

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUBMITTING)	
TO THE VOTERS A GENERAL	)	RESOLUTION NO. 94-2011A
OBLIGATION BOND INDEBTEDNESS)	
IN THE AMOUNT OF \$138.80 MILLION	)	Introduced by The Executive
TO PROCEED WITH THE ACQUISITION	)	Officer Rena Cusma, Councilors
OF LAND FOR A REGIONAL SYSTEM OF	)	Sandi Hansen, Susan McClain,
GREENSPACES	)	Richard Devlin and Terry Moore

WHEREAS, Metro has taken a leadership role in identifying remaining natural areas in the region and planning for their protection or potential acquisition; and

WHEREAS, Such activities have been and will continue to be coordinated with the affected federal, state, and local governments and citizens in the region; and

WHEREAS, Numerous planning efforts, studies and recommendations have been proposed over the past 90 years to develop a system of interconnected greenspaces for the Portland/Vancouver region; and

WHEREAS, On June 28, 1990, by Resolution No. 90-1261, the Metro Council established the Greenspaces Policy Advisory Committee to assist the Council in coordinating its Natural Areas Planning Program and to develop a regional consensus in the development of a Metropolitan Greenspaces Master Plan; and

WHEREAS, On September 26, 1991, the Metro Council adopted Regional Urban Growth Goals and Objectives by Ordinance No. 91-418B, including Objective 9: Natural Areas, Parks, and Wildlife Habitat which calls for a regional open space system linking public and private open spaces, trails, recreational, and wildlife corridors; and

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

WHEREAS, The Metropolitan Greenspaces Master Plan recommends that Metro seek a regional funding mechanism to assemble, through acquisition and other strategies, and develop a regional greenspaces system and also assume operations and management responsibility for components of the system in cooperation with local governments; and

WHEREAS, On July 23, 1992, the Metro Council submitted a \$200 million General Obligation Bond Measure in Resolution No. 92-1939A for the acquisition of greenspaces that did not pass; and

WHEREAS, The voters approved the 1992 Metro Charter which specifically authorizes Metro to acquire, develop, maintain and operate a regional system of parks, open spaces and recreational facilities; and

WHEREAS, The Metro Council approved an intergovernmental agreement with Multnomah County which transferred the Parks Services Division to Metro; and

WHEREAS, The Metro Council formed the Metropolitan Greenspaces Blue Ribbon Committee by Resolution No. 94-1942 to seek advice and evaluation of proposals for a new bond measure for acquisition of greenspaces; and

WHEREAS, Both the Greenspaces Policy Advisory Committee and the Metropolitan Greenspaces Blue Ribbon Committee recommended a General Obligation Bond Measure for acquisition of greenspaces in the range of \$136-\$139 million, including up to \$25 million for local government greenspace projects; and

WHEREAS, An initiative on the November, 1994 ballot, if adopted, could change the first 1995 election date from March, 1995, to May, 1995, or some other date; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby submits to the qualified voters of the District the question of contracting a General Obligation bond indebtedness of \$138.80 million for greenspaces, including up to \$25 million for local government greenspace projects as described in Exhibit B. The bonds shall mature over a period of not more than 30 years.

2. That the measure shall be placed on the ballot for the General election held on the 28th day of March, 1995, or the earliest available election date in 1995.

3. That the District shall cause this Resolution and the Ballot Title Attached as Exhibit "A" to be submitted to the Elections Officer, the Tax Supervising and Conservation Commission, and the Secretary of State in a timely manner as required by law.

4. That the Executive Officer, pursuant to ORS 251.305 and Metro Code Chapter 9.02, shall transmit this measure, ballot title, an explanatory statement and arguments for or against, if any, to the County Elections Officers for inclusion in any county voters pamphlets for the first election date in 1995.

5. That a resolution with proposed amendments to the Greenspaces Master Plan be prepared for Council action to reflect this resolution and the recommendations of the advisory bodies.

6. That staff be directed to submit a list of local government greenspace projects to Council by November 10, 1994.

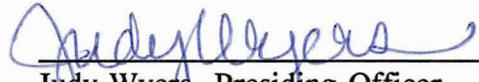
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7. That a public education program, and a proposed budget, be prepared for Council approval before Metro public education efforts begin.

ADOPTED by the Metro Council this 28th day of July, 1994.



Judy Wyers, Presiding Officer

KLA
1170

EXHIBIT A

Bond Measure for Resolution No. 94-2011

- "Caption: Bonds to buy open space for wildlife, parks and trails."**
- "Question: Shall Metro issue \$138.8 million of general obligation bonds to finance land for open space, parks and trails? If the Bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of section 11b, Article XI of the Oregon Constitution."**
- "Explanation: Buys land to preserve an open space network. More public green space will be preserved for our growing population. Will curb loss of natural areas to help protect water quality. Will save wildlife habitat near urban growth. Will add outdoor recreation options and improvements. Trails will link open spaces. Up to \$25 million will go to local governments for open space and trails. Bonds mature in not more than thirty years. Bond cost estimate is up to twenty three cents per one thousand dollars of assessed value."**

Exhibit B
GREENSPACES ACQUISITION BOND MEASURE

The basis for this land acquisition program is the 1992 Metropolitan Greenspaces Master Plan. The Master Plan details the vision, goals and organizational framework of a regional system of natural areas, open space, trails and greenways for wildlife and people. The primary objective of the Master Plan is protection of natural resource areas in the public interest. The analysis is based on watersheds or stream basins to encourage review of the ecosystem in each part of the region. The Master Plan includes 1989 inventories and maps of 109,000 acres of then existing natural areas in and near the Metro boundaries. In 1989, approximately 9,200 acres were in public ownership. Nearly half of the publicly owned acreage is located in Forest Park.

Metro estimates that the Portland-Vancouver metropolitan area will grow by more than 1.1 million people by the year 2040. More homes and businesses will be built to serve this anticipated growth. As communities continue to develop, the land supply available for open space and parks will be smaller and generally more expensive to purchase. If the region is to have parks and open space areas in the future, planning and funding priorities are needed now to reflect the importance of greenspaces. The protection, acquisition and active stewardship of greenspaces must become just as important as planning transportation, water, sewer and other basic infrastructure.

One goal of the Master Plan is to improve water quality. Water quality in the region is degraded as natural areas are lost. Retaining forested areas on slopes minimizes erosion that pollutes streams. Wetlands and floodplains hold runoff allowing plants and micro-organisms to biologically filter pollutants. Natural areas with riparian corridors will be purchased and preserved. Restoring native vegetation along these waterways will improve water quality.

The Master Plan identifies regional trails and regional wildlife corridors. The trails provide means of human-powered access to commerce, recreation and natural areas. This includes links between parks, local trails and local communities and access to regionally significant parklands and natural areas. Wildlife corridors protect habitat for maintaining biological diversity. Linked habitat is important for species that reside in and pass through the region along regular migratory routes.

From the Master Plan inventory a number of existing large acre sites throughout the region were designated as regionally significant open space protection areas. These areas would be used to provide and protect open space and for passive recreational activities, including but not limited to, picnicking, hiking, bicycling, camping, bird watching, and boating. In 1992, these sites were estimated to be 9,962 acres, based on the 1989 studies. Over 3,000 acres

were located in each county within Metro's boundaries. The 1992 measure proposed issuing \$200 million in bonds for acquisitions from 57 of these areas and the region-wide trail network identified in the Metro Plan.

This referral to the voters of \$138.8 million in general obligation bonds is based on advisory groups recommendations. It proposes acquisitions from 15 of the regionally significant areas (approximately 6,125 acres) plus regional trail segments from the Master Plan. The inventory in these target areas has been reviewed in 1994. They will be the first priority for acquisitions from the bond proceeds. Other regionally significant open spaces and regional trails identified in the Master Plan may be acquired if target areas become degraded, cost prohibitive or otherwise infeasible as determined by the Metro Council after a public hearing. New target areas shall be selected to retain a regional balance of sites acquired. In addition, some new opportunities may arise to acquire natural resource areas not in the Master Plan if funding permits. These will not be approved unless the Master Plan is first amended by the Metro Council after a public hearing on the amendment.

There are various means intended to be used to secure rights to natural resource land. This will include outright purchase of title to the land with the assistance of outside professional realtors. However, other methods insure preservation of the character of the land as open space and may allow its use by the public. Purchase through a nonprofit land preservation organization may enable the program to secure land at below market rates due to the favorable tax benefits that accrue to sellers. Easements, rather than full title to the land, can be donated or sold by a landowner. Donations, bequests and grants will be sought to enable the program to protect and acquire more natural resource land.

In addition to the regional areas and trails, up to \$25 million of bond proceeds will be used to buy and make capital improvements on lands for local open spaces and trails. These purchases and improvements will be made by cities, counties and park districts which provide parks services. The local governments shall be permitted to pay administrative costs associated with land acquisition and capital improvements from this local share of bond proceeds or from their own resources. Intergovernmental agreements between Metro and the park providers will be used to assure that the funds are expended for greenspaces related activities. Interests in land acquired from this local share would be for regionally or locally significant natural areas, open space, trails and greenways, including accessible waterways, that function for both wildlife and people. Capital improvements would be for restoration or enhancement of natural areas, trail construction, access facilities, public use facilities and environmental education facilities. Ownership of lands will be consistent with the Greenspaces Master Plan. Provision must be made for lands acquired with the local share to be maintained for its intended recreational, natural area or trail activities.

It is important to identify local projects to be funded and their estimated costs in time to inform the voters prior to the vote on this ballot measure. Therefore, a list of local projects with estimated costs matching each provider's pro rata share must be delivered to Metro. The deadline to submit eligible local share proposals from this bond funded program is no later than November 1, 1994. If eligible projects are not timely submitted, both the \$25 million amount for local share funding and the \$138.8 total amount of bonds issued may be reduced to that extent.

Capital improvements of lands acquired with bond proceeds are intended to be a secondary purpose of this entire program. However, for individual purchases or some local projects, greenspaces related capital improvements, may be a primary element. Allowable improvements include, but are not limited to, restoration or enhancement of natural areas, trail construction, nature centers, interpretative displays, facilities for disabled people, access roads and facilities, parking, boat ramps, trail heads, rest rooms, picnic tables, shelters, viewing facilities, water systems, camp sites, fishing piers, signs, fences, and security lighting.

Regionally significant lands acquired by Metro would be "land banked" with the property interest owned by Metro. The Metro Regional Parks and Greenspaces Department may operate and maintain these lands or other cooperative arrangements may be made consistent with the Greenspaces Master Plan. Initially, most of these lands will be held with limited maintenance and development. If the acquisition bond measure is approved by the voters, Metro excise taxes have been committed for this low level of maintenance. No bond funds can be legally used for any operating expenses. Some improvements could be done with bond funds and new grants to start public use. At the same time, user fees and other revenue must be developed to offset increased costs from increased public use. The July, 1992 Metropolitan Greenspaces Program Financial Study identified the following alternatives for such revenue: greenspaces parking permit, day use or camping fees, concessions, volunteer services. Other revenue sources may be investigated depending on the type of improvement.

Other allowable expenditures for this program include acquisition administrative expenses, bond issuance costs and reimbursable bond preparation expenses relating to the design planning and feasibility of the acquisition program. Administrative expenses include, but are not limited to, assistance from professional realtors, real estate appraisals, title companies and environmental evaluation firms.

The preference is to issue bonds which mature in 20 years. However, to maintain the flexibility to respond to the market existing at time bonds are issued, the maturity period may be up to 30 years.

The following are the 15 regionally significant natural areas and five trail segments targeted for acquisition:

	<u>Acres</u>
Willamette River Greenway	1,103
Willamette Narrows	
Canemah Bluffs	
Cathedral Park to railroad bridge	
Oaks Bottom to OMSI	
West side of Multnomah Channel	
East Buttes/Boring Lava Domes	545
Newell Creek Canyon	370
Sandy River Gorge	808
Cooper Mountain	428
Buffer and expansion of Forest Park	320
Jackson Bottom and McKay Creek/Dairy Creek Addition	333
Tonquin Geological area	277
Tualatin River Greenway, access points	266
Clear Creek Canyon	342
Gales Creek	775
Columbia Shoreline	95
Fairview Creek/Lake	143
Rock Creek	300
Tyron Creek linkages	20
	<hr/> 6,125

Peninsula Crossing Trail (Improvements only)
 Fanno Creek Greenway
 Sauvie Island to Beaverton/Hillsboro Trail
 Clackamas River Greenway (north bank)
 Beaver Creek Canyon Greenway (Troutdale)

1787D

METROPOLITAN GREENSPACE AND TRAIL BOND MEASURE PACKAGE

<u>Regional Greenspace Target Area</u>	<u>Acres</u>	<u>Cost (millions of \$)</u>
Willamette River Greenway	1,103	17.0
East Buttes / Boring Lava Domes	545	10.5
Newell Creek Canyon	370	6.7
Sandy River Gorge	808	5.7
Cooper Mountain	428	4.2
Buffer & expansion of Forest Park	320	4.7
Jackson Bottom additions	333	1.7
Tonquin Geologic Area	277	3.3
Tualatin River access points	266	4.0
Clear Creek Canyon	342	4.1
Gales Creek	775	3.1
Columbia Shoreline	95	1.7
Fairview Creek / Lake	143	2.8
Rock Creek	300	4.5
Tryon Creek linkages	20	1.0
Greenspaces Subtotal	6,125	\$75.0
<u>Regional Trail Projects</u>		
Peninsula Crossing Trail		
Fanno Creek Greenway		
Sauvie Island to Beaverton / Hillsboro		
Clackamas River Greenway (north bank)		
Beaver Creek Canyon Greenway (Troutdale)		
Trails Subtotal		16.3
Local Greenspace Projects		25.0
Options (sites and trails)		4.0
Total Acquisition (greenspaces and trails)		\$120.3
Acquisition / Administration Costs		14.4
1.5% Bond Issuance Costs		2.1
Contingency & Reimbursable Expenses		2.0
TOTAL PACKAGE GREENSPACE ESTIMATE		\$138.8

GREENSPACES GENERAL OBLIGATION BOND MEASURE PROPOSED LOCAL SHARE GUIDELINES

Local governments will be entitled to receive a portion of the regional greenspaces bond measure funds based on the allocation formula in the Metropolitan Greenspaces Master Plan adopted in July 1992. Projects eligible for local share funding must meet the following criteria:

1. Eligible agency is a park provider as of July 1, 1991.
2. Funds must be expended on Greenspaces related activities only including:

Acquisition

- Fee Simple (or easement) to purchase regionally significant greenspaces and/or trail corridors identified in the Metropolitan Greenspaces Master Plan, and/or locally determined significant greenspaces and/or trail corridors.
- Costs associated with the acquisition of property.

Capital Improvements

- Restoration or enhancement of natural areas
 - Trail construction
 - Access facilities such as roads that are an integral part of the greenspace, parking, boat ramps, trail heads, Americans with Disabilities Act (ADA) requirements.
 - Public use facilities such as rest rooms, picnic tables, shelters, viewing blinds, water systems, camp sites, fishing piers, and associated appurtenances including signs, fences, security lighting, barbecues.
 - Environmental education facilities such as nature centers and interpretive displays.
3. The park provider will enter into an Intergovernmental Agreement (IGA) to be approved by the Metro Council and the governing board of the park provider. The IGA shall require signage at the project site in an appropriate location(s) to acknowledge Metro, the park provider, and other project partners; funds from the bond measure shall not be used to replace local funds on project; and funds from the bond measure should leverage other sources of revenue when possible.
 4. A list of local share projects with estimated costs, and approved by the governing board of each jurisdiction shall be delivered to Metro no later than November 1, 1994 to be eligible for local share funding.
 5. Greenspace sites subject to local share funding will be maintained for its intended recreational, natural area, or trail activities.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 94-2011, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A GENERAL OBLIGATION BOND INDEBTEDNESS IN THE AMOUNT OF \$138.80 MILLION TO PROCEED WITH THE ACQUISITION OF LAND FOR A REGIONAL SYSTEM OF GREENSPACES

Date: July 14, 1994

Presented by: Charles Ciecko

BACKGROUND:

Public Review Process for developing a Greenspaces Ballot Measure:

Greenspaces Master Plan - 200 public workshops and meetings	Jan/1990 - Jul/1992
Metro Council Passed Intent to Refer a Bond Measure in 1994	Sep 1993
Civic/Business Survey - 51 personal interviews	Nov - Dec 1993
Citizen Poll - 800 people interviewed by telephone	Jan 1994
Public Meetings - 4 Regional Facilities Committee meetings	Apr 1994
Metro Council Revised Intent to Refer a Bond Measure in 1995	May 1994
Greenspaces PAC (GPAC) meetings (see Attachment 1)	Jan - Jun 1994
Blue Ribbon Committee (BRC) meetings (see Attachment 2)	Apr - Jul 1994

Attachment 3 illustrates the decision making process, including the above activities, that has led to the proposed greenspaces ballot measure.

EXPLANATION OF RECOMMENDATIONS:

	GPAC	BRC	STAFF
Amount:	\$138.85 Million	\$136.42 Million	\$138.80 Million
Timing:	No later than Spring 1995	No earlier than Spring 1995	Spring 1995
Components:	(see Attachment 1 for local share and list of target areas and trails)	(see Attachment 2 for local share and list of target areas and trails)	(see Attachment 4 - Same as BRC Recommendation except for additional costs per Metro Finance Dept. recommendation)

The GPAC and BRC recommendations are very similar except for a few differences (see Attachments 1 & 2) between the list of targeted greenspaces and their size and cost. In comparison to the GPAC recommendation, the BRC recommendation does not include Bull Mountain, adds Gales Creek in Washington County, Clear Creek Canyon in Clackamas County and Columbia Shoreline in Multnomah County, and reduces the cost of all greenspace areas (not trails) by five percent. Similarity between the two recommendations reflects the desire of both GPAC and BRC to reach consensus. In the event that it is not feasible to acquire a particular target area or trail listed in Attachments 1 and 2, staff will investigate other regionally significant sites or trails identified in the Metropolitan Greenspaces Master Plan.

The staff recommendation (Attachment 4) is the same as the BRC recommendation except for changes made at the recommendation of Metro's Finance Department which include additional bond issuance costs, a contingency fund, and reimbursable costs.

Attachment 5 is a component of the GPAC, BRC and staff recommendations and lists the criteria that local government greenspace projects will be required to meet for eligibility for funding. A final list of proposed local government greenspace projects will be presented to Council by November 10, 1994 at which time Council will know whether or not to reduce the proposed amount of the local share.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer and Councilors Hansen, Devlin, Moore and McLain recommend approval of the staff recommendation (see attachment 4) as reflected in Resolution No. 94-2011, including Exhibit A¹ of that resolution, for the following reasons:

- 1) The staff list (which is the same as the BRC list) of target areas and trails provides an additional 951 acres and costs approximately \$ 2.4 million less than the GPAC list; a result made possible by dropping Bull Mountain from the GPAC list.
- 2) The additional sites mentioned in the above section rate higher than Bull Mountain for the human and biological values they provide and improve the overall geographic distribution throughout the metropolitan area.
- 3) The staff recommendation includes advice from Metro's Finance Department regarding required additional costs for bond issuance, a contingency fund and reimbursable expenses.

Council should direct staff to prepare a public education program and proposed budget for Council action.

Council should also direct staff to prepare a resolution with proposed amendments (related to local share) to the Greenspaces Master Plan to reflect Resolution No. 94-2011 and the recommendations of the GPAC and BRC.

¹Attachment 6 describes the legal requirements for drafting the official ballot measure language contained in Exhibit A of Resolution No. 94-2011 (attached).

GREENSPACES POLICY ADVISORY COMMITTEE RECOMMENDATION
(June 1, 1994)

<u>Greenspaces Target Areas *</u>	<u>Acres</u>	<u>Cost (millions of \$)***</u>
Willamette River Greenway	1,200 (1,161)**	17.9
Willamette Narrows		
Canemah Bluffs		
Cathedral Park to railroad bridge		
Oaks Bottom to OMSI		
West side of Multnomah Channel		
East Buttes / Boring Lava Domes	1,056 (573)	11
Newell Creek Canyon	400 (389)	7
Sandy River Gorge	850 (850)	6
Bull Mt. / Cooper Mt.	450 (592)	13
Buffer and expansion of Forest Park	470 (400)	6
Jackson Bottom and McKay Creek / Dairy Creek addition	350 (350)	1.75
Tonquin Geological area	500 (291)	3.5
Tualatin River Greenway, access points,	300 (200)	3
Fairview Creek / Lake	150 (150)	3
Rock Creek	332 (333)	5
Greenspaces Subtotal	6,058 (5,289)	\$77.15
 <u>Trails</u>		
Peninsula Crossing Trail (improvements only)		
Fanno Creek Greenway		
Sauvie Island to Beaverton / Hillsboro Trail		
Clackamas River Greenway (north bank)		
Beaver Creek Canyon Greenway (Troutdale)		
Trails Subtotal		\$16.3
Total Acquisition (greenspaces & trails)		\$93.45
 Future Options		4.0
Local Share Fund		25.0
Acquisition Administrative Costs		14.69
1.25% Bond Issuance Costs		1.71
 GRAND TOTAL		\$138.85

* Other target areas in the Metropolitan Greenspaces Master Plan will be considered in the event recommended areas are not available for acquisition

** Adjusted acres based on July 1994 market values in parentheses

*** Preliminary estimates based on recent sales

GREENSPACES BLUE RIBBON COMMITTEE RECOMMENDATION
(July 7, 1994)

<u>Greenspaces Target Areas *</u>	<u>Acres</u>	<u>Cost (millions of \$)**</u>
Willamette River Greenway	1,103	17.0
Willamette Narrows		
Canemah Bluffs		
Cathedral Park to railroad bridge		
Oaks Bottom to OMSI		
West side of Multnomah Channel		
East Buttes / Boring Lava Domes	545	10.5
Newell Creek Canyon	370	6.7
Sandy River Gorge	808	5.7
Cooper Mountain	459	4.5
Buffer and expansion of Forest Park	380	5.7
Jackson Bottom and McKay Creek / Dairy Creek addition	333	1.7
Tonquin Geological area	277	3.3
Tualatin River Greenway, access points	190	2.8
Clear Creek Canyon	366	4.4
Gales Creek	855	3.4
Columbia Shoreline	95	1.7
Fairview Creek / Lake	143	2.8
Rock Creek	316	4.8
 Greenspaces Subtotal	 6,240	 \$75.0
 <u>Trails</u>		
Peninsula Crossing Trail (improvements only)		
Fanno Creek Greenway		
Sauvie Island to Beaverton / Hillsboro Trail		
Clackamas River Greenway (north bank)		
Beaver Creek Canyon Greenway (Troutdale)		
 Trails Subtotal		 \$16.3
 Total Acquisition (greenspaces & trails)		 \$91.3
 Future Options		4.0
Local Share Fund		25.0
Acquisition Administrative Costs		14.44
1.25% Bond Issuance Costs		1.68
 GRAND TOTAL		 \$136.42

* Other target areas in the Metropolitan Greenspaces Master Plan will be considered in the event recommended areas are not available for acquisition

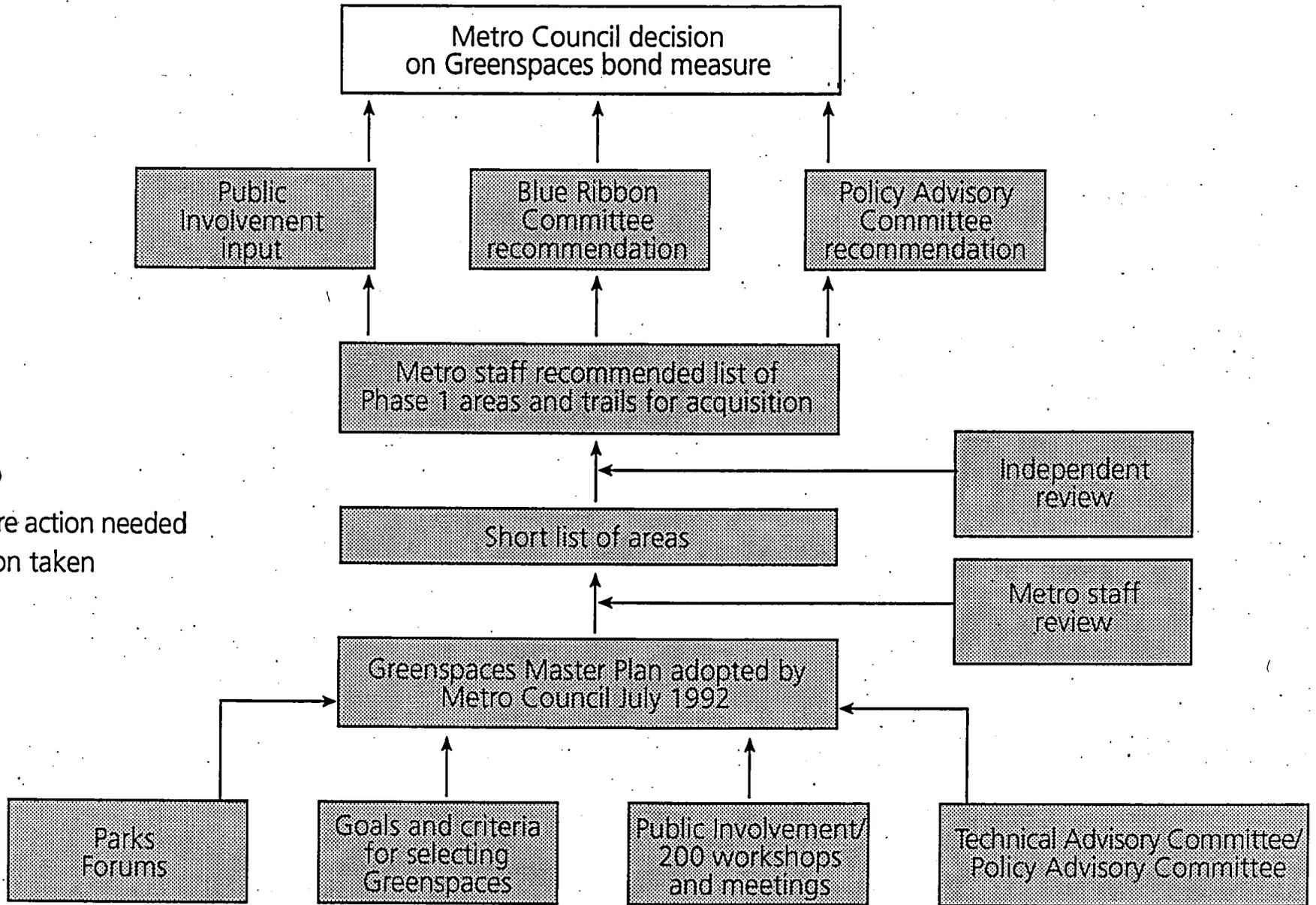
** Preliminary estimates based on recent sales

Process for a Greenspaces Bond Measure

Attachment 3

LEGEND

- Future action needed
- Action taken



METRO STAFF RECOMMENDATION
(July 14, 1994)

<u>Greenspaces Target Areas *</u>	<u>Acres</u>	<u>Cost (millions of \$)**</u>
Willamette River Greenway	1,103	17.0
Willamette Narrows		
Canemah Bluffs		
Cathedral Park to railroad bridge		
Oaks Bottom to OMSI		
West side of Multnomah Channel		
East Buttes / Boring Lava Domes	545	10.5
Newell Creek Canyon	370	6.7
Sandy River Gorge	808	5.7
Cooper Mountain	459	4.5
Buffer and expansion of Forest Park	380	5.7
Jackson Bottom and McKay Creek / Dairy Creek addition	333	1.7
Tonquin Geological area	277	3.3
Tualatin River Greenway, access points	190	2.8
Clear Creek Canyon	366	4.4
Gales Creek	855	3.4
Columbia Shoreline	95	1.7
Fairview Creek / Lake	143	2.8
Rock Creek	316	4.8
 Greenspaces Subtotal	 6,240	 \$75.0
 <u>Trails</u>		
Peninsula Crossing Trail (improvements only)		
Fanno Creek Greenway		
Sauvie Island to Beaverton / Hillsboro Trail		
Clackamas River Greenway (north bank)		
Beaver Creek Canyon Greenway (Troutdale)		
 Trails Subtotal		 \$16.3
 Total Acquisition (greenspaces & trails)		 \$91.3
 Future Options		 4.0
Local Share Fund		25.0
Acquisition Administrative Costs		14.44
1.5% Bond Issuance Costs		2.02
Contingency and Reimbursable Expenses		2.04
 GRAND TOTAL		 \$138.80

* Other target areas in the Metropolitan Greenspaces Master Plan will be considered in the event recommended areas are not available for acquisition

** Preliminary estimates based on recent sales

GREENSPACES GENERAL OBLIGATION BOND MEASURE PROPOSED LOCAL SHARE GUIDELINES

Local governments will be entitled to receive a portion of the regional greenspaces bond measure funds based on the allocation formula in the Metropolitan Greenspaces Master Plan adopted in July 1992. Projects eligible for local share funding must meet the following criteria:

1. Eligible agency is a park provider as of July 1, 1991.
2. Funds must be expended on Greenspaces related activities only including:

Acquisition

- Fee Simple (or easement) to purchase regionally significant greenspaces and/or trail corridors identified in the Metropolitan Greenspaces Master Plan, and/or locally determined significant greenspaces and/or trail corridors.
- Costs associated with the acquisition of property.

Capital Improvements

- Restoration or enhancement of natural areas
 - Trail construction
 - Access facilities such as roads that are an integral part of the greenspace, parking, boat ramps, trail heads, Americans with Disabilities Act (ADA) requirements.
 - Public use facilities such as rest rooms, picnic tables, shelters, viewing blinds, water systems, camp sites, fishing piers, and associated appurtenances including signs, fences, security lighting, barbecues.
 - Environmental education facilities such as nature centers and interpretive displays.
3. The park provider will enter into an Intergovernmental Agreement (IGA) to be approved by the Metro Council and the governing board of the park provider. The IGA shall require signage at the project site in an appropriate location(s) to acknowledge Metro, the park provider, and other project partners; funds from the bond measure shall not be used to replace local funds on project; and funds from the bond measure should leverage other sources of revenue when possible.
 4. A list of local share projects with estimated costs, and approved by the governing board of each jurisdiction shall be delivered to Metro no later than November 1, 1994 to be eligible for local share funding.
 5. Greenspace sites subject to local share funding will be maintained for its intended recreational, natural area, or trail activities.



METRO

Date: July 12, 1994

To: Pat Lee, Environmental Planning Manager

From: *LSH*
Larry Shaw, Senior Assistant Counsel

Regarding: GREENSPACES BALLOT TITLE DRAFTING PRINCIPLES

1. The caption must identify the subject of the measure in ten words or less.
 - a. The caption should not offer conclusions about how this affects legal rights and duties.
 - b. The nature of the measure must be identified.
2. The question must "plainly phrase the chief purpose of the measure so that an affirmative response * * * corresponds to an affirmative vote on the measure" in 20 words or less.
 - a. The caption and question together may reflect the multiple purposes of the measure.
 - b. The question must reflect the chief purpose from unambiguous language of the measure, not the motivation of proponents.
 - c. The chief purpose is the "most significant aim or end which the measure is designed to bring about."
3. The ballot title includes an 85 word explanation, "A concise and impartial statement * * * summarizing the measure and its major effect."
 - a. Use of emotionally-laden words like "monopoly" or "right to work" is not impartial. In the 1992 litigation the judge questioned "greenspaces." Metro changed it to "natural areas."
 - b. Speculation as to result or consequences of the measure should not be included.
4. Readability is required for all measures under the Flesch Formula adopted by the Secretary of State in administrative rules. This means that short sentences and simple words are needed because every syllable is counted.
5. Measures must state important fiscal consequences of the measure. In this case the \$25 million limit on local share probably must be stated in the ballot title.
6. All ballot measures submitted for approval of bonds must now include a specifically worded statement following the question that bonds will be paid from taxes outside the property tax limits of Ballot Measure 5. This statement does not count toward the 20 word limit on the question.

**METRO REGIONAL FACILITIES COMMITTEE RECOMMENDATION
(July 20, 1994)**

<u>Regional Greenspace Target Areas *</u>	<u>Acres</u>	<u>Cost (millions of \$)**</u>
Willamette River Greenway	1,103	17.0
Willamette Narrows		
Canemah Bluffs		
Cathedral Park to railroad bridge		
Oaks Bottom to OMSI		
West side of Multnomah Channel		
East Buttes / Boring Lava Domes	545	10.5
Newell Creek Canyon	370	6.7
Sandy River Gorge	808	5.7
Cooper Mountain	428	4.2
Buffer and expansion of Forest Park	380	5.7
Jackson Bottom and McKay Creek / Dairy Creek addition	333	1.7
Tonquin Geological area	277	3.3
Tualatin River Greenway, access points	266	4.0
Clear Creek Canyon	342	4.1
Gales Creek	775	3.1
Columbia Shoreline	95	1.7
Fairview Creek / Lake	143	2.8
Rock Creek	300	4.5
 Greenspaces Subtotal	 6,165	 \$75.0
 <u>Regional Trail Projects</u>		
Peninsula Crossing Trail (improvements only)		
Fanno Creek Greenway		
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Beaver Creek Canyon Greenway (Troutdale)		
 Trails Subtotal		 \$16.3
 Total Acquisition (greenspaces & trails)		 \$91.3
Options (sites and trails)		4.0
Local Greenspace Projects		25.0
Acquisition Administrative Costs		14.44
1.5% Bond Issuance Costs		2.02
Contingency and Reimbursable Expenses		2.04
 GRAND TOTAL		 \$138.8

* Other target areas in the Metropolitan Greenspaces Master Plan will be considered in the event recommended areas are not available for acquisition

** Preliminary estimates based on recent sales

REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 94-2011A, SUBMITTING TO THE VOTERS A GENERAL OBLIGATION BOND INDEBTEDNESS IN THE AMOUNT OF \$138.80 MILLION TO PROCEED WITH THE ACQUISITION OF LAND FOR A REGIONAL SYSTEM OF GREENSPACES

Date: July 21, 1994

Presented by: Councilor Hansen

COMMITTEE RECOMMENDATION: At its July 20 meeting the Regional Facilities Committee voted 3-0 to recommend Council adoption of Resolution No. 94-2011A. Voting in favor were Councilors Hansen, Moore, and Washington. Councilors Gates and McFarland were absent.

COMMITTEE DISCUSSION/ISSUES: Regional Parks and Greenspaces Director Charlie Ciecko presented the staff report. He summarized the activities of the past nine months to determine an appropriate Greenspaces bond measure package, including hearings of the Regional Facilities Committee, activities of the Greenspaces Policy Advisory Committee (PAC), and creation and recommendations of the Greenspaces Blue Ribbon Committee (BRC). He described the separate recommendations of the PAC, the BRC and Greenspaces staff. He said the differences were minor: the BRC recommended dropping acquisition of sites on Bull Mountain, primarily because of the expense of the land; the BRC also recommended reducing the target dollar amounts of proposed acquisitions by 5%; and the BRC recommended adding sites at Gales Creek in Washington County, Clear Creek in Clackamas County, and Columbia River shoreline in Multnomah County. The staff recommendations are the same as the BRC's, with additions for bond issuance costs and contingency at the recommendation of Metro's Finance Department. Mr. Ciecko discussed the local share component of the plan. He noted there is some controversy surrounding the inclusion of Fairview Lake and Fairview Creek in the package, which the City of Fairview does not support. Finally, Mr. Ciecko pointed out that the Regional Parks and Greenspaces Department's budget does not include funds for pre-issuance costs.

Councilor McFarland asked about potential liabilities that would accompany acquisition and development of lands and trails. Mr. Ciecko said the priorities of the program are to acquire properties and rights-of-way while they are still available, and deal with capital improvements at a later date. Senior Assistant Counsel Larry Shaw said the concepts of land banking that are part of the program include liability protection measures.

Mr. Shaw discussed changes he had drafted, including minor language changes in the ballot title language (Exhibit A to the resolution), addition of an Exhibit B, and reference to that exhibit in the Resolution. He said Exhibit B provides greater detail on how the bond proceeds would be spent, saying that the

inclusion of this document was consistent with Metro's election code provisions. Mr. Shaw explained the exhibit.

The Committee discussed provisions of the local share and the requirement that local park providers submit approved lists of potential acquisitions to Metro by November 1, 1994. Those lists would be approved by each provider's governing body, and provisions are made to reduce the amount of the total measure if local providers fail to submit approved lists.

Councilor Hansen asked Mr. Cieccko to include reference in the plan to accessible waterways and access for the elderly and disabled. Mr. Cieccko agreed that was appropriate and would work to include such language.

Councilor Moore expressed a concern that the word "wildlife" is included in the 10-word ballot caption, saying that it might be a detriment to the measure. The Committee and Mr. Cieccko discussed the use and placement of this word and chose to leave it as proposed.

Councilor Moore moved amendments proposed by Councilor Devlin, which would make minor changes to the proposed list of acquisition sites. Councilor Devlin explained the changes, which add \$1.2 million for Tualatin River access points by deleting \$300,000 from each of four other sites. The committee approved these amendments, which are attached to this committee report and included as Attachment 7 to the staff report. The sites as approved in this amended version are also included at the end of Exhibit B.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUBMITTING)	
TO THE VOTERS A GENERAL	)	RESOLUTION NO. 94-2011
OBLIGATION BOND INDEBTEDNESS)	
IN THE AMOUNT OF \$138.80 MILLION	)	Introduced by The Executive
TO PROCEED WITH THE ACQUISITION	)	Officer Rena Cusma, Councilors
OF LAND FOR A REGIONAL SYSTEM OF	)	Sandi Hansen, Susan McClain,
GREENSPACES	)	Richard Devlin and Terry Moore

WHEREAS, Metro has taken a leadership role in identifying remaining natural areas in the region and planning for their protection or potential acquisition; and

WHEREAS, Such activities have been and will continue to be coordinated with the affected federal, state, and local governments and citizens in the region; and

WHEREAS, Numerous planning efforts, studies and recommendations have been proposed over the past 90 years to develop a system of interconnected greenspaces for the Portland/Vancouver region; and

WHEREAS, On June 28, 1990, by Resolution No. 90-1261, the Metro Council established the Greenspaces Policy Advisory Committee to assist the Council in coordinating its Natural Areas Planning Program and to develop a regional consensus in the development of a Metropolitan Greenspaces Master Plan; and

WHEREAS, On September 26, 1991, the Metro Council adopted Regional Urban Growth Goals and Objectives by Ordinance No. 91-418B, including Objective 9: Natural Areas, Parks, and Wildlife Habitat which calls for a regional open space system linking public and private open spaces, trails, recreational, and wildlife corridors; and

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

WHEREAS, The Metropolitan Greenspaces Master Plan recommends that Metro seek a regional funding mechanism to assemble, through acquisition and other strategies, and develop a regional greenspaces system and also assume operations and management responsibility for components of the system in cooperation with local governments; and

WHEREAS, On July 23, 1992, the Metro Council submitted a \$200 million General Obligation Bond Measure in Resolution No. 92-1939A for the acquisition of greenspaces that did not pass; and

WHEREAS, The voters approved the 1992 Metro Charter which specifically authorizes Metro to acquire, develop, maintain and operate a regional system of parks, open spaces and recreational facilities; and

WHEREAS, The Metro Council approved an intergovernmental agreement with Multnomah County which transferred the Parks Services Division to Metro; and

WHEREAS, The Metro Council formed the Metropolitan Greenspaces Blue Ribbon Committee by Resolution No. 94-1942 to seek advice and evaluation of proposals for a new bond measure for acquisition of greenspaces; and

WHEREAS, Both the Greenspaces Policy Advisory Committee and the Metropolitan Greenspaces Blue Ribbon Committee recommended a General Obligation Bond Measure for acquisition of greenspaces in the range of \$136-\$139 million, including up to \$25 million for local government greenspace projects; and

WHEREAS, An initiative on the November, 1994 ballot, if adopted, could change the first 1995 election date from March, 1995, to May, 1995, or some other date; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby submits to the qualified voters of the District the question of contracting a General Obligation bond indebtedness of \$138.80 million for greenspaces, including up to \$25 million for local government greenspace projects ~~as described in Exhibit B.~~ The bonds shall mature over a period of not more than 30 years.

2. That the measure shall be placed on the ballot for the General election held on the 28th day of March, 1995, or the earliest available election date in 1995.

3. That the District shall cause this Resolution and the Ballot Title Attached as Exhibit "A" to be submitted to the Elections Officer, the Tax Supervising and Conservation Commission, and the Secretary of State in a timely manner as required by law.

4. That the Executive Officer, pursuant to ORS 251.305 and Metro Code Chapter 9.02, shall transmit this measure, ballot title, an explanatory statement and arguments for or against, if any, to the County Elections Officers for inclusion in any county voters pamphlets for the first election date in 1995.

5. That a resolution with proposed amendments to the Greenspaces Master Plan be prepared for Council action to reflect this resolution and the recommendations of the advisory bodies.

6. That staff be directed to submit a list of local government greenspace projects to Council by November 10, 1994.

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7. That a public education program, and a proposed budget, be prepared for Council approval before Metro public education efforts begin.

ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

KLA
1170

EXHIBIT A

Bond Measure for Resolution No. 94-2011

- "Caption: Bonds to buy open space for wildlife, parks and trails."
- "Question: Shall Metro issue \$138.80 million of general obligation bonds to finance land for open space, parks and trails? If the Bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of section 11b, Article XI of the Oregon Constitution."
- "Explanation: Buys land to preserve an open space network. More public green spaces are providedspace will be preserved for our growing population. PreventsWill curb loss of natural areas towhich help protect water quality. Sets asideWill save wildlife habitat near urban areasgrowth. AddsWill add outdoor recreation options and improvements. Trails will link open spaces. Up to \$25 million goeswill go to local governments for open spacespace and trails. Bonds mature in not more than 30thirty years. Bond cost estimate is up to 23twenty three cents per one thousand dollars of assessed value."

Exhibit B
GREENSPACES BOND ACQUISITION BOND MEASURE

The basis for this land acquisition program is the 1992 Metropolitan Greenspaces Master Plan. The primary objective of the Master Plan is protection of natural resource areas in the public interest. The Master Plan includes 1989 inventories and maps of 109,000 acres of then existing natural areas in and near the Metro boundaries. In 1989, approximately 9,200 acres were in public ownership. Nearly half of the publicly owned acreage is located in Forest Park.

From the inventory a number of existing large acre sites throughout the region were designated as regionally significant open space protection areas. These areas would be used to provide and protect open space and for passive recreational activities, including but not limited to, picnicking, hiking, bicycling, camping, bird watching, and boating. In 1992, these sites were estimated to be 9,962 acres, based on the 1989 studies. Over 3,000 acres were located in each county within Metro's boundaries. The 1992 measure proposed issuing \$200 million in bonds for acquisitions from 57 of these areas and the region-wide trail network identified in the Metro Plan.

This referral to the voters of \$138.8 million in general obligation bonds is based on advisory groups recommendations. It proposes acquisitions from 14 of the regionally significant areas (approximately 6,246.165 acres) plus regional trail segments from the Master Plan. The inventory in these target areas has been reviewed in 1994. They will be the first priority for acquisitions from the bond proceeds. Other regionally significant open spaces and regional trails identified in the Master Plan may be acquired if target areas become degraded, cost prohibitive or otherwise infeasible as determined by the Metro Council after a public hearing. New target areas shall be selected to retain a regional balance of sites acquired. In addition, some new opportunities may arise to acquire natural resource areas not in the Master Plan if funding permits. These will not be approved unless the Master Plan is first amended by the Metro Council after a public hearing on the amendment.

There are various means intended to be used to secure rights to natural resource land. This will include outright purchase of title to the land with the assistance of outside professional realtors. However, other methods insure preservation of the character of the land as open space and may allow its use by the public. Purchase through a nonprofit land preservation organization may enable the program to secure land at below market rates due to the favorable tax benefits that accrue to sellers. Easements, rather than full title to the land, can be donated or sold by a landowner. Donations, bequests and grants will be sought to enable the program to protect and acquire more natural resource land.

In addition to the regional areas and trails, up to \$25 million of bond proceeds will be used to buy and improve make capital improvements on lands for local open spaces and trails. These purchases and improvements will be made by cities, counties and park districts which provide parks services. The local governments shall pay administrative costs associated with land acquisition and capital improvements from this local share of bond proceeds. Intergovernmental agreements between Metro and the park providers will be used to assure that the funds are expended for greenspaces related activities. Interests in land acquired from

this local share would be for regionally or locally significant natural areas, open space, trails and greenways, including accessible waterways, that function for both wildlife and people. Capital improvements would be for restoration or enhancement of natural areas, trail construction, access facilities, public use facilities and environmental education facilities. Ownership of lands will be consistent with the Greenspaces Master Plan. Provision must be made for lands acquired with the local share to be maintained for its intended recreational, natural area or trail activities.

It is important to identify local projects to be funded and their estimated costs in time to inform the voters prior to the vote on this ballot measure. Therefore, a list of local projects with estimated costs matching each provider's pro rata share must be delivered to Metro. The deadline to submit eligible local share proposals from this bond funded program is no later than November 1, 1994. If eligible projects are not timely submitted, both the \$25 million amount for local share funding and the \$138.8 total amount of bonds issued may be reduced to that extent.

Capital improvements of lands acquired with bond proceeds are intended to be a secondary purpose of this entire program. However, for individual purchases or some local projects, greenspaces related capital improvements, may be a primary element. Allowable improvements include, but are not limited to, restoration or enhancement of natural areas, trail construction, nature centers, interpretative displays, facilities for disabled people, access roads and facilities, parking, boat ramps, trail heads, rest rooms, picnic tables, shelters, viewing facilities, water systems, camp sites, fishing piers, signs, fences, and security lighting.

Regionally significant lands acquired by Metro would be "land banked" with the property interest owned by Metro. The Metro Regional Parks and Greenspaces Department may operate and maintain these lands or other cooperative arrangements may be made consistent with the Greenspaces Master Plan. Initially, most of these lands will be held with limited maintenance and development. If the acquisition bond measure is approved by the voters, Metro excise taxes have been committed for this low level of maintenance. No bond funds can be legally used for any operations and maintenance. Some improvements could be done with bond funds and new grants to start public use. At the same time, user fees and other revenue must be developed to offset increased costs from increased public use. The July, 1992 Metropolitan Greenspaces Program Financial Study identified the following alternatives for such revenue: greenspaces parking permit, day use or camping fees, concessions, volunteer services. Other revenue sources may be investigated depending on the type of improvement.

Other allowable expenditures for this program include acquisition administrative expenses, bond issuance costs and reimbursable bond preparation expenses relating to the design planning and feasibility of the acquisition program. Administrative expenses include, but are not limited to, assistance from professional realtors, real estate appraisals, title companies and environmental evaluation firms.

The preference is to issue bonds which mature in 20 years. However, to maintain the flexibility to respond to the market existing at time bonds are issued, the maturity period may be up to 30 years.

The following are the 14 regionally significant natural areas and five trail segments targeted for acquisition:

	<u>Acres</u>
Willamette River Greenway	1,103
Willamette Narrows	
Canemah Bluffs	
Cathedral Park to railroad bridge	
Oaks Bottom to OMSI	
West side of Multnomah Channel	
East Buttes/Boring Lava Domes	545
Newell Creek Canyon	370
Sandy River Gorge	808
Cooper Mountain	459,428
Buffer and expansion of Forest Park	380
Jackson Bottom and McKay Creek/ Dairy Creek addition	333
Tonquin Geological area	277
Tualatin River Greenway, access points	190,266
Clear Creek Canyon	366,342
Gales Creek	855,775
Columbia Shoreline	95
Fairview Creek/Lake	143
Rock Creek	316,300
	<u>6,240,165</u>
Peninsula Crossing Trail (Improvements only)	
Fanno Creek Greenway	
Sauvie Island to Beaverton/Hillsboro Trail	
Clackamas River Greenway (north bank)	
Beaver Creek Canyon Greenway (Troutdale)	

1170

METRO REGIONAL FACILITIES COMMITTEE RECOMMENDATION
(July 20, 1994)

<u>Regional Greenspace Target Areas *</u>	<u>Acres</u>	<u>Cost (millions of \$)**</u>
Willamette River Greenway	1,103	17.0
Willamette Narrows		
Canemah Bluffs		
Cathedral Park to railroad bridge		
Oaks Bottom to OMSI		
West side of Multnomah Channel		
East Buttes / Boring Lava Domes	545	10.5
Newell Creek Canyon	370	6.7
Sandy River Gorge	808	5.7
Cooper Mountain	428	4.2
Buffer and expansion of Forest Park	380	5.7
Jackson Bottom and McKay Creek /	333	1.7
Dairy Creek addition		
Tonquin Geological area	277	3.3
Tualatin River Greenway; access points	266	4.0
Clear Creek Canyon	342	4.1
Gales Creek	775	3.1
Columbia Shoreline	95	1.7
Fairview Creek / Lake	143	2.8
Rock Creek	300	4.5
 Greenspaces Subtotal	 6,165	 \$75.0
 <u>Regional Trail Projects</u>		
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 Trails Subtotal		 \$16.3
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ADOPTED by the Metro Council this _____ day of _____, 1994.

Judy Wyers, Presiding Officer

KLA
1170

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