

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 01-3136
EXECUTIVE OFFICER TO PURCHASE)
PROPERTY ON SCOUTER MOUNTAIN IN THE)
EAST BUTTES / BORING LAVA DOMES) Introduced by Mike Burton
TARGET AREA) Executive Officer

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

WHEREAS, at the election held on May 16, 1995, the Metro area voters approved the Open Spaces, Parks and Streams Bond Measure (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, on July 25, 1996, via Resolution 96-2361, the Metro Council adopted a refinement plan for the East Buttes / Boring Lava Domes regional target area, which included a confidential tax-lot specific map identifying priority properties for acquisition; and

WHEREAS, on September 27, 2001, via Resolution 01-3106, the Metro Council approved the modification of 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; and

WHEREAS, Resolution 01-3106 limits the Executive Officer's authority to purchase property without specific Metro Council approval within delineated target areas to the acquisition of only such properties that satisfy at least one of six stipulated criteria; and

WHEREAS, one of the stipulated criteria specified in Resolution 01-3106 is that Metro should consider the acquisition of properties that contain no less than sixty (60) acres located inside the urban growth boundary, contain critical natural habitat features, the loss of which could negatively impact species that have been listed or are likely be listed under the Endangered Species Act in the Metro region; and

WHEREAS, Resolution 01-3106 further stipulates that acquisitions in those target areas where minimum acreage goals have already been met may not be completed until after the Metro Council gives formal authorization for the purchase pursuant to a duly adopted Council resolution; and

WHEREAS, Philip M. Gentemann, et. al. own an approximately 69-acre property in the East Buttes / Boring Lava Domes target area, as identified in the attached Exhibit A, that is located inside the urban growth boundary, contains critical natural habitat features, the loss of which could negatively impact species that have been listed or are likely be listed under the Endangered Species Act in the Metro region, and Mr. Gentemann has offered to sell the Property to Metro; and

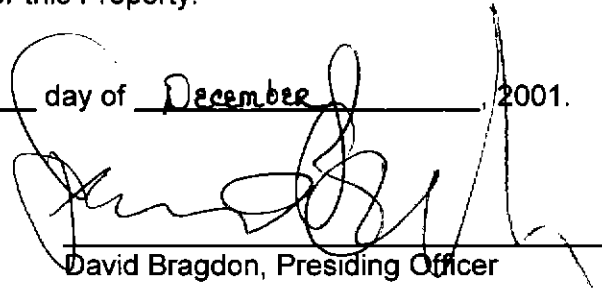
WHEREAS, a survey of the Property has disclosed some minor encroachments which may not be resolved until after the scheduled closing date, since resolution of these items may take longer than the contract period; and

WHEREAS Metro has exceeded the minimum 545-acre goal established for the East Buttes / Boring Lava Domes target area, and therefore purchase of the Gentemann property requires formal Metro Council authorization pursuant to Council resolution 01-3106; now therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Metro Executive Officer to purchase the Gentemann Property as identified in Exhibit A in accordance with the terms and conditions set forth in the Agreement of Purchase and Sale for this Property.

ADOPTED by the Metro Council this 6th day of December, 2001.



David Bragdon, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel



RESOLUTION #01-3136

EXHIBIT "A"

Parcels 1, 2 and 3 of PARTITION PLAT NO. 1991-21, in the City of Portland, County of Clackamas and State of Oregon.

Staff Report

CONSIDERATION OF RESOLUTION NO. 01-3136 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE PROPERTY ON SCOUTER MOUNTAIN IN THE EAST BUTTES / BORING LAVA DOMES TARGET AREA

Date: November 20, 2001

Presented by:

Charles Ciecko
Jim Desmond

DESCRIPTION

Resolution No. 01-3136 requests authorization for the Executive Officer to purchase property on Scouter Mountain in the East Buttes / Boring Lava Domes target area.

EXISTING LAW

The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 95-2228A, as amended by 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 96-2361, the Metro Council approved the East Buttes / Boring Lava Domes target area refinement plan and tax lot-specific map.

On September 27, 2001, the Metro Council adopted Resolution 01-3106, wherein the Metro Council approved the modification of 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. Resolution 01-3106 limits the Executive Officer's authority to purchase property without specific Metro Council approval within delineated target areas to the acquisition of only such properties that satisfy at least one of six stipulated criteria. One of the stipulated criteria specified in Resolution 01-3106 is that properties contain no less than sixty (60) acres located inside the urban growth boundary and that contain critical natural habitat features, the loss of which could negatively impact species that have been listed or are likely be listed under the Endangered Species Act in the metro region. The resolution also provides that particular emphasis should be given to acquisitions that have a significant financial contribution from a local government partner.

Resolution 01-3106 further stipulates that acquisitions in those target areas where minimum acreage goals have already been met may not be completed until after the Metro Council gives formal authorization for the purchase pursuant to a duly adopted Council resolution. Metro has exceeded the minimum 545-acre goal established for the East Buttes / Boring Lava Domes target area, and therefore the purchase of the Gentemann property requires formal Metro Council authorization pursuant to Resolution 01-3106.

BACKGROUND

Metro has entered into a purchase and sale agreement with Philip M. Gentemann, et. al. for 69.43 acres situated along the south side of S.E. Clatsop Street in Portland ("the Property"). The Property is located within the urban growth boundary in Tier II of the adopted East Buttes / Boring Lava Domes target area, just outside of, but directly adjacent to, the southwest corner of Metro's Pleasant Valley Concept Planning Area. The current landowner is willing to sell the property to Metro for a purchase price that is below the appraised value of the property. There are also minor encroachments on the property, which are not "unusual circumstances" as they do not materially affect value or impair the property's use as open space, but which may need to be resolved after closing, and which therefore should be exempted from the "Easement Policy," Resolution No. 97-2539B.

The Gentemann property has approximately 2,040 feet of frontage along both sides of Mitchell Creek. Mitchell Creek is a tributary of Kelly Creek, which in turn is a major tributary of Johnson Creek, located approximately one mile north of the Gentemann property. According to a recent Oregon Department of Fish and Wildlife aquatic inventory of Mitchell Creek, a combination of large wood, undercut, cool temperatures, and boulders in this portion of Mitchell Creek makes it one of the most pristine watersheds in the Johnson Creek system. The city of Portland has stated that it believes that Mitchell Creek offers some of the best opportunity for protection and restoration of salmon habitat in the city.

As the Pleasant Valley area urbanizes over the next several years, the Gentemann property has the potential to serve as a high quality, natural area community park. It is located adjacent to the Pleasant Valley Planning Area; it is over 69 acres in size; it offers good views from its upper portions; it has a relatively intact canopy of western red cedar, Douglas fir, and big leaf maple; and it has a relatively undisturbed understory of native fern, elderberry, Oregon grape, and salmonberry. Approximately 5,300 to 5,500 new residences are expected to be constructed within the Pleasant Valley area over the next twenty years.

City of Portland natural resources staff have said that this property has the highest natural resource value of any undeveloped property in the city, and the city of Portland's Mayor has stated in a letter to Metro Executive Mike Burton dated July 26, 2001 that the city considers this property to be a critical acquisition. Toward this end, the city has committed to make a contribution to this acquisition by providing the 25% local match contribution toward the purchase of the Gentemann property at closing, as required by the target area refinement plan, and has agreed to manage the property following its acquisition.

Although city of Portland conservation and environmental zoning restrictions apply to portions of this property, the property is in imminent danger of being developed. The current landowner – an experienced residential developer – has obtained preliminary plat approval to develop the site. If not acquired by Metro and the city of Portland at this time, this property will most likely be developed with over 150 residential building lots.

FINDINGS

Acquisition of this property with the above-stated terms is recommended based on the following:

- This property lies in Tier II of the East Buttes / Boring Lava Domes Target Area and fulfills the goals of the East Buttes /Boring Lava Domes Refinement Plan.
- This property satisfies one of the stipulated criteria specified in Resolution 01-3106, namely that it contains more than sixty (60) acres, is located inside the urban growth boundary, and contains critical natural habitat features, the loss of which could negatively impact species that have been listed or are likely be listed under the Endangered Species Act in the metro region.
- The site provides a rare opportunity to preserve and restore valuable salmonid and native vegetative habitat in the Johnson Creek watershed.
- The property has the potential to serve as a high quality, natural area community park adjacent to an area (Pleasant Valley) which is anticipated to rapidly urbanize during the next several years.
- The city of Portland has committed to providing the required 25% local match component and has agreed to assume management responsibilities for this site following its acquisition.
- While the overall minimum acreage goal of the East Buttes / Boring Lava Domes target area has been met, the acquisition of this property is highly desirable from a regional perspective due to its high quality natural area features, impact on water quality, opportunity to preserve habitat for endangered salmonid species, and proximity to the Pleasant Valley planning area.
- The boundary encroachments are not significant and will not affect Metro's ability to use the property as open space, and should be exempted from the Easement Policy when resolved post-closing.

BUDGET IMPACT

Bond funds would supply acquisition money with the city making a contribution of 25% towards the acquisition. Land banking costs will be paid by the city of Portland pursuant to an intergovernmental agreement with the city governing the city's management of the site.

OUTSTANDING QUESTIONS

None.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends passage of Resolution No. 01-3136.