

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 00-2910A
THE ROCK CREEK GREENWAY)
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 Rock Creek Greenway 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 19, 1996, Metro Council adopted a refinement plan for the Rock Creek Greenway target area (Resolution 96-2377) which aims to protect water quality and wildlife habitat, enhance education and stewardship opportunities, and enhance community identity "access to nature" in rapidly developing areas; and

WHEREAS, the refinement plan stated that one of the acquisition goals for Tier 1 priority sites is to protect and purchase properties in the floodplain/riparian corridor along Bronson and Beaverton creeks; and

WHEREAS, the refinement plan for the Rock Creek Greenway 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 request of the Tualatin Hills Park and Recreation District, neighborhood activists, and the landowner, Metro has examined a 22-acre parcel adjacent to Beaverton Creek and surrounded by the Tualatin Hills Nature Park; and

WHEREAS, Metro's biological assessment concluded that the 22 acres is essential to protect and enhance the Nature Park, which is of regional significance as concluded by the Greenspaces Master Plan; and

WHEREAS, a potential partnership opportunity exists with the Tualatin Hills Park and Recreation District contributing a portion of the purchase price of the property and agreeing to manage the property as part of its park system; and

WHEREAS, strong support has been demonstrated from many citizens in the City of Beaverton and Washington County; and

WHEREAS, if the property is not acquired for park purposes, the property will likely be developed; and

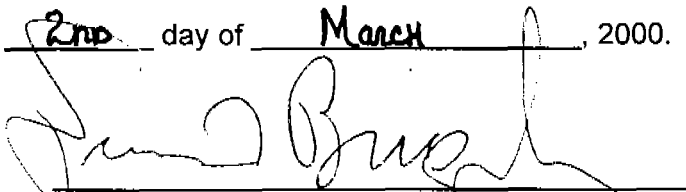
BE IT RESOLVED,

That the Metro Council amends the Rock Creek Greenway regional target area refinement plan map to include the subject property (22 acres) as referenced in Exhibit A;

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

1. Tualatin Hills Park and Recreation District shall commit funds to the acquisition of the property.
2. Metro's financial commitment to the acquisition shall not exceed 50% of the purchase price or \$2,548,400, whichever is less, plus 50% of standard closing costs.
3. Tualatin Hills Park and Recreation District will manage the property according to the terms of an Intergovernmental Agreement with Metro.
4. The Purchase and Sale Agreement and terms of the transaction are otherwise in compliance with the Acquisition and Due Diligence provisions of the Open Spaces Implementation Work Plan.

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 00-2910A

Rock Creek target area Polygon property:

Washington County Reference Parcel number: 1S10800-02300

Also referred to as:

Lot 1, partition plat #1995-054, in the City of Beaverton, County of Washington, and State of Oregon.

Staff Report

CONSIDERATION OF RESOLUTION NO. 00-2910A FOR THE PURPOSE OF AMENDING THE ROCK CREEK GREENWAY TARGET AREA REFINEMENT PLAN

Date: February 28, 2000

Presented by: Charles Ciecko
Jim Desmond

PROPOSED ACTION

Resolution No. 00-2910A, requests amendment of the Rock Creek Greenway 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 96-2301, the Metro Council approved the Rock Creek Greenway target area refinement plan tax-lot specific map. This resolution proposes to amend that refinement plan map to include another property (the Polygon property) that was previously excluded.

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 Rock Creek Greenway regional target area.

The refinement plan adopted by the Metro Council on March 14, 1996, (Resolution 96-2301) for the Rock Creek Greenway regional target area had a broad recommendation, stating that "the long term vision for the Rock Creek Greenway is proposed as follows:

Protect/enhance continuous floodplain and riparian corridor of Rock Creek from the headwater areas in Forest Park to the mouth at the Tualatin River for multiple values:

- wildlife habitat
- community identity "access to nature" in rapidly developing area
- linear connection with larger parks and natural areas such as Forest Park and Jackson Bottom

- water quality/water quantity management
- education and stewardship opportunities.”

The refinement plan prioritized acquisition objectives, including Tier 1 sites that included 1) key upland sites adjacent to the Rock Creek floodplain within the UGB; 2) the flood plain/riparian corridor along Bronson and Beaverton creeks; and 3) creation of a regional natural area north of West Union Road at the confluence of Rock Creek and Holcomb Creek.

Tier 2 objectives included 1) acquiring key links to complete continuous public floodplain, expansion of the natural area at the confluence of Rock Creek and Holcomb Creek; and 2) expansion of the headwaters area to link Rock Creek Greenway with Forest Park. The refinement plan also included broad partnership objectives, including “pursue partnership opportunities with ... Tualatin Hills Parks and Recreation District.... to leverage the regional open space bond dollars targeted to the Rock Creek corridor.”

An opportunity has presented itself for the acquisition of a 22.19-acre parcel surrounded on three sides by the 190-acre Tualatin Hills Nature Park. This parcel is owned by the Archdiocese of Portland and currently subject to an option agreement in favor of a development company, Polygon Northwest. The site is directly adjacent to Beaverton Creek, a tributary of Rock Creek, specifically identified as part of the Tier 1 objectives of the refinement plan. The site is densely forested with diverse tree species and includes three high quality wetland areas. The site is biologically and physically similar to Tualatin Hills Nature Park, though now zoned with a light-rail overlay, encouraging high-density residential development.

Polygon has proposed a high-density development of the site which is adjacent to light rail, and therefore, of a particularly high potential market value. The proposed development is now pending an appeal at LUBA, though that appeal was stayed so that Polygon could attempt to negotiate a sale to Tualatin Hills Park and Recreation District. The development proposal attracted significant opposition and a citizens group was formed, known as the Make Our Park Whole Committee, which has intervened in the LUBA appeal.

THPRD reached a preliminary agreement with Polygon to purchase the property, provided that THPRD can identify a financial partner for 50% percent of the purchase price. THPRD has approached Metro to contribute half of the agreed purchase price. The basic terms of the transaction have been approved by the THPRD Board of Directors at its meeting held February 9, 2000.

While the site is outside of the boundaries currently established for Tier 1 and Tier 2 on Rock Creek, its acquisition would nonetheless serve target area objectives. The property is a key site in the Rock Creek floodplain and within the UGB. Furthermore, it is an important link to protect the biological integrity of the Tualatin Hills Nature Park, recognized by itself as a regionally significant natural area in the 1992 Greenspaces Master Plan. This acquisition is of the highest priority to THPRD and would serve to accomplish the partnership objectives established in the refinement plan for the Rock Creek corridor. The nature park, at more than 190 acres, is regional in scope and within walking distance of light rail. If Metro does not participate in this purchase, THPRD will not be able to raise the funds needed to close the transaction, and the property will likely be developed despite the strong opposition of many citizens to the development

proposal. While the outcome of the LUBA appeal is uncertain, it is considered likely that the developer would be able to have a development approved at the site, although perhaps not of the precise size and configuration of the one previously presented to and rejected by the Beaverton City Council.

In order to take advantage of this acquisition opportunity, and to more effectively achieve refinement plan objectives, Metro should amend the Rock Creek Greenway regional target area Refinement Plan map to include the Polygon property, provided that Metro's financial participation is limited to no more than 50% of the base purchase price plus 50% of standard closing costs.

FINDINGS

Amendment of the Rock Creek Greenway regional target area refinement plan map is recommended based upon these findings:

- The refinement plan for the Rock Creek Greenway regional target area states the following as acquisition goals:
 - Protect/enhance continuous floodplain and riparian corridor of Rock Creek from the headwater areas in Forest Park to the mouth of the Tualatin River for multiple values:
 - wildlife habitat
 - community identity "access to nature" in rapidly developing area
 - linear connection with larger parks and natural areas such as Forest Park and Jackson Bottom
 - water quality/water quantity management
 - education and stewardship opportunities

Acquisition of the Polygon property would 1) protect a key site within the Rock Creek floodplain within the UGB; 2) preserve important habitat directly adjacent and surrounded by the Tualatin Hills Nature Park, a regionally significant natural area enjoyed by more than 125,000 citizens of the region each year.

- The refinement plan identifies the protection of the floodplain/riparian corridor along Bronson and Beaverton creeks as a Tier 1 priority, and the Polygon parcel is directly adjacent to Beaverton Creek although previously not included in the Rock Creek target area refinement plan.
- The refinement plan for the regional target area states the following as a partnership objective:
 - Pursue partnership opportunities with the City of Hillsboro, Washington County, Tualatin Hills Parks and Recreation District, Tri-Met, and Unified Sewerage Agency to leverage the regional open space bond dollars targeted to the Rock Creek corridor.

Amendment of the target area refinement plan map to add the Polygon property would serve this objective by allowing Metro to participate in a partnership through which Metro would contribute up to 50% of the acquisition funds or \$2,548,400, whichever is less, while THPRD and other potential partners would provide the balance of acquisition funds and the long term management of the site.

- Without Metro's participation in the acquisition of the Polygon property, the property would likely be developed as a high density mixed use development.
- Strong support for this amendment exists from many citizens of the city of Beaverton and Washington County including the Make Our Park Whole Committee, and other citizens who have petitioned THPRD for the acquisition of the Polygon property.

BUDGET IMPACT

Bond funds would supply acquisition money, with funds from THPRD and other potential partners providing the balance of the purchase price plus all related costs. There would be no land banking costs, as management will be taken on immediately by THPRD. THPRD has committed to assuming long-term management responsibilities for the Polygon property as part of the Tualatin Hills Nature Park. 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. 00-2910A.

BEFORE THE METRO COUNCIL

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THE ROCK CREEK GREENWAY)
TARGET AREA REFINEMENT PLAN)
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WHEREAS, strong support has been demonstrated from many citizens in the City of Beaverton and Washington County; and

WHEREAS, if the property is not acquired for park purposes, the property will likely be developed; and

BE IT RESOLVED,

That the Metro Council amends the Rock Creek Greenway regional target area refinement plan map to include the subject property (22 acres) as referenced in "Exhibit A."

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

1. Tualatin Hills Park and Recreation District shall commit funds to the acquisition of the property.
2. Metro's financial commitment to the acquisition shall not exceed 50% of the purchase price plus 50% of standard closing costs.
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4. The Purchase and Sale Agreement and terms of the transaction are otherwise in compliance with the Acquisition and Due Diligence provisions of the Open Spaces Implementation Work Plan.

ADOPTED by Metro Council this _____ day of _____, 2000.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

EXHIBIT A

Parcel 1 and Parcel 2, partition plat #1995-054, in the City of Beaverton, County of Washington, and State of Oregon.

Amendment of the target area refinement plan map to add the Polygon property would serve this objective by allowing Metro to participate in a partnership through which Metro would contribute up to 50% of the acquisition funds, while THPRD and other potential partners would provide the balance of acquisition funds and the long term management of the site.

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EXECUTIVE OFFICER'S RECOMMENDATION

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Polygon has proposed a high-density development of the site which is adjacent to light rail, and therefore, of a particularly high potential market value. The proposed development is now pending an appeal at LUBA, though that appeal was stayed so that Polygon could attempt to negotiate a sale to Tualatin Hills Park and Recreation District. The development proposal attracted significant opposition and a citizens group was formed, known as the Make Our Park Whole Committee, which has intervened in the LUBA appeal.

THPRD has entered into an agreement with Polygon to purchase the property, provided that THPRD can identify a financial partner for 50% percent of the purchase price. THPRD has approached Metro to contribute half of the agreed purchase price. The terms of the transaction have been approved by the THPRD Board of Directors at its meeting held February 9, 2000.

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Staff Report

CONSIDERATION OF RESOLUTION NO. 00-2910 FOR THE PURPOSE OF AMENDING THE ROCK CREEK GREENWAY TARGET AREA REFINEMENT PLAN

Date: February 17, 2000

Presented by: Charles Ciecko
Jim Desmond

PROPOSED ACTION

Resolution No. 00-2910, requests amendment of the Rock Creek Greenway target area refinement plan map.

EXISTING LAW

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