

RELf gets nod in Brightwood Glen battle

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Armed with fact and figures, and accompanied by their own experts, the developers and opponents to the Brightwood Glen subdivision locked horns in a recent hearing before the Board of Clackamas County Commissioners.

The applicant, the Salem-based Real Estate Loan Fund of Oregon, proposes to develop 98 acres of land in the Cedar Ridge area, near Brightwood. The development will be located in a forested and wetland area situated between the Salmon River on the south, and immediately adjacent to Highway 26 on the north.

Planned for this area is 264 single family dwellings and 75 condominiums.

The Brightwood subdivision, according to Jeffery Tross, a land use planner from Salem representing the developers, told the commissioners the project "has been evolving for over two and a half years." During this time he and Martin Boatwright, the project engineer, as well as Ken Bierly, wetlands consultant, "met continuously" with the planning staff.

Tross said they sought out advice from the planning staff, responded to their concerns related to planning criteria for both the county and state. Due to these meetings he said they have filed three revisions of the design plans with the county, and have revised it in-house four other times.

This area, said Tross, has been zoned for residential use since the adoption of the Mt. Hood Community Plan in 1976. He said they "refrained" from filing an application as the development was delayed until the county's comprehensive plan was addressed by the Land Conservation and Development Commission in December.

Tross said the area is within the Hoodland Service District, which means it can be developed. He said LCDC approved the area as committed to "non-resource" use.

James Hunt Miller, an attorney representing the Mountain Area Corridor Citizens and the Environmental Committee On Suitability, took issue with Tross's claims.

Miller said the Brightwood Glen proposal, as currently presented, is in violation of the county's comprehensive plan, the provisions of the county's zoning ordinances, the 1976 Mt. Hood Community Plan, and "applicable" statewide planning goals. He said these violations are apparent "particularly in the areas of impact on wetlands and wildlife habitat."

To bring this proposal into conformance with the applicable policies and goals of the counties comprehensive plan and the state wide goals, Miller said "the amount of acreage of identified wetlands should be reconsidered." In addition, the impact upon "fringe areas," which discharge water into identified wetlands, "should be more carefully considered."

"The wetlands and discharge areas should be considered to be an integrally-related riparian ecosystem," said Miller, "and the proposed impact on this important and sensitive system, as a whole, deserves greater consideration."

Miller said the impact on deer range "needs to be considered and addressed adequately," in addition to stream flow requirements.

The developers should be required to address the conflicts this development will have with the natural features of the site, and resolve them, said Miller. But to date the developers have looked at the project solely considering the "economic factors." This approach "violates the mandate that all state-wide goals be considered equal, and the zoning ordinance provision that the

economic benefits that will accrue to a group of people be subordinate to the interest of the general public."

Harold H. Winegar, a consulting biologist specializing in riparian ecosystems, warned the commissioners that approval of this project in the Cedar Ridge area would cause serious environmental consequences in the future.

Winegar, who retired after 30 years with the state Fish and Wildlife Department, is regarded as the authority on wetlands and riparian systems in Oregon. Last year he received a number of awards for his work on riparian habitats, which currently takes him out of state.

Over the period of several years, Winegar said various agencies and individuals have submitted reams of materials citing why there should be no development in the Cedar Ridge area. The resource and environmental degradation they have projected for this area is "very real," he said, but their claims "have actually been conservative" concerning the long-range problems that will result.

These claims, which span nearly a decade, "have actually been either misunderstood or ignored," said Winegar, "and that is why we are here today."

Winegar told the commissioners that he would not be giving lengthy testimony concerning the development of this area. He said he has learned that "lengthy testimony is ineffective when people have their heads made up and don't want to be confused with the facts."

Being site specific and examining just the Brightwood Glen area, instead of looking at the entire Cedar Ridge area, is circumventing the overall impact of this development, said Winegar. This disregards the fact that this area is all interrelated parts.

He described one of the roles of the riparian system of the Cedar Ridge area as acting as a natural "kidney," which purifies water flowing into the Salmon and Sandy Rivers.

"If these proposed developments are approved there will be—and this is for the record—there will be irretrievable, irreversible and escalating degradation of all aspects of the environment and natural resource concerns," said Winegar. "And you can live with that."

Winegar presented some slides that he took of the area and told the commissioners that they were not "atypical," but rather typical of the tremendous diversity of the site. Yet, in spite of the diversity, it is still part of the same riparian system.

He compared the area with the Rippling River development site, which he called an example of what will be traded off if Brightwood Glen were to be developed. Prior to being developed, Rippling River in its natural state, he said, was similar to the Cedar Ridge area.

Winegar stressed the importance of the area's riparian system by saying it provides a "timely release of water" into the rivers. This is done through various types of plant communities existing on the site. To illustrate this he showed a slide of an alder thicket on the site and said it "determines the natural chemical composition of the water and definitely is a storage area that determines how that water is released and when it's released."

He compared the natural release of water to the unnatural release that would result from development. He said with 18 inches of rain falling on one mile of impervious area, such as streets, there would be approximately 165,000 gallons of water flowing immediately into the site "carrying with it human pollutants (such as oil and gasoline) of various

kinds." This would have a direct impact on nearby fish spawning areas.

Marilyn Leslie of Zig Zag, a member of ECOS, took issue with the reduction of the wetland areas. Originally, the total acreage of wetlands identified by the county planning department in the Brightwood Glen development area was 19 acres. It was later reduced to 9.2 acres during a site visit between Gary Cook, the department's natural resource planner, and Bierly, wetland consultant for the developer.

Leslie said during the course of the hearings concerning the revisions in the Mt. Hood Community Plan she requested, from the planning staff, "specific

criteria" the county was using in establishing the citizen input" and a violation of the state land use

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wetland identification. She said she was never provided this information.

On July 7, while the commissioners were holding a public hearing at the Women's Club concerning the plans revision, Cook and Bierly re-established the wetland boundaries, said Leslie. She said this was "an illegal affront to

laws.

"The use of Ken Bierly as an advisor to the county's wetland identification, I consider a blatant conflict of interest given his association with the developers of this land," said Leslie. "I feel you could of used a much more impartial person as an advisor in identifying this

wetland area."

"The (Cedar Ridge) area is not merely a piece of real estate with a certain number of acres of wetlands," said Winegar. "We can't take this one out and move it around like a checkerboard. It is one viable and living life support system."

Bierly, according to Tross, was not acting as a consultant to the county. He said there was a problem with the identification of wetlands and, as part of his job, met with the county to clarify locations.

"He was working with the county, not for the county," said Tross. "We were told if we could provide more information than the county had available, this would be reviewed by

the county and possibly accepted if it met the county criteria."

Countering Winegar and Leslie's concerns of adverse impact, Tross said that he and the developers recognized "the environmental sensitivity of the Mt. Hood corridor, in particular this piece of property." He said the fact that sensitive wetlands were identified and left preserved demonstrates this.

"To place the entire Mt. Hood corridor under blanket preservation without accurately determining which areas are sensitive, where they are, what the impacts on them might be, would be a disservice to the public both now and in the future," said Tross.

"You have to study an area, you have to define the areas of environmental concern, you have to determine the impacts from whatever development that make take from whatever type of development you are proposing. As the applicant, that is the burden we must bear. We have accepted that burden. I think we have provided a high-level of site-specific information to arrest those concerns. You simply cannot look at the land and say it must be reserved."

On Monday morning Commissioners Ralph Groener and Robert Schumacher overrode the objections of Commissioner Stan Skoko, who expressed concern over the impact on the environment, and approved the development.

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