

# A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1542 | FAX 503 797 1793



**METRO**

## Agenda

MEETING: METRO COUNCIL REGULAR MEETING - revised 5/21/02  
DATE: May 23, 2002  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Metro Council Chamber

### CALL TO ORDER AND ROLL CALL

#### 1. INTRODUCTIONS

#### 2. CITIZEN COMMUNICATIONS

#### 3. EXECUTIVE OFFICER COMMUNICATIONS

#### 4. MPAC COMMUNICATIONS

#### 5. CONSENT AGENDA

- 5.1 Consideration of Minutes for the May 16, 2002 Metro Council Regular Meeting.

#### 6. RESOLUTIONS

- 6.1 **Resolution No. 02-3161**, For the Purpose of Confirming the Appointment of William Bree, Laila Cully, Michael Decker, Jerry Powell, and Marie Werts to the Metro Recycling Business Assistance Advisory Committee. McLain

7. **EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660 (1) (d) FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO CONDUCT LABOR NEGOTIATIONS.** Burton

8. **EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS**

- 8.1 **Resolution No. 02-3199**, For the Purpose of Authorizing the Executive Officer to Purchase the Derby-Heinze Partnership Property on Mt. Scott in the East Buttes/Boring Lava Domes Target Area. Monroe

## 9. COUNCILOR COMMUNICATION

### ADJOURN

#### Cable Schedule for Week of May 23, 2002 (PCA)

	Sunday (5/26)	Monday (5/27)	Tuesday (5/28)	Wednesday (5/29)	Thursday (5/23)	Friday (5/24)	Saturday (5/25)
<b>CHANNEL 11</b> (Community Access Network) (most of Portland area)		4:00 PM				2:00 PM (previous meeting)	
<b>CHANNEL 21</b> (TVCA) (Washington Co., Lake Oswego, Wilsonville)					1:00 AM		
<b>CHANNEL 30</b> (TVCA) (NE Washington Co. - people in Wash. Co. who get Portland TCI)					1:00 AM		
<b>CHANNEL 30</b> (CityNet 30) (most of City of Portland)	8:30 P.M.	8:30 PM					
<b>CHANNEL 30</b> (West Linn Cable Access) (West Linn, Rivergrove, Lake Oswego)	4:30 PM			5:30 AM	1:00 PM 5:30 PM	3:00 PM	
<b>CHANNEL 33</b> (ATT Consumer Svcs.) (Milwaukie)		10:00 AM 2:00 PM 9:00 PM					

*PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.*

<i>Portland Cable Access</i>	<a href="http://www.pcatv.org">www.pcatv.org</a>	<i>(503) 288-1515</i>
<i>Tualatin Valley Cable Access</i>	<a href="http://www.tvca.org">www.tvca.org</a>	<i>(503) 629-8534</i>
<i>West Linn Cable Access</i>	<a href="http://www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm">www.ci.west-linn.or.us/CommunityServices/htmls/wltvsked.htm</a>	<i>(503) 722-3424</i>
<i>Milwaukie Cable Access</i>		<i>(503) 654-2266</i>

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

**Agenda Item Number 5.1**

**Consideration of the May 16, 2002 Regular Metro Council Meeting minutes.**

**Metro Council Meeting  
Thursday, May 23, 2002  
Metro Council Chamber**

**Agenda Item Number 6.1**

**Resolution No. 02-3161, For the Purpose of Confirming the Appointment of William Bree, Laila Cully, Michael Decker, Jerry Powell, and Marie Werts to the Metro Recycling Business Assistance Advisory Committee.**

**Metro Council Meeting  
Thursday, May 23, 2002  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 02-3161
APPOINTMENT OF WILLIAM BREE, LAILA	)	
CULLY, MICHAEL DECKER, JERRY POWELL	)	Introduced by Mike Burton, Executive Officer
AND MARIE WERTS TO THE METRO	)	
RECYCLING BUSINESS ASSISTANCE	)	
ADVISORY COMMITTEE	)	

WHEREAS, Chapter 2.19 of the Metro Code Relating to Advisory Committees; Section 2.19.210 provides for a Metro Recycling Business Assistance Advisory Committee (RBAAC); and,

WHEREAS, Section 2.19.210 authorizes and describes representatives for Committee membership; and,

WHEREAS, the five citizen members of RBAAC must be appointed by the Executive Officer and are subject to confirmation by the Metro Council; and,

WHEREAS, this is a new committee, and all five applicant members wish to be appointed for a full two (2) year term under 2.19.030(c); and,

WHEREAS, the Presiding Officer of the Metro Council will appoint a Council member as a member and vice-chair of the RBAAC; and,

WHEREAS, the Executive Officer has appointed all five citizen individuals, subject to confirmation by the Metro Council; now therefore,

BE IT RESOLVED that the new members, William Bree, Laila Cully, Michael Decker, Jerry Powell and Marie Werts, are confirmed to serve on the Metro Recycling Business Assistance Advisory Committee until their successors are appointed and confirmed in 2004.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_, 2002

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Carl Hosticka, Presiding Officer

APPROVED AS TO FORM:

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Daniel B. Cooper, General Counsel

## **STAFF REPORT**

### **RESOLUTION NO. 02-3161 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENTS OF WILLIAM BREE, LAILA CULLY, MICHAEL DECKER, JERRY POWELL AND MARIE WERTS TO THE METRO RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE**

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Date: January 17, 2002

Presented by: Terry Petersen

## **DESCRIPTION OF THE RESOLUTION**

This resolution proposes two-year appointments for five community experts to serve on a newly constituted committee that will review, advise on and approve loans and grants funded through the Recycling Business Assistance Program, a recycling market development effort for which the Metro Council appropriated \$500,000 in FY 2001-02.

## **EXISTING LAW**

Chapter 2.19.210 of the Metro Code provides for a Metro Recycling Business Assistance Advisory Committee. Amendments to Metro Code Chapter 5.04, as enacted in Ordinance No. 02-937, describe this committee and the purposes and criteria of the program it serves.

## **BACKGROUND**

As described in newly amended Metro Code Chapter 5.04, the Recycling Business Assistance Advisory Committee (RBAAC) will consist of seven members, including one Metro Councilor, the manager of Metro's Waste Reduction and Outreach Division, and five community experts in lending, business management and recycling. The Waste Reduction and Outreach Division manager will serve as chair of the committee; the Metro Councilor will serve as vice-chair. Two of the community members must have lending or grant-making experience, one must have business management experience, and two must have current recycling industry expertise.

The nominees for these five community expert positions meet the stated criteria. Laila Cully is a business finance officer for the Oregon Economic and Community Development Department with more than 20 years experience in community economic development programs. Marie Werts has 30 years experience as a commercial lender and is vice president for business lending for Bank of the West. Michael Decker is CEO of CleanPak International, has held similar positions in other companies, and is President of Pene Decker Group, a management consulting firm that concentrates on crisis, turnaround and transition management. Jerry Powell has more than 25 years' experience developing local and national recycling policy and programs, and is editor-in-chief of Resource Recycling Magazine, a national journal headquartered in Portland. William Bree is a 28-year employee of the Solid Waste Policy and Programs Division of the Oregon Department of Environmental Quality, with considerable experience assisting recycling market development throughout the state.

## **OUTSTANDING QUESTIONS**

None, but it should be noted that the enabling legislation delegates authority to the Executive Officer, on the committee's recommendation, to approve loans and grants for the stated purposes, within the available budget, in compliance with Metro code, and under the direct supervision of a Metro Councilor and a Metro Regional Environmental Management manager.

## **BUDGET IMPACTS**

None.

## **EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends Council adoption of Resolution No. 02-3161 confirming the nomination of William Bree, Laila Cully, Michael Decker, Jerry Powell and Marie Werts, each to a two-year first appointment on the newly constituted Metro Recycling Business Assistance Advisory Committee.

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METRO

APPOINTMENT INTEREST FORM

METRO RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE (RBAAC)

METRO OFFICE COMMENTS:

NAME WILLIAM R. BREE DATE JANUARY 9, 2002

HOME ADDRESS: 4515 SE 36<sup>TH</sup> PLACE PORTLAND OREGON 97202

BUSINESS ADDRESS: 811 SW 6<sup>TH</sup> AV PORTLAND OREGON 97204

HOME PHONE: 503 771-9490 BUSINESS PHONE: 503 229-6046

FAX 503-2296977 EMAIL BREE.WILLIAM.R@DEQ.STATE.OR.US

METRO DISTRICT NO. NEIGHBORHOOD REED  
(i.e., District that you live in)

SCHOOL (INCLUDE HIGH SCHOOL) LOCATION MAJOR OR DEGREE

LINCOLN HIGH SCHOOL PORTLAND OREGON

PORTLAND STATE UNIVERSITY PORTLAND, OREGON BS

PORTLAND STATE UNIVERSITY PORTLAND OREGON MPA



LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

SENIOR POLICY ANALYST OREGON DEQ SOLID WASTE POLICY AND PROGRAM DEV. SECTION  
6/96- PRESENT

RECYCLING MARKETS DEVELOPMENT ADVOCATE OREGON ECONOMIC DEVELOPMENT DEPARTMENT  
11/94 - 5/96

WASTE REDUCTION POLICY ANALYST, OREGON DEQ, HAZARDOUS AND SOLID WASTE DIVISION  
8/92 -11/94

WASTE CONTROL OFFICER, MINISTRY OF WORKS AND ENGINEERING, BERMUDA  
11/90 -7/92

PROGRAM COORDINATOR, OREGON DEQ, HAZARDOUS AND SOLID WASTE DIVISION  
8/73 - 11/90

FIELD REPRESENTATIVE, OREGON RECYCLING ORGANIZING AND INFORMATION NETWORK,  
5/72 - 8/73

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

RECYCLING BUSINESS ASSISTANCE OR MARKET DEVELOPMENT IS AN ACTIVITY THAT CAN SUPPORT AND EXPAND RECYCLING BUSINESS OPPORTUNITIES IN THE METRO AREA. I HAVE BEEN REQUESTED BY METRO STAFF TO SERVE ON THE RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE BECAUSE I HAVE EXTENSIVE EXPERIENCE WITH RECYCLING MARKET DEVELOPMENT AND AM PRESENTLY ACTIVE IN THAT AREA AS A PART OF MY EMPLOYMENT WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY. I CAN BE A USEFUL RESOURCE TO METRO IN THIS AREA.

SIGNATURE

*William R Bruce*



METRO

APPOINTMENT INTEREST FORM

METRO RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE (RBAAC)

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METRO OFFICE COMMENTS:

XX

NAME LAILA CULLY DATE JANUARY 10, 2002

HOME ADDRESS: 4323 SE BRAE MILWAUKIE, OR 97222  
STREET CITY STATE ZIP

BUSINESS ADDRESS: 121 SW SALMON PORTLAND, OR 97204  
STREET CITY STATE ZIP

HOME PHONE: (503) 786-8788 BUSINESS PHONE: (503) 229-5114

FAX 503-222-5050 EMAIL \_\_\_\_\_

METRO DISTRICT NO. MILWAUKIE NEIGHBORHOOD \_\_\_\_\_  
(i.e., District that you live in)

SCHOOL (INCLUDE HIGH SCHOOL) LOCATION MAJOR OR DEGREE

PORTLAND STATE UNIVERSITY, PORTLAND, OR, MASTER OF ARTS, INTERNATIONAL  
ECONOMICS

NATIONAL DEVELOPMENT COUNCIL, NEW YORK, FINANCE CERTIFICATE

PORTLAND STATE UNIVERSITY, PORTLAND OR, PH.D CANDIDACY, URBAN ECONOMICS AND  
PLANNING

CAIRO UNIVERSITY, CAIRO, EGYPT, BACHELOR OF ECONOMICS

SANEYA HIGH SCHOOL, CAIRO, EGYPT, HIGH SCHOOL CERTIFICATE

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LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT  
(INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

FINANCE OFFICER, OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT, 1994-  
PRESENT.

MANAGER, INTERNATIONAL PROJECTS, WESTERN WOOD PRODUCTS ASSOCIATION, 1990-  
1993.

DIRECTOR, PENNSYLVANIA OFFICE OF INTERNATIONAL DEVELOPMENT, 1987-1989.

DIRECTOR, PENNSYLVANIA OFFICE OF ECONOMIC POLICY, 1987-1989 (FILLED TWO POSITIONS  
CONCURRENTLY).

MANAGER, BUSINESS INFORMATION DIVISION, OREGON ECONOMIC DEVELOPMENT  
DEPARTMENT, 1978-1987.

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

HAVE AN INTEREST IN SERVING ON A FINANCE COMMITTEE TO PARTNER WITH METRO IN AN AREA  
IN WHICH HAVE SOME EXPERTISE.

SIGNATURE \_\_\_\_\_

*Lauren Cully* *1-10-2002*



METRO

ATTACHMENT 3

Resolution No. 02-3161-

APPOINTMENT INTEREST FORM

METRO RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE (RBAAC)

METRO OFFICE COMMENTS:

NAME GEORGE M. (MIKE) DECKER DATE 01/11/07

HOME ADDRESS: 707 SW Regency Place Portland OR 97225  
STREET CITY STATE ZIP

BUSINESS ADDRESS: 11241 SE Hy 212 Clackamas OR 97015  
STREET CITY STATE ZIP

HOME PHONE: 503-297 4096

BUSINESS PHONE: 503-557 4506

FAX 503-557 4565

EMAIL MIKE.D@clackamas.com

METRO DISTRICT NO. \_\_\_\_\_ NEIGHBORHOOD \_\_\_\_\_  
(i.e., District that you live in)

SCHOOL (INCLUDE HIGH SCHOOL)

LOCATION

MAJOR OR DEGREE

Reg Memorial Cornville, In Graduate

University of Cornville Cornville In B A

Indenence University Bloomington, In B S.

Certified Public Accountant Indiana, Wisconsin

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

President + CEO Clompak International -  
President, Pine Decker Group - Consulting and Turnaround  
Vice President Finance, HCCO materials Handling - \$1.7 <sup>Billion</sup> ~~million~~ manufacturer.  
Senior VP, Finance and Treasurer - The Monitor Company

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

Civic interest and I believe my experience and Background will provide Value added to this process.

SIGNATURE

*[Signature]*

1/11/02



METRO

APPOINTMENT INTEREST FORM

METRO RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE (RBAAC)

METRO OFFICE COMMENTS:

NAME Jerry Powell DATE 1/07/02

HOME ADDRESS: 3345 NE 27<sup>th</sup> PORTLAND OR 97212  
STREET CITY STATE ZIP

BUSINESS ADDRESS: 600 SE POWELL PORTLAND OR 97202  
STREET CITY STATE ZIP

HOME PHONE: (503) 284-3099 BUSINESS PHONE: (503) 233-1305

FAX (503) 233-1356 EMAIL jpowell@resource-recycling.com

METRO DISTRICT NO. \_\_\_\_\_ NEIGHBORHOOD ALAMEDA  
(i.e., District that you live in)

SCHOOL (INCLUDE HIGH SCHOOL)	LOCATION	MAJOR OR DEGREE
• <u>Wilson High School</u>	<u>PORTLAND</u>	
• <u>Portland State Univ.</u>	<u>PORTLAND</u>	<u>B.S. Psychology</u>
• <u>Portland State Univ.</u>	<u>PORTLAND</u>	<u>B.S. Sociology</u>



LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

- Board member, Oregon Recycling Markets Dev. Corp.
- member, Metro RRM Rate Committee
- member, Oregon DEQ Solid Waste Adv. Committee
- member, City of Portland Solid Waste Adv. Committee
- chairman of the board, National Recycling Coalition
- Board member, Assn of Oregon Recyclers
- editor, Resource Recycling Magazine

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

The continued growth of regional markets for secondary materials is key to Metro's ability to meet state mandated recycling levels. The Metro Business Assistance Program is an exciting venture that I would like to aid.

SIGNATURE

*Jerry Powell*



METRO

APPOINTMENT INTEREST FORM

METRO RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE (RBAAC)

METRO OFFICE COMMENTS:

NAME Marie H. Werts DATE 1/7/02

HOME ADDRESS: 1444 SW Midmar Portland OR 97223  
STREET CITY STATE ZIP

BUSINESS ADDRESS: 401 SW 5th Ave 1 " 97204  
STREET CITY STATE ZIP

HOME PHONE: Unlisted BUSINESS PHONE: 503-225-1758

FAX (503) 225-1465 EMAIL m.werts@bankofthewest.com

METRO DISTRICT NO. \_\_\_\_\_ NEIGHBORHOOD Garden Home  
(i.e., District that you live in)

SCHOOL (INCLUDE HIGH SCHOOL)	LOCATION	MAJOR OR DEGREE
<u>Ore City High School</u>	<u>Ore City, OR</u>	<u>Completion of high school</u>
<u>Lewis &amp; Clark College</u>	<u>Portland, "</u>	<u><del>Pacific Coast</del> Northwest Intermediate Banking School</u>
<u>PCC</u>	<u>" "</u>	<u>Numerous American Institute of Banking classes</u>
<u>Univ. of Washington</u>	<u>Seattle, WA</u>	<u>Pacific Coast Banking School -</u>

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDING ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

EMP. { Bank of the West - V.P. - Portfolio Mgr / Bus Development  
First Interstate Devel. Corp - Executive Director  
" " Bank - Business Banking Loan Officer  
Key Bank / Pac. Western Bank " " : Some Loan Work at  
Conby Union Bank - Teller / Sec / Credit Officer / Br. Mgr.

Board of Directors - Grange Fed. Credit Union, Conby  
Chamber of Commerce / WCA, Oregon Entrepreneurs'  
Forum

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

Community Service

SIGNATURE

David West

**Resolution No. 02-3199, For the Purpose of Authorizing the Executive Officer to Purchase the Derby-Heinze Partnership Property on Mt. Scott in the East Buttes/Boring Lava Domes Target Area.**

***Executive Session***

**Metro Council Meeting  
Thursday, May 23, 2002  
Metro Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING )  
THE EXECUTIVE OFFICER TO )  
PURCHASE THE DERBY-HEINZE )  
PARTNERSHIP PROPERTY ON MT. SCOTT )  
IN THE EAST BUTTES/BORING LAVA )  
DOMES TARGET AREA )

RESOLUTION NO. 02-3199

Introduced by Councilor Monroe

WHEREAS, in May 1995, the Metro area voters approved the Open Spaces, Parks and Streams Bond Measure that authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and certain park-related capital improvements; and

WHEREAS, on July 25, 1996, via Resolution 96-2361, the Metro Council adopted a refinement plan that outlined a land protection strategy for the East Buttes/Boring Lava Domes target area; and

WHEREAS, the Tier 1B objective of the refinement plan establishes a challenge grant program to acquire strategic properties that enhance and connect existing open space in the Mt. Scott/Clatsop/Powell Buttes, Kelly Butte, Rocky Butte and Mt. Talbert areas; and

WHEREAS, Resolution No. 98-2724 amended the East Buttes/Boring Lava Domes target area refinement plan to authorize additional land acquisitions in the East Buttes target area, and increased the allocation of existing bond measure funds to the challenge grant program provided that the local jurisdiction contribute a minimum of 25% of the purchase price for an acquisition; and

WHEREAS, local jurisdictions Clackamas County, North Clackamas Park and Recreation District and City of Happy Valley have indicated their interest in assisting Metro to preserve the approximately 50-acre Derby-Heinze Partnership property located on heavily-developed Mt. Scott; and

WHEREAS, a May 1, 2002 letter from Larry Sowa, Chair of the Board of Clackamas County Commissioners indicates the immediate availability of local match, believed to be sufficient for match requirement for a Tier 1B property; and

WHEREAS, if the available local match is not sufficient to meet the minimum 25% non-Metro match for a Tier 1B property after renegotiation for purchase, the parties request that the match requirements be waived, and Metro acquire the Property as an "unusual circumstance" acquisition under the Open Spaces Work Plan; and

WHEREAS, Metro had entered into an Agreement of Purchase and Sale with the Derby-Heinze Partnership, with a Closing Date of August 3, 2001, which has since expired; and

WHEREAS, this Resolution is consistent with the requirements of Resolution 01-3106, Resolved # 1 (B)(2), requiring that acquisitions in Target Areas where minimum acreage goals have been met, such as East Buttes/Boring Lava Domes, require Council authorization;

WHEREAS, notwithstanding the criteria adopted in Resolution 01-3106, the Derby-Heinze property is a priority to the Greenspaces Acquisition Program; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby authorizes the Executive Officer to negotiate for and purchase the Derby-Heinze Partnership property.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Carl Hosticka, Presiding Officer

Approved as to form:

\_\_\_\_\_  
Dan Cooper, General Counsel

## Staff Report

### CONSIDERATION OF RESOLUTION NO. 02-3199 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE THE DERBY-HEINZE PARTNERSHIP PROPERTY ON MT. SCOTT IN THE EAST BUTTES/BORING LAVA DOMES TARGET AREA

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Date: May 16, 2002

Prepared by: Michael Morrissey

#### Description

Resolution No. 02-3199 requests authorization for the Executive Officer to purchase land on Mt. Scott in the East Buttes/Boring Lava Dome Target Area.

#### Existing Legislation

Metro Code 2.04.026 (a) (3) requires that the Executive Officer obtain the authorization of the Metro Council prior to executing any contract for the purchase of real property. The Open Spaces Implementation Work Plan, adopted by the Metro Council via Resolution 96-2424, was established to implement the Open Spaces, Parks and Streams bond measure passed by the voters of the region in 1995. The Work Plan established acquisition parameters that authorize the Executive Officer to purchase property, within the Council-approved target area refinement plan maps. Purchases that do not meet these criteria or have "unusual circumstances" (as that term is defined in the Work Plan) require specific Council approval. Via Resolution 96-2361, the Metro Council approved the East Buttes/Boring Lava Domes target area refinement plan tax-lot specific map, which includes the subject Mt. Scott property. The refinement plan was amended via Resolution 98-2724 to remove the challenge grant cap. This resolution proposes to approve an unusual circumstance purchase, waive one requirement of the refinement plan, and authorize the purchase of the subject property subject to the terms of the Purchase and Sale Agreement, executed by Metro and the landowner, subject to approval by Metro Council.

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" requires that all anticipated purchases in target areas where minimum acreage goals have been met, such as East Buttes/Boring Lava Domes, require Council approval. In addition, at least one criteria from the following must be met for the property to be purchased by the Executive Officer without further council approval:

1. Must be 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 the 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.

### **Background and Analysis**

In May 1995, the Metro area voters approved the Open Spaces, Parks and Streams Bond Measure, which authorized Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and certain park-related capital improvements.

On July 25, 1996, via Resolution 96-2361, the Metro Council adopted a refinement plan, which outlined a land protection strategy for the East Buttes/Boring Lava Domes regional target area. One objective of the plan is to "encourage participation of other governments and non-profit organizations in acquiring strategic properties that enhance and connect existing open space in the Mt. Scott, Mt. Clatsop, Powell Butte, Kelley Butte, Rocky Butte, and Mt. Talbert areas by establishing a challenge grant program." One of the refinement plan requirements is that acquisitions on these buttes be made with a minimum 25% non-Metro match.

Mt. Scott was established as one of the "urban buttes" in the approved Tier IB acquisition area for the challenge grant program. Mt. Scott is a largely developed, but partially undeveloped-forested butte, which is prominently in view from as far away as downtown Portland, and from as close as I-205.

Mt. Scott was identified as a regionally significant natural area in the Greenspaces Master Plan, which described the area as follows:

"Outstanding view of Portland skyline. Wooded sides of volcanic butte provide wildlife habitat as well as green backdrop to east side of urban area. Significant development pressure"

Much of Mt. Scott is developed, although there are two large cemeteries on this butte. The land in question consists of approximately 50 acres and represents Phases IV and V of the Altamont development, a luxury single family "Street of Dreams" subdivision. Phases I-III of Altamont are fully developed and immediately downhill of the subject site. The subject property is the highest point on Mt. Scott and the highest point inside the UGB in the entire region. This site is the last remaining undeveloped large parcel on Mt. Scott in a natural condition.

The land is mainly forested with a mix of second growth conifer and hardwoods. It has a relatively native and healthy understory by urban standards and is not dominated by the typical invasive exotics. The site affords a spectacular view of downtown Portland, the Willamette and Columbia Rivers, Mt. St. Helens, the west hills of Portland and the Tualatin Ridge (Forest Park).

The site is large for an undeveloped site within the UGB, but it is surrounded by development and thus isolated from both a wildlife habitat and park/trail connectivity perspective.

Metro had entered into a Purchase and Sale Agreement to purchase this land from the current owner, the Derby-Heinze Partnership, a development firm. The Agreement expired in 2001 and another agreement would need to be negotiated.

Metro Council authorized the acquisition of the property in question on Mt. Scott as a Tier IB property when Council approved the East Buttes/Boring Lava Domes Target Area refinement plan.



Match money sufficient to meet the 25% required for purchase of this property was at issue in 2001, when a resolution to purchase the site was submitted by the Executive Officer, but then withdrawn. A May 1, 2001 letter from Clackamas Co. Board Chair Larry Sowa, indicates that local match funds are still available. Further communication with county staff indicates that Clackamas County is committing \$300,000 of county general fund, North Clackamas Parks and Recreation District (NCPRD) is committing \$300,000, and the City of Happy Valley is committing \$125, for a total of \$725,000, which may or may not meet match requirements, dependent upon the ultimate purchase price. Staff expects that the fair market value will be further reduced by \$125,000 contributed by the Derby-Heinze partnership. This site, if purchased by Metro, will be managed by NCPRD pursuant to an Intergovernmental Agreement.

### **Findings**

Acquisition of the property is recommended, based on the following:

- The East Buttes/Boring Lava Domes Target Area Refinement Plan identifies Mt. Scott as a regional priority for protection through a 25% challenge grant program. The goal of the challenge grant is to promote public partnerships and leverage regional bond funds. Local jurisdictions have committed to contributing \$725,000 towards the purchase price, and the Derby-Heinze partnership has committed to contributing \$125,000 to offset the purchase price.
- Clackamas County, NCPRD, and the City of Happy Valley support this acquisition and NCPRD has indicated its willingness to manage and operate this property under the terms of an IGA.
- The remaining provisions of the East Buttes/Boring Lava Domes Target Area refinement plan shall remain unchanged, with the sole modification being the waiver of the 25% match requirement for this property, if necessary.
- The minimum acreage goal for the East Buttes target areas has been met, requiring Council approval for acquisition of this site consistent with requirements of Resolution 01-3106.

### **Budget Impact**

Bond funds (with contributions of \$850,000 from local partners) would supply acquisition money. Based on recent briefings to the Metro Council by parks staff regarding remaining bond funds, funding of this acquisition could require the withdrawal of offers, currently extended to property owners in other target areas.

NCPRD has stated its willingness to assuming long-term management responsibilities for the property as part of an Intergovernmental Agreement to be entered into after closing.

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, May 16, 2002

Metro Council Chamber

Councilors Present: Carl Hosticka (Presiding Officer), Susan McLain, Rod Park, Bill Atherton, David Bragdon, Rod Monroe, Rex Burkholder

Councilors Absent:

Presiding Officer Hosticka convened the Regular Council Meeting at 2:06 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. ARBOR SCHOOL CONCEPT PLAN PRESENTATION

Amy Wilson, Regional Environmental Management Associate Public Affairs Specialist, said they had targeted four schools to develop concept plans. Arbor School was right near the Urban Growth Boundary. The students had worked closely with Ray Valone from the Planning Department. The students presented their initial findings at the "Let's Talk" Conference.

Claire Riggs said they represented Arbor School Planning Group. Sam Estrem said they had been studying the Urban Growth Boundary (UGB), their school bordered the current UGB. Callie O'Sullivan presented the details of the concept plan, which including establishing a community, employment opportunities, work near their homes, and diverse housing to curb traffic congestion. They found no need to add schools. They were trying to find balance between urban areas and greenspaces. This plan was a brainstorm but could provide the beginnings of a concept plan. Dylan Stark and Jeremy Carp spoke about the Transportation Development Group. They provided an overlay of the transportation system, which included roads, bus stops, biking and walking lanes, as well as public transportation. The walking and bike paths provided alternative transportation as well as recreation. Claire Riggs wrapped up the presentation by saying that it was a complicated process to develop a plan. Planners had very different opinions for the area. They were fortunate at Arbor School to be given opportunities to explore planning for the area if the area was brought into the UGB.

Councilor Bragdon said he had a chance to go to the Arbor School graduation several years ago. He asked what they planned for the river area. Mr. Carp said they put the walking and biking paths by the river. Councilor McLain asked what the most controversial issues were for planning? The issue was how the cities worked together to come to agreement to add to each of their current communities. Councilor McLain asked about the concept of a town center. One student responded that it would create a central area for all types of activities. Councilor Atherton said he felt it was a very sophisticated plan, he noted that they had planned no houses around the river area and kept the area as open space. He asked how many of them wanted the UGB to move? Ms. Riggs responded that because the Portland Metro area was expanding and they were going to grow, the UGB needed to be expanded somewhere and it would make sense to include this area in

the UGB. Councilor Atherton asked again if she wanted to move the UGB? Mr. Carp said, personally, he liked a lot of open space and so having the UGB near was not his favorite thing but he felt it was necessary. Presiding Officer Hosticka said he lived close to the area and found their plan to be good, particularly the mixed-use concept. This was a citizens and common sense approach. Ms. Wilson recognized the teacher, Craig Stewart. Mr. Stewart said they would be providing a copy of the students' concept plan to the Council at a later date.

**7. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660 (1) (d) FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO CONDUCT LABOR NEGOTIATIONS.**

Time Began: 2:24 p.m.

Members Present: Mike Burton, Lilly Aguilar, Ed Rutledge, Jennifer Sims, Laura Oppenheimer, Scott Moss, Alexis Dow, Casey Short, members of the media, council staff

Time Ended: 2:39 p.m.

**4. CONSENT AGENDA**

**4.1 Consideration of minutes of the May 9, 2002 Regular Council Meeting.**

Motion	Councilor Burkholder moved to adopt the meeting minutes of the May 9, 2002, Regular Council meeting. Councilor Bragdon noted Councilor Burkholder's name had been misspelled.
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Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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**5. ORDINANCES – FIRST READING**

**5.1 Ordinance No. 02-945, For the Purpose of Amending the 2000 Regional Transportation Plan Financial Constrained System; Amending Ordinance No. 00-869A and Resolution No. 00-2969A to Reflect Resolution No. 02-3186.**

Presiding Officer Hosticka assigned Ordinance No. 02-945 to Transportation Committee.

**6. RESOLUTIONS**

**6.1 Resolution No. 02-3184, For the Purpose of Authorizing the Release of a Request for Proposals #02-1022-ASD for Financial Advisory Services.**

Motion	Councilor Burkholder moved to adopt Resolution No. 02-3184.
Seconded:	Councilor Atherton seconded the motion

Councilor Burkholder said this resolution passed out of the Governmental Affairs Committee. It set a contract for hiring professional services to provide advice on the general obligation bonds. He reviewed the details of the staff report (a copy of which is found in the meeting packet). They needed analysis of the bond issue. The contract would cover three years. He urged support.

Vote:	Councilors Park, Burkholder, McLain, Bragdon, Atherton, Monroe, and
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	Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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**6.2 Resolution No. 02-3193, For the Purpose of Authorizing the Release of a Request for Proposals #02-1019-AUD for Financial Statement Audit Services.**

Presiding Officer Hosticka requested that the Deputy Presiding Officer McLain preside during consideration of this resolution.

Motion	Councilor Hosticka moved to adopt Resolution No. 02-3193.
Seconded:	Councilor Bragdon seconded the motion

Councilor Hosticka said this request for proposals (RFP) was for financial statement audit services. There had been several questions asked by Council. He asked Alexis Dow, Auditor, to address the needs for the RFP. Alexis Dow said the resolution provided authorization to seek a multi-year contract with a CPA firm to provide financial statement audit services. She spoke to the primary reason for going out to bid; there was an economic downturn so there were more possibility for savings. She said she had talked with the current audit firm and they were willing to bid on this RFP. She felt there were more favorable terms to be had. Councilor Monroe asked Ms. Sims if this was good idea. They currently had a contract with an audit firm. The sole purpose of this RFP was to save money. Was there any downside to honoring this request? Jennifer Sims, Chief Financial Officer, said if there were a change in auditors there was always some start-up effort but she was always in favor of saving money. Councilor Burkholder said this assumed that they would be getting a better price, did they have to terminate the current contract before the RFP was put out. Ms. Dow said the current contract was terminated and that firm would be bidding on the new RFP. Councilor Burkholder asked what happened if they did not have a saving, would they go back to the current firm? Ms. Dow responded that she believed there were much more favorable terms out there.

Councilor Monroe asked about start-up costs and would these wipe out potential savings. Ms. Sims responded the costs would be two to three weeks of additional staff time. It would not be extensive costs to the organization. Councilor Monroe noted that the Auditor had said they were severely understaffed. Ms. Dow responded that the Council had approved an additional position in the Auditor's office. Councilor Monroe asked for legal to advise them. Dan Cooper, General Counsel, said the auditor had authority to enter into a contract for a single year. This proposal was for a three-year contract. Councilor Monroe summarized that if they voted this down today she could still go out for a year contract. Mr. Cooper said yes. Councilor Atherton asked if the reason they had a three-year contract was that the learning curve improved over time? Ms. Dow responded there was savings over the long run.

Vote:	Councilors Burkholder, Bragdon, Atherton, Monroe, Park, Hosticka and Deputy Presiding Officer McLain voted aye. The vote was 7 aye, the motion passed.
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Deputy Presiding Officer McLain passed the gavel back to the Presiding Officer.

**6.3 Resolution No. 02-3195, For the Purpose of Authorizing the Executive Officer to Sign an Intergovernmental Agreement with the Tualatin Basin Natural Resources Coordinating Committee.**

Motion	Councilor McLain moved to adopt Resolution No. 02-3195.
Seconded:	Councilor Bragdon seconded the motion

Councilor McLain said this resolution carried out what they had been working on over the past five years. They would be entering into the Intergovernmental Agreement (IGA) with the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC). She and Councilor Hosticka sat on that committee as non-voting members.

Ken Helm, Legal Counsel, talked about the IGA between Metro and the TBNRCC. He spoke to the goals and the future work of the committee. The TBNRCC would be bringing recommendations to the Council after June 2003. The outcome of the process was contemplated to be a coordinated program. He talked about the provisions for amending the IGA.

Councilor McLain added, that in those 27 sites that had been identified, it was important to note that all of those sites would improve. Councilor Bragdon talked about the process they had gone through to date. He acknowledged that they took a good concept and worked well together.

Councilor Burkholder said MCCI had asked about the public involvement process? Councilor McLain said they already had a public involvement discussion. Councilor Burkholder said the committee was working on doing an update on their public involvement guide. He then asked about item 6 of the IGA. What happened if Metro didn't adopt the recommendations of TBNRCC? Mr. Helm said there were no specific provisions in the IGA if Metro did not adopt the recommendations. The pledge had been to have a high level of coordination. There was substantial flexibility if recommendations came in and the Council had questions or wanted to make changes in the recommendations. What if the two parties couldn't agree on the final recommendations? This agency and TBNRCC's IGA could be terminated and the fall back would be that Metro would proceed. Councilor Burkholder asked if the TBNRCC was a legal entity? Mr. Helm spoke to Section 190, which allowed governments to come together and form a committee of the whole. The IGA that TBNRCC had adopted was attached. It had legal status. TBNRCC would soon be adopting bylaws.

Councilor Park asked about development of the record. Was it sufficient the way it was being defined? He had been here when they had relied on others' findings. Mr. Helm responded that they took extra pains to define the record. They wanted to capture a few extra things that might not get into the record. It was in the best interest of TBNRCC to develop a good record because they would be reviewed by LCDC and incorporated into our record as well. Councilor Park asked, in Mr. Helm's opinion, would the way it was written be sufficient? Mr. Helm said he thought so. They wanted to make sure there was enough in the record to provide foundations for the Council's decisions. Councilor McLain clarified that this would be our record. Councilor Park said they were relying on the record being built by this committee, would it be built to the standard that our legal department could utilize? Mr. Cooper said the footnote described what they thought they were going to send to Metro. If Council didn't think it achieved what was called for, then Metro had 120 days to add to that record. When the Council got to final decision making, the legal staff would write findings to support the Council's decisions. He felt there was no reason to predict failure.

Councilor Atherton suggested discussing the ESEE analysis, how it could be applied. This concept could be broken down into a useful process. How could they tell if something was economic if it was being subsidized? He asked for clarification. Mr. Helm responded that the staff was contemplating a two-tiered analyses and process. He explained further those tiers, the regional analysis and 27 individual resource sites. TBNRCC would be doing a similar process.

The IGA contemplated that there may be some differences with how each entity did their process. Councilor Atherton gave an example of what he was talking about concerning subsidy. How did they resolve the difference? He felt this was part of the agreement to reduce uncertainty. Mr. Helm said this IGA would allow that to happen. There could be a difference in the way Metro and TBNRCC approached their analysis.

Mr. Brent Curtis, was here today on behalf of the TBNRCC. He said they would be working together. They would find areas where they didn't have answers. The key was in the coordination. They were encouraged by the IGA. They would be giving the Council something that justified their conclusions and could be included in Metro's record. They would be working closely with Metro staff and the legal department. Councilor McLain thanked everyone for the good work.

Vote:	Councilors Bragdon, Atherton, Monroe, Park, Burkholder, McLain and Presiding Officer Hosticka voted aye. The vote was 7 aye, the motion passed.
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## 8. COUNCILOR COMMUNICATION

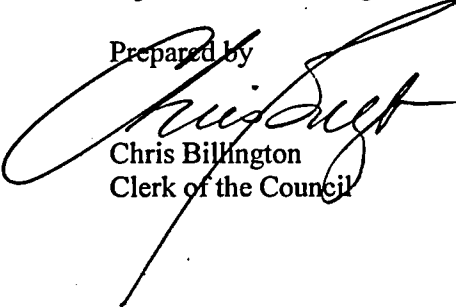
Councilor Burkholder reminded the members of the Budget and Finance Committee that they must show up next week on Wednesday May 22<sup>nd</sup> at 1:30pm to pass the 2002-03 budget out. He announced that the North Portland grant cycle was starting up next month.

Presiding Officer Hosticka said there would be a Council meeting on May 23<sup>rd</sup> but not on May 30<sup>th</sup>, the fifth Thursday of the month.

## 9. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Hosticka adjourned the meeting at 3:31 p.m.

Prepared by

  
Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF MAY 16, 2002**

ITEM #	TOPIC	DOC DATE	DOCUMENT DESCRIPTION	DOC. NUMBER
5.1	MINUTES	5/9/02	METRO COUNCIL MINUTES OF MAY 9, 2002 SUBMITTED FOR APPROVAL	051602C-01
6.1	COMMITTEE REPORT	5/13/02	COMMITTEE REPORT ON RESOLUTION NO. 02-3184 FROM JOHN HOUSER TO METRO COUNCIL	051602C-02
6.3	COMMITTEE REPORT	5/16/02	COMMITTEE REPORT ON RESOLUTION NO. 02-3195 FROM MICHAEL MORRISSEY TO METRO COUNCIL	051602C-03
6.3	IGA	5/16/02	IGA FOR TBNRCC/METRO FOR RESOLUTION No. 02-3195	051602C-04

**SOLID WASTE AND RECYCLING COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 02-3161, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF WILLIAM BREE, LAILA CULLY, MICHAEL DECKER, JERRY POWELL AND MARIE WERTS TO THE METRO RECYCLING BUSINESS ASSISTANCE ADVISORY COMMITTEE

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Date: May 16, 2002

Presented by: Councilor McLain

**Committee Recommendation:** At its May 15 meeting, the committee considered Resolution No. 02-3161 and voted unanimously to send the resolution to the Council for adoption. Voting in favor: Councilors Bragdon, McLain, Monroe, Park and Chair Atherton.

**Background:** The Council recently adopted Ordinance 02-937 which established the processes and procedures that will implement the new business recycling grant and loan program. The ordinance requires the establishment of an advisory committee for the purpose of reviewing and making recommendations related to loan or grant applications received by the program. Committee membership also will include a councilor to be appointed by the Presiding Officer. Councilor Atherton has been appointed to fill this position and will serve as the vice-chair of the committee.

**Committee Discussion:**

Steve Engel, REM Waste Reduction and Outreach staff, presented the staff report. He explained that the appointment of the advisory committee members would be the last step prior to fully implementing the grant and loan program. He noted that the appointees would bring a great deal of expertise that will facilitate the effective review of grant and loan applications. Several of the appointees have many years of experience in the development and analysis of recycling markets while others have experience in the analysis of business plans and proposals. Engel advised the committee that staff has already sent out information on the program to potentially interested parties and that four completed applications have been received.

The committee had no questions concerning the appointees.



052302c-03

**CLACKAMAS  
COUNTY**

Board of Commissioners

**FACSIMILE TRANSMISSION**LARRY BOWA  
CHAIRMICHAEL J. JORDAN  
COMMISSIONERBILL KENNEMER  
COMMISSIONER**COVER SHEET**

DATE: 5-23-02

TO: Metro Council

FAX #: 797-1793

FROM: Cherie Mc Ginnis  
BOARD OF COUNTY COMMISSIONERS  
FAX # (503)650-8944

TOTAL PAGES, INCLUDING THIS COVER SHEET: 2

COMMENTS: Would you please distribute  
this letter before today's  
Council meeting?

Thanks very much.



# CLACKAMAS COUNTY

## Board of Commissioners

May 23, 2002

The Honorable Carl Hosticka, Presiding Officer  
Honorable Members of the Metro Council  
The Honorable Mike Burton, Executive Officer

LARRY SOWA  
CHAIR

MICHAEL J. JORDAN  
COMMISSIONER

BILL KENNEMER  
COMMISSIONER

Via FAX: 503.797.1793

Re: Metro Acquisition of Mt Scott Butte Open Space

Dear Councilors and Executive Officer:

The Board of County Commissioners of Clackamas County would like to address some issues contained in *The Oregonian* article today entitled "Metro revives plan for land on Mt Scott".


First, we would like to again express our strong support for this acquisition. It is an opportunity that will not present itself again. This property has been approved for development and that development will happen unless Metro acts. We have been working with Metro, the developer and local partners for two years to make this acquisition a reality. While we do not want to compete with other worthy projects in our region (both within and outside of the UGB), we would like to point out that the Washington County Chair sent a letter to Metro last year regarding this acquisition on Mt Scott Butte and expressing support.

Additionally, while this site may not have been on the original list of acquisitions, it does present a unique opportunity to purchase the highest point within the Urban Growth Boundary, indeed, the entire Metro region! This site of about 50 acres remains in an undisturbed state with the exception of three acres that were cleared years ago. In its present configuration, the site has two points of public access and could easily be linked to existing and future trails in the region.

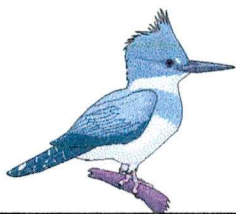
We, again, encourage you to consider this important acquisition and preservation of Mt Scott Butte.

Sincerely,

  
Larry Sowa  
Chair

  
Michael J. Jordan  
Commissioner

  
Bill Kenner  
Commissioner



# Friends of Kellogg & Mt. Scott Creeks Watershed

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May 23, 2002

Metro Presiding Officer and Councilors:

My name is Steve Berliner, and I'm Director of Friends of Kellogg & Mt. Scott Creeks Watershed. I have written each of you previously supporting expenditure of Metro Open Spaces money for the purchase of the Mt. Scott Butte property, and I want to once again urge you to vote for the purchase. You have three willing jurisdictional agencies as partners, North Clackamas Parks and Recreation District, City of Happy Valley, and Clackamas County Government, none of the three being financially able to partner with Metro alone. This kind of consensus team effort and coordination is unusual and displays the importance and merit of the project to a diverse array of citizens.

Metro dollars should be used to purchase regionally significant sites of high public value, and I don't mean just dollar market-valuation. The subject property is not within our Mt. Scott Creek Watershed; it's within the Johnson Creek Watershed, via a tributary Veterans Creek, but it is regionally significant. The impacts of 67 new home sites and corresponding infrastructure will affect **both** watersheds, and **both** Multnomah and Clackamas Counties. That is regionally significant.

Preserving the spectacular scenic vistas of the highest elevation within the Metro urban area, and 47 acres of close-in contiguous bird and wildlife habitat are regionally significant. There are opportunities to connect this butte with Happy Valley Park, Mt. Talbert, all of Mt. Scott and Kellogg Creeks, and the east Buttes.

This is a one-time opportunity to preserve the obvious public interest in this unique geographic resource, and the public's future access to this scenic vista point. The alternative is that voting "no" will enable construction to begin this year on the 67 proposed home sites and their roadways and sewer and utility systems. Weighing the resource and public interest values against improving residential density inside the UGB is a clear indicator for taking these steep lands off the housing inventory. Do the math on 67 homes covering 47 acres. That's nearly  $\frac{3}{4}$  of an acre sacrificed per dwelling. The public will gain much more from preservation. How about future accessibility to the dense urban area residents? I measure lineal distance on a map at just under one mile from the site to the I-205 Johnson Creek Blvd. Exit ramp. And the site nearly straddles both Multnomah and Clackamas Counties. Only the Lincoln Memorial Cemetery to the north separates it from Multnomah County, and its watershed, Johnson Creek meanders in and out of both counties after receiving the site's water runoff. Again, that's regionally significant.

And then there's the upward vista aspect. Not only is the site prominent from many miles of I-205 traffic and community to the north and west, but it sets the dramatic natural backdrop for two regionally significant cemeteries, one of them our National Veterans cemetery, Willamette National. The significance of a beautiful and serene view to the thousands of family members and other mourners that visit the two cemeteries each year is beyond question, and is regional in scope.

For all of these reasons I urge you to support Metro purchase of the Mt. Scott Butte open space site. Thank you.

Sincerely,

Steven B. Berliner,  
Director