

BEFORE THE METRO COUNCIL

APPROVING THE NATURAL AREAS ACQUISITION
REFINEMENT PLAN FOR THE DEEP CREEK AND
TRIBUTARIES TARGET AREA

RESOLUTION NO. 07-3853

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 Deep Creek and Tributaries Target Area was identified in the Measure as one of 27 regional target areas for land acquisition; 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

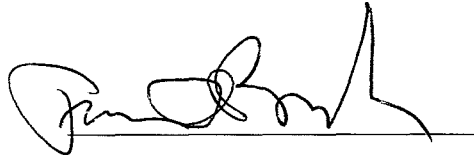
WHEREAS, Metro’s refinement process included the compilation of available information about each target area; biological field visits and expert analysis of maps; interviews with key stakeholders including natural resource experts, property owners, representatives from state and local government agencies, 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, 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 Deep Creek and Tributaries 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 Deep Creek and Tributaries 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
DEEP CREEK TARGET AREA REFINEMENT PLAN**

Background

The 2006 Natural Areas bond measure stated:

The intact, steeply wooded slopes of Deep Creek canyon in eastern Damascus hold some of the largest contiguous wildlife habitat remaining in the region. The creek's sweeping alignment serves as the principal corridor connecting the Clackamas River to habitat areas within the more urbanized portions of the county. The corridor includes the Cazadero Trail that will link Gresham, Barton and public lands in the area. It will also complete the Springwater Corridor from downtown Portland to Barton.

A biological assessment conducted for this target area noted that the mainstem of Deep Creek and the North Fork of Deep Creek provide excellent habitat for fish passage and spawning. The North Fork of Deep Creek provides an essential wildlife corridor connecting the Butler Ridge and Sunshine-Tower-Zion Buttes to the Clackamas River. It has been noted that Noyer Creek has good water quality and habitat for terrestrial wildlife because of its undeveloped and contiguous forest but does not have fish passage because of a natural barrier.

Target Area Description

Deep Creek serves as the wildlife corridor connecting the Clackamas River (and the Cascades to the east) to the East Buttes area of Gresham and the urbanizing Johnson Creek watershed. The proposed Cazadero Trail route follows the North Fork of Deep Creek Canyon from Boring and Damascus to Barton.

Deep Creek and its tributaries are significant habitat for coho, spring Chinook, wild winter steelhead, migratory and resident cutthroat trout, and lamprey eel. Key natural resources of concern include threatened wild winter steelhead and coho salmon.

Besides offering significant habitat for wildlife and fish, the creek and its tributaries are also important to water quality as they enter the Clackamas River above municipal water intakes. As the name Deep Creek indicates, areas along the creek are mostly steep and forested with moderate to large Douglas fir, cedar and hardwoods. Deep Creek and its tributaries are a feature in several of Metro's Natural Areas Program target areas.

Refinement Process

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

A public open house to discuss the proposed Refinement Plan was held on June 25, 2007 at Boring Middle School, one 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. Eighteen people completed the Deep Creek and Tributaries 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

Scientific

- Deep Creek and its tributaries are divided into four distinct areas: Lower Deep Creek, Upper Deep Creek, North Fork of Deep Creek and Noyer Creek.
- Lower Deep Creek is considered the main stem of Deep Creek between the confluence with the Clackamas River to the confluence of the North Fork. It provides a significant spawning habitat for Chinook, Coho and Steelhead and is a migratory corridor to upstream tributaries.
- Upper Deep Creek extends east from the North Fork to Tickle Creek. Its habitat conditions are considered very good for fish – Upper Deep Creek produces the highest number of migrating Coho in the lower Clackamas basin.
- The side slopes of upper Deep Creek are considerably less steep and therefore have a higher threat of development and logging.
- The North Fork of Deep Creek extends north from the main stem of Deep Creek at Boring and traverses north to Boring. The North Fork is occasionally used for spawning by Coho. The North Fork suffers from serious water quality impacts from sediments and nutrients from upstream sources. A power line corridor follows the North Fork that allows for vectors of noxious weed invasions. The Cazadero Trail offers access in and along the North Fork of Deep Creek.
- Noyer Creek traverses north from lower Deep Creek to Damascus. Noyer Creek has a natural waterfall near the mouth that prevents fish passage. Noyer Creek is a steep gradient stream tributary with limited access and development potential due to steep side slopes.
- Japanese Knotweed, Himalayan Blackberry and Reed Canary Grass are noxious invasive weeds found along Deep Creek and its tributaries.

Stakeholder

- Deep Creek and its tributaries is a regionally significant natural area due to its valued habitat for fish and wildlife. This area also provides an important wildlife corridor connecting the Clackamas River to the East Buttes target area.
- Current zoning and development regulations may not adequately protect natural resource lands.
- Development pressures are strongest for lower Deep Creek as it lies within the Urban Growth Boundary, is bordered by Hwy 224.
- Noyer Creek and the North Fork of Deep Creek are outside the Urban Growth Boundary, so the urban-level development pressure will only come from Measure 37 claims or future expansion of the Urban Growth Boundary. Logging within and near the creeks is a threat.
- Despite records of poor water quality, Deep Creek and its tributaries are relatively undisturbed by current development patterns. There is little urban development in the area and the density of impervious surfaces is very low. However, future urban development in the City of Damascus and in the Boring area will threaten this target area by adding impervious surfaces, increasing the volume and velocity of stormwater moving through these streams.
- Water quality in the North Fork is lower than other tributaries to the Clackamas River including Richardson Creek, Clear Creek and Eagle Creek.
- The main stem of Deep Creek has better water quality than North Fork and Noyer Creek because there is less development in the upper watershed and it has intact riparian vegetation.
- The route of the Sunrise Parkway from 172nd east through Damascus to Highway 26 could impact wildlife corridors connecting East Buttes to the Clackamas River. Acquiring land between the

North Fork and Zion Butte would help ensure wildlife corridors are preserved when the Parkway is completed.

- Wildlife including spotted owls and sensitive bat species are likely present in the Deep Creek target area. These species prefer large stands of closed canopy forests that exist along Deep Creek and its tributaries.
- Deep Creek is noted to be excellent habitat for migratory birds.

Survey Results

- 18 people completed the Deep Creek and Tributaries survey. 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 B* – Protect undeveloped natural areas within the canyons of the North Fork of Deep Creek to the trailhead for the Cazadero Trail in Boring to support water quality and fish habitat.
 2. *Map area A* – Protect undeveloped natural areas within the canyons of upper Deep Creek above the confluence with the North Fork to Amisigger Road to support water quality and fish.
 3. *Map area C* – Protect lands along Lower Deep Creek from the North Fork to the confluence with the Clackamas River.
 4. *Map area D* – Protect land along the unnamed tributary north of the North Fork of Deep Creek to provide wildlife habitat connectivity between Zion Butte and Deep Creek. This is also identified as a priority in the East Buttes target area.
 5. *Map area E* – Protect forested lands in the Noyer Creek canyon to support water quality.

Goals

- Preserve and protect the canyons and streams of Deep Creek that provide vital natural areas and green space for water quality, fish, and wildlife habitat.
- Protect the North Fork of Deep Creek to connect the Clackamas River to the Zion-Tower-Sunshine-Butler Ridge system of linked wildlife habitat.

Objectives

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

Tier I Objectives

- Acquire land to protect forested areas in the canyons of the North Fork of Deep Creek to Boring.
- Acquire land along unnamed tributary connecting the North Fork of Deep Creek to Zion Butte.

Tier II Objectives

- Protect lands along Lower Deep Creek from the North Fork to the confluence with the Clackamas River.
- Protect undeveloped natural areas within the canyons of upper Deep Creek above the confluence with the north fork to Amisigger Rd. to support water quality.

Partnership Objective

- Pursue opportunities for leveraging regional funds and/or managing properties with Oregon State Parks, Three Rivers Land Conservancy, Damascus, Boring, Clackamas County and the Clackamas River Basin Council.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 07-3853, APPROVING THE NATURAL AREAS ACQUISITION REFINEMENT PLAN FOR THE DEEP CREEK AND TRIBUTARIES 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.

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 Deep Creek and Tributaries 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 Deep Creek and Tributaries 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. 07-3853.

Summary of Comments from Stakeholder Interviews for Deep Creek Target Area

Stakeholder(s) Interviewed

Thomas Grey, Barton Park Ranger (Clackamas County)
Tim Shibahara, PGE
Jayne Cronlund, Three Rivers Land Conservancy
Dean Apostol, Landscape Architect
Todd Alsbury, ODFW
Andy Cotugno, Metro

Key Themes Discussed

Water Quality

- The North Fork of Deep Creek and Noyer Creek are both highly impacted by adjacent development are water quality compromised (heavily influenced by siltation from farming).
- Agricultural water withdrawals for nursery irrigation from Deep Creek affect water quality and temperature.
- Groundwater withdrawals for agricultural use within the watershed basin reduce summer water flows and levels which affects water quality and temperature of Deep Creek.
- The mainstem of Deep Creek has good water quality conditions because there is less development in the upper watershed and has intact riparian vegetation.
- Water quality in the North Fork is worse than other tributaries to the Clackamas including Richardson Creek, Clear Creek, and Eagle Creek. Much of the surrounding land uses around Deep Creek are agricultural. It is believed that the agricultural non-point source pollution attribute to the poorer water quality of the North Fork.

Wildlife Habitat

- Deep Creek is a regionally significant natural area due to its valued habitat for fish and wildlife. Deep Creek is also an important wildlife corridor connecting the Clackamas River to the East Buttes.
- The route of the Sunrise Parkway from 172nd east through Damascus to Highway 26 will be a major factor that could affect potential wildlife corridors connecting East Buttes and the Clackamas River. Acquiring land between the North Fork and Zion Butte before the planning stages would ensure future wildlife corridors.

Land Use / Urban / Rural Form

- Current Damascus and Clackamas County Zoning and development regulations may not provide sufficient protections for local natural resource lands, thus it is hard to predict if the steep wooded slopes of the Deep Creek canyon will be protected by regulations or will need to be acquired.
- The biggest threat to Deep Creek and its tributaries is development.

QUESTIONNAIRE

TARGET AREA: DEEP CREEK AND TRIBUTARIES

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. Initial estimates are that a minimum of 200 acres of land would be protected within 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

The intact, steeply wooded slopes of Deep Creek canyon in eastern Damascus hold some of the largest contiguous wildlife habitat remaining in the region. The creek's sweeping alignment serves as the principal corridor connecting the Clackamas River to habitat areas within the more urbanized portions of the county. The corridor includes the Cazadero Trail that will link Gresham, Barton and public lands in the area. It will also complete the Springwater Corridor from downtown Portland to Barton.

QUESTIONS

- 1. The following priorities were identified in the Deep Creek 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 5, with 1 being the most important and 5 being the least important.**

- _____ Protecting undeveloped natural areas within the canyons of upper Deep Creek above the confluence with the North Fork to Amisigger Road to support water quality and fish. **(Map area A)**
- _____ Protecting undeveloped natural areas within the canyons of the North Fork of Deep Creek to the trailhead for the Cazadero Trail in Boring to support water quality and fish habitat. **(Map area B)**
- _____ Protecting lands along Lower Deep Creek from the North Fork to the confluence with the Clackamas River. **(Map area C)**
- _____ Protecting land along the unnamed tributary north of the North Fork of Deep Creek to provide wildlife habitat connectivity between Zion Butte and Deep Creek. This is also identified as a priority in the East Buttes target area. **(Map area D)**
- _____ Protecting forested lands in the Noyer Creek canyon to support water quality. **(Map area E)**

2. In general, what should be emphasized in the Deep Creek 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 forested upland habitat for wildlife.
- _____ Preserving streams and creeks to maintain water quality.
- _____ Protecting wildlife corridors between the East Buttes and the Clackamas River.
- _____ Providing public access to natural areas for recreation and wildlife watching.

3. Are there other priorities that the Metro Council should consider in the Deep Creek target area? Please be specific.

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

5. 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.

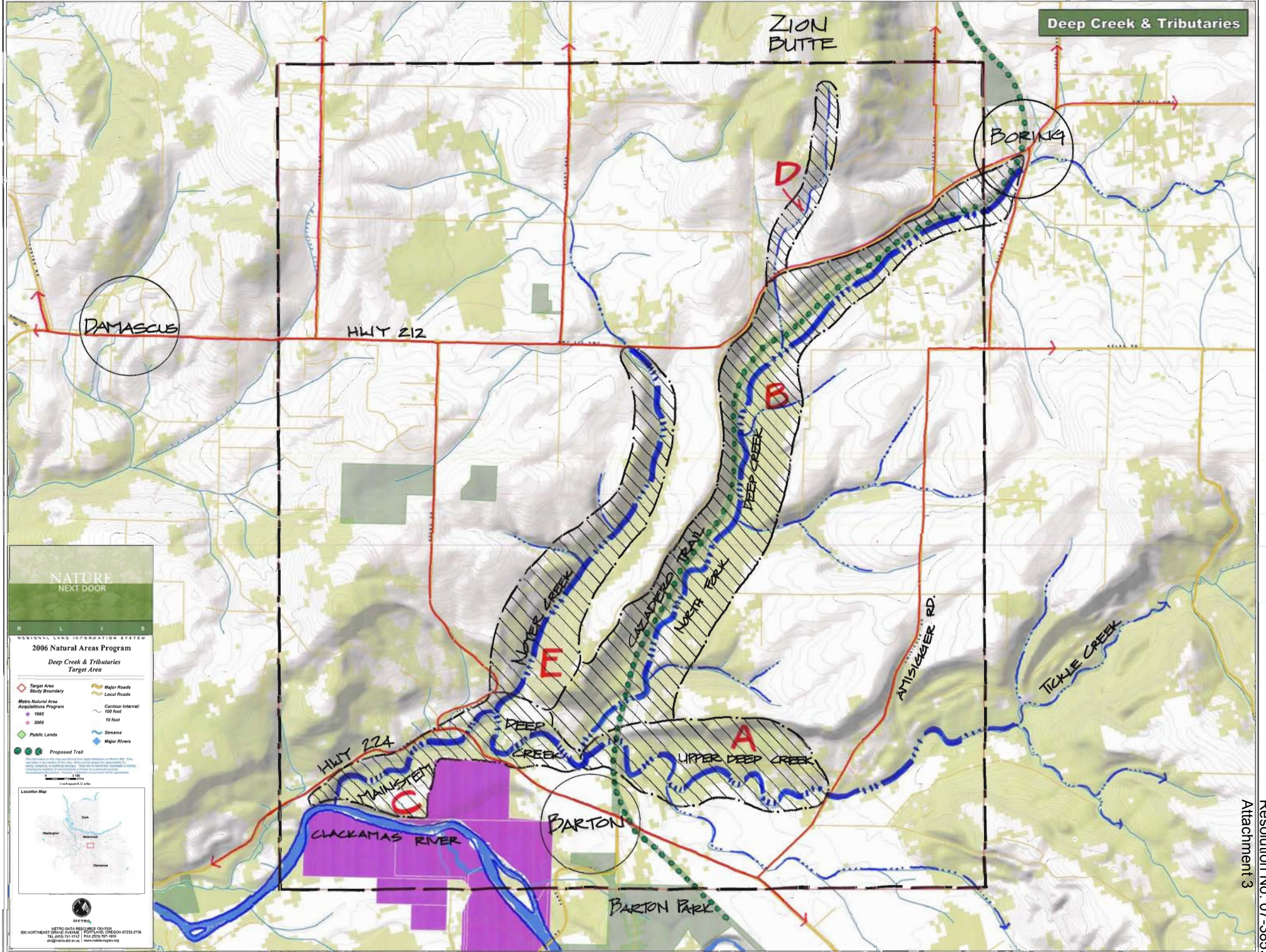
6. Do you have any other comments about this target area?

Please add my name to the Deep Creek 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
Deep Creek & Tributaries
Target Area

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

Scale: 1:25,000
1" = 250 Feet

Location Map: Shows the study area's location within the Clackamas County region, with labels for Clackamas, Multnomah, and Washington counties.

METRO, METRO LAND INFORMATION SYSTEM
800 NORTH EAST GRAND AVENUE | PORTLAND, OREGON 97232-2756
TEL: 503.973.1714 | FAX: 503.973.1025
WWW.METRO-OR.ORG

Deep Creek and Tributaries Survey Results

1. The following priorities were identified in the Deep Creek 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 undeveloped natural areas within the canyons of upper Deep Creek above the confluence with the North Fork to Amisigger Road to support water quality and fish. (Map area A)	25.0% (4)	12.5% (2)	18.8% (3)	31.3% (5)	12.5% (2)	2.94	16
Protecting undeveloped natural areas within the canyons of the North Fork of Deep Creek to the trailhead for the Cazadero Trail in Boring to support water quality and fish habitat. (Map area B)	50.0% (9)	33.3% (6)	5.6% (1)	11.1% (2)	0.0% (0)	1.78	18
Protecting lands along Lower Deep Creek from the North Fork to the confluence with the Clackamas River. (Map area C)	6.3% (1)	25.0% (4)	25.0% (4)	31.3% (5)	12.5% (2)	3.19	16
Protecting land along the unnamed tributary north of the North Fork of Deep Creek to provide wildlife habitat connectivity between Zion Butte and Deep Creek. This is also identified as a priority in the East Buttes target area. (Map area D)	18.8% (3)	18.8% (3)	6.3% (1)	6.3% (1)	50.0% (8)	3.50	16
Protecting forested lands in the Noyer Creek canyon to support water quality. (Map area E)	6.3% (1)	6.3% (1)	43.8% (7)	18.8% (3)	25.0% (4)	3.50	16
	<i>answered question</i>						18
	<i>skipped question</i>						0

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

	most important			least important	Rating Average	Response Count
Preserving forested upland habitat for wildlife.	6.3% (1)	31.3% (5)	31.3% (5)	31.3% (5)	2.88	16
Preserving streams and creeks to maintain water quality.	31.3% (5)	12.5% (2)	50.0% (8)	6.3% (1)	2.31	16
Protecting wildlife corridors between the East Buttes and the Clackamas River.	37.5% (6)	43.8% (7)	12.5% (2)	6.3% (1)	1.88	16
Providing public access to natural areas for recreation and wildlife watching.	25.0% (4)	12.5% (2)	6.3% (1)	56.3% (9)	2.94	16
	<i>answered question</i>					16
	<i>skipped question</i>					2

3. Are there other priorities that the Metro Council should consider in the Deep Creek and Tributaries target area? Please be specific.

If trails are developed--no pavement! Keep natural as possible--equestrian usage high priority! Keep pavement near urban centers only where higher population is.
Purchase from willing sellers; use conservation easements when cannot buy; leverage funds with conservation districts and private business and non-profits.
Protect greenspace between Boring and Damascus.
Maintaining green corridors between cities so that wildlife can migrate and individual cities can control their surroundings.
You need to preserve forested upland habitat for wildlife to preserve streams and creeks to maintain water quality.

4. 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.

Partnership-Oregon Equestrian Trails-Volunteer labor for trail development and maintenance - security patrols.
Can the Salvation Army camp qualify for grants that METRO cannot?
Local CPO's in unincorporated areas.
Partner with State Parks, Boring CPO, and Clackamas County.
Personal and business donations.

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

Biggest concern protection of wildlife. Leaving area as natural as possible - As more development comes wildlife are under more pressure to move to this area.
Although it is not specifically mentioned, Area B is a top priority to me because of the potential for Cazadero Trail between Boring and Barton.
Local farms should be considered in the "big" picture of protection since they also provide wildlife areas.
Think and act big.

ZION BUTTE

BORING

DAMASCUS

HWY 212

SEPTEMBER 2007

NATURE NEXT DOOR

REGIONAL LAND INFORMATION SYSTEM

2006 Natural Areas Program
Deep Creek & Tributaries Target Area

- Target Area
- Study Boundary
- Metro Natural Area Acquisitions Program
- Public Lands
- Proposed Trail
- Major Roads
- Local Roads
- Contour Interval: 100 foot, 10 foot
- Streams
- Major Rivers



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