

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

14 November 2005



Clackamas County Board of Commissioners  
Commissioner Martha Schrader, Chair  
Commissioner Bill Kennemer, Vice Chair  
Commissioner Larry Sowa  
2051 Kaen Road  
Oregon City, Oregon 97045  
bcc@co.clackamas.or.us

Re: Input to Commissioners as PAB Concludes Review of Future Use of Madrone Wall

Dear Board of Commissioners:

Following your 15 March study session directive, the Clackamas County Parks Advisory Board (PAB) is now identifying their final recommendations regarding the future use of Hardscrabble/Madrone Wall to be submitted to you in the next few weeks. The Madrone Wall Preservation Committee (MWPC) has actively participated in the PAB's process and would like to provide you with additional information to supplement the PAB's work in preparation for your own evaluation of the Madrone Wall's future use.

**Property Value:** This year's PAB process has illuminated solutions to previously outstanding concerns including property value, liability, and community support. At each juncture, we have offered constructive input to assist the PAB. In August, after reviewing the County-commissioned appraisal of Hardscrabble, we submitted, at your request, an independent professional appraisal review which confirmed a maximum property value of \$770,000, far less than a previously discussed value of ten million dollars. Both the County-commissioned appraisal and the appraisal review confirmed that the mining rock from the 44 acre site was "unrealistic" and "infeasible" from an economic perspective. This matched findings of the May 2000 ECONorthwest issue paper<sup>(1)</sup>, which we co-funded with Clackamas County, indicating that it was "uneconomical", even under the most ideal circumstances, to quarry the site. The Board of Commissioners agreed that poor economies of scale and high investment costs made opening a County-operated quarry at Hardscrabble an unwise choice. County plans to quarry the site were dropped, as was the conditional use application process, and an environmentally ruinous quarry was narrowly averted.

There is a significant revenue benefit for the County if the site were re-opened for recreation, which would be lost forever if the site were developed. The U.S. Federal Government employs a "Money Generation Model"<sup>(2)</sup> 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 in Clackamas County based on only 10 non-local people visiting the Madrone Wall each day. This money will come into the County's local diners and businesses as a result of recreational visitors and will be churned over in the local economy as indirect spending thereby increasing the County's tax base.

**Liability:** With lingering questions over potential liability, we offered research input. 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." Our Schwabe Williamson & Wyatt attorney, a land use and property rights expert, Steve Morasch, contacted Clackamas County Counsel Steven Lounsbury in January to discuss the County's position on liability as it relates to the Madrone Wall.

**Endorsing Preservation:**

- Grant Park CPO (Comm. Plan. Org.)
- Boring CPO
- Rock Creek CPO
- Eagle Creek-Barton CPO
- South Clackamas CPO
- Clackamas River Basin Council
- Damascus for Open Space
- Friends of Barton Pk. & Clack. Riv.
- Friends of Mount Hood
- Cooper Spur Wild and Free Coalition
- Oregon Natural Resources Council
- Oregon League of Conserv. Voters
- Native Plant Society of Oregon
- Sierra Club
- Friends of Forest Park
- Three Rivers Land Conservancy
- Still Meadow Community
- American Alpine Club
- Fed. of Western Outdoors Clubs
- Oregon Equestrian Trails
- Outward Bound
- Mazamas
- Ptarmigans
- The Access Fund

The Madrone Wall Preservation Committee is a tax exempt 501(c)(3) Oregon all-volunteer public charitable organization focused on preserving and re-establishing access to the Madrone Wall of Clackamas County and to act as a parks advocacy organization for a future park at the site of this amazing civic treasure.

Mr. Lounsbury indicated that the County was no longer concerned with liability issues, especially in light of the recent *Waggoner v. City of Woodburn* case. In this case, the Oregon Court of Appeals issued a decision in December 2004 affirming ORS 105.672 insulates local governments from liability for recreational use of government land. Mr. Lounsbury indicated to our attorney that what the County does with the site is now a policy decision for the Board of Commissioners. Courts continue to uphold landowner immunity from suit when lands are opened up for public recreation as with the Oregon Court of Appeals recent case reaffirming the original *Liberty v. State Dept. of Transportation* ruling (20 July 2005) on 26 October 2005. Finally, in researching a potential emergency call from a potential injury at the site, we spoke with Sergeant Nick Watt of the Clackamas County Sheriff's Office - Civil Division in June. We were told that the Sheriff's Office would be the proper authority for responding to any emergency. This would be a "standard response" mobilizing a Reach and Treat (RAT) team and because the site is so close to the Metro area, responding would be "no problem at all".

**Community Support:** Community support is consistent and overwhelming to protect this resource from development, to re-establish recreational access, and to provide permanent protective status as a public park. Well attended PAB public focus group meetings for citizens (10 August), public agencies (16 August), and recreationalists (14 September) all unanimously supported making the Madrone Wall a park and opposed development. No less than five Clackamas County Community Planning Organizations (CPO's) have endorsed preservation including the Grant Park CPO covering the area in which the Madrone Wall resides. Their letters to you are attached and are a part of two dozen diverse organizations, comprised of citizen groups, businesses, conservationist, and recreationalists organizations (see ledger on page one for complete list). These organizations represent tens of thousands of individuals who are asking you to authorize park status for this public land.

The MWPC funded research by your own Board of Commissioners staff to tally Madrone Wall communications received by the County since September 2004. 420 people from as close as Carver and from as far away as Maryland have sent letters, emails, and signed preservation petitions endorsing Madrone Wall preservation. There were zero communications to keep the site status quo posted "No Trespassing" and there were zero communications to have the site sold for development to include opening a hard rock quarry. Several cited the preservation of unique sites such as this as being the reason for moving to Portland. Most of these people have, in fact, never visited the Madrone Wall because of its near-decade long public closure. Think of the how much additional support there will be if and when this site becomes an active public park.

**Need for More Parkland:** With increasing urbanization in the City of Damascus area, people - and the County - recognize more parkland is needed, not less, which is consistent with the County's own park plans. 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. One of our Directors (Keith) serves on the Damascus-Boring Concept Plan's Natural Resource Technical Team (NRTT) and has given a voice to this beautiful public land residing within the Concept Plan's secondary study area. This area is sandwiched between the north bank of the Clackamas River and the south edge of the Damascus-area Urban Growth Boundary (UGB). The study area is being considered for an eastside "Big Park" within a Clackamas River Bluffs and Canyons Natural Area. Like Portland's Forest Park created over five decades ago on Metro's west side, you now have before you the opportunity to balance the urbanization that will take the population of the City of Damascus from nine thousand to nearly the size of Beaverton as one of the larger cities in Oregon. The "Public Response to Draft Concept Plan" (published earlier this month by the County) includes the results of a recent survey questionnaire to which over 200 respondents participated. This survey showed a landslide of citizens (69.9% positive) overwhelmingly supported "the idea of a big park located on the bluffs and down to the Clackamas River". Of the 31 questions in the survey, this large positive response was second only in magnitude of positive response to the "community should have biking and walking routes" question (78.2% positive) which, of course, can be partially accomplished by upgrading existing trails that have lain fallow at the Madrone Wall for nearly a decade during its closure to the public.

As this site is already publicly owned, no taxpayer-financed land acquisition costs are required to protect this treasure. There is no need for "willing seller" negotiations either because the land is already in the public inventory. With the Madrone Wall positioned strategically in the middle of the secondary study area, it should serve as an anchor site to an extensive east side Big Park so appealing to local residents. Already, there is a 29 acre block of

private land, which adjoins the County's Madrone Wall, that the County authorized Title 3 money to establish a conservation easement with the assistance of Three Rivers Land Conservancy.

**Parks Advocate:** Our 501(c)3 organization offers a built-in park's advocate when this site is designated as a park. We checked with the Oregon Secretary of State - Corporation Division and we can easily change our name, without change to our charter, from MWPC to a "Friends of ..." organization. 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 offer our assistance to the Parks Department master planning process. We will work with the Parks Department to upgrade existing hiking trails, build new trails, and clean up rubbish illegally dumped at the site during the time of its closure. 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 such as ODOT's Rocky Butte and Lewis and Clark State Park's Broughton's Bluff. 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.

**Amazing Civic Treasure:** This site is so special that our all-volunteer organization has worked tirelessly for nearly a decade to prevent an irreversible demise as a housing development or hard rock quarry, see it preserved as a public park for all time, and to re-establish recreational access. Its three million year old natural basalt bluff is an irreplaceable geologic treasure offering stunning views of the lower Clackamas River, a federally-designated National Wild & Scenic River. The site contains ancient old growth Douglas fir, Pacific madrone, and a panoply of wildflowers that, in the springtime, rivals any other area in the entire northern Willamette Valley. The MWPC funded a research study through Portland State University to inventory plant species which identified over one hundred plant species within the small boundary of the site. A wetland bog at the bluff's base and the headland above supports a clear, clean tributary stream which supports not only the endangered salmon in the Clackamas River less than a half-mile away but also the drinking and groundwater resource for many nearby residents. In the past, and if opened again in the future, the site offers an phenomenal diversity of recreation including hiking, bird watching, rock climbing, wildlife viewing, and equestrian riding. At a site such as this, with so much to offer, there are unparalleled educational opportunities next to an increasingly urbanized and park-barren area. There is even a Tri-Met bus line next to the site's entrance along Highway 224 which is designated a County Scenic Road.

It is this diversity of geography and potential use that makes it a rich treasure without equal anywhere in the northern Willamette Valley and if destroyed it will be surely gone forever to the regret of future generations. This treasure must not be destroyed as an environmentally ruinous open pit quarry and it must not be auctioned to the highest bidder and transferred out of the public trust for a future trophy housing development. We urge you, as ultimate stewards of the County's natural heritage, to seize this opportunity today to preserve this public treasure, which would require no money to acquire, for all time as a park that all can access and enjoy. Thank you for your time and consideration.

Sincerely,



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encl.

- 24 organizational letters endorsing preservation and access

cc:

- George Allen, Vice Chair, Rock Creek CPO, Clackamas County
- Steve Amen, Executive Producer/Host, Oregon Field Guide, *Oregon Public Broadcasting*

- Vik Anantha, Co-Chair, Mazamas conservation Committee
- Donna Andrew, Risk Management and Safety Officer, Oregon Parks and Recreation Department
- Dean Apostol, Director, Damascus for Open Space
- Don Arbuckle, Chair, Grant Park CPO, Clackamas County
- Dorothy Barello, Friends of Barton Park & the Scenic Clackamas River
- Hillary Barbour, Environmental Field Representative, Office of Representative Earl Blumenauer
- Russell Bassett, Journalist/Photographer, *Molalla Pioneer*
- Marty Beaudet, Political Correspondent, *Damascus-Boring Observer*
- Gary Beck, President, Mazamas
- Barbara Bond, Chair, Mazamas Access Committee
- Virginia Bowers, Conservation Program Director, Three Rivers Land Conservancy
- Todd Blossom, Head Land Steward, Still Meadow Community, Carver
- Phyllis Brinkley, Chair, Eagle Creek-Barton CPO, Clackamas County
- David Bragdon, Metro Council President
- Deanne Buck, Grassroots Coordinator, The Access Fund
- Heather Campbell, Manager, Climbing Gym, Club Sports
- Michael Carlson, Council Coordinator, Clackamas River Basin Council
- Scott Chapman, Land Use and Transportation Issue Coordinator, Sierra Club-Oregon Chapter
- Charlie Ciecko, Director, North Clackamas Parks & Recreation, Clackamas County
- Clackamas County Parks Advisory Board c/o Parks Department (15 Citizen Members)
- David Clark, President, Portland Mountain Rescue
- Wanda Cochran, Assistant Bureau Chief, Metro South, *The Oregonian*
- Andy Coleman, Owner, The Circuit Bouldering Gym, Portland
- 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
- Robin Doussard, News Editor, *Portland Monthly*
- Tracy Dugan, Publications/Communications Specialist, *Citizen News*
- Gavin Ferguson, Manager, U.S. Outdoor Store, Portland
- Mike Ferrell, Citizen, Clackamas County
- Thad Fitzhenry, Park Ranger/Field Operations, Smith Rock State Park
- Royce/Amy Fonken, Citizens, Clackamas County
- Joe Garland, Owner, Climb Max Int., Portland
- Mary Gautreaux, Natural Resource Project Director, Field Representative, Office of U.S. Senator Ron Wyden
- Neil Gibson, Northwest Outreach Coordinator, Outward Bound
- Cam Gilmour, Director, Department of Transportation & Development, Clackamas County
- Yuval Hamburg, General Manager, Portland Rock Gym
- Malcolm Hamilton, Recreational Program Manager, USDA Forest Service, Mt. Hood National Forest, Sandy
- Karen Harte, Manager, Still Meadow Community, Carver
- Joe Hargrave, Federation of Western Outdoor Clubs
- John Hartsock, Mayor Pro Tem, City of Damascus
- Pam Hayden, Policy Analyst, Department of Transportation & Development, Clackamas County
- Sarah Hunsberger, Reporter, Clackamas County/Growth, *The Oregonian*
- Gary Hunt, Permit Specialist, Oregon Department of Transportation
- Wayne Jackson, Owner, The Mountain Shop
- Keith Langenwaller, Chair, Adventurous Young Mazamas
- Phyllis Kirk, Secretary, Friends of Mount Hood, Oregon City
- Barb Ledbury, Councilor, City of Damascus
- Gavin Lee, Manager, Climb Max Int.
- Robert Liberty, District 6 Metro Council Representative
- Tom Lichty, Publisher/Editor, *Damascus-Boring Observer*
- Steven Lounsbury, County Counsel, Clackamas County Office of County Counsel
- Ivan Maluski, Statewide Grassroots Organizer, Sierra Club-Oregon Chapter
- Rob Manning, Radio Reporter, *Oregon Public Broadcasting*
- Jon Mantay, County Administrator, Clackamas County
- 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, Clackamas County
- Matt Menely, Owner, Mountain Soles Footwear & Fabric Repair
- Steve Morasch, Land Use and Property Rights Attorney, Schwabe, Williamson & Wyatt, P.C.
- Jim Morgan, Program Supervisor, Natural Resource and Property Management, Metro Regional Parks and Greenspaces Department
- Tony Neal, Founder, Damascus for Open Space
- Rhonda Nelson, President, Ptarmigans
- Brian Newman, District 2 Metro Council Representative
- Jim Newman, Producer/Reporter, Oregon Field Guide, *Oregon Public Broadcasting*
- Gretchen O'Brien, Citizen, Clackamas County
- Tom Ortman, Natural Resource Coordinator, Forestry Department, Clackamas County
- Les Otto, Chair, Boring CPO, Clackamas County
- Russ Pascoe, Chair, Cooper Spur Wild and Free Coalition
- Anne Pernick, Field Organizer/Clackamas County, Oregon League of Conservation Voters
- Lynn Peterson, Council President, Lake Oswego City Council
- Jeff/Lita Pratt, Citizens, Clackamas County
- Kevin Price, Assistant Area Manager, Columbia River Gorge Management Unit, Oregon Parks and Recreation Department
- Gary Rall, Owner, Portland Rock Gym
- Sally Rask, Secretary, Oregon Equestrian Trails, North Valley Chapter
- Mark Riskedal, Director, Northwest Environmental Defense Center, Lewis & Clark College, Portland
- Steve Roelof, Portland Chapter President, Native Plant Society of Oregon
- Steve Rhodes, City Manager, City of Damascus
- Rich Rueb, Environmental Science Instructor, Clackamas Community College
- Peggie Schwarz, Executive Director, Mazamas
- Dick Shook, Citizen, Clackamas County
- Georgia Solomonson, Administrative Assistant, Parks Department, Clackamas County
- Monty Smith, President, Friends of Forest Park
- Randy Shannon, Councilor, City of Damascus
- Robert Spohn, Owner, Stoneworks, Inc., Beaverton
- Matt Spohn, Manager, Stoneworks, Inc., Beaverton
- Steve St. Amand, Editor, *Canby Herald*
- David Stroup, Associate Editor, *Clackamas Review/Oregon City News*
- Mary Cook Swanson, Senior Planner, Department of Transportation & Development, Clackamas County
- Shawn Tierney, Access and Acquisitions Director, The Access Fund
- Chad Toomey, Outback Director, Pacific University, Forest Grove
- Jay Ward, Conservation Director, Oregon Natural Resources Council
- Jay Waldron, Real Estate & Land Use Attorney, Schwabe, Williamson & Wyatt, P.C.
- Sergeant Nick Watt, Clackamas County Sheriff's Office - Civil Division
- Dee Wescott, Mayor, City of Damascus
- Bob Whelan, Mineral Economist, ECONorthwest, Portland
- Spencer Williams, Climbing Program Manager, Nike Climbing Gym
- Carol Witbeck, Friends of Barton Park & the Scenic Clackamas River
- Dave Wright, Assistant Director, Acquisitions Commission, Oregon Parks and Recreation Department
- Jim Wright, Councilor, City of Damascus
- Craig Zell, MAI, SRA, Professional Appraiser, Zell & Associates
- Dan Zinzer, Manager, Transportation Engineering, Parks & Property Management
- Joan Zuber, Vice Chair, South Clackamas CPO, Clackamas County

Footnotes:

<sup>(1)</sup>: Whelan, Bob, "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.

<sup>(2)</sup>: Kenneth E. Hornbeck, Ph.D., Chief, Socio-Economic Studies Division, National Park Service, "The Money Generation Model, 1996-1997," Denver, Colorado.