

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)
WILLAMETTE NARROWS SECTION OF)
THE WILLAMETTE RIVER GREENWAY)
TARGET AREA AND AUTHORIZING THE)
EXECUTIVE OFFICER TO ENTER INTO)
AN INTERGOVERNMENTAL)
AGREEMENT WITH THE CITY OF WEST)
LINN FOR THE SHARED ACQUISITION)
AND MANAGEMENT OF PROPERTY)

Resolution No. 00-2918

Introduced by Mike Burton
Executive Officer

WHEREAS, in July 1992, the Metro Council adopted by Resolution No. 92-1637, 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 (Ballot Measure 26-26) which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements; and

WHEREAS, the Willamette Narrows Section of the Willamette River Greenway Target Area ("Willamette Narrows 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 Space, Parks and Streams Bond Measure; and

WHEREAS, on April 11, 1996, the Metro Council adopted by Resolution No. 96-2307, a refinement plan for the Willamette Narrows Section of the Willamette River Greenway Target Area ("Willamette Narrows Refinement Plan") authorizing the acquisition of specific sites, as set forth in a confidential Willamette Narrows Refinement Plan map identifying priority properties south of the confluence of the Tualatin River and the Willamette River for acquisition; and

WHEREAS, one objective of the Willamette Narrows Refinement Plan is to support state-wide land use Goal 15, which aims to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River through the creation of the Willamette River Greenway; and

WHEREAS, the Tier I objectives of the Willamette Narrows Refinement Plan includes acquisition of large blocks of contiguous wooded area for habitat value, including remaining areas of oak on the south facing slopes, and the Tier II objectives include working with the City of West Linn (hereafter, "West Linn") to coordinate plans for linkages to nearby natural areas outside the Willamette Narrows Target Area; and

WHEREAS, West Linn has urged Metro to partner in acquiring unencumbered fee title to the 8.8-acre parcel of Willamette River front property described in the attached Exhibit A, located outside the Willamette Narrows Target Area, but adjacent to West Linn's Burnside Park

(the "Burnside Park Addition Property"), taking title as a tenant-in-common with West Linn, proportionate to Metro's cash contribution; and

WHEREAS, the acquisition of the Burnside Park Addition Property would serve the objectives of the Willamette Narrows Target Area by supporting state-wide land use Goal 15, and would satisfy the Tier I and Tier II objectives of the Willamette Narrows Refinement Plan; and

WHEREAS, Metro and West Linn desire to enter into the Intergovernmental Agreement attached as Exhibit B hereto, providing for the shared acquisition of the Burnside Park Addition Property, and subsequent sole management, maintenance and operation obligations of West Linn; now therefore,

BE IT RESOLVED,

1. That the Metro Council hereby amends the Willamette Narrows Section of the Willamette Greenway target area to include the Burnside Park Addition Property as a Tier I acquisition goal; and

2. That the Metro Council hereby authorizes the Executive Officer to enter into an Intergovernmental Agreement with the City of West Linn, as identified in Exhibit B, establishing the acquisition, maintenance and operation responsibilities of Metro and the City of West Linn with respect to the Burnside Park Addition Property.

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

WITHDRAWN
David Bragdon, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

Staff Report

CONSIDERATION OF RESOLUTION NO. 00-2918 FOR THE PURPOSE OF AMENDING THE WILLAMETTE NARROWS SECTION OF THE WILLAMETTE RIVER GREENWAY TARGET AREA AND AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF WEST LINN FOR THE SHARED ACQUISITION AND MANAGEMENT OF PROPERTY

Date: August 31, 2000

**Presented by: Charles Ciecko
Jim Desmond**

PROPOSED ACTION

Resolution No. 00-2918 requests amendment of the Willamette Narrows Section of the Willamette River Greenway target area refinement plan, and authorization for an intergovernmental agreement (IGA) with the city of West Linn for the shared acquisition and management of property in the Willamette Narrows.

Existing Legislation

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 96-2307, the Metro Council approved the Willamette Narrows section of the Willamette River Greenway target area refinement plan tax-lot specific map. This resolution proposes to amend that refinement plan map to include another property that was previously excluded.

Metro Code 2.04.026 (a) (2) requires that the Executive Officer obtain the authorization of the Metro Council prior to entering into an agreement pursuant to ORS Chapter 190 for the transfer of any interest in real property and for transferring any function or duty of Metro to another governmental unit. Under this Metro code the proposed intergovernmental agreement (IGA) requires Council approval. The Open Spaces Implementation Work Plan encourages agreements with other park providers as a strategy to reduce landbanking costs, and this IGA is consistent with the Work Plan.

BACKGROUND AND ANALYSIS

In May of 1995, voters in the Portland metropolitan region passed Bond Measure 26-26 for Open Spaces, Parks and Streams, 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 Willamette Narrows Section of the Willamette River Greenway Target Area.

The overall goal of the Refinement Plan for the Willamette Narrows Section of the Willamette River Greenway Target Area is the creation of a regional natural area supporting state-wide land use Goal 15 and protecting undeveloped riparian areas for their wildlife habitat, biological, botanical, educational, and water quality values. State-wide Goal 15 was adopted to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River through the creation of the Willamette River Greenway. The Tier I objectives of the refinement plan include acquisition of large blocks for contiguous wooded area for habitat value, including remaining areas of oak on the south facing slopes. Tier II objectives include working with West Linn to coordinate plans for linkages to areas outside the Willamette Narrows Target Area.

At the time of the adoption of the Refinement Plan, the Willamette Narrows Target Area was defined as extending from the mouth of the Tualatin River along the Willamette River south to the Canby Ferry Crossing, including Peach Cove. However, the City of West Linn ("West Linn") has requested that the Willamette Narrows Target Area be amended to include a privately-owned natural area that was originally identified as West Linn's Bond Measure 26-26 Open Spaces local share project.

The natural area at issue is an 8.88-acre parcel located along the west bank of the Willamette River, approximately 1.75 miles north of the mouth of the Tualatin River and directly adjacent to the southern boundary of West Linn's 16.8-acre Burnside Park. Generally referred to as the "Burnside Park Addition," this planned local share-funded acquisition had been determined to be infeasible, because the property owner (Mrs. Maddax) was living on the site in her single-family residence and desired to retain ownership of the property.

Consequently, while acknowledging the continuing importance of acquiring the "Burnside Park Addition" property (herein referred to as the "Burnside Park Addition Property"), the West Linn City Council identified and proposed a replacement local share project, referred to as the "Lazy River/Robinwood Neighborhood Community Park Acquisition," consisting of 11.54 acres of undeveloped open space and wetlands. West Linn subsequently sought and received assurances from Metro's Executive Officer Mike Burton, that he would recommend to the Metro Council that Metro contribute an amount no greater than \$333,385 to the acquisition of the Burnside Park Addition Property, if it became available in the future (Attachment 1). The West Linn City Council held a public hearing and voted to approve this change in its local share project at its August 9, 1999 meeting (Attachment 2). West Linn subsequently acquired the Robinwood parcel by leveraging Open Spaces local share funds with funds from a Local Improvement District set up in the Robinwood neighborhood for this purpose.

Recently, the owner of the Burnside Park Addition Property (Mrs. Maddax) died, leaving the Burnside Park Addition Property to West Linn in her will. However, during her lifetime, the property taxes on the Burnside Park Addition Property were deferred through the State of Oregon's senior tax deferral program. The deferred property taxes became due upon Mrs. Maddax's death. At her death, the deferred property taxes due were approximately \$200,000. That figure has since increased based upon a statutorily determined rate of interest. West Linn has tentatively agreed with the representatives of Mrs. Maddax's estate to provide for payment of the deferred taxes, so that the estate may be settled, the assets distributed, probate may close, and title to the Burnside Park Addition Property may pass into public ownership. In accordance with the Executive Officer's earlier commitment to recommend that the Metro Council approve a Metro contribution to the acquisition of the Burnside Park Addition Property, West Linn now requests that Metro's Willamette Narrows Target Area be amended to include

the Burnside Park Addition Property. Regional bond funds would then be used to satisfy the deferred property taxes.

In exchange for paying the deferred property taxes, Metro will receive a fractional interest in the title to the Burnside Park Addition Property equal to the ratio of Metro's contribution divided by the Burnside Park Addition Property's appraised value as reviewed by Metro's review appraiser. Real covenants will be recorded against the Burnside Park Addition Property, providing that the Burnside Park Addition Property must be used for open space / natural area park purposes, in perpetuity. If this transaction is approved, Metro would enter into the attached Intergovernmental Agreement with West Linn, providing for West Linn's management of the Burnside Park Addition Property. West Linn has requested that the Willamette Narrows Target Area be amended to include the Burnside Park Addition Property so that Regional Bond Funds can be used to partner in the acquisition of this important parcel.

The Burnside Park Addition Property supports a mixed coniferous and deciduous tree canopy of fir, maple, and beech. The Burnside Park Addition Property has approximately 328 feet of low-bank frontage on the Willamette River and, according to an Oregon Department of Fish and Wildlife official, the vegetation and wildlife habitat on this Burnside Park Addition Property are similar to and consistent with the vegetation and habitat present in Burnside Park itself. The Burnside Park Addition Property also provides excellent views of Goat Island Park, a 16.6-acre Willamette River island located directly east of the Burnside Park Addition Property. Goat Island is owned and managed by the Oregon Department of State Lands and supports a blue heron rookery. The Oregon Department of Fish and Wildlife report that Goat Island also provides valuable rearing habitat for listed species of salmon and steelhead in the shallow water areas surrounding the island and adjacent to the Burnside Park Addition Property. West Linn Zoning designates the Burnside Park Addition Property as R-10, a zone allowing development based upon minimum lot sizes of 10,000 square feet. Existing single-family residential subdivisions are located to the east, south, and south west of the Burnside Park Addition Property.

FINDINGS

Acquisition of this Burnside Park Addition Property is recommended based on the following:

- Acquisition will protect undeveloped riparian areas for wildlife, biological, botanical, educational, and water quality values.
- The site will expand West Linn's Burnside park from 16.8 acres to 25.68 acres. Wildlife, biological, botanical, and water quality values will be enhanced by this expansion.
- The proximity of the site to Goat Island and the heron rookery provides scenic and educational opportunities for the public and provides a buffer for this natural resource.
- The site provides a rare opportunity for increasing public ownership along the Willamette River within the Urban Growth Boundary.
- The site offers safe, low bank access to the Willamette River.
- If the parcel in question is not acquired, it will probably be developed with residential housing units. Such development would clearly be detrimental to wildlife on Goat Island.

BUDGET IMPACT

Bond Measure 26-26 funds would supply acquisition money. Land management operations and maintenance will be assumed by West Linn under the attached intergovernmental agreement. This would reduce Metro's landbanking costs and future operation and maintenance expenses.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 00-2918.

Attachments:

- **Attachment 1** **Correspondence regarding West Linn subsequently sought and received assurances from Metro Executive Officer Mike Burton that he would recommend to the Metro Council that Metro contribute to the acquisition of the Burnside Park Addition Property, if it became available in the future.**

- **Attachment 2** **The City Council held a public hearing and voted to approve this change in its local share project at its August 9, 1999 meeting (attached is a copy of the governing body's resolution making this change).**

- **Attachment 3** **Proposed Intergovernmental Agreement with the City of West Linn, providing for the City of West Linn's management of the Burnside Park Addition Property.**

M E M O R A N D U M

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1700 | FAX 503 797 1797



METRO

Date: March 14, 2001
To: Becky Shoemaker, Council Archive files
From: Jim Desmond, Open Spaces Acquisition Manager 
Subject: **Draft Resolution 00-2918: Willamette Narrows Amendment**

Metro Open Spaces prepared a draft staff report and resolution for Resolution 00-2918 "For the purpose of amending the Willamette Narrows Section of the Willamette River Greenway target area and authorizing the Executive Officer to enter into an intergovernmental agreement with the City of West Linn for the shared acquisition and management of property," but never submitted them to the Executive or Council offices. The drafts were prepared to allow Metro to amend its Willamette Narrows refinement plan to share with the City of West Linn in the acquisition of a property adjacent to West Linn's Burnside Park. Acquisition of the property has been under legal review, and at this time West Linn is exploring the option of acquiring the property without using Metro regional acquisition funds. The property has been in probate, and many acquisition issues have not been resolved.

So we are withdrawing Resolution 00-2918 at this time. If at some time in the future West Linn and Metro determine that Metro regional acquisition funds are needed and Metro wishes to pursue the acquisition, we will resubmit it under a new resolution number.

cc: Joel Morton
William Eadie