

**Memorandum of Agreement
Concerning Section 36 HLB RFP 96-2 Decision Criteria**

The Section 36 RFP Review Committee parties have agreed to use the following criteria as guidelines for use in segregating undevelopable land from potentially developable land in Tracts B, C, H, I, and K within Section 36.

1. Per municipal code, residential development may not occur within areas of Tracts B, C, H, I, or K with average slopes greater than 25 percent.
2. For the purposes identified in RFP-96-2, only deep trench and shallow trench absorption system types will be considered as feasible disposal systems within Tracts B, C, H, I, and K.
3. Per municipal code, subsurface disposal fields may not be located within 100 feet of any surface water. Thus, test pits within Section 36 may not be located within 100 feet of any surface water.
4. To determine an appropriate number of test pits, maps of Tracts B, C, H, I, and K will be overlaid with a 2 1/2 acre grid. Each grid parcel considered potentially developable will be evaluated to determine variations in slope, soil type, and subsurface geology.
5. To satisfy zoning requirements for R10 Residential alpine/slope district, all test pits must be dug to a depth of 16 feet unless groundwater or bedrock is encountered.
6. If bedrock, fractured bedrock, or impervious material is less than eleven feet beneath natural ground surface, the land is considered undevelopable as defined under the Settlement Agreement.
7. If bedrock, fractured bedrock, or impervious material is less than six feet beneath the bottom of the representative absorption area soil stratum, the land is considered undevelopable as defined under the Settlement Agreement.
8. If bedrock, fractured bedrock, or impervious material is less than sixteen feet beneath natural ground surface, the lot and site requirements shall be determined as if the average slope were in the next steeper percentage range pursuant to AMC 21.40.115 for R-10 Residential alpine/slope district zoning requirements.
9. If groundwater is less than seven feet beneath natural ground surface, the land is considered undevelopable.

Memorandum of Agreement
Concerning Section 36 HLB RFP 96-2 Decision Criteria
(Continued)

Signed

Date

Gary Gustafson
Gary Gustafson, Director, Heritage Land Bank

10/29/96

Jim Cross
Jim Cross, Section 36 Review Committee,
representing HLB

10/23/96

Scott Pexton
Scott Pexton, Section 36 Review Committee,
representing ACE







10/14/96

Brett Berglund
Brett Berglund, Section 36 Review Committee,
representing ACE

10/27/96

cc: Ruth Wood, ACE
Claire Steffens, BVCC

Exhibit A

- | | | | |
|---|----------------------------|---|-----------------------------------|
|  | potential development area |  | 25' stream setback |
|  | wetland areas |  | wildlife corridor |
|  | 75' wetland buffer |  | areas with slope greater than 25% |

