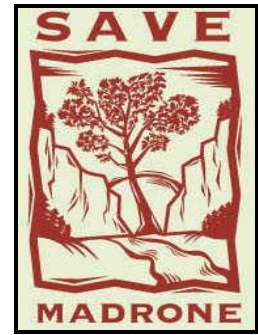


Madrone Wall Preservation Committee
5815 N.E. 31st Avenue
Portland, Oregon 97211
www.savemadrone.org
23 March 2005



Commissioner Martha Schrader, Chairperson
Clackamas County Board of Commissioners
2051 Kaen Road
Oregon City, Oregon 97045

Re: Follow up to 03/15/05 "Hardscrabble Disposition" Study Session

Dear Commissioner Schrader:

Last week's study session evaluating the Hardscrabble, a.k.a. Madrone Wall, was positive and encouraging. The next steps you outlined including land appraisal and directing the Parks Department/Parks Advisory Board (PAB) to evaluate support of the community and interested parties by late October were productive. As a suggestion, the PAB might want to use the attached list of interested parties to help formulate their contact list. Our all-volunteer organization, the 501(c)3 Oregon non-profit Madrone Wall Preservation Committee (MWPC), will continue to work with the County to provide input for this process and we too would like the opportunity to speak with the PAB. As a follow up to the study session, I am providing additional information.

1.) Property and Recreation Economics: A property value of "\$10 million" was mentioned at the study session but was not substantiated. We believe the true value may be only one-fifth of this according to calculations evaluating contributions of land, timber, and rock. Applying the per acre land value of four nearby rural properties (Calcagno-Richardson Creek/Pigeon Lake, Keens, Hooten, and River Island) that, like the Madrone Wall, lie outside the Urban Growth Boundary and were acquired by Metro's Open Spaces Acquisition Division from the Clackamas River Target Area, to the County-owned 43.99 acres, the land value is estimated to be between \$138,000 and \$505,000. Given all four Metro acquisitions had river front, I would anticipate the per acre price for the Madrone Wall property would be substantially lower as it is a half mile from the Clackamas River. Next, this site is zoned as "TBR" (timber) so it is on the County's inventory of 2,600 County acres of timber holdings. The May 2000 ECONorthwest report⁽¹⁾, the findings of which were accepted by the Commissioners in a 12 September 2000 study session, identified a timber value of \$460,000. Finally, an aggregate value estimation. At last week's study session, Mr. Gilmour indicated that the value for the rock was \$1.385 million based on 2.4 million tons of rock at the site⁽¹⁾ at a value of \$0.75 per cubic yard of aggregate. These three contributory elements yield a total property value between \$1.983 million to \$2.350 million, a fraction of the "\$10 million" value which must be a significant overestimation. In discussions I had with Mr. Gilmour following the study session, he agreed to pass my detailed calculations onto the land appraiser the County will be commissioning to appraise this property.

Two additional economic inputs are worthy of consideration. First, in the scenario where the land is sold by the County but not mined for rock, including the aggregate resource value in an appraisal would be nonsensical. In this scenario, the property value (timber and land) would be less than ten percent of the "\$10 million" estimate - between \$598,000 and \$965,000. Furthermore, it is probable that the site could never be quarried because of the watershed it supports with a clear, cool tributary stream emanating from its headland and draining into the nearby National Wild and Scenic Clackamas River located only a half mile away. This critical watershed also supports many private wells near its base. Secondly, it would be very expensive if a quarrying operation pursued a conditional use permit. The ECONorthwest report⁽¹⁾ estimates that permit and start-up costs alone would be \$840,000. This same report determined it was uneconomical, even under the most ideal circumstances, to quarry this site. The County deed for this property, purchased for \$2000 in 1937 from a private citizen, identifies no road or quarry uses so there is no restriction on what future use this land may have, including allowing for a conditional use allowing for park land. There is, in fact, no County zoning designation for "parkland" and many existing County parks are on land zoned "TBR" allowing for preservation and recreation.

Finally, there is a significant revenue benefit to the County if the site were re-opened for recreation. The U.S. federal government employs a "Money Generation Model"⁽²⁾ to evaluate the economic impact of using a site as an outdoor recreation resource. This model is used by all parks within the National Park Service as well as locally on the Mt. Hood National Forest. A conservative valuation of direct and indirect spending to the local economy estimates that \$185,000 will be generated annually based on only 10 people visiting the Madrone Wall each day! This money will come into the County's local diners, stores, and businesses as a result of visitors recreating at this

site and is churned over in the local economy as indirect spending. Alternatively, if this site were developed, the economic value of recreation would be lost forever.

2.) Liability: The County is clearly protected from frivolous lawsuits by the strong backing of the Oregon Revised Statutes (ORS) public use of lands section. ORS 105.682 addresses the liability of the owner of land used by the public for recreational purposes and states "an owner of land is not liable in contract or tort for any personal injury death or property damage that arises out of the use of the land for recreational purposes." In fact, while providing a solid foundation of protection to public and private landowners alike, the statutes also allow landowners to encourage outdoor recreation as ORS 105.676 makes it public policy "to encourage owners of land to make their land available to the public for recreational purposes ... by limiting their liability towards persons entering thereon for ... the use of such land for recreational purposes." Commissioner Sowa evidently recognizes the excellent protection these statutes provide, which, as an aside, he was influential in helping craft as a State Legislator. He recently stated that "other areas have operated under county auspices and liability is taken care of, so I think that could be done (at Hardscrabble)"⁽³⁾. With the recent Oregon Court of Appeals decision (29 December 2004) in the *Waggoner v. City of Woodburn* case affirming that ORS 105.672 insulates local governments from liability for recreational use on government land, County Counsel Steven Lounsbury has reiterated to our attorney that the County is no longer concerned with liability issues.

3.) Community Support: Our organization represents hundreds, even thousands, of both Clackamas County and other Metro citizens that seek preservation of the Madrone Wall and recreational access to this public land. We are proud of bringing the County's earlier quarry plans to the attention of local citizens as it embarked on an ill-conceived and expensive quarry plan in 1997 and have continued to work with the County when County quarrying plans were dropped. The level of community support for preserving this land from an irreversible demise is consistent, strong, and is gaining momentum. The County acknowledges that his area is facing increasing pressures from nearby urbanization with the recent incorporation of the City of Damascus. County park master plans call for a minimum of 131 acres of parkland in the Damascus-Boring area in 1995 and 259 in 2015 and yet it currently offers zero acres. Because this land is already publicly owned, the County does not have to first acquire the land to create necessary parkland. Considering the current Damascus/Boring Concept Plans, this could well be an anchor site for future park and recreation lands in a larger Clackamas River Canyons & Bluffs Area.

Multiple Community Planning Organizations (CPO), including Grant Park CPO (the area in which the Madrone Wall resides), Rock Creek CPO, and South Clackamas CPO (see enclosures) and other organizations such as the Friends of Barton Park & the Scenic Clackamas River and Eagle Creek-Barton CPO have already sent in letters supporting the Madrone Wall. Other organizations, including the Damascus City Council, Clackamas River Basin Council, Friends of Mount Hood, Still Meadow Community, and Three Rivers Land Conservancy, have all expressed broad support. One local citizen, Don Arbuckle who lives a mile from the Madrone Wall along County Scenic Road 224, circulated a petition for a few hours earlier this month and had such an enthusiastic response that nearly four dozen County citizen signatures were gathered (original petition enclosed).

4.) Parks Advocate: Our organization offers a built-in park's advocate when this site is designated as a park and we could change our name from MWPC to "Friends of Madrone Wall". We commit to a minimum of 1000 hours of volunteer work within the first year that the Madrone Wall becomes a park as well as financial contributions. We will work with the Parks Department to upgrade existing hiking trails, build new trails, and clean up rubbish illegally dumped at the site. With the regional volunteer coordinators of The Access Fund, we will organize "Adopt-a-Crag" events to accomplish these goals and add to the successful local partnerships already created at other local climbing areas with land managers at ODOT's Rocky Butte and Lewis and Clark State Park.

Additionally, we can help offset start-up and operational costs to forming a park. We will raise money for site improvements including trails, education signage, trail markers, portable toilets, etc. Both local citizens and organizations such as the Mazamas, The Access Fund, and The American Alpine Club have been key fund raising partners supporting access and preservation, and, now, to start-up and maintain the site as a park. We expect recreational uses such as hiking, rock climbing, wildflower and wildlife viewing to be restored and we will work to expand educational opportunities. Trail signage explaining Ice Age flood evidence, biodiversity of wetland bogs, ancient hardwood and deciduous trees, scenic vistas of the lower Clackamas River Basin, and the stunning geology of the three million year old Boring basalt that make up this natural headland all will enhance the education of countless citizens over the coming generations. This amazing civic treasure deserves permanent protected status and we are hopeful for a favorable outcome to this year's process you have directed.

Sincerely,



Keith K. Daellenbach (503/691-4102, kdaellenbach@att.net)
Director, Secretary/Treasurer

encl.:

- Copies of CPO letters supporting Madrone Wall (Grant Park, Rock Creek, South Clackamas)
- Don Arbuckle's March 2005 citizen petition supporting creation of a Madrone Wall park (45 original signatures)

cc:

- Commissioner Bill Kennemer, Vice Chairperson
- Commissioner Larry Sowa

- George Allen, Vice Chair, Rock Creek CPO
- Dean Apostol, Director, Damascus for Open Space
- Don Arbuckle, Citizen, Clackamas County
- Hillary Barbour, Environmental Field Representative, Office of Representative Earl Blumenauer
- Marty Beaudet, Political Correspondent, Damascus-Boring *Observer*
- Virginia Bowers, Conservation Program Director, Three Rivers Land Conservancy
- Phyllis Brinkley, Chair, Eagle Creek-Barton CPO
- Clackamas County Parks Advisory Board c/o Parks Department
- Michael Carlson, Council Coordinator, Clackamas River Basin Council
- Wendy Carlton, President, Mazamas
- Wanda Cochran, Assistant Bureau Chief, Metro South, *The Oregonian*
- Jayne Cronlund, Executive Director, Three Rivers Land Conservancy
- Jim Desmond, Director, Metro Regional Parks and Greenspaces Department
- Jo Anne Dolan, Outreach & Communications Coordinator, Clackamas River Basin Council
- Tracy Dugan, Publications/Communications Specialist, *Citizen News*
- Gavin Ferguson, Manager, U.S. Outdoor Store, Portland
- Mike Ferrell, Citizen, Clackamas County
- Terry Ferrucci, Staff to the Board
- Cam Gilmour, Director, Department of Transportation & Development, Clackamas County
- Malcolm Hamilton, Recreational Program Manager, USDA Forest Service, Mt. Hood National Forest, Sandy
- Karen Harte, Manager, Still Meadow Community, Carver
- John Hartsock, Mayor Pro Tem, Damascus
- Sarah Hunsberger, Reporter, Clackamas County/Growth, *The Oregonian*
- Phyllis Kirk, Secretary, Friends of Mount Hood, Oregon City
- Barb Ledbury, Councilor, Damascus
- Steven Lounsbury, County Counsel, Clackamas County Office of County Counsel
- Jon Mantay, County Administrator
- Earlean Marsh, President, Friends of Barton Park & the Scenic Clackamas River
- Bob McGown, Oregon Section Chair, The American Alpine Club
- Mike McLees, Supervisor, County Parks and Forest
- Steve Morasch, Land Use and Property Rights Attorney, Schwabe, Williamson & Wyatt, P.C.
- Gretchen O'Brien, Secretary, Grant Park CPO
- Les Otto, Chair, Boring CPO
- Gary Rall, Owner, Portland Rock Gym
- Kellie Rice, Regional Volunteer Coordinator, Western Oregon, The Access Fund
- Steve Rhodes, City Manager, Damascus
- Rich Rueb, Environmental Science Instructor, Clackamas Community College
- Randy Shannon, Councilor, Damascus
- David Stroup, Associate Editor, *Clackamas Review/Oregon City News*
- Shawn Tierney, Access and Acquisitions Director, The Access Fund
- Dee Wescott, Mayor, Damascus
- Dave Wright, Assistant Director, Acquisitions Commission, Oregon Parks and Recreation Department
- Jim Wright, Councilor, Damascus
- Dan Zinzer, Manager, Transportation Engineering, Parks & Property Management
- Joan Zuber, Vice Chair, South Clackamas CPO, Mazamas Conservation Committee

Footnotes:

- (1): "Clackamas County Issue Paper on the Long Term Supply of Chip Seal Rock: A Report to Clackamas County and the Clackamas River Basin Conservation Alliance", ECONorthwest, Portland, Oregon, May 2000.
- (2): Kenneth E. Hornbeck, Ph.D., Chief, Socio-Economic Studies Division, National Park Service, "The Money Generation Model, 1996-1997," Denver, Colorado.
- (3): Commissioner Sowa quoted in Chris Ehrlich's "Scaling a political wall" article in *The Oregonian*, 12/09/04.