

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 01-3070A
THE JACKSON BOTTOM – DAIRY/)
MCKAY CREEKS TARGET AREA) Introduced by Mike Burton,
REFINEMENT PLAN TO INCLUDE) Executive Officer
COUNCIL CREEK AND CAMP IRELAND)

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the Metro area voters approved the Open Spaces, Parks and Streams Bond Measure (Measure 26-26) which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements pursuant to bond covenants, Council-adopted "refinement plans," and Council-adopted work plan; and

WHEREAS, The Jackson Bottom – Dairy/McKay Creeks regional target area was designated as a greenspace of regional significance in the Greenspaces Master Plan and identified as a regional target area in the Open Spaces, Parks and Streams Bond Measure; and

WHEREAS, on June 27, 1996, Metro Council adopted a refinement plan for the Jackson Bottom – Dairy/McKay Creeks target area which aims to protect water quality, wildlife habitat and to enhance education and stewardship opportunities on Dairy and McKay creeks primarily through the acquisition of land adjacent to the existing Jackson Bottom Wetland Preserve, in order to expand a regionally significant public natural area; and

WHEREAS, part of the adopted refinement plan goal is to "protect other significant wetlands associated with Dairy Creek and its tributaries"; and

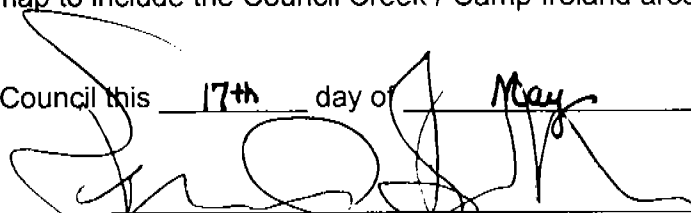
WHEREAS, the Council Creek / Camp Ireland area has been found to incorporate significant wetland habitat suitable for enhancement and restoration; and

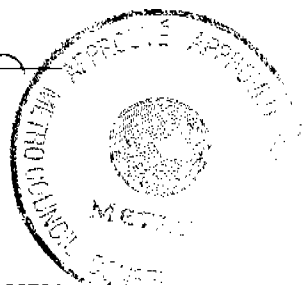
WHEREAS, in order to fulfill the commitment made to the voters, it is necessary to expand the target area and the number of available willing sellers; now, therefore,

BE IT RESOLVED,

That the Metro Council amends the Jackson Bottom – Dairy/McKay Creeks regional target area refinement plan map to include the Council Creek / Camp Ireland area, as identified in Exhibit A.

ADOPTED by Metro Council this 17th day of May, 2001.


David Bragdon, Presiding Officer




Approved as to Form:

Daniel B. Cooper, General Counsel

Exhibit A
Resolution No. 01-3070A

Dairy/McKay/Council Creeks target area map with identified properties to be provided to the Metro Council in executive session.

Staff Report

CONSIDERATION OF RESOLUTION NO. 01-3070A FOR THE PURPOSE OF AMENDING THE JACKSON BOTTOM – DAIRY/MCKAY CREEKS TARGET AREA REFINEMENT PLAN TO INCLUDE COUNCIL CREEK AND CAMP IRELAND

Date: May 17, 2001

Presented by:

**Charles Ciecko
Jim Desmond**

DESCRIPTION

Resolution No. 01-3070A, requests amendment of the Jackson Bottom – Dairy/McKay Creeks 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 96-2342, the Metro Council approved the Jackson Bottom – Dairy/McKay Creeks target area refinement plan tax-lot specific map in June 1996. In February 2000, the Metro Council adopted Resolution No. 99-2906 to amend the tax-lot specific map to include an 11-acre parcel in the upper watershed, which parcel was not subsequently acquired. This resolution proposes to amend that refinement plan map to include other properties that were previously not included.

BACKGROUND AND ANALYSIS

In May 1995, voters in the region passed a bond measure enabling Metro to purchase open space properties with \$135.6 million worth of bond funds. The bond measure identified fourteen regional target areas and six regional trails and greenways for property acquisition, including the Jackson Bottom – Dairy/McKay Creeks regional target area. The target area description in the Bond Measure Fact Sheet (authorized by Council Resolutions 95-2113, 94-2050 and 94-2029B) was as follows:

“Jackson Bottom Dairy/McKay Creeks Addition. Acquire 335 acres in the area of creek’s confluence.”

The Jackson Bottom – Dairy/McKay Creeks are located in Washington County with the area defined by the refinement plan immediately adjacent to the cities of Cornelius and Hillsboro. The refinement plan targets land adjacent to Jackson Bottom Wetland Preserve, a public natural area, a rare wetland area referred to as “Banks’ Wetland” and Dairy/McKay creeks and their tributaries. Biological investigations were performed in conjunction with the refinement plan that highlighted nine areas of interest. Several of these areas were incorporated in the tax lot specific acquisition map; however, biological sites 5,6,7, 8 & portions of 3 were not included. These sites are floodplain, emergent and scrub/shrub wetlands along Council Creek going

towards its confluence with Dairy Creek then north to McKay creek. Site 5, Camp Ireland (vicinity) "contains the broadest woodland habitat adjacent to a riparian corridor of all the sites." Refinement plan objectives for these areas include wildlife habitat protection, water quantity and quality protection, and the establishment of passive recreation and educational/stewardship opportunities.

The target area goal calls for protection of significant wetlands associated with Dairy Creek and its tributaries, and for a linear greenway connection extending north along Dairy and McKay creeks. The overall objectives include the retention of permanent open space separation of Hillsboro and Cornelius, and creation of a greenway corridor to regional open space at Jackson Bottom and the Tualatin River.

To date, Metro has acquired one 62-acre parcel in the Jackson Bottom – Dairy/McKay Creeks target area. While the Metro staff is currently in negotiations on several other significant sites, various factors would suggest an expansion of the target area, as currently defined. These factors include the following:

- Of the 147,956 acres in the Dairy/McKay creek watershed, roughly 95% are in private ownership. The majority of the publicly-owned land is owned by the Bureau of Land Management (6,521 acres in the upper watershed, or 4.4% of the watershed), therefore the amount of land owned by the public in the lower watershed is minimal. The City of Hillsboro has been slowly expanding its neighborhood park land base.
- The refinement plan goal stated the need to "Provide a linear greenway connection extending north along Dairy and McKay creeks for multiple values:
 - Wildlife habitat
 - Water quality and water quantity management (floodplain protection)
 - Education and stewardship opportunities
 - Greenway corridor to regional open space at Jackson Bottom and the Tualatin River
 - Permanent open space separation of Hillsboro and Cornelius
 - Passive recreation
- The existing refinement plan tax-lot specific map does not incorporate several of the areas studied in the original biological report, limiting Metro's ability to protect valuable riparian lands on Dairy, McKay and Council creeks. In order to create this linear corridor it is necessary to expand the focus to other areas of significance noted by Fishman Environmental Services, in particular the land adjacent to Council Creek and the Camp Ireland area. Council Creek is considered an important tributary of Dairy Creek.
- Since 1996, Metro staff has been working with personnel from the cities of Hillsboro and Cornelius, who have identified several properties adjacent to or very close to their city boundaries. Acquisition of these properties would help meet the partnership objectives noted in the refinement plan.
- Metro staff has approached numerous landowners on the lower reaches of the creeks and has been unable to develop willing sellers. Many of the landowners in proximity to an Urban Growth Boundary line are not inclined to sell their property for the current agricultural land values, and are of the opinion that their property may be classified as subdivision land in the near future. Other owners of farmland would be willing to partition their land in order to sell creek or river frontage to Metro, however the current zoning laws require 80-acre minimum lot sizes in most situations. A new state statute from the 1999 legislative session would allow such partitions to facilitate purchases by public open space and parks providers;

however, Washington County has not yet adopted the necessary ordinance to implement this statute.

- New acquisition opportunities along some stretches of Council and McKay Creeks have come to the attention of Metro staff, and have support from local park-provider partners. Several willing sellers of contiguous properties on Council Creek have contacted staff. The City of Cornelius Parks Department has indicated a willingness to manage these properties which straddle the city boundary. Other assemblages of land along McKay Creek have potential to build on existing county-owned property to create a wetland/streamside complex adjacent to the city limits of Hillsboro.

In order to fulfill the underlying vision of the Jackson Bottom and Dairy/McKay target area refinement plan, Metro could amend the Jackson Bottom – Dairy/McKay Creeks regional target area refinement plan map to include the area generally between north Cornelius and west Hillsboro.

FINDINGS

Amendment of the Jackson Bottom – Dairy/McKay Creeks regional target area refinement plan map is recommended based upon these findings:

- The Regional Framework Plan (Chapter 3.2.1d) states that “Metro will continue to develop a Regional System of Parks, Natural Areas, Open Spaces, Trails and Greenways (the Regional System) to achieve the following objectives: d) provide natural buffers and connections between communities.” Acquisition in the proposed area would form an open space buffer between the Cities of Cornelius and Hillsboro.
- The Bond Measure Goal “Acquire 335 acres in the area of the creeks’ confluence” would have a better chance of being achieved by expansion of the boundaries of the tax lot specific map required under the Open Spaces Implementation Work Plan.
- The Refinement Plan for the Jackson Bottom – Dairy/McKay Creeks regional target area states the following as acquisition goals:

Expand Jackson Bottom Wetlands complex at the confluence of Dairy Creek and the Tualatin River. Protect other significant wetlands associated with Dairy Creek and its tributaries. Provide a linear greenway connection extending north along Dairy and McKay Creeks for multiple values:

- Wildlife habitat
- Water quality and water quantity management (floodplain protection)
- Education and stewardship opportunities
- Greenway corridor to regional open space at Jackson Bottom and the Tualatin River
- Passive recreation

Acquisition of properties along the upper reaches of Dairy and McKay Creeks would provide wider stream buffers and wildlife corridors if acquired in a linear fashion and larger assemblages would provide more recreational and educational opportunities for a growing area.

- Strong support for this amendment exists from Hillsboro and Cornelius representatives.

- Expansion of the target area to include all the sites specified in the Biological Assessment of McKay and Dairy Creek Drainages, Appendix E of Resolution No. 96-2342 would protect an important area associated with Council Creek and the Camp Ireland areas and would be consistent with the stated acquisition goals of the Refinement Plan.

BUDGET IMPACT

Bond funds would supply acquisition money. Land banking costs are expected to be minimal for properties in or adjacent to city limits. The City of Cornelius Parks Department has indicated a willingness to assume long-term management responsibilities for properties along Council Creek, which straddle the city boundary. An intergovernmental agreement, to be negotiated and approved by Metro Council in the future, shall govern the properties, if acquired. Landbanking costs for properties managed by Metro do not appear to be extraordinary at this time.

OUTSTANDING QUESTIONS

None.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends passage of Resolution No. 01-3070A.

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WHEREAS, part of the adopted refinement plan goal is to "protect other significant wetlands associated with Dairy Creek and its tributaries"; and

WHEREAS, the Council Creek / Camp Ireland area have been found to incorporate significant wetland habitat suitable for enhancement and restoration; and

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ADOPTED by Metro Council this _____ day of _____, 2001.

David Bragdon, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Staff Report

CONSIDERATION OF RESOLUTION NO. 01-3070 FOR THE PURPOSE OF AMENDING THE JACKSON BOTTOM – DAIRY/MCKAY CREEKS TARGET AREA REFINEMENT PLAN TO INCLUDE COUNCIL CREEK AND CAMP IRELAND

Date: April 26, 2001

Presented by:

**Charles Ciecko
Jim Desmond**

DESCRIPTION

Resolution No. 01-3070, requests amendment of the Jackson Bottom – Dairy/McKay Creeks target area refinement plan map.

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OUTSTANDING QUESTIONS

None.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends passage of Resolution No. 01-3070.