

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 00-2908
THE JACKSON BOTTOM – DAIRY/)
MCKAY CREEKS TARGET AREA)
REFINEMENT PLAN)
)

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

WHEREAS, at the election held on May 16, 1995, the Metro area 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 capital improvements pursuant to bond covenants, Council-adopted "refinement plans," and Council-adopted work plan; and

WHEREAS, The Jackson Bottom – Dairy/McKay Creeks regional target area was designated as a greenspace of regional significance in the Greenspaces Master Plan and identified as a regional target area in the Open Spaces, Parks and Streams Bond Measure; and

WHEREAS, on June 27, 1996, Metro Council adopted a refinement plan for the Jackson Bottom – Dairy/McKay Creeks target area which aims to protect water quality, wildlife habitat and to enhance education and stewardship opportunities on Dairy and McKay Creeks primarily through the acquisition of land adjacent to the existing Jackson Bottom Wetland Preserve, in order to expand a regionally significant public natural area; and

WHEREAS, the refinement plan for the Jackson Bottom – Dairy/McKay Creeks Target Area promotes cooperative acquisitions with local public and private partners but does not target specific, locally significant properties or specify the extent of Metro's commitment to such partnerships; and

WHEREAS, at the suggestion of the City of Hillsboro, neighborhood activists, and the landowner, Metro has examined an 11 acre parcel north of the Jackson Bottom – Dairy/McKay Creeks acquisition target area which contains both banks of a segment of an unnamed McKay Creek tributary (the Fishback Property); and

WHEREAS, Metro's biological assessment concluded that the Fishback Property has local significance as an intact habitat fragment which presents educational and natural resource dependent recreation opportunities for the surrounding population; and

WHEREAS, a potential partnership opportunity exists as the City of Hillsboro and other potential partners would consider contributing a portion of the purchase price of the Fishback Property and would agree to manage the property as part of its local natural area park system; and

WHEREAS, the neighborhood surrounding the Fishback Property is aware of the natural resource value of the property and supports the public acquisition of the property; and

WHEREAS, if the property is not acquired for park purposes, the Fishbacks will sell the property to a developer in order to facilitate the subdivision and development of the property; and

WHEREAS, acquisition of the Fishback Property would serve the Jackson Bottom – Dairy/McKay Creeks Target Area refinement plan goal of pursuing partnerships with the City of Hillsboro in order to protect wildlife habitat and water quality in Dairy and McKay Creeks while creating passive recreation, education and stewardship opportunities; and

WHEREAS, amendment of the refinement plan map illustrating acquisition targets in the Jackson Bottom – Dairy/McKay Creeks Target Area tributaries to include the Fishback Property would allow Metro and the City of Hillsboro to take advantage of this acquisition opportunity and to serve the target area objectives described above; now therefore,

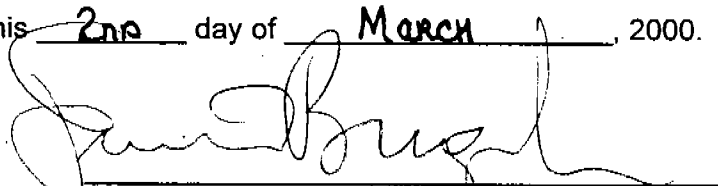
BE IT RESOLVED,

That the Metro Council amends the Jackson Bottom – Dairy/McKay Creeks regional target area refinement plan map to include the Fishback Property.

That Metro Council's authorization for Metro's acquisition of the Fishback Property, as identified in Exhibit A, is conditioned on the following:

1. Acquisition partners for the property shall commit funds to the acquisition of the Fishback Property.
2. Metro's financial commitment to the acquisition shall not exceed 50% of the purchase price for the Fishback Property, or \$500,000, whichever is less.
3. The City of Hillsboro will manage the property according to the terms of an Intergovernmental Agreement with Metro.

ADOPTED by Metro Council this 2nd day of MARCH, 2000.



David Bragdon, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

EXHIBIT A
Resolution No. 00-2908

Jackson Bottom – Dairy/McKay Creeks target area Fishback property:

Washington County Reference Parcel number: 1N230AB 00100

Staff Report

CONSIDERATION OF RESOLUTION NO. 00-2908 FOR THE PURPOSE OF AMENDING THE JACKSON BOTTOM – DAIRY/MCKAY CREEKS TARGET AREA REFINEMENT PLAN

Date: February 15, 2000

Presented by:

**Charles Ciecko
Jim Desmond**

PROPOSED ACTION

Resolution No. 00-2908, requests amendment of the Jackson Bottom – Dairy/McKay Creeks target area refinement plan map.

EXISTING LAW

Metro Code 2.04.026 (a) (3) requires that the Executive Officer obtain the authorization of the Metro Council prior to executing any contract for the purchase of real property. The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 96-2424, was established to implement the Open Spaces, Parks and Streams bond measure passed by the voters of the region in 1995. The Work Plan established acquisition parameters that authorize the Executive Officer to purchase property, within certain criteria, in the Council-approved target area refinement plan maps. Via Resolution 96-2342, the Metro Council approved the Jackson Bottom – Dairy/McKay Creeks target area refinement plan tax-lot specific map. This resolution proposes to amend that refinement plan map to include another property (the Fishback property) that was previously not included.

BACKGROUND AND ANALYSIS

In May 1995, voters in the region passed a bond measure enabling Metro to purchase open space properties with \$135.6 million worth of bond funds. The bond measure identified fourteen regional target areas and six regional trails and greenways for property acquisition, including the Jackson Bottom – Dairy/McKay Creeks regional target area.

The refinement plan adopted by the Metro Council on June 27, 1996 (Resolution 96-2342), for the Jackson Bottom – Dairy/McKay Creeks regional target area has a dual focus. The refinement plan identifies an acquisition target area surrounding the existing Jackson Bottom Wetland Preserve, a public natural area designated as regionally significant in Metro's Greenspaces Master Plan, and the lower reaches of Dairy and McKay creeks, which feed into Jackson Bottom. The refinement plan also targets a rare wetland area west of Jackson Bottom, in the upper Dairy Creek watershed, for acquisition. Refinement plan objectives for both of these areas include wildlife habitat protection, water quantity and quality protection, and the establishment of passive recreation and educational/stewardship opportunities.

The refinement plan also contains a partnership objective, designed to encourage cooperative land conservation projects involving Metro, the City of Hillsboro, and other local agencies. However, the Jackson Bottom – Dairy/McKay Creeks target area refinement plan does not

identify locally significant natural areas or establish a strategy for achieving its local partnership objective.

Because it is outside the target area as currently defined, Metro has not negotiated to purchase the Fishback property, an 11-acre parcel at the northern edge of Hillsboro. The Fishback property contains both banks of a segment of an unnamed tributary to McKay Creek. The same tributary bisects the Emma Jones Nature Preserve, a 10.6-acre natural area managed by the City of Hillsboro located just upstream from the Fishback property. The Fishback property is densely forested with diverse tree species including Douglas fir and Oregon ash. Native vegetation such as Oregon grape and sword fern dominates the understory, rather than invasive species like Himalayan blackberry. Resident raptors and deer also provide evidence of the health of the forest on the Fishback property. However, because the Fishback property is an isolated forest remnant within a developed area, Metro Regional Parks and Greenspaces staff have concluded that it is a locally significant natural area, outside of the scope of the existing Jackson Bottom – Dairy/McKay Creeks target area refinement plan.

While the Fishback property, is outside of the current boundaries of the refinement plan, its acquisition would nonetheless serve target area objectives. First, acquisition of the Fishback property could serve the partnership objective of the refinement plan because the City of Hillsboro and other potential local partners would manage the site in the long-term, and pay for a significant portion of the purchase price. Second, acquisition of the Fishback property serves McKay Creek habitat and water quality protection objectives because if it is not publicly acquired, the property will be sold and subdivided by a private developer, which would eliminate the existing forested habitat and affect water quality in a tributary to McKay Creek. Third, acquisition of the Fishback property would establish a passive recreation opportunity for North Hillsboro, which, with the exception of the Emma Jones Nature Preserve, currently lacks such a natural area amenity. Finally, local neighborhood advocates have urged Metro to make this acquisition, and have indicated their willingness to assist the City in developing educational and stewardship opportunities at the property, which would fulfill a goal for this target area.

In order to take advantage of this acquisition opportunity, and to more effectively achieve refinement plan objectives of partnering with local agencies to enhance McKay Creek habitat and water quality, recreation and education opportunities, Metro should amend the Jackson Bottom – Dairy/McKay Creeks regional target area refinement plan map to include the Fishback property, provided that financial partners can be secured and Metro's financial participation is limited to no more than 50% of the purchase price, or \$500,000, whichever is less.

FINDINGS

Amendment of the Jackson Bottom – Dairy/McKay Creeks regional target area refinement plan map is recommended based upon these findings:

- The Refinement Plan for the Jackson Bottom – Dairy/McKay Creeks regional target area states the following as acquisition goals:

Expand Jackson Bottom Wetlands complex at the confluence of Dairy Creek and the Tualatin River. Protect other significant wetlands associated with Dairy Creek and its tributaries. Provide a linear greenway connection extending north along Dairy and McKay Creeks for multiple values:

- Wildlife habitat
- Water quality and water quantity management (floodplain protection)
- Education and stewardship opportunities
- Greenway corridor to regional open space at Jackson Bottom and the Tualatin River
- Passive recreation

Acquisition of the Fishback property would protect remnant wildlife habitat and contribute to the maintenance of water quality on a McKay Creek tributary, while providing passive recreation and educational opportunities for a densely populated area that is currently underserved by public natural areas.

- The Refinement Plan for the Jackson Bottom – Dairy/McKay Creeks regional target area states the following as a partnership objective:
 - Pursue partnership opportunities with the City of Hillsboro, City of Cornelius, Friends of Jackson Bottom, and the Unified Sewerage Agency to leverage the regional bond dollars targeted to the Dairy and McKay Creeks target area

Amendment of the target area refinement plan map to add the Fishback property would serve this objective by allowing Metro to participate in a partnership through which Metro would contribute a portion of the acquisition funds not to exceed 50% of the purchase price or \$500,000, whichever is less, while the City of Hillsboro and other potential partners would provide long-term management and additional acquisition funds.

- Without Metro's participation in the acquisition of the Fishback property, the property will likely be developed as a residential subdivision.
- The Fishback property, along with the nearby Emma Jones Nature Preserve, offers the opportunity to create a 21-acre public natural area on a McKay Creek tributary that is otherwise completely developed.
- Strong support for this amendment exists from neighboring landowners and other citizens who have petitioned for Metro's acquisition of the Fishback property.

BUDGET IMPACT

Bond funds would supply acquisition money, with local share funds and funds from other partners providing at least 50% of acquisition costs. Land banking costs are expected to be minimal. The City of Hillsboro has committed to assuming long-term management responsibilities for the Fishback property. An intergovernmental agreement, to be negotiated and approved by Metro Council in the future, shall govern this arrangement.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends passage of Resolution No. 00-2908.