

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) RESOLUTION NO. 97-2555
THE FANNO CREEK GREENWAY)
TARGET AREA REFINEMENT PLAN) Introduced by Mike Burton
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 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 Fanno Creek 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, Fanno Creek Greenway target area refinement planning focused primarily upon the protection of the mainstem of Fanno Creek; and

WHEREAS, citizens' groups advocated for inclusion of Fanno Creek tributaries in target area protection planning; and

WHEREAS, on May 16, 1996, the Metro Council adopted a refinement plan for the Fanno Creek Greenway regional target area which authorized the purchases of sites on both the main stem of Fanno Creek and along its tributaries, illustrated in a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, the refinement plan for the Fanno Creek Greenway does not currently include the 2.15 acres on Fanno Creek and Columbia (the Property), owned by Arcon Group, Inc. and Heritage Properties, Inc.; and

WHEREAS, Metro staff and citizens groups omitted the Property from the Fanno Creek Greenway refinement plan based on information that it was about to be developed; and

WHEREAS, since the adoption of the Fanno Creek Greenway refinement plan, the owners of the Property have demonstrated a willingness to postpone development plans and to negotiate the sale of the Property to Metro; and

WHEREAS, acquisition of the Property would serve the Fanno Creek Greenway target area objective of developing partnerships in the protection of water quality and in controlling stormwater in Fanno Creek and its tributaries; and

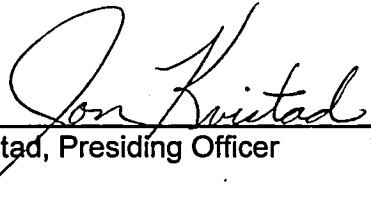
WHEREAS, the City of Portland is in the process of installing stormwater retention facilities upstream of the Property, and has indicated that Metro's purchase of the Property would complement these efforts; and

WHEREAS, the City of Portland has indicated a willingness to provide 35% of the acquisition cost for the Property; now therefore

BE IT RESOLVED,

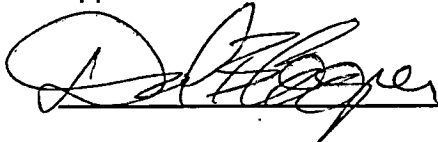
That the Metro Council amends the Fanno Creek Greenway regional target area refinement plan to include the Property, as identified in Exhibit A.

ADOPTED by Metro Council this 25th day of September, 1997.



Jon Kvistad, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

Exhibit A
Resolution No. 97-2555

LEGAL DESCRIPTION

PARCEL I:

Part of lot 8, Block 4, RALPH HILLS, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at the Southeast corner of said lot 8; thence West along the South line of said lot, 22.5 feet; thence Northeasterly in a straight line, 112.48 feet to the Northeast corner of said lot; thence South 110.3 feet to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to James L. Schmitz by Warranty Deed recorded July 20, 1971 in Book 801, Page 741, Multnomah County Deed Records.

PARCEL II:

That part of Tracts 2 and 3, H. F. Cardwell Tracts, in Section 18, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point on the South line of Tract 3, North 89°32' West 33.25 feet from the Southeast corner thereof, which point is also the Southeast corner of the tract conveyed to Brookside Homes, Inc., by Deed recorded November 1, 1949 in P.S. Book 520, Page 265, Deed Records; thence North 20°52' East along the Easterly line of said Brookside Tract, 330.125 feet to the Northeast corner thereof; thence North 89°32' West along the North line of said Brookside Tract, 186 feet to the Northwest corner of the tract conveyed to Opal Lillian Norstrom by Deed recorded June 3, 1942 in P.S. Book 686, Page 71; thence Southwesterly along the Easterly line of said Norstrom Tract to a point 150 feet North 0°12' West from the South line of Tract 3; thence South 0°12' East along the East line of said Norstrom Tract, 150 feet to said South line of Tract 3; thence South 89°32' East along the South line of Tract 3, a distance of 112.6 feet to the point of beginning.

EXCEPTING THEREFROM the roadway dedicated by Brookside Homes, Inc., recorded June 8, 1942 in P.S. Book 687, Page 64, Deed Records, and corrected-in Deed recorded August 29, 1947 in Book 1199, Page 526, Multnomah County Deed Records.

PARCEL III:

The following described portions of Tracts 3 and 8 of H. F. Cardwell Tract in Section 18, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon:

Beginning at a point on the South line of Tract 3, a distance of 145.75 feet Westerly from the Southeast corner of said Tract 3; thence continuing Westerly 117.5 feet to an iron pipe at the Southwest corner of the East one half of said Tract 3; thence North 0°16'30" West 105.0 feet to an iron post; thence North 89°32' East 163.5 feet; thence Southwesterly a point North 0°12' West 150.0 feet from the point of beginning; thence South 0°12' East 150.0 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to James L. Schmitz by Warranty Deed recorded July 29, 1971 in Book 801, Page 741, Multnomah County Deed Records.

PARCEL IV:

That portion of the following described part of Tract 8, H. F. Cardwell Tracts, in Section 18, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, lying Northerly of the centerline of Fanno Creek as now established:

Beginning at the Northeast corner of said Tract 8; thence South 0°17' West 459.1 feet to the centerline of Hillsdale (formerly Beitha-Beaverton) Highway; thence North 89°21' West along the centerline of said highway, 94.335 feet to the centerline of the roadway dedicated by Brookside Homes, Inc., recorded June 8, 1942 in P.S. Book 687, Page 64, Deed Records, as corrected by Dedication Deed recorded August 29, 1947 in P.S. Book 1199, Page 520, Deed Records; thence North 0°12' West along the centerline of said road, 350 feet; thence North 20°59'10" West along the centerline of said road to a point on the North line of Tract 8 at a point 133.25 feet North 89°32' West of the Northeast corner of said tract; thence South 89°32' East along the North line of said tract to the point of beginning.

Staff Report

CONSIDERATION OF RESOLUTION NO. 97-2555 FOR THE PURPOSE OF AMENDING THE FANNO CREEK GREENWAY TARGET AREA REFINEMENT PLAN

Date: August 27, 1997

Presented by: Jim Desmond
Nancy Chase

PROPOSED ACTION

Resolution No. 97-2555, requests amendment of the Fanno Creek Greenway target area refinement plan.

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 and six regional trails and greenways for property acquisition, including the Fanno Creek Greenway.

Initial planning for the Fanno Creek regional target area focused primarily on land protection along the mainstem of Fanno Creek, with the objective of developing a streamside trail network. Late in this planning process, citizens' groups advocated for an additional objective: the protection of Fanno Creek water quality through land acquisition along Fanno Creek tributaries. The refinement plan for the Fanno Creek Greenway target area includes this objective, as well as a tax lot-specific map that identifies properties that would serve this objective. These properties received Tier I designation in the refinement plan, as adopted on May 16, 1996.

The site in question is 2.15 acres owned by Arcon Group, Inc. and Heritage Properties, Inc.. This property encompasses the confluence of Columbia Creek and Fanno Creek. The banks to both creeks are steep and deep on the property, and increase the velocity of stormwater flowing into urban areas. Portland's Bureau of Environmental Services has addressed similar conditions on an upstream property by acquiring an easement and by implementing stormwater retention measures. Although the 2.15-acre undeveloped property offered the opportunity to fulfill refinement plan objectives of maintaining water quality and controlling stormwater on Fanno Creek and its tributaries, Metro staff omitted the property from the refinement plan because of indications that Arcon Group, Inc. and Heritage Properties, Inc. had already committed to develop the property.

Since the adoption of this refinement plan, citizens groups and the City of Portland have petitioned Metro to purchase the property. The City of Portland has offered to cover 35% of the purchase price. Metro has re-contacted the landowners and discovered a willingness to negotiate with Metro. The property has not been developed. Recently, the landowners signed an Option Agreement which gives Metro the exclusive right to purchase the property.

In order to acquire the property, Metro would have to amend the Fanno Creek Greenway target area refinement plan to include the Edwards property.

FINDINGS

Amendment of the Fanno Creek Greenway target area refinement plan is recommended based upon these findings:

- The Refinement Plan for the Fanno Creek Greenway target area states the following: "Flooding is a significant problem in the Fanno Creek watershed. When possible, Metro should work with local agencies to acquire properties that could limit future flood damage."

Amendment of the Fanno Creek Greenway target area refinement plan to include the property within Tier I would allow Metro to purchase a site with steep, channelized streambanks which contribute to flooding in urban areas. With the assistance of the City of Portland, Metro can reduce the risk of flooding downstream from the property by slowing water down at the property.

- Amendment of the target area refinement plan would complement City of Portland stormwater control efforts on an upstream property.
- The City of Portland has pledged 35% of the purchase price of the property.
- Strong support for this amendment exists from neighboring landowners, who have petitioned for Metro's acquisition of the property. Amendment of this target area will allow for additional open space protection in a rapidly urbanizing neighborhood.

BUDGET IMPACT

Bond funds would supply acquisition money. Land banking costs are expected to be minimal. Portland Parks and Recreation has indicated an interest in assuming long-term management responsibilities. An intergovernmental agreement, to be negotiated and approved by Metro Council in the future, shall govern this arrangement.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 97-2555.