

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) RESOLUTION NO. 97-2579  
THE BEAVER CREEK CANYON )  
GREENWAY TARGET AREA )  
REFINEMENT PLAN, TO ACCEPT THE ) Introduced by Mike Burton  
DONATION OF A CONSERVATION ) Executive Officer  
EASEMENT )

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 (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 Beaver Creek Canyon 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 Beaver Creek Canyon Greenway regional target area which authorized the purchases of sites on Beaver Creek, illustrated in a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, the Beaver Creek Canyon Greenway target area was designed to protect forested wildlife habitat for deer, elk, coyote, and cougar, and to protect water quality in Beaver Creek; and

WHEREAS, Arrow Creek is a tributary to Beaver Creek; and

WHEREAS, Michael McKeel owns 29.581 acres bisected by Arrow Creek ("The McKeel Property"), which is undeveloped and densely wooded and identified in Exhibit A; and

WHEREAS, Michael McKeel proposes to donate a conservation easement to Metro which would encumber the McKeel Property and which would restrict land uses of the McKeel Property so that its natural condition would be permanently protected; and

WHEREAS, the refinement plan for the Beaver Creek Canyon Greenway does not currently include the McKeel Property, which is approximately 150 feet from the existing target area boundary; and

WHEREAS, accepting the donation of a conservation easement over the McKeel Property would serve the Beaver Creek Canyon Greenway target area objective of establishing an undeveloped greenway along Beaver Creek, from Troutdale to the south; and

WHEREAS, Metro would assume minimal acquisition and land management costs by accepting the donation of a conservation easement over the McKeel Property; and

WHEREAS, Metro Council adopted on November 6, 1997, Ordinance No. 97-714 which establishes a procedure by which Metro can hold conservation easements; and

WHEREAS, Metro has met public notice requirements for conservation easement Ordinance 97-714; now therefore

BE IT RESOLVED,

That the Metro Council amends the Beaver Creek Canyon Greenway regional target area refinement plan to include the McKeel Property, as identified in Exhibit A, and accepts the donation of a conservation easement over the McKeel Property.

ADOPTED by Metro Council this 11<sup>th</sup> day of DECEMBER, 1997.

  
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Jon Kvistad, Presiding Officer

Approved as to Form:


  
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Daniel B. Cooper, General Counsel

Exhibit A  
Resolution 97-2579  
Property Legal Description

Tract "B", common area, of Arrow Creek Subdivision, situated in the W 1/2 of the SE 1/4 of Section 12.

## Staff Report

### **CONSIDERATION OF RESOLUTION NO. 97- 2579 FOR THE PURPOSE OF AMENDING THE BEAVER CREEK CANYON GREENWAY TARGET AREA REFINEMENT PLAN IN ORDER TO ACCEPT THE DONATION OF A CONSERVATION EASEMENT**

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**Date: November 7, 1997**

**Presented by:**

**Charles Ciecko  
Jim Desmond**

#### PROPOSED ACTION

**Resolution No. 97-2579, requests amendment of the Beaver Creek Canyon Greenway target area refinement plan in order to accept the donation of a conservation easement.**

#### BACKGROUND AND ANALYSIS

In May of 1995, 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 open spaces land acquisition and capital improvements. The bond measure identified fourteen regional target areas and six regional trails and greenways for property acquisition, including the Beaver Creek Canyon Greenway.

In July 11, 1996, the Metro Council adopted via Resolution No. 96-2359 the Beaver Creek Canyon Target Area Refinement Plan. Findings in that plan identified Beaver Creek Canyon as having "potential to provide anadromous fish spawning grounds, wildlife habitat and recreation opportunities." The findings also stated that "The Beaver Creek Canyon Greenway area is under pressure for conversion to developed uses, particularly along the lower creek within the City of Troutdale." In order to protect wildlife habitat and address development pressure, the goal for the target area is "[t]o create a four mile greenway of appropriate width . . ."

Michael McKeel owns 29.581 acres on Arrow Creek, a Beaver Creek tributary near the lower creek, and has offered to work with Metro toward this goal. Dr. McKeel's property contains the wooded wildlife habitat described in refinement plan findings, and provides a substantial buffer area between the creek and new, nearby residential development. Dr. McKeel has offered to encumber his property, located approximately 150 feet to the south of the current target area boundary, with a conservation easement. The conservation easement would place a permanent restriction against the following land uses:

- 1) timber harvesting
- 2) construction of any buildings or improvements
- 3) road building
- 4) grazing.

Dr. McKeel has offered to donate the conservation easement to Metro, giving Metro the right to periodically monitor and enforce easement restrictions.

On November 6, 1997, Metro Council approved Metro Ordinance 97-714, which establishes a procedure by which Metro could receive Dr. McKeel's donation of a conservation easement. After providing proper notice to the public and to the local jurisdiction where the property is located, Ordinance 97-714 allows Metro to accept the donation.

In order to accept the donation of this conservation easement, Metro must amend the Beaver Creek Canyon Greenway Target Area to include the subject property, and approve Metro's acceptance of the conservation easement.

## **FINDINGS**

Amendment of the Beaver Creek Canyon Greenway target area refinement plan to include the subject property, and approval of Metro's acceptance of this conservation easement are recommended based upon these findings:

- The conservation easement would add approximately thirty acres to the four mile greenway contemplated in the Beaver Creek Canyon Greenway Target Area refinement plan, permanently protecting a significant stretch of intact forest habitat.
- Metro's acceptance of the conservation easement serves the four mile greenway goal for the Beaver Creek Canyon Greenway Target Area at minimal cost to Metro for both acquisition and management.
- The conservation easement would establish permanent protection for the subject property without taking the property off of local tax rolls.
- The conservation easement provides a permanent greenspace within a rapidly developing residential community.

## **BUDGET IMPACT**

No acquisition or stabilization costs expected. The cost of monitoring the easement is expected to be minimal.

## **Executive Officer's Recommendation**

The Executive Officer recommends passage of Resolution No. 97-2579.