

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 00-2926A
THE FANNO CREEK GREENWAY)
TARGET AREA REFINEMENT PLAN) Introduced by Mike Burton
) Executive Officer

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 Metro's Open Spaces Program; and

WHEREAS, the Fanno 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, initially Fanno Creek Greenway target area refinement planning focused primarily upon the protection of a greenway along the lower main stem of Fanno Creek; and

WHEREAS, citizens' groups and local jurisdictions advocated for inclusion of reaches of the upper main stem of Fanno Creek as well as Fanno Creek tributaries in target area protection planning; and

WHEREAS, on May 16, 1996, the Metro Council adopted a refinement plan for the Fanno Creek Greenway regional target area which authorized the purchases of sites on both the main stem of upper Fanno Creek and along its tributaries, specifically Pendleton Creek, Woods Creek, Sylvan Creek, and Ash Creek, illustrated in a confidential tax lot-specific map identifying priority properties for acquisition; and

WHEREAS, the Fanno Creek Greenway Target Area refinement plan establishes a challenge grant program for Fanno Creek tributary acquisitions through which Metro partners with local jurisdictions to purchase and manage properties for the enhancement of water quality and water quantity; and

WHEREAS, the Fanno Creek Greenway Target Area refinement plan anticipated that the challenge grant program would terminate in 1999; and

WHEREAS, Portland's Parks Department and Bureau of Environmental Services have urged Metro to participate with Portland in the acquisition of an approximately three-acre parcel (the Inner City Property) which is bisected by Fanno Creek, but which is not currently identified as a Tier I acquisition priority on the tax lot-specific refinement plan map; and

WHEREAS, the City of Tigard and the Crestwood Neighborhood Association have urged Metro to participate in the acquisition of an approximately 10-acre parcel which is bisected by Ash Creek (the Ash Creek Property), but which is not currently identified as a Tier I acquisition priority on the tax lot-specific refinement plan map; and

WHEREAS, the Forsyth family is seeking a conservation buyer of its approximately three-acre parcel on Ash Creek (the Forsyth Property), but the Forsyth Property is not currently identified as a Tier I acquisition priority on the tax lot-specific refinement plan map; and

WHEREAS, the acquisition of the Inner City, Ash Creek, and Forsyth Properties would serve the refinement plan objectives of creating partnerships to protect sites on Upper Fanno Creek upon entering into intergovernmental agreements with the local partner for management of the Inner City, Ash Creek, and Forsyth Properties; and

WHEREAS, if Metro and local partners do not acquire the three properties, they are likely to be developed into residential subdivisions adjacent to riparian areas; and

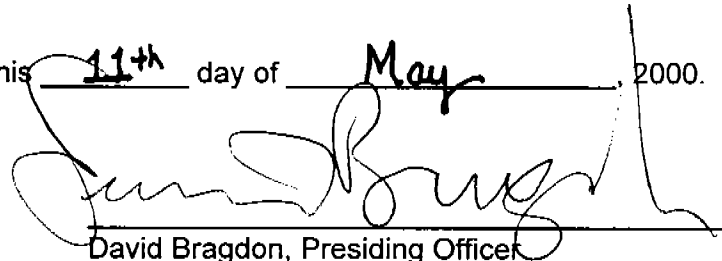
WHEREAS the three properties were not highlighted as Tier I acquisition priorities in the original tax lot-specific refinement plan map because local partners and citizens considered these sites to be unavailable for acquisition due to the development plans of landowners; and

WHEREAS, amendment of the refinement plan and tax lot-specific map to extend the challenge grant program and to establish the Inner City Property, the Ash Creek Property, and the Forsyth Property as Tier I acquisition targets would allow Metro and local partners to take advantage of these acquisition opportunities and serve the target area objectives of developing partnerships to protect land and control stormwater in Fanno Creek and its tributaries; now therefore,

BE IT RESOLVED,

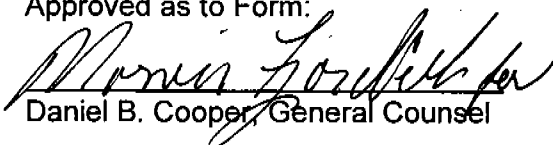
That the Metro Council amends the Fanno Creek Greenway regional target area refinement plan map to include the Inner City Property, the Ash Creek Property, and the Forsyth Property as described in the attached Exhibit A; and amends the Fanno Creek Greenway regional target area refinement plan to extend the challenge grant program through December 31, 2002.

ADOPTED by Metro Council this 11th day of May, 2000.



David Bragdon, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

Exhibit A
Resolution No. 00-2926A

Properties proposed for inclusion in the Fanno Creek target area refinement plan map:

The Inner City Property:

Multnomah County Reference Parcel Numbers 1S1E17BC 1500, 1400, 1300, 1100, 1000, 900, and 800

The Ash Creek Property:

Washington County Reference Parcel Number 1S1E25DC 00300

The Forsyth Property:

Washington County Reference Parcel Number 1S1E25CB 01400

Staff Report

CONSIDERATION OF RESOLUTION NO. 00-2926A FOR THE PURPOSE OF AMENDING THE FANNO CREEK GREENWAY TARGET AREA REFINEMENT PLAN

Date: May 8, 2000

**Presented by: Charlie Ciecko
Jim Desmond**

PROPOSED ACTION

Resolution No. 00-2926A, requests amendment of the Fanno 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 96-2331, the Metro Council approved the Fanno Creek Greenway target area refinement plan and tax lot-specific map. This resolution proposes to amend that refinement plan map to include properties that were previously not included.

BACKGROUND AND ANALYSIS

In May of 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 Fanno Creek Greenway.

Initial planning for the Fanno Creek Greenway regional target area focused primarily on land protection along the lower stretch of main stem Fanno Creek, with the objective of developing a streamside trail network. During the refinement process, citizens' groups advocated for an additional objective: the protection of Fanno Creek water quality through land acquisition along upper Fanno Creek and its tributaries. The adopted refinement plan for the Fanno Creek Greenway target area (resolution 96-2331) includes this objective, establishing a challenge grant program through which Metro and local jurisdictions may partner in the acquisition and management of sites on upper Fanno Creek and four tributaries: Pendleton Creek, Woods Creek, Sylvan Creek, and Ash Creek. The refinement plan adopted May 16, 1996 designated sites along these tributaries as Tier I acquisition priorities and gave the challenge grant program a termination time of 1999.

Unlike the refinement plans for the other regional target areas and trails, the Fanno Creek Greenway Target Area refinement plan includes a tax lot-specific map that identifies only a very few specific parcels on upper Fanno Creek and its tributaries (the upper Fanno watershed), rather than geographic areas or watersheds, as priority acquisition targets. These parcels were chosen for their potential to enhance water quality and water quantity, according to the protection priorities of local jurisdictions, citizens groups and Metro. Since the upper Fanno watershed encompasses a highly developed area, acquisition targets were also chosen or not chosen based upon the existing development plans of landowners.

In the three years following the adoption of the Fanno Creek Greenway refinement plan, the protection priorities of Metro's local partners have remained focused on the upper watershed, but have shifted to other parcels once deemed lost to development but now owned by a willing seller. The Tualatin Hills Parks and Recreation District (THPRD), the cities of Portland and Tigard, and local neighborhood groups have advocated for the acquisition of additional sites which front on upper Fanno Creek and its tributaries, but which are not identified in the refinement plan map.

Specifically, local partners have brought three properties in the upper Fanno Creek watershed to Metro's attention. First, Portland Parks and the City's Bureau of Environmental Services have urged Metro to acquire an approximately three acre parcel on upper Fanno Creek from Inner City Properties, Inc. (the Inner City Property). The Inner City Property is zoned for multi-family and single family residential development. It also contains approximately 500 feet of Fanno Creek frontage. The landowner will either sell the property to Metro now or pursue plans to develop the property in June of 2000. Portland Parks and BES see this as an opportunity to protect Fanno Creek water quality and to limit stormwater runoff into Fanno Creek by preventing development on a sensitive riparian property. Consequently, Portland Parks is willing to commit 25% of the purchase price and management for the property once it is acquired.

Second, the City of Tigard and the Crestwood Neighborhood Association advocate for Metro's participation in the acquisition of an approximately 10 acre property on Ash Creek (the Ash Creek Property). The Ash Creek Property is zoned for residential development, and could be developed into a 25-unit subdivision. The Ash Creek Property also contains a wetland area and approximately 500 feet of Ash Creek frontage. Both Tigard and the Crestwood Neighborhood would like to partner with Metro in the protection of this property.

Third, the Forsyth family, the owner of about 2.6 acres on Ash Creek (the Forsyth Property), is seeking a conservation buyer who will protect their parcel as open space within the otherwise densely developed area. If unable to find a conservation buyer, the Forsyth's will sell the property to a residential developer. The Forsyth Property is located in the community of Metzger, which lacks a parks provider other than Washington County. Consequently, Metro has been assisting the Forsyths in their search for a conservation buyer.

While a local partner is committed to providing 25% of the purchase price and long-term management of the Inner City and Ash Creek Properties, and although Metro is actively seeking a conservation partner on the Forsyth Property, Metro currently lacks authorization to participate in these acquisitions because the properties are not specifically identified as acquisition priorities in the tax lot-specific refinement plan map.

In order to take advantage of these opportunities, and to more effectively achieve refinement plan objectives of enhancing Upper Fanno Creek watershed water quality and quantity, Metro should amend the Fanno Creek Greenway target area refinement plan map to include the Inner City, Ash Creek, and Forsyth Properties as new protection priorities for Metro. Metro's participation in the acquisition of these properties should be limited to the terms of the Challenge Grant established in the Fanno Creek Greenway refinement plan. In addition, the Challenge Grant program should be extended through 2002 to allow for the negotiation of these acquisitions and the partnerships necessary to secure them.

FINDINGS

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

- The Refinement Plan for the Fanno Creek Greenway target area states the following as its goal: "Establish 12 miles of greenway along Fanno Creek and its tributaries in order to protect water quality, fish, wildlife, and recreational values."

The proposed amendment of the Fanno Creek Greenway Refinement Plan will increase the number of protected acres on the Fanno Creek mainstem and its tributaries, and create a recreational opportunity within the UGB through partnerships with local jurisdictions and neighborhood groups.

- Amendment of the target area refinement plan map would complement Metro's past acquisitions. Acquisition of the three properties will improve the ability of these prior purchases to serve their conservation purpose.
- The City of Portland has pledged 25% of the purchase price for the Inner City Property, as well as management, and the City of Tigard and the Crestwood Neighborhood Association are investigating potential funding sources for the Ash Creek Property.
- Strong support for this amendment exists from citizens, neighborhood groups, and agencies who continually petition for Metro's acquisition of additional properties on Fanno Creek and its tributaries. Amendment of this target area refinement plan and map expands Metro's ability to participate in these acquisitions.

BUDGET IMPACT

Bond funds would supply acquisition money, with local share funds providing 25% of acquisition costs. Land banking costs are expected to be minimal. Local partners, including Portland Parks and Recreation, have indicated an interest in assuming long-term management responsibilities for properties acquired within their jurisdictions. An existing intergovernmental agreement (IGA) with the City of Portland Parks and Recreation for Fanno Creek target area properties could be amended to include the Inner City Property. IGAs for the Ash Creek and Forsyth Properties, to be negotiated and approved by Metro Council in the future, shall govern long-term management.

OUTSTANDING QUESTIONS

None.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 00-2926A.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 00-2926
THE FANNO CREEK GREENWAY)
TARGET AREA REFINEMENT PLAN) Introduced by Mike Burton
) Executive Officer

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 Metro's Open Spaces Program; and

WHEREAS, the Fanno 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, initially Fanno Creek Greenway target area refinement planning focused primarily upon the protection of a greenway along the lower main stem of Fanno Creek; and

WHEREAS, citizens' groups and local jurisdictions advocated for inclusion of reaches of the upper main stem of Fanno Creek as well as Fanno Creek tributaries in target area protection planning; and

WHEREAS, on May 16, 1996, the Metro Council adopted a refinement plan for the Fanno Creek Greenway regional target area which authorized the purchases of sites on both the main stem of upper Fanno Creek and along its tributaries, specifically Pendleton Creek, Woods Creek, Sylvan Creek, and Ash Creek, illustrated in a confidential tax lot-specific map identifying priority properties for acquisition; and

WHEREAS, the Fanno Creek Greenway Target Area refinement plan establishes a challenge grant program for Fanno Creek tributary acquisitions through which Metro partners with local jurisdictions to purchase and manage properties for the enhancement of water quality and water quantity; and

WHEREAS, the Fanno Creek Greenway Target Area refinement plan anticipated that the challenge grant program would terminate in 1999; and

WHEREAS, Portland's Parks Department and Bureau of Environmental Services have urged Metro to participate with Portland in the acquisition of an approximately three-acre parcel (the Inner City Property) which is bisected by Fanno Creek, but which is not currently identified as a Tier I acquisition priority on the tax lot-specific refinement plan map; and

WHEREAS, the City of Tigard and the Crestwood Neighborhood Association have urged Metro to participate in the acquisition of an approximately 10-acre parcel which is bisected by Ash Creek (the Ash Creek Property), but which is not currently identified as a Tier I acquisition priority on the tax lot-specific refinement plan map; and

WHEREAS, the Forsyth family is seeking a conservation buyer of its approximately three-acre parcel on Ash Creek (the Forsyth Property), but the Forsyth Property is not currently identified as a Tier I acquisition priority on the tax lot-specific refinement plan map; and

WHEREAS, the acquisition of the Inner City, Ash Creek, and Forsyth Properties would serve the refinement plan objectives of creating partnerships to enhance water quality and water quantity on Upper Fanno Creek upon entering into intergovernmental agreements with the local partner for management of the Inner City, Ash Creek, and Forsyth Properties; and

WHEREAS, if Metro and local partners do not acquire the three properties, they are likely to be developed into residential subdivisions adjacent to riparian areas; and

WHEREAS the three properties were not highlighted as Tier I acquisition priorities in the original tax lot-specific refinement plan map because local partners and citizens considered these sites to be unavailable for acquisition due to the development plans of landowners; and

WHEREAS, amendment of the refinement plan and tax lot-specific map to extend the challenge grant program and to establish the Inner City Property, the Ash Creek Property, and the Forsyth Property as Tier I acquisition targets would allow Metro and local partners to take advantage of these acquisition opportunities and serve the target area objectives of developing partnerships to protect water quality and control stormwater in Fanno Creek and its tributaries; now therefore,

BE IT RESOLVED,

That the Metro Council amends the Fanno Creek Greenway regional target area refinement plan map to include the Inner City Property, the Ash Creek Property, and the Forsyth Property as described in the attached Exhibit A; and amends the Fanno Creek Greenway regional target area refinement plan to extend the challenge grant program through December 31, 2002.

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

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

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The Forsyth Property:

Washington County Reference Parcel Number 1S1E25CB 01400

Staff Report

CONSIDERATION OF RESOLUTION NO. 00-2926 FOR THE PURPOSE OF AMENDING THE FANNO CREEK GREENWAY TARGET AREA REFINEMENT PLAN

Date: March 23, 2000

**Presented by: Charlie Ciecko
Jim Desmond**

PROPOSED ACTION

Resolution No. 00-2926, requests amendment of the Fanno Creek Greenway target area refinement plan map.

EXISTING LAW

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Second, the City of Tigard and the Crestwood Neighborhood Association advocate for Metro's participation in the acquisition of an approximately 10 acre property on Ash Creek (the Ash Creek Property). The Ash Creek Property is zoned for residential development, and could be developed into a 25-unit subdivision. The Ash Creek Property also contains a wetland area and approximately 500 feet of Ash Creek frontage. Both Tigard and the Crestwood Neighborhood would like to partner with Metro in the protection of this property.

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FINDINGS

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"Establish 12 miles of greenway along Fanno Creek and its tributaries in order to protect water quality, fish, wildlife, and recreational values."

The proposed amendment of the Fanno Creek Greenway Refinement Plan will increase the number of protected acres on the Fanno Creek mainstem and its tributaries, protect water quality by preventing riparian residential development, and create a recreational opportunity within the UGB through partnerships with local jurisdictions and neighborhood groups.

- Amendment of the target area refinement plan map would complement Metro's past acquisitions. The three properties described in this amendment share with prior acquisitions the ability to improve Fanno Creek water quality and water quantity. Acquisition of the three properties will improve the ability of these prior purchases to serve their conservation purpose.
- The City of Portland has pledged 25% of the purchase price for the Inner City Property, as well as management, and the City of Tigard and the Crestwood Neighborhood Association are investigating potential funding sources for the Ash Creek Property.
- Strong support for this amendment exists from citizens, neighborhood groups, and agencies who continually petition for Metro's acquisition of additional properties on Fanno Creek and its tributaries. Amendment of this target area refinement plan and map expands Metro's ability to participate in these acquisitions.

BUDGET IMPACT

Bond funds would supply acquisition money, with local share funds providing 25% of acquisition costs. Land banking costs are expected to be minimal. Local partners, including Portland Parks and Recreation, have indicated an interest in assuming long-term management responsibilities for properties acquired within their jurisdictions. An existing intergovernmental agreement (IGA) with the City of Portland Parks and Recreation for Fanno Creek target area properties could be amended to include the Inner City Property. IGAs for the Ash Creek and Forsyth Properties, to be negotiated and approved by Metro Council in the future, shall govern long-term management.

OUTSTANDING QUESTIONS

None.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 00-2926.