

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING A) RESOLUTION NO. 93-1832
GREENSPACES OPTIONS DEMONSTRATION)
PROJECT) Introduced by Richard Devlin
) Metro Council, District 4

WHEREAS, Metro adopted the Metropolitan Greenspaces Master Plan by Resolution No. 92-1637 on July 23, 1992; and

WHEREAS, The Master Plan "articulates a desired system of large natural areas recommended for protection and interconnected with greenways and trails" for the Metro region (page 1); and

WHEREAS, The Greenspaces Master Plan outlines evaluation factors and policies that led to mapping 57 regionally-significant large natural areas and a regional trail system (Part Two, Section One); and

WHEREAS, Acquisition is one essential strategy in developing a regional system of Greenspaces (page 67); and

WHEREAS, Greenspaces Master Plan Policy 1.18 states that acquisition by purchase or gift will be pursued through any appropriate local, regional, state, federal, foundation and private funding; and

WHEREAS, Greenspaces Master Plan Policy 2.23 states that Metro will support development of new funding resources for the Greenspaces Program and encourage, facilitate, and coordinate donations of land and easements; and

WHEREAS, A large source of local revenue is not currently available to fund land assembly and acquisition of Greenspaces land; and

WHEREAS, There are indications that numerous and diverse privately-owned portions of the 57 regionally-significant natural areas and the regional trail system may be currently available from willing sellers; and

WHEREAS, Greenspaces Master Plan Policy 1.20 states that Metro will negotiate acquisition of natural areas with willing sellers to the extent possible; and

WHEREAS, The Metro Council desires to move forward currently with the implementation of the Greenspaces Master Plan to the extent that is feasible without a large source of local revenue; and

WHEREAS, All appropriate acquisition strategies need to continue to be explored as part of Greenspaces implementation; and

WHEREAS, An acquisition demonstration project which identifies a regionally diverse set of current willing sellers may attract public or private funding for acquisition of Greenspaces; and

WHEREAS, Review of the experience of Trust for Public Lands, the city of Gresham, Multnomah County, North Clackamas Park and Recreation District, and Lake Oswego indicates that commitments prior to actual purchase to sales terms, possibly including actual price or a binding appraisal, are often obtained from willing sellers by negotiating option agreements; and

WHEREAS, Trust for Public Land has indicated a willingness to coordinate its activities in the Metro region with Metro; now, therefore,

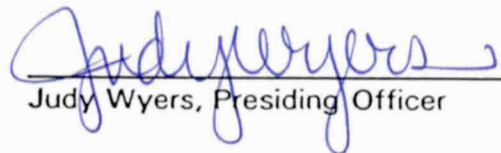
BE IT RESOLVED,

1. That the demonstration project to seek options to purchase properties consistent with the Greenspaces Master Plan's 57 large regional sites and regional trails system described in Exhibit "A" shall proceed to the extent possible with current staff.

2. That upon approval of an appropriate budget ordinance, negotiations to obtain a set of regionally diverse options to purchase Greenspaces lands shall be completed for Council approval.

3. That the cooperative agreement with Trust for Public Land attached as Exhibit "B" is supported by this Council for immediate identification and commitment of willing sellers consistent with the demonstration project in Exhibit "A."

ADOPTED by the Metro Council this 23rd day of September 1993.



Judy Wyers, Presiding Officer

Exhibit A

GREENSPACES ACQUISITION DEMONSTRATION PROJECT

A. Goals

1. Demonstrate Application of Master Plan "Willing Seller" Policy
2. Demonstrate that a Regionally Diverse Supply of Private Lands Are Available for Purchase Immediately
3. Demonstrate Metro's Ability to Use a Business Approach Toward Acquisition
 - a. Demonstrate ability to use existing non-profit resources (Trust for Public Land (TPL))
 - b. Demonstrate Metro ability to use the Option Technique
4. Demonstrate that Acquisition is a Priority Even in the Absence of General Obligation Bond Proceeds
5. Demonstrate that Metro is Still Committed to Implementation of the Master Plan
6. Demonstrate Examples of Operation and Maintenance Solutions
7. Demonstrate an Approach to Purchase at Fair Market Value

B. Project Description

1. Greenspaces Master Plan Policies Base

Existing Greenspaces Master Plan Policies 1.18 and 2.23 state that Metro will support development of new funding resources and seek acquisition by appropriate local, state, federal or private funding. Grant funds from foundations such as the Meyer Memorial Trust, and coordination with other public agencies such as Oregon State Parks, Portland Bureau of Environmental Services, are examples of applying these policies.

2. Trust for Public Land "Cooperation" Memorandum of Understanding

A brief cooperative agreement will be negotiated to describe understandings of each agency's tasks, that TPL is assisting and is not Metro's agent, and that TPL will not promise that Metro will buy the option to properties in the future. Further, the agreement will identify the project manager at Metro for TPL coordination, identify each party's purpose in the cooperation, and clarify that each party will be responsible for their own costs. The same set of guidelines for this short-term demonstration project should be used by both parties and attached to the cooperative agreement.

3. Metro Staff Component

Greenspaces staff and contract expertise will be needed to followup "leads" to determine the number of willing sellers and the interest in land involved. In-house legal counsel will be used to create option forms and other documentation to implement this project.

4. Demonstration Project Elements

- a. Use up to \$62,500 of Metro funds to negotiate, review and evaluate willing seller prospects and to obtain six to eight (or more) regionally diverse options to purchase Greenspaces land as soon as possible.

- b. Use adopted guidelines to assure regional diversity, develop option terms and prioritize willing seller proposals.
- c. TPL cooperative efforts used to supplement Metro-funded efforts to obtain willing seller options.
- d. This is a short-term demonstration project to assemble easily-obtained Greenspaces lands for which it may be possible to pursue grant applications, or purchase by other public agencies, or purchase with bond funds, if approved by the voters, or other Metro acquisition funds should a revenue stream be established.
- e. Seek Operation and Maintenance Commitments for Selected Demonstration Sites

DEMONSTRATION PROJECT RESOLUTION

The suggested vehicle for Council consideration of this new project is a resolution that directs staff to pursue the options program and prepare the appropriate ordinances amending the budget. Also, the resolution would approve the signing of the cooperation MOU with Trust for Public Land.

The elements of the resolution are (1) demonstration project description containing site priority guidelines, staff memorandum describing the program, and the initial list of willing seller "leads" - Exhibit "A," and (2) Trust for Public Land MOU - Exhibit "B."

GREENSPACES ACQUISITION DEMONSTRATION PROJECT SITE PRIORITY GUIDELINES

1. Willing Seller Option to Purchase
 - a. Willing to enter into option
 - b. 18-month option commitment preferred
 - c. Set purchase price or binding appraisal process in option
2. Geographic Diversity
3. Regional Significance on Master Plan
 - a. Large site
 - b. Regional trail
 - c. Identified restoration site
 - d. Connectivity value
4. Public Support
 - a. Area citizen groups/friends groups
 - b. Affected local governments, park districts
 - c. Not subject of historical controversy
5. Identified Commitment of Operations and Maintenance at Time Option is Exercised
6. Possibility of "Leveraging" Other Sources of Funding (private, state and federal, foundations, donations, etc.)

OPTIONS PROCESS

Step 1: List of Willing Sellers Prospects

- Contains unconfirmed "leads" in regionally-significant areas
- Contains added "leads" from Trust for Public Land
- Contains results of contact with local governments

Step 2: Background Information (Metro staff or contractor)

- Contact source of "lead"
- Assessor valuation data
- Any record of past development
- Alleged seriousness of seller
- Motives of seller

Step 3: Initial Property Owner Contact

- Explain Greenspaces Program (Master Plan Summary)
- Explain option demonstration program
- Explain Metro preferred terms (18 months, fee simple, appraisal at purchase)
- Listen to property owner needs, proposals
- Request agreement to further negotiations

Step 4: Initial Evaluation of Prospects - Guidelines, Terms

- Trust for Public Land separate evaluation seeking four options
- Greenspaces staff review background and initial contact files seeking 10-12 prospects
- Contact local government for input
- Determine probable need for appraisals
- Determine probable need for Level I environmental review

Step 5: Followup Property Owner Contacts to Sign Option

- Metro Legal helps tailor option to property owner
- Property owner signs with knowledge of remaining Metro approval process
- Written explanation of Metro approval process developed

Step 6: Metro and Trust for Public Land Signed Option Evaluation

- Review of guidelines and option terms analyzed by Options Review Committee (Metro Council, real estate expert, GPAC representatives)
- Select six to eight (or more) signed options that best meet guidelines and have best terms

Step 7: Recommendation to Metro Council

- Joint GTAC/GPAC review of recommendation
- Council Planning Committee hearing
- Council approve selected options

LIST OF POTENTIAL SITES FOR OBTAINING OPTIONS
(not in priority order)

West of the Willamette River

1. ***Haag Lake Additions*** - Western Washington County
2. ***Ridgeline over a water storage tank in the Gales Creek area*** - South of Forest Grove and Cornelius
3. ***Fern Hill Wetlands Additions*** - Forest Grove, Cornelius, Western Washington County
4. ***Jackson Bottom Addition*** - Hillsboro, Western Washington County
5. ***Rock Creek Wetlands Additions*** - Bethany, Northeast Washington County north of Sunset Highway
6. ***Forest Park Inholdings/Additions*** - Northwest Portland, Cedar Mill, Cedar Hills, Eastern Washington County, Northwest Multnomah County
7. ***Tualatin River Access Point*** - Tualatin, Tigard, Durham, Rivergrove
8. ***Cooper Mountain*** - Aloha, Eastern Washington County, Beaverton
9. ***Tualatin River Valley Wildlife Refuge*** - Sherwood, King City, Tualatin
10. ***Tonquin Scablands*** - Tualatin, Sherwood
11. ***Tryon Creek Park Additions*** - Lake Oswego, Southwest Portland
12. ***North Slope of Petes Mountain/Turner Creek*** - West Linn, Lake Oswego, Stafford Basin
13. ***Willamette Narrows/Canemah Bluffs*** - West Linn, Wilsonville, Oregon City
14. ***Portland Arboretum Additions*** - Portland
15. ***Burlington Bottom Additions*** - Multnomah County, Sauvie Island
16. ***Bybee-Howell Territorial Park Additions*** - Multnomah County, Sauvie Island
17. ***Potential Burlington Northern Railroad Abandonment*** - Area north of Forest Park west to Washington County and Beaverton
18. ***Restoration Opportunity Sites in Southwest Portland***
19. ***Noble Property*** - Hillsboro
20. ***Hart Lake*** - Tigard

21. *Wilwood Golf Course* - West Multnomah County

22. *Terwilliger Additions* - Southwest Portland

East of the Willamette River

1. *Newell Creek Canyon* - Oregon City, Redland

2. *Mt. Talbert* - North Urban Clackamas County

3. *Mt. Scott* - North Urban Clackamas County, Happy Valley, Southeast Portland

4. *Kelly Butte* - Southeast Portland

5. *Rocky Butte* - Maywood Park, North Portland

6. *Jenne Butte* - Gresham

7. *Boring Lava Domes* - Boring, Damascus, South Gresham, Happy Valley

8. *Sites Along Johnson Creek* - Southeast Portland, Milwaukie, Gresham

9. *Oxbow Park Addition/Beaver Creek Headwaters/Farm in Beaver Creek Canyon* - East Multnomah County, Troutdale, East Gresham

10. *Fairview Lake* - East Multnomah County, Fairview, North Gresham

11. *Sites Along Columbia Slough* - East Multnomah County, Gresham, North Portland

12. *Cathedral Park Additions/Willamette Greenway south to railroad bridge/Overlook* - North Portland

13. *Restoration Opportunity Sites in North, Northeast, Southeast Portland*

14. *Milwaukie Waterfront*

15. *Beaver Lake* - Clackamas County

16. *Access Points to the Clackamas River*

17. *Top of Scott Golf Course* - North Clackamas area

18. *Eastern Segments of the Springwater Corridor* - Clackamas County

19. *Finley Nature Reserve* - Clackamas County

20. *Portland Traction Right of Way* - North Clackamas area

21. *Leach Botanical Garden Additions* - Portland (outer southeast)

**22. Easements for Mt. Scott Trail connecting Happy Valley to Sunnyside and Southeast Portland
(via cemeteries)**

23. Powell Butte Additions - City of Portland (outer southeast)

24. Heron Lake Additions - City of Portland (north and northeast)

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Exhibit B

MEMORANDUM OF UNDERSTANDING

This is a Memorandum of Understanding between Metro and the Trust for Public Lands (TPL) concerning planned public acquisition of certain properties consistent with the Metropolitan Greenspaces Master Plan.

This Memorandum sets forth the principles for Metro and TPL to coordinate activities to obtain options to purchase Greenspaces lands from willing sellers to facilitate a demonstration project of a balanced set of initial Greenspaces acquisitions. This Memorandum is not intended to benefit any individual, corporation, or legal entity other than Metro and TPL.

Metro has adopted the Metropolitan Greenspaces Master Plan which identifies 57 regionally-significant natural areas and a regional trail system. Protection of these lands by public acquisition from willing sellers is an essential strategy in the Master Plan. In the absence of a large source of public revenue to fund assembly and acquisition of Greenspaces, Metro is implementing a demonstration project to assemble a balanced set of possible acquisitions to use in seeking acquisition funding. TPL's activities in fostering local land protection include landowner contacts and negotiation for interests in land.

I. Options

- A. TPL agrees that it will attempt to secure four signed options to purchase portions of regionally-significant natural areas and the regional trail system included in the Metropolitan Greenspaces Master Plan.
- B. Metro agrees that it will seek its own six to eight options to purchase and funding to purchase from willing seller property owners and from TPL a balanced set of Greenspaces lands as a demonstration project.

II. Willing Seller Prospects

Metro and TPL agree to cooperate in the development of a list of willing seller prospects in consultation with local governments. This list may contain unconfirmed leads for available property in regionally-significant natural areas inside the Metro boundaries. Metro and TPL agree to cooperate to share these leads and the background information developed to avoid duplication of contacts.

III. Initial Evaluation of Prospects

Metro and TPL agree to cooperate in an evaluation after initial property owner contacts to concentrate efforts on a geographically-balanced set of prospects intended

to result in at least six to eight signed option agreements. The initial evaluation shall include probable needs for appraisals and environmental review.

IV. Negotiation of Option Agreements

TPL and Metro agree to cooperate and assist each other in tailoring option agreement proposals to the needs of willing seller property owners. TPL and Metro will each conduct their own negotiations with property owners. Option agreements shall contain notice that Metro does not now have a source of funds for Greenspaces acquisition.

V. Signed Options Evaluation

Metro Council review of a recommended set of signed options for Metro to purchase shall include consideration of TPL-obtained options as part of the demonstration project goal of a balanced set of properties for use in seeking acquisition funding.

VI. Duration

This Memorandum shall continue until Metro Council approval of signed options to purchase Greenspaces lands unless terminated by either party by 30 days' notice to the other party.

Trust for Public Lands

Metro

By: _____

By: _____

Date: _____

Date: _____

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO 93-1832 FOR THE PURPOSE OF ESTABLISHING A GREENSPACES OPTIONS DEMONSTRATION PROJECT

Date: September 1, 1993

Presented By: Pat Lee

PROPOSED ACTION

This Resolution would direct Metro staff to begin implementation of a "Greenspaces Options/ Acquisition Demonstration Project." Options would be sought from willing sellers to purchase their land (fee simple or conservation easement) for immediate protection as part of the Metro Parks and Greenspaces system. Conservation easements and right-of-way purchases for the Regional Trails System in the Greenspaces Master Plan may also be sought from willing sellers.

The demonstration project is described in Exhibit A of the Resolution.

While this resolution does not request funds for obtaining the options, Metro will need to provide funds to cover the costs of negotiating and purchasing the options. Funds will be needed for consideration (e.g., cost of buying the option), appraisals, title search, environmental and hazardous wastes inspections, and real estate research and advice. To the extent possible, 18-month options will be sought for which consideration (i.e., money) can be credited to the final purchase price.

If this Resolution is approved, a funding request would be forwarded to the Council. Funds, currently estimated at \$62,500, are proposed to come from the General Fund contingency budget. This would require a budget amendment adopted by an ordinance.

FACTUAL BACKGROUND AND ANALYSIS

The Greenspaces Master Plan details 57 sites of regional significance and 34 trails/greenway corridors of regional significance as priorities to be protected, preserved and/or acquired as public open space. Acquisition funds could come from revenues derived from regional or local bond measures; municipal tax revenues, capital funds and trust funds; state and federal grants; private foundations, land trusts and nonprofit conservation organizations; and private donations.

Implementation of these goals in the Master Plan will require acquisitions of specific sites, easements and/or right-of-ways. This proposed demonstration project would begin this process. Attachment B to the Resolution is a Memorandum of Understanding with the Trust for Public Land to coordinate parallel option efforts, and demonstrating Metro's ability to effectively use existing resources to pursue acquisitions.

The rationale for a demonstration project, project goals, project description, guidelines for pursuing options, initial list of sites to explore, option potential, staff and contract needs of this demonstration project are detailed in Exhibit A.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer has no recommendation on Resolution No. 93-1832 at this time.

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PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1832, ESTABLISHING A GREENSPACES OPTIONS DEMONSTRATION PROJECT

Date: September 15, 1993

Presented By: Councilor Devlin

Committee Recommendation: At the September 14 meeting, the Planning Committee voted unanimously to recommend Council adoption of Resolution No. 93-1832. Voting in favor: Councilors Van Bergen, Devlin, Gates, Kvistad, and Moore. Absent: Councilor Monroe.

Committee Issues/Discussion: Mel Huie, Senior Regional Planner, presented the staff report. This resolution will help Metro meet key goals of the Greenspaces program by showing that Metro is still interested in implementing the Greenspaces Master Plan by seeking to option from willing sellers, regionally diverse properties that are available for purchase now. Metro can begin to secure lands through non-general obligation bond funds while continuing our cooperative arrangement with other local governments and parks providers. Most important, this will allow Metro to begin leveraging local, state, federal and private funds to purchase land easements and trail corridors.

The proposed options program has gone through a process of review and has received the unanimous support of the Greenspaces Technical Advisory Committee, Policy Advisory Committee, and a Council work group made up of Metro Councilors. This resolution authorizes establishment of a Greenspaces Options Demonstration Project. The funding portion, appropriating \$62,500 from Metro General Fund contingency, is part of a separate ordinance that will be before the Council Finance Committee next week. The money should be viewed as an investment. It is broken into two pieces: \$50,000 for "consideration" or earnest money, appraisals, title searches, and level one environmental review; and \$12,500 to obtain the services of a real estate agent and a licensed appraiser to advise Metro. All transactions would be monitored closely by Greenspaces staff and the Office of General Counsel. The full Metro Council will review and approve all selected options and have final approval prior to actual purchase.

Metro is working with local jurisdictions with the money needed to actually purchase sites following our obtaining options. This includes: 1) the City of Gresham has a \$10 million bond; 2) Lake Oswego has a \$12.2 million bond fund; 3) North Clackamas Parks District has a tax base and \$2 million ready; 4) the City of Tualatin has \$2 million; 5) the City of Troutdale has \$650,000; 6) Multnomah County has a natural areas fund of over \$250,000; and 7) the City of Portland is also interested; Charles Jordan has communicated the interest to work with Metro through the Conservation Fund, a

private group based in Washington, D. C. All of the properties of interest to these parties are included in the Greenspaces map.

The department has limited the sites and trails to 22 west of the Willamette and 24 east of the Willamette River. There is also money available from federal transportation air/quality funds. Metro has successfully applied for Congestion Mitigation/Air Quality (CMAQ) funds without to purchase an easement from OMSI to Springwater Corridor and from Springwater Corridor to the Milwaukie waterfront. We are also pursuing Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement funds to build the Eastside Esplanade.

The concept of this program is to work with our regional partners, invest Metro's money wisely and leverage lots of non-general obligation bond funds. The program commits Metro to obtain at least four 12 - 18 month options on Greenspace sites and trails. This will continue the cooperative work with local parks providers and the Trust for Public Land who will obtain four to six additional options at their own cost and risk.

Chris Beck from the Trust for Public Land (TPL) appeared before the committee. TPL is a private non-profit national organization based in San Francisco. They have been working in Oregon for the past ten years, initially working in the Columbia River Gorge. They have expanded their interest into eastern Oregon and the metropolitan area. TPL is very supportive of the Greenspaces program and will be supportive of another bond campaign. The Options Demonstration Program is an important next step to move the program forward. They will seek options on land for one year or longer time frames. They will also seek to identify alternative sources of funding. US Fish and Wildlife may have Land and Water Conservation funds and so may the Forest Legacy Program from the US Forest Service. There are many sources if for some reason there is another failure at the ballot box - the program is not without funds.

Councilor Wyers complimented Councilor Devlin and the staff for creation of this innovative approach. She respects the TPL and is encouraged by the public/private partnership. She referenced, though, that the executive officer chose not to recommend the program for an unknown reason. She encouraged the committee to fully support the measure.

Councilor Kvistad asked about the status of the project if the next budget cycle is even more difficult. Could the options be passed to other agencies if Metro is unable to secure funds through a ballot measure? Staff responded that clauses could be placed in the options agreements allowing for transfer to another provider. Kvistad expressed his concern for the program if there are further budget cuts but echoed his strong support.

Councilor Devlin, in response to a question about Ms. Cusma's lack of support, said he hadn't talked to her directly but knew that she had attempted to set up a meeting. His understanding from staff is that she needs a clearer explanation of the program and was leery of committing public funds prior to the passage of a ballot measure.

Councilor Van Bergen cautioned the staff to actively seek the advise of Metro's General Counsel, Dan Cooper before proceeding too quickly. Mr. Huie explained the several checks and balances built into the process.

**METRO**

To: Planning Committee

From: Gail Ryder, Senior Council Analyst

Date: September 4, 1993

Re: Resolution 93-1832 - Greenspaces Options Demonstration Program

BACKGROUND: The Metropolitan Greenspaces Master Plan was adopted by Resolution 92-1637 on July 23, 1992. An essential strategy to developing a system of regionally-significant natural areas, greenways and trails is acquisition. The plan identifies 57 sites of regional significance and 34 trails/greenway corridors as priorities for protection. Master Plan Policy 1.18 allows for acquisition by purchase or gift, pursued through any appropriate local, regional, state federal, foundation and private funding. Policy 1.20 provides that Metro negotiate with "willing sellers to the extent possible".

Currently there is no local source of revenue available to fund land assembly and acquisition of Greenspaces land. Efforts last year to pass a \$200,000 bond measure failed. Another attempt is under consideration. Implementation of the Master Plan will require acquisitions of specific sites, easements and/or right-of-ways. This resolution begins the process through a Memorandum of Understanding with the Trust for Public Land (TPL) who is willing to coordinate a demonstration project seeking options to purchase properties consistent with the Greenspaces Master Plan.

EXPECTATION: Resolution 93-1832 establishes a Greenspaces Options /Acquisition Demonstration Project. Options to purchase land from willing sellers will be sought with a fee simple or conservation easement for immediate protection under the Metro Parks and Greenspaces system. Right-of-way purchases and conservation easements from willing sellers may also be sought for the Regional Trails System in the Greenspaces Master Plan. Then, following passage of a successful bond measure, actual purchase can take place.

Funding for the cost of buying the options (e.g., appraisals, title search, environmental and hazardous wastes inspections, and real estate research and advice) will need to be secured in the future. Eighteen month options will be sought with the

amounts credited to the final purchase price. Following approval of this resolution, a funding request for approximately \$62,500 from General Fund contingency, will be forwarded to the Council (Ordinance 93-511).

The Executive Officer has "no recommendation" on this resolution but has forwarded the resolution as a courtesy to several Councilors. A meeting between the Executive Office and several Metro Councilors to discuss the resolution and Ordinance 93-511 is being planned prior to September 14.

STAFF REVIEW: The committee may wish to ask the department to respond to the following questions:

1. This project appears to seek options for acquisition through purchase only. What is being done to seek the voluntary donation or bequeathment of appropriate parcels?
2. Of the \$62,500 of additional Metro funds being requested, how much will be spent on actual land purchase and how much for administrative overhead? Why was the amount raised from the original \$50,000? Will any of the funding be used for either operations or maintenance, as a condition of the option?