

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 15-4631
CHIEF OPERATING OFFICER TO GRANT AN)
EASEMENT TO THE CITY OF WILSONVILLE) Introduced by Chief Operating Officer Martha
Bennett in concurrence with Council
President Tom Hughes

WHEREAS, pursuant to the Metro Open Spaces, Parks and Streams 1995 Ballot Measure 26-26 on January 23, 2002, Metro purchased approximately 39 acres of real property in the Tonquin Geologic Area Target Area, now known as part of “Coffee Lake Creek Wetlands”; and

WHEREAS, on June 17, 2013, the Wilsonville City Council adopted the Transportation System Plan for the City of Wilsonville, which is the City’s long-term transportation plan and is an element of its Comprehensive Plan; and

WHEREAS, the Transportation System Plan identified the extension of SW Kinsman Road as an important minor arterial roadway, and the City has been awarded Federal-Aid Surface Transportation Program (STP) urban funds (2009) and Statewide Transportation Improvement Program (STIP) enhancement funds (2015) for the design and construction of the project; and

WHEREAS, as part of this road extension, a single-lane roundabout is planned to be constructed adjacent to Coffee Lake Creek Wetlands, and the location of the roundabout and supporting storm drainage infrastructure necessitates the City’s acquisition of right-of-way and easements from adjacent property owners, including 4,403 square feet across Coffee Lake Creek Wetlands; and

WHEREAS, the City of Wilsonville requests a permanent easement of 4,403 square feet for the construction and maintenance of public roadway and utility infrastructure; and

WHEREAS, Metro Parks and Nature Department staff have evaluated this easement request according to the criteria set forth in Metro Council Resolution No. 97-2539B, “For the Purpose of Approving General Policies Related to the Review of Easements, Right of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department,” adopted on November 6, 1997 (the “Easement Policy”), as further set forth in Attachment 1 to the Staff Report for this Resolution; and

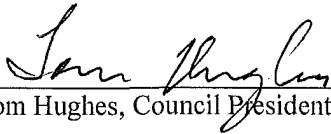
WHEREAS, staff has determined that the easement request can be accommodated with minimal impact to natural resources, cultural resources, recreational resources, recreational facilities, recreational opportunities and their operation and management at the Coffee Creek Wetlands, and staff therefore recommends approval of the easement request; and

WHEREAS, the Easement Policy and the Metro Code requires review of all easement requests by the Metro Council; now therefore,

BE IT RESOLVED that the Metro Council hereby authorizes the Chief Operating Officer to grant a permanent access, construction and maintenance easement to the City of Wilsonville in the location


described on the attached Exhibit A to this Resolution, on terms satisfying the Easement Policy and approved by the Office of Metro Attorney.

ADOPTED by the Metro Council this 23 day of July, 2015.



Tom Hughes, Council President

Approved as to Form:



Alison R. Kean, Metro Attorney
fr

Exhibit A to Resolution No. 15-4631



www.obec.com

14429LD01
November 13, 2014
A. Silbernagel

LEGAL DESCRIPTION

KINSMAN ROAD EXTENSION
CITY OF WILSONVILLE
31W11C 01400

A tract of land over real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that property conveyed to Metro, by Statutory Warranty Deed Document No. 2002-007186, Clackamas County Deed Records, lying in the Southwest quarter of Section 11, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the South Quarter Corner of Section 11, said corner being a 3-1/4" Brass Disk; thence North 88°38'29" West along the South line of said section a distance of 1360.78 feet; thence leaving said South line, North 1°32'07" East, a distance of 80.46' to the northerly right-of-way line of Boeckman Road and the **Point of Beginning**; thence leaving said right-of-way and continuing North 1°32'07" East a distance of 32.42 feet; thence along the arc of a 113.00 foot radius curve to the left (the long chord of which bears South 68°20'33" West, 78.20 feet) an arc distance of 79.85 feet, to a point of non-tangency; thence South 66°20'01" West, a distance of 67.18 feet to the northerly right-of-way line of Boeckman Road; thence continuing along said right-of-way line, on the arc of a 1056.70 foot radius curve to the right (the long chord of which bears North 88°03'09" East, 112.89 feet) an arc distance of 112.94 feet; thence continuing along said right-of-way line, North 20°41'38" East, a distance of 21.25 feet; thence continuing along said right-of-way line, South 88°41'08" East, a distance of 13.00 feet to the **Point of Beginning**.

Containing 3430 square feet, more or less.

Subject to easements and restrictions of record.

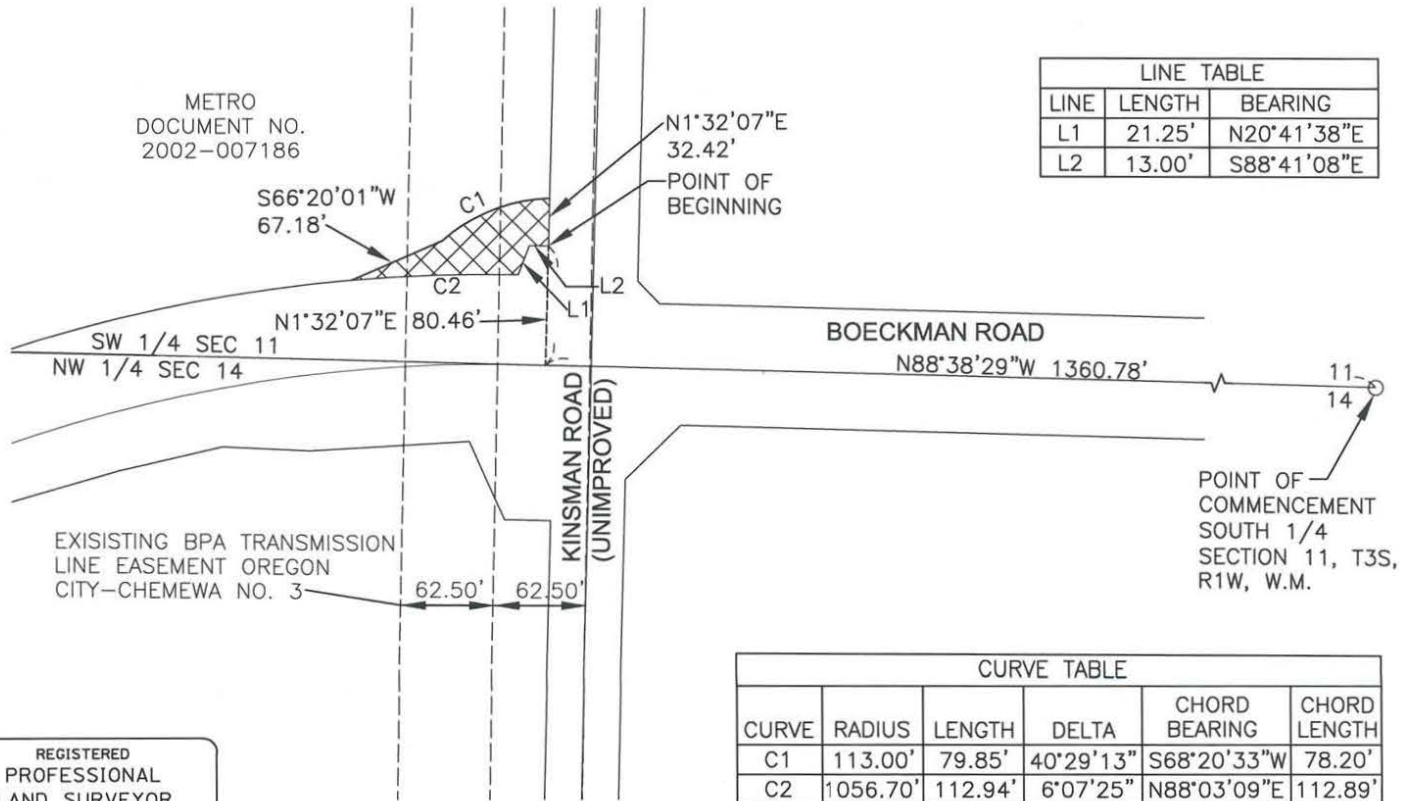
Bearings based on Survey No. 2010-187,
Clackamas County Surveyors Office.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
*79198

RENEWS: JUNE 30, 2016
SIGNED: 11/13/2014

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 KINSMAN ROAD EXTENSION
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



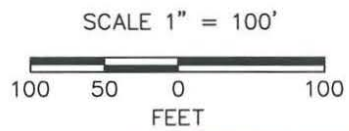
LINE TABLE		
LINE	LENGTH	BEARING
L1	21.25'	N20°41'38"E
L2	13.00'	S88°41'08"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	113.00'	79.85'	40°29'13"	S68°20'33"W	78.20'
C2	1056.70'	112.94'	6°07'25"	N88°03'09"E	112.89'

REGISTERED PROFESSIONAL LAND SURVEYOR

Andrew Joseph Silbernagel
 OREGON
 MAY 12, 2011
 ANDREW JOSEPH SILBERNAGEL
 #79198

RENEWS: JUNE 30, 2016
 SIGNED: *11/13/2014*



FEE EASEMENT
 AREA= 3,430 SQ. FT ±

FILE NO.	DRAWN BY	DESIGN BY	DATE
14429S01	CMB	AJS	11/13/14



www.obec.com

14429LD02
December 10, 2014
A. Silbernagel

LEGAL DESCRIPTION

KINSMAN ROAD EXTENSION
CITY OF WILSONVILLE
31W11C 01200

A tract of land over real property situated in the City of Wilsonville, Clackamas County, Oregon, being a portion of that property conveyed to Metro, by Warranty Deed-Statutory Form, Document No. 99-094558, Clackamas County Deed Records, lying in the Southwest quarter of Section 11, Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 11, said corner being a 3-1/4" Brass Disk; thence North 88°38'29" West along the South line of said Section 11 a distance of 1360.78 feet; thence leaving said South line, North 1°32'07" East, a distance of 80.46' to the northerly right-of-way line of Boeckman Road and the **Point of Beginning**; thence leaving said right-of-way and continuing North 1°32'07" East a distance of 32.42 feet; thence South 88°42'56" East, a distance of 30.00 feet; thence South 1°32'07" West, a distance of 32.45 feet to the northerly right-of-way line of Boeckman Road; thence continuing along said right-of-way line, North 88°39'02" West, a distance of 30.00 feet to the **Point of Beginning**.

Containing 973 square feet, more or less.

Subject to easements and restrictions of record.

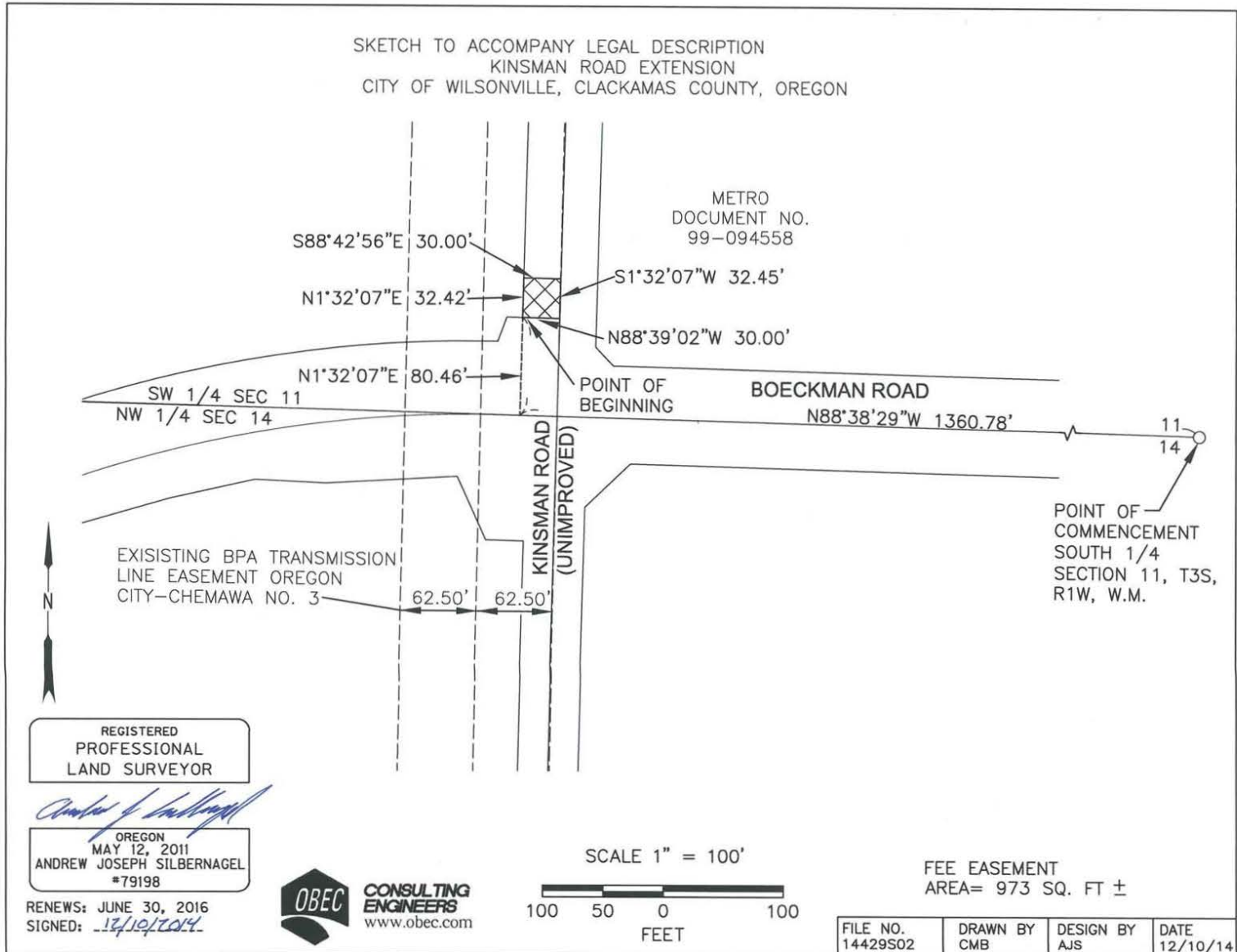
Bearings based on Survey No. 2010-187,
Clackamas County Surveyors Office.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 12, 2011
ANDREW JOSEPH SILBERNAGEL
#79198

RENEWS: JUNE 30, 2016
SIGNED: 12/10/2014

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
 KINSMAN ROAD EXTENSION
 CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON



STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 15-4631, FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO GRANT AN EASMENT TO THE CITY OF WILSONVILLE

Date: July 23, 2015

Prepared by: Dan Moeller
503-797-1819

BACKGROUND

Metro's Parks and Nature Department receives requests for easements, leases and right-of-ways for non-park uses through park and natural area properties. These requests are reviewed and analyzed per guidance and policy established via Resolution 97-2539B, "For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways and Leases For Non-Park Uses Through Properties Managed By Regional Parks and Greenspaces Department," adopted by the Metro Council on November 6, 1997. Metro received an easement application from the City of Wilsonville, and it has been reviewed by staff in accordance with this policy. As set forth in the findings in Attachment 1 as required by the policy, staff recommends approval of the easement request.

The City of Wilsonville's Comprehensive Plan is an official statement of the goals, policies, implementation measures, and physical plan for the development of the city. The plan documents the city's approach to the allocation of available resources for meeting current and anticipated future needs, ensuring the City's planning programs support Metro's 2040 Regional Framework Plan. The City of Wilsonville updated its Comprehensive Plan in 2013, and as a supporting document to the City's Comprehensive Plan, the City completed an update of its Transportation System Plan ("TSP") also in 2013.

The TSP is the City's long-term transportation plan and intends to ensure the City will be prepared to support land use growth within the urban growth boundary through the 2035 planning horizon. The "Higher Priority Project List" within the TSP includes recommended projects reasonably expected to be funded through 2035. These are the highest priority projects and will inform the City's yearly budget and 5-year Capital Improvement Plan.

One of these Higher Priority Projects is the southern extension of SW Kinsman Road, from SW Barber Street to SW Boeckman Road. The City believes the extension of SW Kinsman Road provides a significant public benefit by improving the connectivity and capacity for all modes of transportation in southwest Wilsonville, especially between Wilsonville and Boeckman Road. The City also believes the extension is needed as a safe and efficient route to move freight through western Wilsonville, removing truck traffic from several unsafe smaller roads. The City has been awarded federal aid grants on two occasions for a total of \$3.63 million for preliminary design and final construction. The City believes this level of federal aid investment signifies the regional support and importance of this roadway to improve freight movement and multi-modal connections within the region.

At the north end of this roadway extension, at the intersection of SW Kinsman Road and SW Boeckman Road, the City has planned and designed a single-lane roundabout. The location of the roundabout and supporting storm drainage infrastructure necessitates the City's acquisition of right-of-way and easements from adjacent property owners, including 4,403 square feet from Metro. The Metro property in question was purchased in the Tonquin Geologic Target Area with funds from the 1995 Open Spaces, Parks and Streams bond measure ("Open Spaces bond measure"), and subsequent acquisitions through both the Open Spaces bond measure and the 2006 Natural Areas bond measure brought the site to its current size of 232 acres, known as "Coffee Lake Creek Wetlands." The site consists primarily of wetland with some forested upland and overall, provides excellent wildlife habitat and is an important area for groundwater

recharge and discharge. It is also a great spot for nesting waterfowl and other wildlife species. According to the 2002 closing memo, these open space values are even more significant because the property is located near the “future 2,400+ housing unit urban village at the nearby Dammasch site.” This Dammasch site is now known as Villebois, and the Kinsman Road extension design provides safe multi modal opportunities for these residents. Much of this site lies within the city limits of the City of Wilsonville.

Metro staff reviewed this easement request, in accordance with Resolution 97-2539B, “For The Purpose Of Approving General Policies Related To The Review Of Easements, Right-Of-Ways and Leases For Non-Park Uses Through Properties Managed By Regional Parks and Greenspaces Department.” As set forth in the findings in Attachment 1 as required by the policy, staff recommends approval of the easement request.

ANALYSIS/INFORMATION

1. Known Opposition

None

2. Legal Antecedents

1995 Metro Open Spaces Bond Measure approved by voters on May 16, 1995;

2006 Metro Natural Areas Bond Measure approved by voters on November 7, 2006;

Metro Code Section 2.04.026(a)(2), which requires Metro Council authorization for the Chief Operator to transfer interests in real property; and

Metro Council Resolution No. 97-2539B “For the Purpose of Approving General Policies Related to the Review of Easements, Right-Of-Ways, and Leases for Non-Park Uses through Properties Managed by the Regional Parks and Greenspaces Department,” adopted November 6, 1997.

3. Anticipated Effects

Adoption of the easement will allow the City of Wilsonville construct and maintain roadway extension that will provide improved multi-modal connectivity to residents and businesses in southwestern Wilsonville.

4. Budget Impacts

None

RECOMMENDED ACTION

The Chief Operating Officer recommends approval of Resolution 15-4631.



ATTACHMENT 1 TO STAFF REPORT TO RESOLUTION NO. 15-4631

METRO EASEMENT POLICY CRITERIA AND STAFF FINDINGS ON CITY OF WILSONVILLE'S APPLICATION FOR A PERMANENT EASEMENT IN COFFEE LAKE CREEK WETLANDS NATURAL AREA

- 1) Provide for formal review of all proposed easements, rights of ways, and leases for non-park uses by the Regional Parks and Greenspaces Advisory Committee, the Regional Facilities Committee and the full Council. Notwithstanding satisfaction of the criteria set forth herein, the final determination of whether to approve a proposed easement, right of way, or lease is still subject to the review and approval by the full Metro Council.**

Staff finding: Criterion has been satisfied through a thorough review by Metro Parks and Nature Department staff and the Office of Metro Attorney. Department staff prepared a Resolution, Staff Report and this Staff Findings Report to present to the Metro Council for a final decision.

- 2) Prohibit the development of utilities, transportation projects and other non-park uses within corridors or on sites which are located inside of Metro owned or managed regional parks, natural areas, and recreational facilities except as provided herein.**

Staff finding: The applicant requests a permanent 4,403 square foot easement at the southeast corner of Coffee Lake Creek Wetlands for a transportation project which will include some utility infrastructure. The project site is not located inside of this Metro owned natural area, but is on its edge. Department staff reviewed this request as provided herein for a non-park use on a natural area site in accordance with this policy.

The applicant is constructing a minor arterial roadway intended to remove truck traffic from smaller, unsafe roadways and enhance both local and regional freight mobility west of I-5. This roadway will terminate at its north end in a roundabout at SW Boeckman Road. The location of this roundabout and supporting storm drainage infrastructure necessitates acquisition of right-of-way and easements from adjacent property owners, including Metro. The proposed use of the easement area will include construction and maintenance of public roadway and utility infrastructure, including use by franchise utilities. The remainder of the proposed easement is intended to accommodate re-grading due to change in elevation. The easement area is on the fringe of a 232 acre natural area and adjacent to the existing thoroughfare Boeckman Road. Most of the easement area is already burdened by a Bonneville Power Administration easement which restrict the uses and vegetation permitted.

- 3) Reject proposals for utility easements, transportation right of ways and leases for non-park uses which would result in significant, unavoidable impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management.**

Staff finding: Criterion satisfied. Parks and Nature Department staff reviewed this request and has determined that there will be no significant impacts to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management to the site by the requested easement, while providing a significant public benefit of improving connectivity and capacity for all methods of transportation in southwest Wilsonville. The easement is very small, on the edge of a natural area, already adjacent to a major roadway, and already burdened by a Bonneville Power Administration easement prohibiting certain vegetation growth and other development. The impacts to the natural area will be minimal and any impacts to plants or habitat will be restored by the applicant through their Wetlands-Fill permit issued by the Department of State Lands and the U.S. Army Corps of Engineers.

- 4) **Accommodate utility easements, transportation right of ways or other non-park uses when the Regional Parks and Greenspaces Department (the Department) determines that a proposed easement, right of way, or non-park use can be accommodated without significant impact to natural resources, cultural resources, recreational facilities, recreational opportunities or their operation and management; and that the impacts can be minimized and mitigated.**

Staff finding: Criterion satisfied. There is not a master or management plan for the site, but the requested easement area of 4,403 square feet consists of 0.04% of the 232 acre site, and the requested easement lies at the very edge of the site, adjacent to an existing major roadway, and already burdened by the Bonneville Power Administration easement prohibiting certain vegetation growth. Department staff believe any impacts to the natural area can be minimized and mitigated, and will be mitigated through the requirements in place in the Wetlands-Fill permit issued to the applicant by the Department of State Lands and the U.S. Army Corps of Engineers.

- 5) **Require full mitigation and related maintenance, as determined by the Department, of all unavoidable impacts to natural resources, recreational facilities, recreational opportunities or their operation and management associated with the granting of easements, right of ways, or leases to use Metro owned or managed regional parks, natural areas or recreational facilities for non-park uses.**

Staff finding: Criterion satisfied. The applicant has an extensive mitigation plan that has already been approved by the Oregon Department of State Lands and the U.S. Army Corps of Engineers. The applicant proposes to mitigate impacts to the site's natural resources by re-grading to existing contours when possible and replanting with native trees, shrubs and groundcover.

The wetland fill area was included in the City's Wetlands Removal-Fill permit through the Oregon Department of State Lands and U.S. Army Corps of Engineers. As mitigation for the loss of the wetlands and natural area functions, the City has purchased wetland mitigation bank credits through the Mud Slough Wetland Mitigation Bank, LLC. In addition to the mitigation credits, a 1.35 acre temporal mitigation area will be constructed immediately west of the proposed road alignment within the Coffee Lake Creek wetlands (non-Metro owned portion), providing on-site mitigation for tree removal on non-Metro owned property and loss of natural area resulting from the project. Since the mitigation area is comprised of seasonally wet pastureland, plantings will be predominately comprised of native, wet-tolerant species, consisting of 325 trees and 650 shrubs. This mitigation area is intentionally located immediately north of an existing 1.0 acre temporal mitigation site, thereby providing a

combined mitigation area of 2.35 acres with a correspondingly higher functional classification than would be otherwise accomplished with two separate mitigation areas. As mitigation for removal of upland trees (oak trees in particular) on non-Metro owned property and loss of natural area resulting from the project, an additional 1.24 acre oak habitat enhancement area will be constructed at the northeast corner of the SW Barber Street and SW Kinsman Road intersection, adjacent to the proposed road alignment. The mitigation area will consist of 200 native trees and shrub species to expand and enhance the existing oak stand's diversity over time. Native groundcover and grass seed mix will be applied to enhance the oak understory and replace the impacted natural area function.

6) Limit rights conveyed by easements, right of ways, and leases for non-park uses to the minimum necessary to accomplish the objectives of any proposal.

Staff finding: Criterion satisfied. The applicant requests an easement of 4,403 square feet. This is a very small portion of the greater 232 acre site. The applicant has demonstrated that this square footage is necessary to construct and maintain a section of public roadway (a roundabout) and utility infrastructure. The remainder of the proposed easement is intended to accommodate re-grading due to change in elevation.

7) Limit the term of easements, right of ways and leases to the minimum necessary to accomplish the objectives of any proposal.

Staff finding: Criterion satisfied. The applicant indicates that permanent easement space limitations are the minimum needed to accomplish and maintain the project. Maintenance of this area in perpetuity after the construction will be necessary. The City will maintain the roadway and utilities within the easement in working order utilizing practices consistent with the maintenance of similar facilities under City jurisdiction.

8) Require reversion, non-transferable, and removal and restoration clauses in all easements, rights of ways, and leases.

Staff finding: Criterion satisfied. If the Metro Council approves an easement, the easement will include these terms. The Office of Metro Attorney will draft and review the easement before signature.

9) Fully recover all direct costs (including staff time) associated with processing, reviewing, analyzing, negotiating, approving, conveying, or assuring compliance with the terms of any easement, right of way, or lease for non-park use.

Staff finding: Criterion satisfied. Metro staff documented time and costs spent on this application and informed the applicant of the policy requiring reimbursement. Execution of the easement is subject to satisfaction of all expenses and the applicant is aware and agreeable to this.

10) Receive no less than fair market value compensation for all easements, right of ways, or leases for non-park uses. Compensation may include, at the discretion of the Department, periodic fees or considerations other than money.

Staff finding: Criterion satisfied. If the Metro Council elects to approve the easement, the applicant will be required to obtain an appraisal to determine the fair market value of the proposed permanent easement and compensate Metro accordingly. A Metro staff person, an

acquisition expert, has already valued this easement area for Metro use internally at \$1,000. The applicant proposes to obtain an outside appraisal as well. Department staff believes the valuation will be consistent.

- 11) **Require full indemnification from the easement, right of way or leaseholder for all costs, damages, expenses, fines, or losses related to the use of the easement, right of way, or lease. Metro may also require insurance coverage and/or environmental assurances if deemed necessary by the Office of General Counsel.**

Staff finding: Criterion satisfied. If the Metro Council elects to approve the easements, the easement document will include indemnification and insurance provisions.

- 12) **Limit the exceptions to this policy to: grave sales, utilities or transportation projects which are included in approved master/management plans for Metro regional parks, natural areas and recreational facilities; projects designed specifically for the benefit of a Metro regional park, natural area, or recreational facility; or interim use leases as noted in the Open Spaces Implementation Work Plan.**

Staff finding: Criterion satisfied. No exception to the policy was requested and this applicant has satisfied the easement policy.

- 13) **Provide for the timely review and analysis of proposals for non-park uses by adhering to the following process:**
 - A. **The applicant shall submit a detailed proposal to the Department which includes all relevant information including but not limited to: purpose, size, components, location, existing conditions, proposed project schedule and phasing, and an analysis of other alternatives which avoid the Metro owned or managed regional park, natural area or recreational facility which are considered infeasible by the applicant. Cost alone shall not constitute unfeasibility.**

Staff finding: Criterion satisfied. The applicant submitted a detailed application and proposal that included all necessary information.

- B. **Upon receipt of the detailed proposal, the Department shall determine if additional information or a Master Plan is required prior to further review and analysis of the proposal. For those facilities, which have master plans, require that all proposed uses are consistent with the master plan. Where no master plan exists all proposed uses shall be consistent with the Greenspaces Master Plan. Deficiencies shall be conveyed to the applicant for correction.**

Staff finding: Criterion satisfied. The application was thorough and completed and no additional information is needed. The site does not currently have a Master Plan, and a Site Conservation Plan is underway. The easement area is so small in relation to the larger site than it should not impact the Site Conservation Plan or any future Master Plan.

- C. **Upon determination that the necessary information is complete, the Department shall review and analyze all available and relevant material and determine if alternative alignments or sites located outside of the Metro owned or managed regional park, natural area, or recreational facility are feasible.**

Staff finding: Criterion satisfied. Based on the applicant’s extensive analysis, Parks and Nature Department staff concur no reasonable alternative exists.

Over the past several years the applicant performed an extensive analysis to not only limit the impact to Metro land, but also to limit the overall project impact to wetlands and natural areas within the area. In lieu of constructing the SW Kinsman Road extension, an analysis to improve three different routes was performed. The studied routes included SW Boburg Road, SW Brown Road, and SW Boones Ferry Road. Both the Boburg and Boones Ferry routes failed to provide enough capacity at the intersection of SW Boeckman Road and SW Boburg Road and were determined to be infeasible. The Brown Road route failed to provide enough capacity at the intersection of SW Brown Road and SW Barber Street and created safety and liability concerns by routing a significant amount of heavy truck traffic through a residential neighborhood and adjacent to an elementary school. One of the key goals of the project is to remove truck traffic from smaller, unsafe roadways and enhance both local and regional freight mobility west of I-5. The alternative route analysis confirmed that a new north-south minor arterial roadway was needed between SW Villebois Drive and SW Boburg Street to improve roadway connectivity, enhance freight mobility and relieve congestion at existing street intersections.

The current alignment of this roadway, the Kinsman Road extension, was selected as the least impactful alternative through a master planning process that included multiple discussions with the regulatory agencies spanning more than a decade. The road alignment is significantly constrained by the existing Bonneville Power lines and the extensive Coffee Lake Creek Wetlands to the west and the existing forested wetlands, industrial development, and the proximity of the existing railroad alignment to the east. As conditioned by the City’s wetlands removal-fill permit, the new road location is also limited to the area of previously impacted wetlands from the recent installation of a 48” water line along the same alignment as the proposed roadway (not on Metro property).

In addition to the road location and the alignment analysis, the City has examined a number of options to locate the SW Kinsman Road and SW Boeckman Street intersection improvements as to minimize the impacts to the Metro properties. Initially, a standard signalized intersection was proposed at Boeckman Road. However, the signal poles could not meet the clearance requirements of the overhead Bonneville Power lines. As a result, a roundabout intersection design was determined to be necessary, which requires more space than a standard signalized intersection. The City also looked at shifting the roundabout further to the south, away from the Metro properties. A number of design issues were identified, including the need to realign a portion of SW Boeckman Road and associated utilities thus filling additional wetlands in the Coffee Lake Creek complex. Also, a large existing underground water system pressure reducing vault (25’ x 15’ x 10’) does not allow for shifting the roundabout any further south than currently proposed. Shifting the roundabout further south would also create additional impacts to the forested wetland southeast of the proposed roundabout, which is not allowed under the City’s wetlands removal-fill permit. The City has reduced the impacts to the Metro owned properties as much as possible. The requested easement area is the minimum necessary to accommodate the SW Kinsman Road extension and intersection improvements at SW Boeckman Road.

D. If outside alternatives are not feasible, the Department shall determine if the proposal can be accommodated without significant impact to park resources, facilities or their operation and management. Proposals which cannot be

accommodated without significant impacts shall be rejected. If the Department determines that a proposal could be accommodated without significant impacts, staff shall initiate negotiations with the applicant to resolve all issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. The Department shall endeavor to complete negotiations in a timely and business-like fashion.

Staff finding: Criterion satisfied. Department staff determined the proposal can be accommodated without significant impacts to natural resources or the operations and management of Metro property. Staff does not believe there are any outstanding issues related to exact location, legal requirements, terms of the agreement, mitigation requirements, fair market value, site restoration, cultural resources, and any other issue relevant to a specific proposal or park, natural area or recreational facility. Should the Metro Council approve the easement request, program staff will work with the Office of Metro Attorney to resolve any and all issues that arise.

- E. Upon completion of negotiations, the proposed agreement, in the appropriate format, shall be forwarded for review and approval. In no event shall construction of a project commence prior to formal approval of a proposal.**

Staff finding: Criterion satisfied. If the easement is approved by the Metro Council, the Office of Metro attorney will draft and approve the easement document.

- F. Upon completion of all Metro tasks and responsibilities or at intervals determined by the Department, and regardless of Metro Council action related to a proposed easement, right of way, or lease for a non-park use, the applicant shall be invoiced for all expenses or the outstanding balance on expenses incurred by Metro.**

Staff finding: Criterion satisfied. Metro costs have been documented and the applicant will be billed for reimbursement.

- G. Permission from Metro for an easement or right-of-way shall not preclude review under applicable federal, state, or local jurisdiction requirements.**

Staff finding: Criterion satisfied. The applicant has already received permits from the Department of State Lands and the U.S. Army Corps of Engineers.