

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF MODIFYING THE)	RESOLUTION NO. 01-3106
OPEN SPACES IMPLEMENTATION WORK)	
PLAN AND OPEN SPACES ACQUISITION)	Introduced by:
REGIONAL TARGET AREA REFINEMENT)	Mike Burton, Executive Officer
PLANS TO DIRECT FUTURE ACQUISITIONS)	David Bragdon, Presiding Officer
OF PROPERTIES THAT SATISFY SPECIFIC)	Carl Hosticka, Chair of the
IDENTIFIED CRITERIA)	Natural Resources Committee

WHEREAS, in May 1995 regional voters approved a \$135.6 million Open Spaces, Parks and Streams bond measure (Measure 26-26); and

WHEREAS, in 1996 the Metro Council approved 21 specific Target Area Refinement Plans as identified in Exhibit A and hereby incorporated by reference, identifying particular natural resource-based and related goals and objectives specific to each of the target areas and trail projects;

WHEREAS, in Resolution No. 95-2228A the Metro Council approved an Open Spaces Implementation Work Plan, as amended by Resolution No. 96-2424, which provide the framework within which implementation activities for the open spaces bond measure have proceeded; and

WHEREAS, through wise stewardship of the bond measure funds and in adherence to the Refinement Plans and Work Plan, Metro has purchased, to date, over 7,100 acres of open spaces properties in 14 target areas, three greenways and two trails, thus surpassing the 6,000-acre minimum acquisition goal identified in the 1995 bond measure, and has limited bond measure funds remaining; and

WHEREAS, due to the "willing seller" nature of the bond measure acquisition program, some potentially available properties important to fulfilling adopted target area priorities have not yet been purchased and some minimum acreage goals in certain target areas remain to be met; and

WHEREAS, numerous potentially available properties remain that satisfy the Refinement Plan goals and objectives, the value of which far exceeds the amount of bond funds remaining; and

WHEREAS, the Metro Council wishes to give further direction to the Executive Officer and Metro staff in utilizing the remaining bond measure funds in addition to the direction provided in the Refinement Plans and Work Plan, building on the objective biological, geophysical and technical criteria set forth therein; and

WHEREAS, Metro Regional Parks and Greenspaces Department and Office of General Counsel due diligence staff should concentrate its efforts on building upon existing acquisitions that adhere to and best complete the Refinement Plan stated priorities, focusing on necessary properties that provide needed or desirable public access points; fill gaps in existing trails, corridors, and greenways; are large urban properties with important habitat features which directly support endangered species; or are key remaining parcels adjacent to properties already in public ownership and which fulfill high priority Refinement Plan objectives; and

WHEREAS, many of the minimum acreage goals set forth in the Refinement Plans have been met or exceeded, and further acquisitions in these specific target areas are subject to being authorized on a case by case basis; and

WHEREAS, within existing target areas and parcels that meet the objectives otherwise set forth in this Resolution, particular emphasis should be given to acquisitions that would either (a) have a significant financial contribution from a local government or other outside partner; or (b) complete or enhance the overall Metro (or other public) ownership in an area recommended for potential future public access by the citizen Green Ribbon committee, currently reviewing a list of 30 Metro acquisition parcels and areas; and

WHEREAS, sufficient funds should be reserved for stabilization of newly acquired properties and other contingencies; now therefore,

BE IT RESOLVED,

1. That the Open Spaces Implementation Work Plan and all specific Target Area Refinement Plans adopted by Metro Council resolutions are hereby modified as follows:

A. Authorization for the Executive Officer to purchase property without specific Metro Council approval within delineated Target Areas is further limited to the acquisition of only such properties that satisfy at least one of the following criteria:

(1) Are located in existing identified gaps in public ownership in critical wildlife corridors, trails or greenways identified in the bond measure; or

(2) Are adjacent to existing Metro or other public ownership or conservation group-owned properties, and are key remaining parcels necessary to accomplish the assemblage of a regional scale natural area, consistent with specific Target Area goals and objectives as set forth in existing approved Refinement Plans for that target area; or

(3) Provide needed or desirable public access points to previously-acquired parcels; or

(4) Are properties containing no less than sixty (60) acres located inside the urban growth boundary, containing critical natural habitat features, the loss of which could negatively impact species that have been listed or are likely to be listed under the Endangered Species Act in the Metro region; or

(5) Properties that will help achieve, wherever possible, the minimum acreage goals established in the bond measure for each target area; or

(6) Within existing target areas and parcels that meet the objectives otherwise set forth in this Resolution, particular emphasis should be given to acquisitions that would either (a) have a significant financial contribution from a local government or other outside partner; or (b) complete or enhance the overall Metro (or other public) ownership in an area recommended for potential future

public access by the citizen Green Ribbon committee, currently reviewing a list of 30 Metro acquisition parcels and areas.

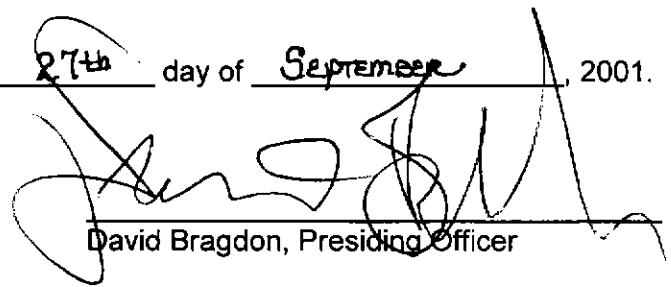
B. Furthermore, in addition to all other Work Plan requirements and those priorities set forth herein, acquisitions in those Target Areas where minimum acreage goals have already been met, and other Target Areas where acreage goals have been achieved after the date hereof, may not be completed until after the Metro Council gives formal authorization for the purchase pursuant to a duly adopted Council resolution. As of the date hereof, the following are the target areas where minimum acreage goals have been met:

- (1) Clear Creek Canyon;
- (2) East Buttes/Boring Lava Domes;
- (3) Forest Park Expansion;
- (4) Sandy River Gorge;
- (5) Tonquin Geological Area;
- (6) Tryon Creek Linkages;
- (7) Tualatin River Access Points;
- (8) Willamette Cove; and
- (9) Willamette Narrows.

C. The modifications set forth in sections A and B above do not apply to acquisitions which are already subject to purchase and sale agreements, options, or other contracts executed and effective as of this date.


2. The Metro Council states its intention to reserve \$1.5 million from the Open Spaces Acquisition Fund for stabilization and other contingencies; therefore no purchases may be completed that would require depletion of the existing fund balance below the amount of \$1.5 million without specific Council approval.

ADOPTED by the Metro Council this 27th day of September, 2001.



David Bragdon, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

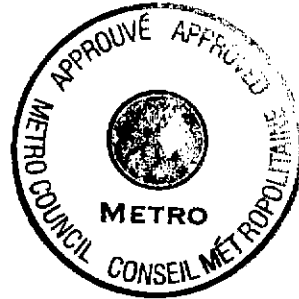


Exhibit A
Resolution 01-3106

Regional Target Area Refinement Plan Resolutions

Target Area	Resolution #	Metro Council Approval Date
1. Beaver Creek Canyon Greenway	96-2359	July 11, 1996
2. Canemah Bluff	96-2306	April 11, 1996
3. Clackamas River Greenway	96-2308	April 11, 1996
4. Clear Creek Canyon	96-2332	May 23, 1996
5. Columbia River Shoreline	96-2341	June 13, 1996
6. Cooper Mountain	96-2275A	February 15, 1996
7. East Buttes/Boring Lava Domes	96-2361	July 25, 1996
8. Fanno Creek Greenway	96-2331	May 16, 1996
9. Forest Park Expansion	96-2274A	February 15, 1996
10. Gales Creek	96-2343	June 27, 1996
11. Jackson Bottom/Dairy/McKay Creeks	96-2342	June 27, 1996
12. Multnomah Channel	96-2357	July 11, 1996
13. Newell Creek Canyon	96-2309	April 11, 1996
14. OMSI to Springwater Corridor	96-2362	July 25, 1996
15. Rock Creek Greenway	96-2301	March 14, 1996
16. Sandy River Gorge	96-2358	July 11, 1996
17. Tonquin Geologic Area	96-2300	March 14, 1996
18. Tryon Creek Linkages	96-2330	May 16, 1996
19. Tualatin River Access Points	96-2299	March 14, 1996
20. Willamette Cove	96-2340	June 13, 1996
21. Willamette Narrows	96-2307	April 11, 1996

Staff Report

CONSIDERATION OF RESOLUTION 01-3106 FOR THE PURPOSE OF MODIFYING THE OPEN SPACES IMPLEMENTATION WORK PLAN AND OPEN SPACES ACQUISITION REGIONAL TARGET AREA REFINEMENT PLANS TO DIRECT FUTURE ACQUISITIONS OF PROPERTIES THAT SATISFY SPECIFIC IDENTIFIED CRITERIA

Date: September 20, 2001

Presented by:

**Dan Cooper
Charles Ciecko**

DESCRIPTION

Resolution 01-3106 requests that the Metro Council direct the Executive Officer to continue open space land acquisitions in accordance with the Open Spaces Implementation Work Plan, as amended, the adopted refinement plans and the following specific directions.

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 95-2228A and amended 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 21 Council-approved target area refinement plan maps, adopted in a series of 21 Council resolutions in 1996.

This resolution confirms the authority of the Executive Officer to complete certain purchases of properties within existing target areas, but also amends existing authority to require the Executive Officer to obtain prior Council approval in certain limited cases as defined herein.

BACKGROUND

In May 1995, the electors of Metro 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. Subsequent to the passage of the bond measure, Council adopted 21 specific refinement plans during 1996 which authorized the Metro Executive Officer to purchase certain properties identified on confidential tax-lot specific maps for acquisition of lands in the regional target areas specifically identified in the bond measure.

Subsequent to the passage of the bond measure, Metro has acquired more than 7,100 acres of land in more than 200 separate real estate acquisitions, all in accordance with the adopted refinement plans, the Work Plan, and in some cases, specific Council action authorizing particular acquisitions.

On September 11, 2001, staff presented to Council in an informal work session a detailed analysis of the properties acquired to date and additional properties potentially available for

acquisition in the designated target areas. In addition, staff reviewed the remaining financial resources available for regional land acquisition. In summary, approximately \$23 million currently remains unspent. Existing obligations (binding purchase and sale agreements, prior Council commitments for trail construction, projected staff and administration costs) total \$9 million available for land acquisition, leaving a net remaining balance of approximately \$14 million. It was staff's desire to obtain direction regarding the expenditure of the limited remaining regional bond funds. It was projected that most, if not all, of these funds could be spent by June 30, 2002, subject to the caveat that timing is never completely predictable in a "willing seller" program.

In general, staff recommended acquisition targets based on one of the three following criteria:

- 1) Complete the acquisition of existing public ownership gaps in trails and greenways identified in the bond measure. By way of example, staff has identified gaps in various segments of the Fanno Creek trail and in the Newell Creek target area, where numerous small properties still in private ownership must be acquired (or easements obtained) before a trail could be constructed.
- 2) Acquire key remaining parcels adjacent to parcels already acquired by Metro or other parks or conservation entities that are necessary to accomplish the assemblage of a regional scale natural area, consistent with the specific goals and objectives set forth in the refinement plan for that target area.
- 3) Acquire properties that will provide needed or desirable points of public access to existing public lands held by metro, other public agencies or conservation organizations.

While Councilors appeared to embrace these criteria and indicated their desire to address this matter in the form of a resolution, Councilors also requested that the following additional criteria be included:

- 4) Where deemed appropriate by the Executive Officer, acquire large parcels of 60 acres or more, located inside the urban growth boundary and containing critical natural habitat features where the loss of such lands could negatively impact species currently listed or proposed for listing under the Endangered Species Act.
- 5) Achieve, wherever possible, the minimum acreage goals established in the bond measure for each target area, subject to the "willing seller" nature of the program.
- 6) Obtain Council approval for land acquisition in target areas where the minimum acreage goal stated in the bond measure has already been exceeded.
- 7) Within existing target areas and parcels that meet the objectives otherwise set forth in this resolution, particular emphasis should be given to acquisitions that would either (a) have a significant financial contribution from a local government or other outside partner; or (b) complete or enhance Metro (or other public) ownership in an area recommended for potential future public access by the citizen Green Ribbon committee, currently reviewing a list of 30 Metro (or other public entity) acquisition parcels, trails and open space areas.

Council directed staff to complete as many acquisitions that meet these criteria as possible, subject to identifying "willing sellers" and having remaining funds available. It was estimated that the total market value of potentially available properties meeting these criteria is

approximately \$24.5 million, which would exceed the remaining funds by an approximated 2:1 ratio.

Regarding criteria 6) above, in an effort to maximize the possibility that minimum acreage goals can be met in as many target areas as feasible, members of Council suggested that Council approval must be obtained for any specific acquisition, although otherwise meeting criteria identified above, in those target areas where minimum acreage goals have already been achieved as of the time the contract or option to purchase the site is signed. As of September 18, 2001, those target areas are: Clear Creek Canyon, East Buttes/Boring Lava Domes, Forest Park, Sandy River Gorge, Tonquin Geologic Area, Tryon Creek Linkages, Tualatin River Access Points, Willamette Cove (a section of the Willamette River Greenway) and Willamette Narrows (a section of Willamette River Greenway).

These directions shall be effective as to any contracts or options signed and becoming effective on the first business day following the adoption of the resolution.

In addition, Council indicated their desire to retain a reserve for stabilization and other contingencies. The proposed resolution allocates \$1.5 million for that purpose and directs that no acquisitions may be completed without specific Council approval once the balance of the remaining regional funds is at or below the level of \$1.5 million.

Budget Impact

All acquisitions will be completed using existing and remaining open spaces bond funds. Therefore, the continued purchase of open space properties in accordance with the proposed guidance will have no new budget ramifications except for the additional costs associated with landbanking of the properties.

Outstanding Questions

None.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution 01-3106.