

Subject: Objection to Changing the Designation of the Lower Springville Road from Its Current Designation of Rural Reserves to Urban Reserves or Undesignated.

DEPT OF

JUL 14 2010

LAND CONSERVATION AND DEVELOPMENT

Urban Reserves

Objector Name: Joseph C Rayhawk
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One Specific Date of Testmony: Metro Council, January 14, 2010

Signature: Joseph C Rayhawk Date: 7/13/2010
Joseph C Rayhawk Date

Objection and Recommendation

The Lower Springville Road area in the West Hills of Multnomah County was the subject of considerable conflict during the Reserves process. It is rumored that some of the landowners and others with financial interests intend to file Objections to its designation as Rural Reserves.

It is my perception that that their previous presentations included misleading and incomplete arguments. I am concerned that they will repeat this behavior. I wish therefore to provide as much information as I can to give LCDC a more complete picture if they are asked to overturn the current status.

So, formally, I object to changing the current designation. The current designation is consistent with the factors. It is also consistent with the expressed concerns and wishes of all public testifiers who did not have an apparent financial interest. This includes letters of support from the 4 nearest neighborhood and CPO organizations. This includes letters and testimony from the Board of Directors of two housing associations, Oak Hills and Claremont, that are two miles 'downstream' from the area, expressing concern about the safety of their citizens due to the increased traffic that would have to go through their areas on roads that are already at or above capacity. Also, more landowners within the 480 acres of Lower Springville testified against Urban Reserves than those in favor.

Background / Participation in the Process

My name is Joe Rayhawk. My wife and I own and live on a 34-acre farm immediately north of North Bethany in Multnomah County. We operate Abbey Creek Stables on the farm. The main stem of Abbey Creek, a tributary of Rock Creek, runs across our property. Our reach is slightly more than 1300 feet. The main stem of Abbey Creek is part of a habitat path between Forest Park and points west.

We voluntarily gave up use of part of our land near the creek in 2007 to help with water quality of Abbey and Rock Creek, placing the land near Abbey Creek into a federally funded ECREP project managed by West Multnomah Soil and Water Conservation District.

I have been active in urging Rural Reserves for all areas of the Abbey Creek watershed including my property. Based on option prices for land in North Bethany, this means foregoing a possible windfall profit of \$10 Million which is less than what the Peterkorts are hoping for but still is a large amount of money.

My review of the issues in early 2009 lead to several negative conclusions. One of these supplies my major motivation. Washington County, for more than a generation, has encouraged 'growth' by not requiring new developments to pay for the impact of the development on roads and schools. Among other things, this has lead

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to the roads between my property (and North Bethany) and where most jobs are being inadequate to handle the traffic load. Inadequate roads lead to excess accidents which cause injuries, maimings and even deaths. Inadequate schools lead to inadequate education, effectively damaging children for life. These factors are not necessarily within the purview of LCDC. Perhaps they should be.

I have testified about Reserves issues at multiple Multnomah County Citizens Advisory Meetings, to the Multnomah County Planning Commission and to the Multnomah County Board of Commissioners. These were mostly about issues within Multnomah County. Quite few were specifically trying to provide a full picture of the Lower Springville area.

Initially, the Lower Springville area was presented as part of something called the West Forest Park Concept Plan. The idea was that development of the Lower Springville area would be combined with smaller developments in the hills above it nearer to Forest Park. There would be an exchange of development rights and funds that would somehow result in extra money to add more land to that to be acquired via the \$167 Million Natural Areas process being run by Metro.

None of the finance numbers actually worked.

Also, the area including both Lower Springville and the hills are encumbered with Significant Environmental Concerns (SEC) overlays that were enacted by Multnomah County to meet Metro and State wide land use rules and goals. All of the area, both the 480 acres of lower Springville and the hills are covered by SEC-Habitat overlays. Much of Lower Springville is covered by SEC-Stream for protection of Abbey Creek. Recently, the SEC-Streams constraints were strengthened (December 2009, Multnomah County) in a process in which I also participated. As a result, even of the original constraints enacted in the mid-1990s, there a few development rights in the area.

To be clear, these constraints apply to this area which is in unincorporated Multnomah County. It appears that the area outside of Lower Springville will all be Rural Reserves. This is important from several aspects. First, The SEC constraints are in fact limitations on development. It is my impression that LCDC is about to formalize the requirement that such limitations cannot be modified by the county during the next 50 years. It is not clear that the county itself could change the designation within the 480 acres of Lower Springville area without clearly being unfair to the landowners of approximately 3.5 square miles adjacent contiguous to Lower Springville that will be in Rural Reserves.

Also, the Intergovernmental agreements signed between Metro and the counties as part of approving the Reserves designations require that a CITY be identified to initiate planning for any area to be brought into the UGB. The city of Portland cannot access an area that is not contiguous to it. The Lower Springville area is isolated from Portland by the areas of the West Hills above Lower Springville. The city limits of Beaverton are about 2 miles from the area. It is not really believable that they will be able to annex their way to this area. Also, the area is in Multnomah County. There are existing IGAs between the governments that Beaverton will not annex into Multnomah County (and that Portland will not annex into Washington County). So, there is no city available to allow this area to be brought into the UGB.

I have almost no direct financial interest in this issue. The small interest I have is that I do not believe that Lower Springville can be developed without some damage to the water quality of Abbey Creek. Actually, that should be clarified as that I do not believe, in theory, that it can be so developed. I am familiar with the development organization that has options on something like 200 acres of Lower Springville. In earlier projects, including North Bethany, they have not assigned very high priority to the environmental aspects.

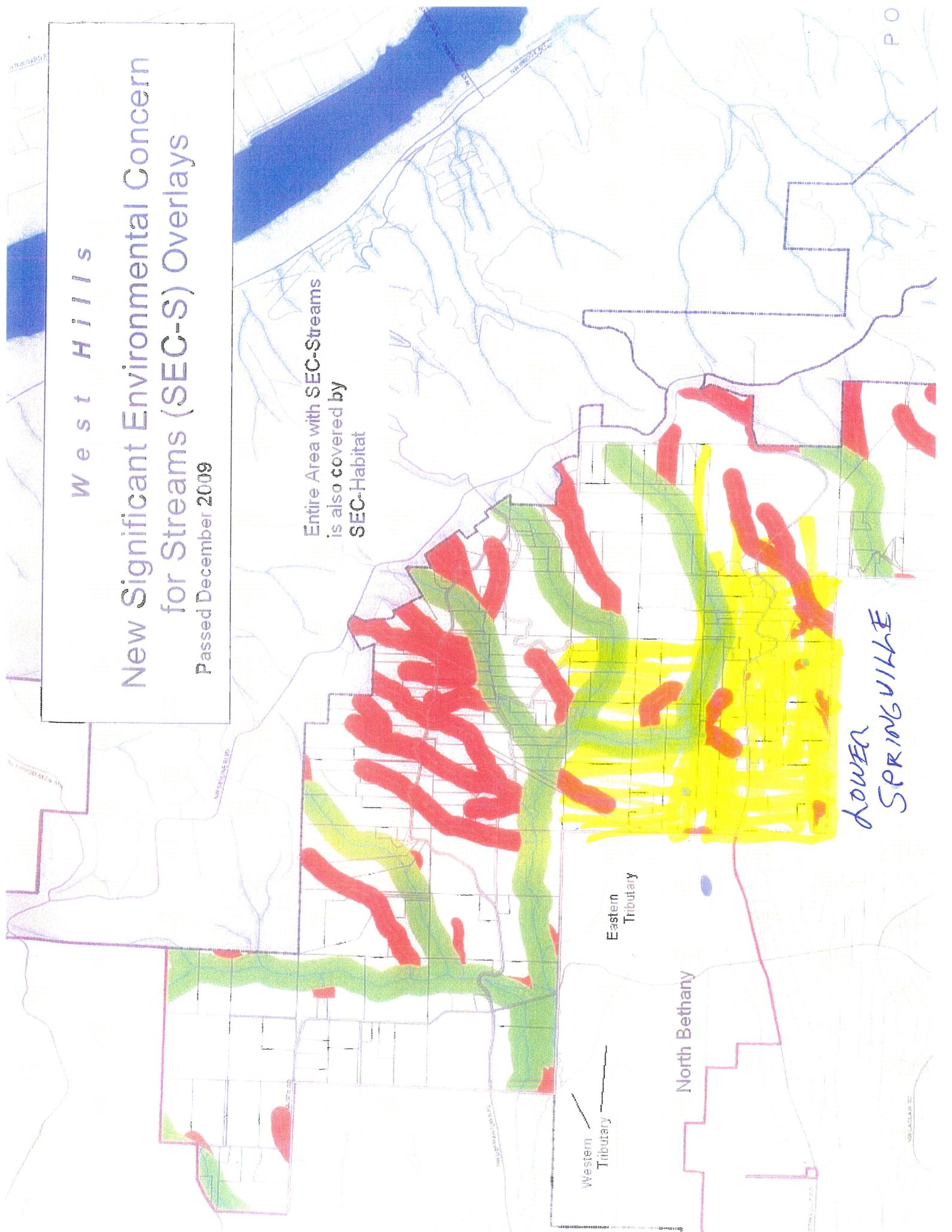
As a first-order estimate, I will assume that 200 of the 480 acres will be buildable and will use the Metro target of 10 homes per buildable acre. Hence, urbanizing Lower Springville will add 2000 housing units to the area.

West Hills

New Significant Environmental Concern
for Streams (SEC-S) Overlays

Passed December 2009

Entire Area with SEC-Streams
is also covered by
SEC-Habitat



Lower
SPRINGVILLE

P.O.

Formal Objections Using the Factors for Urban and Rural Reserves

This is an evaluation of the the Factors for Designating Urban and Rural Reserves as they apply to the Lower Springville.

The overall summary is that the Lower Springville does not meet the Urban Reserves Factors. Also, as has been admitted by Multnomah County and Metro and as originally approved by Metro and the three counties, the property qualifies for Rural Reserves.

Text in Bold is from the following page on the Metro site:

http://library.oregonmetro.gov/files/urban_and_rural_designation_factors.pdf

This lists the source as:

OAR 660, Division 27, Urban and Rural Reserves in the Portland Metropolitan Area
Adopted by LCDC January 24, 2008; Effective February 8, 2008

My comments which form the technical aspects of my objection are interspersed in non-Bold.

Many of the factors contain an 'and'. My conclusion is that such factors create two requirements, both of which have to be met. In testimony about Lower Springville, the financially interested parties made arguments (many of which were not valid) that an area met one of the two requirements and then claimed that the Factor was met. I believe this is not correct. Let me argue by analogy: In order for a plane to work(as an airplane), you need at least an engine and wings. It does not matter how good an engine you have, if you do not have wings, you do not have an airplane.

Perhaps in some cases, such 'and's do not seem fundamental, and reliance on them might be construed as 'convenient'. I believe here they are in fact fundamental: The goal of the factor cannot be achieved without both requirements.

Factors for Designation of Lands as Urban Reserves*

Considerations for land proposed for designation as urban reserve, alone or in conjunction with land inside the UGB:

Infrastructure: Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

One of the reasons why the City of Portland recommended making the West Hills Rural Reserves is that they cannot provide needed services, including schools and water.

Let us review schools first.

Legally, Portland would normally provide school service. The closest elementary school is over two miles away. The closest high school is Lincoln more miles distant. It is likely that 2000 housing units will support at least one new elementary school. It is not likely that it will support a new high school.

As you may be aware Portland schools are undergoing a process that includes planning and actually closing and consolidating schools. So, it is not clear that Portland can provide school services.

The closest planned grade schools in North Bethany are not designed to handle the extra load from 300 or more homes. Actually, although the land for the elementary schools has been acquired, it is not clear they will be able to get the public to commit to paying for new schools.

Currently, Beaverton School District has no plans to add either Middle Schools or High Schools in the area. The two high schools north of Sunset Highway are already over capacity and will get worse with the build-out of North Bethany. The local middle schools are at or over capacity as well. They will be over-capacity with the build-out of North Bethany. To be clear, there is no plan to use the large increase in land value in North Bethany to fund construction of needed middle schools. In summary, adding additional homes in Lower Springville will exacerbate a bad situation. Also, Lower Springville is not within walking distance of the Beaverton middle schools or high schools. Lower Springville does not have direct access to where the schools are. The buses will have to extend their routes and double back along the same route. It will not be efficient

North Bethany planning includes a great deal of effort to define parks and trails and to locate stores in a way to make it possible to access and use them without driving. Lower Springville is about half as large. It is not clear that it can support its own grocery store. It may be able to. It is too small to support other types of stores. Even now, the development organization of Bethany Town Center is asking Washington County to limit certain types of stores from North Bethany because they will make stores in Bethany Town Center less practical, perhaps making competing stores in both places less practical. Most traffic that would go into Lower Springville would be passing the Bethany Town Center. Bethany Town Center stores would do their best to get the business for themselves.

Lower Bethany does not meet the Infrastructure Factor.

Development: Includes sufficient development capacity to support a healthy economy;

This has been discussed somewhat under the previous factor. The area is sufficiently isolated from other urban areas, that it should be considered absolutely stand-alone. As such, it is too small to support any of the businesses, except possibly a smaller grocery store, that might be described as being the center of an Urban Neighborhood.

As mentioned above, it is too small to support many other specialized businesses such as a restaurant, coffee shop, bookstores. A possibility, though obviously undesirable, would be something like a convenience store associated with a gas station. It is not clear that such a business would be effective because of the economics of getting 'gas' to the station.

To summarize, the area is too small to support a healthy urban economy by itself and is not located in a position to benefit from passing traffic.

Lower Springville does not meet the Development Factor

Public facilities: Can be efficiently and cost-effectively served with public schools and other urban level public facilities and services by appropriate and financially capable service providers;

I addressed most of this previously. This is one of the factors that has an 'and' that appears to create two requirements.

I discussed in an earlier section that this area cannot be serviced by the existing or planned public schools efficiently. In addition actually adding student load either to Portland or to Beaverton, will damage the already impacted performance of the school system.

It is assumed that Water and Sewer would be supplied by Washington County providers. It appears possible that Washington County could provide water, although this is not actually demonstrated.

Washington County has stated that sewer system enhancements are needed along the north side of North Bethany because supporting the housing units there using the sewer along Springville would require almost a total rebuild. This area in North Bethany is smaller than the area of Lower Springville. So, for Washington County to provide sewer service would apparently require a rebuild of this sewer section. Which is to say, the sewer service could not be provided by currently existing and planned facilities.

It is worth noting that this factor was the subject of a lot of smoke and mirrors arguments by the advocates of Lower Springville.

Lower Springville does not meet the Public Facilities requirement.

Transportation: Can be designed to be walkable and served with a well connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;

This was partially addressed in previous topics. Let us concentrate on special topics for this.

Walkable

Lower Springville is a little too small to develop any large central area to which to walk. It may get a large central park. Lower Springville at 480 acres is $\frac{3}{4}$ of a mile square. The eastern portions are therefore $\frac{1}{2}$ mile from the western border. All likely targets of walking such as large parks, shopping areas will be in the center or North Bethany or even further at Bethany Town Center. These are not reasonable walking distances, especially in rainy weather.

Well-connected

The basic issue here is that most traffic out of this area will be via Springville Road and thence to Kaiser/Bethany and on to 185th. The path to the east on Springville and onto Skyline is not practical for a variety of reasons. The roads south are currently at or above capacity and will all be above capacity with the buildout of North Bethany. It is not clear how Lower Springville in Multnomah County can fund road improvements already needed in Washington County. As a simple analysis, 2000 housing units will add something more than 2000 cars to the road for rush hour. 2000 cars at 20 feet each is 40,000 feet of cars lined up end-to-end. 40,000 feet is about 8 miles of cars. There are just about 8 miles of roads in Washington County between Springville and where the jobs are. There currently is not enough rooms on these roads for Lower Springville traffic.

Public Transit:

The Multnomah Citizens Advisory Committee was given technical information by TriMet concerning Objection to Urban Reserve for Lower Springfield Joe Rayhawk

housing densities needed to support public transit.

- 1) For Bus service, density needs to be 18 housing units per acre within 1/4 mile of the bus line.
- 2) Light rail (MAX) service needs density of 24 housing units per acre with 1/2 mile of the transit line.

During 2009, Metro's High Capacity Transit plan deleted all lines north of the Sunset Highway except for an apartment complex just north of the highway and just west of 185th. These are over 2 miles from the Lower Springville.

During 2009, TriMet decreased the frequency of the bus service from the Sunset Transit Center to PCC. The line runs along Springville just south of North Bethany but only West from Kaiser (well west of Lower Springville). This decrease was despite the fact that PCC enrollment is at an all-time high as people take training to try to overcome the unemployment problems. The average walking distance from Lower Springville to the nearest stop on that bus line is more than 1/2 mile.

The vast majority of housing between the transit center and PCC is low density private homes. The current planning for North Bethany varies but is not likely to exceed 10 housing units per BUILDABLE acre. To clarify: The TriMet number of 18 is per actual acre not per buildable acre. In summary, based on technical input from the responsible service provider, Lower Springville cannot be served economically by public service.

Said another way, Lower Springville and the almost nearby areas would be suburbs. Suburban residents do not ride buses.

Appropriate Service Providers:

As mentioned earlier, Portland requested all of this area be designated as Rural Reserves because they did not believe they could provide services.

Again, Beaverton has expressed some interest in the area. It is worth noting that the Beaverton City Council has never held a public meeting at which this topic was discussed. Officially, Beaverton has not legally considered the subject. The Beaverton City Council during open public discussion session with Multnomah County residents agreed that they did not have the time or expertise of the Multnomah Citizens Advisory committee about issues in this area. They agreed to defer to the judgment of the CAC. At their work session to review their official aspirations, they noted in the record that the CAC had recommended the area, including Lower Springville, for Rural Reserves. The actual known and legal actions of Beaverton are that they accept that the area should be Rural Reserves.

Again, there are two miles of land between the Beaverton City Limits and this area.

It should be noted that most public comment by those residents in every venue are that they are not interested in being annexed by Beaverton.

This factor is a little confusing to me with respect to this, but a possible interpretation is that there is 'no appropriate service provider'. The Inter-Governmental Agreements between Metro and the three counties require that a CITY be identified to do planning (and implicitly to provide services) before an Urban Reserves area can be brought into the UGB. These Agreements might be seen as an implementation of this factor: An appropriate service provider (A CITY) must be identified to design a walkable and well-connected system of streets.

There appears to be no such City.

I conclude that the property fails to meet Transportation Factor based on several requirements and does not meet the other requirement based on my several interpretations of its meaning. It is certainly more reasonable conclude that it does not rather than it does.

Natural systems: Can be designed to preserve and enhance natural ecological systems;

First, let me say to it is utterly absurd to think development is going to enhance the ecological system.

Second, developers with absolutely the best intentions and willing to spend a lot of extra money could not preserves the natural ecological system while setting an urban neighborhood on this site. Based on observations, especially of the North Bethany planning, I do not believe that the developers holding options on 200 of the 480 acres can be described as having the best intentions.

This area is covered by SEC-Habitat constraints under Multnomah County rules. This is because it is part of the animal passageway between Forest Park and points west. Most of this is open farmland with some woods covering.

Other parts are covered by SEC-Stream constraints due to Abbey Creek mainstream and tributaries.

Part of Lower Springville is within a Tier I Acquisition area of the Natural Areas Acquisition program of Metro which is funded by a \$167 Million bond approved by the citizens of the three counties to help preserve streams and habitat.

The entire drainage valley of Abbey Creek within Multnomah County is encumbered by overlays called Significant Environmental Concern-Stream and Significant Environmental Concern-Habitat. This is an area of about 3.5 square miles with about 100 landowners. These overlays were enacted to meet various Metro and State Planning Goals.

Let me concentrate on the water quality issues a little.

Urbanizing this area will almost certainly destroy wetlands and just from urbanization require enhancement of wetlands to mitigate for various damages done. There are very few if any wetlands that can be used for such mitigation anywhere along Abbey Creek or Rock Creek. Of particular note, most such wetlands along Abbey Creek will be in areas to be designated in Rural Reserves. It appears that the protection of Rural Reserves will make it difficult to alter these wetlands in support of an urban use. So, it may not be possible to do the usual 'tricks' of mitigating the damages. Note: mitigating is NOT preserving or enhancing.

It is a simple, but perhaps subtle, fact that replacing plants and woods with roads, houses and driveways will increase the volume and speed of storm run-off into the creek. The volume increases because plants and trees absorb water as part of their daily life cycle. This water is evaporated and even combined with carbon as part of the plants they grow.

The combination of increased volume and speed causes increased soil erosion. This gets us into, among other problems, damaging the creek bottoms with silt. Which gets us to protecting the endangered salmonids lower down Abbey Creek per the Federal Endangered Species Act and various state laws. Again, Rock Creek and the first quarter mile of Abbey Creek is 303(d) listed for salmonids.

As a further issue, if the Lower Springville is developed as Low Density Residential, it may prove difficult to enact and enforce policies that will protect wetlands and Abbey Creek from suburban land uses. In particular, both storm-water runoffs and lawn chemical runoff can be issues.

Our area, as a rural area, has vast amount of nasty plants that try very hard to grow everywhere they can find. Among these are blackberries, of course. Blackberries in Oregon 'advance' about 15 feet a year if not 'fought'. A new invasive species is called garlic mustard. It is aggressive in how fast it spreads. It 'poisons' the ground around it to discourage other plants. It actually will displace blackberries. Finally, on this partial list, is stinging nettles.

All of these can be found along Abbey Creek and are known to be on farms in Lower Springville.. Suppressing their annual invasion into the proposed suburban neighborhood is likely to require both Weed-And-Feed products as well as more dangerous (to the creek 'residents') Roundup and Crossbow. To clarify: having a suburban neighborhood surrounded by breeding grounds for nasty and undesirable flora is almost certainly going to cause use of chemicals detrimental to local fauna.

Note: The state-sensitive species of Western Pond Turtles and Northern Red-Legged Frogs are present near Rock Creek and Abbey Creek. The preceding applies to them under the auspices of state laws and goals.

Now switching to larger fauna:

The argument has been made in various places, including Metro documents, that there needs to be a buffer between the lights, noises and smells of a human neighborhood and the habitat passages. There are existing court decision for North Bethany that the powerlines near the western edge of Lower Springville provide such a buffer.

Making Lower Springville Urban would eliminate this buffer extending another ½ mile on the north and a full mile on the south towards Forest Park. The more important damage is likely to come from the ½ mile section in the northwest that 'overlooks' Abbey Creek.

The animals here include a herd of about 40 elk and numerous small deer families. These are part of the reason the general area is a Tier I priority for the Metro Natural Areas program.

The preceding section, and most of the people who testified about the area, have concentrated on the 'nice' animals such as elk and deer.

But this is also a path for: coyotes, raccoons and bobcats. We also have hunting pairs of red-tailed hawks and large owls and many years, a breeding pair of eagles. Other hawks and owls have been reported in Abbey Creek Valley both north and east of Lower Springville.

Our most recent sighting of bobcat on our property was in May, 2010 by a very startled horse rider. We hear a local pack of about 10 coyotes howling every few nights. They move up and down the valley looking for food. Several of our neighbors are having trouble with raccoons visiting their property to take pet food and food from outdoor squirrel and bird feeders.

We had a total of 6 barn cats whose job it is/was to keep the mice and rats in check.

In past years, we lost one cat to a coyote and one to a hawk. Barn cats are a whole lot more country-

wise than house cats. It usually takes a team of coyotes to catch one of these cats.

We and others have expressed concerns about the presence of these extensions suburbia discouraging the use of the passage by the 'nice' animals. I do not think a suburban neighborhood will OR SHOULD tolerate frequent visits by the hunting animals, even if just 'casing the joint' from the other side of a suburban fence. I do not know if there is a practical way to discourage such visits without driving all of the animals away from Lower Springville. Inevitably, this will discourage the animals use of the Abbey Creek passage. There are already issues that North Bethany will cause problems with this. Extending the Urban Neighborhood of North Bethany further east cannot help.

For many reasons, the Peterkort property does not satisfy the Natural Systems Factor.

Range of housing: Includes sufficient land suitable for a range of needed housing types;

There is probably enough land to meet the letter of this rule and perhaps to meet the spirit of this rule.

I will make a stretched argument against it however. Current Metro rules wants a density of 10 housing units per buildable acre. This leads to my estimate of 2000 housing units. As I argued above this will put too much traffic on nearby roads. A possible solution to that would be to build fewer housing units. The developers appear to favor that. Perhaps, this experience is that they make more money per acre from stand-alone homes. But building fewer housing units would lead to not meeting this factor.

It is worth noting also that both apartment dwellers and lower-income housing users have a higher desire for public transportation. And, indirectly, they need to be closer to where the jobs are because they do not have the flexibility to schedule their work times. As such, an area isolated from where the jobs are by 2.5 miles of over-crowded roads are not as economically interesting to those who would use a range of housing types.

I admit that this approach is a stretch, but there is reality behind the argument. While there is sufficient land to build a range of housing types, because of other issues, it is very unlikely that the range of housing types are economical.

In summary, I cannot tell whether or not Lower Springville meets Range of Housing Factor. My biased estimate is that it is more likely that it does not than that it does.

Natural landscape: Can be developed in a way that preserves important natural landscape features included in urban reserves; and

Except for Abbey Creek and to some extent the woods that help form the animal passage, there are few landscape features in this area. In Multnomah CAC meetings, this factor was interpreted more to do with views (such as the West Hills from the Sunset Highway).

I think it is technically possible to develop the area so as to preserve the 'landscape' features mentioned above. But it is marginal. I think the discussion in the preceding section discusses the more important aspects of these features.

It is worthwhile at least mentioning one larger issue. Abbey Creek is a tributary of Rock Creek. Rock Creek is a very challenged tributary of the the Tualatin River. Although the damage done globally
Objection to Urban Reserve for Lower Springfield Joe Rayhawk

by placing an Urban development on Abbey Creek will probably be hard to measure, it is nevertheless a fact that it will cause damage both to Rock Creek and to the river. I am not sure that further degradation of the creek for its many miles through actual urbanized areas fits within the definition here. BUT, it should!

I conclude that the area marginally does not meet the Natural Landscape Factor.

I admit to not understanding this issue well enough, but, part of that is that the woods and creek issues may not be knowable without on-the-ground delineation.

Adverse effects: Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

Again, this is a factor with an 'and' that creates multiple requirements.

Farm Practices

Lower Springville is listed as Constrained Farmland. It has at least two farms. They are involved in Organic Farming and providing local stores with fresh produce. Based on most indications this is both an economically practical form of farming and of increasing value to the community. Urbanizing Lower Springville will make this farming more difficult. This was testified to by the farmers. It is also inherent in the idea of listing them as Constrained Farmland. I believe LCDC is familiar with many of these issues.

Of particular note, while the current owners will retain low tax burdens, it is not possible to pass that onto a new set of owners without some dramatic increase in property values which increase will add a tax burden that makes operating a farm not economical. Literally, the taxes will exceed the available profits. The argument then is that eventually moving the land into the UGB will almost certainly lead to it not being a farm within a generation.

Near Lower Springville are a variety of small agricultural activities such as my horse stables and some fairly substantial forest businesses. The owners of these, including myself, have testified that the local urbanization makes their businesses harder to conduct. Again, I believe this is known to LCDC. My distinction here is that these farm/forestry are nearby rather than within Lower Springville.

Important Natural Landscape Features

The previous discussion in the Natural landscape section extends directly to the impacts that this will have on the nearby section of Abbey Creek. Both the stream and habitat path are important landscape features. Again, Rock Creek is 303(d) listed both for water quality (Clean Water Act) and for salmonids (the Endangered Species Act). So, it is legally an important landscape feature that will be damaged by increased storm-water runoff and soil erosion.

The Peterkort property does not meet the requirements of the Adverse effects factor.

Conclusion with respect to Urban Reserves

The Peterkort property fails by significant 'margin' almost all factors needed to qualify as Urban Reserves. Using the detailed information I have provided, it seems likely that you will decide it fails the others that I, as just a citizen, cannot state unequivocally that it fails.

Factors for Designation of Lands as Rural Reserves

Multnomah County staff and the CAC after many meetings and study indicated this area qualified for Rural Reserve and that it was designated as such in the first version of the Reserves as voted by Metro and all three counties.

I want to review some of the Rural factors using my personal insights because it will reinforce some of the argument as to why it should not be in Urban Reserves. The summary of my notes here is that there are strong reasons why the Peterkort property should be in Rural Reserves. This is in fact a substantial argument against it being in Urban Reserves.

I will review only Section 3 as it is the relevant part.

(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);

This has urban development on two sides. During the last year developers have expended considerable effort on trying to get it into Urban Reserves.

Lower Springfield meets this Requirement.

b) Subject to natural disasters or hazards, e.g. floodplains, steep slopes, areas subject to landslides;

This cuts two ways

- 1) Small portion of the area to be made Urban Reserves appear to be floodplains, wetlands and steep slopes.
- 2) Even avoiding those areas specifically, the increased stormwater runoff will damage the adjacent floodplains.. Construction that involves removal of trees and dirt movement near the steep slopes can weaken the slopes' resistance to landslides. Landslides, even minor ones not involving movement of earth under the homes themselves, can lead to large increase in silt deposit in Rock Creek potentially damaging salmonid breeding.
- 3) Per Dogami Maps, the area is in an earthquake zone from the Oatfield fault. It is projected to be subject to 0.8 G shaking in the worst case earthquake (not necessarily expected within 500 years) and up to 0.35 G shaking with a 10% probability of occurrence within the 50 year time frame.

Only the area near the slopes are likely to be at landslides risk.

c) Important fish, plant or wildlife habitat;

Obviously the two issues here are fish (including 303(d) listing of Rock Creek for salmonids) and wildlife habitat. The latter leading to the inclusion of the area as Tier I for the Metro Natural

Acquisitions process.

The Washington County document suggests that bringing the Peterkort pro

While there is a large variety of wildlife, as mentioned above, it is worth noting that the area has western pond turtles and northern red-legged frogs which are listed by the state as sensitive species.

d) Necessary to protect water quality or quantity, such as streams, wetlands and riparian areas;

Rock Creek is 303(d) listed for Water Quality and has federal protection. Much of the 3.5 square miles of Multnomah County have 300 foot buffers on both sides of Abbey Creek and MANY of its tributaries in an effort to help protect water quality.

This includes sections of Abbey Creek and tributaries with Lower Springville.

Developing a suburban neighborhood in Lower Springville may offset all of the value of restricting the development rights of the 100 landowners in the Abbey Creek valley. Even just a small percentage will offset the benefits likely from the expected expenditures of the Natural Areas Acquisitions.

Placing this in Rural Reserves is necessary to protect water quality.

e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

The wetlands along Abbey Creek and the woods within Lower Springfield are not extensive enough to provide a sense of place other than providing a path for the elk.

f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban and rural uses, or conflicts between urban and natural resource uses;

Again, when North Bethany was brought into the UGB, Lower Bethany was described as the buffer between it and the Rural areas. This was affirmed in court rulings.

g) Provide for separation between cities; and

The Peterkort property does not meet this factor. This appears to be a justification if the area does not meet the previous factors.

h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

The Peterkort property does not meet this factor. Again, this is a factor that appears should be used if the area does not otherwise qualify for Rural Reserves.



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Recipient's Copy

4a Express Package Service

Options for Express Package Service including Priority Overnight, Standard Overnight, 2Day, and Express Saver.

4b Express Freight Service

Options for Express Freight Service including 1Day, 2Day, and 3Day Freight.

6 Special Handling and Delivery Signature Options

Options for special handling (fragile, hazardous, etc.) and signature requirements (direct, indirect, etc.).

7 Payment Bill to:

Payment options including Sender, Recipient, Third Party, Credit Card, and Cash/Check.

606

TRK# 0200 8728 3232 0443

PRIORITY OVERNIGHT

56297-435 RIT 04/10

97301 OR-US PDX

86 SLEA



Detailed Results

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Enter tracking number

[Track](#)

Detailed Results	Notifications
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Tracking no.: 872832320443

Select time format: [12H](#) | [24H](#)

[E-mail notifications](#)

Delivered



Delivered
Signed for by: H.AWLASEWICZ

Shipment Dates

Destination

Ship date [?](#) Jul 13, 2010

SALEM, OR

Delivery date [?](#) Jul 14, 2010 9:06 AM

[Signature Proof of Delivery](#) [?](#)

Shipment Facts

[Help](#)

Service type

Priority Envelope

Delivered to

Receptionist/Front Desk

Shipment Travel History

[Help](#)

Select time zone:

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Jul 14, 2010 9:06 AM	Delivered	SALEM, OR	
Jul 14, 2010 8:09 AM	On FedEx vehicle for delivery	SALEM, OR	
Jul 14, 2010 7:17 AM	At local FedEx facility	SALEM, OR	
Jul 13, 2010 9:13 PM	Left FedEx origin facility	PORTLAND, OR	
Jul 13, 2010 8:34 PM	At local FedEx facility	PORTLAND, OR	
Jul 13, 2010 7:25 PM	At dest sort facility	PORTLAND, OR	
Jul 13, 2010 7:09 PM	Left FedEx origin facility	PORTLAND, OR	
Jul 13, 2010 1:47 PM	Picked up	HILLSBORO, OR	Tendered at FedEx Kinko's, now FedEx Office

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