

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE	)	RESOLUTION NO. 14-4521
NATURAL AREAS ACQUISITION	)	
REFINEMENT PLANS FOR THE FOREST PARK	)	Introduced by Chief Operating Officer Martha
CONNECTIONS, ABERNETHY AND NEWELL	)	Bennett in concurrence with Council
CREEKS, CLEAR CREEK, EAST BUTTES,	)	President Tom Hughes
GRESHAM-FAIRVIEW TRAIL, SANDY RIVER	)	
GORGE, AND TRYON CREEK LINKAGES	)	
TARGET AREAS	)	

WHEREAS, at the election held on November 7, 2006, the voters approved Ballot Measure 26-80, authorizing Metro to issue \$227.4 million of general obligation bonds to fund natural area acquisition and water quality protection (the "Bond Measure");

WHEREAS, on March 1, 2007, the Council approved Resolution No. 07-3766A ("Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan") authorizing the Metro Chief Operating Officer to acquire properties identified on Council-approved target area confidential refinement maps;

WHEREAS, the Forest Park Connections, Abernethy and Newell Creeks, Clear Creek, East Buttes, Gresham-Fairview Trail, and Tryon Creek Linkages Target Areas (hereinafter referred to collectively as the "Subject Target Areas") were six of the identified 27 regional target areas set forth in the Bond Measure for land acquisition;

WHEREAS, as provided in the Bond Measure, Metro undertook a public refinement process to establish specific acquisition strategies, goals, and objectives for each of the target areas;

WHEREAS, in September of 2007, the Metro Council approved refinement plans for each of the target areas, along with confidential tax-lot specific maps;

WHEREAS, staff has since identified additional properties in the Subject Target Areas (the "Identified Properties") that were not included on the original confidential tax-lot specific maps; and

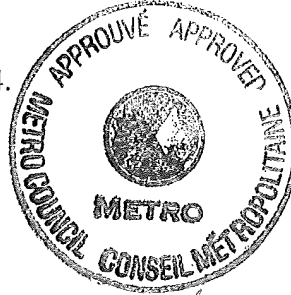
WHEREAS, the Metro Council has reviewed the Identified Properties and determined that the acquisition of the Identified Properties are consistent with the goals of the refinement plans for each of the Subject Target Areas and the objectives of the Bond Measure; now therefore

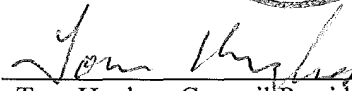
BE IT RESOLVED that the Metro Council hereby,

1. Adopts the Forest Park Connections Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on July 30, 2013. This map shall replace the confidential map adopted with the approval of Resolution No. 08-3999 on November 6, 2008.
2. Adopts the Abernethy and Newell Creeks Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3847 on September 13, 2007.

3. Adopts the Clear Creek Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3843 on September 6, 2007.
4. Adopts the East Buttes Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on July 30, 2013. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3852 on September 13, 2007.
5. Adopts the Gresham-Fairview Trail Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3845 on September 13, 2007.
6. Adopts the Tryon Creek Linkages Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3838 on September 6, 2007.
7. Adopts the Sandy River Gorge Target Area confidential tax-lot specific map signed by Council President Tom Hughes on April 29, 2014, which map includes certain additional properties reviewed by the Council in Executive Session on April 10, 2014. This map shall replace the confidential map adopted with the approval of Resolution No. 07-3842 on September 6, 2007


ADOPTED by the Metro Council this 1 day of May, 2014.



  
Tom Hughes, Council President

Approved as to Form:



 Alison R. Kean, Metro Attorney

## **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 14-4521 FOR THE PURPOSE OF AMENDING THE NATURAL AREAS ACQUISITION REFINEMENT PLANS FOR THE FOREST PARK CONNECTIONS, ABERNETHY AND NEWELL CREEKS, CLEAR CREEK, EAST BUTTES, SANDY RIVER GORGE, AND TRYON CREEK LINKAGES TARGET AREAS

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Date: May 1, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

## **BACKGROUND**

In September, 2007, the Metro Council adopted individual Refinement Plans for each of the 27 Target Areas of the 2006 Natural Areas Bond Measure. The Refinement Plans define target area goals and objectives and each plan includes a corresponding confidential tax lot map that identifies specific tax lot parcels in the respective target area (the “Confidential Refinement Maps”). The Metro Chief Operating Officer is authorized to acquire properties identified on the Confidential Refinement Maps in accordance with the acquisition guidelines set forth in the Natural Areas Implementation Work Plan (Resolution No. 07-3766A, adopted March 1, 2007). Allowing the Chief Operating Officer to acquire these properties without further Council approval enables staff to work with willing sellers in a timely, business-like manner, leaving the Metro Council to focus on policy-level issues. In the seven years since the adoption of the Target Area Refinement Plans, new information and opportunities have led staff to identify additional properties that merit consideration. Since the bond measure implementation, the maps have been amended six times.

Although these newly-identified properties were not called out on the Confidential Refinement Maps, they are consistent with the goals identified in the Refinement Plans. Furthermore, an anticipated development of Metro’s Natural Areas program has been to master plan some of the larger assembled acreages, and this has necessitated the acquisition of additional nearby properties. In this situation, the properties that are needed for better planning purposes are adjacent to Metro properties.

The identified opportunities fall into three general categories: (1) mapping adjustments: opportunities that were not identified in 2007 due to mapping omissions or because final planning data was not available, (2) properties that have been determined to benefit existing Metro properties that are undergoing planning activities, and (3) new habitat expansion opportunities: opportunities that could expand habitat protection that were not identified in 2007. Comments on the individual properties are below.

Included below are brief descriptions of the properties to be added. Staff has presented individual properties for inclusion into a Confidential Refinement Map in Executive Sessions on July 30, 2013 and April 10, 2014. In accordance with the original intent of the Confidential Refinement Maps, the properties are not more specifically identified in this Staff Report.

### **(1) MAPPING ADJUSTMENTS**

#### Forest Park Connections Target Area

One property containing two tax lots was identified and Metro is under contract to purchase the property, contingent on Metro Council approval. It is an inholding within over 300 acres of surrounding Metro property and should have been included on the original Confidential Refinement Map, but a mapping error causing the property to be overlooked. This property was reviewed with the Metro Council in Executive Session on July 30, 2013 and on April 10, 2014.

## (2) PROPERTIES THAT ARE PART OF MASTER PLANNING

### Abernethy and Newell Creeks Target Area

Eight tax lots have been identified as potential opportunities to enhance an entry and provide maintenance access to Metro properties in the Newell Creek Canyon, which area is being planned for formal public access in the future. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

### Clear Creek Target Area

Three tax lots are located in an area that, if acquired, would provide an acceptable access point to Metro's 580 acre Clear Creek ranch, which is being considered for limited public access in the future. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

### Gresham-Fairview Trail Target Area

Four tax lots could provide easements that are needed to enable the interim alignment for the final segment of this trail along NE 185<sup>th</sup> Avenue, between Sandy Blvd. and Marine Dr. This group of properties was reviewed during a Metro Council Executive Session on April 10, 2014.

## (3) HABITAT EXPANSION OPPORTUNITIES

### East Buttes Target Area

One tax lot exhibiting high natural resource and recreational value has been identified by a Metro partner. This property was reviewed during a Metro Council Executive Session on July 30, 2013 and on April 10, 2014.

### Tryon Creek Linkages Target Area

One tax lot has been identified that would enable appropriate access to Tryon Creek State Natural Area (owned and operated by Oregon Parks and Recreation Department). This property was reviewed during a Metro Council Executive Session on April 10, 2014.

### Sandy River Gorge Target Area

One tax lot has been identified that would create a natural buffer from an adjacent subdivision for the Oxbow Regional Park entrance and maintenance area. A partial acquisition or conservation easement would prevent logging on a sloped area affecting Metro property. This property was reviewed during a Metro Council Executive Session on April 10, 2014.

Resolution 14-4521 requests that the Metro Council amend the Confidential Refinement Maps for the above-listed Target Areas to allow for the acquisition of these newly-identified properties. Metro's acquisition of these properties would help achieve the goals of the Natural Areas Bond Measure

## ANALYSIS/INFORMATION

### **1. Known Opposition**

None

### **2. Legal Antecedents**

Resolution No. 06-3672B, "For The Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection," was adopted on March 9, 2006.

The voters approved Metro's 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

Resolution No. 07-3766A, “Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan”, was adopted by the Metro Council on March 1, 2007, and established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

Resolution No. 07-3833, “Approving the Natural Areas Acquisition Refinement Plan for the Forest Park Connections Target Area”, was approved on September 6, 2007.

Resolution No. 07- 3838 “Approving the Natural Areas Acquisition Refinement Plan for the Tryon Creek Linkages Target Area”, was adopted on September 6, 2007.

Resolution No. 07-3842 “Approving the Natural Areas Acquisition Refinement Plan for the Sandy River Gorge Target Area” was adopted on September 6, 2007.

Resolution No. 07- 3843, “Approving the Natural Areas Acquisition Refinement Plan for the Clear Creek Target Area”, was adopted on September 6, 2007.

Resolution No. 07- 3847, “Approving the Natural Areas Acquisition Refinement Plan for the Abernethy and Newell Creeks Target Area”, was adopted on September 13, 2007.

Resolution No. 07- 3845, “Approving the Natural Areas Acquisition Refinement Plan for the Gresham- Fairview Trail Target Area”, was adopted on September 13, 2007.

Resolution No. 07- 3852 “Approving the Natural Areas Acquisition Refinement Plan for the East Buttes Target Area”, was adopted on September 13, 2007.

### **3. Anticipated Effects**

Acquisition of the newly-identified properties would help achieve the goals and purposes of the 2006 Natural Areas Bond Measure. Amended maps will be prepared for review and signature of the Metro Council President. Negotiations can begin with willing sellers that are associated with these subject properties.

### **4. Budget Impacts**

Acquisition opportunities identified in these amendments for the above Target Areas would be funded entirely with funds from the 2006 Natural Areas Bond Measure and grants that have been secured from other agencies.

## **RECOMMENDED ACTION**

The Chief Operating Officer recommends passage of Resolution No. 14-4521.