

## **Why should Eugene take action to protect the Green and Beverly properties in the Amazon Creek Headwaters?**

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Protecting these key connecting links in the Amazon Creek system is critical to the public interest of the citizens and City of Eugene, broadly and specifically, because:

1) **Protecting the headwaters of Amazon Creek is vital to the water quality and environmental health of the whole watershed.**

From a watershed view of the Amazon Creek ecosystem, which is the defining geographic province for about 60% of the area of Eugene, preserving the remaining fraction of ecologically intact headwaters is critical. The remaining natural headwaters of our primary local watershed are a core community asset. We have a responsibility to preserve this core asset for future generations.

We have protected substantial portions of the wetlands in west Eugene. We have protected the Amazon Greenway to the west and to the south of the downtown area. Protecting the headwaters is critical to realizing the environmental value of these other community investments.

These special remaining headwaters areas also include old growth trees and oak savannah habitats which are some of highest quality wildlife habitat in the metropolitan area, home to several rare and sensitive species, and are important to preserve simply for these reasons.

*This is the last chance to create a public green corridor for the main channel of Amazon Creek to connect from the ridgeline to the greenway.*

2) **Major earthflows overrun and threaten both the Green and Beverly properties.**

LIDAR earth scanning by Sky Research out of Ashland, Oregon clearly shows large active earthflows that would complicate and threaten development in either property. One earthflow system originates high on the western flank of Baldy, continuing down through the middle of the Green property. Another earthflow originates high on the north side of Spencer Butte itself, which has historically flowed down the valley to overlay much of the Beverly property.

At the least, adequate engineering to accommodate development of these steep, wet, unstable sites would be unusually expensive. At the worst, the

City could have significant liability for allowing dwellings to be constructed in these known geological hazard areas.

3) **Independent testing of soil and runoff samples has shown that both properties contain substantial excess arsenic which could be released into Amazon Creek by development processes.**

Given that Amazon Creek already has too much arsenic by EPA standards, causing significant new releases could trigger Federal violations, as well as harm life downstream.

4) **The properties have already been demonstrated to be not-developable according to the wishes of the current owners.**

The developers of both properties have had a fair chance to develop under the City code, but have submitted excessive development plans that have been denied through extensive and expensive public processes.

The recent Green PUD application for the Amazon Creek Headwaters Forest area was denied by the hearings official, then appealed to the planning commission. Green subsequently dropped his appeal, leaving the application denial standing.

The Beverlys have submitted development applications for the Amazon Creek Headwaters Keystone area twice before, both denied. Their latest application called the Deerbrook PUD was little-changed from the previously denied plans, and after city staff again recommended against approval of the application, in April, 2007 the application was withdrawn.

5) **Reasonable attempts have been made for willing-seller acquisition.**

The city has made repeated good faith offers in the past to buy some or all of each site for storm water and natural resources protection on a willing seller basis, but the developers declined to substantively negotiate.

More recently, since the Eugene City Council has publicly explored the possibility of acquiring these special sites by eminent domain, both landowners have come forward as willing to sell to the city, without the need for eminent domain, at a discount from the formal appraised values.

Both properties are vacant, and were purchased by the current owners simply as financial opportunities. In both cases there is no current residential occupancy or active business occupancy which would prevent the owners from being made whole by a public buy-out at fair market value.

In both cases, the formal appraised value, or for that matter, the current market value by any other reasonable estimation, would be substantially more than the purchase price paid by the current owners, so in both cases a fair value buy-out should provide the owners with significant capital gains.

**6) Preservation of critical elements of our open space system and natural ecological infrastructure is consistent with established City of Eugene plans and policies.**

In particular, Growth Management Policy 17 says, “Protect and improve air and water quality and protect natural areas of good habitat value through a variety of means...”. The Metro Plan Diagram has for years shown a habitat corridor to be preserved connecting the Ridgeline park and the Amazon Greenway. Both of these areas are bisected by Goal 5 waterways which would be damaged by development.

Going back to the 1970s, when most of the south hills were still in a natural undeveloped state, the community consensus of South Hills Study outlined the important of upland forest preservation for all of Eugene, as well as the inherent problems of developing on our steepest slopes.

**7) The impact of these conservation acquisitions on the local inventory of residential buildable land within the Eugene Urban Growth Boundary will be minimal.**

Although the total area of these headwaters parcels is about 65 acres, once the patently non-buildable area of these properties — Goal 5 stream corridors, active earthflows, BPA, EWEB, and other public utility easements, excessively steep slopes, rare plant and pre-European tree communities — is accounted for, relatively few acres of actually-buildable land remain. Even the developer Joe Green, in City Council testimony, acknowledges that conservation as parkland is the best use of more than half of his East Fork headwaters Forest property.

Discussion of a loss of 65 acres of buildable lands is simply not based on fact.

From a larger perspective, this year marks the 20th since professional fieldwork was started for Eugene’s basic state-mandated natural resources inventory — and that first complete, legitimate natural resources inventory of our upland habitat areas still remains unfinished, to this day — while residential land inventories have been done and done again in the same time period. The natural resources inventory work is ongoing in the form of the South Ridgeline Habitat Study, but that will still not be effectively completed for a long time.

In recognition that natural resource inventories had not been completed, the current residential lands inventory in Eugene already includes allowances for anticipated natural resource set asides. Since the current residential lands inventory is not parcel-specific, it can always be debated which category applies to any given parcel. But considering that the 65 acres of Amazon Creek Headwaters in question are part of the single highest-rated habitat-value area in the metropolitan area, it is not a reach to consider that the already-existing natural resource allowances in the inventory would apply to them most properly.

Over time, comprehensive integrated land use, transportation, and environmental planning is required to provide for the public interest in our overall landscape and infrastructure. Such planning needs to stand on a foundation of well-established facts, and at the appropriate time, an updated residential lands inventory, like the initial natural resource inventory, needs to be completed.

However, the timely protection of a few dozen critical watershed acres is quite a different issue from the city- or metro-wide inventory updates regarding hundreds of thousands of acres. Independently, each is essential to the long-term public interest. Chaining them together, in contrast, would be pure politics.

**8) Funding for a public buy-out is currently available.**

Anchor funding for public buy-out, expected to cost perhaps \$1.5 million per site (to be combined with other city funds and outside grants and matches for a total of less than \$4 million per site), is available now in the \$7.75 million Ridgeline area allocation in the 2006 Parks Bond Measure.

In addition, stormwater funds have already been allocated for stream corridor acquisitions in each of these properties, and these allocations should reduce any amount of parks bond funding required. Grants from other state, federal, and private sources are likely also be available to further supplement or replace parks bond funding.

**9) The time to take action is now.**

At least three generations of community members have worked tirelessly for more than ten years, at great expense, toward the protection of these fragile areas. These unique headwaters areas are much more valuable to the community as they are now, for safety, open space, special habitat, and water quality reasons, than they would be if developed with new roads and a couple of hundred houses that could be sited elsewhere, in a less costly, less dangerous, and less sensitive site.

Virtually any other legal building sites in the metropolitan area would be less costly, less dangerous, and less sensitive than these irreplaceable last remnants of the Amazon Creek Headwaters.

Despite their sensitivity, importance, and high public value as natural open space, both of these properties are under imminent threat of development. Right now, in fact, they are being degraded by pre-development construction activities.

The current opportunity with real willing sellers to eminent domain allows the City of Eugene to take these properties out of jeopardy almost immediately, and save them once and for all. While as recently as April 9, 2007, the Eugene City Council has considered use of eminent domain for critical park land acquisition, with willing sellers at a discount below the “yellow book” appraised value, there is no reason to wait. This is a once-in-a-generation opportunity for critical preservation of two of our most endangered natural resource sites.

Just as previous generations in Eugene are honored today for their foresight in preserving Hendricks Park and the upper parts of the two buttes, so as time goes by, our children and theirs will only value and honor the decision to save the Amazon Headwaters more and more.

Kevin Matthews with Southeast Neighbors and Friends of Eugene