

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING A) RESOLUTION NO. 96-2332
REFINEMENT PLAN FOR CLEAR CREEK)
CANYON TARGET AREA AS) Introduced by Mike Burton
OUTLINED IN THE OPEN SPACE) Executive Officer
IMPLEMENTATION WORK PLAN)

WHEREAS, In July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the electors of Metro approved Ballot Measure 26-26 which authorizes Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements pursuant to Metro's Open Spaces Program; and

WHEREAS, the Clear Creek Canyon was designated as a Greenspace of regional significance in the Greenspaces Master Plan and identified as a regional target area in the Open Space, Parks and Streams Bond Measure; and

WHEREAS, in November 1995, the Metro Council adopted the Open Space Implementation Work Plan, which calls for a public "refinement" process whereby Metro adopts a Refinement Plan including objectives and a confidential tax lot specific map identifying priority properties for acquisition; and

WHEREAS, Resolution No. 95-2228^A authorizes the Executive Officer to purchase property with accepted acquisition guidelines as outlined in the Open Space Implementation Work Plan, now therefore,

BE IT RESOLVED,

That the Metro Council adopts Clear Creek Canyon Refinement Plan, consisting of objectives and a confidential tax lot specific map identifying priority properties for acquisition, authorizing the Executive Officer to begin the acquisition of property and property rights as detailed in the Open Space Implementation Work Plan adopted in November, 1995 and in Resolution No. 95-2228^A.

ADOPTED by Metro Council this 23rd day of May, 1996.



Jon Kvistad, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2332, FOR THE PURPOSE OF APPROVING A REFINEMENT PLAN FOR THE CLEAR CREEK CANYON TARGET AREA AS OUTLINED IN THE OPEN SPACE IMPLEMENTATION WORK PLAN

Date: April 26, 1996

Presented by: Charles Ciecko
Jim Desmond

PROPOSED ACTION

Resolution No. 96-2332 requests approval of a refinement plan and adoption of Target Area boundaries and objectives for the Clear Creek Canyon Target Area. These boundaries and objectives will be used to guide Metro in the implementation of the Open Space Bond Measure.

BACKGROUND AND ANALYSIS

The Target Area description in the Bond Measure Fact Sheet (authorized by Council Resolutions 95-2113, 94-2050 and 94-2029B) is as follows:

"Clear Creek Canyon. Acquire 346 acres of Riparian Corridor and Uplands."

In the 1992 Greenspaces Master Plan, the Clear Creek Canyon area is described as follows:

"Large habitat base carved by Class 1 stream. Second-growth forest of mixed conifers and hardwoods support diverse species including big game, fur bearers and a variety of small mammals and birds. Salmonid fisheries also supported."

Target Area Description

A tributary of the Clackamas River, the Clear Creek drainage encompasses 46,444 acres. Clear Creek joins the Clackamas River approximately 3 1/2 miles east of Gladstone, just east of the SR 224/Carver Bridge; see Figure #1. From its confluence with the Clackamas River, the Clear Creek watershed stretches generally southeast, approximately 21 miles. Clear Creek's headwaters flow from atop Goat Mountain, in the Mt. Hood National Forest at an altitude of 4,219 feet. As a result, Clear Creek is a very high quality, free flowing stream with excellent water quality, supporting a significant anadromous fishery. Forested areas are of relatively good quality, mostly second-growth maple, fir, and alder with some older cedar. Understory growth consists mostly of native vegetation.

For general planning purposes, Clear Creek and its associated tributaries can be divided into three general areas as illustrated on Figure #1.

Upper Basin - Goat Mt. To Hwy. 211 (approximately 7 miles)

The upper watershed encompasses approximately 18,000 acres with the two federal agencies, the Bureau of Land Management (BLM) and the U.S. Forest Service, owning over 20% of the land. Recently, the BLM completed a watershed analysis for Upper Clear Creek

(Sept. 1995). The BLM's findings support continued management for generation of Forest Products consistent with maintenance of natural resources.

Middle Basin - Hwy. 211 to Fischer's Mill (approximately 9 miles)

In the middle basin, the Clear Creek valley is wider and more gently sloped. Historically, from the mid to late 1800's, the area was settled and utilized for farming and private forest lands. Over the years, the area has been further developed by the addition of rural residential single family dwellings and small farms.

The current comprehensive plan zones in this area are: agriculture, forest, and rural residential. Assuming other state criteria can be met, new residences in the agricultural and forest areas must be sited on 80 acre minimum lots. The rural residential areas are primarily 5-10 acre minimum lot sizes.

Due to farming, tree removal and housing development close to the creek edges, the creek frontage and riparian forest edge have been more severely impacted in this reach.

Lower Basin - Fischer's Mill to Carver Bridge (approximately 5 miles)

The lower creek basin is characterized by more steeply defined, wooded canyon walls and terraced slopes. Due in part to the terracing and relatively large parcel sizes, the lower reach has been less impacted and has substantial riparian growth along the creek edges.

The current land zoning is similar to that described in the middle basin.

Refinement Process

The Open Space Implementation Work Plan, adopted by the Metro Council in November 1995, requires that a Refinement Plan be submitted to the Council for review and adoption prior to the acquisition of property in each target area. The Refinement Plan will contain open space objectives and a confidential tax-lot-specific map identifying priority properties for acquisition, enabling Metro to begin acquiring property and property rights as detailed in the Open Space Implementation Work Plan and in Resolution No. 95-228. Resolution No. 95-2228 "authorizes the Executive Officer to acquire real property and property interests subject to the requirements of the Acquisition Parameters and Due Diligence guidelines of the Open Space Implementation Work Plan." The resolution also provides a process for the acquisition of land prior to completion of the Refinement Plan. This Early Acquisition process may be employed when an opportunity to purchase a unique parcel of land would be lost due to lack of an adopted refinement plan.

Under the Early Acquisition provision, Metro purchased a 342.02 acre parcel, called "Clear Creek Ranch," in February, 1996. The parcel is located along approximately two miles of creek frontage in the central portion of the Lower Basin. See Figure 1. The ordinance and supporting information regarding this purchase are attached. This major acquisition will anchor the proposed future natural area. The refinement process has therefore focused on how best to complement this initial land holding.

During the refinement process, Metro staff compiled available information about the 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 Appendix A.

A public workshop to discuss the proposed Refinement Plan was held on April 23rd, 1996 at the Fischer's Mill Grange Hall. Approximately 115 people attended; their comments are summarized in Appendix B.

Regional Parks and Greenspaces Advisory Committee

A presentation of the staff report was given by Metro staff and consultants at a public meeting in Room 370A of Metro Regional Center on April 25, 1996. This analysis and the resulting objectives were approved by a unanimous vote of The Regional Parks and Greenspaces Advisory Committee.

General objectives guiding Metro's land acquisition efforts throughout the target area include:

- Protect anadromous fish habitat and preserve creek-side riparian forests.
- Acquire additional acreage contiguous to the "Clear Creek Ranch" parcel for protection of anadromous fish habitat, stream side vegetation, water quality, educational and passive recreation values.

Findings

- Clear Creek is a regionally significant natural area, due to its biological, botanical, wildlife and passive recreation values.
- On February 1, 1996, Metro purchased the 342 acre Clear Creek Ranch as an "Early Acquisition Opportunity" property.
- Clear Creek possesses excellent water quality, and supports a vital anadromous fishery.
- The wooded canyon walls, relatively unimpacted stream side vegetation, mature riparian forests, and terraced uplands provide high quality and diverse wildlife habitat.
- Due to its size and scale, the target area provides the range essential to support a highly diverse wildlife population, including big game, fur bearers, and a variety of small mammals and birds.
- Due to the current zoning and land use restrictions, further residential development in the Lower Basin should be limited. Agricultural and forestry activities will continue to predominate.
- Local residents note that Clear Creek's resident steelhead and salmon population have been declining.
- The local citizens are very protective of Clear Creek and the rural character of the basin.
- Through education and voluntary measures, protection and enhancement measures could be implemented along the private creek sections.
- The local citizens are intensely opposed to the use of Metro's eminent domain authority within the Clear Creek Target Area.
- Local residents are opposed to Metro taking action to acquire and preserve open spaces within their neighborhood without prior notice or opportunity for their input.
- The attraction of additional "recreational users" to the area is a major concern of local residents, due to their unsatisfactory encounters with recreational users at Carver Park. Most residents feel Metro should manage the open space lands for preservation of natural resources and avoid encouraging public access and "park" related uses.

GOAL:

Establish a 500 acre natural preserve area within Clear Creek's lower basin, to protect the lower basin's unique natural features, including the creek's water quality, fish habitat, upland and riparian wildlife habitat.

OBJECTIVES:

The following are prioritized specific objectives of the Clear Creek Proposed Refinement Plan.

Tier I Objectives:

- Acquire additional acreage contiguous to Clear Creek Ranch for protection of anadromous fish habitat, creek-side riparian areas, and adjacent uplands.

Tier II Objectives:

- Negotiate with private land owners to obtain conservation easements for the protection of steeply sloped ravines and preservation of riparian forests for the protection of water temperature, water quality and anadromous fish habitat.

Partnership Recommendations:

- Work with the CPO, Friends of Clear Creek, surrounding land owners, and other interested citizens in the vicinity of the Clear Creek Canyon Target Area on current management issues, and aid in soliciting and coordinating Clear Creek citizen input into Metro's future master planning process for the site.
- Work with Clackamas County to coordinate storm water management in the Clear Creek watershed.
- Pursue potential trade with BLM of lands (240 acres+/-) near Bargfeld Creek or other properties for Clear Creek Canyon properties.
- Work with Oregon State Department of Forestry to refine and enforce provisions of the Forest Practices Act.
- Work with local CPO and property owners to adopt and implement voluntary measures to enhance the water quality and protect the fish habitat of Clear Creek.

Special Policy Recommendations:

In response to citizen concerns regarding uncontrolled public access to Metro's proposed open space in Clear Creek Canyon, Metro staff recommends the Council adopt policies which will:

- Restrict public use of Metro's Clear Creek Canyon open space for a period of five years following the adoption of the Clear Creek Canyon Refinement Plan.
- Assure that, when the master planning process commences, the citizens of the Clear Creek Canyon community will be formally invited to participate in the management planning process.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 96-2332.

CLEAR CREEK CANYON

APPENDIX A

Summary of Comments from Stakeholders Interviews:

- Water quality of Clear Creek is generally good, although steelhead runs have been steadily declining. Some degree of degradation is occurring largely due to run-off from farm and forest operations.
- High degree of consensus to protect fish and creek habitat.
- There is a strong consensus of opinion on the following:
 - Very suspect of government including the long term motives of Metro
 - Cherish the rural character and lifestyle and don't want to hasten the urbanization process
 - The UGB should not be extended past Carver
 - Resent intrusion of "Portland" people with resulting problems (parking and traffic congestion on roads, trespassing, vandalism, drugs and drinking, etc.)
 - Feel local citizens can protect Clear Creek; don't need or want the intrusion of Metro
 - Frustrated that city people voted for something affecting their area without their participation
 - Carver boat ramp is a focus for much of the local conflict
 - Current state forest practice provisions are doing little to protect riparian forest areas
 - During low-water people gather along the creek and walk up the creek
 - Metro should land bank and keep property in natural condition; don't encourage people and users through the development of trails, camping, etc.

Stakeholders Interviewed Regarding Clear Creek Target Area

Dean Apostle, landscape architect, U.S. Forest Service

Gene Fischer and Arlene Fischer, local residents

Jim Irving, Bureau of Land Management

Diana Jensen, Park Operations Supervisor

Karen Waldron, local resident, 14999 Springwater Rd., Oregon City, OR

Mike McCallister, planner, Clackamas County

Jay T. Waldron, attorney/local resident

Friends of Clear Creek

LaVonne Martin - 17993 S. Stowbridge Rd. Oregon City, Oregon
(503) 631-2938

Maridi Pletcher - 21785 S. McKenzie Ln. Estacada, Oregon

Gloria J. Leslie - 21745 S. McKenzie Ln. Estacada, Oregon

Fred Ostrow - 20828 S. Mattoon Rd.
(503)631-2085

Jacqueline Tommas - 19288 S. Mattoon Rd.
(503)631-2660

CLEAR CREEK CANYON

APPENDIX B

Summary of Comments from the April 23, 1996 Public Workshop:

- Chief among the public concerns was the issue of public access. Meeting attendees were generally opposed to public access to Metro's open space on Clear Creek. They also requested that Metro put off opening Clear Creek Ranch to the public beyond the year 2000.
- Meeting attendees and property owners requested guarantees that Metro would not exercise its condemnation authority within the Clear Creek Target Area.
- Meeting attendees and Clear Creek neighbors were concerned that decisions about acquisition of property and public use of lands within their neighborhood were being made by Metro, a governmental body in which they are unrepresented.

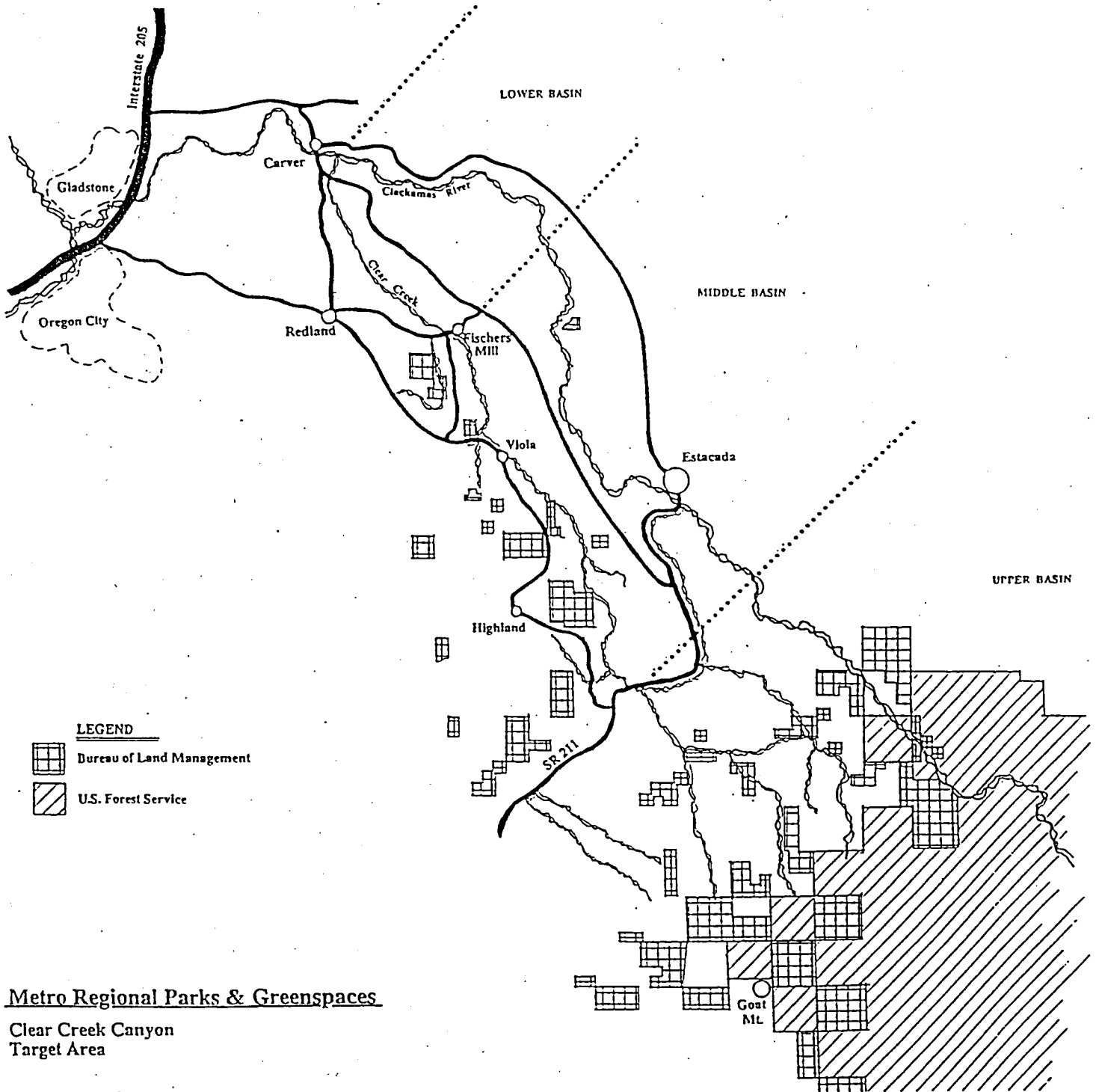
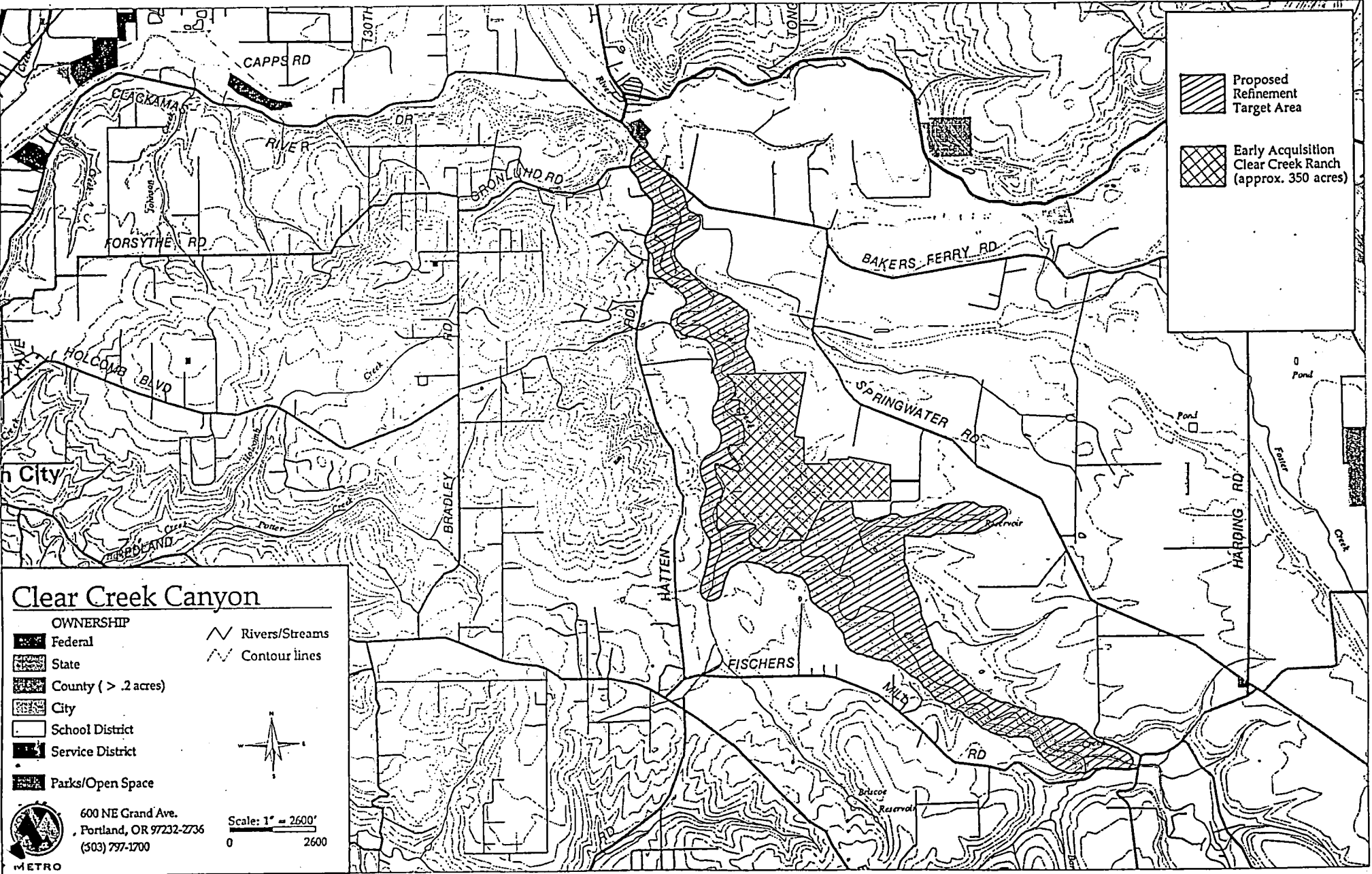











FIGURE #1







 Proposed Refinement Target Area
 Early Acquisition Clear Creek Ranch (approx. 350 acres)


Clear Creek Canyon

OWNERSHIP

-  Federal
-  State
-  County (> .2 acres)
-  City
-  School District
-  Service District
-  Parks/Open Space

 Rivers/Streams
 Contour lines


 Scale: 1" = 2600'


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