

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: February 18, 1999
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. EXECUTIVE OFFICER COMMUNICATIONS

4. AUDITOR COMMUNICATIONS

5. MPAC COMMUNICATIONS

6. METRO LEGISLATIVE UPDATE

PacWest

7. CONSENT AGENDA

7.1 Consideration of Minutes for the February 11, 1999 Metro Council Regular Meeting.

8. RESOLUTIONS

8.1 **Resolution No. 99-2753**, For the Purpose of Authorizing the Metro Executive Officer to Sign Neighbor City Intergovernmental Agreements with the city of Sandy and Canby, Clackamas County and Oregon Department of Transportation.

McLain

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

9.1 **Resolution No. 99-2744**, For the Purpose of Authorizing the Executive Officer to Acquire two Parcels (Broughton and Portage Marina) from the Port of Portland which are located in the Columbia River Shoreline Target Area.

Washington

10. COUNCILOR COMMUNICATION

ADJOURN

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 7.1

Consideration of the February 11, 1999 Metro Council Meeting minutes.

**Metro Council Meeting
Thursday, February 18, 1999
Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

February 11, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent:

Presiding Officer Monroe convened the Regular Council Meeting at 2:05 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, presented an overview of the Metro budget for fiscal year (FY) 1999-2000. He noted that in the appendix of the Proposed Budget FY 1999-2000, there was a series of comments from citizen groups concerning their review of the budget. A copy of his presentation materials included information presented by Mr. Burton and is included in the meeting record.

Councilor McLain added that an MCCI subcommittee also reviewed the entire budget, as it did for the council budget last year.

Mr. Burton continued with his presentation of the proposed FY 1999-2000 budget. He added that Metro had been in existence for 20 years.

Councilor Atherton noted a presentation slide about \$500,000 in funding for water quality, restoration and salmon recovery efforts. He asked Mr. Burton what this would involve and how he had come up with the figure.

Mr. Burton said those funds come from a number of sources, not from the general fund. He said much of the proposed funding was unrealized funding, such as available federal and state grants. He said he designated a vacancy in his office as a salmon restoration coordinator.

Councilor Atherton said going back to the charter process of having a vision, a framework, and then functional plans. The Metro framework for water quality clearly says that Metro will plan by watersheds, support beneficial uses of water, and support enforcement in meeting state and federal water quality standards. He asked where those funds were in the proposed budget.

Mr. Burton said the dollars were hoped-for and anticipated. The only realized funding currently in the budget was the one position he converted within his office to coordinate. He said there was \$147,000

allocated for Goal 5 work, \$130,000 for watershed planning, the salmon coordinator position, and money in the Parks Department related to Sandy River. This was the first step, and as the federal listing with National Institute of Marine Fisheries (NIMFs) was probably expanded next month, Metro's role would broaden further as local governments have asked Metro to play a larger coordinating role.

Councilor Bragdon welcomed Mr. Burton's suggestion for the tax study committee, and he wanted to ensure that it was not done in isolation from other jurisdictions that levy taxes in the region.

Mr. Burton agreed. He thanked Jennifer Sims, Senior Director/Chief Financial Officer of Administrative Services, and her staff for a job well done.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain said MPAC determined its priorities at its last meeting, and the top priority was funding and infrastructure. She said proposed tax study committee came at an appropriate time. MPAC's second priority was listing strategies for the environmental and salmon issues, and the third priority was MPAC review of the urban growth boundary (UGB) process in 1999.

6. METRO LEGISLATIVE UPDATE

Ray Phelps, Pac/West Communications, updated the council on legislation in Salem that affects Metro. The Pac/West Communications 70th Legislative Session Update included information presented by Mr. Phelps and was included in the meeting record. He said he did not list Senate Bill (SB) 94 in his report, which required a public vote to change zoning for the purposes of creating public parks. He said HB 2512, which would increase the revenue threshold for Metro's Contractors Business License, passed out of committee with a due pass recommendation and was expected to go to the floor next week.

Doug Riggs, Pac/West Communications, reviewed the New Vision for Pacific Salmon document, which is included in the meeting record. He said while the salmon issue was a topic of much discussion in Salem, he and Mr. Phelps did not expect any concrete action in the next several days or weeks. He said there was a joint committee on salmon recovery and watershed enhancement, and he noted upcoming legislation. He said a key aspect in the legislative session would be the involvement of watershed councils. There was a map at the end of the information packet denoting Oregon Watershed Council Boundaries. He also noted SB 321.

Councilor Kvistad said he recalled that last session, Representative Brian had funding allocated through bonds to the regional parks program, but the governor decided unilaterally not to go forward with the bonds. He asked Mr. Phelps to research it, because the legislature could move forward with those bonds and have extra money without having the deficit that would be caused by SB 321.

Charlie Ciecko, Regional Parks and Greenspaces Director, said the previous legislature authorized use of lottery funds to support state parks bonds to address some of the backlog in capital maintenance. He understood that in the governor's budget proposal, that support was removed and backfilled with money from Measure 66.

Councilor Kvistad said in his opinion it was a problem in that when you can bond against existing revenue, you were doubly using the dollars you had rather than doubling the value you could get for dollars that you could get by combining the two proposals. He said the Council may wish to discuss this further because it was not good policy.

Mr. Riggs said another possible alternative to pursue was the president's proposal to federally fund coastal salmon recovery plans, which may free up state funding for other state-wide programs. He noted a number of recent studies which were gathering interest in Salem.

Councilor Atherton asked why Mr. Riggs included the Salmon Recovery Plan in the packet, because the vision statement in the report did not match federal law.

Mr. Riggs said the report was included in the package to point out that this was a major proposal in Salem, not to endorse, challenge or debate the principles in the plan. He said the federal law would be a significant debate especially with the upcoming endangered species listings in the Willamette River Basin. He said the legislative leadership was seeking information and input on salmon recovery, and was not rushing to judgment. He said they were interested in local coordinated solutions such as those being pursued by Metro with the watershed councils.

Councilor McLain asked if the legislative leadership had asked for more detailed overview of Metro's Goal 5 work.

Mr. Riggs said he believed that at the appropriate time, the legislature would be interested in hearing from Metro, especially as it moved to the Ways and Means process this spring. He said he would keep the Council informed.

Councilor Atherton asked if Mr. Riggs had anything to add about SB 87 other than a hearing was scheduled on February 16.

Mr. Phelps said the primary issue was whether or not land had been made available within the UGB for both residents and employment. He said the language used in the proposed legislation was "office, commercial and industrial buildings," and he was lobbying to amend it to "employment" because it would better reflect the goal of SB 87. He said he was scheduling meetings with the legislators, because while they were very aware that Metro expanded its UGB area by 5,000 acres, few understand much about the process used. Other concerns with SB 87 included a lack of specificity and the question of an unfunded mandate. It was unclear in SB 87 that the term "local government" was intended to include Metro and not the 24 cities within Metro's jurisdiction, and a number of groups were lobbying to have Metro specified. He said Dick Benner, Department of Land Conservation and Development (DLCD) indicated to him that as far as DLCD and LCDC were concerned, when Metro or any jurisdiction moved its UGB, they did reflect both residential and employment capacity on a 20-year horizon.

Councilor Atherton asked about the response to the discussion of an unfunded mandate.

Mr. Phelps said the committee was currently holding public hearings, then it will have funding discussions in its work sessions. He recommended that the Council make its mark with regard to the testimony provided so far.

Councilor Atherton asked if the Council needed to express its support, opposition, or neutrality to SB 87 as soon as possible.

Mr. Phelps said no, he needed the expression that the Council wanted to be proactive on SB 87 and work the bill so it reflected what the Council did.

Councilor Atherton asked how the Council could express its approval or disapproval of SB 87 as an intrusion by the state into local community affairs, whether warranted or unwarranted.

Mr. Phelps said that would be a policy decision for the Council to make.

Presiding Officer Monroe said the Council would have an opportunity in a moment to discuss its position on SB 87.

Councilor Washington asked Mr. Phelps if copies of the house and senate bills were available at Metro.

Dan Cooper, Legal Counsel, said he had a full set of all the printed bills in his office and they were also available on the internet.

Councilor McLain said the word "retail" was in SB 87; she asked if it was still included in the bill.

Mr. Phelps said as he recalled, the word "retail" was still there; nothing had been done to the bill since it was originally drafted. He said the concept of employment included all four terms.

Councilor McLain asked if he has defined the word "employment."

Mr. Phelps said his team provided printed testimony to the committee which indicated that "employment" would be the alternate suggestion. He said the committee was not yet accepting specific language, it was only accepting information.

Councilor McLain asked if any information was given to the committee about the relationship of the employment numbers to the residential numbers.

Mr. Phelps said there was some information, but it was not easily recognized. He said they could provide that information to the legislature of how the Council worked that calculus.

Councilor McLain asked if the committee saw SB 87 as separate or in connection with HB 2709.

Mr. Phelps said the committee was creating a companion to the other legislation with the desire of accomplishing the same goal. He said it was not clear that the Council included employment in its decision process to expand the UGB.

Councilor McLain said SB 87 would affect the entire state. She asked if there had been any discussion about the differences between how HB 2709 was used in the rest of the state, and how the metro region used a combination of residential and employment factors.

Mr. Phelps said no, he provided all of the printed testimony that he had received that day, and Mr. Cooper and Council staff had that.

Presiding Officer Monroe said that Jeff Stone, Council Chief of Staff, had copies of any bills that remotely related to Metro.

Mr. Burton clarified that Metro had not taken a position on SB 87; it raised some questions and tried to indicate that the process used by the Council to move the UGB included employment. The people proposing SB 87 disagreed with the result of the Council's UGB process and believed there should be more land available for specific types of employment.

Councilor Atherton asked Mr. Burton his opinion on the state planning local communities: the value of it, and whether it was appropriate.

Mr. Burton said the genius of the state's planning process was that it provided broad goals and allowed local communities to do their planning. If the state decided communities should do a particular analysis, he would like it to give jurisdictions the money to do it and the flexibility to let it fit the local need and design of the community.

Presiding Officer Monroe said the Council could state its approval or opposition, or it could state that it was very interested in this legislation because it would clearly affect Metro's work, and the Council had concerns about definitions and unfunded mandates. He asked for discussion from the Council.

Councilor Atherton asked if it was appropriate for the state to be involved to that depth in local planning, trying to force a community to provide a 20-year supply of land, and in effect, force a community to continue to grow. He said this issue needed to be settled first, and until it was settled, everything else was moot.

Councilor Kvistad agreed.

Councilor McLain said there were a number of issues which the Council needed to address. She said the Council should not be too gentle in asking for a basic understanding of what SB 87 meant, how it would be used, and how it was relevant to different circumstances.

Councilor Washington asked if the Presiding Officer requested a motion.

Presiding Officer Monroe clarified that he asked for discussion, and then he would accept motions.

Councilor Washington said he was unsure how the Council would make a non-gentle request.

Councilor McLain said she thought that at this time the Council was looking for comments and questions to direct to the senate committee. She said the Council's approval or opposition to SB 87 was a different conversation, and the Council needed to decide if that conversation would further the information or the work it could do with SB 87 in Salem.

Presiding Officer Monroe asked if any member of the Council felt the Council should take a position right now supporting SB 87 as written. There was none. He asked if any member of the Council felt the Council should take a position right now opposing SB 87 as written.

Councilors Atherton and Bragdon said yes.

Councilor Bragdon said the Council should oppose SB 87 with a certain way of explaining it and with making alliances with the agricultural community.

Councilor Park said as the token agricultural member of the Council, he had concerns with SB 87, the mandatory nature of the 20-year supply as it related to HB 2709, and the types of employment. He said he was not sure the Council should actively oppose SB 87 in its current form, because it was still unclear how the final bill would look.

Councilor McLain added that Councilors could discuss with the senate committee whether the language could be amended to make it optional. She said it was important for the Council to monitor SB 87 and try to insert the 4 or 5 elements to make it the best product possible, and then decide whether to support or oppose it.

Councilor Washington said he would like a report from Mr. Phelps on what happened in the public hearing, as there may be some sense of direction that came from the public hearing.

Mr. Phelps said the public hearing at the legislature was similar to public hearings held before the Metro Council. He said the general public had stated the same concerns as Councilor McLain: lack of specificity, funding, and whether the use of certain language precluded other.

Councilor Washington summarized that at this stage it would be premature for the Council to state its position.

Mr. Phelps said it was or it was not, because the Council needed be involved in the conversation before the committee went to work session.

Mr. Burton said Mr. Phelps had provided a summary of the comments made at the first hearing.

Presiding Officer Monroe said Council opinion appeared to range from total opposition to serious reservation with respect to SB 87 in its current form. He said if he was personally testifying on SB 87, he would say he had serious reservations about how it would be applied, the cost to local governments, preempting local governments' authority, et cetera.

Mr. Phelps said he would like to continue to encourage the senate committee to do as much as it could to meet the issues raised by the Council. He said whether the issue was SB 87 or HB 2709, the Council had the same concerns, and had a forum to register the shortcomings in the existing process. Once all that information had been made available, the Council may wish to decide its position.

Councilor Kvistad said he was neutral on SB 87.

Councilor Atherton said he thought that the Presiding Officer's words were appropriate. He suggested the Council vote on the following points: 1) there is a cost to this measure, it is potentially very significant and there is no provision in it for how the state would provide funding to the local jurisdictions, in other words, it is an unfunded mandate; 2) it preempts local interest and authority, and the Council has mixed reservations about the extent of that preemption, and the Council suggests that the committee consider making this an option to local jurisdictions, not a mandate.

Councilor Bragdon said the tone taken by the Council was very important, and he would not recommend focusing local control. He said he would like to focus on the fact that Metro had complied and the economy had been incorporated in its work. To have further statutory details on the DLCD goal was unworkable for financial and conceptual reasons. He said he would stress the practical aspects of

the implementation problems and the fact that Metro had acted in good faith with the state's land use planning system, which included an element of economic prosperity.

Councilor Park said one the Council had not discussed one of the most onerous portions of SB 87, which was the mandatory portion of the timing.

Councilor Washington said he supported Councilor Bragdon's approach.

Mr. Burton said notwithstanding Councilor Atherton's view, which may be the real issue, the fact was that land use planning in Oregon generally worked. One of the positions that should be stated in Salem was that not only had Metro been successful in its actions, it was always looking for methods to improve the process by which it made those determinations. He said a number of legislators around the state admired the Council for taking on some tough issues and dealing with them, and Metro should play on that. Building a good community depended on people having jobs in that community, so the problem with SB 87 in terms of planning was that it created a definition that was not very workable. For example, this region generated \$500 million worth of agricultural sales annually; how should that be counted? Mr. Burton said the question should be raised, if the bill was going to specify retail, commercial, and so on, Metro should ask for a definition of the measurement of agricultural employment as well.

Councilor Atherton agreed with Mr. Burton. He agreed with Councilor Bragdon that there were multiple goals in the state program that the Council supported, and the Council's job was to balance those goals, within the air, land and water carrying capacity of the state. He said the main issue on which he would clarification was why a community would not want to provide for its future, and why it could not be the best judge of it.

Mr. Phelps said he had received sufficient direction from the Council. He said his team would need an estimate of the fiscal impact of SB 87, and he invited the Council to be very clear that it was a five-year cycle, and that got very expensive.

Presiding Officer Monroe suggested that he talk with Elaine Wilkerson, Growth Management Services Director, and Ms. Sims.

Mr. Phelps said he needed the information by February 16. He said he also needed to have the goals with which Metro had complied.

Mr. Burton said he can provide information on Metro own code requirements, how it met state law regarding employment, and the process used to determine the measurement of land. He said complying with SB 87 would probably take the entire staff's time for the next two years.

Presiding Officer Monroe said he remembered the discussions last spring at MPAC, and at that time there seemed to be a strong movement toward asking for an extension on the first year of the HB 2709 requirements. Metro did not ask for an extension, it met the first year requirement, and that said a lot in terms of Metro's ability, willingness, and effort to comply with state requirements.

Councilor Park asked who were the chief sponsors of SB 87.

Mr. Phelps said the chief sponsors of SB 87 were Associated General Contractors, CREEC, and a number of development people.

Ms. Wilkerson said CREEC was a commercial real estate organization; it was an umbrella organization for retail and commercial groups.

Councilor McLain said there were four other items listed on pages 2 and 3 she would like to bring up: SB 329, which repealed the sunset of collaborative regional problem-solving process for local land use disputes; SB 409, which required local government to protect existing rights of access on publicly owned land and public easement; SB 522, which established alternative procedure for annexation of parcel of land to district when requested by owner of parcel.

Mr. Cooper said SB 522 had been identified as a possible vehicle for Metro's boundary change bill.

Councilor McLain said the last bill she wanted to discuss was HB 2281, requiring local governments to include certificate of mailing in notice to DLCD of adoption or amendment to comprehensive plan or land use regulations.

Mr. Cooper said at the review, those bills had been identified and comments had been drafted. Since those bills were related to land use, legal counsel could do a short presentation with Ms. Wilkerson to the Growth Management Committee about some of those bills. He said there were other bills the other Council committees may wish to review as well.

Councilor McLain said she would be happy to review those bills in Growth Management Committee.

Councilor Atherton said in regard to cost, it was clear the difficulty with which the Presiding Officer and expert staff had coming up with a number for this planning activity, but they did know it would be substantial. He pointed out, from extensive citizen and local government experience, that there was a huge cost in citizens' time and effort in these actions that was largely uncompensated.

Councilor Park asked about the bill pertaining to the watershed councils and their relationship with local governments, and how that would affect the coordination of salmon recovery. He asked if this would help or hurt Metro's efforts.

Mr. Riggs said that was yet to be determined, depending on which bill the legislature chose to be a vehicle to proceed with. The draft of the watershed council bill he saw last fall did not address Metro in any way; it appeared to exclude Metro. He said the legislature was interested in working with Metro and local government to devise solutions that worked.

Councilor Park said his concern was that watershed boundaries did not match city boundaries, and Metro may be uniquely suited to coordinate some of these efforts.

Mr. Riggs said there was an article in the Oregonian a few months ago about the involvement of the Metro Council with the Johnson Creek efforts. He said that article has been mentioned to him by people in Salem as an example of Metro providing a positive relationship with the watershed councils.

7. CONSENT AGENDA

7.1 Consideration meeting minutes of the February 4, 1999, Regular Council Meeting.

Motion: Councilor Atherton moved to adopt the meeting minutes of February 4, 1999, Regular Council Meeting.

Seconded: Councilor Washington seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8. ORDINANCES - FIRST READING

8.1 Ordinance No. 99-793, For the Purpose of Adopting the Annual Budget for Fiscal Year 1999-00, Making Appropriations, Levying Ad Valorem Taxes, and Declaring an Emergency

Presiding Officer Monroe assigned Ordinance No. 99-793 to the Council Budget work sessions and opened a public hearing. No one appeared to speak with regard to Ordinance No. 99-793. Presiding Officer Monroe closed the public hearing.

9. RESOLUTIONS

9.1 Resolution No. 99-2753, For the Purpose of Authorizing the Metro Executive Officer to Sign Neighbor City Intergovernmental Agreements with the City of Sandy and Canby, Clackamas County and Oregon Department of Transportation.

Councilor McLain announced that this resolution would be delayed one week in order for the Metro Operations Committee to review the resolution. This was done at the request of the Growth Management Committee chair.

10. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

10.1 Resolution No. 99-2757, For the Purpose of Authorizing the Executive Officer to Purchase Properties in the Forest Park Expansion Target Area.

Presiding Officer Monroe opened an Executive Session pursuant to ORS 192.660(1)(e).

Present: Jim Desmond, Senior Manager of Open Spaces Acquisition, Regional Parks and Greenspaces, Heather Nelson Kent, Senior Manager of Planning and Education, Regional Parks and Greenspaces, and members of the press.

Presiding Office Monroe closed the Executive Session.

Motion: Councilor Washington moved to adopt Resolution No. 99-2757.

Seconded: Councilor Kvistad seconded the motion.

Presiding Officer Monroe opened a public hearing on Resolution No. 99-2757.

Betsy Wright, President of Friends of Forest Park, thanked Metro for its work. She said this portion of Forest Park would be very important, and as a board, they strongly supported this purchase.

Presiding Officer Monroe closed the public hearing. He noted a potential conflict of interest, as he enjoyed running in Forest Park.

Mr. Cooper said if he thought there was a conflict of interest, he would declare it himself, but there was no financial gain involved.

Councilor Washington urged the council to support this excellent addition to Forest Park.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

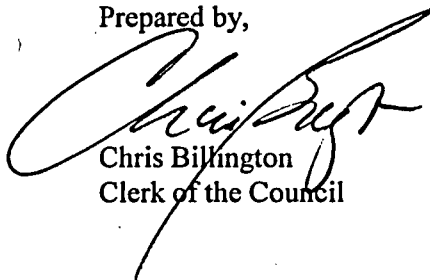
11. COUNCILOR COMMUNICATION

None.

12. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:07 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
021199c-01	2/11/99	Metro Budget, Fiscal Year 1999-2000, presentation materials	TO Council/ FROM Mike Burton	
021199c-02	2/11/99	Metro Budget, Fiscal Year 1999-2000, presentation materials with speaker comments	TO Council/ FROM Mike Burton	
021199c-03	2/11/99	Pac/West Communications folder: 70th Legislative Session Update; A New Vision for Pacific Salmon; map of Oregon Watershed Council Boundaries	TO Council/ FROM Ray Phelps	
021199c-04	2/4/99	Minutes of the Metro Council Meeting,	TO Council/ FROM Chris	

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February 4, 1999
Growth Management
Committee Report on
Resolution No. 99-
2753

Billington
TO Council/
FROM Susan
McLain

Agenda Item Number 8.1

Resolution No. 99-2753, For the Purpose of Authorizing the Metro Executive Officer to sign Neighbor City Intergovernmental Agreements with the city of Sandy and Canby, Clackamas County and Oregon Department of Transportation.

**Metro Council Meeting
Thursday, February 18, 1999
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO 99-2753
METRO EXECUTIVE OFFICER TO SIGN)	
NEIGHBOR CITY INTERGOVERNMENTAL)	Introduced by Deputy
AGREEMENTS WITH THE CITIES OF)	Presiding Officer McLain
SANDY AND CANBY, CLACKAMAS)	
COUNTY AND OREGON DEPARTMENT)	
OF TRANSPORTATION)	

WHEREAS, The Metro Council adopted the Metro 2040 Growth Concept that recognizes that neighboring cities surrounding the region's metropolitan area are likely to grow rapidly and be affected by the Metro Council's decisions about managing the region's growth; and

WHEREAS, The Metro 2040 Growth Concept, made a part of the Metro Charter required Regional Framework Plan, encourages cooperative planning and cooperative agreements with neighboring cities to help ensure that there is a separation between the metropolitan area and neighboring cities and that there should be consideration of a "green corridor" transportation facility through the rural reserves that serve as links between the metropolitan area and a neighbor city; and

WHEREAS, The Metro Council adopted the Urban Growth Management Functional Plan as a means of ensuring implementation of the Metro 2040 Growth Concept; and

WHEREAS, The Metro Urban Growth Management Functional Plan includes Title 5, Neighbor Cities and Rural Reserves, inviting local governments to sign

intergovernmental agreements with Metro agreeing to jointly protect rural areas separating the metropolitan area from neighbor cities and to protect the major highways as green corridors between the region and neighboring cities; and

WHEREAS, the cities of Sandy and Canby as well as Clackamas County have approved the attached intergovernmental agreements; now, therefore,

BE IT RESOLVED:

1. That the Metro Council authorizes the approval of these intergovernmental agreements.
2. That the Metro Council authorizes the Executive Officer to sign these agreements attached as Exhibit "A" and Exhibit "B", making the agreements effective contracts to coordinate with the cities of Sandy and Canby, Clackamas County and the Oregon Department of Transportation concerning green corridors, rural reserves and population forecasting.

ADOPTED by the Metro Council this ____ day of _____, 1999.

Rod Monroe, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

**EXHIBIT "A" - INTERGOVERNMENTAL AGREEMENT
CONCERNING THE CITY
OF SANDY, OREGON**

INTERGOVERNMENTAL AGREEMENT ON
GREEN CORRIDOR AND RURAL RESERVE AND POPULATION
COORDINATION
AMONG CITY OF SANDY, CLACKAMAS COUNTY,
METRO AND THE OREGON DEPARTMENT OF TRANSPORTATION

This Agreement is entered into by and between the City of Sandy ("City"), Clackamas County ("County"), Metro ("Metro") and the Oregon Department of Transportation ("ODOT") pursuant to ORS 190.003 to 190.110, which allows units of government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform.

RECITALS

WHEREAS, The Portland metropolitan region and neighboring cities outside Metro's jurisdictional boundaries are expected to experience substantial population and employment growth by the year 2040; and

WHEREAS, Anticipated urban growth and development in the Metro area will affect neighboring cities outside Metro's jurisdictional boundaries, and anticipated urban growth and development in the neighboring cities will affect jurisdictions within Metro's boundaries; and

WHEREAS, The City wishes to maintain its distinct identity, and the City and Metro area interested in maintaining separation of the City from the metropolitan area; and

WHEREAS, To achieve this separation, the City, the County and Metro are interested in creating permanent reserves of rural land between the City and the metropolitan area and taking coordinated action to reduce urban development pressures upon such rural reserve areas; and

WHEREAS, The City, the County, Metro and ODOT have a common interest in planning connecting highways between the City and the Metro area as "Green Corridor" high performance, multi-modal transportation facilities, where access is tightly controlled and development pressures are minimized; and

WHEREAS, The City, the County, Metro and ODOT further intend such Green Corridors to reinforce the separate and distinct identities of the City and the Metro area, support a multi-modal transportation system and intra-urban connectivity, and encourage economic development within the City; and

WHEREAS, The City, the County, Metro and ODOT are interested in preserving and protecting the rural and natural resource character of rural reserve areas along the Green Corridor that separate the City from the

metropolitan area, and are further interested in protecting farm and forest activities in those areas from development pressures and incompatible uses; and

WHEREAS, Statewide Planning Goal 2, Land Use Planning, requires that local government comprehensive plans and implementing measures be coordinated with the plans of affected governmental units and that local government, state and federal agency and special district plans and actions relating to land use be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268; and

WHEREAS, OAR 660, Division 12 requires ODOT, Metro, and the City and County to prepare and adopt, respectively and in coordination with each other, state, regional and local transportation system plans establishing a coordinated network of transportation facilities to serve state, regional and local transportation needs; and

WHEREAS, ORS 195.036 requires the coordination of population forecasts; the City with the County and Metro with the County;

NOW, THEREFORE, the City, the County, Metro and ODOT agree as follows:

AGREEMENT

I. Purpose

The parties agree that they are mutually interested in and will work together to:

A. Preserve the distinct and unique identities of the City and the metropolitan area by maintaining a separation of the City from the metropolitan area.

B. Plan and manage connecting highways between the City and the Metro area as Green Corridor high performance, multi-modal transportation facilities.

C. Recognize that each Green Corridor is critical to inter-urban connectivity and to support and encourage economic development and a jobs-to-housing balance within the City.

D. Preserve and protect the rural and natural resource character and values of Rural Reserve areas along the Green Corridor that separate the City from the metropolitan area.

E. Control access to the Green Corridor to maintain the function, capacity and level of service of the facilities, enhance safety and minimize development pressures on Rural Reserve areas.

F. Establish a plan to protect the unique visual character of each Green Corridor.

G. Designate areas of rural land to separate and buffer Metro's Urban Growth Boundary and Urban Reserve areas from the City's Urban Growth Boundary and Urban Reserve areas.

H. Act together to reduce development pressures upon Rural Reserve areas and thereby enhance certainty and viability of resource uses in the Rural Reserves.

II. Definitions

A. "Green Corridor" means the high performance, multi-modal transportation facilities connecting the City to the metropolitan area along Hwy. 26, and the surrounding identified rural lands within which the rural and natural resource character will be preserved and protected to maintain separation between the City and the metropolitan area and preserve the unique identities of the City and the metropolitan area.

B. "Rural Reserve" areas are those areas identified by the parties pursuant to the terms of this agreement to provide a permanent separation and buffer between Metro's Urban Growth Boundary and Urban Reserve areas and the City's Urban Growth Boundary and Urban Reserve areas and thereby maintain the distinct identity and character of the City and the metropolitan area.

III. Establishment and Amendment of Green Corridor Boundaries

A. Establishment of Green Corridor boundaries.

1. Until permanent Green Corridor boundaries are established as provided for in this Agreement, interim Green Corridor boundaries shall be established which extend out a distance of 200 feet from both edges of the right of way of the transportation corridor as shown on map Attachment "A" to this Agreement.

2. Permanent Green Corridor boundaries shall be established by the County in cooperation with the City, ODOT and Metro. The establishment of Green Corridor boundaries and the land use and transportation strategies applied within Green Corridors shall take into consideration:

a. The unique visual and functional characteristics of the corridor.

b. The views from the transportation corridor as seen at normal highway speeds and the width of the area alongside the transportation corridor that affect the function of that corridor.

B. Amendment of Green Corridor Boundaries.

1. Green Corridor boundaries may be amended by the County in cooperation with the City, ODOT and Metro.

2. When amending Green Corridor boundaries, the County shall work in cooperation with the City, ODOT and Metro and consider:

a. The views from the transportation corridor as seen at normal highway speeds;

b. The width of the area alongside the transportation corridor that affects the function of that corridor;

IV. Comprehensive Planning Along Green Corridors

A. County comprehensive plan designations and zoning shall apply to all lands designated as Green Corridors. The development of a Comprehensive Plan and Comprehensive Plan amendments for lands within Green Corridor boundaries shall provide for notice and opportunity for comment with the City, Metro and ODOT.

B. ODOT shall prepare, adopt and amend a state transportation system plan addressing transportation facilities serving state transportation needs within Green Corridor boundaries. The County shall be responsible for the preparation, adoption and amendment of the local and regional transportation system plans for facilities of regional and local significance within Green Corridor boundaries. Preparation, adoption and amendment of the state, regional and local transportation system plans shall provide for coordination with and participation by the City, Metro, and Oregon Department of Transportation and other entities providing transportation facilities or services within Green Corridor boundaries.

V. Land Use and Development within Green Corridor Boundaries

A. The County shall retain current zoning including resource lands within Green Corridor boundaries and agree not to expand rural commercial or rural industrial zones, unless approved by the City.

B. The parties shall work cooperatively to determine whether specific uses which would otherwise be permitted within existing exception areas under

County zoning (e.g. new schools, churches) should be prohibited or restricted within the Green Corridor areas to implement the purposes of this agreement. Within 5 years, provided funding is available, the County shall amend its Comprehensive Plan and implementing Ordinance to comply with this agreement.

VI. Screening, Buffering and Signage

A. Within 5 years, provided funding is available, the County shall amend its Comprehensive Plan and implementing Ordinance to consider application of existing County Plan and Ordinance provisions relating to Scenic Highways to the Green Corridor.

B. For existing non-rural development within adjacent or deemed by the cooperating parties to be a visible intrusion into the Green Corridor; ODOT in cooperation with the County, City and Metro shall develop a program of visual screening. Such a program shall contain a landscaping/screening plan for the Green Corridor, which will include identification and prioritization of areas to be screened, and cooperative implementation and maintenance measures.

C. ODOT shall develop a coordinated program for sign consolidation within the Green Corridor boundaries in cooperation with the County, City and Metro.

VII. Access Management and Roadway Improvements

A. In coordination with the other parties, ODOT will review the access management designation within Green Corridor boundaries and develop a cooperative Access Management Plan that promotes high performance, multi-modal transportation facilities connecting the City to the metropolitan area while limiting development pressures on rural and natural resource lands within the Green Corridor. The Access Management Plan shall include techniques to consolidate and limit accesses to and from the Green Corridor to cooperatively purchase access rights, and/or allow no new accesses to the Green Corridor highway except where no reasonable alternative exists.

B. Improvements to the Green Corridors shall be conducted for the purposes of improving multi-modal, traffic safety, the movement of freight, and aesthetics, and shall not be intended solely to improve access to single-occupancy vehicles.

C. Shared access shall be required to the extent reasonably practicable.

VIII. Establishment and Amendment of Rural Reserve Boundaries

A. Establishment of Rural Reserve boundaries.

1. The Rural Reserve boundaries shall be as shown on map Attachment "A" to this Agreement.

B. Amendment of Rural Reserve Boundaries.

1. Rural Reserve boundaries may be amended by mutual agreement of the parties. The party proposing an amendment to a Rural Reserve boundary shall be the lead coordinating agency and shall be principally responsible for demonstrating how the proposed amendment is consistent with the purposes of this Agreement.

2. No amendment shall be effective until adopted by the governing body of the City, the County, ODOT and Metro.

IX. Comprehensive Planning and Zoning within Rural Reserve Boundaries

A. County comprehensive plan designations and zoning shall apply to all lands within Rural Reserve areas. The development of comprehensive plan policies and zoning for lands within Rural Reserve areas shall provide for notice and opportunity for comment with the City, ODOT and Metro.

B. Metro's Urban Growth Management Functional Plan regarding rural reserves and green corridors shall be used as guidelines in developing a plan for these rural lands and maintain the rural character of the landscape and our agricultural economy.

C. The County shall not upzone existing exception areas or nonresource lands to allow a density of development that is greater than what is permitted by existing zoning as of the effective date of this agreement, unless the City agrees to such a change.

X. Development with Rural Reserve Areas

A. The parties shall work cooperatively to determine whether specific uses which would otherwise be permitted within existing exception areas under County zoning (e.g. new schools, churches) should be prohibited or restricted within Rural Reserve areas to implement the purposes of this agreement.

XI. Population Coordination

A. As the County and City are required by ORS 195.036 to coordinate their population forecasts, and the County and Metro, within its district, are

required to coordinate their population forecasts, this agreement is intended to provide for overall coordination of these forecasts.

B. Whenever the County, City or Metro prepare a draft population forecast, they shall provide copies of the forecast to the other parties. After review by all parties, including the City, County and Metro, if agreement by all three parties is reached, a letter from each party from the Mayor, Chair of the County Commission and Metro Executive to all other parties stating agreement with the forecast shall be sent. Land use planning and other work of the parties based on the population forecasts may then commence. In the event that agreement cannot be reached, the parties agree to bring the matter before a neutral fourth party for mediation.

XII. Notice and Coordination Responsibilities

A. The County shall provide the City, Metro and ODOT with notice and an opportunity to comment at least 30 days prior to the first scheduled public hearing on plan amendments or zone changes within the Green Corridor.

B. The County shall provide the City, Metro and ODOT with notice and an opportunity to comment at least 15 days prior to administrative action on any development applications (including, but not limited to, conditional use permits and design review) within the Green Corridor.

C. ODOT shall provide notice to and opportunity for comment to the City, the County and Metro on access management plans and improvements affecting state highways within the Green Corridor.

D. The County shall provide the city, ODOT and Metro with notice and an opportunity to comment at least 30 days prior to the first scheduled public hearing on any comprehensive plan or land use regulation amendment proposal within a Rural Reserve area.

E. The City shall provide the County, ODOT and Metro with notice and an opportunity to comment at least 30 days prior to the first scheduled public hearing on any comprehensive plan or land use regulation amendment proposal within a Rural Reserve area.

F. Metro shall provide notice to and provide opportunity for comment to the City, ODOT and the County at least 30 days prior to the first scheduled public hearing on any proposed urban growth boundary, urban reserve boundary or functional plan amendment within a Rural Reserve area.

G. In order to fulfill the cooperative planning provisions of this agreement the City, County, Metro and ODOT shall provide each other with needed data, maps, and other information in hard copy or digital form in a timely manner without charge.

XIII. Amendments to this Agreement

This Agreement may be amended in writing by the concurrence of all parties. The terms of this agreement may be reviewed at the time that the parties adopt modifications to related agreements.

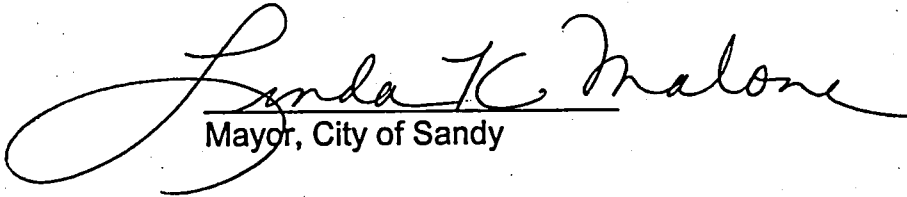
XIV. Termination

This agreement shall continue indefinitely. It may be terminated by any of the parties within 60 days written notice to the other parties.

XV. Severability

If any section, clause or phrase of this agreement is invalidated by any court of competent jurisdiction, any and all remaining parts of the agreement shall be severed from the invalid parts and shall remain in full force and effect.

CITY OF SANDY


Mayor, City of Sandy

ATTEST:

By: 
City Recorder

METRO

Metro Executive

ATTEST:

By: _____
City Recorder


OREGON DEPARTMENT OF
TRANSPORTATION

Director

ATTEST:

By: _____
Recording Secretary

CLACKAMAS COUNTY


Chairperson, Clackamas County
Board of Commissioners

ATTEST:

By: _____
Recording Secretary

A detailed black and white map of the Sandy, Oregon area. The map shows a dense grid of streets, with major thoroughfares like Highway 101 running vertically on the right side. Topographical features are indicated by contour lines and shaded areas, particularly in the upper left and right portions of the map. The city name 'Sandy' is printed in a bold, sans-serif font in the lower right quadrant. The map is oriented with North at the top.

GIS MAP DISCLAIMER:
This map and other information have been compiled only for preliminary and general purposes. They are not intended to be complete and accurate for any other purposes. Specifically, this information is not intended to be complete for purposes of land use regulation, zoning, title, size and suitability of the property for specific uses.

Post Date: June 2, 1998
cc:\wveng_lab\linal\johnson\prop\figs\figs.asp

**EXHIBIT "B" - INTERGOVERNMENTAL AGREEMENT
CONCERNING THE CITY OF CANBY, OREGON**

INTERGOVERNMENTAL AGREEMENT ON
GREEN CORRIDOR AND RURAL RESERVE AND POPULATION
COORDINATION
AMONG CITY OF CANBY, CLACKAMAS COUNTY,
METRO AND THE OREGON DEPARTMENT OF TRANSPORTATION

This Agreement is entered into by and between the City of Canby ("City"), Clackamas County ("County"), Metro ("Metro") and the Oregon Department of Transportation ("ODOT") pursuant to ORS 190.003 to 190.110, which allows units of government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform.

RECITALS

WHEREAS, The Portland metropolitan region and neighboring cities outside Metro's jurisdictional boundaries are expected to experience substantial population and employment growth by the year 2040; and

WHEREAS, Anticipated urban growth and development in the Metro area will affect neighboring cities outside Metro's jurisdictional boundaries, and anticipated urban growth and development in the neighboring cities will affect jurisdictions within Metro's boundaries; and

WHEREAS, The City wishes to maintain its distinct identity, and the City and Metro area interested in maintaining separation of the City from the metropolitan area; and

WHEREAS, To achieve this separation, the City, the County and Metro are interested in creating permanent reserves of rural land between the City and the metropolitan area and taking coordinated action to reduce urban development pressures upon such rural reserve areas; and

WHEREAS, The City, the County, Metro and ODOT have a common interest in planning connecting highways between the City and the Metro area as "Green Corridor" high performance, multi-modal transportation facilities, where access is tightly controlled and development pressures are minimized; and

WHEREAS, The City, the County, Metro and ODOT further intend such Green Corridors to reinforce the separate and distinct identities of the City and the Metro area, support a multi-modal transportation system and intra-urban connectivity, and encourage economic development within the City; and

WHEREAS, The City, the County, Metro and ODOT are interested in preserving and protecting the rural and natural resource character of rural reserve areas along the Green Corridor that separate the City from the

metropolitan area, and are further interested in protecting farm and forest activities in those areas from development pressures and incompatible uses; and

WHEREAS, Statewide Planning Goal 2, Land Use Planning, requires that local government comprehensive plans and implementing measures be coordinated with the plans of affected governmental units and that local government, state and federal agency and special district plans and actions relating to land use be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268; and

WHEREAS, OAR 660, Division 12 requires ODOT, Metro, and the City and County to prepare and adopt, respectively and in coordination with each other, state, regional and local transportation system plans establishing a coordinated network of transportation facilities to serve state, regional and local transportation needs; and

WHEREAS, ORS 195.036 requires the coordination of population forecasts; the City with the County and Metro with the County;

NOW, THEREFORE, the City, the County, Metro and ODOT agree as follows:

AGREEMENT

I. Purpose

The parties agree that they are mutually interested in and will work together to:

A. Preserve the distinct and unique identities of the City and the metropolitan area by maintaining a separation of the City from the metropolitan area.

B. Plan and manage connecting highways between the City and the Metro area as Green Corridor high performance, multi-modal transportation facilities.

C. Recognize that each Green Corridor is critical to inter-urban connectivity and to support and encourage economic development and a jobs-to-housing balance within the City.

D. Preserve and protect the rural and natural resource character and values of Rural Reserve areas along the Green Corridor that separate the City from the metropolitan area.

E. Control access to the Green Corridor to maintain the function, capacity and level of service of the facilities, enhance safety and minimize development pressures on Rural Reserve areas.

F. Establish a plan to protect the unique visual character of each Green Corridor.

G. Designate areas of rural land to separate and buffer Metro's Urban Growth Boundary and Urban Reserve areas from the City's Urban Growth Boundary and Urban Reserve areas.

H. Act together to reduce development pressures upon Rural Reserve areas and thereby enhance certainty and viability of resource uses in the Rural Reserves.

II. Definitions

A. "Green Corridor" means the high performance, multi-modal transportation facilities connecting the City to the metropolitan area along I-5 and Highway 99E, and the surrounding identified rural lands within which the rural and natural resource character will be preserved and protected to maintain separation between the City and the metropolitan area and preserve the unique identities of the City and the metropolitan area.

B. "Rural Reserve" areas are those areas identified by the parties pursuant to the terms of this agreement to provide a permanent separation and buffer between Metro's Urban Growth Boundary and Urban Reserve areas and the City's Urban Growth Boundary and Urban Reserve areas and thereby maintain the distinct identity and character of the City and the metropolitan area.

III. Establishment and Amendment of Green Corridor Boundaries

A. Establishment of Green Corridor boundaries.

1. Until permanent Green Corridor boundaries are established as provided for in this Agreement, interim Green Corridor boundaries shall be established which extend out a distance of 200 feet from both edges of the right of way of the transportation corridor as shown on map Attachment "A" to this Agreement.

2. Permanent Green Corridor boundaries shall be established by the County in cooperation with the City, ODOT and Metro. The establishment of Green Corridor boundaries and the land use and transportation strategies applied within Green Corridors shall take into consideration:

a. The unique visual and functional characteristics of the corridor.

b. The views from the transportation corridor as seen at normal highway speeds and the width of the area alongside the transportation corridor that affect the function of that corridor.

B. Amendment of Green Corridor Boundaries.

1. Green Corridor boundaries may be amended by the County in cooperation with the City, ODOT and Metro.

2. When amending Green Corridor boundaries, the County shall work in cooperation with the City, ODOT and Metro and consider:

a. The views from the transportation corridor as seen at normal highway speeds;

b. The width of the area alongside the transportation corridor that affects the function of that corridor;

IV. Comprehensive Planning Along Green Corridors

A. County comprehensive plan designations and zoning shall apply to all lands designated as Green Corridors. The development of a Comprehensive Plan and Comprehensive Plan amendments for lands within Green Corridor boundaries shall provide for notice and opportunity for comment with the City, Metro and ODOT.

B. ODOT shall prepare, adopt and amend a state transportation system plan addressing transportation facilities serving state transportation needs within Green Corridor boundaries. The County shall be responsible for the preparation, adoption and amendment of the local and regional transportation system plans for facilities of regional and local significance within Green Corridor boundaries. Preparation, adoption and amendment of the state, regional and local transportation system plans shall provide for coordination with and participation by the City, Metro, and Oregon Department of Transportation and other entities providing transportation facilities or services within Green Corridor boundaries.

V. Land Use and Development within Green Corridor Boundaries

A. The County shall retain current zoning including resource lands within Green Corridor boundaries and agree not to expand rural commercial or rural industrial zones, unless approved by the City.

B. The parties shall work cooperatively to determine whether specific uses which would otherwise be permitted within existing exception areas under

County zoning (e.g. new schools, churches) should be prohibited or restricted within the Green Corridor areas to implement the purposes of this agreement. Within 5 years, provided funding is available, the County shall amend its Comprehensive Plan and implementing Ordinance to comply with this agreement.

VI. Screening, Buffering and Signage

A. Within 5 years, provided funding is available, the County shall amend its Comprehensive Plan and implementing Ordinance to consider application of existing County Plan and Ordinance provisions relating to Scenic Highways to the Green Corridor.

B. For existing non-rural development within adjacent or deemed by the cooperating parties to be a visible intrusion into the Green Corridor; ODOT in cooperation with the County, City and Metro shall develop a program of visual screening. Such a program shall contain a landscaping/screening plan for the Green Corridor, which will include identification and prioritization of areas to be screened, and cooperative implementation and maintenance measures.

C. ODOT shall develop a coordinated program for sign consolidation within the Green Corridor boundaries in cooperation with the County, City and Metro.

VII. Access Management and Roadway Improvements

A. In coordination with the other parties, ODOT will review the access management designation within Green Corridor boundaries and develop a cooperative Access Management Plan that promotes high performance, multi-modal transportation facilities connecting the City to the metropolitan area while limiting development pressures on rural and natural resource lands within the Green Corridor. The Access Management Plan shall include techniques to consolidate and limit accesses to and from the Green Corridor to cooperatively purchase access rights, and/or allow no new accesses to the Green Corridor highway except where no reasonable alternative exists.

B. Improvements to the Green Corridors shall be conducted for the purposes of improving multi-modal, traffic safety, the movement of freight, and aesthetics, and shall not be intended solely to improve access to single-occupancy vehicles.

C. Shared access shall be required to the extent reasonably practicable.

VIII. Establishment and Amendment of Rural Reserve Boundaries

A. Establishment of Rural Reserve boundaries.

1. The Rural Reserve boundaries shall be as shown on map Attachment "A" to this Agreement.

B. Amendment of Rural Reserve Boundaries.

1. Rural Reserve boundaries may be amended by mutual agreement of the parties. The party proposing an amendment to a Rural Reserve boundary shall be the lead coordinating agency and shall be principally responsible for demonstrating how the proposed amendment is consistent with the purposes of this Agreement.

2. No amendment shall be effective until adopted by the governing body of the City, the County, ODOT and Metro.

IX. Comprehensive Planning and Zoning within Rural Reserve Boundaries

A. County comprehensive plan designations and zoning shall apply to all lands within Rural Reserve areas. The development of comprehensive plan policies and zoning for lands within Rural Reserve areas shall provide for notice and opportunity for comment with the City, ODOT and Metro.

B. Metro's Urban Growth Management Functional Plan regarding rural reserves and green corridors shall be used as guidelines in developing a plan for these rural lands and maintain the rural character of the landscape and our agricultural economy.

C. The County shall not upzone existing exception areas or nonresource lands to allow a density of development that is greater than what is permitted by existing zoning as of the effective date of this agreement, unless the City agrees to such a change.

X. Development with Rural Reserve Areas

A. The parties shall work cooperatively to determine whether specific uses which would otherwise be permitted within existing exception areas under County zoning (e.g. new schools, churches) should be prohibited or restricted within Rural Reserve areas to implement the purposes of this agreement. This provision does not apply to that portion of the Rural Reserve north of the Willamette River.

XI. Population Coordination

required to coordinate their population forecasts, this agreement is intended to provide for overall coordination of these forecasts.

B. Whenever the County, City or Metro prepare a draft population forecast, they shall provide copies of the forecast to the other parties. After review by all parties, including the City, County and Metro, if agreement by all three parties is reached, a letter from each party from the Mayor, Chair of the County Commission and Metro Executive to all other parties stating agreement with the forecast shall be sent. Land use planning and other work of the parties based on the population forecasts may then commence. In the event that agreement cannot be reached, the parties agree to bring the matter before a neutral fourth party for mediation.

XII. Notice and Coordination Responsibilities

A. The County shall provide the City, Metro and ODOT with notice and an opportunity to comment at least 30 days prior to the first scheduled public hearing on plan amendments or zone changes within the Green Corridor.

B. The County shall provide the City, Metro and ODOT with notice and an opportunity to comment at least 15 days prior to administrative action on any development applications (including, but not limited to, conditional use permits and design review) within the Green Corridor.

C. ODOT shall provide notice to and opportunity for comment to the City, the County and Metro on access management plans and improvements affecting state highways within the Green Corridor.

D. The County shall provide the city, ODOT and Metro with notice and an opportunity to comment at least 30 days prior to the first scheduled public hearing on any comprehensive plan or land use regulation amendment proposal within a Rural Reserve area.

E. The City shall provide the County, ODOT and Metro with notice and an opportunity to comment at least 30 days prior to the first scheduled public hearing on any comprehensive plan or land use regulation amendment proposal within a Rural Reserve area.

F. Metro shall provide notice to and provide opportunity for comment to the City, ODOT and the County at least 30 days prior to the first scheduled public hearing on any proposed urban growth boundary, urban reserve boundary or functional plan amendment within a Rural Reserve area.

G. In order to fulfill the cooperative planning provisions of this agreement the City, County, Metro and ODOT shall provide each other with needed data, maps, and other information in hard copy or digital form in a timely manner without charge.

XIII. Amendments to this Agreement

This Agreement may be amended in writing by the concurrence of all parties. The terms of this agreement may be reviewed at the time that the parties adopt modifications to related agreements.

XIV. Termination

This agreement shall continue indefinitely. It may be terminated by any of the parties within 60 days written notice to the other parties.

XV. Severability

If any section, clause or phrase of this agreement is invalidated by any court of competent jurisdiction, any and all remaining parts of the agreement shall be severed from the invalid parts and shall remain in full force and effect.

CITY OF CANBY

Scott M. Taylor
Mayor, City of Canby

ATTEST:

By: Michael Ford
City Recorder

METRO

Metro Executive

ATTEST:

By: _____
City Recorder

OREGON DEPARTMENT OF
TRANSPORTATION

Director

ATTEST:

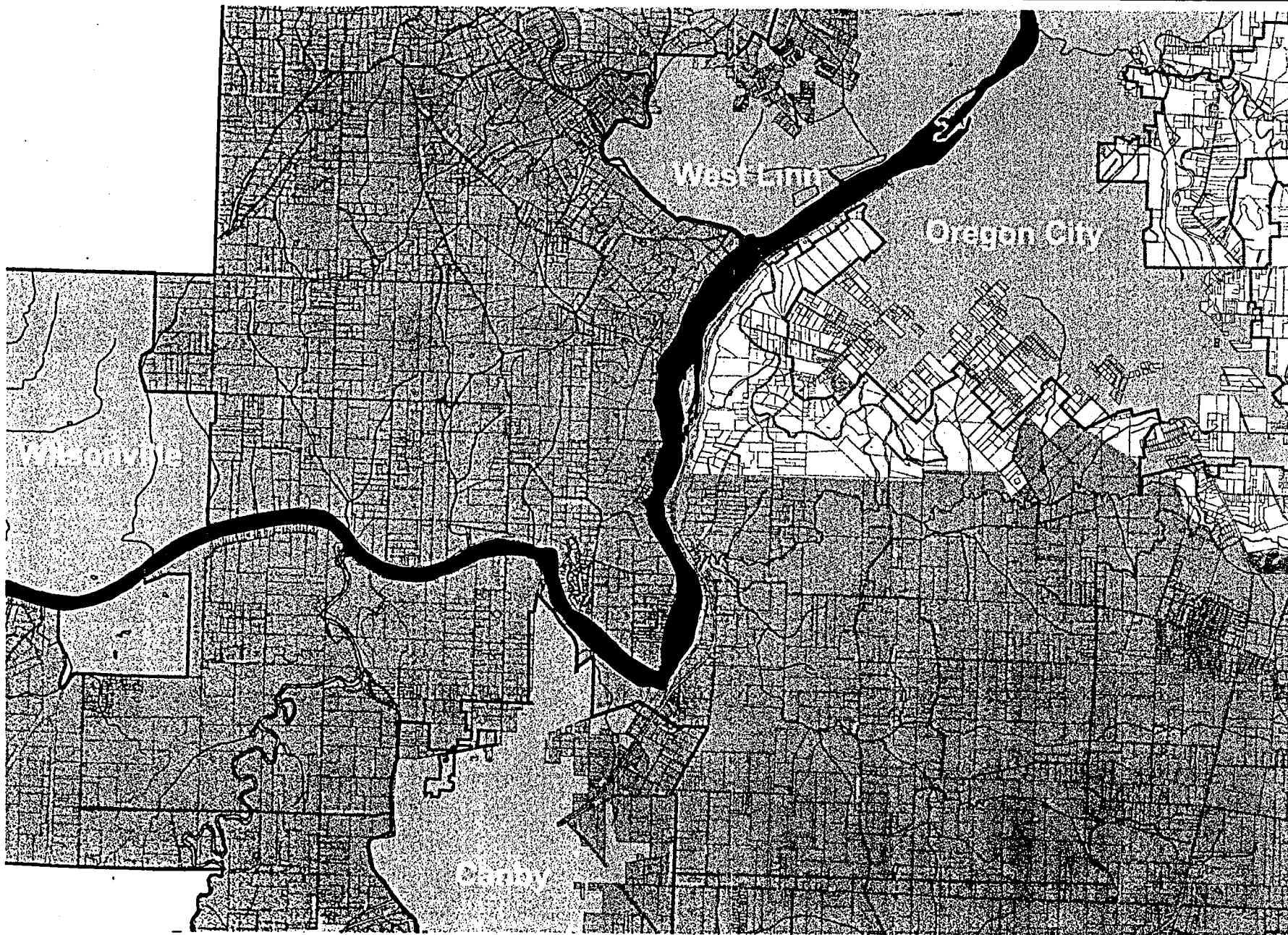
By: _____
Recording Secretary

CLACKAMAS COUNTY

B. U. Freeman
Chairperson, Clackamas County
Board of Commissioners

ATTEST:

By: Millicent Morris
Recording Secretary



Geographical Information System

IGA Agreement Area

(METRO, ODOT and
Clackamas County)

Canby IGA Area

City Jurisdiction

UGB

School Districts

CANBY

OREGON CITY

WEST LINN

DRAFT

200 0 200 F.

Note: IGA Agreement Area coverage was provided by
All agencies concerning the location of this area were
to provide to Clackamas County.

Clackamas
County

DISCLAIMER:
This map and other information have been
compiled only for preliminary and general
purposes. They are not intended to be accurate
and suitable for any other purposes.
Therefore, this information is not intended to
be suitable for purposes of land use regulation,
zoning, etc. and the liability of the property
for specific use.

Print Date: June 1, 1999
Clackamas County, ClackamasCounty.org

OTHER EXHIBITS - RESOLUTION NO 99-1210

EXHIBIT "C" - CLACKAMAS COUNTY ORDERS

EXHIBIT "D" - 2040 GROWTH CONCEPT

**EXHIBIT "E" - URBAN GROWTH MANAGEMENT FUNCTIONAL
PLAN**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

FOR THE PURPOSE OF ESTABLISHING
AN AGREEMENT WITH THE CITY OF
CANBY, THE METROPOLITAN
SERVICE DISTRICT, AND OREGON
DEPARTMENT OF TRANSPORTATION
TO MANAGE LAND USE IN GREEN
CORRIDORS AND RURAL RESERVE AREAS

ORDER NO. 98-220

WHEREAS, Title 5 of the METRO Urban Growth Management Functional Plan provides for the adoption of Agreements among neighboring cities, Clackamas County, METRO and the Oregon Department of Transportation (DOT) for the purpose of designating and maintaining rural reserve areas between METRO urban Reserve Areas and the Urban Growth Boundary of the neighboring cities, and designating and maintaining green corridors along transportation corridors within these areas; and

WHEREAS, Clackamas County, the City of Canby, METRO and ODOT have met and concluded that the agreement herein attached as Exhibit "A" accomplishes the aforementioned purpose, and

WHEREAS, the agreement set forth in Exhibit "A" is consistent with the County Comprehensive Plan, METRO Urban Growth Management Functional Plan and applicable Statewide Land Use Planning Goals and Guidelines.

NOW, THEREFORE, IT IS HEREBY ORDERED that the agreement attached as Exhibit "A" and titled "Intergovernmental Agreement on Green Corridor and Rural Reserve and Population Coordination Among City of Canby, Clackamas County, METRO and the Oregon Department of Transportation" we signed and executed.

THIS 10th DAY OF September, 1998

BOARD OF COUNTY COMMISSIONERS

Jack Hammer
CHAIR

M. Morrison
MILLICENT MORRISON, RECORDING SECRETARY

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

FOR THE PURPOSE OF ESTABLISHING
AN AGREEMENT WITH THE CITY OF
SANDY, THE METROPOLITAN
SERVICE DISTRICT, AND OREGON
DEPARTMENT OF TRANSPORTATION
TO MANAGE LAND USE IN GREEN
CORRIDORS AND RURAL RESERVE AREAS

ORDER No. 98-219

WHEREAS, Title 5 of the METRO Urban Growth Management Functional Plan provides for the adoption of Agreements among neighboring cities, Clackamas County, METRO and the Oregon Department of Transportation (DOT) for the purpose of designating and maintaining rural reserve areas between METRO urban Reserve Areas and the Urban Growth Boundary of the neighboring cities, and designating and maintaining green corridors along transportation corridors within these areas; and

WHEREAS, Clackamas County, the City of Sandy, METRO and ODOT have met and concluded that the agreement herein attached as Exhibit "A" accomplishes the aforementioned purpose; and

WHEREAS, the agreement set forth in Exhibit "A" is consistent with the County Comprehensive Plan, METRO Urban Growth Management Functional Plan and applicable Statewide Land Use Planning Goals and Guidelines.

NOW, THEREFORE, IT IS HEREBY ORDERED that the agreement attached as Exhibit "A" and titled "Intergovernmental Agreement on Green Corridor and Rural Reserve and Population Coordination Among City of Sandy, Clackamas County, METRO and the Oregon Department of Transportation" we signed and executed.

THIS 10th DAY OF September, 1998

BOARD OF COUNTY COMMISSIONERS

John Morrison
CHAIR

MILLICENT MORRISON, RECORDING SECRETARY

RETURN TO:	
DIVISION	<u>OTD-Planning</u>
PERSON	<u>Eileen</u>
PH	EXT

1.10 Urban Design

The identity and functioning of communities in the region shall be supported through:

- the recognition and protection of critical open space features in the region
- public policies that encourage diversity and excellence in the design and development of settlement patterns, landscapes and structures
- ensuring that incentives and regulations guiding the development and redevelopment of the urban area promote a settlement pattern that:
 - link any public incentives to a commensurate public benefit received or expected and evidence of private needs
 - is pedestrian "friendly," encourages transit use and reduces auto dependence
 - provides access to neighborhood and community parks, trails and walkways, and other recreation and cultural areas and public facilities
 - reinforces nodal, mixed-use, neighborhood-oriented design
 - includes concentrated, high-density, mixed-use urban centers developed in relation to the region's transit system
 - is responsive to needs for privacy, community, sense of place and personal safety in an urban setting
 - facilitates the development and preservation of affordable mixed-income neighborhoods.

Pedestrian- and transit-supportive building patterns will be encouraged in order to minimize the need for auto trips and to create a development pattern conducive to face-to-face community interaction.

1.11 Neighbor Cities

Growth in cities outside the Metro UGB, occurring in conjunction with the overall population and employment growth in the region, should be coordinated with Metro's growth management activities through cooperative agreements which provide for:

Separation – The communities within the Metro UGB, in neighbor cities and in the rural areas in between will all benefit from maintaining the separation between these places as growth occurs. Coordination between neighboring cities, counties and Metro about the location of rural reserves and policies to maintain separation should be pursued.

Jobs Housing Balance – To minimize the generation of new automobile trips, a balance of sufficient number of jobs at wages consistent with housing prices in communities both within the Metro UGB and in neighboring cities should be pursued.

Green Corridors – The “green corridor” is a transportation facility through a rural reserve that serves as a link between the metropolitan area and a neighbor city which also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

1.12 Protection of Agriculture and Forest Resource Lands

Agricultural and forest resource land outside the UGB shall be protected from urbanization, and accounted for in regional economic and development plans, consistent with this Plan. However, Metro recognizes that all the statewide goals, including Statewide Goal 10, Housing and Goal 14, Urbanization, are of equal importance to Goals 3 and 4 which protect agriculture and forest resource lands. These goals represent competing and, some times, conflicting policy interests which need to be balanced.

Rural Resource Lands – Rural resource lands outside the UGB that have significant resource value should actively be protected from urbanization. However, not all land zoned for exclusive farm use is of equal agricultural value.

Urban Expansion – Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.

Farm and Forest Practices – Protect and support the ability for farm and forest practices to continue. The designation and management of rural reserves by the Metro Council may help establish this support, consistent with the Growth Concept. Agriculture and forestry require long term certainty of protection from adverse impacts of urbanization in order to promote needed investments.

1.13 Participation of Citizens

The following policies relate to participation of Citizens:

1.13.1 Metro will encourage public participation in Metro land use planning.

1.13.2 Metro will follow and promote the citizen participation values inherent in RUGGO Goal 1, Objective 1 and the Metro Citizen Involvement Principles.

1.13.3 Local governments are encouraged to provide opportunities for public involvement in land use planning and delivery of recreational facilities and services.

EXHIBIT "E" URBAN GROWTH MANAGEMENT FUNCTIONAL
PLAN (PARTIAL)

TITLE 5: NEIGHBOR CITIES AND RURAL RESERVES

3.07.510 Intent

The intent of this title is to clearly define Metro policy with regard to areas outside the Metro urban growth boundary. **NO PORTION OF THIS TITLE CAN REQUIRE ANY ACTIONS BY NEIGHBORING CITIES.** Metro, if neighboring cities jointly agree, will adopt or sign rural reserve agreements for those areas designated rural reserve in the Metro 2040 Growth Concept with Multnomah, Clackamas, and Washington County, and Neighbor City Agreements with Sandy, Canby, and North Plains. Metro would welcome discussion about agreements with other cities if they request such agreements.

In addition, counties and cities within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances within twenty-four months to reflect the rural reserves and green corridors policies described in the Metro 2040 Growth Concept.

(Ordinance No. 97-715B, Sec. 1.)

3.07.520 Rural Reserves and Green Corridors

Metro shall attempt to designate and protect common rural reserves between Metro's urban growth boundary and designated urban reserve areas and each neighbor city's urban growth boundary and designated urban reserves, and designate and protect common locations for green corridors along transportation corridors connecting the Metro region and each neighboring city. For areas within the Metro boundary, counties are hereby required to amend their comprehensive plans and implementing ordinances to identify and protect the rural reserves and green corridors described in the adopted 2040 Growth Concept and shown on the adopted 2040 Growth Concept Map. These rural lands shall maintain the rural character of the landscape and our agricultural economy. New rural commercial or industrial development shall be restricted to the extent allowed by law. Zoning shall be for resource protection on farm and forestry land, and very low-density residential (no greater average density than one unit for five acres) for exception land.

For areas outside the Metro boundary, Metro shall encourage intergovernmental agreements with the cities of Sandy, Canby and North Plains.

(Ordinance No. 97-715B, Sec. 1.)

3.07.530 Invitations for Intergovernmental Agreements

Metro shall invite the cities and counties outside the Metro boundary and named in section 3.07.510 of this title to sign an Intergovernmental Agreement, similar to the draft agreements attached hereto⁶.

(Ordinance No. 97-715B, Sec. 1.)

3.07.540 Metro Intent with Regard to Green Corridors

Metro shall attempt to negotiate a Green Corridor Intergovernmental Agreement with Oregon Department of Transportation (ODOT) and the three counties (Clackamas, Multnomah and Washington) to designate and protect areas along transportation corridors connecting Metro and neighboring cities.

(Ordinance No. 97-715B, Sec. 1.)

⁶ On file in the Metro Council office.

GROWTH MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2753, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO SIGN NEIGHBOR CITY INTERGOVERNMENTAL AGREEMENT WITH THE CITIES OF SANDY AND CANBY, CLACKAMAS COUNTY AND OREGON DEPARTMENT OF TRANSPORTATION.

Date: February 9, 1999

Presented by: Councilor McLain

Committee Action: At its February 2, 1999 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2753. Voting in favor: Councilors Bragdon, Park and McLain.

Council Issues/Discussion: "Neighbor Cities" is a concept growing out of the Metro 2040 Growth Concept. It recognizes that cities surrounding the Portland metropolitan area, and urban growth boundary, are likely to experience rapid growth and also be affected by Metro's growth management policies. Title 5 of the Urban Growth Management Functional Plan—Neighbor Cities and Rural Reserves, invites local governments outside the metropolitan area to sign intergovernmental agreements with Metro, agreeing to jointly protect the intervening rural areas and to protect the major highways as "green corridors."

The intergovernmental agreement calls for certain activities and characteristics to be established sooner, e.g. an interim green corridor boundary of 200 feet from edge of right of way along mapped corridors. The bulk of the activities are designated to take place in the future however, such as permanent green corridor boundary designation, comprehensive plan amendments for land inside the green corridors and ODOT amendments to the state transportation system plan.

The IGA specifically states that "The County shall retain current zoning including resource lands within the Green Corridor Boundaries and agree not to expand rural commercial or rural industrial zones, unless approved by the City."

Section XII of the IGA extensively details provisions for notice between the county, affected cities, Metro and ODOT. Growth Management Committee discussion focused on appropriate notice to citizens, however, and asked legal counsel to investigate this further. At issue was to what extent these IGA's placed present or future restrictions on property, for which Metro would want to insure the citizenry had plenty of advanced notice.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2753, FOR THE PURPOSE OF AUTHORIZING THE METRO EXECUTIVE OFFICER TO SIGN NEIGHBOR CITY INTERGOVERNMENTAL AGREEMENTS WITH THE CITIES OF SANDY AND CANBY, CLACKAMAS COUNTY AND OREGON DEPARTMENT OF TRANSPORTATION

Date: January 13, 1999

Prepared by: Mark Turpel

BACKGROUND INFORMATION

For several years, Metro elected officials and staff have met and worked with several neighboring cities, especially the elected officials and staff from the cities of Sandy and Canby, to address concerns of these cities with regard to the impacts of metropolitan decisions on these communities. These concerns included the fear that expansion of urban growth boundaries over time would effectively eliminate the separation of these communities from the metropolitan area. Of special concern was what could happen along the major highways connecting the region with these adjacent cities. That is, there is the tendency to grow along them because of the accessibility and visibility of these lands. Growing together into one urban area could result in the loss of a sense of being a distinct community on the part of the adjacent city. If a distinct separation is to be maintained between the metropolitan region and an adjacent city, these areas are critical.

Accordingly, the intergovernmental agreement includes several provisions including:

1. calling for the parties to establish "green corridors" and joint policies along Highway 26 generally between Sandy and Gresham and along Highway 99 generally between Canby and Oregon City. For an area on an interim basis of 200 feet on either side of these highways, the views from the transportation corridor should be considered as land use and transportation strategies are designed to maintain or enhance the visual separation of these communities from the metropolitan region.
2. providing for notice if Metro, Clackamas County, ODOT or the cities of Sandy or Canby propose or hear proposals for UGB amendments, changes to comprehensive plan or zoning designations or transportation system plans. The agreement also obligates the County to work closely with the cities if expansion of rural commercial or rural industrial zones are proposed.
3. calling for a screening, buffering and signage program along the green corridor.
4. encouraging access management and roadway improvements for the purpose of improving multi-modal, traffic safety, movement of freight, aesthetics and shall not be solely intended to improve access for single occupancy vehicles;
5. providing for coordination of population forecasting.

These agreements are the result of initial policy direction set by the Metro Council, in consultation with neighboring cities. The policy was included initially in Metro's Regional Urban Growth Goals and Objectives (RUGGO) when adopted by ordinance in 1995 and subsequently added to the Regional Framework Plan in 1998 when it incorporated the elements of the RUGGO (see attachments). In addition, the Urban Growth Management Functional Plan strongly encourages Metro to work with neighboring cities to reach intergovernmental agreements concerning green corridors and rural reserves.

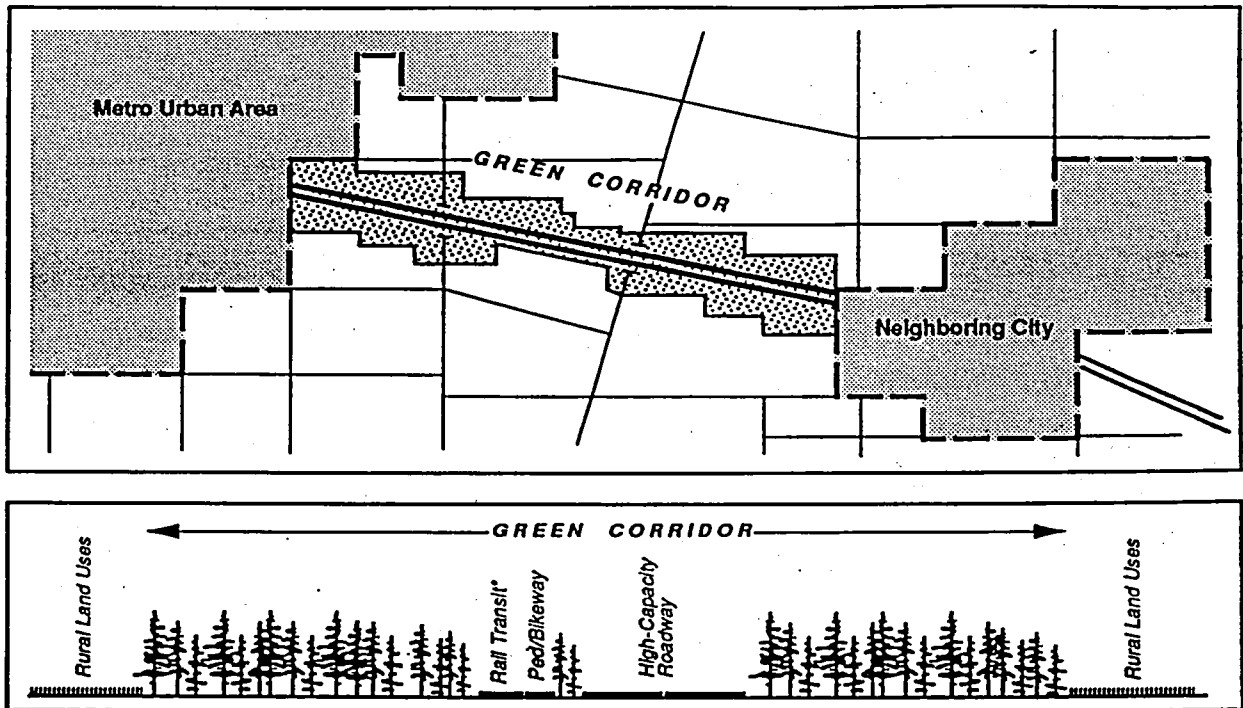
The agreement may be terminated by any party in 60 days upon receipt of written notice. Accordingly, the agreement is primarily a commitment to closer coordination and exchange of information with the hope that joint actions of mutual interest may be improved.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 99-2753.



Green Corridors



GREEN CORRIDOR GOAL:

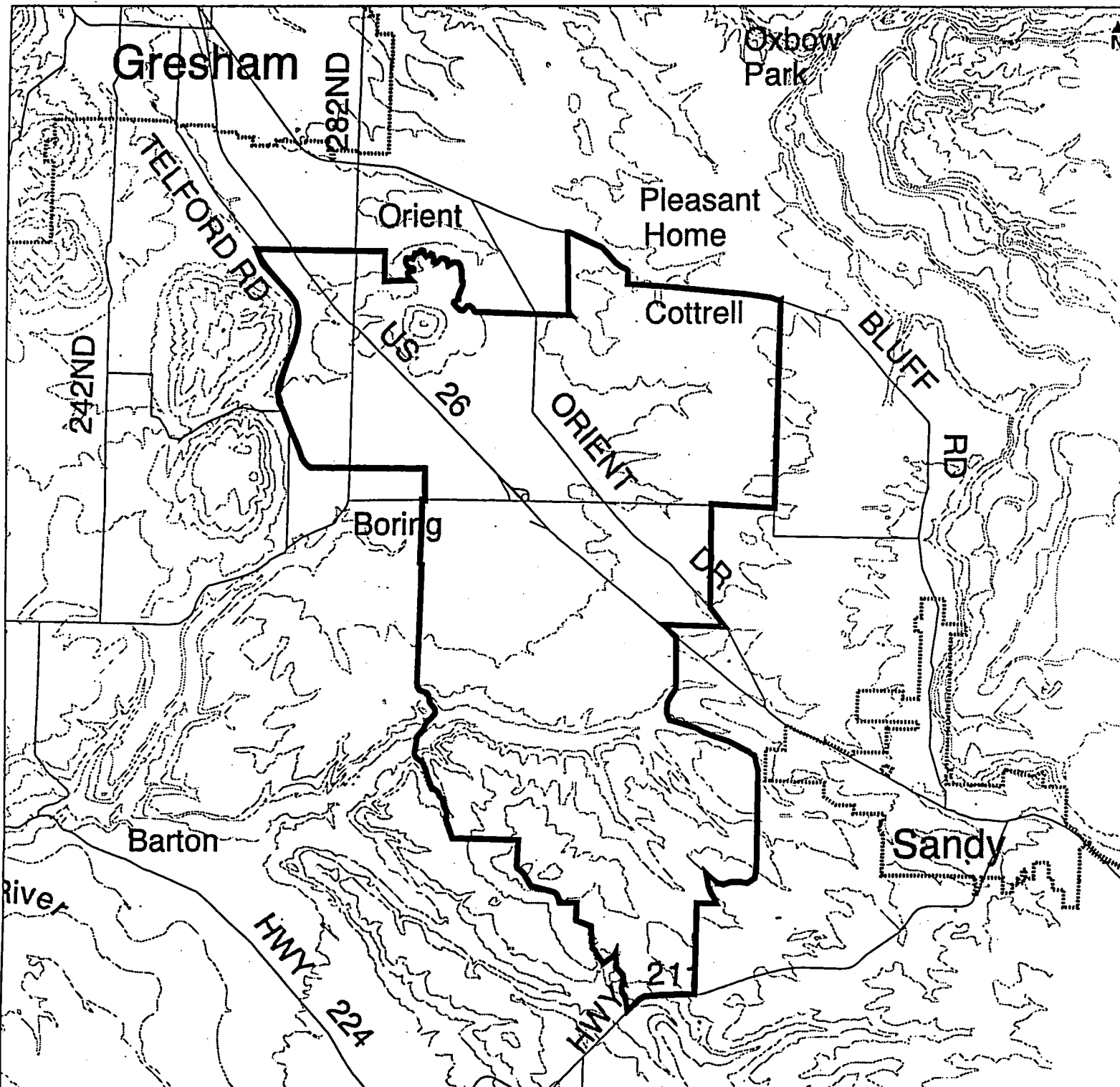
To provide a safe, high capacity route of travel between neighboring cities where impacts of urban travel along the corridor will not induce urban levels of development or diminish views of the undeveloped rural landscape.

GREEN CORRIDOR OBJECTIVES:

- Manage and maintain green corridors consistent with conservation of rural reserves.
- Maintain buffered corridors with natural landscaping to minimize views of non-resource land uses;
- Limit access to rural areas from the main transportation corridor such that the safety and operating capacity of the corridor is not compromised. Views of the undeveloped rural landscape along the green corridor should be retained and where appropriate, enhanced. Important elements of the undeveloped rural landscape include: farm fields and orchards, wetlands, streams and rivers. New buildings, signs and other improvements should be located away from and buffered from the transportation corridor by landscaping.
- Maintain a high level of service for all modes of travel along the corridor to provide easy and efficient travel for non single- occupant-vehicle (SOV) access to neighboring cities. Surrounding rural transportation networks shall be maintained such that reasonable travel options exist;
- Maintain a strong transit connection between neighboring towns and the Metro urban area and
- Keep capacity improvements to the surrounding rural network very limited.

GREEN CORRIDOR DESIGN ELEMENTS:



- Green Corridors are centered on major highway links between neighboring towns and the nearest regional center;
- Corridors also include either commuter rail, light rail or express bus linking neighboring towns to the nearest activity centers within the Metro urban area;
- Corridors include substantial bicycle and pedestrian amenities; bikeways & pedestrian trails are constructed as a discrete facility within the corridor to capitalize on "green" amenities, separate from roadways;
- Right-of-way includes substantial buffer of natural landscaping, which is intended to screen major transportation corridors from exception lands and other non-rural uses, provide an aesthetic amenity to corridor travelers and limit the demand for urban-oriented activities on adjacent rural lands.



R L I S
REGIONAL LAND INFORMATION SYSTEM


IGA Agreement Area
(Metro, ODOT, Sandy,
and Clackamas County)

DRAFT
Neighborhood Cities
Map

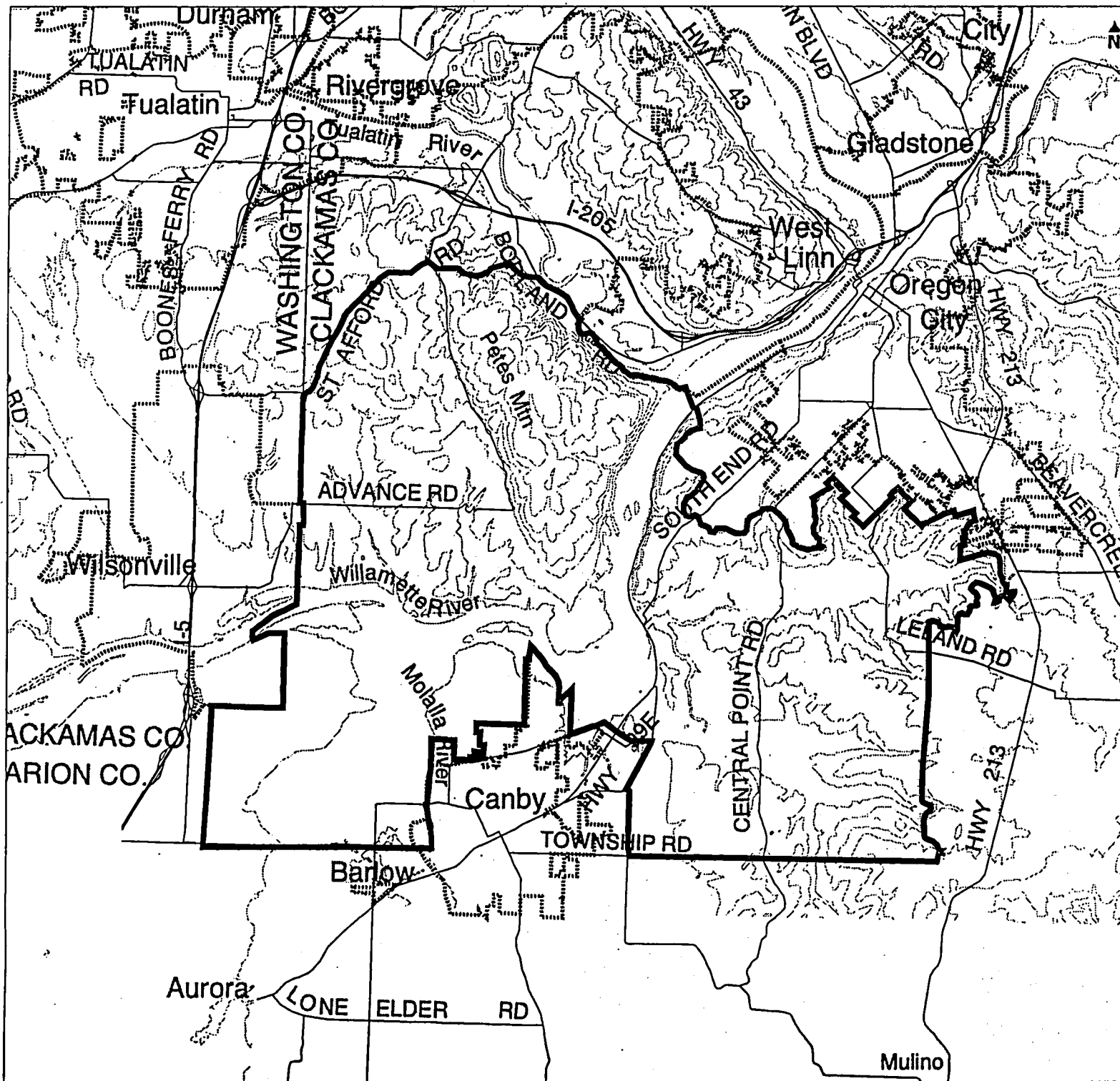
 Major Arterial Streets
 Sandy IGA Area

DRAFT

0 0.5 1 1.5 Miles
1" = 1.1 miles


METRO

600 NE Grand Ave.
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1909
Email: drc@metro.dst.or.us



R L I S

REGIONAL LAND INFORMATION SYSTEM

IGA Agreement Area (Metro, ODOT, Canby, and Clackamas County)

DRAFT
Neighborhood
Cities Map

Major Arterial Streets
Canby IGA area

DRAFT

0 0.5 1 1.5 2 Miles
1" = 1.6 miles



METRO

600 NE Grand Ave.
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Agenda Item Number 9.1

Resolution No. 99-2744, For the Purpose of Authorizing the Executive Officer to Acquire two Parcels (Broughton and Portage Marina) from the Port of Portland which are located in the Columbia River Shoreline Target Area.

Executive Session Held Pursuant to ORS 192.660(1)(e). Deliberations with Persons Designated to Negotiate Real Property Transactions.

**Metro Council Meeting
Thursday, February 18, 1999
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE)	RESOLUTION NO. 99-2744
EXECUTIVE OFFICER TO ACQUIRE TWO)	
PARCELS (BROUGHTON BEACH AND)	
PORTAGE MARINA) FROM THE PORT OF)	Introduced by Mike Burton
PORTLAND WHICH ARE LOCATED IN THE)	Executive Officer
COLUMBIA RIVER SHORELINE TARGET)	
AREA)	

WHEREAS, In July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified regionally significant natural area including the Columbia River Shoreline; and

WHEREAS, at the election held on May 16, 1995, the Metro voters approved the Open Spaces, Parks and Streams Bond Measure (Measure 26-26) which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition; and

WHEREAS, in June 1996, the Metro Council adopted a refinement plan for the Columbia River Shoreline and Islands Target Area; and

WHEREAS, Metro desires to acquire two parcels which are located along the Columbia River and identified as Tier I properties in the refinement plan; and

WHEREAS, the amended Open Space Implementation Work Plan adopted in January 1997, provides that the Metro Council approval is required for purchases involving "unusual circumstances", and

WHEREAS, the proposed real estate transaction which is embodied in the Sale Agreement and Receipt for Earnest Money between the Port of Portland and Metro attached as Exhibit A involves "unusual circumstances", now therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to acquire certain parcels pursuant to the terms and conditions set forth in the attached Sale Agreement and Receipt for Earnest Money between the Port of Portland and Metro.

Adopted by Metro Council this _____ day of _____, 1999.

Rod Monroe, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 99-2744 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO ACQUIRE TWO PARCELS (BROUGHTON BEACH AND PORTAGE MARINA) FROM THE PORT OF PORTLAND WHICH ARE LOCATED IN THE COLUMBIA RIVER SHORELINE TARGET AREA

Date: January 21, 1999

Presented by: Charles Ciecko
Jim Desmond

PROPOSED ACTION

Resolution No. 99-2744 requests authorization for the Executive Officer to acquire from the Port of Portland two parcels known as Broughton Beach and Portage Marina which are located on either side on the M. James Gleason Boat Ramp in the Columbia River Shoreline Target Area. The Metro Council previously considered this item on November 24, 1998 as Resolution No. 98-2694. By a 3 to 3 vote, the Metro Council did not approve the Resolution.

BACKGROUND AND ANALYSIS

Metro acquired the M. James Gleason Boat Ramp from Multnomah County in 1996 as part of the transfer of Multnomah County Parks to Metro. In March 1998, Metro, in partnership with the Port of Portland (Port), The Oregon State Marine Board (OSMB) and Multnomah County, completed a Master Plan for the area known as the Columbia River Management Unit which encompasses the Boat Ramp and the two adjacent parcels - Broughton Beach and Portage Marina. The Metro Council approved the Master Plan in March 1998.

During this time, Metro and the Port were involved in negotiations related to transferring ownership of the Beach and Portage Marina from the Port to Metro. The transaction involves the Portage Marina parcel (1.3 acres) which is located just west of the boat ramp and a portion of Broughton Beach (9.5 acres) which is located just east of the boat ramp.¹ The remainder of Broughton Beach would continue to be owned by the Port. A purchase price of \$300,000 has been established for both parcels and is supported by an appraisal of the property. Also included in the transaction is the payment by the Port of \$20,000 per year for a five-year period to assist with maintenance costs of the beach area. Metro currently manages approximately 8 acres of the beach pursuant to a Lease Agreement entered into between the Port and Multnomah County. This Lease Agreement has been in place since 1977 and does not provide any compensation.

The negotiations between the Port and Metro have been protracted and difficult. During these negotiations, several concessions were made by Port staff, resulting in a final proposed transaction that is much more favorable than the Port's original proposal. However, Metro staff did not receive some desired concessions to certain terms and conditions associated with the environmental condition of the property. The Port has insisted that the transfer be on an "as-is" basis with no environmental representations or warranties regarding the condition of the properties. Metro typically receives these types of representations and warranties from sellers of real property. In addition, the Port has insisted that a provision be included which requires Metro

¹ A lot line adjustment is contemplated which would "move" the existing property line between the boat ramp and beach parcels, resulting in a larger boat ramp parcel.

to prove the Port responsible for any contamination which might be discovered on the site after closing the transaction. The Port does remain liable for hazardous substances it causes to be located on or migrate on the property once Metro owns it.

In consultation with the acquisition committee, staff determined the risks in this particular case to be minor and to move the proposed purchase forward, and the acquisition committee recommended approval by the Metro Council in the form of Resolution No. 98-2694. This recommendation was made with the recognition that no further concessions would be forthcoming from the Port; and, that the properties nevertheless are of significant importance to Metro's ability to efficiently and effectively manage M. James Gleason Boat Ramp as noted in the Master Plan.

Because the proposed real estate transaction contains several unusual circumstances, Metro Council must approve the purchase. A staff report was prepared which detailed the terms of the transaction and the unusual circumstances and Metro Council was briefed on this transaction in executive session at the November 24, 1998 Council meeting. Comments from Metro Councilors focused on the unusual circumstance related to the burden of proof provision noted above. After much discussion, the Metro Council rejected the resolution on a 3 to 3 vote. Metro Councilors voting against the Resolution directed Metro staff to once again contact Port staff and seek modifications to the terms and conditions of the transaction related to the environmental provisions.

Metro staff contacted Port staff several times since the November 24th meeting to discuss the transaction and the Council's position. This contact included a telephone conversation between Metro Executive Mike Burton and Port Executive Director Mike Thorne. On all occasions, the Port has indicated that it is unwilling to make any changes to the environmental terms and conditions. They have indicated that they have made several concessions to date and that they feel that these terms and conditions are appropriate given Metro/Multnomah County's lease of part of the beach over the past 20 years. In addition, they have stated that all testing completed during the due diligence period have indicated there is a low level of environmental risk on the property.

In order to "close the loop" and to respond to Council direction given at the November 24th meeting, Metro staff has resubmitted the proposal for Council consideration. Metro staff continues to recommend that Council approve Resolution 99-2744 authorizing the Executive Officer to acquire these parcels. Staff recommendation is based on the following:

- Based on Multnomah County / Metro control of a majority of the site since 1977 and the results of the Level I and Level II environmental assessments², the site represents low risk for historic contamination.
- Parcels are important to meeting "Refinement Plan" objective of improving public access to the Columbia River. Virtually no other sites are feasible for new or enhanced public access between Kelly Point Park and Rooster Rock State Park - a distance of 30 miles.

² At Metro's request, a level II assessment of a historic building site identified on the beach was just recently completed. The independent environmental consultant recommended no further action on the site.

- A collaborative master plan has been completed (involving Oregon State Marine Board, Multnomah County, Port of Portland and Metro) and approved by the Metro Council. The master plan, which cost approximately \$37,000, cannot be implemented if these parcels are not acquired.
- Metro has been awarded a \$165,000 grant from the Oregon State Marine Board for design and engineering of phase I improvements. This grant will have to be returned if this purchase is not completed. Oregon Marine Board has indicated a strong interest in awarding a major grant to Metro for the implementation of phase I improvements at M. James Gleason Boat Ramp in FY 99-00. The opportunity to receive these state funds will be lost if the acquisition does not go forward.

FINDINGS

Acquisition of the parcels from the Port is recommended based on the following:

- The acquisition accomplishes a specific project listed in the Bond Measure Fact Sheet: "M. James Gleason Boat Ramp - Improvements to launch facility on Columbia River in Northeast Portland."
- The acquisition accomplishes a Tier I objective of the Columbia Shoreline and Islands Target Area refinement plan to "Acquire lands along the shoreline suitable for future public access, including boater access."
- The Property is necessary to improve the site in accordance with the Master Plan. Specifically the parcels will improve overall facility efficiency and public safety significantly.
- The environmental risk on the Property is low, and the Port is not released from liability for contamination it causes on the Property.
- This acquisition on these terms was recommended by the Real Estate Acquisition Committee, which met on October 13, 1998.
- The receipt of \$20,000 per year for five years from the Port will cover the management expense of Broughton Beach for that five-year period. This area has been historically managed by Multnomah County and Metro without any compensation from the Port.

BUDGET IMPACT

Funds to acquire the parcels are available in fiscal year 1998-99 Open Spaces Acquisition Division budget

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution 99-2744.