



DEPT OF  
JUL 14 2010  
LAND CONSERVATION  
AND DEVELOPMENT

July 14, 2010

Urban and Rural Reserves Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

Dear Urban and Rural Reserves Specialist,

**President**

Pat Campbell

**Vice President**

Josh Cerra

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Wink Gross

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Bob Liddell

Karen O'Connor Kruse

Claire Puchy

Dan Rohlf

Lee Savinar

Ron Spencer

**Board Member**

**Emeritus**

Dave Marshall

On behalf of Audubon Society of Portland, we are writing to communicate our objections to the urban and rural reserve designation decisions by Metro under Ordinance No. 10-1238A and by Washington County under Ordinance 733. Jim Labbe represented Audubon Society of Portland on the Reserves Steering Committee. Audubon Society of Portland was one of several endorsers of the Agriculture and Conservation Map submitted to Metro in January of 2010 recommending urban and rural reserve designations.

We believe the Metro Council and Washington County violated SB1011 and OAR 660 Division 27 in their respective urban and rural reserve decisions by:

1. Not adequately or fully considering urban reserve designation factors (**660-027-0050**) in designating important natural landscape features and foundation farmland as urban reserves.

2. Not adequately or fully considering rural reserve designation factors (**660-027-0060**) decisions to not designate important natural landscape features and foundation farmland as rural reserves. Specifically Metro and the Washington County failed to fully consider both the ecological and geographic characteristics of important natural landscape features in defining "the natural boundaries of the region."

3. Failing to designate rural and urban reserves that, in their entirety, balance factors (**OAR 660-027-0050 and 660-027-0060**) in a manner that "best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents" (**OAR 660-27-0005(2)**).

4. Designating excess land as urban reserves in Washington County and therefore failing to designate reserves that, in their entirety, best achieve "livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents" (**OAR 660-27-0005(2)**). We agree with the detailed objections submitted by Mary Kyle McCurdy on behalf of the 1000 Friends of Oregon with respect to the quantity of urban reserves in Washington County.

Specifically we found the following designations to be in violation of state law:

**I. Designation of important natural landscape features and foundation farmland west of the Rock Creek and north of Hwy 26th as an urban reserve inclusive.** The land is in Urban Reserve 8C, includes portions of the Rock Creek corridor and floodplain, and a site commonly referred to as the "Peterkort Property" (Tax Lot 1N1 18, Lot 100). The Rock Creek corridor and floodplain is designated on several regional inventories and maps used to develop Metro's Inventory of Natural Landscape Features. The primary reason for its designation in natural resource inventories is in providing a *critical* wildlife corridor connecting the Tualatin River to Forest Park and in helping maintain water quality and quantity within the Tualatin basin. Extensive scientific literature suggests the integrity of this wildlife corridor would be severely jeopardized by allowing it to be surrounded by urban development. Therefore we believe Metro and Washington County violated state law in concluding it can "be developed in a way that preserves important natural landscape features included in urban reserves" as called for under OAR 660-027-0050(8).<sup>1</sup>

Metro and Washington county violated state law in failing to designate the Rock Creek corridor and floodplain north of the Hwy 26 as a rural reserve for the following reasons:

- The Rock Creek corridor and floodplain is "potentially subject to urbanization" (OAR 660-027-0060(3a)).
- The Rock Creek corridor and floodplain is subject to "natural disasters or hazards" (OAR 660-027-0060(3b)). This reach of Rock Creek is particularly prone to flooding and channel dynamics because of its gradient and location within the Tualatin River watershed.
- The Rock Creek corridor and floodplain provides "important fish, plant or wildlife habitat"(OAR 660-027-0060(3c)) in functioning as a regionally significant wildlife corridor as detailed above.
- The Rock Creek corridor and floodplain provides "a sense of place for the region" (OAR 660-027-0060(3d)). The corridor and floodplain were designated a priority conservation acquisition area by Metro in the 2006 Regional Natural Areas Bond Measure. Both the Rock and Abbey Creek corridors currently define the natural boundaries of the region, ecologically and geographically for both the local community the region as a whole. For this reason the North Bethany area currently located within the Urban Growth Boundary was designated south and east of Abbey Creek and Rock Creek corridors by Metro in 2002.
- Rock Creek corridor and floodplain serves "as a boundary or buffer to

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<sup>1</sup> Metro, "Wildlife corridors and permeability, A literature review," April 2010.

reduce conflicts between urban and rural uses" (**OAR 660-027-0060(3e)**). The Rock Creek Corridor provides a critical boundary between urban and agricultural uses and economies.

Washington County proposed the "Peterkort Property" as an urban reserve very late in the planning process and after most of the regional analysis of urban and rural reserve designation. Therefore we do not believe this site was or could have been designated with all other urban and rural reserves in a balance that, in its entirety, "best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents" (**OAR 660-27-0005(2)**).

In addition, we agree with the detailed objections submitted by Carol Chesarek and Cherry Amabisca with respect to this designation.

**II. Designation of important natural landscape features south and east of Sherwood as an urban reserve (Urban Reserve 5F).** Most of Urban Reserve 5F encompasses the includes Natural Landscape feature in Metro's Inventory of Natural Landscape Features Inventory known as the Tonquin Geologic Area. Metro and Washington county violated state law in designating this area an urban reserve and in failing to designate it as rural reserves for the following reasons:

- The Tonquin Geologic Area is "potentially subject to urbanization" (**OAR 660-027-0060(3a)**).
- The Tonquin Geologic Area includes forests and woodlands subject to "natural disasters or hazards" (**OAR 660-027-0060(3b)**). The southwest slopes in this area are particularly prone to wildfire which is necessary to "preserve and enhance natural ecological systems" (**660-027-0050(5)**) associated with unique and rare oak woodland habitats. Because these habitats burn frequently to maintain their ecological functions they are not proven to be incompatible with urbanization and can pose greater risks to public health and safety.
- The Tonquin Geologic Area provides unique and "important fish, plant or wildlife habitat"(**OAR 660-027-0060(3c)**). The area also includes land in the Tualatin River National Wildlife Refuge and land a designated conservation priority area in statewide inventories prepared by the Nature Conservancy and Oregon Department of Fish and Wildlife. It was designated a priority conservation acquisition area by Metro in the 2006 Regional Natural Areas Bond Measure. The unique ecological and geological characteristics of this area "define the natural boundaries of the region" (**SB1011**) and provides "a sense of place for the region" (**OAR 660-027-0060(3d)**). It therefore should have been designated a rural reserve.
- The Tonquin Geologic Area serves "as a boundary or buffer to reduce

conflicts between urban and rural uses" (OAR 660-027-0060(3e)).

**III. Designation of important natural landscape features south and west of Cooper Mountain as an urban reserve (Urban Reserve 6A).** We agree with the detailed objections submitted by Brian Wegener on behalf of the Tualatin Riverkeepers with respect to this designation. In addition, the south and west slopes of Cooper Mountain are subject to "natural disasters or hazards" (OAR 660-027-0060(3b)). The southwest slopes of Cooper Mountain are particularly prone to wildfire which is necessary to "preserve and enhance natural ecological systems" (660-027-0050(5)) associated with unique and rare oak woodland habitats. Because these habitats burn frequently to maintain their ecological functions they are not proven to be incompatible with urbanization and can pose greater risks to public health and safety. The streams flowing south and west of Cooper mountain also provide critical wildlife corridors that would be degraded by urbanization. For these reasons, Metro and Washington County did not demonstrate that this area can "be developed in a way that preserves important natural landscape features included in urban reserves" as called for under OAR 660-027-0050(8).

**IV. Designation of important natural landscape features and foundation farmland north of the Council Creek as an urban reserve (Urban Reserve 7D).** We agree with the detailed objections submitted by Mary Kyle McCurdy on behalf of the 1000 Friends of Oregon with respect to this designation. The Council Creek floodplain and corridor serves "as a boundary or buffer to reduce conflicts between urban and rural uses" (OAR 660-027-0060(3e)).

Thank you for your consideration.

Sincerely,



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503-292-6855  
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CC: Metro Council & Staff

## French, Larry

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**From:** French, Larry  
**Sent:** Friday, July 16, 2010 7:57 AM  
**To:** Jim Labbe; Whitman, Richard; Bob RINDY; Tuttle, Casaria R.  
**Cc:** bragdond@metro.dst.or.us; burkholderr@metro.dst.or.us; collettec@metro.dst.or.us; harringtonk@metro.dst.or.us; hostickac@metro.dst.or.us; jordanm@metro.dst.or.us; libertyr@metro.dst.or.us; Andy.Cotugno@oregonmetro.gov; Richard Benner; parkr@metro.dst.or.us; BEASLEY Charles; Dan Chandler; Laura Dawson-Bodner; Dickerson, Maggie; steve\_kelley@co.washington.or.us; larry.french@state.or.us; French, Larry  
**Subject:** RE: Objections to Metro Area Rural and Urban Reserve Designations

DLCD received your objection on 07-14-2010

Larry French | Grants Administrative Coordinator Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem OR 97301-2540  
Phone: 503-373-0050 x283 Email: larry.french@state.or.us

-----Original Message-----

From: Jim Labbe [mailto:jlabb@urbanfauna.org]  
Sent: Wednesday, July 14, 2010 10:50 AM  
To: Whitman, Richard; Bob RINDY; Tuttle, Casaria R.  
Cc: bragdond@metro.dst.or.us; burkholderr@metro.dst.or.us; collettec@metro.dst.or.us; harringtonk@metro.dst.or.us; hostickac@metro.dst.or.us; jordanm@metro.dst.or.us; libertyr@metro.dst.or.us; Andy.Cotugno@oregonmetro.gov; Richard Benner; parkr@metro.dst.or.us; BEASLEY Charles; Dan Chandler; Laura Dawson-Bodner; Dickerson, Maggie; steve\_kelley@co.washington.or.us; larry.french@state.or.us  
Subject: Re: Objections to Metro Area Rural and Urban Reserve Designations

Dear DLCD staff,

Please see the attached revised PAS objections to Metro Area Rural and Urban Reserve Designations and substitute them for those sent earlier this morning.

We meant to express our support for detailed objections submitted by Carol Chesarek and Cherry Amabisca with respect to the Peterkort property, not any objections by the Forest Park Neighborhood Association.

Thank You,

Jim

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Jim Labbe  
Urban Conservationist  
Audubon Society of Portland  
5151 NW Cornell  
Portland, OR 97210  
971-222-6112

On Wed, 14 Jul 2010, Jim Labbe wrote:

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> Please see the attached objections to urban and rural reserve designations  
> in the Portland-Metro region made by Metro and Washington County.  
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**Subject:** Re: Objections to Metro Area Rural and Urban Reserve Designations  
**Attachments:** 7.14.10\_PAS\_Reserves.obj.final.v2.pdf



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