

BEFORE THE METRO COUNCIL

APPROVING THE NATURAL AREAS ACQUISITION
REFINEMENT PLAN FOR THE KILLIN WETLANDS
TARGET AREA

RESOLUTION NO. 07-3844

Introduced by Chief Operating Officer
Michael J. Jordan, with the
concurrence of Council President
David Bragdon

WHEREAS, on March 9, 2006, the Metro Council adopted Resolution No. 06-3672B “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection,” recommending submission for voter approval a general obligation bond to preserve and protect natural areas, clean water, and fish and wildlife (the “2006 Natural Areas Bond Measure” or “Measure”); and

WHEREAS, at the election held on November 7, 2006, the voters approved Ballot Measure 26-80, the 2006 Natural Areas Bond Measure; and

WHEREAS, the Killin Wetlands Target Area was identified in the Measure as one of 27 regional target areas for land acquisition, building on the success of land acquisitions pursuant to Metro’s 1995 Open Spaces Bond Measure Program; and

WHEREAS, as provided in the 2006 Natural Areas Bond Measure, Metro has undertaken a public refinement process to establish specific acquisition strategies, goals, objectives, and a confidential tax-lot specific acquisition target area map for each of the 27 target areas; and

WHEREAS, Metro’s refinement process included the compilation of available information about each target area; biological field visits and expert analysis of maps; interviews with key stakeholders including natural resource experts, property owners, representatives from state and local government agencies, and advocates from water quality, fish, and wildlife preservation interest groups; and eight public open houses at sites throughout the region and a “virtual” open house available via the internet, at which draft refinement plans were made available for public review and participants could share their target area priorities either in-person or electronically; and

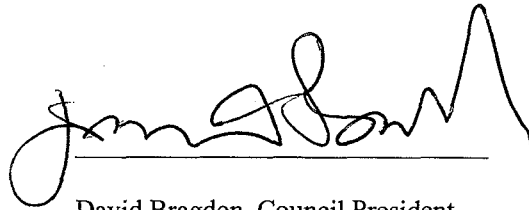
WHEREAS, Metro’s acquisition of properties within the Killin Wetlands Target Area will be in accordance with Metro Resolution 06-3727, “For the Purpose of Establishing Metro Council Policy Regarding the Acquisition of Rural Agricultural Land Pursuant to the 2006 Natural Areas Acquisition and Water Quality Protection Bond Measure,” adopted September 7, 2006; and

WHEREAS, on March 1, 2007, the Council approved Resolution No. 07-3766A, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan,” authorizing the Metro Chief Operating Officer to acquire properties identified on a Council-approved target area “confidential refinement map;” and

WHEREAS, the Council has reviewed the draft refinement plans and considered information it has received from citizens, scientists, advocates, and state and local governments; now, therefore

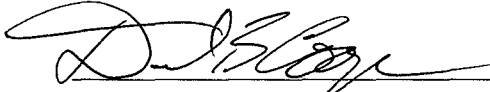
BE IT RESOLVED that the Metro Council adopts the Killin Wetlands Refinement Plan attached hereto as Exhibit A, including the confidential tax-lot specific map reviewed by the Council in Executive Session on September 4, 2007, and signed by Council President David Bragdon, and hereby authorizes the Chief Operating Officer to acquire properties in the Killin Wetlands Target Area consistent with the Council-approved Acquisition Parameters and Due Diligence Guidelines of the Natural Areas Implementation Work Plan.

ADOPTED by the Metro Council this 13th day of September 2007.



David Bragdon, Council President

Approved as to Form:



Daniel B. Cooper, Metro Attorney



**2006 NATURAL AREAS ACQUISITION PROGRAM
KILLIN WETLANDS TARGET AREA REFINEMENT PLAN**

Background

The 1995 refinement goals focused on acquiring the Wetlands to protect unique soil and vegetation characteristics and to provide flood control and water quality benefits and acquiring and protecting areas adjacent to the streams with upland forest habitats. To date, 373 contiguous acres have been protected by Metro at Killin Wetlands including 217 acres of regionally-rare peat soil wetlands and nearly two miles of frontage along Cedar Canyon Creek and nearly a mile of frontage along Park Farms Creek.

The 2006 Natural Areas bond measure stated:

One of the largest peat soil wetlands remaining in the Willamette Valley, this wetlands supports a rare assemblage of plants and animals. Although much of the wetlands is currently in public ownership, acquisition of the remaining portions of the wetlands and main tributaries is essential to the long-term protection of this highly valuable fish and wildlife habitat.

Established scientific findings note that Killin Wetlands is all that remains of an estimated 10,000 acres of willow swamp and marsh that occurred historically in the Willamette Valley prior to pioneers settling in the area in the 1850s. Loss of this vegetation type appears to be about 98% in the region. In addition, the last stands of Geyer willow in the Willamette Valley are found here and the site supports a robust and growing breeding population of the state-sensitive red-legged frog.

On September 7, 2006, the Metro Council passed Resolution 06-3727 “For the Purpose of Establishing Metro Council Policy Regarding the Acquisition of Rural Agricultural Land Pursuant to the 2006 Natural Areas Acquisition and Water Quality Protection Bond Measure.” This resolution provides direction to staff for land acquisition in target areas with rural agricultural land. The Killin Wetlands target area is one such area. During the refinement process representatives from various agricultural interests were consulted. Within this target area, land acquisition will be pursued in accordance with both the letter and the spirit of this resolution. Water quality and habitat protection are the primary focus for land acquisition. When contact is made with landowners, Metro staff will offer to purchase a conservation easement to protect the natural resources identified in this Refinement Plan. If the landowner prefers a fee title sale, Metro will purchase the land and will identify areas which are essential to achieve water quality and habitat protection goals and which are viable for agricultural use without conflict. Metro will offer this agricultural land for sale subject to a conservation easement. At the time habitat restoration commences, potential impacts to adjacent agricultural properties will be addressed.

Target Area Description

The Killin Wetlands near the city of Banks represents the last two percent of Willamette Valley scrub-shrub marsh on organic peat soils that was present before pioneers settled the area in the 1850s. It supports rare plants and animals, including one of the largest contiguous stands of an uncommon willow species, Geyer willow, as well as a robust and growing breeding population of the state-sensitive red-legged frog. Cutthroat trout have been documented to occur in the west fork of Dairy Creek and likely use the Killin Wetlands and the adjacent floodplain and ditches as migration and rearing habitat. Known to local birders for years as Cedar Canyon Marsh, it is the place to see (or at least hear) three elusive marsh birds: the American bittern, sora and Virginia rail. These ecologically significant wetlands provide excellent wildlife habitat, floodwater storage and water quality improvement by filtering agricultural runoff. Farm uses and growers have helped maintain the rural character of the area and provided stewardship of this area for decades

Refinement Process

During the refinement process, Metro staff compiled available information about the Killin Wetlands target area, analyzed maps and conducted biological field visits. Individuals were interviewed representing various governmental agencies, property owners, interested friends groups and natural resource experts. The key concerns expressed during the interviews are summarized in Attachment 1.

Public open houses to discuss the proposed Refinement Plan were held on June 14, 2007 at the Tualatin Hills Nature Park Interpretive Center and on June 26, 2007 at the Forest Grove Community Auditorium, two of eight such open houses held throughout the region. Notices of the open houses were mailed to area residents and other interested citizens. Metro also conducted a “virtual” open house by making target area informational materials, including maps, available “online” via the internet and allowing participants to share their target area priorities electronically. A total of 527 people attended the regional open houses, and the online open house had 6,363 visits from 3,419 unique visitors. More than 700 target surveys were submitted either in person or online. Eleven people responded to the Killin Wetlands survey. A copy of the survey questionnaire is included as Attachment 2. The map associated with the questionnaire for this target area is included as Attachment 3, and complete survey results are included as Attachment 4.

Findings

- The Killin Wetlands has several unique natural resource features that were well characterized by the Nature Conservancy/Oregon Natural Heritage Program in 1991. That report described the wetlands as “all that remains of an estimated 10,000 acres of willow swamp and marsh that occurred on poorly drained Labish, Semiahmoo and Wapato soils in Oregon’s Willamette Valley. Loss of this vegetation type appears to be about 98 percent”.
- The last stands of Geyer willow (*Salix geyeriana*) in the Willamette Valley occur at the Killin Wetlands site.
- The Killin Wetlands natural area is the Geyer willow-Hooker willow shrub swamp Ecosystem Cell (an EC is a site representing the best available location for a particular native plant assemblage) for the Willamette Valley.
- The site supports a robust and growing breeding population of the state-sensitive red-legged frog (*Rana aurora aurora*).
- An active bald eagle (*Haliaeetus leucocephalus*) nest occurs just off of Metro property to the east of Dairy Creek.
- Cutthroat trout (*Oncorhynchus clarki*) have been documented to occur in the west fork of Dairy Creek and likely use the Killin Wetlands and adjacent floodplain and ditches as migration and rearing habitat.
- The site is large enough to remain viable if buffered with other lands to provide resource protection and reduce potential conflicts with farm uses.
- There are opportunities for acquisition and/or easements on adjacent properties that have become wetter over the past 10 years or have only marginal farming value.
- In addition to preserving the wetland area, stakeholders have an interest in protecting upland areas along tributaries, to minimize erosion and development impacts to the wetlands.
- There is increasing demand from the public to view and enjoy the wildlife within the wetlands, necessitating a need for a safe public parking area or pull out. Acquisition of lands to improve access to the site would provide a significant public benefit.
- The wetlands offer tourism and educational opportunities for the public, with potential access and tie-ins to Highway 6 and the Banks-to-Vernonia bicycle/pedestrian trail.

- Working cooperatively with several partners such as the Natural Resources Conservation Service, Ducks Unlimited and the Tualatin Riverkeepers, Metro has restored native wetlands vegetation to about 60 acres of the current holdings.
- A need exists for continuing cooperative partnerships with the Washington Farm Bureau and other area agricultural interests.
- A total of 11 people completed the survey for Killin Wetlands. Additional commentary was provided orally at the open house, most of which was consistent with the written responses. In rank order, the public priorities were:
 1. *Map area A* – Protect additional lands adjacent to the Killin Wetlands natural area to augment the protection of the unique peat soil types and associated native plant communities, buffer the protected wetlands and expand flood control and water quality benefits.
 2. *Map area B* – Protect natural corridors along creek tributaries that feed into Killin Wetlands to protect wildlife habitat and water quality.

Goal

Although much of the Killin Wetlands is currently in public ownership, acquisition of the critical remaining portions of the Wetlands and main tributaries will build on the public's investment to date and ensure long-term protection and public enjoyment of the highly valuable fish and wildlife habitat in one of the largest remaining peat soil wetlands in the Willamette Valley.

Objectives

A target area map showing the tiered objectives described below is included as Attachment 5.

Tier I Objective

- Protect additional lands adjacent to the Killin Wetlands Natural Area for habitat protection and to provide wildlife viewing opportunities.

Tier II Objective

- Protect natural corridors along creek tributaries that feed into Killin Wetlands to protect wildlife habitat and water quality.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3844, APPROVING THE NATURAL AREAS ACQUISITION REFINEMENT PLAN FOR THE KILLIN WETLANDS TARGET AREA

Date: September 13, 2007

Prepared by: Jim Desmond
Kathleen Brennan-Hunter

BACKGROUND—REFINEMENT PROCESS

The Natural Areas Bond Measure (Resolution No. 06-3672B, “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection,” adopted by the Metro Council March 9, 2006) provided that Metro would undertake a “Refinement Process” to “gather additional information about each individual target area and begin zeroing in on particular parcels that would be valuable to acquire” (Exhibit A to Resolution No. 06-3672B). In addition, the Natural Areas Implementation Work Plan (Resolution No. 07-3766A, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan,” adopted by the Metro Council on March 1, 2007) authorized the Metro Chief Operating Officer to acquire properties without further Council approval if they have been identified on a Council-approved target area “confidential refinement map.” To implement those directives, the Refinement Plans for each target area contain overall target area objectives and confidential tax-lot specific target area maps identifying priority properties for acquisition, enabling Metro staff to begin the acquisition of property and property rights as detailed in the Natural Areas Implementation Work Plan.

On September 7, 2006, the Metro Council passed Resolution 06-3727 “For the Purpose of Establishing Metro Council Policy Regarding the Acquisition of Rural Agricultural Land Pursuant to the 2006 Natural Areas Acquisition and Water Quality Protection Bond Measure.” This resolution provides direction to staff for land acquisition in target areas with rural agricultural land. The Killin Wetlands target area is one such area. During the refinement process representatives from various agricultural interests were consulted. Within this target area, land acquisition will be pursued in accordance with both the letter and the spirit of this resolution. Water quality and habitat protection are the primary focus for land acquisition. When contact is made with landowners, Metro staff will offer to purchase a conservation easement to protect the natural resources identified in this Refinement Plan. If the landowner prefers a fee title sale, Metro will purchase the land and will identify areas which are essential to achieve water quality and habitat protection goals and which are viable for agricultural use without conflict. Metro will offer this agricultural land for sale subject to a conservation easement. At the time habitat restoration commences, potential impacts to adjacent agricultural properties will be addressed.

Additional background information, target area information, a description of the specifics of the refinement process regarding this target area, and the refinement plan’s findings, goals, and objectives are described in further detail in Exhibit A to this resolution, the Killin Wetlands Target Area Refinement Plan.

ANALYSIS/INFORMATION

1. **Known Opposition**

None.

2. **Legal Antecedents**

Resolution No. 06-3672B “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection,” adopted on March 9, 2006.

The voters’ approval of Metro’s 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

Resolution No. 07-3766A “Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan,” adopted by the Metro Council on March 1, 2007, established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

3. **Anticipated Effects**

Acquisition of natural area properties in the Killin Wetlands target area to achieve the goals and purposes of the 2006 Natural Areas Bond Measure.

4. **Budget Impacts**

The FY 2007-08 budget includes budgetary authority to purchase \$35 million in natural area lands, with an additional \$15.4 million in contingency, if necessary. It is estimated, based on historical spending patterns, that this authority will be sufficient to cover the anticipated acquisition activity for this fiscal year. Additional unappropriated fund balance (\$64 million) exists for land acquisition in future years, along with the authority to issue up to an additional \$102 million in General Obligation bonds in support of this program.

RECOMMENDED ACTION

Staff recommends adoption of Resolution No. 07-3844.

Summary of Comments from Stakeholder Interviews for Killin Wetlands Target Area

Stakeholder(s) Interviewed

Brian Wegener, Tualatin Riverkeepers
Sue Marshall, Tualatin Riverkeepers
Sue Beilke, Tualatin Riverkeepers
Ramsay Weit, Tualatin Riverkeepers
Segeni Meingae, Tualatin Riverkeepers
Sue McCloud, Tualatin Riverkeepers
John Driscoll, Tualatin Riverkeepers
April Allison Tualatin Riverkeepers
Jim Sitzman, area resident
Kendra Smith, Clean Water Services
Bob VanderZanden, Washington County Farm Bureau

Key Themes Discussed

Value of Wetlands

- The wetlands are a very significant resource, especially as a habitat for birds.
- Fish habitat connections could be improved by including tributaries at the west.
- Peat soil wetlands are worth saving and expanding.
- There are eagle nests in the area, and significant amphibian activities (with salamander eggs) in the wetland.

Public Access

- The area could be connected to the Banks-Vernonia Trail.
- Many people currently try to visit the wetlands and there are no safe places to park. This also causes impacts to neighbors.
- Need to accommodate 6 – 10 cars and a school bus.
- Need wildlife viewing sites, history and restoration interpretation.
- There are opportunities for education: demonstration project, interpretive site for public (with before and after photos).
- Tie into coastal tourism.

Threats

- Park Farms Creek drainage basin is degraded – there has been a decline in frog and fish population
- Concern about destabilization of soil near waterways. Some areas are being cleared and they're seeing erosion
- Livestock are contributing to water quality degradation of streams
- Area is prone to flooding
- Concerns about quality of the earthen dam at the nearby man-made lake
- Concern about protecting tree stands along Killin Road

Opportunities

- Corridors of three small creeks on the north side will help protect water quality and fish habitat from rural development
- Protecting uplands would be an opportunity to improve water quality
- Favor riparian corridor protection over wetland, flood plain and upland parcels (even though these are also important)
- Dairy Creek is cold-water fish habitat
- Could increase water flows from holding ponds

Flooding and conflicts with agriculture

- The Washington Farm Bureau views Killin as an example of Metro ownership not working well with agricultural uses. Fair or not, the perception is that flooding on the bottomland properties to the west has increased. That being said, they see that the relationship is improving.

Miscellaneous Comments

- The old federal fish ladder near Cedar Canyon Road should be removed – it affects habitat

QUESTIONNAIRE

TARGET AREA: KILLIN WETLAND

In November 2006 voters directed the Metro Council to extend a regionwide program and acquire between 3,500 and 4,500 acres of additional natural areas to protect water quality and fish and wildlife habitat and to provide future generations opportunities for greater access to nature. Now it's time for the Metro Council to refine priorities in the 27 regional natural areas and trail corridors targeted for acquisition. The 2006 program will provide additional funding for protection goals in this target area.

The Metro Council wants your ideas and input. We've been talking with scientists, land-use experts, groups and individuals who have special knowledge about the natural resource values and community visions for these areas. With this information Metro has begun to identify the potential strategies and opportunities that will achieve the best results. Now we need to know: Do we have it right? What have we missed? What is most important to you?

2006 NATURAL AREAS BOND DESCRIPTION FOR THIS TARGET AREA

One of the largest peat soil wetlands remaining in the Willamette Valley, this wetland supports a rare assemblage of plants and animals. Although much of the wetland is currently in public ownership, acquisition of the remaining portions of the wetland and main tributaries is essential to the long-term protection of this highly valuable fish and wildlife habitat.

QUESTIONS

- 1. The following priorities were identified in the Killin Wetland target area based on scientific information about benefits to water quality, habitat diversity, wildlife connectivity and/or restoration potential and from information provided by key stakeholders in the area. Rank in order of importance to you from 1 to 3, with 1 being the most important and 3 being the least important.**

 - _____ Protecting additional lands adjacent to the Killin Wetland natural area to augment the protection of the unique peat soil types and associated native plant communities, buffer the protected wetlands and expand flood control and water quality benefits. **(Map area A)**
 - _____ Protecting natural corridors along creek tributaries that feed into Killin Wetland to protect wildlife habitat and water quality. **(Map area B)**
 - _____ Metro should acquire no additional lands in this target area and focus on land management activities.
- 2. In general, what should be emphasized in the Killin Wetland target area? Rank in order of importance to you from 1 to 4, with 1 being the most important and 4 being the least important.**

 - _____ Preserving floodplain wetlands to protect water quality and wildlife habitat.
 - _____ Preserving natural corridors along creeks and tributaries to protect water quality and wildlife habitat.
 - _____ Providing a buffer between urban development and farmland.
 - _____ Providing people with wildlife watching opportunities by providing an improved off-road access point and reducing impact to local area traffic.

3. **Are there other priorities that the Metro Council should consider in the Killin Wetland target area? Please be specific.**

4. **In what ways can Metro's Natural Areas Program be compatible with agricultural uses in the Killin Wetland target area?**

5. **Do you have suggestions about partnerships Metro should pursue or other innovative ways to leverage regional funding and enhance this natural area?**

6. **Are you interested in participating in Metro's Natural Areas program by selling or donating your property or selling or donating a conservation easement on your property?**

Yes No If yes, please be sure to provide your contact information below.

7. **Do you have any other comments about this target area?**

Please add my name to the Killin Wetland target area mailing list for future information, public meetings and events.

Name _____

Address _____

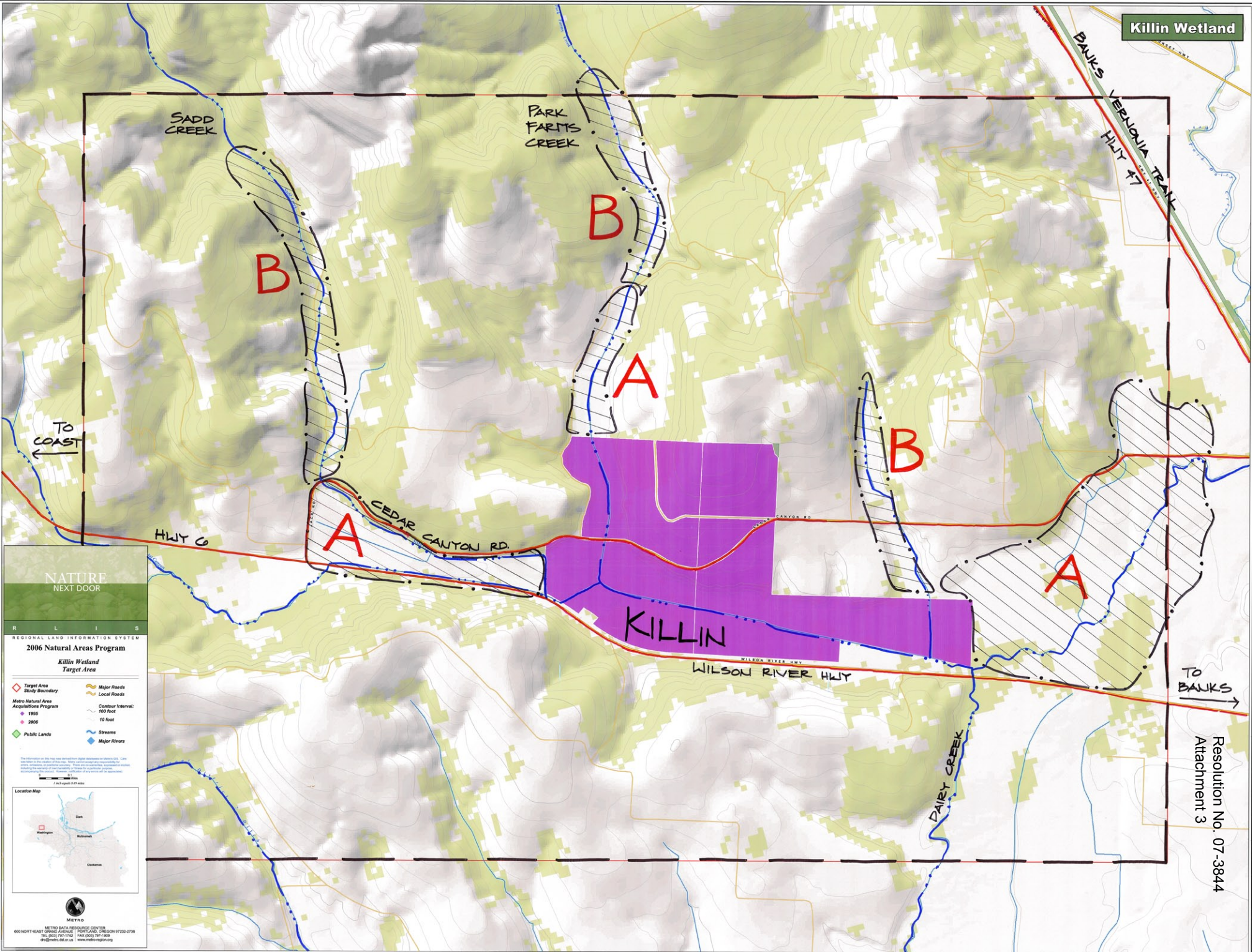
City/State/Zip _____

Phone _____

E-mail _____

**You may complete this questionnaire online at
www.metro-region.org/naturalareas**

or mail it to Metro at
600 NE Grand Avenue, Portland, OR 97232
(503) 797-1741



NATURE NEXT DOOR

REGIONAL LAND INFORMATION SYSTEM

2006 Natural Areas Program

Killin Wetland Target Area

Target Area Study Boundary	Major Roads
Metro Natural Area Acquisitions Program	Local Roads
1995	Contour Interval: 100 foot
2006	10 foot
Public Lands	Streams
	Major Rivers

The information on this map was derived from digital elevation on Metro GIS. Contour lines are based on a 100-foot interval. Metro GIS does not warrant the accuracy of the information shown on this map. Metro GIS is not responsible for any errors or omissions on this map. Metro GIS is not responsible for any damages or liabilities arising from the use of this map.

Scale: 1 inch equals 625 feet

Location Map

METRO

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WWW.METRO.ORG

Killin Wetlands Survey Results

1. The following priorities were identified in the Killin Wetland target area based on scientific information about benefits to water quality, habitat diversity, wildlife connectivity and/or restoration potential and from information provided by key stakeholders in the area. Rank in order of importance to you.

	most important		least important	Rating Average	Response Count
Protecting additional lands adjacent to the Killin Wetland natural area to augment the protection of the unique peat soil types and associated native plant communities, buffer the protected wetlands and expand flood control and water quality benefits. (Map area A)	40.0% (4)	60.0% (6)	0.0% (0)	1.60	10
Protecting natural corridors along creek tributaries that feed into Killin Wetland to protect wildlife habitat and water quality. (Map area B)	40.0% (4)	40.0% (4)	20.0% (2)	1.80	10
Metro should acquire no additional lands in this target area and focus on land management activities.	28.6% (2)	0.0% (0)	71.4% (5)	2.43	7
	<i>answered question</i>				10
	<i>skipped question</i>				1

2. In general, what should be emphasized in the Killin Wetland target area? Rank in order of importance to you.

	most important			least important	Rating Average	Response Count
Preserving floodplain wetlands to protect water quality and wildlife habitat.	70.0% (7)	20.0% (2)	10.0% (1)	0.0% (0)	1.40	10
Preserving natural corridors along creeks and tributaries to protect water quality and wildlife habitat.	30.0% (3)	70.0% (7)	0.0% (0)	0.0% (0)	1.70	10
Providing a buffer between urban development and farmland.	0.0% (0)	0.0% (0)	50.0% (5)	50.0% (5)	3.50	10
Providing people with wildlife watching opportunities by providing an improved off-road access point and reducing impact to local area traffic.	0.0% (0)	10.0% (1)	40.0% (4)	50.0% (5)	3.40	10
	<i>answered question</i>				10	
	<i>skipped question</i>				1	

3. Do you have suggestions about partnerships Metro should pursue or other innovative ways to leverage regional funding and enhance this natural area? If so, please specify.

Continue joint venture partnerships w/ Ducks Unlimited, OWEB, US Fish and Wildlife etc. to leverage Metro's investments. North American Wetlands Conservation Act and Wetlands Reserve Program may be options (see comments re Wapato Lake). Also potential to tap market for ecosystem services (contact Willamette Partnership).

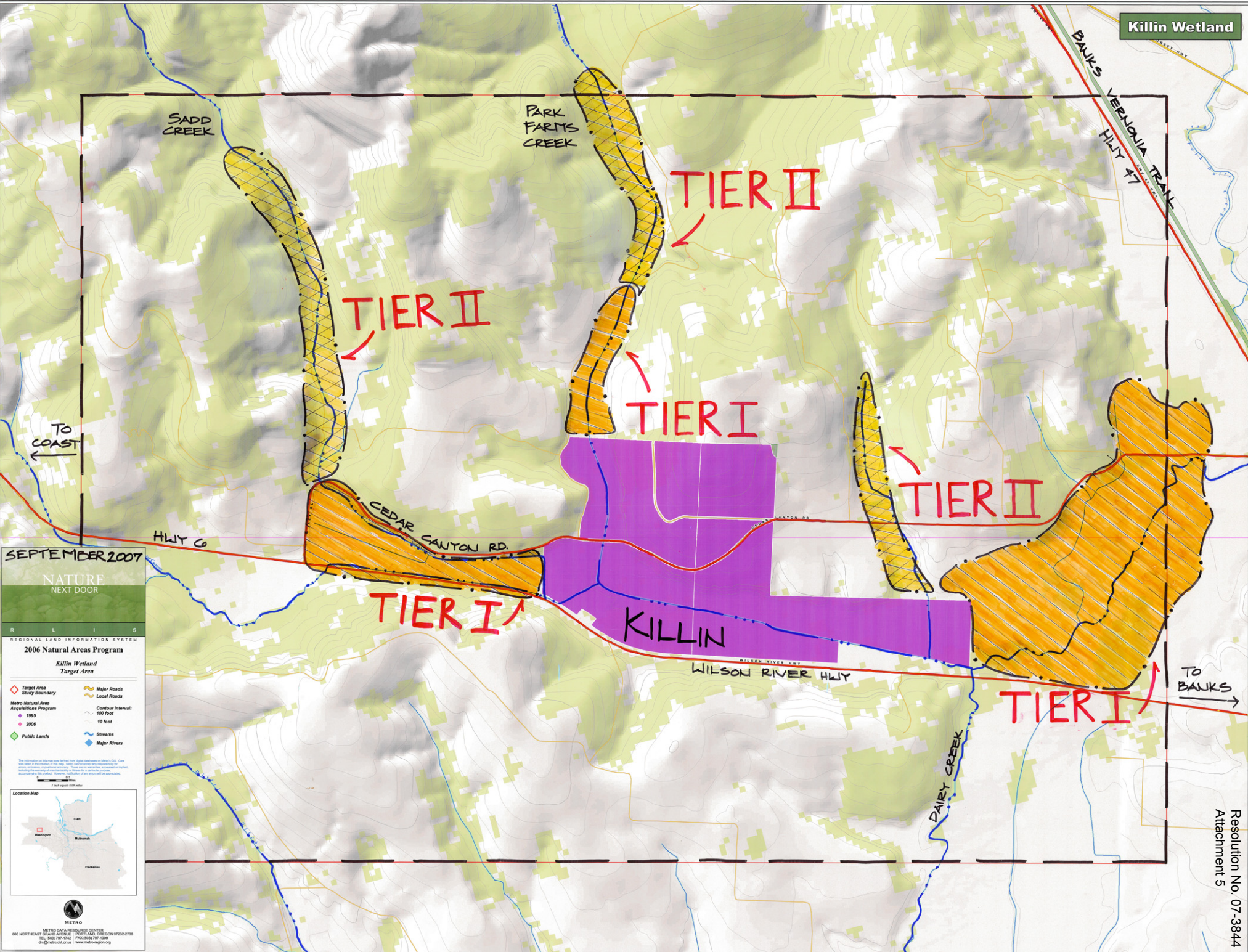
4. Do you have any other comments about this target area? If so, please specify.

I am very pleased to see you considering this area, which I have visited frequently. I think it is a terrific place that absolutely warrants protection under the open space program.

Killin Wetland is a very, very special place and I'm so glad it is on your list to protect. Please make it a very high priority.

No outside UGB

Great rare relatively natural wetland. Metro has done good job here, should take advantage of opportunity to build on past investments.



SEPTEMBER 2007
NATURE
NEXT DOOR

REGIONAL LAND INFORMATION SYSTEM
2006 Natural Areas Program
Killin Wetland
Target Area

- ◊ Target Area Study Boundary
- ◊ Metro Natural Area Acquisition Program
 - ◊ 2005
 - ◊ 2006
- ◊ Public Lands
- Major Roads
- Local Roads
- Contour Interval:
 - 100 foot
 - 10 foot
- Swamps
- Major Rivers

The information on this map was derived from digital data on file at MRS. Care was taken to ensure the accuracy of the information shown on this map. However, the user should verify the accuracy of the information shown on this map before using it for any purpose. Metro is not responsible for any errors or omissions on this map.



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