

(11)

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 3/6/10

SUBJECT: Urban & Rural Reserves Public Involvement

AGENDA NUMBER OR TOPIC: Urban - Rural decision in Feb 2010

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Kevin O'Donnell

ADDRESS: 5981 NW 142nd TER

CITY/STATE/ZIP: 97229

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_

EVES: \_\_\_\_\_

EMAIL: Kevinopublic@gmail.com

FAX: \_\_\_\_\_

SPECIFIC ISSUE: attached

WRITTEN TESTIMONY: attached

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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2. Written testimony will be entered into the official record.

## Urban and Rural Reserves Public Involvement – Feedback on Area 9A through 9F

Multnomah County Commissioners:

Thank you for your recent decision on designating the west side of Multnomah County outside of the UGB as Rural Reserves. Your attention, research and evaluation were much appreciated. I believe that the logic you applied in meeting the criteria set forth bodes well for the future LCDC review. In order to protect your decision, I recommend inserting some additional information.

Please add this **additional text** to 'Area 9A – 9C' on page# 6 of Exhibit 2: Reasons for Designating Areas in Multnomah County as Urban Reserves or Rural Reserves under section *Why This Area was Designated Rural Reserve*:

1a) Existing text: Beaverton is over two miles to the south. Metro assigned urban planning....

1b) Enhanced text: Beaverton is over two miles to the south, **with the rest of the Washington County bordering Areas 9A-C being unincorporated (source: <http://washims.co.washington.or.us/GIS/MapGallery/maps/WashCoMap.pdf>)**. Metro assigned urban planning....

2a) Existing text: The City emphasizes lack of urban transportation services and the high cost of improvements to rural facilities and later maintenance of the facilities. The City further points....

2b) Enhanced text: The City emphasizes lack of urban transportation services and the high cost of improvements to rural facilities and later maintenance of the facilities. **In addition, Metro's 30 year plan on High Capacity Transit System does not extend to this area (source: [http://library.oregonmetro.gov/files/adopted\\_hct\\_regionalmap.pdf](http://library.oregonmetro.gov/files/adopted_hct_regionalmap.pdf))**. **Area 9B is over 4 miles from the closest MAX stop at Sunset Transit Center.** The City further points....

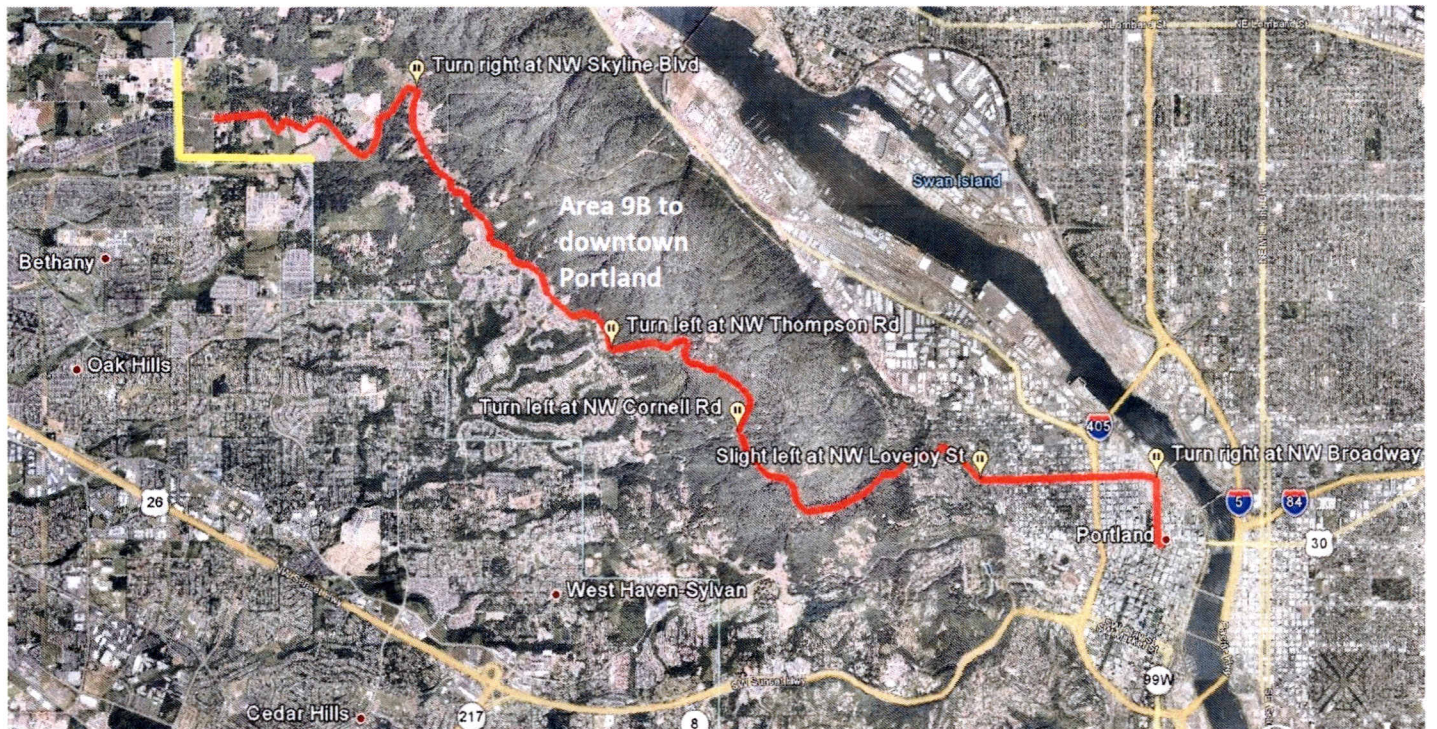
Lastly, below I have included the two default routes by Google maps, giving directions from Area 9B (lower Springville 'L') to downtown Portland and to PDX. These routes are what many of the existing residents in NE unincorporated Washington County already use, and what even more new residents to North Bethany will start following. If Area 9B had any new growth, those new residents would add to this 'shortcut' usage of driving through the Tualatin Mountains.

Thank you for your time.

Kevin O'Donnell  
5981 NW 142<sup>nd</sup> Terrace  
Portland, OR 97229



**Shortcut route from Area 9B to Portland downtown:**



**Shortcut route from Area 9B to Portland airport:**



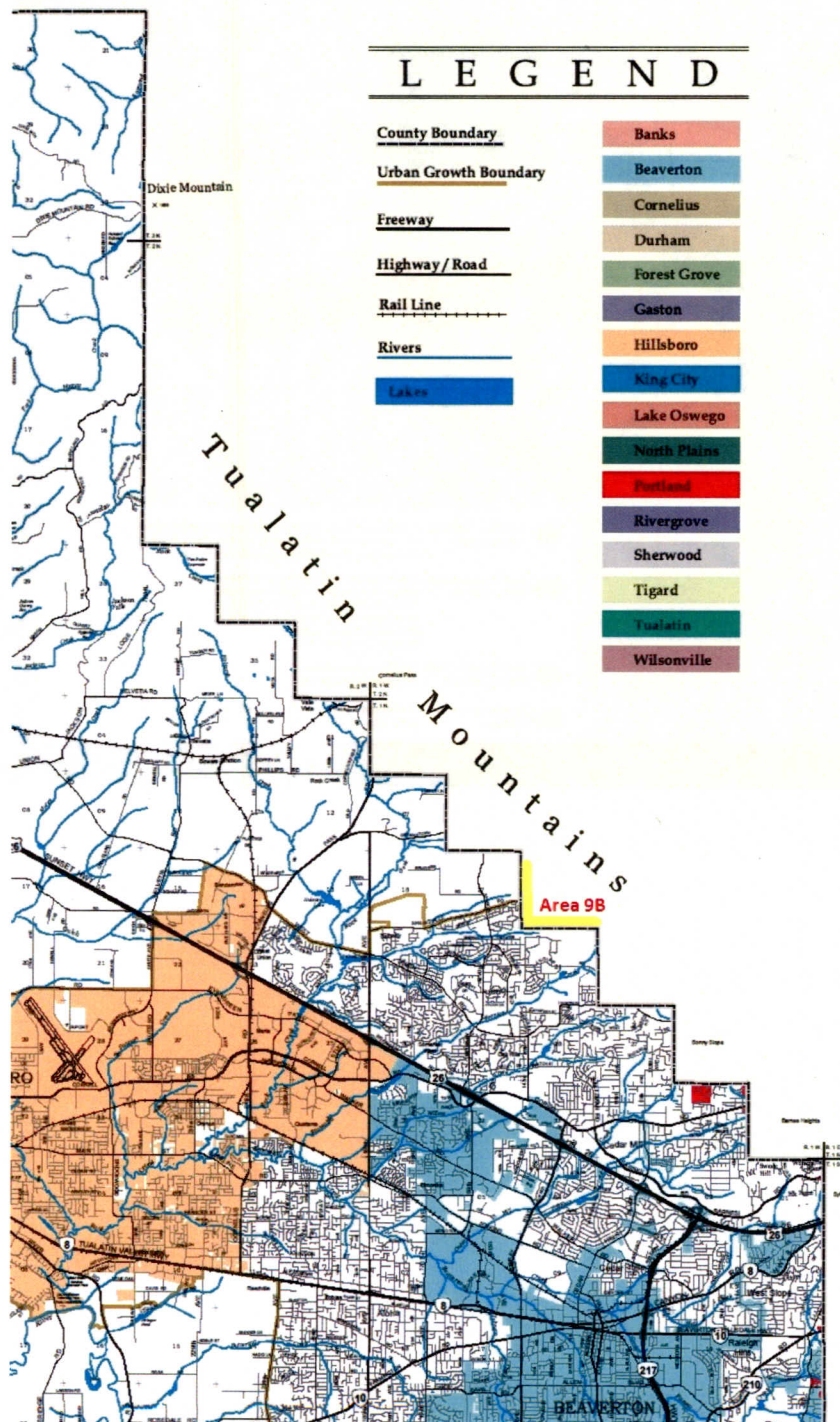


Excerpts taken from the added links in recommended additions to Exhibit 2 reasons

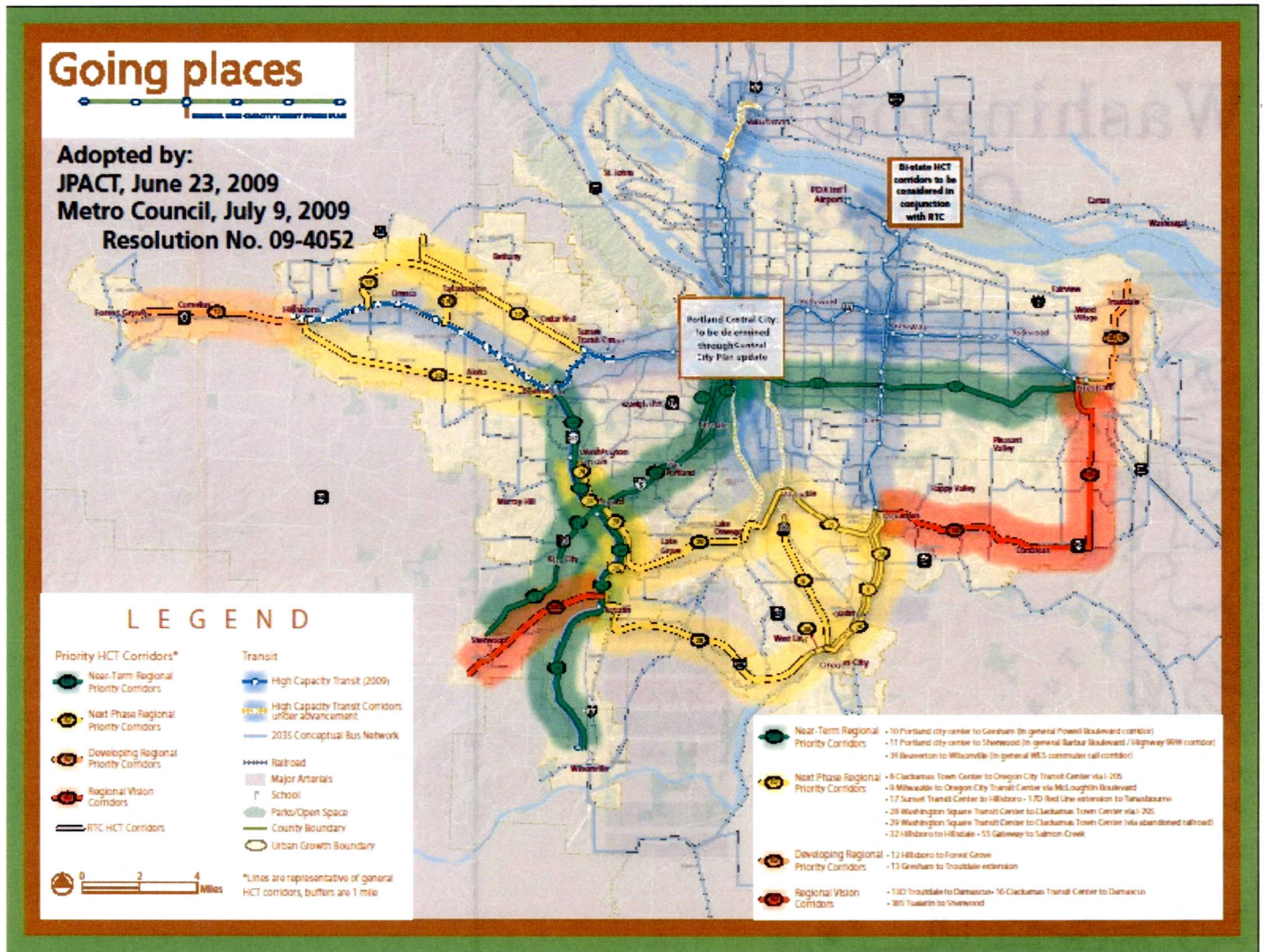
Washington County cities - source: <http://washims.co.washington.or.us/gis/index.cfm?id=2>

file: <http://washims.co.washington.or.us/GIS/MapGallery/maps/WashCoMap.pdf>

# Washington County Oregon









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**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk  
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MEETING DATE: 5-6-10

SUBJECT: Rural Reserves

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AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Cori Bacher

ADDRESS: 7547 N.W. Skyline Blvd.

CITY/STATE/ZIP: Portland OR 97229

PHONE: DAYS: 503-285-8177 EVES: same

EMAIL: cfbacher@msn.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: hold Rural Reserve line- do not reduce it.

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WRITTEN TESTIMONY: \_\_\_\_\_

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(13)

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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\*\*\*This form is a public record\*\*\*

MEETING DATE: 5-6-10

SUBJECT: Reserves

AGENDA NUMBER OR TOPIC: R-12

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Carol Chevaneck

ADDRESS: 13300 NW Germantown Rd

CITY/STATE/ZIP: Portland, OR 97231

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_

EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: yes!

**IF YOU WISH TO ADDRESS THE BOARD:**

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**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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Carol Chesarek  
13300 NW Germantown Road  
Portland, OR 97231

May 6, 2010

Chair Cogen and Multnomah County Commissioners  
501 SE Hawthorne Blvd.  
Portland, Oregon 97214

Re: Urban and Rural Reserves

Chair Cogen and Commissioners,

Thank you for the opportunity to provide some comments today. I hope this will be our last Reserves hearing.

I'm here today to ask you to affirm your February decisions about Reserves, especially the Rural Reserves in the West Hills. Thank you for the time, effort, and careful consideration that I know you put into those decisions.

I do hope that you will ask County staff to review new information submitted today for possible inclusion in the draft Findings.

The Administrative Rules for Rural Reserves were carefully crafted, widely communicated to the public, and Reserves negotiations since they were adopted in early 2008 assumed that, for example, new uses would be barred in Rural Reserves. Changing these terms in a significant way now looks like a bait and switch.

SB 1011 and the current Administrative Rules make it clear that Rural Reserves are intended to do more than protect resource lands from UGB expansion – they are to protect the viability and vitality of these areas over a long period of time.

According to SB 1011, “rural reserve” means land reserved to provide long-term protection for agriculture, forestry or important natural landscape features... “

Now that we have identified the most important farm, forest, and natural resource areas in the Region and designated them as Rural Reserves, we need to ensure that these resources won't be degraded over time by new roads and new uses that don't benefit or enhance the resources.

One argument for looser rules is that the county wants the option to allow more floating homes in the Multnomah Channel area. Why? Homes in rural areas are generally miles from retail, schools, and urban services. Residents must drive to most destinations. Adding more homes in this type of area won't make the county more energy efficient, and won't result in a Great Community. Homes in sensitive natural resource areas like

Multnomah Channel are likely to degrade both the wildlife habitat and water quality that were the reason for designating the Rural Reserve. Adding more homes in these valuable resource areas, far from urban services, is not an option the county should be asking for.

I'm not arguing that there shouldn't be any rule changes, or go into more details here, but that they must be undertaken with great care, and that we should ensure that any modifications don't harm the very important farm, forest, and natural resources in our new Rural Reserves.

The Administrative Rules are going to be reviewed soon, I hope this board will support strong protections that will help the region sustain the full benefit of resources protected in Rural Reserves.

Thank you.

A handwritten signature in cursive script, reading "Carol Chesarek".

Carol Chesarek



le maps

Address

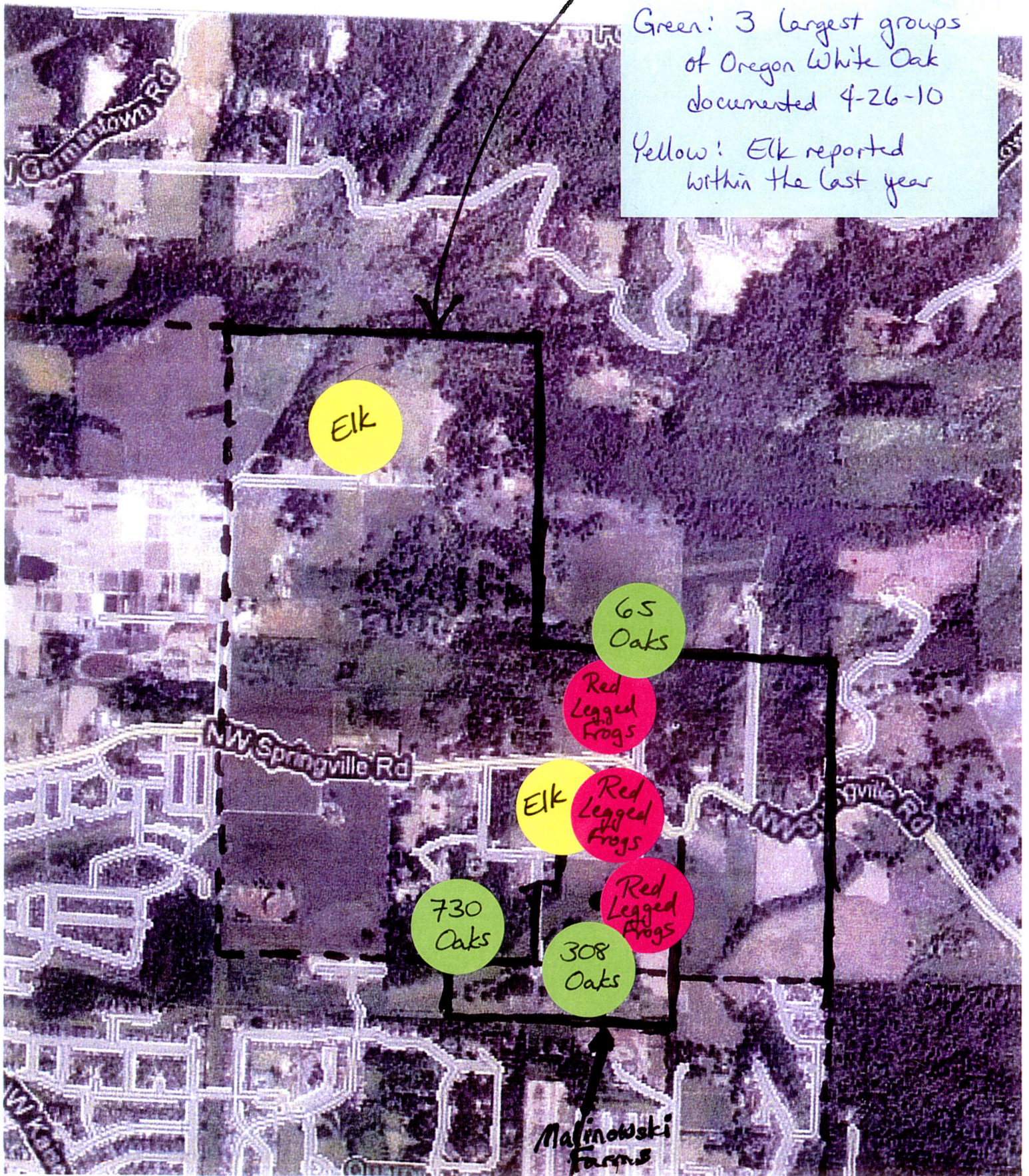
Lower Springville "L", Area 9B

Pink: Adult or Tadpole  
Northern Red Legged Frogs  
Found 4-28-10

Green: 3 largest groups  
of Oregon White Oak  
documented 4-26-10

Yellow: Elk reported  
within the last year

Area 9B



Malinowski  
Farms



Carol Chesarek  
13300 NW Germantown Road  
Portland, OR 97231

May 6, 2010

To: Multnomah County Board of Commissioners

Re: Urban and Rural Reserves, West Hills Areas 9A, 9C, 9D, and 9F (formerly Areas 5, 6, 7)

Dear Chair Cogen and Commissioners,

I served on the Multnomah County Reserves Citizen Advisory Committee (CAC). I wanted to summarize information about West Hills Areas 9A, 9C, 9D, and 9F for you (information about Area 9B has a separate detailed summary).

The CAC's recommendations were endorsed by the Multnomah County Planning Commission. The planning commission also recommended against leaving land undesignated.

No urban reserves in Multnomah County were requested by City of Portland or City of Beaverton. Portland believes they have adequate capacity for growth within the city, and prefers to invest in existing urban areas.

### **Summary of Public Input**

The "Phase 4 – January 2010 Public Comment Report (Core 4 Review Draft 2)" says that the public input survey offered at open houses and online yielded these results for Area 9 (Western Multnomah County):

Number of people who answered at least one Area 9 question: 433 (more than any other Area)

Total comments on all questions: 731 (Area 9 had by far the most comments of any Area)

207 responses were from Urban/inside a city, 81 Urban not in a city, 46 Rural in a city, and 76 Rural outside a city.

General Comments: 273 support Rural Reserves

Option 9A (Area 93 bridge): 73% favor Rural Reserve, 14% no designation, 14% Urban

Option 9C (remainder of inner West Hills): 86% favor Rural Reserve, 14% no designation

Option 9F (north of Cornelius Pass): 74% favor all Rural Reserve, 13% support the county recommendation (small Rural areas), 13% no designation (all of area)

[Note: there was no survey question for Area 9D].



## **Area 7**

All parts except Lower Springville (9B) and East Laidlaw (9A):

Rural Reserve Suitability Rating: medium/high (CAC), high (county staff)  
Urban Reserve Suitability Rating: low (CAC and county staff)

Lower Springville (9B):

Rural Reserve Suitability Rating: medium/high (CAC)  
Urban Reserve Suitability Rating: low/medium (CAC and county staff)

East Laidlaw (9A):

Rural Reserve Suitability Rating: medium/high (CAC), high (county staff)  
Urban Reserve Suitability Rating: low/medium (CAC), medium (county staff)

CAC: Recommended all of Area 7 for Rural Reserve to protect natural features

Metro COO: Suggests Rural Reserve consideration for Natural Features and local food producers (such as Malinowski and Beovich farms on Springville Road).

Agriculture Rating: Most of the area is rated Conflicted, but one portion was not rated.

Rural Reserves are defined in SB 1011:

- (1) "Rural reserve" means land reserved to provide long-term protection for agriculture, forestry or important natural landscape features that limit urban development or help define appropriate natural boundaries of urbanization, including plant, fish and wildlife habitat, steep slopes and floodplains."

Area 7 is a poor candidate for future urbanization due to the hills, steep slopes, numerous riparian corridors, and presence of Forest Park (all of which permanently limit the transportation network in the area), even if governance is resolved (see my November 4, 2009 letter re: Urban and Rural Reserves, Lower Springville Road (area UR-1) ). Infrastructure would be very expensive and inefficient due to the numerous natural resources and slopes, and housing yield would be relatively low. For example, I've been told that my 2.5 acre parcel could not be subdivided even if it was inside the UGB due to 2 riparian corridors.

Area 7 easily meets the Rural Reserve factors for Natural Features, and is clearly threatened. It should all be designated a Rural Reserve for Natural Features.

## **Area 6**

The CAC's Rural Reserves suitability ratings for this area are misleading -- unlike other areas those ratings were not re-examined after important new information was received at the end of the Reserves process. The overall recommendation of a Rural Reserve is a better indicator of the CAC's final view of this area's Rural Reserve suitability.

All parts except a small area south of Skyline and east of Cornelius Pass Road:

Urban Reserve Suitability Rating: low (CAC and county staff)

Small area south of Skyline east of Cornelius Pass Road:

Urban Reserve Suitability Rating: low/medium (CAC), low/medium (county staff)

CAC: Recommended all of Area 6 for Rural Reserve to protect natural features and farm/forest resources. 8 of 11 members present voted to support the recommendation.

Metro COO: Suggests Rural Reserve consideration for Natural Features

Agriculture Rating: Important

This area should all be designated Rural Reserve to protect Natural Features and Important farm/forest land. It qualifies for the “safe harbor” provision in the Administrative Rules.

### **Area 5 (NW West Hills)**

Rural Reserve Suitability Rating: high (CAC) for farm/forest and natural features

Urban Reserve Suitability Rating: low (CAC and county staff)

CAC: Recommended (unanimous vote) all of Area 5 for Rural Reserve to protect natural features and farm/forest.

Metro COO: Suggests Rural Reserve consideration for Natural Features.

Agriculture Rating: Foundation quality farm/forestry land

All of this area was included in the first two versions of the Natural Landscape Features map. The most recent version deleted the area just south of Scappoose, except riparian corridors. I believe this change was due to relatively young new trees (replanted after commercial harvest) that don't form a contiguous forest canopy at this time.

Tualatin Mountains are a regional landmark, highly visible from most of the region, and key to sense of place for the Tualatin Valley and Portland. The mountains north of Forest Park are visible from new condo towers in northwest Portland.

If you evaluate the area against the factors, the qualities that qualify it for a Rural Reserve are fairly uniform across the area, making it difficult to protect only part of the area.

Because there are two UGBs on either end of this area (Portland Metro and Scappoose), the entire area is within 5 miles of a UGB.

This area should all be designated Rural Reserve to protect Natural Features and Foundation farm/forest land. Portions with 3 miles of the Metro or Scappoose UGB qualify for the “safe harbor” provision in the Administrative Rules.

### **Rural Reserve suitability**

Potentially Subject to Urbanization (3)(a). Area 7 is bounded on two sides by the UGB, there can be no question that this area is “potentially subject to urbanization.” Area 6 is partly bounded by the UGB, and all lies within 3 mile of the Portland Metro UGB. Area 5: the southern and northern edges are within 3 miles of the Portland Metro and Scappoose UGB (respectively). Areas 5 and 6 are adjacent to Hwy 30 and railroad line, and divided by busy Cornelius Pass Road. Some mention the railroad as a possible future commuter rail line. The joint state agency letter indicates that they see Hwy 30 expanding the urbanization threat in the area. More information about this factor is supplied in the Reference section.



Natural Hazards (3)(b). Most of Area 5, and large portions of Areas 6 and 7 are mapped as slope hazards.

Fish and Wildlife Habitat (3)(c). Valuable habitat in this area is well documented by the county, Metro, and the Natural Landscape Features Inventory. All of this area (except a small section near Area 93) has a county SEC overlay for wildlife habitat, and it also contains many significant streams with riparian overlays. These overlays were established based on extensive research. Almost all of the area is included in the Natural Features Inventory (the missing areas are open fields often used by elk). Large portions of Areas 6 and 7 are in Metro's Forest Park Connections and Rock Creek Headwaters target areas for acquisition. I have attached several photos of elk in Areas 7 and 6. Elk have been seen in this Area 7 many times between August 8 and October 14 of this year, using the open farm fields that were not included in the Natural Features Inventory. Red-legged frogs and threatened fish are present in the creeks. County and Metro documentation of wildlife habitat value are included in the References section below.

A large portion of the West Hills are part of ODFW Coast Range Conservation Opportunity Area (CR-09). Most of the West Hills is also Conservation Priority area on the Willamette Valley Synthesis map. According to a memo from Mike Houck and Jim Labbe Re: Suitability of Natural Feature for Urban and Rural Reserves (provided to the CAC at their June 18, 2009 meeting), the Willamette Valley Synthesis Conservation Priorities are one of the component features that are most suitable for inclusion in a rural reserve, and ODFW Conservation Opportunity Areas are another.

The Multnomah County West Hills Reconciliation Report (Revised – May 1996) says:

“Thus it is the quantity of the West Hills Wildlife Habitat Area in relation to its quality and location that are critical to this inquiry. High quality habitat elsewhere in Multnomah County cannot substitute for even medium quality habitat in the West Hills. It is because medium quality habitat is limited, and threatened by conflicting uses at a particular location, that makes the West Hills a significant Goal 5 resource.”

The report also says:

“Continued development in the West Hills wildlife area could result in the fragmentation, and therefore the degradation of both the West Hills' and Forest Park's natural systems, the loss of species diversity, the permanent loss of natural populations to catastrophe such as fire, and the weakening of plant and animal populations due to the lack of genetic diversity available in larger areas.”

The first version of the Natural Landscape Features Inventory (NLFI) was notable for a map that showed natural features with very fuzzy, imprecise edges, and that included few landmarks. This was, perhaps, the most accurate of the Natural Features Inventories, because it recognized that wildlife habitat and riparian areas seldom have crisp edges. The second version of the NLFI was black (orange) and white, with crisp edges showing what areas as definitely “in” or “out.” The final version of the NLFI, provided in mid-2009, uses overlapping shades of blue to indicate Natural Features.

Streams migrate over time. Trees sprout, grow, and eventually die. Wildlife seldom stays within tightly drawn habitat outlines on maps, and many kinds of wildlife need to be buffered from urban areas.

We are fortunate to have a detailed Goal 5 study, documented in the “Multnomah County West Hills Reconciliation Report (Revised – May 1996)”. Research for this report included two studies of wildlife in the West Hills. One of these included a series of six transects and an extensive field study that included trapping. This field work provided far more detailed information about the

wildlife and habitat in the West Hills study area than was available for many other parts of the region, and was an important supplement to the Natural Features Inventory. As a result of this study, Multnomah County established SEC habitat overlays across almost all of the West Hills.

I have attached a photo showing elk in the West Hills. Note that the elk are using open fields that were not included in the Natural Features Inventory.

We are very fortunate to have Roosevelt elk still using areas in the West Hills that are within 15 to 20 minutes of downtown Portland. The Forest Park Neighborhood created an “elk map” during the summer of 2006, asking area residents where they had seen elk in the previous 3 years, and recording information about each sighting. The “elk map” (see page 57 of CAC meeting packet #6, January 8, 2009) has one green dot for each elk sighting, a yellow dot for each cougar sighting, and a black dot for each Black Bear sighting. This map documented elk use of the all rural areas in the West Hills, but most of the sightings were reported in open fields. No doubt this is partly because the elk are more visible when they are in the open, but it clearly demonstrates that elk use both open fields and vegetated cover. Unfortunately, open fields were generally not included in the Natural Landscape Features Inventory, even though they provide critical elk forage. A biologist who spent extended periods of time in Forest Park studying Northern Pygmy Owls reported that elk only seemed to use the far northern section of the park near Newberry Road. This area near Newberry Road has more open areas than the rest of the park, and correspondingly more forage. The elk were not reported to be using developed urban areas.

Long term residents report that there were no elk in the West Hills 50 years ago. The elk herd that now uses the West Hills has grown over time, and a few people have reported counting as many as 90 individuals using a single location. While hunting is allowed, it does not appear to be reducing the overall number of elk in the area. Everyone who reported seeing elk had a story to tell, and it is clear that the elk are highly valued as a local “natural feature.”

Water Quality (3)(d). Areas 5, 6, and 7 are chock full of healthy headwater streams on both sides of the ridge (refer to the County zoning map SEC-s overlays). The importance of these headwater streams is cited in target area information for Metro’s 2006 Natural Areas Bond for Forest Park Connections (“protect important headwater areas on the eastside of the ridgeline”) and Rock Creek Headwaters (“Goals: Protect the upper watershed to meet water quality protection goals in the lower watershed”). The Rock Creek watershed is defined to include Abbey, Bronson, Holcomb and Beaverton Creeks.

Information for both target areas notes: **“Scientific data continues to show the critical importance of intact headwaters for water quality and quantity protection**, wildlife habitat and maintenance of overall watershed health.” This indicates that water quality and quantity as would be harmed by urban development in headwater areas, even with Title 13 protections.

In discussion during the 6/18/09 CAC meeting, the committee decided on this standard: **“is it important to stop urbanization short of this feature to protect water quality and quantity?”** The dense network of healthy headwater streams in the West Hills, especially when combined with the relatively steep hillsides, meets this standard.

Sense of Place (3)(e). Tualatin Mountains are a regional landmark, highly visible from most of the region, and key to sense of place for the Tualatin Valley and Portland. The mountains north of Forest Park are visible from new condo towers in NW Portland. Views of the mountains are part of people’s daily lives.

Overwhelming public input favors protection of the West Hills as a Rural Reserve because they value the local elk and other wildlife so close to downtown Portland and urban Bethany, the incredible views of the hills, and the local farms. I have attached a copy of an email from



Helen Kimmelfield, describing the value of having these rural settings available near urban areas.

Boundary or buffer (3)(f). The West Hills are steep, highly visible from most of the region, and unsuited for efficient urban development – they clearly “help define appropriate natural boundaries of urbanization.”

The Metro ordinance adding North Bethany to the UGB cites the combination of powerlines and county line on the eastern edge of North Bethany as a good long term urban edge. The value of this urban edge is cited in the Court of Appeals decision affirming the North Bethany UGB expansion. We need to maintain and reinforce this clear edge to minimize conflicts between urban and rural uses. See the References section below for more information.

We also need to maintain an east/west wildlife corridor on the south side of the Tualatin Mountains – there is a relatively narrow “pinch point” in between North Bethany and the western part of Portland in Area 6 (now 9D). New urban development on the north side of Abbey or Rock Creek would endanger this important wildlife corridor.

Agriculture. Farms in the Lower Springville area (Area 7), and north of Abbey Creek (Area 6) are valuable in and of themselves, but they also provide an important buffer between urban development in Bethany and the high value riparian and upland resources further uphill (see rural reserve factor (3)(f)). Open farm fields provide valuable food sources for elk. Two large farms on Springville Road (Malinowski and Beovich) are growing market garden crops, and they are investing in infrastructure development and new crops. They have requested a Rural Reserve.

Agricultural ratings are discussed in the overview section for each area above. Foundation agricultural land is the best and Important is almost as good. For more information about Agriculture in the Lower Springville area, see my November 4, 2009 letter re: Urban and Rural Reserves, Lower Springville Road (area UR-1).

Provides separation between cities (3)(g). The West Hills separate Portland from urban Washington County, and together with Multnomah Channel they also separate Portland from Scappoose.

Recreation (3)(h). The mountains include many recreational opportunities, from Forest Park itself to recreational bicycle rides on rural roads, to mountain biking in the forestlands of Area 5.

Metro staff’s preferred alignment for the regional West Side Trail, originally expected to follow the north/south powerlines along the east side of North Bethany, now turns east south of Springville Road, and seems likely to either follow Springville Road or the powerline corridor south of Springville Road up to Forest Park. This trail could help reinforce and protect this urban/rural edge, and it will also provide a wonderful recreation link between the Bethany area and Forest Park.

The Administrative Rules provide these Rural Reserve factors for “(3) Natural Landscape Features:

To designate land as rural reserves to protect important natural landscape features, a county must consider those areas identified in Metro’s February 2007 “Natural Landscape Features Inventory” and other pertinent information, and shall decide on whether the lands proposed for designation are:

- a) In an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3);
- b) Subject to natural disasters or hazards, e.g. floodplains, steep slopes, areas subject to landslides;
- c) Important fish, plant, or wildlife habitat;
- d) Necessary to protect water quality or quantity, such as streams, wetlands, riparian areas;
- e) Provide a sense of place for the region, such as buttes, bluffs, islands, extensive wetlands;
- f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban and rural uses, or between urban and natural resource uses;
- g) Provide for separation between cities; and
- h) Provide easy access to recreational opportunities in rural areas, such as trails and parks.”

I believe that Areas 5, 6, and 7 easily meet all of these factors, and this is reflected in the CAC recommendations that all of these areas be protected with Rural Reserves.

SB 1011 and the Administrative Rules are designed to protect “large blocks” of farm and forestry land, and to achieve “viability and vitality of the agricultural and forest industries.” The Tualatin Mountains are Multnomah County’s large block of forestry land, and should be protected to maintain that industry, but also to preserve the natural features that share the same land.

Organizations and individuals who have submitted letters opposing Urban Reserves in these areas and who have requested that the areas be designated a Rural Reserve:

City of Portland

Neighborhoods: Forest Park Neighborhood Association (within Areas 6 and 7)  
CPO-7 (adjacent Washington County)  
Hillside Neighborhood Association (Portland)  
Northwest District Association (Portland)

Other organizations: Forest Park Conservancy  
SaveHelvetia  
Agriculture and Natural Resources Coalition

Individuals: State Representative Mitch Greenlick  
29 Residents of Springville Road Area, including Malinowski Farms  
Beovich Family, who farm 94 acres on Springville Road

Metro Policy Advisory Committee (MPAC) voted to recommend a Rural Reserve as well – that vote was 13 yes, none opposed, with 2 abstentions. Both City of Portland and City of Beaverton voted in favor of this recommendation.

The Agriculture and Natural Resources Coalition also recommended a Rural Reserve across all of the West Hills, a good indication that they think the areas deserve protection.

The Great Communities Study considered a large portion of Area 7. Their report says:

"The team concurs that preservation of this important ecological area is likely more important to the region than urbanizing it, especially given the other constraints (lack of connectivity and developable land area) and significant opportunities (water quality and view)."

There is ample data (see attached reference material for more details) to support designating these areas as Rural Reserves for wildlife habitat and water quality, especially given the overall context of the West Hills, Forest Park, the headwater streams, and the value of a defensible urban edge along part of the county line. There is not a lot of credible data supporting an Urban Reserve in this area.

Rural lands not designated as either Urban or Rural Reserves next to the UGB are likely to attract speculators and non-conforming farm uses. Such areas will face an uncertain future, including the possibility that Metro will add them to the UGB for what Richard Whitman (Director of DLCD) calls "special purposes."

The physical features that make these areas poor Urban Reserve candidates (steep slopes, transportation issues, riparian corridors, impact on natural resources and rural roads) are unlikely to change over time. Rural Reserves are not permanent. If conditions do change, the area could be designed as an Urban Reserve after a Rural Reserve designation has expired.

Multnomah County Attorney Sandra Duffy's memo concludes that the County and Metro have "a great deal of discretion" in interpreting the Rural Reserve designation factors.

I hope you will use that discretion to protect these mountains which define our region with Rural Reserves, in accordance with the CAC's recommendations and the wishes of a broad constituency.

Please let me know if you have any questions, or if I can provide additional information.

Thank you.



Carol Chesarek

cc: Chuck Beasley, Multnomah County



## References (underlining added)

The Definitions section (660-027-0010) in the administrative rules provides this:

(6) “Important natural landscape features” means landscape features that limit urban development or help define appropriate natural boundaries of urbanization, **and that thereby provide for the long-term protection and enhancement of the region's natural resources, public health and safety, and unique sense of place.** These features include, but are not limited to, plant, fish and wildlife habitat; corridors important for ecological, scenic and recreational connectivity; steep slopes, floodplains and other natural hazard lands; areas critical to the region's air and water quality; historic and cultural areas; and other landscape features that define and distinguish the region.

### Potentially subject to urbanization

Multnomah County Attorney Sandra Duffey wrote a July 23, 2009 memo Chuck Beasley that says:

“For farm and forest lands within five miles of the UGB, the County could rely on proximity alone as a basis for a Rural Reserves designation under factor (a) of OAR 660-027-0060(2)... For Natural Landscape Features, ..., the suitability for urbanization may be low, but the consideration of other Rural Reserve designation factors could result in protection for features that define or limit well planned urban growth.”

Note that she suggests a five mile standard. She concludes that the County and Metro have “a great deal of discretion” in interpreting the Rural Reserve designation factors.

### Water Quality and Quantity

In discussion during the 6/18/09 CAC meeting, the committee decided on this standard: “**is it important to stop urbanization short of this feature to protect water quality and quantity?**”

Areas 5, 6, and 7 are chock full of healthy headwater streams on both sides of the ridge (refer to the County zoning map SEC-s overlays). The importance of these headwater streams is cited in target area information for Metro's 2006 Natural Areas Bond for Forest Park Connections (“protect important headwater areas on the eastside of the ridgeline”) and Rock Creek Headwaters (“Goals: Protect the upper watershed to meet water quality protection goals in the lower watershed”). The Rock Creek watershed is defined to include Abbey, Bronson, Holcomb and Beaverton Creeks.

Information for both target areas notes: “**Scientific data continues to show the critical importance of intact headwaters for water quality and quantity protection**, wildlife habitat and maintenance of overall watershed health.” This indicates that water quality and quantity as would be harmed by urban development in headwater areas, even with Title 13 protections.

Goal 5 protections for riparian corridors require an ESEE analysis. Balancing the Economic, Social, and Energy needs of an urban area against the Environmental needs often results in

smaller stream buffers that are not adequate to fully maintain stream functions. Multnomah County was able to establish 600' riparian corridors around significant streams only because the Economic, Social, and Energy impact wasn't significant. An urban area is not required to maintain the full rural stream protections if the other factors outweigh the value of the protection.

The county's West Hills Rural Area Plan (p.28) says "Balch Creek has significantly elevated levels of sedimentation during storm events, which indicates problems with soil erosion. Events of mass erosion have occurred periodically in the watershed... Also, ongoing surface erosion from roads and residential housing development have negative impacts on water quality in the basin." This canyon has a low density of homes and roads, but still experiences urban effects.

The Natural Landscape Features Inventory notes for Forest Park Connections "its massive tree canopy and substantial undergrowth serves as a natural air purifier, water collector, and erosion controller. The Forest Park connection area provides protection to key watersheds like Balch, Miller, Ennis and Agency Creeks"

The Rock Creek Headwaters description says "Watershed managers have identified protection of the upper watershed as a high priority for meeting water quality protection goals in the lower watershed. ... Because the creek and its tributaries pass through rapidly urbanizing neighborhoods within the cities of Hillsboro and Beaverton, protecting water quality is a priority." Metro appears to consider the lower watershed to be the area passing through Hillsboro and Beaverton, and their Tier 1 target area includes portions of the upper watershed.

### **Agriculture**

From the ODA agricultural study (Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands, January 2007)

"Examples of current trends include:

- Increasing uncertainty about long-term energy supplies.
- Increasing demand for biofuels/energy development.
- The growing demand for organic, sustainable, high quality foods both in the home and at restaurants.
- Increasing demand for food products from a local food shed.
- New conservation incentives and other programs related to renewable energy and farmland protection including the ability of working farms to operate.

These trends suggest that lands not always considered to be important to the region's agricultural base may now merit greater or equal consideration. Areas considered impacted due to parcelization, parcel size and nonfarm development may be suited to more intensive operations on a smaller parcel. ... The region may value and wish to protect areas that are characterized by operations responding to these trends." (page 64)

From a West Multnomah Soil and Water Conservation District press release, December 1, 2008:

"**Greg Malinowski**, of Malinowski Farms, was honored as the ***Outstanding Partner of the Year***. Malinowski has a strong and longstanding commitment to dedicate a portion of his land to natural habitat preservation. Greg has worked with the WMSWCD for many years, as a matter of fact; his father was the agency's first contact decades ago. Greg took over the family farm in the early nineties and, with his brother Richard, started trying different ways to make farming a viable enterprise while always doing "the right thing –" not always an easy proposition. Greg collaborated with EMSWCD to develop his first NRCS-level conservation plan, as part of his certified planner training, which involved conducting inventories on his property and analyzing alternative actions."



### **Barriers and Buffers on the northern and eastern sides of North Bethany**

Both Metro and the Oregon Court of Appeals have noted that Abbey Creek, the powerlines, and the county line form a buffer between urban and rural uses.

Exhibit C to Metro Ordinance No. 02-987A FOR THE PURPOSE OF AMENDING THE URBAN GROWTH BOUNDARY TO ADD LAND IN THE BETHANY AREA, adopted December 12, 2002 says:

“The inclusion of all of areas 84-87 allows Abby (sic) Creek and the adjoining riparian zone to form a natural buffer separating the Bethany area from the resource land and existing rural neighborhoods to the north, and it utilizes the powerlines and also the Multnomah County line as clear demarcations along the expansion area’s eastern border.” (page 2)

“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 (sic) Creek and its adjoining riparian zone and slopes and the powerline easement coupled with the Multnomah County boundary line all serve to clearly demarcate and buffer the proposed expansion area. “ (page 9)

These elements were also cited as buffers in the Oregon Court of Appeals decision affirming the North Bethany UGB expansion area (text is paraphrased from an email from Jim Emerson to Chuck Beasley on April 16, 2009):

Case # A122169 (which decision was consolidated with case #'s A122246 and A122444,) “City of West Linn et al V. LCDRC et al” was decided by the Oregon Court of Appeals on September 8, 2005. In affirming the inclusion of Areas 84-87 (North Bethany) into the UGB, the Court said: “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> Ave., Abby (sic) Creek and its adjoining riparian zones and slopes and the powerline easement coupled with the Multnomah County boundary line all serve to clearly demarcate and buffer the proposed expansion area.”