

# *Mt. Hood Corridor CPO*

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## **Monthly General Meeting**

**Minutes (unapproved)**

**January 7, 2010 7pm**

Dorman Room of the Community Center, 24500 E. Salmon River Road

### Agenda Items

Meeting called to order by Roy Bellows, President, at 7:00pm with 3 CPO Board members, Land Use Chair, Commissioner Bob Austin with Dan Zinzer and Mike McAllister , and 16 citizens.

The January minutes were unanimously approved.

The discussion with Clackamas County Commissioner Bob Austin included the following:

- \* introductory remarks,
- \* handout of the County's Mission Statement and Goals for 2009. Goals for 2010 will be finalized soon.
- \* process for the review of the cell phone tower application and the CPOs six-month request to address out-of-state zoning regulations, rural environments may need to have different zoning requirements from urban, and more planning with local CPOs on meeting local needs.
- \* need to protect historical treasures, like Barlow Trail
- \* more transparency and local benefit with land trades and timber sales,
- \* development along the rivers, to include looking at the cumulative effect of individual permits. A lengthy discussion of

flooding and the risks to residents county-wide of a potential rise in FEMA insurance rates also raised.

\* access, use and maintenance of county/public roads. One of the residents brought to the attention of the Commissioner a specific concern concerning a private easement that the County appears to be ignoring.

Roy Bellows thanked Commissioner Austin for attending and talking his time to talk with us.

Announcement of County and other correspondence - Z0456-09-V  
*The Hearing Officer denied a set-back variance for Mr. Cook. No action taken.*

Dave Fulton gave an oral Treasurer's report, indicating there has been no transactions since last month. We are waiting for reimbursement of expenses (reported last month).

No Committee Reports: Boards, Standing and Special were given.

Review of land use applications

- a. Z0726-09 *Mr. Hamersly has applied to build one house along the Salmon River at 28289 E. Water Street. The CPO unanimously approved to adopt the comments made by Dennis Tylka, with a minor change to the size of trees to be replanted. It is noted that the applicant was in attendance and voted in favor of the motion. The comments are included as Attachment A.*
- b. Z0606-09 *The applicant is no longer seeking a set-back variance for a house addition at 67699 E. Roaring River Road. Mark Fitch (builder) stated that they are going to seek vacating parts of unimproved Trailblazer Avenue and Alder Way. Some minor clarification of this action was discussed. A motion was made have the CPO note its support of the solution being sought by the applicant.*
- c. Z0520-09 *Mr. O'Conner has applied to build a house at 64265 E. Relton Lane which is within the protected buff/filter strip of the Sandy River. The interim*

comments made by the CPO were added to by the citizens and then unanimously approved. The citizens also voted to share these comments with FEMA, DSL, Core of Engineers, and State complaint department (need to have the names be better noted for minutes). The comment is included as Attachment B.

Under unfinished business Dave Fulton reviewed the actions taken by board members since the last meeting. This included a meeting with Commissioner Lininger and Mike McAllister on 12/9/09. The timing of the application was discussed including the hearing date of 2/18/10, which will unlikely change unless the applicant agrees. Dave Fulton is going to schedule a meeting with the planning department next week. It was noted that the county has not sent notice to the CPO or the neighbors. Dennis Tylka noted the county has specific time guidelines for adequate notice and if notice is not timely, then a delay in the hearing date may be sought.

New Business – modifications to some zoning regulations are proposed by the County. These were just received. A hearing date of 2/8/10 is given and hearing/approval at the Board of Commissioners is slated for April 14, 2010. The officers and land use chair will review the proposed changes and report back to the CPO at the next meeting.

Dave Fulton provided an *update on recycling event – “Mt. Hood Green Scene”*. The location will be the middle school and the date is April 24. The event has many participants and looks like it will be educational, practical, and fun

The meeting was adjournment at 9:05pm

Submitted by David Fulton

## Attachment A

Re: Z0726-09, 28289 E. Water St., Welches, Or

The Mt. Hood Corridor CPO voted unanimously (21 – 0), including the applicant, to make the following comments:

1. A reference point should be established and maintained at the “High Water Line” by a competent authority such as a Hydrologist, Ecologist, i.e. so any party can be certain that this is the high water point that establishes the 100’ setback required by 704.04(A) for structures and the 75’ vegetation buffer area setback required by 704.07 (A&B). Without this requirement any applicant could arbitrarily decide where the high water line is, which would violate the intention and purpose as in ZDO 704.01 (A-C).
2. The 100’ setback as in 704.04(A) should apply to all structures including decks, patios, and any other structures as defined in ZDO202.
3. A 100’ reference point from high water inland should be established, maintained, and recorded as a deed restriction so no decks, patios, or any other structures can be built within this setback area by the current owner or any future owner without the knowledge that they violated ZDO 704.04(A) and would be subject to enforcement.
4. A 75’ reference point from the high water line inland should be established, maintained, and be recorded as a deed restriction, that establishes the 75’ vegetation buffer area so the riparian vegetation buffer area be preserved as in <http://www.oregon.gov/LUBA/docs/Opinions/2000/04-00/99093.pdf>. This 75’ reference line then could be used by the current owner during construction and any future owner to preserve the buffer area for ever.
5. The applicant stated the house will be built within the 80’ of high water line; this would violate 704.04(A). There is an exception to the setback standard for lots of record that can not meet this standard but the applicant does not state they are seeking this exception. If the Applicant in the future seeks this exception they should demonstrate why the 80’ is the maximum distance from the high water line as in ZDO704.05(A,1,a).
  - A. If the applicant seeks the exception to the 100’ setback and can demonstrate that the structure is the maximum distance from the high water line, 704.05(A,1,a) states that any other setback as the 20’ front yard setback from Water Street as in ZDO0305.08(D) shall still apply.
6. No vegetation removal, tree cutting, grading, filling or i.e. shall take place in the right away of Water Street except to gain access to the property at the corner of the property.
7. The application should be required to obtain an elevation certificate that all 4 corners of the house as well as any decks are above the “floodway” of the Salmon

River and these 4 corners elevation shall be established on undisturbed ground with no filling, certified by an Engineer.

8. Dennis Tylka viewed the site and found major development as in 704.02B already that includes grading, excavation, tree cutting, and removable of the native riparian vegetation within the buffer area without a 704 permit. The applicant should be required to re-vegetate the disturbed area with the same size and diversity as the surrounding vegetation including replanting the trees that were cut down and species that were cut down.

## Attachment B

Re: Z0520-09, 64265 E. Relton Lane, Brightwood, OR

The Mt. Hood Corridor CPO voted unanimously (21 – 0) to ratify the comments sent to the County on December 22, 2009, and added the following new comments:

The applicant has demonstrated “personal, irresponsible evasion of codes.”

If FEMA raises the rates for flood insurance, then the amount of the countywide increase should be absorbed by the property owner and Mr. O’Conner.

Recommend county to support action to revoke Kip O’Conner’s contractor’s license. Call CCB on non-compliance with County rules and regulations.

Copies of these comments will be distributed to County, FEMA, CCB, Corps of Engineers, and Division State Lands.

Previous comments (for the record)

The lots proposed for development in this application have been significantly altered from their natural state. Access and adjoining areas have also been grade-filled and denuded of vegetation without review or permits. This application has not satisfied the requirements of ZDO 703 or ZDO 704.01, 704.05 (A6), 704.07(A) or 704.08(F).

We strongly recommend the applicant and owner be fined more than \$10,000 for violations and be required to secure bonding for the County to restore the site area to a natural state before any development activity is allowed to occur, and mitigate current and future damage to other properties in the area. This should also apply to the area beyond lots 4200, 4300, 4400 that has been altered by the applicant.

The information submitted by Firwood Design Group does not include adequate information and calculations for determining a “no-rise” conclusion. The survey does not include other adjoining lots affected by unpermitted development or accurately describe the riprap as constructed. The survey map dated November 5, 2009 does not comply with 704.01, 704.05 (6), 704.07, 704.08 (F). It also does not correctly identify the tax lot numbers or the conditions before the site was graded and filled.

This application should be denied, with major fines imposed, and a stop work of any kind enforced at the owner's expense. No new permits should be issued to the applicant on other properties in the County until this issue is resolved. This applicant has a history of serious and significant violations.