated as winter range and have already been developed, and the proposed site is within this area designated for high density development."

### MORE NOTIFICATION PROBLEMS

After the commissioners issued their written order the opposition, according to Oregon law, had 30 days to file an intent to appeal with LUBA.

Jack Hammond, an Oregon City attorney who represented ECOS and MACC at the appeals hearing, said he contacted

County Counsel Scott Parker and told him he wanted to be sent a draft of the order and be present when the decision was made public. He said he followed up the conversation with a letter reiterating his demands.

It wasn't until after the written order was signed and the 30-day appeal period had expired that Hammond learned the commissioners had issued their order. They had overruled the hearing officer's decision and approved the conditional use permit for Alderwood.

The county, according to Hammond, denied he had made the requests. However, Hammond's letter was later discovered in a file concerning the development in the office of the county counsel.

On June 27, despite the fact the appeals period had expired, Hammond filed both an intent to appeal and an appeal with LUBA as legal counsel representing Robert Stephens of Mountain Country Lane in Brightwood.

In addition, Hammond filed an affidavit specifying why the appeal was not filed on time.

Whether LUBA will hear the appeal is not known. Recently, LUBA dismissed an appeal against Polk County and two developers

on the grounds the petitioners did not file the notice "within the time required by statute."

"We do not have authority to examine the reasons why (the) petitioners did not timely file their appeal, and we do not have authority to excuse their late filing," according to a written decision made by LUBA on July 16. "If such authority exists, it exists in another forum. Our power to conduct review proceedings is triggered by the timely filing of a notice of intent to appeal."

**INTERVENORS**  
On July 12 five other Brightwood area residents opposing the development filed for intervenor status in the appeal before LUBA. They are Andrea and Gordon Cabral, and Judith and Robert Decker. They are all members of MACC.

The Cabrals, in a sworn statement attached to the motion to intervene, report the development would cause "possible irrevocable damage" to inventoried wetlands, as well as alter the course of a stream that runs through their property.

They also claim the water table of the area would be affected because additional wells to serve the development would have to be drilled. This, coupled with the adverse

effects on the wetlands, would diminish the available water provided by their own private well.

Judith and Robert Decker's statement claims the subdivision would "drastically" alter the nature and character of the area. They claim the development would cause "adverse consequences by encouraging premature (and) sporadic development on farm and forest land," which would be in violation of the state's planning goals.

In addition, the Deckers fear the development could change the flow of runoff water on their property, which acts as an aquifer for their water system. This could "diminish" their own water source.

Carolyn Smith of Rhododendron, a member of ECOS, also filed as an intervenor.

In her statement she

wrote the development "would have adverse consequences by the premature leap-frog development on farm and forest land."

By allowing this development to proceed, the purpose of the Mt. Hood Plan, the county's comprehensive plan, and the statewide land-use planning goals would be defeated by allowing such a use on uncommitted land outside an urban growth boundary, according to Smith.

The appeal is set to be heard by LUBA at 1:30 p.m. Sept. 7 in room 106 at the State Library Building in Salem.

The office of Diane Spies, a Portland land-use attorney who recently represented the Sane Economic Development Association in the hearings before the county on the area's community plan, is representing the developers.

## Center hires Sandy woman

The Hoodland Senior Center recently hired a new outreach worker.

She is Gretchen Casey of Sandy. She will be spending 10 hours a week working out of the center providing such services as visitations, information and referrals for the aged and disabled.

Casey, who is employed by the Loaves and Fishes Program, was the assistant director at the Sandy Senior Center for two and a half years.

### Senior Center reduces hours

The Hoodland Senior Center recently changed its hours, reducing them from 40 hours to 20 hours a week due to funding cutbacks.

Maxine Worley, Senior Center director, said the facility will now be open Mondays through Fridays, from 10 a.m. to 2 p.m.

Still available are transportation services for persons 60 years old and older.

The Loaves and Fishes lunch program held at Welches Grade School has been funded for the second year, said Worley.

The lunches are prepared by the school on a contract with the Loaves and Fishes Program and served to 15 persons a day on an average basis.

Lunches are held two days a week, on Mondays and Tuesdays, and begin at noon. Participants are served in the school's new cafeteria and eat in the library.

In 1977 she assisted Reva Cox, the director of the Welches Community School, in starting the Hoodland Senior Center.

The Hoodland Senior Center, said Casey, began with some informal potlucks under the auspices of the community school. From those early beginnings the need for services became apparent and the center was started at the Hoodland Women's Club in Zig Zag.

Currently, on every second Tuesday of the month at noon, the potlucks are being held and the response is still enthusiastic.

Casey works mostly on Mondays and Tuesdays. She said her primary responsibility is establishing links between seniors and the services they need. She will assist seniors in securing homemaker services, getting on food stamps and with solving problems involving social security.

Casey is assisted in her work by a driver. The center's transportation service is funded through

Loaves and Fishes and private donations.

The driver is hired to work 20 hours a week transporting seniors who have difficulties getting around by themselves.

Seniors are assisted with transportation in the Hoodland area to medical

appointments and grocery shopping, said Casey. They are also transported to appointments as far away as Oregon City.

Persons interested in learning more about the outreach program can call the Senior Center at 622-3331.

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