

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 97-2513
THE EXECUTIVE OFFICER TO)
PURCHASE LAND IN THE SANDY RIVER) Introduced by Mike Burton
TARGET AREA, AND TO RESELL IT) Executive Officer
SUBJECT TO PROTECTIVE COVENANTS)

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 Ballot Measure 26-26 which authorizes Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements pursuant to Metro's Open Spaces Program; and

WHEREAS, the Sandy River Greenway 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 Space, Parks and Streams Bond Measure; and

WHEREAS, on June 26, 1996 the Metro Council adopted a refinement plan for the Sandy River regional target area, including a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, the property owned by Steven Rotter, as identified in Exhibit A and referred to as the Rotter property, is located within Tier 1A of the Sandy River target area, indicating that protection of this property is of the highest priority; and

WHEREAS, Metro can most effectively provide for the protection of the Rotter property by purchasing the property, by permanently restricting land use on the steep slope facing the Sandy River, and by reselling the restricted property on the open market; and

WHEREAS, the Open Spaces Implementation Work Plan adopted in November, 1995 provides that Metro Council approval is required for purchases involving "unusual circumstances;" and

WHEREAS, the land protection strategy for the Rotter property, as described above, constitutes an unusual circumstance, now therefore

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to execute the Purchase and Sale Contract and purchase the Rotter property in the Sandy River regional target area, subject to the terms and conditions set forth in the Purchase and Sale Contract, as amended, with the understanding that Metro will subsequently restrict land use on the property and sell it on the open market pursuant to parameters to be later developed by staff and approved by Council.

ADOPTED by Metro Council this _____ day of _____, 1996.

~~TABLED~~ TABLED

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Exhibit A
Legal Description of Property

A part of the Southeast one-quarter of the Northeast one-quarter of Section 8, Township 1 South, Range 4 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, being more particularly described as follows:

Commencing at the Southwest corner of said legal subdivision; thence North $0^{\circ}51'30''$ East along the West line thereof, a distance of 20.00 feet to a point in the North right-of-way line of S.E. Division Drive (a.k.a. Victory Road - County Road No. 1610-40), and the point of beginning of the tract of and herein to be described; thence North $89^{\circ}44'50''$ East, along said North right-of-way line, a distance of 48.11 feet to a point in the East right-of-way line of said Victory Road; thence continuing North $89^{\circ}44'50''$ East, along the Easterly extension of said North right-of-way line, a distance of 10.00 feet to a $5/8$ inch diameter iron rod; thence North $2^{\circ}45'18''$ West, a distance of 139.45 feet to a $5/8$ inch diameter iron rod; thence North $16^{\circ}18'39''$ East, a distance of 63.26 feet to a $5/8$ inch diameter iron rod; thence North $55^{\circ}49'11''$ East, a distance of 1,535.45 feet to the East line of said legal subdivision; thence North $0^{\circ}05'55''$ East, along said East line, a distance of 189.09 feet to the Northeast corner of said legal subdivision; thence North $89^{\circ}25'30''$ West, along the North line thereof, a distance of 1,322.75 feet to the Northwest corner of said legal subdivision; thence South $0^{\circ}51'30''$ West, along the West line thereof, a distance of 1,261.10 feet to the point of beginning.

Staff Report

CONSIDERATION OF RESOLUTION NO. 97-2513 FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO PURCHASE LAND IN THE SANDY RIVER GORGE TARGET AREA, AND TO RESELL IT SUBJECT TO PROTECTIVE COVENANTS

Date: May 22, 1997

Jim Desmond
Nancy Chase

PROPOSED ACTION

Resolution No. 97-2513 requests authorization for the Executive Officer to purchase land in the Sandy River Gorge target area, and to resell it subject to protective covenants and parameters to be later developed by staff and approved by Metro Council.

BACKGROUND AND ANALYSIS

In May of 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 for property acquisition, including the Sandy River Gorge. Metro enlisted public input to develop a refinement plan for the Sandy River Gorge. This refinement plan identified objectives for property acquisition, and was adopted by Metro Council on June 26, 1996.

The Sandy River regional target area refinement plan assigns Tier 1a designation to areas that merit the highest protection priority. The stretch of properties along the Sandy River between Oxbow Park and Dabney State Park is one of these Tier 1a areas. The land along this stretch is steeply sloped and heavily wooded, enhancing the largely undeveloped character of the Sandy River Gorge.

Two land uses threaten the undeveloped character of this area. First, residential development along the ridge of the steep slope has cleared some of the woods and placed large homes within the Sandy River Gorge viewshed. Second, timber harvesting can undermine slope stability, adversely impact water quality, and disrupt habitat and the viewshed.

The Rotter property is a twenty-acre tract located within this Tier 1a area. The property consists of a three level house on a small homesite at the top of a ridge, with the bulk of the acreage sloping sharply down to the Sandy River. The property is currently listed for sale, and is subject to threats from timber harvesting and additional development. Future landowners could thin trees to improve the view of the home to the river. Also, preliminary assessments from timber consultants indicate that timber harvesting at the Rotter property could yield a profit for the landowner.

Metro's land protection options regarding the Rotter property are limited. If Metro purchases the property, it would assume management responsibility for the existing home. The cost of managing the home or of removing the home would be high. Current zoning would not allow Metro to purchase the property and then to subdivide the home from the property and sell the home. The owner will not sell less than fee title interest in the property, in the form of a conservation easement or timber rights, out of fear that the encumbrance would reduce the market value of property he is currently attempting to sell.

To protect the property and to avoid the cost of managing the home, Metro's best option is to purchase fee title and then to resell fee title subject to restrictions on use that prohibit timber harvesting and thinning, and further development. These restrictions could be structured as a conservation easement, or simply as deed restrictions. The restrictions would allow for the use and enjoyment of the existing residence. The

restrictions would not create public access rights to the property, except to allow for public enjoyment of stream bed and banks, if pending revisions to state law restrict or eliminate existing public rights to enjoy use of stream beds and banks.

FINDINGS

The Rotter property protection strategy, to purchase the tract and then to resell it subject to land use restrictions on use, and pursuant to parameters to be later developed by staff and approved by Council, is recommended based on the following:

- The property is listed as a Tier 1a property in the adopted refinement plan for the Sandy River Gorge target area.
- The property is currently listed for sale to the public.
- Metro's purchase of the property would prevent future landowners from cutting trees to improve views or to market timber.
- The Sandy River Gorge target area refinement plan lists viewshed and habitat protection as objectives. By restricting timber cutting, Metro would serve these objectives.
- The strategy would allow Metro to protect the property, recover a large percentage of its investment, and avoid the management costs attached to the home.
- The strategy offers an approach for the protection of the many other improved properties located within the Sandy River Gorge target area.

BUDGET IMPACT

Land acquisition money for the Rotter property would come from bond funds. Net sale proceeds would be returned to the bond measure account for Sandy River Gorge target area. Marketing and transaction costs, plus interim holding costs, would be deducted from sale proceeds.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 97-2513.

Open Spaces Bond Measure

Sandy River Gorge

SOURCES: Rotter Property (red)

TAX LOT MAP

Cities of Beaverton, Milwaukie, Oregon City and Tigard:

Source: City, 1996.

Map accuracy: control point positional accuracy is plus or minus five feet or better.

Data collection scale: 1"=100'

Multnomah County East of 42nd Ave:

Source: Multnomah County Assessor, 1995.

Map accuracy: based on existing controlpoints. Line work centered using coordinate geometry.

Remainder of region:

Source: Portland General Electric and Metro, 1996.

Map accuracy: control point positional accuracy is plus or minus ten feet.

Data collection scale: 1"=100', 1"=200' or 1"=400'

TOPOGRAPHIC DATA

United States Geological Survey. Registers to USGS 7.5 minute quad sheets.

AERIAL PHOTOGRAPHY

Aerial photography by Spencer B. Gross, Inc, Portland, Oregon, 1994.

WARNING: some maps combine data layers of differing map accuracies, e.g. flood plains can be laid on tax lots. When this occurs, the map is not reliable to correctly show data at the tax lot level.

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

Scale: 1" = 300'

0 300 600

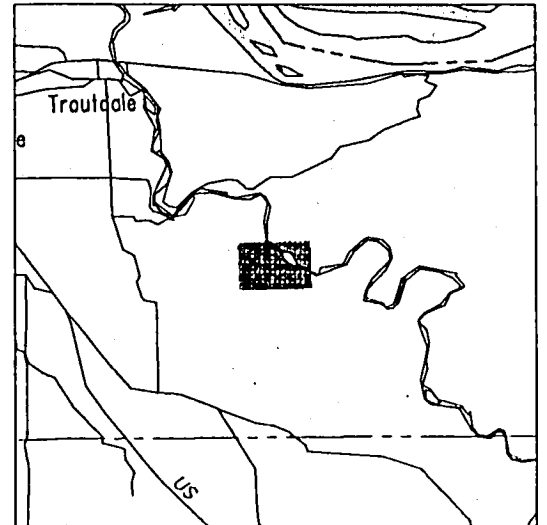


METRO

600 NE Grand Ave, Portland, OR 97232-2738

Voice 503 797-1742 FAX 503 797-1909

Email drc@metrodst.orus



Location map