

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF) RESOLUTION NO. 06-3719A
OPERATING OFFICER TO ENTER INTO OPTIONS TO)
PURCHASE PROPERTIES IN THE FANNO CREEK,)
ABERNETHY CREEK, ROCK CREEK AND WESTSIDE)
TRAIL TARGET AREAS, UNDER THE PROPOSED) Introduced by Chief Operating Officer
2006 NATURAL AREAS BOND MEASURE IN) Michael J. Jordan, with the
ACCORD WITH THE OPEN SPACES) concurrence of Council President
IMPLEMENTATION WORK PLAN) David Bragdon

WHEREAS, the Metro Council has taken a leadership role in identifying remaining natural areas in the Metro area and planning for their protection; and

WHEREAS, Resolution No. 06-3672B “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection,” adopted by the Metro Council on March 9, 2006 (the “2006 Natural Areas Bond Measure”), recommended submission to the voters of a general obligation bond to preserve natural areas and clean water and protect fish and wildlife; and

WHEREAS, Resolution No. 05-3612 “For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures out of the Proceeds of Obligations to Be Issued in Connection with the Regional Parks and Greenspaces Program,” adopted by the Metro Council on September 29, 2005, directed staff to work on obtaining options to purchase specific properties approved by the Metro Council, as part of the preliminary work associated with the proposed funding measure; and

WHEREAS, in accord with Resolution No. 05-3612, Metro staff has identified opportunities to purchase specific properties in the proposed 2006 Natural Areas Bond Measure Target Areas, which properties are identified and further described in Exhibit A; and

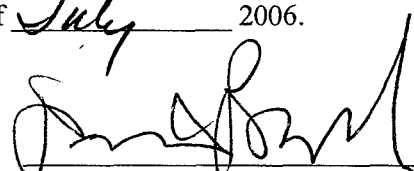
WHEREAS, in accord with Resolution No. 06-3687 (“For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Property Under the Proposed 2006 Natural Areas Bond Measure in Accord With the Open Spaces Implementation Work Plan and Providing Funding”) adopted May 11, 2006, Metro Council approved spending for the purchase of option agreements or as earnest money for property in the proposed 2006 Natural Areas Bond Measure Target Areas, conditioned upon passage of the 2006 Natural Areas Bond Measure and Metro Council approval, as directed by Resolution No. 05-3612; and

WHEREAS, expenditure authority exists in the Fiscal Year 2006-07 Adopted Budget totaling \$100,000 to pay for due diligence and provide earnest money for the entry into agreements to purchase property in the proposed 2006 Natural Areas Bond Measure Target Areas, conditioned upon passage of the 2006 Natural Areas Bond Measure and Metro Council approval, as directed by Resolution No. 05-3612 as set forth on the schedule attached as Exhibit B; and

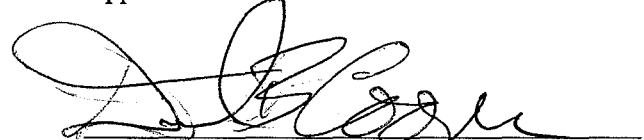
WHEREAS, all terms of the transactions contemplated herein shall be governed by the 1995 Open Spaces Implementation Work Plan, set forth in Metro Council Resolution No. 95-2228A "For the Purpose of Authorizing the Executive Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Open Spaces Implementation Work Plan," adopted on November 21, 1995; now therefore

BE IT RESOLVED THAT Metro Council hereby authorizes the Chief Operating Officer to enter into agreements of purchase and sale and/or agreements for options to purchase the properties identified in Exhibit A, conditioned upon passage of the 2006 Natural Areas Bond Measure and in accord with the parameters of the Open Spaces Implementation Work Plan.

ADOPTED by the Metro Council this 13th day of July 2006.


David Bragdon, Council President

Approved as to Form:


Daniel B. Cooper, Metro Attorney

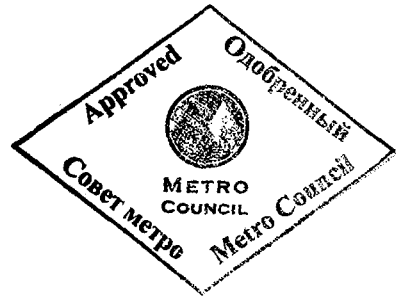
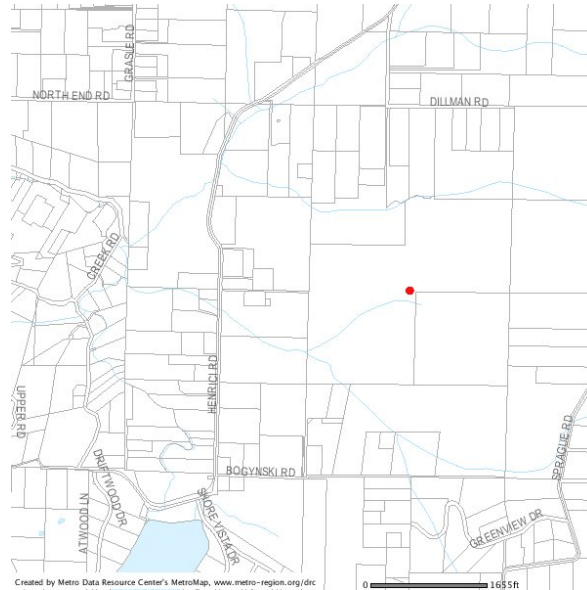


EXHIBIT A
RESOLUTION NO. 06-3719A

PROPERTIES IDENTIFIED AS
PURCHASE OPPORTUNITIES





Target Area: ABERNETHY CREEK

Description: This 112-acre property is located in Clackamas county off S. Henrici Road in the Abernethy Creek watershed basin. It lies between the Abernethy and Clear Creek target areas and is adjacent to a 40-acre BLM parcel. Two headwater tributaries to Abernethy Creek run through this parcel, and the property contains substantial riparian corridors as well as a diverse upland deciduous and coniferous forest.

The Trust for Public Land has provided the necessary funding to complete the initial acquisition for this property. Through a land use process, the Trust intends to partition off approximately 5 acres of the northwest corner of the site – including the existing home on the property - and is offering to sell the remaining vacant 107 acres to Metro at appraised market value. The owner of the existing improvements has said that upon his demise he will bequeath the remaining 5 acres and associated improvements to the Trust.

- Option Criteria Addressed:**
- Protects and enhances two headwater tributaries to Abernethy Creek
 - Contributes to water quality of Abernethy Creek
 - Protects one of the last remaining large assemblages of forested habitat in the area (in total 147 acres including the BLM parcel)
 - Public and private support for this acquisition includes Clackamas County Commissioner Martha Schrader, the Oregon City Watershed Council, ODFW, the OSU Extension Service and College of Forestry, and members of the Small Woodland Lot Association.

Managers: Discussions are ongoing with several public and private organizations concerning possible management of the site.

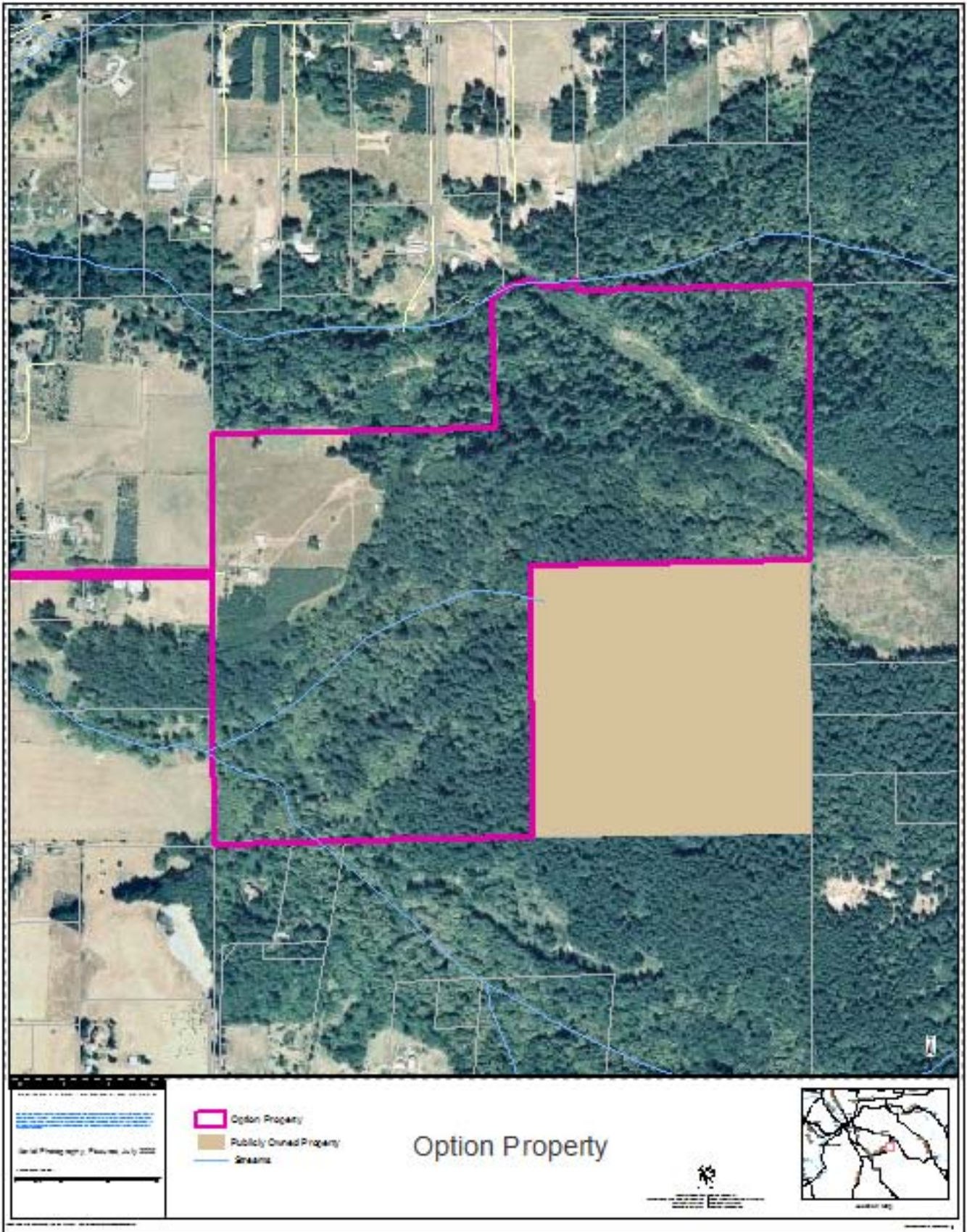
Sellers: Private Party

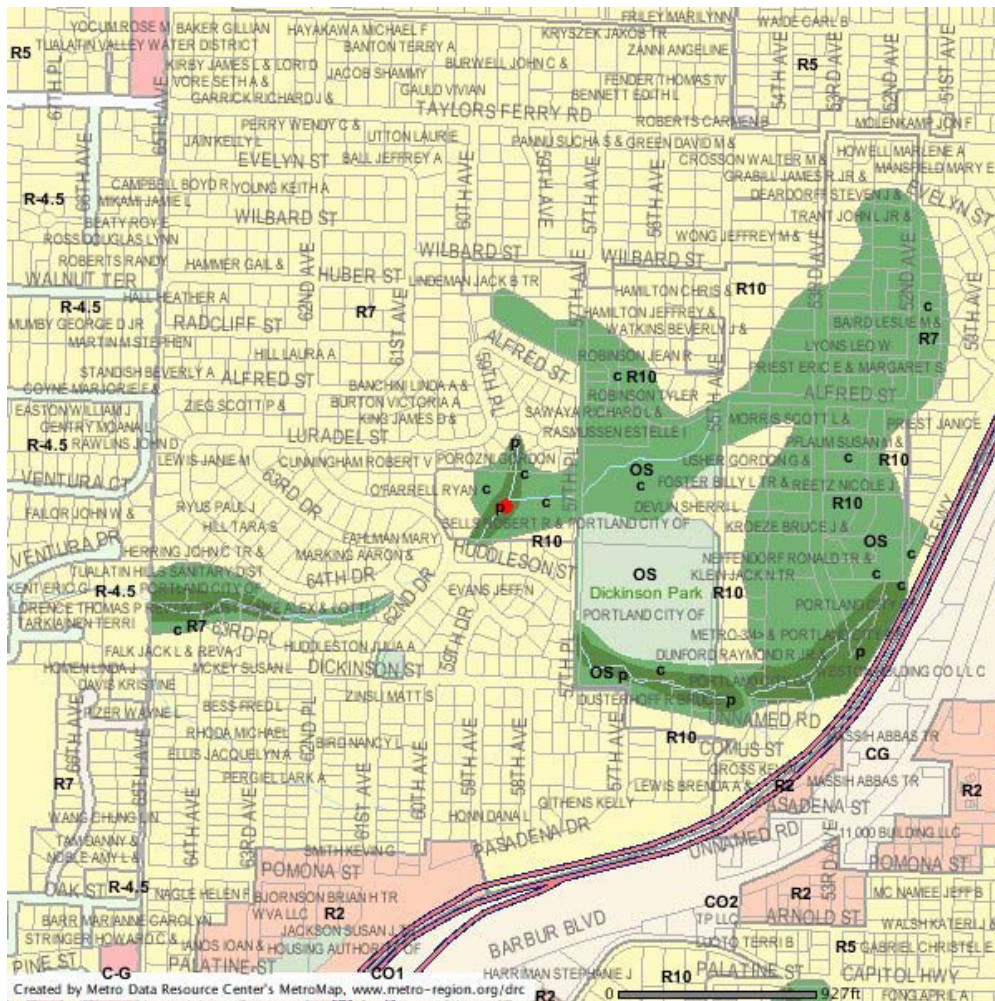
Size: 107 acres

Stream Frontage: Two Abernethy Creek tributaries

Option Price: The Trust For Public Land will provide initial funding until Bond Measure passes

Conditions: Metro Council Approval, Appraisal and Environmental, Bond Measure





Target Area:

FANNO CREEK

Description: This 3.8-acre parcel in Southwest Portland will extend the natural area and habitat protection established at the adjacent 15.8-acre Dickinson Park. A rare property in Southwest Portland, it is well forested and traversed by Ash creek and an unnamed drainage. Development of the site was imminent.

A Land Division prior to closing will partition the single-family residence on the now 4.5-acre site, which will be retained by the Seller.

The City of Portland Bureau of Parks and Recreation will continue the work of the Fanno Basin Stewardship Program on this site, a partnership of Portland Parks and Recreation, the Bureau of Environmental Services, Metro, Southwest Neighborhood Association and the Dickinson Park Stewards, removing invasives and planting natives.

Option Criteria - Protects / Enhances Water Quality with direct stream frontage --

Addressed: Protection on Ash Creek (Fanno Creek Watershed)

- Acquisition strongly supported by City of Portland
- Adjacent Dickinson Park and Natural Area restoration projects and open space on Clatsop Butte.
- Preserves connectivity for an urban wildlife.

Managers: City of Portland will manage the property

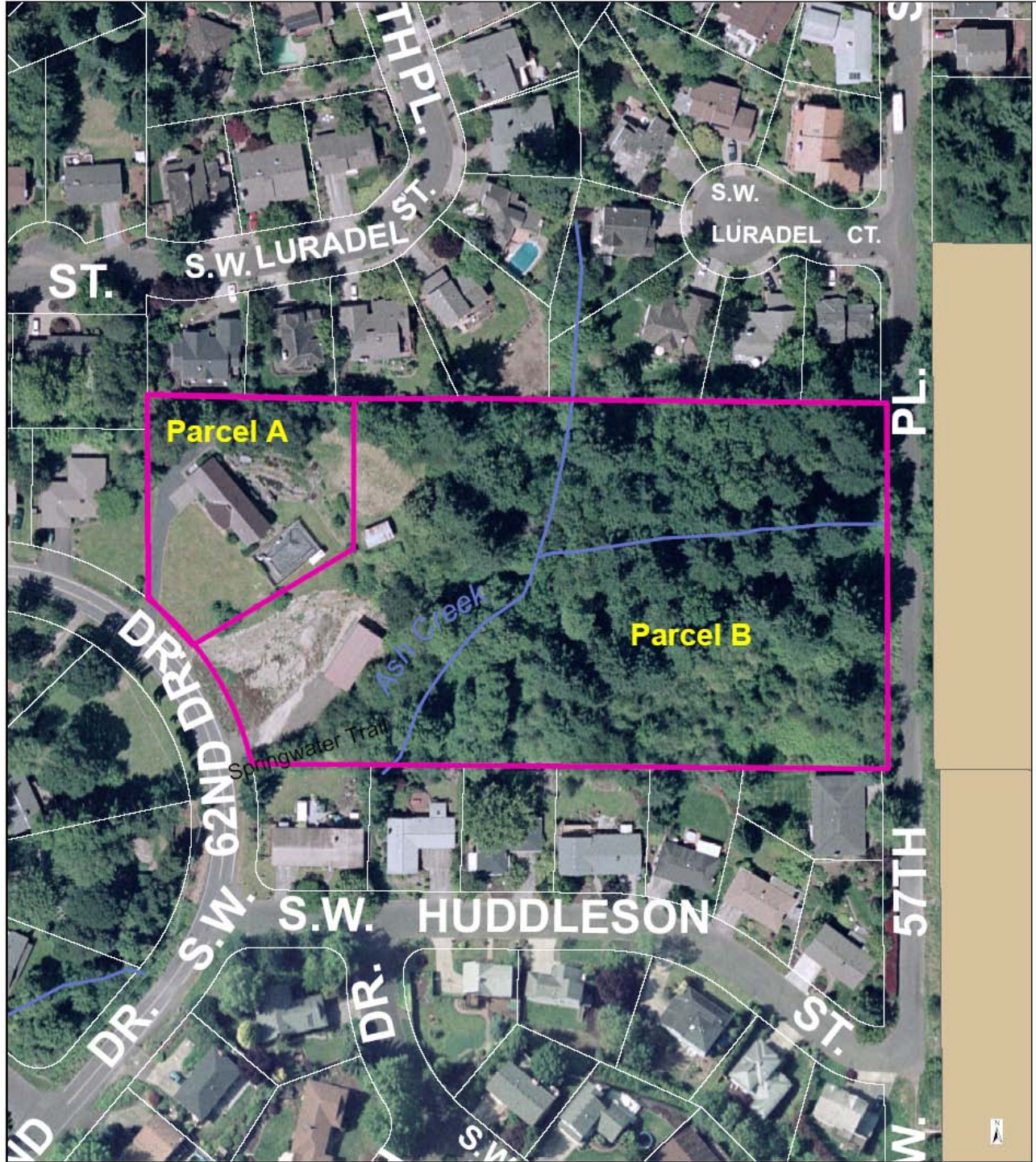
Sellers: Private Party

Size: 3.8 acres

Stream Frontage: Ash Creek

Option Price: \$0

Conditions: Metro Council Approval, Bond Measure, Land Division for Seller to retain single-family residence, Appraisal and Environmental

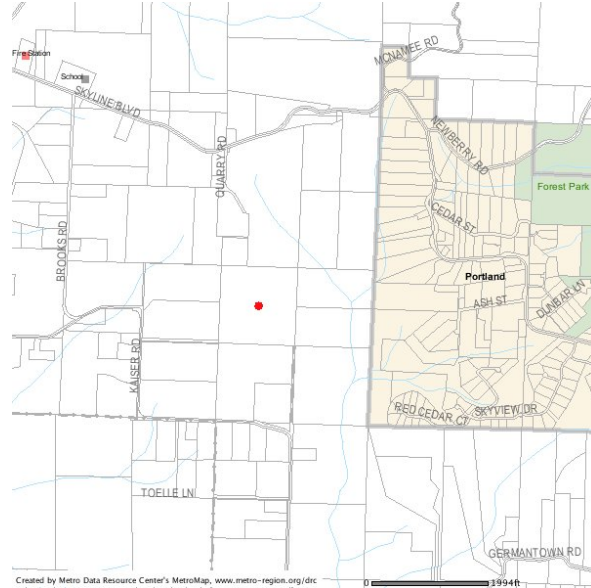


REGIONAL LAND INFORMATION SYSTEM
 Aerial Photography, Flourens Inc., July, 2005
 1 inch equals 27 feet
 METRO POLICE PRECISION CENTER
 1000 NE 10TH AVE, SUITE 1000
 PORTLAND, OR 97232
 (503) 944-3000

- seells_edit
- City of Portland Property
- Streams

Sells Property





Target Area:

ROCK CREEK

Description: This 41.28-acre parcel is located east of NW Kaiser Road and north of NW Germantown Road in unincorporated Multnomah County. This upland parcel lies adjacent to the western flank of an unnamed tributary of Rock Creek and contains a mixed coniferous and deciduous tree canopy. As such, this property will protect and enhance water quality near the tributary’s headwaters as well as protect upland habitat. The top of this parcel provides territorial views of the Bethany area to the southwest. Newer high-end homes have recently been developed on adjacent parcels, and this property is also threatened with high-end home development and/or timber harvesting. Consequently, if protected, this property will help buffer the watershed.

- Option Criteria Addressed:**
- Protects / Enhances Water Quality of Rock Creek tributary
 - Protects upland habitat
 - Buffers watershed

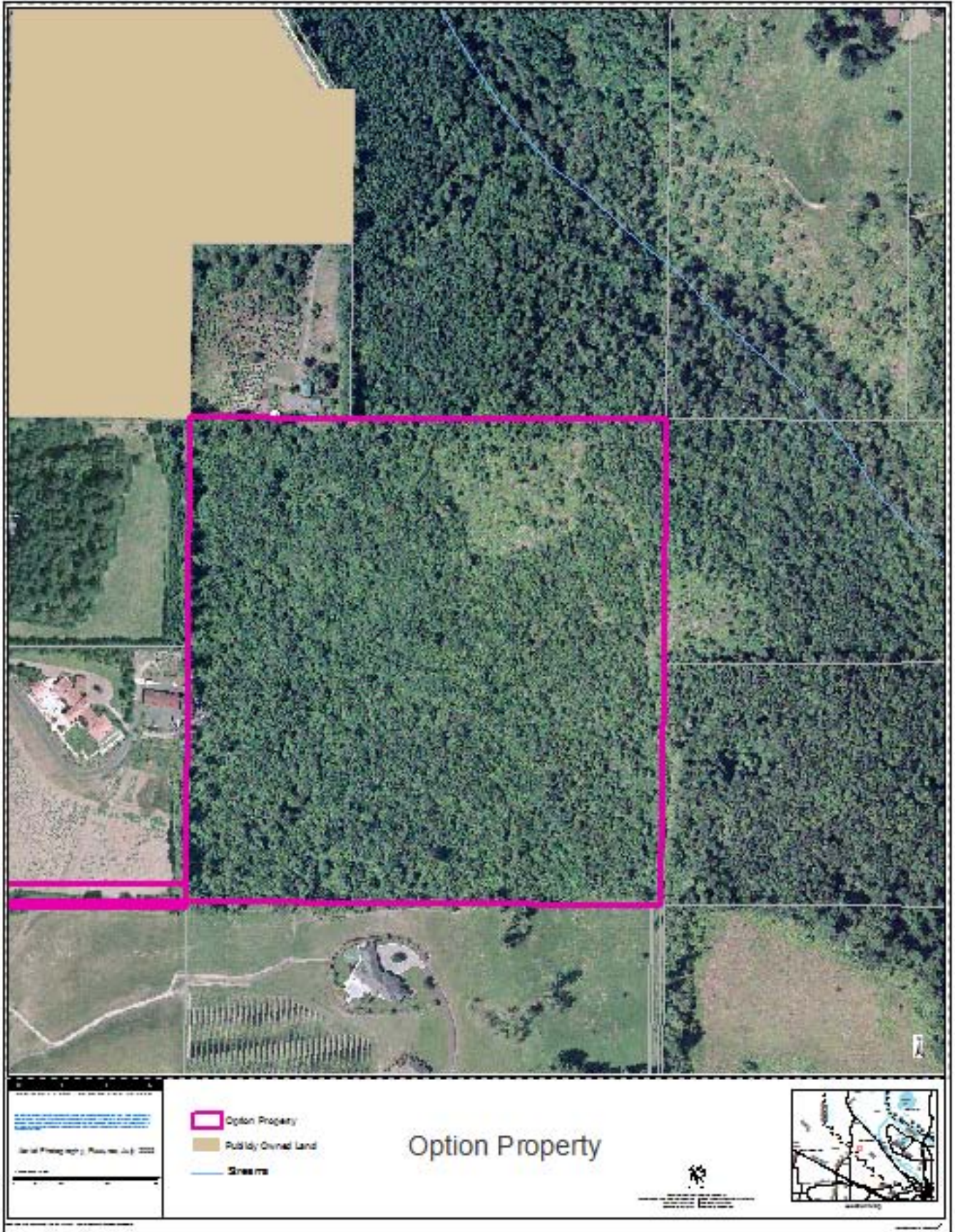
Sellers: Private Party

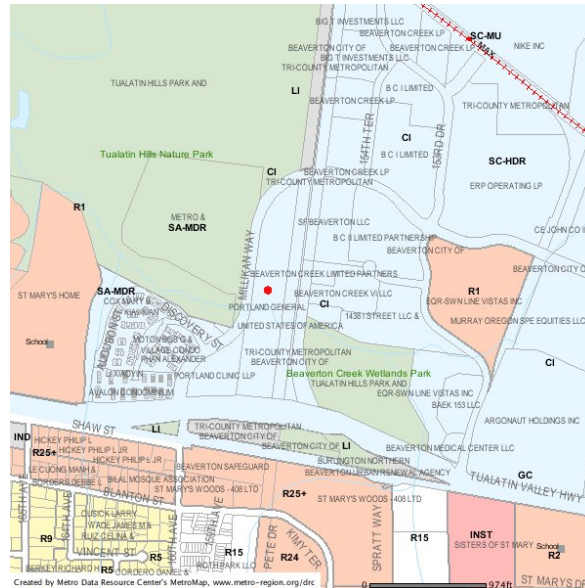
Size: 41.23 acres

Stream Frontage: No

Option Price: \$5,000 in escrow for an exclusive 9-month option

Conditions: Metro Council Approval, Bond Measure, Appraisal and Environmental Reviews





Target Area:

WESTSIDE TRAIL

Description: This 11.81-acre parcel is located along the proposed Westside Trail alignment in Beaverton. The parcel is situated along the south and east sides of SW Millikan Way across from the Tualatin Hills Nature Park. Beaverton Creek runs through the central portion of this parcel, and Beaverton Creek Wetlands Park is located just east of this parcel across a Bonneville Powerline corridor and a rail line.

The Tualatin Hills Park and Recreation District strongly supports this acquisition and have agreed to fund 50% of the purchase price and will take pro rata title along with Metro. THPRD has agreed to manage the site and intends to construct a portion of the Westside Trail through this parcel and to restore wetland areas in and around Beaverton Creek.

- Option Criteria Addressed:**
- Provides 1/3 mile of trail alignment for the Westside Trail
 - Protects / Enhances Water Quality of Beaverton Creek and provides restoration opportunities for the adjacent wetland areas
 - Protects riparian and upland habitat

Sellers: Utility

Size: 11.81 acres

Stream Frontage: Beaverton Creek

Option Price: \$2250 in escrow for an exclusive 9-month option

Conditions: Metro Council Approval, Bond Measure, Appraisal and Environmental



Serial Property Map, Plan No. July 2006

- Option Property
- New Property
- Publicly Owned Property
- Streams

Option Property

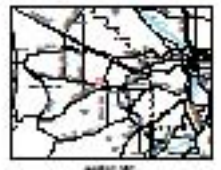


EXHIBIT B

RESOLUTION NO. 06-3719A

FUNDING FOR OPTIONS

Target Area	Property Owner	Size (acres)	Estimated Option Funds Required
Abernethy Creek	Private Party	2.25	\$1,000
Abernethy Creek	Private Party	107.00	\$0
Fanno Creek	Private Party	3.80	\$0
Rock Creek	Private Party	41.28	\$5,000
Westside Trail	Utility	11.81	\$2,250

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 06-3719A FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO OPTIONS TO PURCHASE PROPERTIES IN THE FANNO CREEK, ABERNETHY CREEK, ROCK CREEK AND WESTSIDE TRAIL TARGET AREAS, UNDER THE PROPOSED 2006 NATURAL AREAS BOND MEASURE IN ACCORD WITH THE OPEN SPACES IMPLEMENTATION WORK PLAN

Date: July 13, 2006

Prepared by: William Eadie
Hillary Wilton

BACKGROUND

Metro staff was directed by Metro Council on September 29, 2005 (Resolution No. 05-3612 “For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Obligations to be Issued in Connection with the Regional Parks and Greenspaces Program”) to obtain options to purchase specific properties approved by Council, as part of the preliminary work for the 2006 Natural Areas Bond Measure. As part of the FY 2006-07 Adopted Budget, the Metro Council approved spending up to \$100,000 for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure. As part of Resolution No. 06-3687 (“For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Property Under the 1995 Open spaces Bond Measure and Proposed 2006 Natural Areas bond Measure in Accord With the Open Spaces Implementation Work Plan and Providing Funding”) Metro Council approved spending for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure.

Metro staff has identified opportunities to enter into purchase and sale agreements to acquire property in the proposed 2006 Natural Areas Bond Measure Target Areas, conditioned upon passage of the 2006 Natural Areas Bond Measure, Metro Council approval and funding to provide earnest money for these opportunities. Council approval is necessary to enter into these agreements.

Fanno Creek Headwaters Property

Staff has identified a 4.5-acre property on Ash Creek in SW Portland adjacent to 15-acre Dickinson Park natural area, threatened by development. Staff has negotiated an option to purchase 3.8 acres of the total 4.5-acre parcel. A land division prior to closing will partition 0.7 acres including the single-family residence, which will be retained by the Seller. Acquisition of the remaining parcel is a unique opportunity to protect natural area in this densely urbanized area, and enhance water quality protection in the Fanno Creek watershed, of which Ash Creek is a tributary. Fanno Creek is a Target Area identified in the 2006 Natural Areas Bond Measure.

The adjacent 15.8-acre Dickinson Park includes field and natural areas. This 3.8-acre extension, including significant additional creek frontage, will connect the natural area and enhance the established habitat protection. The City of Portland Bureau of Parks and Recreation will manage the property and continue the work of the Fanno Basin Stewardship Program on this site, a partnership of Portland Parks and Recreation, the Bureau of Environmental Services, Metro, Southwest Neighborhood Association and the Dickinson Park Stewards, removing invasives and planting natives.

Abernethy Creek Properties

With successful protection of portions of Newell Creek, continued acquisition of undeveloped lands along Abernethy Creek and within its watershed will expand fish and wildlife habitat critical to the area in and around Oregon City, especially threatened habitat for native steelhead and cutthroat populations. Abernethy Creek is a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified a 2.25-acre parcel located along the south side of SW Redland Road east of Highway 213 in Oregon City in close proximity to property that Metro previously acquired along the east side of Newell Creek Canyon under the 1995 Open Space Bond Measure. This parcel is currently vacant but is zoned for single-family residential development. Abernethy Creek runs through the central portion of this property. The majority of the property is situated south of the creek and exhibits a steep upward slope to where it adjoins property owned by the City of Oregon City School District along the east side of Newell Creek Canyon. Acquiring this site will support several key goals of the 2006 Natural Areas Bond Measure, including protecting threatened fish and wildlife habitat along Abernethy Creek and providing connectivity to other publicly-owned land.

The Trust for Public Land (TPL) has identified a second site, a 112-acre parcel located in Clackamas County off S. Henrici Road in the Abernethy Creek watershed basin and has signed an option agreement on the property. This parcel lies between the Abernethy and Clear Creek target areas and is adjacent to a 40-acre BLM parcel. Taken together these two sites form an assemblage of high quality wildlife and riparian habitat. The upland portion of the 112-acre property is comprised of mixed farmland and forest habitat. A pasture area in the northwest corner of the site includes a home, two barns, and a remnant apple orchard. The forest habitat, however, is extensive and dominates the property.

Two headwater tributaries to Abernethy Creek run through this parcel, and one of the tributaries flows through a steep canyon of old growth western red cedar. A 2001 Clackamas County fish passage improvement project at the base of the property opened the upper reaches to anadromous fish passage. If restored, the smaller tributaries on the property would make suitable rearing areas for anadromous fish such as the federally listed Winter Steelhead and state listed Coho salmon. Acquisition of this property will protect and enhance the headwater tributaries on the property and decrease sedimentation of spawning and rearing grounds for anadromous fish species downstream, and contribute to the water quality of Abernethy Creek.

In addition to substantial riparian corridors along the tributaries, the property is comprised primarily of upland forest with a diversity of native deciduous and coniferous tree, including old growth western red cedar, Douglas-fir, grand fir, and Oregon white oak. A wide variety of bird species are found on the property.

According to TPL, this parcel is the last 100+ acre, intact forested parcel within proximity to the UGB and the Abernethy Creek Target Area. This parcel provides the opportunity to protect one of the last remaining large (in total 152 acres including the BLM parcel) connected assemblages of forested habitat in the area. Eight Measure 37 claims have been submitted and approved in the vicinity of the property and in this watershed.

Public acquisition of the parcel has gained support from public and private sources, including the OSU Extension Service and College of Forestry and members of the Small Woodland Lot Association. Additional supporters include Clackamas County Commissioner Martha Schrader, the Oregon City Watershed Council, and Oregon Department of Fish and Wildlife.

TPL has provided necessary funding to complete the initial acquisition of this property in anticipation of the passage of the 2006 Natural Area Bond Measure. Through a land use partition process, TPL intends

to partition off the existing improvements and approximately 5 acres of the overall site situated at the northwest corner of the property.

TPL is offering to sell the remaining vacant 107 acres – including all of the natural conservation area – to Metro at appraised market value contingent upon the passage of the 2006 Natural Areas Bond Measure. The owner of the existing improvements situated on the separate 5-acre tax lot will continue to live in the existing house and has said that upon his demise he will bequeath the remaining 5 acres and associated improvements to TPL.

Rock Creek Property

A major tributary of the Tualatin River, upper Rock Creek and its tributaries are under intense development pressure as urban growth expands throughout the watershed. Watershed managers have identified protection of the upper watershed as a high priority for meeting water quality protection goals in the lower watershed. In addition, the protection of key undeveloped sites in the lower reaches of Rock Creek will buffer growth, protect water quality and provide nature in neighborhoods for local residents. Rock Creek Headwaters is a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified a 41.28-acre parcel that is located east of NW Kaiser Road and north of NW Germantown Road in unincorporated Multnomah County. This vacant parcel is located adjacent to the western flank of a major tributary of Rock Creek and contains a mixed coniferous and deciduous tree canopy. As such, this property will protect and enhance water quality near this tributary's headwaters as well as protect upland habitat. The top of this parcel provides territorial views of the Bethany area to the southwest. Newer high-end large single-family residences have recently been developed on adjacent parcels located directly west and south of this site, and this property is also threatened with high-end large single-family residences and/or timber harvesting. Consequently, if protected, this site will help buffer the watershed.

Westside Trail Property

The 24-mile north/south alignment of the Westside Trail stretches from the Tualatin River in Tigard north through Forest Park to the Willamette River. The corridor, located within one mile of over 120,000 residents and near numerous parks, schools, regional centers and the MAX line, could become a primary Westside recreation and commuter spine. The Westside Trail is a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified an opportunity to acquire an 11.81-acre parcel along the proposed Westside Trail alignment in Beaverton. This vacant parcel is situated along the south and east sides of SW Millikan Way across from the Tualatin Hills Nature Park. Beaverton Creek runs through the central portion of this parcel, and Beaverton Creek Wetlands Park is located just east of this parcel across a Bonneville Powerline corridor and a rail line. The parcel contains open meadow areas in its southern portion, wetland areas near the creek, and deciduous trees and shrubs in its northern portion.

The Tualatin Hills Parks and Recreation District strongly support this acquisition and have agreed to fund 50% of the purchase price and will take pro-rata title along with Metro. Tualatin Hills Parks and Recreation District has agreed to manage the site and intends to construct a section of the Westside Trail through this parcel. They also intend to restore the wetland areas in and around Beaverton Creek.

ANALYSIS/INFORMATION

1. Known Opposition

None known.

2. Legal Antecedents

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection", adopted on March 9, 2006

Resolution No. 05-3612, "For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Obligations to be Issued in Connection with the Regional Parks and Greenspaces Program", adopted on September 29, 2005

3. Anticipated Effects

Metro will enter into Purchase and Sale Agreements for properties as identified on Exhibit A.

4. Budget Impacts

As part of Resolution No. 06-3687 ("For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Property Under the 1995 Open spaces Bond Measure and Proposed 2006 Natural Area bond Measure in Accord With the Open Spaces Implementation Work Plan and Providing Funding") Metro Council approved spending for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure.

In the 2006-07 Adopted Budget, the Metro Council designated \$100,000 in the General Fund toward the purchase of options and to use as earnest money on properties that would be purchased upon passage of the 2006 Natural Areas Bond Measure.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 06-3719.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF) RESOLUTION NO. 06-3719
OPERATING OFFICER TO ENTER INTO OPTIONS TO)
PURCHASE PROPERTIES IN THE FANNO CREEK,)
CLACKAMAS RIVER, ABERNETHY CREEK, ROCK)
CREEK AND WESTSIDE TRAIL TARGET AREAS,) Introduced by Chief Operating Officer
UNDER THE PROPOSED 2006 NATURAL AREAS) Michael J. Jordan, with the
BOND MEASURE IN ACCORD WITH THE OPEN) concurrence of Council President
SPACES IMPLEMENTATION WORK PLAN) David Bragdon

WHEREAS, the Metro Council has taken a leadership role in identifying remaining natural areas in the Metro area and planning for their protection; and

WHEREAS, Resolution No. 06-3672B “For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection,” adopted by the Metro Council on March 9, 2006 (the “2006 Natural Areas Bond Measure”), recommended submission to the voters of a general obligation bond to preserve natural areas and clean water and protect fish and wildlife; and

WHEREAS, Resolution No. 05-3612 “For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures out of the Proceeds of Obligations to Be Issued in Connection with the Regional Parks and Greenspaces Program,” adopted by the Metro Council on September 29, 2005, directed staff to work on obtaining options to purchase specific properties approved by the Metro Council, as part of the preliminary work associated with the proposed funding measure; and

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WHEREAS, expenditure authority exists in the Fiscal Year 2006-07 Adopted Budget totaling \$100,000 to pay for due diligence and provide earnest money for the entry into agreements to purchase property in the proposed 2006 Natural Areas Bond Measure Target Areas, conditioned upon passage of the 2006 Natural Areas Bond Measure and Metro Council approval, as directed by Resolution No. 05-3612 as set forth on the schedule attached as Exhibit B; and

WHEREAS, all terms of the transactions contemplated herein shall be governed by the 1995 Open Spaces Implementation Work Plan, set forth in Metro Council Resolution No. 95-2228A "For the Purpose of Authorizing the Executive Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Open Spaces Implementation Work Plan," adopted on November 21, 1995; now therefore

BE IT RESOLVED THAT Metro Council hereby authorizes the Chief Operating Officer to enter into agreements of purchase and sale and/or agreements for options to purchase the properties identified in Exhibit A, conditioned upon passage of the 2006 Natural Areas Bond Measure and in accord with the parameters of the Open Spaces Implementation Work Plan.

ADOPTED by the Metro Council this _____ day of _____ 2006.

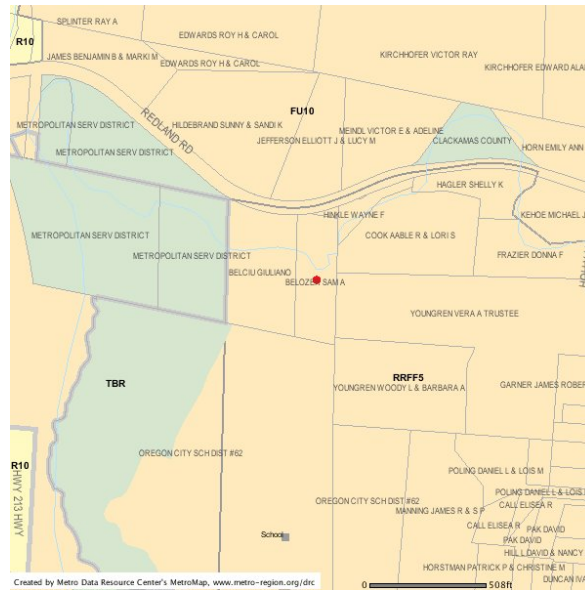
David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

EXHIBIT A
RESOLUTION NO. 06-3719

PROPERTIES IDENTIFIED AS
PURCHASE OPPORTUNITIES



Target Area: **ABERNETHY CREEK**

Description: This 2.25-acre parcel is located along the south side of SW Redland Road east of Highway 213 in Oregon City. The property is situated in close proximity to property that Metro previously acquired along the east side of Newell Creek Canyon under the 1995 Open Spaces Bond Measure. This parcel is currently vacant but is zoned for single-family residential development. Abernethy Creek runs through the central portion of this property. The majority of the property is situated south of the creek and exhibits a steep upward slope to where it adjoins property owned by the Oregon City School District. Acquiring this site will support several key goals of the 2006 Natural Areas Bond Measure, including protecting threatened fish and wildlife habitat along Abernethy Creek and providing potential connectivity to other publicly owned land.

Option Criteria Addressed:

- Protects / Enhances riparian land, wildlife habitat, and wildlife species
- Provides potential connectivity to other publicly owned land

Managers: Metro will manage the property

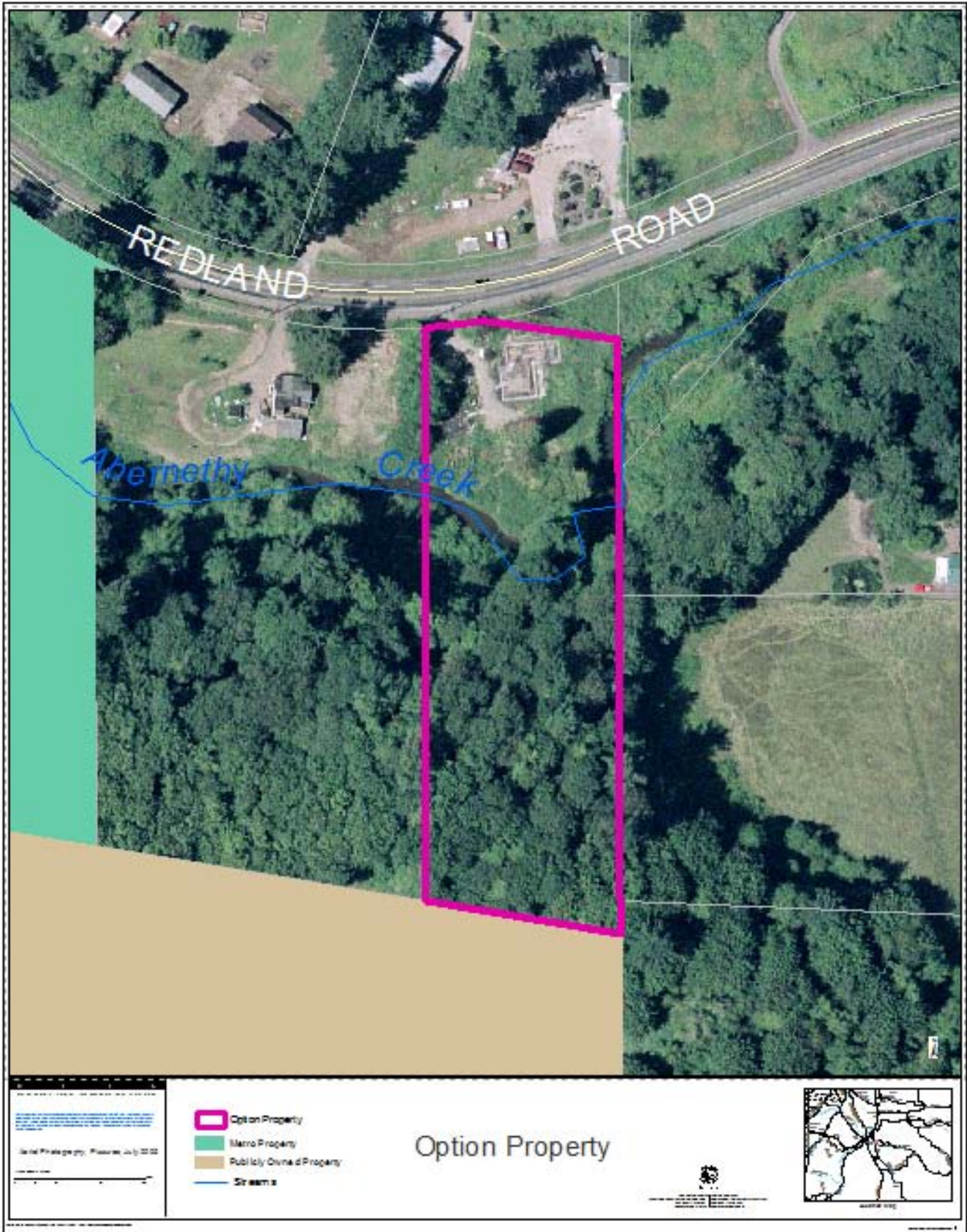
Sellers: Private Party

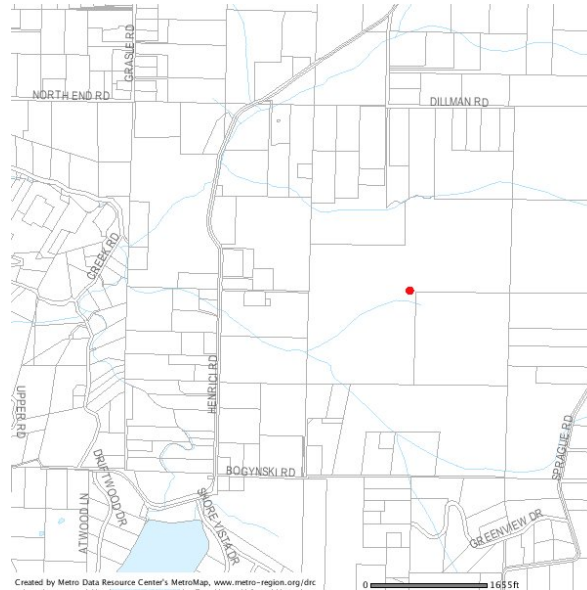
Size: 2.25-acres

Stream Frontage: Abernethy Creek

Option Price: \$1,000 in escrow for an exclusive 7-month option.

Conditions: Metro Council Approval, Appraisal and Environmental Review, Bond Measure





Target Area: ABERNETHY CREEK

Description: This 112-acre property is located in Clackamas county off S. Henrici Road in the Abernethy Creek watershed basin. It lies between the Abernethy and Clear Creek target areas and is adjacent to a 40-acre BLM parcel. Two headwater tributaries to Abernethy Creek run through this parcel, and the property contains substantial riparian corridors as well as a diverse upland deciduous and coniferous forest.

The Trust for Public Land has provided the necessary funding to complete the initial acquisition for this property. Through a land use process, the Trust intends to partition off approximately 5 acres of the northwest corner of the site – including the existing home on the property - and is offering to sell the remaining vacant 107 acres to Metro at appraised market value. The owner of the existing improvements has said that upon his demise he will bequeath the remaining 5 acres and associated improvements to the Trust.

- Option Criteria Addressed:**
- Protects and enhances two headwater tributaries to Abernethy Creek
 - Contributes to water quality of Abernethy Creek
 - Protects one of the last remaining large assemblages of forested habitat in the area (in total 147 acres including the BLM parcel)
 - Public and private support for this acquisition includes Clackamas County Commissioner Martha Schrader, the Oregon City Watershed Council, ODFW, the OSU Extension Service and College of Forestry, and members of the Small Woodland Lot Association.

Managers: Discussions are ongoing with several public and private organizations concerning possible management of the site.

Sellers: Private Party

Size: 107 acres

Stream Frontage: Two Abernethy Creek tributaries

Option Price: The Trust For Public Land will provide initial funding until Bond Measure passes

Conditions: Metro Council Approval, Appraisal and Environmental, Bond Measure

- Connects to active public recreation
- Acquisition strongly supported by North Clackamas Parks and Recreation

Managers: North Clackamas Parks and Recreation District will manage this property

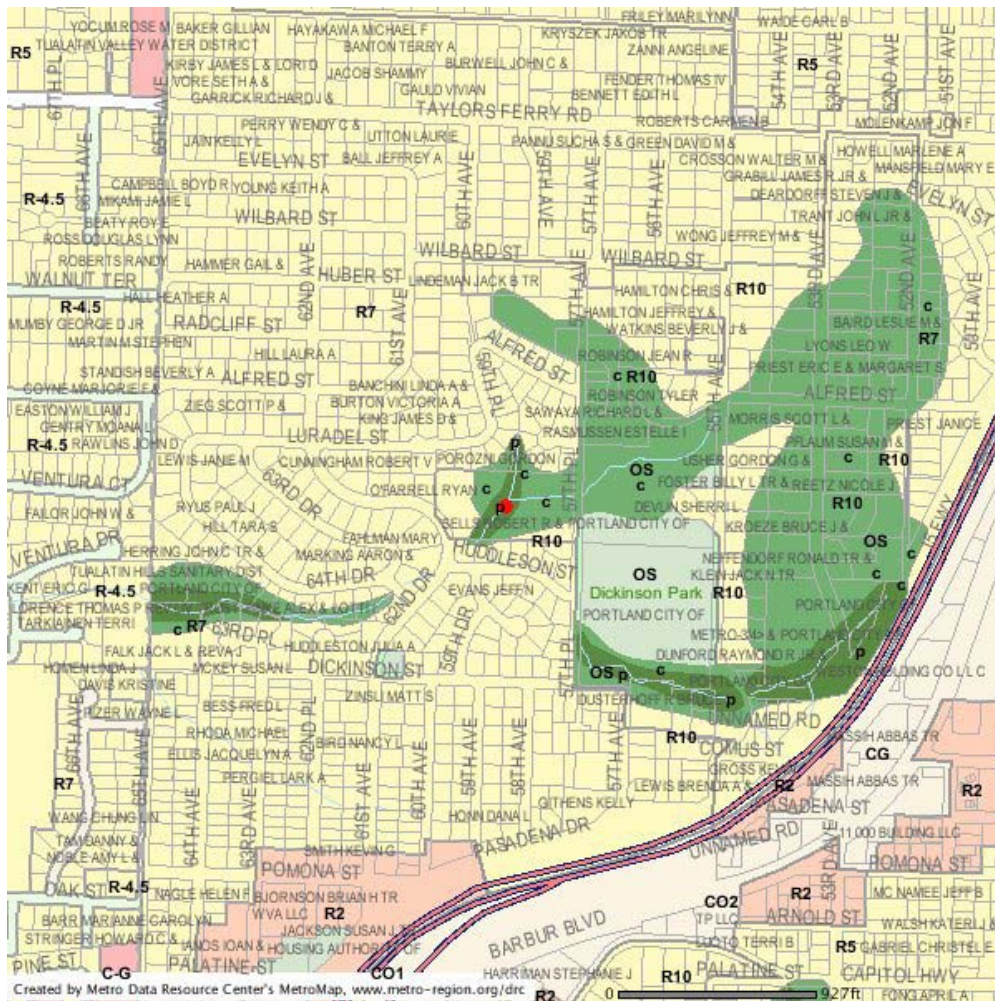
Sellers: Karl and Carolyn Pfeiffer

Size: 9 acres

Stream Frontage: No

Option Price: \$0

Conditions: Metro Council Approval, Bond Measure, Appraisal and Environmental



Target Area:

FANNO CREEK

Description: This 3.8-acre parcel in Southwest Portland will extend the natural area and habitat protection established at the adjacent 15.8-acre Dickinson Park. A rare property in Southwest Portland, it is well forested and traversed by Ash creek and an unnamed drainage. Development of the site was imminent.

A Land Division prior to closing will partition the single-family residence on the now 4.5-acre site, which will be retained by the Seller.

The City of Portland Bureau of Parks and Recreation will continue the work of the Fanno Basin Stewardship Program on this site, a partnership of Portland Parks and Recreation, the Bureau of Environmental Services, Metro, Southwest Neighborhood Association and the Dickinson Park Stewards, removing invasives and planting natives.

Option Criteria - Protects / Enhances Water Quality with direct stream frontage --

Addressed: Protection on Ash Creek (Fanno Creek Watershed)

- Acquisition strongly supported by City of Portland
- Adjacent Dickinson Park and Natural Area restoration projects and open space on Clatsop Butte.
- Preserves connectivity for an urban wildlife.

Managers: City of Portland will manage the property

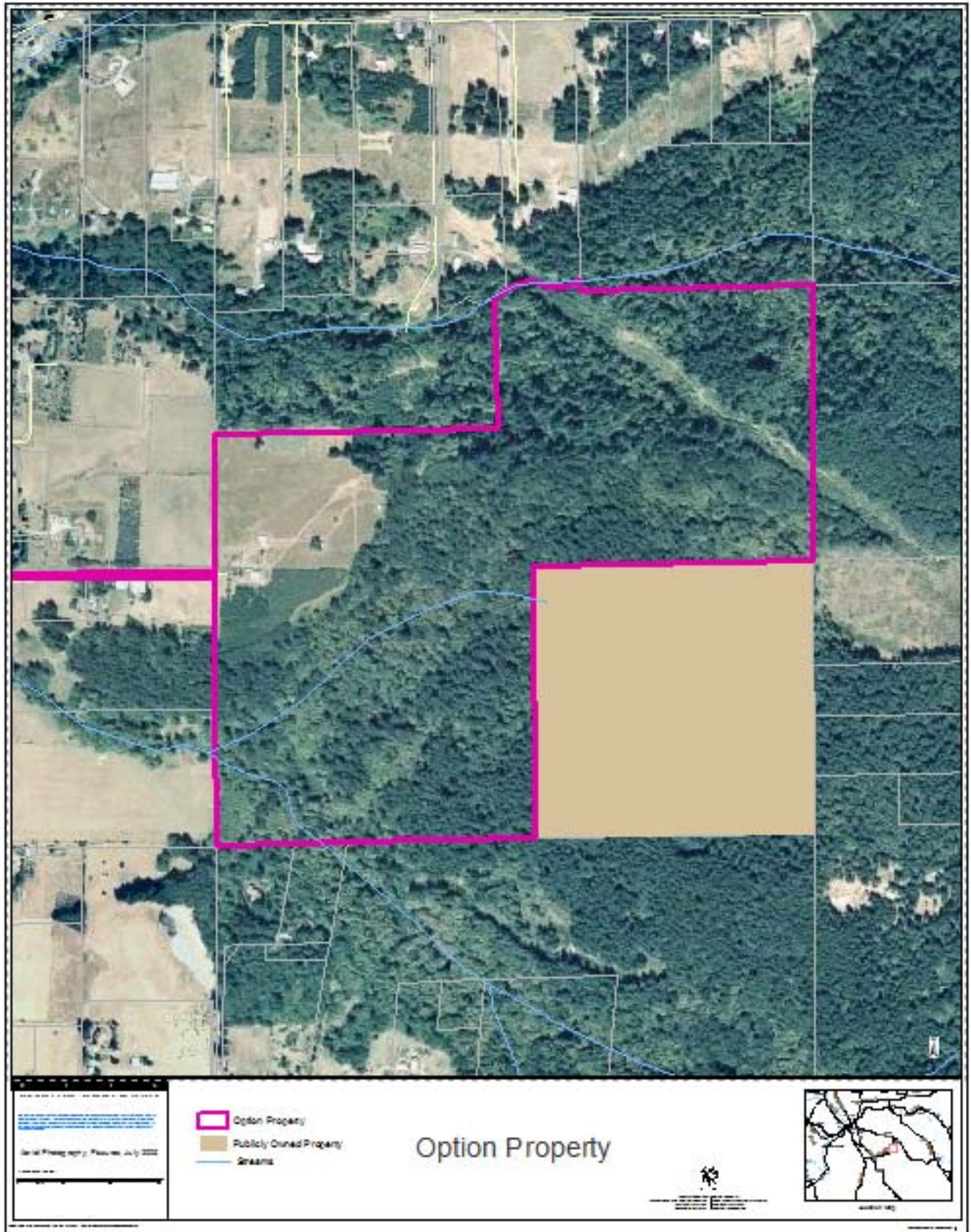
Sellers: Private Party

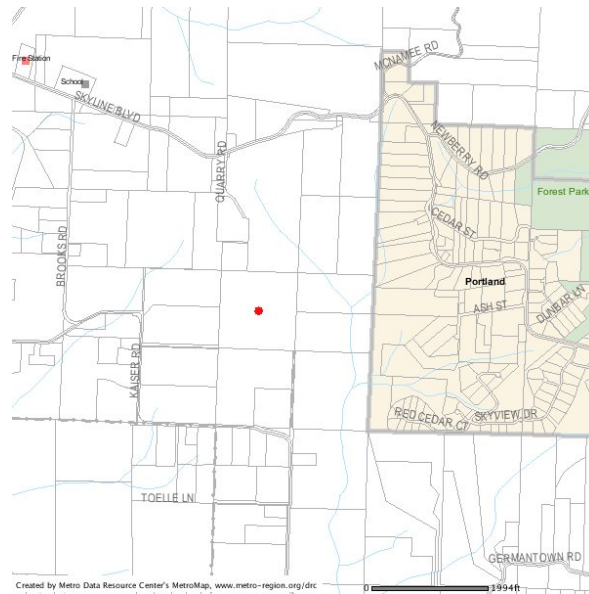
Size: 3.8 acres

Stream Frontage: Ash Creek

Option Price: \$0

Conditions: Metro Council Approval, Bond Measure, Land Division for Seller to retain single-family residence, Appraisal and Environmental





Target Area:

ROCK CREEK

Description: This 41.28-acre parcel is located east of NW Kaiser Road and north of NW Germantown Road in unincorporated Multnomah County. This upland parcel lies adjacent to the western flank of an unnamed tributary of Rock Creek and contains a mixed coniferous and deciduous tree canopy. As such, this property will protect and enhance water quality near the tributary’s headwaters as well as protect upland habitat. The top of this parcel provides territorial views of the Bethany area to the southwest. Newer high-end homes have recently been developed on adjacent parcels, and this property is also threatened with high-end home development and/or timber harvesting. Consequently, if protected, this property will help buffer the watershed.

- Option Criteria Addressed:**
- Protects / Enhances Water Quality of Rock Creek tributary
 - Protects upland habitat
 - Buffers watershed

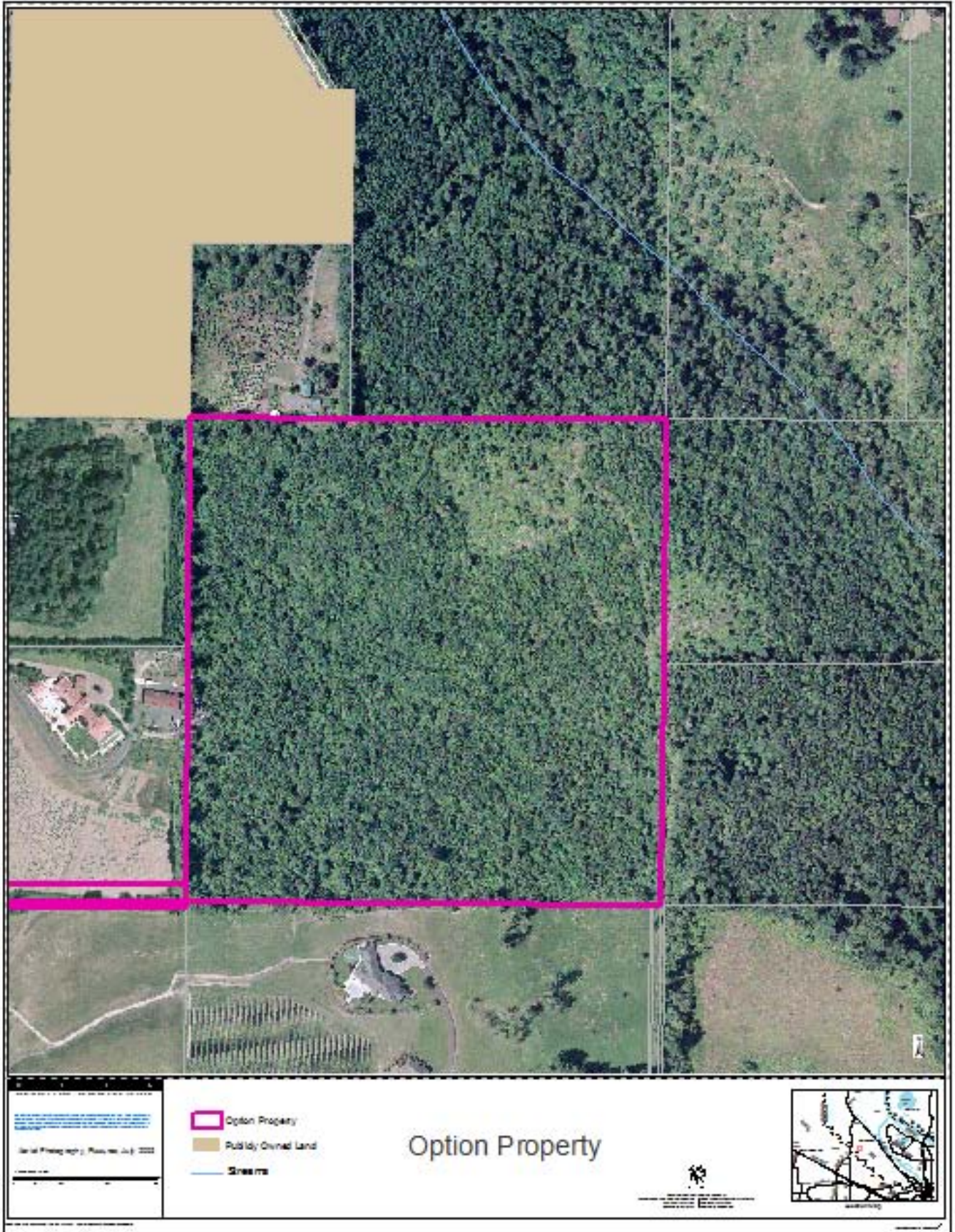
Sellers: Private Party

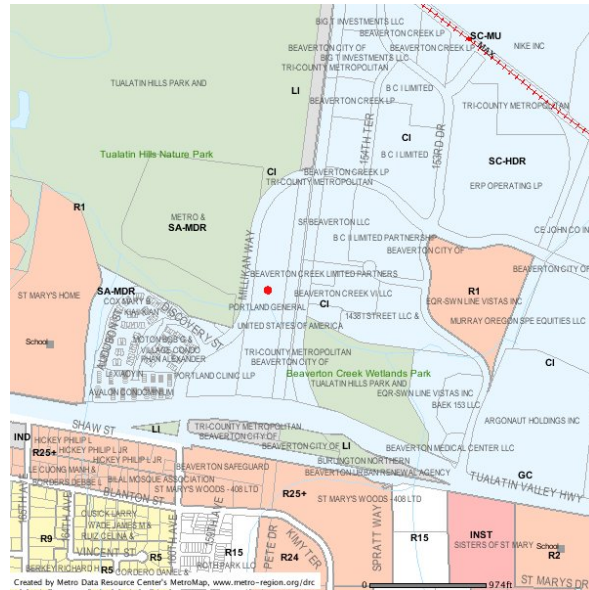
Size: 41.23 acres

Stream Frontage: No

Option Price: \$5,000 in escrow for an exclusive 9-month option

Conditions: Metro Council Approval, Bond Measure, Appraisal and Environmental Reviews





Target Area:

WESTSIDE TRAIL

Description: This 11.81-acre parcel is located along the proposed Westside Trail alignment in Beaverton. The parcel is situated along the south and east sides of SW Millikan Way across from the Tualatin Hills Nature Park. Beaverton Creek runs through the central portion of this parcel, and Beaverton Creek Wetlands Park is located just east of this parcel across a Bonneville Powerline corridor and a rail line.

The Tualatin Hills Park and Recreation District strongly supports this acquisition and have agreed to fund 50% of the purchase price and will take pro rata title along with Metro. THPRD has agreed to manage the site and intends to construct a portion of the Westside Trail through this parcel and to restore wetland areas in and around Beaverton Creek.

- Option Criteria Addressed:**
- Provides 1/3 mile of trail alignment for the Westside Trail
 - Protects / Enhances Water Quality of Beaverton Creek and provides restoration opportunities for the adjacent wetland areas
 - Protects riparian and upland habitat

Sellers: Utility

Size: 11.81 acres

Stream Frontage: Beaverton Creek

Option Price: \$2250 in escrow for an exclusive 9-month option

Conditions: Metro Council Approval, Bond Measure, Appraisal and Environmental

EXHIBIT B

RESOLUTION NO. 06-3719

FUNDING FOR OPTIONS

Target Area	Property Owner	Size (acres)	Estimated Option Funds Required
Abernethy Creek	Private Party	2.25	\$1,000
Abernethy Creek	Private Party	107.00	\$0
Clackamas River	Private Party	9.00	\$0
Fanno Creek	Private Party	3.80	\$0
Rock Creek	Private Party	41.28	\$5,000
Westside Trail	Utility	11.81	\$2,250

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 06-3719 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO OPTIONS TO PURCHASE PROPERTIES IN THE FANNO CREEK, CLACKAMAS RIVER, ABERNETHY CREEK, ROCK CREEK AND WESTSIDE TRAIL TARGET AREAS, UNDER THE PROPOSED 2006 NATURAL AREAS BOND MEASURE IN ACCORD WITH THE OPEN SPACES IMPLEMENTATION WORK PLAN

Date: July 13, 2006

Prepared by: William Eadie
Hillary Wilton

BACKGROUND

Metro staff was directed by Metro Council on September 29, 2005 (Resolution No. 05-3612 “For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Obligations to be Issued in Connection with the Regional Parks and Greenspaces Program”) to obtain options to purchase specific properties approved by Council, as part of the preliminary work for the 2006 Natural Areas Bond Measure. As part of the FY 2006-07 Adopted Budget, the Metro Council approved spending up to \$100,000 for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure. As part of Resolution No. 06-3687 (“For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Property Under the 1995 Open spaces Bond Measure and Proposed 2006 Natural Areas bond Measure in Accord With the Open Spaces Implementation Work Plan and Providing Funding”) Metro Council approved spending for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure.

Metro staff has identified opportunities to enter into purchase and sale agreements to acquire property in the proposed 2006 Natural Areas Bond Measure Target Areas, conditioned upon passage of the 2006 Natural Areas Bond Measure, Metro Council approval and funding to provide earnest money for these opportunities. Council approval is necessary to enter into these agreements.

Fanno Creek Headwaters Property

Staff has identified a 4.5-acre property on Ash Creek in SW Portland adjacent to 15-acre Dickinson Park natural area, threatened by development. Staff has negotiated an option to purchase 3.8 acres of the total 4.5-acre parcel. A land division prior to closing will partition 0.7 acres including the single-family residence, which will be retained by the Seller. Acquisition of the remaining parcel is a unique opportunity to protect natural area in this densely urbanized area, and enhance water quality protection in the Fanno Creek watershed, of which Ash Creek is a tributary. Fanno Creek is a Target Area identified in the 2006 Natural Areas Bond Measure.

The adjacent 15.8-acre Dickinson Park includes field and natural areas. This 3.8-acre extension, including significant additional creek frontage, will connect the natural area and enhance the established habitat protection. The City of Portland Bureau of Parks and Recreation will manage the property and continue the work of the Fanno Basin Stewardship Program on this site, a partnership of Portland Parks and Recreation, the Bureau of Environmental Services, Metro, Southwest Neighborhood Association and the Dickinson Park Stewards, removing invasives and planting natives.

Clackamas River Property

This 9-acre property in the lower Clackamas Watershed in SE Portland is a unique natural area parcel in a densely developed area. A significant creek traverses the west side of the property, feeding into Sieben Creek, an important part of the lower Clackamas watershed. The property includes one single-family residence. Clackamas River is a Target Area identified in the 2006 Natural Areas Bond Measure.

The property is adjacent to 6 acres currently being developed as ball fields for the North Clackamas Parks and Recreation District, providing a unique opportunity to connect an active recreation site to natural area for public access and education opportunities. Ample parking is already being planned for. Public ownership will improve management of the creek frontage on the site and anchor surrounding Creek frontage including Sieben Creek that runs just east of the property.

Abernethy Creek Properties

With successful protection of portions of Newell Creek, continued acquisition of undeveloped lands along Abernethy Creek and within its watershed will expand fish and wildlife habitat critical to the area in and around Oregon City, especially threatened habitat for native steelhead and cutthroat populations. Abernethy Creek is a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified a 2.25-acre parcel located along the south side of SW Redland Road east of Highway 213 in Oregon City in close proximity to property that Metro previously acquired along the east side of Newell Creek Canyon under the 1995 Open Space Bond Measure. This parcel is currently vacant but is zoned for single-family residential development. Abernethy Creek runs through the central portion of this property. The majority of the property is situated south of the creek and exhibits a steep upward slope to where it adjoins property owned by the City of Oregon City School District along the east side of Newell Creek Canyon. Acquiring this site will support several key goals of the 2006 Natural Areas Bond Measure, including protecting threatened fish and wildlife habitat along Abernethy Creek and providing connectivity to other publicly-owned land.

The Trust for Public Land (TPL) has identified a second site, a 112-acre parcel located in Clackamas County off S. Henrici Road in the Abernethy Creek watershed basin and has signed an option agreement on the property. This parcel lies between the Abernethy and Clear Creek target areas and is adjacent to a 40-acre BLM parcel. Taken together these two sites form an assemblage of high quality wildlife and riparian habitat. The upland portion of the 112-acre property is comprised of mixed farmland and forest habitat. A pasture area in the northwest corner of the site includes a home, two barns, and a remnant apple orchard. The forest habitat, however, is extensive and dominates the property.

Two headwater tributaries to Abernethy Creek run through this parcel, and one of the tributaries flows through a steep canyon of old growth western red cedar. A 2001 Clackamas County fish passage improvement project at the base of the property opened the upper reaches to anadromous fish passage. If restored, the smaller tributaries on the property would make suitable rearing areas for anadromous fish such as the federally listed Winter Steelhead and state listed Coho salmon. Acquisition of this property will protect and enhance the headwater tributaries on the property and decrease sedimentation of spawning and rearing grounds for anadromous fish species downstream, and contribute to the water quality of Abernethy Creek.

In addition to substantial riparian corridors along the tributaries, the property is comprised primarily of upland forest with a diversity of native deciduous and coniferous tree, including old growth western red cedar, Douglas-fir, grand fir, and Oregon white oak. A wide variety of bird species are found on the property.

According to TPL, this parcel is the last 100+ acre, intact forested parcel within proximity to the UGB and the Abernethy Creek Target Area. This parcel provides the opportunity to protect one of the last remaining large (in total 152 acres including the BLM parcel) connected assemblages of forested habitat in the area. Eight Measure 37 claims have been submitted and approved in the vicinity of the property and in this watershed.

Public acquisition of the parcel has gained support from public and private sources, including the OSU Extension Service and College of Forestry and members of the Small Woodland Lot Association. Additional supporters include Clackamas County Commissioner Martha Schrader, the Oregon City Watershed Council, and Oregon Department of Fish and Wildlife.

TPL has provided necessary funding to complete the initial acquisition of this property in anticipation of the passage of the 2006 Natural Area Bond Measure. Through a land use partition process, TPL intends to partition off the existing improvements and approximately 5 acres of the overall site situated at the northwest corner of the property.

TPL is offering to sell the remaining vacant 107 acres – including all of the natural conservation area – to Metro at appraised market value contingent upon the passage of the 2006 Natural Areas Bond Measure. The owner of the existing improvements situated on the separate 5-acre tax lot will continue to live in the existing house and has said that upon his demise he will bequeath the remaining 5 acres and associated improvements to TPL.

Rock Creek Property

A major tributary of the Tualatin River, upper Rock Creek and its tributaries are under intense development pressure as urban growth expands throughout the watershed. Watershed managers have identified protection of the upper watershed as a high priority for meeting water quality protection goals in the lower watershed. In addition, the protection of key undeveloped sites in the lower reaches of Rock Creek will buffer growth, protect water quality and provide nature in neighborhoods for local residents. Rock Creek Headwaters is a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified a 41.28-acre parcel that is located east of NW Kaiser Road and north of NW Germantown Road in unincorporated Multnomah County. This vacant parcel is located adjacent to the western flank of a major tributary of Rock Creek and contains a mixed coniferous and deciduous tree canopy. As such, this property will protect and enhance water quality near this tributary's headwaters as well as protect upland habitat. The top of this parcel provides territorial views of the Bethany area to the southwest. Newer high-end large single-family residences have recently been developed on adjacent parcels located directly west and south of this site, and this property is also threatened with high-end large single-family residences and/or timber harvesting. Consequently, if protected, this site will help buffer the watershed.

Westside Trail Property

The 24-mile north/south alignment of the Westside Trail stretches from the Tualatin River in Tigard north through Forest Park to the Willamette River. The corridor, located within one mile of over 120,000 residents and near numerous parks, schools, regional centers and the MAX line, could become a primary Westside recreation and commuter spine. The Westside Trail is a Target Area identified in the 2006 Natural Areas Bond Measure.

Staff has identified an opportunity to acquire an 11.81-acre parcel along the proposed Westside Trail alignment in Beaverton. This vacant parcel is situated along the south and east sides of SW Millikan Way across from the Tualatin Hills Nature Park. Beaverton Creek runs through the central portion of this parcel, and Beaverton Creek Wetlands Park is located just east of this parcel across a Bonneville

Powerline corridor and a rail line. The parcel contains open meadow areas in its southern portion, wetland areas near the creek, and deciduous trees and shrubs in its northern portion.

The Tualatin Hills Parks and Recreation District strongly support this acquisition and have agreed to fund 50% of the purchase price and will take pro-rata title along with Metro. Tualatin Hills Parks and Recreation District has agreed to manage the site and intends to construct a section of the Westside Trail through this parcel. They also intend to restore the wetland areas in and around Beaverton Creek.

ANALYSIS/INFORMATION

1. Known Opposition

None known.

2. Legal Antecedents

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection", adopted on March 9, 2006

Resolution No. 05-3612, "For the Purpose of Stating an Intent to Submit to the Voters the Question of the Establishment of a Funding Measure to Support Natural Area and Water Quality Protection and Establishing a Blue Ribbon Committee; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Obligations to be Issued in Connection with the Regional Parks and Greenspaces Program", adopted on September 29, 2005

3. Anticipated Effects

Metro will enter into Purchase and Sale Agreements for properties as identified on Exhibit A.

4. Budget Impacts

As part of Resolution No. 06-3687 ("For the Purpose of Authorizing the Chief Operating Officer to Enter Into Options to Purchase Property Under the 1995 Open spaces Bond Measure and Proposed 2006 Natural Area bond Measure in Accord With the Open Spaces Implementation Work Plan and Providing Funding") Metro Council approved spending for the purchase of options or as earnest money in preparation for the 2006 Natural Areas Bond Measure.

In the 2006-07 Adopted Budget, the Metro Council designated \$100,000 in the General Fund toward the purchase of options and to use as earnest money on properties that would be purchased upon passage of the 2006 Natural Areas Bond Measure.

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 06-3719.