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Multnomah County Commissioners

Urban and Rural Reserves Hearing

September 10, 2009

To the Multnomah County Commissioners:

Chair Ted Wheeler, Commissioner Deborah Kafoury, Commissioner Jeff Cogan  
Commissioner Judy Shiprack, Commissioner Diane McKeel

#### A RURAL AREA

We built our home in 1990 on a five-acre sloped, wooded parcel that is bordered by Abbey Creek and is part of the Rock Creek drainage. This area is rich in wildlife, and we are often visited by the elk herds that frequent the slopes of the Tualatin Mountains and follow the Abbey Creek corridor to and from the lower elevation farmlands and orchards. Besides elk, we and our neighbors have seen such varied critters as black bear, cougar, bobcats, native mink, Pacific Giant Salamanders, red-legged frogs, and many others.

#### CONNECTED TO THE COAST RANGE

Not long ago the Oregon Dept of Agriculture developed an ecosystem map of the State of Oregon that showed that the wildlife in this sliver of land that runs from the Coast Range through this area and Forest Park into the heart of Portland's west hills is actually classified as part of the coast range in terms of native plants and animals. We live in an area that is rich in wildlife because we are connected to the larger coast range ecosystem.

#### THREATENED BY DEVELOPMENT

Within weeks of moving in, we learned that development interests were working to expand the UGB into the neighborhood, and I got involved by asking the Forest Park

Neighborhood Association to help fight that effort. Shortly thereafter I joined the Board, and we worked to limit UGB expansions in 1992, 1997 and 2002. These were not easy battles, and we lost a few.

In 2006, we knew that we faced another UGB expansion effort in 2007, so we surveyed the entire neighborhood to see if sentiment against urban development had shifted. It had not. 84% of those who responded were opposed to further urbanization of the neighborhood.

This time we understood that the land was more vulnerable than in the past, partly because past UGB expansions had taken away the farmland buffers that protected some of the more vulnerable "exception lands" along Springville, Germantown and Old Germantown. Under Oregon law, exception lands had a high priority to being developed if they were adjacent to the UGB, no matter what the value such lands might have for their wildlife habitats or their streams or headwaters, or their value of their county roads for cyclists and hikers, or the simple beauty of the landscape itself. Some of our best arguments, that these rural lands provide a buffer for the wildlife of Forest Park and constitute a functioning wildlife corridor to the Coast Range, had little weight under Oregon's priority statute.

#### SB 1011

So we were extremely pleased when the Legislature passed SB 1011, and the Reserves process was set up, giving us the ability to designate Rural Reserves, using the very arguments against continued urbanization that had now become relevant; with specific reference to Landscape Features, to protecting water quality, to providing a sense of place to the region, to providing a buffer for natural resource areas, we now had a chance that our arguments would be heard.

#### THE CAC RECOMMENDATION

The Citizens Advisory Committee has done good work. We agree with their recommendation that areas 6 & 7 be made rural reserves. We disagree with staff that a portion of area 7 not be given a designation. This portion abuts our property, and we know from personal knowledge that these lands have important stream and wildlife functions as well as working farms, and we do not think that it makes any sense to abdicate responsibility to make a decision.

## THE PLANNING COMMISSION RECOMMENDATION

We do not know if an official position has been taken by the Planning Commission on all the specifics of the CAC recommendations, but since we attended the August 10 hearing, we note that some members of the Commission were concerned that individual properties near the current UGB should be given greater consideration as possible places for urban expansion, given the availability and proximity of services. We disagree. There is now a logical edge and buffer for urban development: Abbey creek and its riparian lands should be the northern limit, and the County line, coinciding with the power line easement at the eastern edge of North Bethany should be the eastern limit. (The western urban expansion from North Bethany is in the hands of Washington County.) Interestingly, this was the position taken by Metro in arguing to LCDC in the contested 2002 UGB expansion, that North Bethany would be a logical stopping point for the UGB. The Oregon Appeals Court noted this argument in *City of West Linn et al v. LCDC* (Case no. A122169, September 8, 2005):

"The Bethany expansion area will have clear boundaries that serve to both visibly highlight the line separating urban and rural uses, and to also serve as a buffer between urban development and rural uses. NW 185<sup>th</sup> Avenue, Abby Creek and its adjoining riparian zone and slopes and the power line easement coupled with the Multnomah County boundary line all serve to clearly demarcate and buffer the proposed expansion area."

Arguing that individual properties adjacent to the UGB should be considered for urban development because of their proximity is to acknowledge that the boundary is but a temporary fiction merely marking the current state of an ever-growing and inescapable urban expansion, for rural property next to urbanized lands will inevitably be proximate to urban services.

Finally, there are some who see the county line as an artificial political boundary that should not affect land use decisions. We would rather think that decision makers in Multnomah County properly understand the value of protecting Forest Park, its western slopes, the headwater streams and riparian areas, the incredible wildlife habitat that supports a wealth of native plants and animals, as well as the remaining farmlands of western Multnomah County.

Thank you.



Jerry Grossnickle and Bruce Wakefield