



TUALATIN RIVERKEEPERS.

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

RE: Objections to Washington County Ordinance 733 and Metro Ordinance No. 10-1238A

Tualatin Riverkeepers objects to provisions of Washington County Ordinance 733 and Metro Ordinance No. 10-1238A, because designation of Cooper Mountain (known alternatively as Area 6B and Special Concept Plan Area A- map attached) in the proposed ordinance does not comply with OAR 660-027-0005 through 660-027-0080, the set of administrative rules that implement SB 1011 codified at ORS 195.137 through 145.

Representing Tualatin Riverkeepers, I raised these objections in written testimony to the Washington County Board of Commissioners on April 27, 2010.

In a letter to the Metro Core 4 dated October 14, 2009, Oregon state agencies cautioned counties and Metro that they should strictly follow the factors in the administrative rules for determining rural and urban reserves:

At times counties have indicated that the rural reserve factors in OAR 660-027-0060 are a "guide" for where rural reserves should be located. The counties and Metro need to be careful to base their decisions on the factors set forth in state statute and rule. These are not "guides" that can be considered along with other policy preferences. While there is much weighing and balancing involved in determining the appropriate designations, the factors set forth in rule can't be skirted in order to achieve other desired policies.

Neither factors for determining urban reserves nor factors for determining rural reserves were followed when area 6B-Cooper Mountain was designated as an urban reserve.

Development of Cooper Mountain Can Not Preserve and Enhance Natural Ecological Systems

OAR 660-027-0050 (5) specifies that Metro shall base its decision on whether the area "Can be designed to preserve and enhance natural ecological systems". According to Clean Water Services 2005 Healthy Streams Plan:

A significant body of scientific evidence that extends across diverse geographic regions, concentrates on many different variable, and employs widely different methods has yielded a similar conclusion: Stream degradation occurs at relatively low levels of

imperviousness, less than 10 percent TIA (Total Impervious Area)(Schuler 2001). Studies by University of Washington (May et al. 2000; Henshaw and Booth 2000,; Booth et al. 1997; Booth and Jackson 1997; Horner et al. 1997) have found that a host of physical habitat and biological characteristics change with increasing urbanization, most rapidly in areas where TIA has increased from 0 to between 5 and 8 percent....the modified hydrology that accompanies urbanization exerts the earliest and, at least initially, the strongest deleterious influences on freshwater systems.

The Healthy Streams Plan was adopted by the Washington County Board of Commissioners acting as the Board of Directors of Clean Water Services.

The National Marine Fisheries Service (NMFS) 4(d) Rule for Threatened Salmon and Steelhead on the West Coast limits (Limit No. 12) Municipal, Residential, Commercial and Industrial Development and Redevelopment (MRCI) to protect salmon and steelhead. In particular NMFS states that "An MRCI development ordinance or plan ensures that development will avoid inappropriate areas such as unstable slopes, wetlands, areas of high habitat value, and similar constrained sites. Metro's 2007 Natural Features Inventory identifies the majority of Area 6B with these constraints. NMFS also states in the 4(d) rule, "An MRCI development ordinance or plan adequately prevents stormwater discharge impacts on water quality and quantity and stream flow patterns in the watershed - including peak and base flows in perennial streams.

Changes in hydrology can sometimes be mitigated through low impact development techniques that infiltrate stormwater into the groundwater system. The NRCS soil survey reveals that 100% of the acreage in Area 6B is "Very limited" for "disposal of wastewater by rapid infiltration" and also "Very limited" for "overland flow treatment of wastewater". According to the Natural Resources Conservation Service, "'Very limited' indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.' With these constraints on stormwater treatment, it is clear that this area cannot be "designed to preserve and enhance natural ecological systems" as required by OAR 660-027-0050 (5).

Cooper Mountain Meets All Rural Reserves Factors for Natural Landscape Features in OAR 660-027-0060(3)

Cooper Mountain is a significant natural landscape feature densely covered with natural resource overlays in Metro's Natural Landscape Features Inventory. Metro's Inventory shows overlays on the majority of the acreage in Area 6B. Close to the UGB in Beaverton it is subject to urbanization (factor a), there are areas of steep slopes (factor b) and contains unique plant communities (factor c). Being the headwaters of several streams, protecting this area is necessary to protect water quality and water quantity (factor d). It provides a sense of place for the region (factor e) and serves as a buffer between the City of Beaverton and agricultural lands to the south and west (factor f). It separates Beaverton with newly proposed urban reserves for Tigard (factor g). It also provides easy access to recreational activities with trails and parks (factor h).

The applicability of all of the Rural Reserves Factors for Natural Landscape Features to Cooper Mountain was explicitly documented in an e-mail from Washington County Commissioner Dick

Schouten to his fellow commissioners, and copied to the Metro Council in an e-mail dated 15 Dec 2009 (attached).

Recommendation to Resolve Objection

Since Cooper Mountain strongly meets every single factor for rural reserves in OAR 660-027-0060(3), we recommend that the entire area labeled as 6B be protected with Rural Reserves designation. Any other designation would be contrary to the Oregon Administrative Rules that specify the factors for protecting Natural Landscape Features with Rural Reserves designation. Further, because of the slopes and headwaters on Cooper Mountain, the area cannot be urbanized cannot be "designed to preserve and enhance natural ecological systems" as required by OAR 660-027-0060(5).

Sincerely,



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