BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING AN APPLICATION FOR EASEMENT/RIGHT OF WAY/LEASE TO THE CITY OF WILSONVILLE FOR THE CONSTRUCTION OF THE BOECKMAN ROAD EXTENSION PROJECT	RESOLUTION NO. 05-3630 Introduced by Michael Jordan with the consent of Metro Council President, David Bragdon

WHEREAS, in May 1995 regional voters approved a $135.6 million Open Spaces, Parks and Streams Bond Measure (the "1995 Open Spaces Bond Measure") with a stated goal of acquiring land in 14 regional natural areas and six regional trails and greenway areas ("Target Areas"), and one Target Area identified during the implementation of the 1995 Open Spaces Bond Measure implementation was the Tonquin Geologic Area; and

WHEREAS, Metro purchased certain real property in the Tonquin Geologic Area with proceeds from the 1995 Open Spaces Bond Measure, including an approximate 39-acre tract that was previously owned jointly and offered for sale by the Steele Foundation and the Sherman Trust, the Boeckman property, and also a 28-acre parcel that was donated to Metro by The Wetlands Conservancy subject to a Conservation Easement retained by the Wetlands Conservancy ("referred to collectively herein as the Properties"); and

WHEREAS, on November 6, 1997 the Metro Council adopted Resolution No. 97-2539B, "For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases For Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department" ("Easement Policy"), which provides for formal staff review under specified criteria of all proposed easements, rights of way and leases for non-park uses, with final review and approval by the Metro Council; and

WHEREAS, the City of Wilsonville ("City") is engaged in a transportation construction project known as the Boeckman Road – Tooze Road Connection Project ("Boeckman Road Extension Project" or "Project") which Project strongly supports multiple local, regional and state transportation and land use goals; and

WHEREAS, the project purpose is to provide a critical east-west transportation connection to address rapid population growth, relieve congestion on Wilsonville Road, and improve multi-modal connectivity and access to the Villebois development in the City of Wilsonville; and

WHEREAS, the Boeckman Road Extension Project is one of the planned strategies outlined in both the Metro Regional Transportation Plan and the City's Transportation Systems Plan to meet the transportation demand from planned growth in the western portion of the City of Wilsonville; the Project is also an essential component for the redevelopment of the former F.H. Dammasch State Hospital property and is consistent with the legislatively approved Dammasch Transportation Efficiency Land Use Plan, ORS 426.508(3); and

WHEREAS, the Project will serve a significant compact, mixed-use development project at the Dammasch Hospital site (called Villebois) that will provide needed housing in Wilsonville and is consistent with the region's 2040 Growth Concept and Regional Transportation Plan, as well as State objectives for compact development; and

WHEREAS. on January 10, 2002 the Metro Council adopted Resolution No. 02-3151, "For the Purpose of Approving Funds for the Sunnyside Road and Boeckman Road Projects", which committed funding in the amount of $1,956,625 each from Metro, Oregon Department of Transportation, the City of Wilsonville and Clackamas County to the Sunnyside Road and Boeckman Road OTIA projects, with the further commitment that those agencies will seek other funding sources to directly offset that commitment and make the Boeckman Road project a first priority for project advancement; and

WHEREAS, on June 19, 2003 the Metro Council adopted Resolution No. 03-3335, "For the Purpose of Allocating $53.75 Million of Transportation Priorities Funding for the Years 2006 and 2007, Pending Air Quality Conformity Determination", to award $1,965,625 of 2006-07 Transportation Priorities funding to the City of Wilsonville for the Boeckman Road Extension Project, honoring the commitment made by Resolution No. 02-3151; and

WHEREAS, on December 11, 2003 the Metro Council adopted Resolution No. 03-3381A. "For the Purpose of Approving the 2004-07 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area", to approve the 2004-07 Metropolitan Transportation Improvement Program ("MTIP"), programming $1,965,625 of 2006-07 Transportation Priorities funds and $3,932,625 of state modernization and Oregon Transportation Investment Act ("OTIA") funds for the Project; and

WHEREAS, THE City has committed $9,803,350 of local funds; and

WHEREAS, the City has submitted an application as set forth in Exhibit A attached hereto and incorporated herein ("Application") under the Metro Easement Policy for both right of way fee ownership and easements over a portion of the Properties, consisting of 1.2 acres of land for slope easements, bridge construction and roadway improvements, public utility easements, and approximately 7.4 acres for wetland mitigation and temporary construction easements, including the crossing of Coffee Lake Creek (Seely Ditch), as part of the City's Boeckman Road Extension Project; and

WHEREAS, pursuant to the Easement Policy, Metro Parks & Greenspaces staff and City staff have negotiated certain mitigation measures and other alternatives regarding the City's Project, and Metro staff has succeeded in extending the bridge span, increasing wildlife crossings, as well as having input regarding the road extension alignment and the bridge opening location, and due to the extensive discussions and negotiations between City and Metro staff the City has redesigned the Project to incorporate a number of habitat and wildlife protective measures on the Metro Properties beyond those that are required by applicable state and federal law; and

WHEREAS, the City's Application under the Easement Policy and the City's Project construction plans propose to mitigate impacts to wetlands and drainage by enhancing the existing wetland functional attributes, by the measures set forth in the City's Compensatory Wetland Mitigation Plan attached to the City's Application; and

WHEREAS, in addition to wetlands mitigation plantings and other enhancements on the Properties as set forth in the Application, the City has offered to pay Metro the fair market value of the rights of way and easements, as determined by an independent appraisal; and

WHEREAS, the Metro Council finds that, after consideration of the policies set forth in the Easement Policy, as well as the goals and policies of efficient regional planning and transportation, that alternatives to the City's proposed Project are not feasible, and that the impact on natural resources on Metro property by the Project will be minimized as much as feasible by the Project, and that therefore the

City's proposed Project can be accommodated as set forth in the City's Application, with adequate indemnifications and conditions to Metro in the deeds and easement documents,

NOW, THEREFORE, BE IT RESOLVED BY THE METRO COUNCIL THAT:

The City of Wilsonville's Application for Easement/Right of way/Lease for Non-Park Uses is approved, subject to the City and Metro obtaining any necessary approvals from any priority recorded leaseholders or easement-holders on the affected Properties, and that the final easements and right of way deeds are in forms approved by the Metro Attorney.

ADOPTED by the Metro Council this 17th day of November, 2005.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

By: Alison Kean Campbell
Senior Metro Attorney

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RESOLUTION NO. 05-3630
EXHIBIT A

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Application for Easement / Right-of-Way / Lease For Non-Park Uses

Applicant Name:	City of Wilsonville	Contact person Name:	Kristin Morse
Address	30000 SW Town Center Loop E	Title	Urban Renewal Project Manager
City, State, Zip	Wilsonville, OR 97070	Phone	(503) 570-1539
Phone	(503) 570-1539	Fax	(503) 682-7025

Applicant shall fully and completely explain, describe and identify the elements of its proposed easement / right-of-way / lease, for non-park uses in accord with Metro Council Resolution No. 97-2539B, attaching additional materials if necessary, as set forth below.

Type of Request: ☒ Easement ☒ Right-of-Way ☐ Lease

Describe the purpose of your request:

The City of Wilsonville (City) is respectfully requesting both right-of-way and easements from Metro in order to construct the Boeckman Road – Tooze Road Connection project. The purpose of the Boeckman Road project is to provide a major transportation improvement to address rapid population growth as well as provide a regionally significant east-west minor arterial through the Coffee Lake Creek Basin and across Interstate 5 (I-5). This project is one of the planned strategies outlined in both the Regional Transportation Plan and the City's Transportation Systems Plan to meet the transportation demand from planned growth in the western portion of the Wilsonville. It is also an essential component for the redevelopment of the former F.H. Dammasch State Hospital property and is consistent with the legislatively approved Dammasch Transportation Efficiency Land Use Plan, ORS 426.508(3). Without this vital connection, the redevelopment can not occur. The project is funded through MTIP, STIP, OTIA, and substantial overmatch funds from the City of Wilsonville.

Describe proposed terms of your requested easement/lease /right of way:

The City contracted PGP Valuation, Inc. to prepare an appraisal to determine fair market value for the proposed right-of-way and easements from Metro. This appraisal is dated April 14, 2005 and

is attached as **Exhibit A.** The appraisal concluded a square foot (SF) unit value of $0.37. This results in proposed compensation of $19,340 for the fee acquisition for right-of-way purposes, $2,553 for the public utility easements, $348 for the slope easement, $70,846 for the wetland mitigation easement and $4,905 for the temporary construction easement, for a total of $97,992.

Identify location of proposal on a base map of not less than 1"=500' showing topographical lines at 10' intervals and include significant natural and man-made features of the area:

See attached **Exhibit B.**

Describe the size of easement requested in both dimension and total area required:

This application is for approximately 1.25 acres of land for roadway improvements and approximately 7.4 acres for plantings and enhancements related to wetland mitigation.

This transportation project consists of two predominant typical sections: 1) a 50-foot (from curb to curb) wide three-lane roadway section with bike lanes and sidewalks on both sides of the road, and 2) a 40-foot wide (curb to curb) two-lane section with bike lanes on both sides and a regional multi-use trail (part of the Tonquin Trail) on the south side of the road. The roadway width was reduced as the road crosses Seely Ditch to lessen wetland impacts.

On a per tax lot basis this breaks down as follows: 15,532 SF of Right-of-Way, 2,389 SF of Public Utility Easement, and 1.83 acres of Permanent Wetland Mitigation Easement from Tax Lot 3 1W 11C 1400 (Tax Lot 1400); 2,414 SF of Right-of-Way, and 180 SF of Public Utility Easement from Tax Lot 3 1W 11C 1200 (Tax Lot 1200); and 34,325 SF of Right-of-Way, 4,330 SF of Public Utility Easement, 1,253 SF of Slope Easement, 110,467 SF of Temporary Construction Easement for planting, and 133,037 SF of Permanent Wetland Mitigation Easement from Tax Lot 3 1W 14B 802 (Tax Lot 802).

Dimensions are irregular and are identified on the attached **Exhibit C** (Legal Descriptions with Sketches).

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Describe all components of your proposed use (grading, fill and removal, sub-surface elements, structures, etc.):

Road - The project will connect Boeckman Road with Tooze Road on the west side of I-5 in Wilsonville. The total project will consist of 1.75 miles of both improved and new roadway between 95th Avenue and 110th Avenue. Utilities include water supply lines, stormwater drainage lines, water quality treatment and detention facilities. Specific road components on Metro property are as follows (see **Exhibit D** – Plan set): **Tax Lot 1200** – From approximately Station 35+17 to 35+47 (30 ft), the associated street fill and asphalt pavement for the proposed intersection of Boeckman and Kinsman Road. **Tax Lot 1400** – From approximately Station 35+47 to 38+00 (253 ft), the associated street fill, curb and gutter, landscaping, and asphalt pavement of the northerly 24 feet of a three lane typical section reducing to a section width of zero as the road dips to the south away from Metro property. **Tax Lot 802** – From approx. Station 43+70 to 44+71 (101 feet) the associated street fill, curb and gutter, ten foot wide multi-use path (Tonquin Regional Trail) on the south side, landscaping, street lights, and asphalt pavement of a two lane typical section.

To accommodate the new connection, Boeckman Road will be widened to three lanes west of SW 95th Avenue to approximately 750 feet west of its existing terminus. Components of the roadway section will include: Two 12-foot travel lanes; A 14-foot center turn lane/median; Two 6-foot shoulder bicycle lanes; Two 8.5-foot planter strips; Two 5-foot sidewalks. The roadway section is consistent with the City's standard for a minor arterial roadway.

Bridge - The project will cross the regulatory floodway of Coffee Lake Creek and associated wetlands area. The bridge will be approximately 405 feet in length across Coffee Lake Creek (Seely Ditch). It will allow passage of the modeled 100-year flood flows with a negligible effect (less than one-inch rise) on the upstream floodplain elevation, minimize impacts to the identified wetlands, and allow for passage of a variety of wildlife (see **Exhibit D** – Plan set). The bridge structure is crossing Metro's Tax Lot 802 from approx Station 44+71 to 47+20 for a total of 249 feet. The bridge will provide two

14-foot travel lanes, two 6-foot bike lanes, and a 10-foot multi-use path (a section of the regional Tonquin Trail) separated from the vehicle and bike lanes by a 4.5 foot planter strip.

FEMA requires that a project does not increase the flood plain elevation over one foot. For this project, a structure approximately 165 feet long would accomplish this. However, the proposed bridge was expanded to a 405 foot structure in order to accommodate wildlife passage and decrease rise in the flood plain elevation. The bridge was designed to maximize length while keeping the project within the budget. For a more detailed explanation of the cost benefit analysis, please see **Exhibit E.**

The bridge plan includes seven bents (two exterior and five interior) consisting of eight, 24-inch-diameter pipe piles per pier (56 total). The pipe piles will be driven to a depth of 80 to 100 feet and concrete poured inside the upper half of the piles. At the bridge mid-point, the bottom of bridge will be approximately 6-8 feet above the ground surface. In the right-of-way requested from Tax Lot 802, there will be one exterior bent and three interior bents.

Fill & Surcharging - The geology of the site is characterized by relatively thick deposits of peat and organic silt present at shallow depths. Beneath the peat and organic silt soils lies a firmer alluvial silt layer, ranging in thickness from 20 to 80 feet. (GRI, 2004) Groundwater levels are anticipated to be near the ground surface during wetter months of the year. Surcharging roadway fill will be necessary to provide stability in the areas where peat soils are present.

Construction will require permanent placement of approximately 3,000 cubic yards of fill material in the easement and right-of-way areas requested from Metro. Additional temporary fill will be placed within these areas to increase the consolidation rate of the peat soils. The rate will be monitored and once the desired consolidation is reached, approximately six to nine months after placement, the temporary fill will be removed from the project site.

Waterline - A 36-inch steel waterline will be located within the proposed roadway fill from just west of 110th Avenue to Kinsman Road, with the exception of the bridge section. Just prior to the bridge

abutments, the waterline will be routed to the north side of the bridge and will be constructed via open trench (570 feet) in the ground along the bridge section. There is approximately 365 lineal feet of waterline that crosses Tax Lot 802.

Stormwater Conveyance and Treatment - The new impervious area will alter the existing drainage patterns and create additional surface runoff. Stormwater will be managed using a combination of standard "curb and gutter" design, pervious sidewalks, and green streets approach, including roadside swales for conveyance and treatment. Water quality treatment and detention facilities will be located within the road fill or in upland areas. Outfalls and culverts will route stormwater runoff into waters of the state/U.S.; fill-removal impacts will be temporary. Stormwater runoff will be treated for pollutant removal and detained in accordance with the City of Wilsonville (NPDES Phase I), design standards. The impacts to Tax Lots 1200 and 1400 will include stormwater conveyance and treatment. There are no stormwater features associated with Tax Lot 802 as the bridge is the high point in the profile and drainage is collected outside of the Metro property.

Describe the existing conditions of the site:

The site consists mostly of agriculturally influenced wetlands and reed canary grass-dominated wetlands with some scrub-shrub wetlands. The wetlands have been disturbed by plowing, planting, and the construction of ditched drainage-ways. The site is dominated by open fields and generally unobstructed by trees or buildings and is zoned Residential Agriculture – Holding for Industrial Use (RA-H).

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Describe the proposed modifications to the site that would be required to accommodate your request (e.g., tree removal, soil disturbance, stream crossing, etc.):

Roadway - Due to the presence of peat soils, the geotechnical engineers have proposed "surcharging" the roadway fill through the wetland areas. The intent of surcharging is to accelerate the rate of primary and secondary soil settlement. This is a proactive measure intended to reduce future road and utilities maintenance related to long-term settlement of the roadway. The estimated cubic yardage (cy) of the surcharge on Metro property is as follows: Tax Lot 1200 – 50cy, Tax Lot 1400 – 810 cy, Tax Lot 802 – 2500 cy.

Additionally, clean granular material will be used as the road base, which will allow for water transport through the embankment. Cross culverts will also be installed to assist in the movement of ground water through the proposed fill.

Through most of the wetland/bottom land area, the roadway cross section has been narrowed from the City's typical cross section of 50 feet curb-to-curb to 40 feet curb-to-curb. Through this area, the median has been eliminated and only one planter strip is planned between the roadway and sidewalk on the south side.

Permanent impacts to wetlands and drainage ways will be mitigated for in accordance with the proposed Compensatory Wetland Mitigation Plan (**Exhibit F - CWM**). The proposed CWM plan addresses the permanent impacts to Metro property by enhancing the existing wetland functional attributes. The mitigation measures on Metro property include: the control of reed canary grass by mowing, disking and spraying (Tax Lots 802 and 1400); the realignment and restoration of the Middle Tributary of Coffee Lake Creek (Tax Lots 802 and 1400); and the creation of depressional wetland areas (Tax Lot 802). The proposed CWM plan includes measures that will facilitate future large-scale restoration. The City specifically excluded measures from design consideration that were inconsistent or would otherwise complicate future efforts to achieve site historic conditions.

Several culverts will be placed through the roadway fill at ground level to allow for crossings of smaller terrestrial wildlife (e.g., frogs). The culverts will be the maximum size allowable, but this size

will vary slightly depending on fill height and utility placement. The culverts will be distributed on either side of the bridge within the wetland areas.

A summary of wildlife crossings is listed below. All 24" Culverts will be countersunk 6" and the 9' x 4' RCBC crossing features will be countersunk 12", both filled with native material. All 18" culverts will be countersunk 6" and filled with 6" drain rock in the bottom.

Station	Description
36+00	9' x 4' RCBC (Tax Lot 1400)
36+75	24" Culvert (Tax Lot 1400)
38+75	24" Culvert
39+75	18" Culvert
41+00	24" Culvert
41+75	18" Culvert
43+00	9' x 4' RCBC
43+75	18" Culvert (Tax Lot 802)
44+71	Begin Bridge (Tax Lot 802)
48+75	End Bridge
49+50	18" Culvert
50+75	9' x 4' RCBC
51+75	18" Culvert
52+50	24" Culvert
53+50	18" Culvert
54+50	24" Culvert

Bridge - To construct the bridge, a temporary road, potential work platforms, and crossing of Coffee Lake Creek (Seely Ditch) will be necessary on Tax Lot 802. Additionally the area under the bridge will be used as an active work area for bridge pile placement.

This temporary road is proposed to be constructed on the north side of the roadway, in the same location as the proposed waterline. A temporary single-span bridge will be used to cross Coffee Lake Creek (Seely Ditch). The City requires the span length exceed the top of bank to protect bank stability.

The bridge opening was maximized to the extent practicable given the budget limitations of the project and to meet the legal requirement to accomplish the public project with the least private

injury.. The location of the bridge opening was selected based on wildlife tracking studies conducted during the NEPA process. The Oregon Department of Fish and Wildlife (ODFW), U.S. Fish and Wildlife Service, and METRO were both contacted during this process, as wildlife movement was a primary objective of the crossing.

The bridge height is limited by the underlying peat soil. The geotechnical evaluation recommended a maximum road fill of 10 feet. The low-chord bridge height at the mid-point is approximately 6-8 feet.

In addition to wildlife crossings, the bridge span and pier placement was also selected to minimize the rise of the 100-year floodplain within the basin. The placement of the road fill and bridge is estimated to create less than a 1-inch rise in the floodplain at the bridge. The City has completed floodplain mapping in accordance with Federal Emergency Management Agency (FEMA) and has submitted this work to FEMA for its approval and use.

Utilities - The proposed waterline will be located in the same location as the proposed temporary access road (north of the bridge) on Tax Lot 802. Although there will be additional fill placement and removal, the surface area affected by the waterline construction will be less than that of the road. Installation of the waterline will require a temporary diversion of Coffee Lake Creek (Seely Ditch) to dewater the construction area (approximately 200-feet long). Within this dewatered section a 6-foot-wide trench 11-feet-deep will be constructed for the waterline. This trench will be backfilled with pipe bedding material around the pipe (12 inches top and bottom) and 1-inch minus gravel material filled for 5 feet. Stockpiled native material will be placed in the trench for the top 12 inches.

The waterline is not expected to dewater the wetland area through increased groundwater conveyance through the trench. The pipe low area is located in the wetland area, with the bottom trench elevation increasing at either side of the bridge.

The stormwater outfalls are proposed to daylight at the toe of the roadway fill slope. There will be some temporary impacts associated with the construction of these outfalls. However, this impact area will correspond with the temporary impacts of the surcharge fill slope. A work area isolation and fish recovery plan has been developed to mitigate for the impacts associated with construction of the

drainage ways affected by the project, including drainages that will be modified as part of the compensatory mitigation. Work within these drainage ways will be completed within the ODFW in-water work periods unless otherwise approved.

A stormwater conveyance and water quality treatment system was developed for the project to provide water quality treatment and detention for the project. Stormwater runoff will be treated for pollutant removal and detained in accordance with the City of Wilsonville (NPDES Phase I), design standards. The majority of the stormwater quality system is located outside of the Metro property areas.

For the purposes of designing water quality treatment and detention, the total area of Boeckman-Tooze Road (including existing impervious area), was used to calculate treatment and detention volumes. The proposed stormwater approach is intended to match existing hydrology, avoid permanent impacts to wetlands through water quality treatment locations, and reduce the potential pollutant load to waters of the state/U.S.

To mimic hydrology, detention up to the 25-year event will occur towards the toe of the basin slope on the east and west sides of the basin, where historically there is some delay in water flow discharging to Coffee Lake Creek. Within the low-lying part of the basin, there will be no detention. To minimize impacts to wetlands and due to technical design constraints there are no water quality or detention facilities located within wetlands.

Stormwater runoff of the curbed roadway (existing and proposed) area will be treated to remove potential pollutants prior to discharging to wetlands or waters of the state/U.S. In one location, treatment of a roadway segment (approximately 200 feet) is not possible without wetland impacts. To mitigate for this, an equivalent volume of stormwater from a currently untreated area within the same basin will be treated.

Describe your proposed project schedule and phasing:

Construction is estimated to occur during the fall of 2005 through the end of Spring 2007.

- Equipment staging areas and soil stockpiles will be placed within upland areas of the site, except for large equipment that cannot be easily moved (e.g., large cranes). All soil stockpiles will be covered with an impervious material when unattended or during a storm event.
- All in-stream work will be conducted within the ODFW preferred in-water work period (July 1 – October 15), unless approval for a requested extension is granted.
- The limits of the construction area will be clearly flagged to minimize construction-related impacts to adjacent wetlands and access beyond the flagged area will be prohibited.
- All hazardous substances, including chemicals, fuels, and lubricating oils will be stored in uplands away from Coffee Lake Creek, tributaries and wetlands.

Explain your need for ongoing access. What is your proposal for accommodating this need?

The City will need access to the wetland mitigation site for at least five years after it has been constructed. This will include visits to monitor the site and follow-up maintenance activities. Prior to construction of the mitigation site, we will need to prepare it. This fall we will need to mow, disk and spray the site to control invasive plant species, such as reed canary grass, blackberries, and other non-native species.

Describe your ongoing maintenance requirements:

Same as above. In addition, after the five year maintenance period is complete, the City will retain interest in any plans Metro may have at the mitigation site. If Metro approaches the City with plans to further enhance the wetlands and the plans will not modify the intent of the existing mitigation, the City will be willing to revert the Permanent Wetland Mitigation Easement to Metro.

Describe other reasonable alternative routes that avoid the park or natural area property but are believed to not be feasible:

Several levels of analyses were completed to avoid and reduce impacts to the natural areas. The overall ecological function, character, and restoration of the Coffee Lake Creek Basin were

considerations during the planning process. The alternative evaluation process is summarized below. This process included:

- City-wide alternative routes for I-5 crossing
- Alternatives for crossing the Coffee Lake Creek Basin
- Alternative alignments within the roadway corridor
- Detailed assessment of two build options through the National Environmental Policy Act (NEPA) process

The City of Wilsonville is bisected by I-5. Many of the City's employment centers are located on the east side of I-5, while most of the residential areas are located on the west side of I-5. Planned residential development in the southwestern part of the City (i.e., Villebois) includes a new mixed use urban village center with housing (approximately 2,300 units).

Currently, Boeckman Road is the only I-5 crossing between Elligsen Road to the north and Wilsonville Road to the south. However Boeckman Road terminates approximately one-half mile west of I-5. Therefore, it provides only limited access to the east side. It does not provide access to the Villebois area.

In 2000, the City, in partnership with ODOT and Metro, commissioned the I-5 Wilsonville Freeway Access Study to analyze transportation options for improving mobility. The study concluded that a future deficiency of freeway access capacity in Wilsonville would occur based on year 2020 evening peak forecasts (City of Wilsonville 2003 Transportation Systems Plan). To address the deficiency, improvements, including an extension of Boeckman Road to Tooze Road, were recommended.

Wilsonville Road and Elligsen Road, the only two existing roadway connections providing east-west access, have been examined to see if improvements such as roadway widening could improve mobility. Improvements to these arterial roadways were considered during the development of the TSP. Findings from this effort suggested that improvements at these two facilities would not address future demand and would be limited due to the capacity of the connector streets. A new east-west connection would be needed to provide access to industrial, commercial and residential areas.

Coffee Lake Crossing Alternatives

There are currently no direct connections through the Coffee Lake Creek basin. Boeckman Road ends east of the Seely Ditch. Traffic coming from east of I-5 must either use Wilsonville Road to Brown Road to 110th Avenue to Tooze Road, which leads to Grahams Ferry Road (approximately 2 miles), or take Elligsen Road to Boones Ferry Road to Day Road to connect with Grahams Ferry Road (approximately 3 miles).

To determine the best solution for providing access, extension of existing roads such as Freeman Court and Hillman Court were considered. Extending connections in these areas would have resulted in the need to locate *more roadway* in the Coffee Lake Creek floodplain/wetlands and/or the need for a bridge in the main channel area.

During the development of the TSP, the City determined that an extension of Boeckman Road to Tooze Road was necessary. During subsequent planning, with Metro staff in attendance, the City identified seven preliminary alternatives for the Boeckman-Tooze Connection. The alternatives screening is discussed in detail in the Environmental Assessment (Appendix E) which is attached here as Exhibit F. The seven alternatives were evaluated to determine the potential impact to the floodplain, wildlife passage, wetlands, agricultural lands, and other natural resources. Based on the results of the alternative screening, two build alternatives were selected for more detailed study. These alternatives were refined and evaluated in the Environmental Assessment to comply with the NEPA.

Environmental Assessment

An Environmental Assessment (EA) was prepared on behalf of the Federal Highway Administration under the NEPA. The Revised EA (i.e., final) resulted in a Finding of No Significant Impact (FONSI).

The EA evaluated the potential effects of three alternatives: No Build, Alternative 1 (straight alignment), and Alternative 2 (southern alignment). The City and FHWA selected Alternative 2 as the preferred alternative to move forward with design. Alternative 2 is a slightly longer route and will result in approximately 0.75 additional acres of wetland impacts than Alternative 1. Alternative 2 was selected for the following reasons:

- The wetlands affected as a result of Alternative 2 are farmed and degraded (i.e., dominated by reed canary grass). The wetlands adjacent to Alterative 1 on the northeast are higher quality mixed emergent and shrub/scrub wetlands.
- Alternative 1 would have abutted the high quality forested upland island. This island is used by wildlife. There were also concerns that bridging Seely Ditch in this location would hinder wildlife movement around the island and to southern areas in the basin.
- Alternative 1 would have been located where Seely Ditch and three tributaries converge, requiring a 520 foot long bridge structure to span the three converging tributaries and another 95 foot long bridge structure to span an additional channel. Alternative 2 would result in a span of just Seely Ditch.
- The bridge structure in Alternative 1 was estimated to cost $4.1 million dollars in order to have a negligible affect on the floodplain. Under the same scenario, Alternative 2 was estimated at $2.7 million dollars.

What is the public benefit of this lease, easement or right-of-way?

The purpose of the Boeckman Road-Tooze Road Connector project is to improve regional transportation mobility as well as mobility in the City of Wilsonville (City) by providing east-west connectivity through the Coffee Lake Creek Basin and across Interstate 5 (I-5). This project is one of the planned strategies to meet the transportation demand from planned growth in the western portion of the City. The Wilsonville area has been experiencing rapid growth since the 1990's.

Without improvements, by 2026, traffic projections predict that congestion on Elligsen and Wilsonville Roads will worsen to levels of service that exceed the standards of the City's Transportation Systems Plan (2003). In addition, major intersections along Wilsonville Road at Kinsman Road, Boones Ferry Road (west of I-5), and Town Center Loop are projected to operate at unacceptable levels of service.

This connector project allows the redevelopment of the F.H. Dammasch Hospital property, the sale of which not only provides funding for the State of Oregon, but also results in the redevelopment of community housing for chronically mentally ill persons as required by ORS 426.508 and as

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planned in the Villebois Village Master Plan. The F.H. Dammasch State Hospital property is the central property for the Villebois Village Master Plan, a shared vision with Metro to offset a jobs to housing imbalance with the provision of 2300 housing units. The location and placement of this connector project will also supply a key transportation linkage to the terminus of the regional commuter rail project.

There is also limited local access across the wetland/ floodplain complex of the Coffee Lake Creek Basin. Grahams Ferry on the north and Wilsonville Road on the south provide the only crossings of the Coffee Lake Creek Basin. Again, without an additional crossing of the basin, Grahams Ferry and Wilsonville roads would not be able to serve the projected local traffic volumes.

Include any other relevant information describing and quantifying your proposal: None

By completing, executing and submitting this Application, Applicant hereby agrees to pay all Metro costs associated with processing, reviewing, analyzing, negotiating, drafting, approving, conveying and assuring compliance with the request hereunder and any easement, right-of-way or lease approved or denied hereby, in accord with Metro Council Resolution No. 97-2539B, unless waived by the Metro Council via resolution adopted at public session.

APPLICANT

By: _____

Date: 9-13-05

METRO
Received and Accepted

By: _____

Date: _____

Contact For Questions:

METRO
Regional Parks & Greenspaces Department
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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 05-3630 FOR THE PURPOSE OF APPROVING AN APPLICATION FOR EASEMENT/RIGHT OF WAY/LEASE TO THE CITY OF WILSONVILLE FOR THE CONSTRUCTION OF THE BOECKMAN ROAD EXTENSION PROJECT

Date: October 27, 2005 Prepared by: Michael Jordan
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BACKGROUND

The City of Wilsonville ("City") requests authorization from Metro Council to approve the City's Application for easement / right of way / lease for the City's transportation construction project known as the Boeckman Road – Tooze Road Connection Project ("Boeckman Road Extension Project" or "Project"). The proposed alignment crosses the wetlands and floodplain of the Coffee Lake basin over property that includes several acres of property on Metro-owned land parcels as discussed below.

A. Metro Regional Parks and Greenspaces Easement Policy

On November 6, 1997 the Metro Council adopted Resolution No. 97-2539B, "For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases For Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department" ("Easement Policy"), which provides for formal staff review under specified criteria of all proposed easements, right of ways and leases for non-park uses, through properties purchased with funds from the 1995 Metro Open Spaces, Parks and Streams bond measure, with final review and approval by the Metro Council.

Metro purchased certain real property in the Tonquin Geologic Area with proceeds from the 1995 Open Spaces Bond Measure, including an approximate 39-acre tract that was previously owned jointly and offered for sale by the Steele Foundation and the Sherman Trust, the Boeckman property, and also a 28-acre parcel that was donated to Metro by The Wetlands Conservancy subject to a Conservation Easement retained by The Wetlands Conservancy ("referred to collectively herein as the Properties"). The Steele Foundation acquisition was authorized by Metro Council in January 1992 with the adoption of Resolution No. 02-3150, "For the Purpose of Authorizing the Executive Officer to Purchase the Steele Foundation Property in the Tonquin Geologic Target Area".)

The City has submitted an application as set forth in Exhibit A, attached hereto, and incorporated herein ("Application") under the Metro Easement Policy for both right of way fee ownership and easements over a portion of the Properties, consisting of 1.2 acres of land for slope easements, bridge construction and roadway improvements, public utility easements, and approximately 7.4 acres for wetland mitigation and temporary construction easements, including the crossing of Coffee Lake Creek (Seely Ditch).

The City's easement Application was deemed complete and was analyzed by Metro parks staff according to guidelines set forth in Resolution No. 97-2539B. The Department worked with the applicant for two years to resolve issues related to location and design of the proposed road to minimize the anticipated significant impacts on wetlands and associated wildlife uses within and in proximity to Metro property. Department staff negotiated with the applicant in designing wetland mitigation that would occur on Metro

property in compensation for potential impacts on wetlands on Metro property. Other enhancements proposed by the applicant in light of the Metro-City negotiations include improved and increased number of wildlife undercrossings. Based on the Department's analysis of road design alternatives, the current road design will impact the soils, hydrology, vegetation, and wildlife habitat of the natural area. Based solely on criteria in the easement policy, the Parks Department cannot recommend granting the applicant the requested easements, because although the Project alignment is one that will result in the least impairment to natural resources,. Regional Parks and Greenspaces Department has determined that any road alignment would have significant impact on the Metro-owned natural area.

If the City's easement Application is granted by Metro, the City must obtain certain other approvals before construction could begin on the Metro properties: (1) The Wetlands Conservancy must release the City from its Conservation Easement on that portion of the Metro property encumbered by that easement, and (2) the City must obtain all permits necessary for the construction of the road, including a wetland fill/removal permit from the U.S. Army Corps of Engineers and Oregon Division of State Lands.

B. Metro Land Use Planning and Transportation Policy

The City's Boeckman Road Extension Project strongly supports multiple transportation and Metro land use goals. The project purpose is to provide a critical east-west regional connection through the Coffee Lake Creek Basin and across Interstate 5 to support the Villebois development in the City of Wilsonville, address rapid population growth, relieve congestion on Wilsonville Road and improve multi-modal connectivity.

The Project will be the primary connection to the Villebois development, a significant compact, mixed-use development project at the Dammasch Hospital site that is consistent with the region's 2040 Growth Concept and Regional Transportation Plan, as well as State objectives for compact development. Villebois is one of the largest planned developments of its kind in the Metro region and will provide much needed housing in Wilsonville to help resolve the city's current jobs/housing imbalance. The Metro Council approved an expansion of the Urban Growth Boundary to take in the Villebois property. The closest east-west arterial to Villebois is Wilsonville Road, which is anticipated to experience significant congestion even without the Villebois development. The City's Transportation System Plan and the recently completed I-5/Wilsonville Road Freeway Access Study identified this Project as the number one priority in terms of having the greatest benefit to the local circulation system. In addition to supporting development of Villebois, the Project would also connect unincorporated Clackamas County with Wilsonville and provide access to additional industrial land being considered as part of the urban growth boundary process. The design has not been completely finalized because regulatory agencies responsible for granting wetland fill/removal permits have not yet submitted their final comments and requirements to the applicant.

The project also provides new walking and biking connections where they do not currently exist, including construction of a section of the Tonquin Trail as part of the bridge crossing of Coffee Creek Wetland complex. The project design highlights Metro's Green Streets Program in a significant fashion, integrating fourteen wildlife crossings and green street elements, such as pervious sidewalks, landscaped swales and other features recommended in Metro's *Green Streets: Innovative Solutions for Stormwater and Stream Crossings* handbook.
The Metro Council committed funding for the Project through three separate actions. The first action occurred January 10, 2002 when the Metro Council adopted Resolution No. 02-3151, "For the Purpose of Approving Funds for the Sunnyside Road and Boeckman Road Project". This resolution committed funding in the amount of $1,956,625 each from Metro, Oregon Department of Transportation, the City of Wilsonville and Clackamas County to the Sunnyside Road and Boeckman Road projects, with the further

commitment that those agencies will seek other funding sources to directly offset that commitment and make the Boeckman Road extension project a first priority for project advancement.

On June 19, 2003, the Metro Council adopted Resolution No. 03-3335 **"**For the Purpose of Allocating $53.75 Million of Transportation Priorities Funding for the Years 2006 and 2007, Pending Air Quality Conformity Determination", to award $1,965,625 of 2006-07 Transportation Priorities funding to the City of Wilsonville for the Boeckman Road Extension Project. That action honored the commitment made by Resolution No. 02-3151, "For the Purpose of Approving Funds for the Sunnyside Road and Boeckman Road Projects".

The final action occurred on December 11, 2003 when the Metro Council adopted Resolution No. 03-3381A, "For the Purpose of Approving the 2004 – 07 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area". This action approved the 2004-07 Metropolitan Transportation Improvement Program ("MTIP"), programming $1,965,625 of 2006-07 Priorities funds and $3,932,625 of State modernization and Oregon Transportation Investment Act ("OTIA") funds for the Project. The City has also committed $9,803,350 of local funds to purchase right of way design and construction for the Project.

C. Payment of Fair Market Value

In addition to wetlands mitigation as required by federal and state statutes and other enhancements on the Metro properties, the City has offered to pay Metro the fair market value of the right of ways and easements, as determined by an independent appraisal, as required by Metro's Easement Policy. The proposed compensation is summarized as follows:

Fee Acquisition for Right-Of-Way	$19,340
Public Utility Easements	$2,553
Slope Easement	$348
Wetland Mitigation Easement	$70,846
Temporary Construction Easement	$4,905
Total Compensation	$97,992

ANALYSIS/INFORMATION

1. **Known Opposition:** None

2. **Legal Antecedents:** Metro Council Resolution No. 97-2539B ""For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases For Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department" ("Easement Policy"); Metro Council Resolution No. 02-3151, "For the Purpose of Approving Funds for the Sunnyside Road and Boeckman Road Project"; Metro Council Resolution No. 03-3335, **"**For the Purpose of Allocating $53.75 Million of Transportation Priorities Funding for the Years 2006 and 2007, Pending Air Quality Conformity Determination"; Metro Council Resolution No. 03-3381A, "For the Purpose of Approving the 2004 – 07 Metropolitan Transportation Improvement Program for the Portland Metropolitan Area".

3. Anticipated Effects

A. The granting of the easement will allow for the extension of Boeckman Road, which will serve the Villebois development and the eastside of Wilsonville, and achieve specific goals set forth in Metro's Regional Transportation Plan. Funds for this project were committed by Metro under the MTIP process.

B. The easement and right of way application request affects multiple interests of the Metro Council in different manners. The easement will impact the Metro natural area it crosses. The only way to avoid such impact is to build a bridge over the entire span of the wetland at more than 1200 feet, which is not feasible economically (increasing the cost to create such a span from $20 million to $32.7 million) or legally due to the restrictions on the City's ability to condemn adequate property for such a bridge span.

The City has pledged to continue to work with Metro Parks and Greenspaces staff to incorporate additional features into the final design that will further decrease the impact on the site (e.g. additional wildlife crossings, etc.)

The Project represents a high priority regional transportation project and to deny the easement Application would leave the City with no feasible alternative, and would result in a failure to achieve critical regional transportation goals, specifically to provide an east-west connection to accommodate Villebois and other urban expansions on the west side of Wilsonville, relieve congestion on Wilsonville Road and improve multi-modal connectivity in this portion of the region.

4. **Budget Impacts** None, except that Metro will be paid the fair market value of the easement, as required under Metro policy and described above.

RECOMMENDED ACTION

In balancing all of the policy objectives of Metro, Chief Operating Officer Michael Jordan recommends that the requested Application be approved, subject to the conditions outlined herein and recommends passage of Resolution No. 05-3630.