

A G E N D A

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METRO

MEETING: METRO COUNCIL REGULAR MEETING
DATE: June 27, 1996
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

Approx.
Time*

Presenter

2:00 PM **CALL TO ORDER AND ROLL CALL**

(5 min.) 1. **INTRODUCTIONS**

(5 min.) 2. **CITIZEN COMMUNICATIONS**

(5 min.) 3. **EXECUTIVE OFFICER COMMUNICATIONS**

4. **CONSENT AGENDA**

2:15 PM 4.1 Consideration of Minutes for the June 20, 1996 Metro
(5 min) Council Meeting.

5. **INFORMATIONAL PRESENTATION**

2:20 PM 5.1 Joe D'Alessandro, Executive Director of POVA, presentation.
(15 min)

6. **ORDINANCES - FIRST READING**

2:35 PM 6.1 **Ordinance 96-646**, For the Purpose of Amending the FY 1996-97
(5 min) budget and appropriations schedule to continue Metro's match
funding of Envirocorps, transferring \$25,000 from the General
Fund to the Regional Parks and Expo Fund; and Declaring an
Emergency.

7. **RESOLUTIONS**

2:40 PM 7.1 **Resolution No. 96-2316**, For the Purpose of Establishing
(5 min) a Position on a Third Columbia River Highway Bridge.

Monroe

2:45 PM 7.2 **Resolution No. 96-2351**, For the Purpose of Extending
(5 min) the Current Operations Contracts for Metro Central and
Metro South Transfer Stations Until April 30, 1997.

McLain

**8. EXECUTIVE SESSION HELD PURSUANT TO
ORS 192.660(1)(E). DELIBERATIONS WITH PERSONS
DESIGNATED TO NEGOTIATE REAL PROPERTY
TRANSACTIONS.**

2:50 PM
(5 min)

- 8.1 Resolution No. 96-2343,** For the Purpose of Approving
A Refinement Plan for the Gales Creek Target Area As
Outlined in the Open Space Implementation Work Plan.

McLain

2:55- PM
(5 min)

- 8.2 Resolution No. 96-2342,** For the Purpose of Approving
A Refinement Plan For the Jackson Bottom Dairy/McKay
Creeks Target Area As Outlined in the Open Space
Implementation Work Plan.

McLain

3:00 PM
(10 min)

9. COUNCILOR COMMUNICATIONS

3:10 PM

ADJOURN

Agenda Item Number 4.1

Approval of Minutes

For the June 20, 1996 Metro Council Meeting

**Metro Council Meeting
Thursday, June 27, 1996
2:00 PM - Council Chamber**

MINUTES OF THE METRO COUNCIL MEETING

June 20, 1996

Council Chamber

Councilors Present: Jon Kvistad (Presiding Officer), Susan McLain (Deputy Presiding Officer), Patricia McCaig, Ruth McFarland, Rod Monroe, Ed Washington, Don Morissette

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 2:05 p.m.

1. INTRODUCTIONS

Councilor McFarland acknowledged MCCI participant.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Consideration of the Minutes for the June 13, 1996 Metro Council Meeting.

Motion: Councilor Washington moved the adoption of the minutes of the June 13, 1996 Metro Council Meeting.

Second: Councilor Morissette seconded the motion.

Vote: The vote was 7 aye / 0 nay / 0 abstain. Presiding Officer Jon Kvistad declared the minutes unanimously approved by all those voting.

5. INFORMATIONAL PRESENTATION

5.1 Presentation of MPAC Boundary Committee recommendations by Portland City Commissioner Charlie Hales and Clackamas County Commissioner Judie Hammerstead.

Commissioner Hales presented the MPAC Boundary Committee's recommendations to Metro Council. He reviewed the history of the Boundary Commission, left over from the Charter. He

acknowledged John Houser and his work on the committee. Ken Martin of the Boundary Commission assisted MPAC as well, he is the expert on how the current system works. He was also very helpful in explaining how boundary decisions are made today. Mr Hales felt that the heart of the issue is, can you do boundary setting and regional planning in two different houses? MPAC believes that you must do boundary setting and regional planning under one roof, not two. The Metro structure must take on the functions that are now carried on by the Boundary Commission. Voters care about the livability of the region not so much about how the system works. Question before the Metro Council is how do we do it right? MPAC's recommendation to the Council is that this should be a Metro function.

County Commissioner Judie Hammerstead detailed the specifics of how the system should work. Members of the Committee included city representation included Charlie Hales of Portland, Alice Schlenker of Lake Oswego, Jeannine Murrell of Cornelius. Counties were represented by Judie Hammerstead and Linda Peters from Washington County. Rod Mitchell represented the service districts. There was broad representation both in geographics and population.

Three public hearings were held to seek public's perspective about how the Boundary Commission actually work. The Committee's charge under the Charter was to review the Boundary Commission and to put into a context with what is currently going on and what direction the region will be heading. Commissioner Hammerstead indicated that not all work is completed, there are technical details which need greater depth. The Committee looked at the function and structure, the geographical boundaries, the jurisdiction, the criteria for making decisions and the funding of the Boundary Commission.

The report and diagram are included with minutes. Commissioner Hammerstead reviewed the points. Their aim is to streamlined the process which allows for public participation, mostly at the local level. They focused on the public good rather than the individual. Hearing are held at local level and if all criteria is met and legal qualifications, there is a filing with a Metro administrator. If there is a citizen who objects, there would not be a public hearing but the citizen can submit a letter expressing concerns. Contested processes are clarified in the attached report. The geographical boundaries have been reduced to the Metro boundaries. There is quite a bit of process before coming to the Council. Outside the Metro boundaries, each entity would do their own process as in the rest of the State. Three criteria were identified as needing to be followed; 1) compliance with regional plans and Senate Bill 122 agreements, 2) the considerations of economics and financial impacts, and 3) the presumption that all territory within a UGB be within a city (primarily because this is the direction that 2040 is going).. Based upon those criteria there needs to be more clear and objective standards that would be applied. The committee recommended that the funding be considerably reduced with dues from the local jurisdictions, it should be more 'fee for service' based.

The timeline requires conforming legislation, Metro would need to have legal look at it and need to develop legislation that will enable it to be brought forward in the next legislative session. Planned implementation would be about January 1998. There is some discomfort about the lack of public participation. The Council will have to decide if there is enough public participation and adjust accordingly. There is a concerns about objectivity, about too much power for Metro and also a lack of trust that Senate Bill 122 will be successful.

Councilor McFarland asked that Bob Wiggin be included on the list so that he knows when this subject is coming up and where on the Council agenda.

Commissioner Hales added that the current boundary system will not work with the current 2040 process. The change that is being proposed does not allow the Boundary Commission to be a referee of local disputes. The boundary function has to be a means by which the regionally planning agenda is put into reality. This is a major change in the function. Boundary making is a tool for carrying out the regional plan.

Councilors McLain and Monroe acknowledged the work of committee, the work provides a solid framework for making decisions for the region. Councilor Washington also acknowledged this work and the new definition, boundary making.

Commissioner Hales added that MPAC, under the Charter, has advised Metro to take on this new responsibility.

Commissioner Hammerstead asked about the process that will occur from this point forward and the committee's role in this process. Presiding Officer Kvistad indicated that this has been referred to the Government Affairs Committee, chaired by Councilor McCaig. This is where the decisions and discussion will take place.

6. ORDINANCES - FIRST READING

6.1 Ordinance No. 96-645, For the Purpose of Adopting Metro Code Chapter 2.16 Code of Ethics.

Ordinance No. 96-645 was assigned to the Government Affairs Committee.

7. ORDINANCES - SECOND READING ***(Subject to Suspension of the Rules)***

Presiding Officer Kvistad noted that there would be no Council meeting on the Fourth of July and that several councilors would not be available for the June 27th meeting, therefore, he asked that both the ordinances and resolutions before the Council today be considered. He asked for a motion to suspend the rules.

Vote to Suspend the Rules:

Motion: Councilor McFarland moved to suspend the rules to consider Ordinance No. 96-664A, Resolution 96-2339, and Resolution 96-2350, all of which came out of committee the day previous.

Second: Councilor Washington seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously to suspend the rules in order to deal with these three items.

7.1 Ordinance No. 96-644A, For the Purpose of Granting a Franchise to Waste Management of Oregon for Operating a Solid Waste Processing Facility.

Motion: Councilor McFarland moved the adoption of Ordinance No. 96-644A.

Second: Councilor Morissette seconded the motion.

Discussion: Councilor McFarland indicated that Waste Management of Oregon is the first of several MRFs that will be before the Council. This company has passed the criteria for approval. There is a template setting out the criteria. There was no objection to this criteria.

Motion: Councilor McFarland moved to amend Ordinance No. 96-644A by adding a clause indicating unanimous consent of the Council for immediate adoption and also a clause authorizing the ordinance to be effective immediately. This must be done in order to put the ordinance through today rather than waiting a week.

There was no objection to consideration of these amendment.

Seconded: Councilor McLain seconded the motion.

Vote: The vote on the two amendments was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Presiding Officer Kvistad opened a public hearing on Ordinance 96-644B as amended. No one came forward. The public hearing was closed.

Vote: The vote on amended Ordinance 96-644B was 7 aye/ 0 nay/ 0 abstain. The amended ordinance passed unanimously.

8. RESOLUTIONS
(Subject to Suspension of the Rules)

8.1 Resolution No. 96-2339, For the Purpose of Authorizing The Executive Officer to Enter Into An Agreement With The City of Portland Bureau of Environmental Services For Metro to Receive Federal Funds for Projects Which Benefit Columbia Slough Adjacent to St. Johns Landfill.

Motion: Councilor McCaig moved the adoption of Resolution No. 96-2339.

Second: Councilor Washington seconded the motion.

Discussion: Councilor McCaig indicated that 10 million dollars from the US Environmental Protection Agency came to the City of Portland. The City of Portland can spend up to \$210,000 in grants to other agencies such as Metro for improving and revitalizing the Columbia Slough. There are three projects which total \$93,000, planting trees, lifting a barge out of the slough, monitoring and mapping visible seeps in the landfill. This resolution authorizes the Executive to enter into an agreement to accomplish these three projects.

Councilor Morissette asked about the structure that would replace the barge to maintain slough habitat, is there a potential exposure for cost? Councilor McFarland replied that the structure would be a log to replace the barge, a minimal cost.

Presiding Officer Kvistad opened a public hearing on Resolution 96-2339. No one came forward to speak to this resolution. The public hearing was closed.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

8.2 **Resolution No. 96-2350, For the Purpose of Authorizing an Intergovernmental Agreement with Clackamas County to Provide Litter Collection Services.**

Motion: Councilor McLain moved the adoption of Resolution No. 96-2350.

Second: Councilor Monroe seconded the motion.

Discussion Councilor McLain indicated that this resolution has to do with our responsibility to keep up the litter on the roads outside of the South Transfer Station. Intergovernmental agreement with Clackamas County's Department of Transportation and Development to provide litter collection selection. Service is good, there is no change in budget impact so she recommended we continue that services for another two years.

Presiding Officer Kvistad opened a public hearing on Resolution 96-2350. No one came forward to speak to this resolution. The public hearing was closed.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Councilor McFarland asked for a point of privilege. She thanked the Council for taking up these items today.

Councilor McLain handed out a package from the Growth Management Committee. A copy of information given out at the open houses in the last two weeks was included. She indicated that there was an excellent turn out at each open house, good questions that were asked and a lot of interest in the Urban Reserve Study Areas. On the top of the packet is an informational item, the basic schedule that the Committee has been working from. This schedule is necessary to get the document on the functional plan to Council by the first of August. It also lays out general agenda items to get to the finished product.

Councilor McCaig indicated that this was the first time she had seen this packet. She clarified that this packet was not from the GM Committee but rather from Councilor McLain. It is her understanding that the committee will review this timeline and agenda items and make revisions prior to publication.

Presiding Officer Kvistad indicated that the information given out at the open houses in the hand outs was public record.

Councilor McLain clarified that there was one new date on the blue timeline, the only one that hasn't had any public hearing.

Councilor Morissette reiterated that the blue timeline was a draft that Councilor McLain would like to see forwarded. The committee is working on a schedule to accomplish the same goals but may not be the same in every instance, he hope to agree wherever possible.

Councilor McLain indicated that this schedule is the basic record, meeting times, basic general agenda items. She added that the committee members are welcome to come forward with additions as long as they are submitted in a timely manner.

Councilor Morissette added that there is not unanimous support for some of the issues, another proposal would be before the Committee next week and as the Committee goes forward he is hopeful that there will be agreement on as many issues as possible and that if there is not agreement, there will be good debate.

Councilor McLain acknowledged this was status quo but in order to have public notice of agenda items in a timely manner, those items should be submitted to Mr Morrissey the Wednesday before the meeting.

9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.

Presiding Officer Kvistad opened an Executive Session pursuant to ORS 109-660(1)(e) at 2:56 pm.

Present: Mike Burton, Judy Gregory, Mark Williams.

Presiding Officer Kvistad closed the Executive Session at 3:19pm.

10. COUNCILOR COMMUNICATIONS

- 10.1 Councilor Washington announced that the City/Metro Transition Committee has had its first meeting concerning PAC and other facilities. Individuals in attendance included Bev Stein, from Multnomah County, Commissioner Lindberg, Larry Harvey from Hotel/Motel, Don McClave and two representatives; one from Clackamas and one from Washington county. Mr Cooper and Mr Morrissey were also in attendance as well as Kathleen Johnson-Kuhn from the Business Community for the Arts. The next meeting is scheduled for the week after July 4th with one meeting every week in July after that.. Don McClave will chair the committee. Issues of finance, governance and ownership will be considered, finance will be covered in the next meeting. Councilor Washington will provide minutes of the meeting to all Councilors.
- 10.2 Presiding Officer Kvistad announced that there will be no Council meeting on July 4th. He asked that the office be covered, but staff who wish to take July 5th as vacation time could do so. Presiding Officer Kvistad added that the fiscal year is

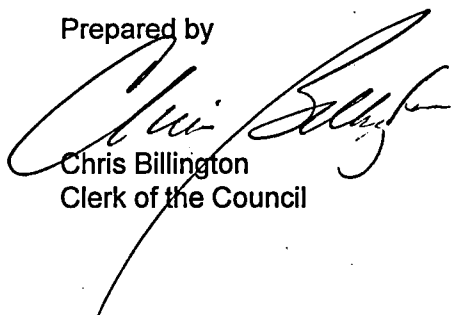
ending, if Councilors have needs for their offices, let the Council Office know ASAP. Third, each Councilor should review of expense account levels, phone bills should be looked at carefully. Fourth, he thanked the Growth Management staff for all hard work in putting on the last four public hearings.

- 10.3 Councilor Monroe reminded the Council that there was a joint meeting JPACT and at 5 pm today to deal with the regional transportation plan.

11. ADJOURN

With no further business to come before Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 3:26 pm.

Prepared by

A handwritten signature in cursive script, appearing to read "Chris Billington", is written over the printed name and title.

Chris Billington
Clerk of the Council

Agenda Item Number 6.1

Ordinance No. 96-646, For the Purpose of Amending the FY 1996-97 Budget and Appropriations Schedule to Continue Metro's Match Funding of Envirocorps, transferring \$25,000 from the General Fund to the Regional Parks and Expo Fund; and Declaring an Emergency.

Metro Council Meeting
Thursday, June 27, 1996
2:00 PM - Council Chamber

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-)
97 BUDGET AND APPROPRIATIONS)
SCHEDULE TO CONTINUE METRO'S)
MATCH FUNDING OF ENVIROCORPS,)
TRANSFERRING \$25,000 FROM THE)
GENERAL FUND TO THE REGIONAL)
PARKS AND EXPO FUND; AND)
DECLARING AN EMERGENCY)
)

ORDINANCE NO. 96-646

Introduced by
Councilor Ed Washington

WHEREAS, the Metro Council has reviewed and considered the need to transfer appropriations within the FY 1996-97 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS:

1. That the FY 1996-97 Budget and Schedule of Appropriations are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$25,000 from the General Fund Contingency to the Regional Parks and Expo Fund.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet obligations and comply with Oregon Budget Law, and emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this ____ day of _____, 1996.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

DS

\\Budget\FY96-97\BudOrd\96-646

STAFF REPORT

IN CONSIDERATION OF ORDINANCE 96-646 AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE TO CONTINUE METRO'S MATCH FUNDING OF ENVIROCORPS, TRANSFERRING \$25,000 FROM THE GENERAL FUND TO THE REGIONAL PARKS AND EXPO FUND; AND DECLARING AN EMERGENCY

Date: June 14, 1996

Presented by: Councilor Ed Washington

FACTUAL BACKGROUND AND ANALYSIS:

This budget action amends the Budget and Appropriations schedule to reflect the changes necessary to continue funding of the Envirocorps program at previous levels through FY 1996-97.

This action transfers \$25,000 from the General Fund Contingency to Regional Parks and Expo Fund (general allocation) and increases by an equal amount Payments to Agencies within Planning and Capital Development of the Regional Parks and Greenspaces Department.

Envirocorps is an Americorps program designed to provide a service learning experience for adults and at-risk youth in conservation natural resource management within the Portland metropolitan area. Envirocorps has received the majority of its funding (\$200,000) from the Americorps Foundation. In addition, it has received matching contributions totaling nearly \$80,000 from its local sponsors: Metro, Portland State University, East Multnomah County Soil and Water Conservation District, and the Natural Resources Conservation Service. In both FY 1994-95 and FY 1995-96, the Council authorized matching funding of \$35,000 for Envirocorps. Envirocorps has assisted the Regional Parks and Greenspaces Department with restoration and various other important projects over the past two years.

At the time the FY 1996-97 budget was being developed, continued federal funding for the Americorps program and Envirocorps was uncertain and hence was not included in the Regional Parks and Greenspaces budget request. Furthermore, the Department addressed other pressing needs with limited general funds, including a limited duration position to assist with 2040 framework planning and landbanking of properties acquired through Measure 26-26. Consequently, the budget included a carry forward of \$8,750 from the Regional Parks and Expo Fund and \$1,250 from the Smith & Bybee Fund to continue

Metro's funding of Envirocorps through the federal fiscal year ending September 30, 1996.

Americorps has since received reauthorization of its funding for the federal fiscal year beginning October 1, 1996. In addition to its federal funding, Envirocorps has also received notice of continued matching contributions from East Multnomah County Soil and Water Conservation District, Natural Resources Conservation Service and Portland State University.

This Metro ordinance would amend the budget to increase funding for Envirocorps by \$25,000, which combined with the previously authorized \$10,000 (\$8,750 in Regional Parks and Expo Fund and \$2,500 in Smith & Bybee Fund), would continue funding for the program at the \$35,000 level through FY 1996-97. Metro's match helps fund Envirocorps program coordinator position. In turn, Envirocorps will continue to assist the Regional Parks and Greenspaces Department with work on various projects and events as well as the provision of interns.

Executive Officer's Recommendation

The Executive Officer has no recommendation on the adoption of Ordinance 96-646.

Exhibit A
Ordinance No. 96-646

FISCAL YEAR 1996-97		ADOPTED BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<u>General Fund</u>							
Resources							
TOTAL RESOURCES			8,133,191		0		8,133,191
Requirements							
Total Personal Services		21.00	1,070,990		0	21.00	1,070,990
Total Materials & Services			267,228		0		267,228
Total Capital Outlay			37,400		0		37,400
<u>Interfund Transfers</u>							
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		345,813		0		345,813
581610	Trans. Indirect Costs to Support Svcs. Fund		458,097		0		458,097
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen'l		3,381		0		3,381
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		7,506		0		7,506
582120	Trans. Res. to Zoo Operating Fund		61,990		0		61,990
582140	Trans. Res. to Planning Fund		3,659,624		0		3,659,624
582554	Trans. Res. to Spectator Facilities fund		250,000		0		250,000
582610	Trans. Res. to Support Svcs. Fund		65,000		0		65,000
582160	Trans. Res. to Reg. Parks/Expo Fund		654,073		25,000		679,073
582160	Trans. Res. to Reg. Parks/Expo Fund (landbanking)		97,277		0		97,277
582160	Trans. Res. to Reg. Parks/Expo Fund (earnd on facilities)		291,271		0		291,271
Total Interfund Transfers			5,894,032		25,000		5,919,032
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency		663,541		(25,000)		638,541
599990	Unappropriated Fund Balance		200,000		0		200,000
Total Contingency and Unappropriated Balance			863,541		(25,000)		838,541
TOTAL FUND REQUIREMENTS		21.00	8,133,191		0	21.00	8,133,191

Exhibit A
Ordinance No. 96-646

FISCAL YEAR 1996-97		ADOPTED BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<u>Regional Parks and Expo Fund</u>							
Resources							
REGIONAL PARKS & GREENSPACES							
305000	Fund Balance - Unrestricted		611,956		0		611,956
305000	Fund Balance - restricted		106,750		0		106,750
331110	Federal Grants-Operating-Direct						
	U.S. Fish & Wildlife Service (Year 3)		45,014		0		45,014
	U.S. Fish & Wildlife Service (Year 4)		463,379		0		463,379
334110	State Grants-Operating-Direct						
	Oregon State Parks		30,000		0		30,000
	Oregon State Marine Board		10,000		0		10,000
337210	Local Grants-Operating-Direct						
	Oregon Historical Society		15,000		0		15,000
338000	Local Gov't Shared Revenues-R.V. Registration Fees		233,000		0		233,000
338200	Local Gov't Shared Revenues		139,000		0		139,000
339200	Contract Services		999,522		0		999,522
339300	Government Contributions		45,300		0		45,300
341700	Cemetery Services		107,740		0		107,740
341710	Cemetery Sales		59,084		0		59,084
347100	Admissions		336,332		0		336,332
347152	Family Camp Fees		25,662		0		25,662
347153	Group Camp Fee		7,296		0		7,296
347220	Rental-Buildings		35,981		0		35,981
347300	Food Service		4,570		0		4,570
347810	Management Fee Income - Glendoveer income		697,304		0		697,304
347830	Contract Revenue - Glendoveer Lease		27,148		0		27,148
347840	Concessions Revenue		6,235		0		6,235
347900	Other Miscellaneous Revenue		8,804		0		8,804
347960	Boat Launch Fees		125,160		0		125,160
361100	Interest Earned		77,058		0		77,058
391010	Trans. of Res. from Gen'l Fund (general allocation)		654,073	25,000			679,073
391010	Trans. of Res. from Gen'l Fund (landbanking)		97,277		0		97,277
391010	Trans. of Res. from Gen'l Fund (earned on Parks/Expo)		291,271		0		291,271
391350	Trans. Resources from Open Spaces Fund		71,143		0		71,143
393350	Trans. Direct Costs from Open Spaces Fund		1,830,000		0		1,830,000
393761	Trans. Direct Costs from Smith & Bybee Lakes Fund		39,324		0		39,324
393765	Trans. Direct Costs from Regional Parks Trust Fund		4,806		0		4,806
EXPO CENTER							
305000	Fund Balance - Unrestricted						
	• Unrestricted		1,336,100		0		1,336,100
	• Capital Requirements		1,500,000		0		1,500,000
347220	Rental-Buildings		914,331		0		914,331
347311	Food Service-Concessions		1,750,000		0		1,750,000
347600	Utility Services		46,602		0		46,602
347900	Other Miscellaneous Revenue		38,307		0		38,307
365110	Donations and Bequests		20,000		0		20,000
361100	Interest Earned		101,925		0		101,925
372100	Reimbursements-Labor		102,120		0		102,120
374000	Parking Fees		1,350,883		0		1,350,883
391550	Trans. Resources from OCC Operating Fund		9,000,000		0		9,000,000
391550	Trans. Resources from OCC Oper Fund-Interfund Loan		500,000		0		500,000
TOTAL RESOURCES			23,965,939		25,000		23,990,939

Exhibit A
Ordinance No. 96-646

FISCAL YEAR 1996-97		ADOPTED BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Requirements							
Expo Center							
Total Requirements - Expo Center		20.73	15,388,578	0	0	20.73	15,388,578
Regional Parks and Greenspaces Department							
Total Personal Services		49.73	2,004,744	0.00	0	49.73	2,004,744
521100	Office Supplies		7,605		0		7,605
521110	Computer Software		3,000		0		3,000
521111	Computer Supplies		699		0		699
521210	Landscape Supplies		16,526		0		16,526
521220	Custodial Supplies		7,415		0		7,415
521240	Graphics/Reprographic Supplies		1,375		0		1,375
521250	Tableware Supplies		1,200		0		1,200
521260	Printing Supplies		500		0		500
521270	Animal Food		110		0		110
521290	Other Operating Supplies		19,790		0		19,790
521292	Small Tools		5,180		0		5,180
521293	Promotional Supplies		1,700		0		1,700
521310	Subscriptions		1,050		0		1,050
521320	Dues		1,014		0		1,014
521510	Maintenance & Repairs Supplies-Building		14,282		0		14,282
521520	Maintenance & Repairs Supplies-Grounds		39,380		0		39,380
521540	Maintenance & Repairs Supplies-Equipment		8,217		0		8,217
523100	Merchandise for Resale-Food		10,000		0		10,000
523200	Merchandise for Resale-Retail		2,000		0		2,000
524110	Accounting & Auditing Services		3,800		0		3,800
524120	Legal Fees		0		0		0
524130	Promotion/Public Relation Services		0		0		0
524190	Miscellaneous Professional Services		758,815		0		758,815
525100	Utilities		0		0		0
525110	Utilities-Electricity		29,542		0		29,542
525120	Utilities-Water & Sewer Charges		7,725		0		7,725
525140	Utilities-Heating Fuel		4,124		0		4,124
525150	Utilities-Sanitation Service		21,360		0		21,360
525190	UtilitiesOther		3,000		0		3,000
525610	Maintenance & Repair Services-Building		700		0		700
525620	Maintenance & Repairs Services-Grounds		0		0		0
525640	Maintenance & Repairs Services-Equipment		7,870		0		7,870
525710	Equipment Rental		30,140		0		30,140
525740	Capital Lease		0		0		0
526200	Ads & Legal Notices		2,325		0		2,325
526310	Printing Services		35,675		0		35,675
526320	Typesetting & Reprographics Services		6,000		0		6,000
526410	Telephone		9,954		0		9,954
526420	Postage		13,981		0		13,981
526430	Communications/Catalogues & Brochures		0		0		0
526440	Delivery Services		1,850		0		1,850
526500	Travel		2,975		0		2,975
526510	Mileage Reimbursement		1,700		0		1,700
526690	Concessions/Catering Contract		0		0		0
526691	Parking Contract		0		0		0
526700	Temporary Help Services		1,000		0		1,000
526800	Training, Tuition, Conferences		8,251		0		8,251
526900	Misc. Other Purchased Services		230		0		230

Exhibit A
Ordinance No. 96-646

FISCAL YEAR 1996-97		ADOPTED BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
529910	Uniform Supply		8,600		0		8,600
528100	License, Permits, Payment to Agencies		253,763		25,000		278,763
526900	Miscellaneous Other Purchased Services		0		0		0
528310	Real Property Taxes		91,500		0		91,500
528500	Government Assessments		13,000		0		13,000
529500	Meetings		1,500		0		1,500
529800	Miscellaneous Expenditures		500		0		500
529835	External Promotion		12,700		0		12,700
Total Materials & Services			1,473,623		25,000		1,498,623
Total Capital Outlay			1,898,100		0		1,898,100
Total Requirements - Regional Parks & Greenspaces		49.73	5,376,467	0	25,000	49.73	5,401,467
Total Interfund Transfers			763,415		0		763,415
Total Contingency and Unappropriated Balance			2,437,479		0		2,437,479
TOTAL FUND REQUIREMENTS		70.46	23,965,939		25,000	70.46	23,990,939

Exhibit B
Ordinance No. 96-646
FY 1996-97 SCHEDULE OF APPROPRIATIONS

	Current Appropriation	Revision	Proposed Appropriation
REGIONAL PARKS AND EXPO FUND			
Regional Parks and Greenspaces			
Personal Services	2,004,744	0	2,004,744
Materials & Services	1,473,623	25,000	1,498,623
Capital Outlay	1,898,100	0	1,898,100
Subtotal	5,376,467	25,000	5,401,467
Expo Center			
Personal Services	830,977	0	830,977
Materials & Services	2,197,101	0	2,197,101
Debt Service	150,000	0	150,000
Capital Outlay	12,210,500	0	12,210,500
Subtotal	15,388,578	0	15,388,578
Interfund Transfers	763,415	0	763,415
Contingency	568,997	0	568,997
Unappropriated Balance	1,868,482	0	1,868,482
Total Fund Requirements	\$23,965,939	\$25,000	\$23,990,939
GENERAL FUND			
Personal Services	1,070,990	0	1,070,990
Materials & Services	267,228	0	267,228
Capital Outlay	37,400	0	37,400
Subtotal	1,375,618	0	1,375,618
Interfund Transfers	5,894,032	25,000	5,919,032
Contingency	663,541	(25,000)	638,541
Unappropriated Balance	200,000	0	200,000
Total Fund Requirements	\$8,133,191	\$0	\$8,133,191

All Other Appropriations Remain As Previously Adopted

Agenda Item Number 7.1

**Resolution No. 96-2316, For the Purpose of Establishing
a Position on a Third Columbia River Highway Bridge.**

Metro Council Meeting
Tuesday, June 27, 1996
2:00 PM - Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING)
A POSITION ON A THIRD COLUMBIA)
RIVER HIGHWAY BRIDGE)

RESOLUTION NO. 96-2316

Introduced by Rod Monroe,
Chair, JPACT

WHEREAS, In 1995 the City of Vancouver, Clark County and the Southwest Washington Regional Transportation Council (RTC) established the Transportation Futures Committee to review a broad range of issues relating to travel within Clark County and between Clark County and the Oregon portion of the metropolitan area; and

WHEREAS, The Clark County Transportation Futures Committee has recommended evaluating the costs and impacts of a range of transportation alternatives addressing bi-state travel, including two possible locations for a third highway crossing of the Columbia River; and

WHEREAS, One bridge location, around the west side of Vancouver Lake, crossing the Columbia River near Rivergate, then crossing the Willamette River near Linnton, crossing through Forest Park and continuing to Highway 26 in Washington County, raises the following concerns:

- It would be inconsistent with state, regional and local land use policies in Oregon and it would increase pressure to expand the Urban Growth Boundary (UGB) and accelerate growth pressures on satellite communities in the Highway 30 corridor such as Sauvie Island, Scappoose and St. Helens.
- It would raise extremely serious environmental issues with regard to threatened and endangered fish in the Columbia and

Willamette Rivers, impacts to Forest Park, a major scenic and recreational resource, and it would potentially sever the continuous wildlife corridor which links Forest Park with the coastal mountains.

- It would not serve a significant existing travel market; less than 1 percent of the current regional travel is between Clark County and Washington County.

WHEREAS, The second bridge location, through east Clark County west of Camas, crossing the Columbia River near Troutdale and with a possible connection to Highway 26, raises these concerns:

- It would be inconsistent with state, regional and local land use policies in Oregon and it would increase pressure to expand the Urban Growth Boundary (UGB) and accelerate growth pressures on communities such as Troutdale, Wood Village, Fairview, Gresham, Boring, and Sandy.
- It would also increase growth pressure within the Columbia River Gorge National Scenic Area in both Oregon and Washington.
- It would raise environmental issues with regard to threatened and endangered fish in the Columbia as well as to environmentally sensitive areas such as the Sandy River watershed.
- It would not serve a significant existing travel market; the Oregon portion of this corridor is currently served by I-205 and I-84.

WHEREAS, The two bridge concepts under consideration by the Clark County Futures Committee are inconsistent with state,

regional and local land use policies in both Oregon and Washington which seek to develop communities served by a range of transportation options including transit; and

WHEREAS, The two bridge concepts under consideration by the Clark County Futures Committee are inconsistent with state, regional and local transportation policies which call for improved accessibility through the development of multi-modal facilities that address fundamental regional and community goals such as environmental protection and support of the regional economy; now, therefore,

BE IT RESOLVED:

That the Metro Council finds that the two Columbia River crossing concepts under consideration by the Clark County Futures Committee are inconsistent with long-range planning efforts in the Oregon portion of the metropolitan area, would not provide significant transportation benefits to residents of the region and should not be studied further.

ADOPTED by the Metro Council this ____ day of ____, 1996.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 96-2316 FOR THE PURPOSE OF ESTABLISHING A POSITION ON A THIRD COLUMBIA RIVER HIGHWAY BRIDGE

Date: April 9, 1996

Presented by: Andrew Cotugno

PROPOSED ACTION

The adoption of this resolution states the finding that the two Columbia River crossing concepts under consideration by the Clark County Futures Committee are inconsistent with the long-range transportation and land use plans in the Oregon portion of the Portland metropolitan region.

JPACT reviewed this matter at its April 11, 1996 joint meeting with MPAC and recommends approval of Resolution No. 96-2316.

FACTUAL BACKGROUND AND ANALYSIS

In September 1995, the City of Vancouver, Clark County and the Southwest Washington Regional Transportation Council (RTC) formed the Clark County Transportation Futures Committee to explore the full range of options for improving transportation in Clark County. This committee has directed staff to prepare information on a range of possible bi-state improvements including I-5 corridor light rail, I-205 corridor light rail, a third auto bridge west of Vancouver Lake, or a third auto bridge west of Camas.

The purpose of this assessment is to allow for comparison among the options at a broad sketch level. This sketch level comparison will be accomplished through the development of order-of-magnitude cost estimates, a general assessment of environmental impacts (including land use compatibility) and an assessment of the transportation benefit and function of the proposed improvement. In order to facilitate this assessment, the committee has defined the two third auto bridge options for purposes of preparing the sketch level assessment.

In 1989, JPACT and the Metro Council considered the issues involved in a third auto bridge connecting Clark County through Multnomah County to Washington County. At that time, there was significant public testimony expressing concern with the potential environmental damage that could be caused by a route adjacent to Vancouver Lake, crossing Sauvie Island, climbing through Forest Park and connecting to Highway 26. Of particular concern among Oregon residents who submitted comments at that time were the potential environmental impacts to Forest Park. Forest Park is seen as a major regional recreational and scenic asset and, of particular concern, was the possibility that a major roadway through the West Hills, even north of Forest Park, could sever the wildlife corridor between the Portland hills and the coast range.

The Region 2040 process in Oregon and the Growth Management Act process in Clark County have provided both portions of the region with a long-range planning framework. Both third bridge locations currently under consideration are inconsistent with these long-range plans. The western alignment would operate largely outside of the Urban Growth Boundary (UGB) and it would accelerate development pressure on communities in the U.S. 30 corridor such as Sauvie Island, Scappoose, and St. Helens.

The eastern alignment would be inconsistent with the long-range planning framework by increasing development pressure on communities such as Troutdale, Wood Village, Fairview, Gresham, Boring and Sandy in the Highway 26/Mt. Hood corridor and by increasing development pressure on the Columbia Gorge National Scenic Area.

Neither third bridge location would serve a significant existing travel market. The major travel movement served by the western alignment, Clark County to Washington County travel, represents less than 1 percent of regional work trips, and even less for all trip purposes. The eastern alignment would serve the periphery of the region, an area already served by I-84 and I-205.

**Resolution No. 96-2351, For the Purpose of Extending the Current Operations
Contracts for Metro Central and Metro South Transfer Stations Until April 30, 1997.**

Metro Council Meeting
Thursday, June 27, 1996
2:00 PM - Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF EXTENDING THE)	RESOLUTION NO. 96-2351
CURRENT OPERATIONS CONTRACTS FOR METRO)	
CENTRAL AND METRO SOUTH STATIONS UNTIL)	Introduced by Mike Burton
APRIL 30, 1997)	Executive Officer
)	

WHEREAS, It is in Metro's best interest to extend the existing operation contracts for the reasons described in the accompanying staff report; and

WHEREAS, Such extensions will provide appropriate time for the Council and interested parties to review the procurement document which will be used to obtain replacement operations contracts and to provide appropriate input; and

WHEREAS, It is unlikely that Metro would incur economic harm as a result of the extensions as unit prices for the work is fixed in the existing contracts which were competitively obtained; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED,

1. That the Metro Council authorizes the Executive Officer to execute Change Order No. 20 to the Metro Central Station Operations Contract No. 901584 which is attached as Exhibit "A"; and
2. That the Metro Council authorizes the Executive Officer to extend the Metro South Operations Contract No. 901106 until April 30, 1997 per the administrative procedures contained in the contract.

ADOPTED by the Metro Council this _____ day of _____, 1996.

John Kvistad, Presiding Officer

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 96-2351 FOR THE PURPOSE
OF EXTENDING THE CURRENT OPERATIONS CONTRACTS FOR
METRO CENTRAL AND METRO SOUTH TRANSFER STATIONS UNTIL
APRIL 30, 1997.

Date: June 5, 1996

Presented by: Jim Watkins
Chuck Geyer

PROPOSED ACTION

Adopt Resolution No. 96-2351 which authorizes the Executive Officer to execute Change Order No. 20 to the Operations Agreement for Metro Central Station with Trans Industries to extend the term of the agreement until April 30, 1997, and to authorize the Executive Officer to exercise the extension provision of the existing Metro South Station Operations Agreement to extend the term until April 30, 1997.

FACTUAL BACKGROUND AND ANALYSIS

In December 1989, Metro entered into the current agreements for operation of Metro Central and Metro South stations. In September 1994, Metro renegotiated the Metro Central agreement to lower its cost, restructure the maintenance cost sharing arrangement and to sell the rolling stock to the Contractor. Metro did not exercise its option to terminate the agreement after three years, but did obtain the right to terminate the agreement prior to its expiration date of October 1, 1996, if it was in Metro's interest to do so. The reasons for executing the change order are contained in Resolution No. 94-2019 and its accompanying staff report. One of the main reasons for continuing the agreement was to obtain more operating experience with the station and its materials recovery systems, utilizing the firm which had designed, purchased and constructed the station and its systems.

In September 1994, Metro also exercised its right to extend the Metro South Station Operating Agreement with Waste Management of Oregon until October 1, 1996, to coincide with the expiration of the Metro Central Operating Agreement. The reasons for this extension are contained in Resolution No. 94-2003 and the accompanying staff report. The main reason being to rebid the two stations jointly. Staff's analysis indicated that substantial savings were possible if the two stations were bid as a package, and since the rate at the station was already quite competitive, no economic harm would be incurred by Metro as a result of such an extension.

It is in Metro's best interest to further extend both operation contracts until April 30, 1997. Below are delineated specific operational and solid waste system issues which require further examination prior to conducting a procurement for operation of the stations. In addition, staff is seeking a thorough discussion of the procurement approach by the Council and interested parties (including potential vendors), prior to its implementation. Such a discussion is important since

this will be the first time Metro has contracted for operation of both stations simultaneously. The extension will allow for both policy and operational feedback to be incorporated into the final procurement document. A draft of this document will be ready for review by mid-Summer, 1996.

Operational Issues

Dry Waste: Metro will be able to implement and evaluate diverting such waste at Metro Central. Of particular interest to the proposers will be the actual tonnage that is available for diversion.

FBF: Metro could evaluate the latest modification of the fiber based fuel line in which heating elements were installed in the dies that will hopefully produce better cubes with a higher BTU value. The modifications were completed in May and initial test results have been very positive.

Organics: A pilot involving the reload of organics at transfer stations may be initiated this Summer to examine the feasibility of collecting and composting source separated organics from commercial establishments. An extension may permit evaluation of the initial stages of the pilot for possible inclusion in the next procurement.

Wood Waste Diversion from MSS: Staff is proposing a series of change orders that allows diversion of wood waste from Metro South to Metro Central Station. A delay would permit evaluation of this diversion as well as assessing the possibility of targeting other materials at Metro South for recovery, and the relationship which should be established between the two stations in the next procurement.

Reusables Recovery: A pilot involving the salvaging of reusables at Metro South has recently begun and its results could be incorporated into the next procurement.

Solid Waste System Issues

Materials Recovery Facilities: There are currently 9 planned or existing materials recovery facilities seeking Metro franchises. Metro's actions as regards these franchise applications and the subsequent impact on the transfer stations could be more thoroughly assessed prior to the transfer station procurement.

Rate Reform: As part of Metro's examination of REM's rate structure, consideration will be given to the effects of changing the fee (and consequently the amount of waste) at transfer stations, as well as the possibility of variable rates for loads rich in recoverables. A delay in the procurement may allow exploration of these approaches prior to finalizing the procurement.

Vertical Integration Issues: Since a successful proposal could be for operation of both transfer stations, Council may wish to discuss policy issues regarding proposers involved in the collection and disposal segments of the solid waste industry.

In addition to the above reasons, both the prices and performance received by the current contractors are good. The Metro South prices are well below industry average and the Metro Central prices renegotiated in 1994 are competitive for transfer stations with a materials recovery focus.

BUDGET IMPACT

The FY1996-97 budget for the extension period is approximately \$940,000 for Metro South and \$3 million for Metro Central. The contract costs of the recommended extension should not differ significantly from the budgeted amounts.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 96-2351.

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Exhibit "A"

**CHANGE ORDER NO. 20
METRO CONTRACT NO. 901584**

**MODIFICATION TO THE CONTRACT BETWEEN
METRO AND TRANS INDUSTRIES
FOR THE OPERATION OF METRO CENTRAL STATION**

METRO POC: Jim Watkins, Engineering & Analysis Manager

CONTRACTOR POC: Steve Miesen, District Manager

This Agreement is dated as of the last signature date below and is entered into between Metro and Trans Industries, referred to herein as "Contractor," pursuant to the Metro Transfer Station Operation Agreement made and entered into December 8, 1989.

A. Purpose

The primary purpose of this change order is to change the termination date of the Agreement to April 30, 1997.

B. Terms

1. Term of the Agreement. Section 3.1 of the Agreement is changed to read as follows:

"The Term of this Agreement, unless terminated sooner as provided herein, shall expire on April 30, 1997."

2. Repairs and Maintenance: The second sentence of Section 7.3.2.1 (as stated in Change Order No. 15) is changed to read as follows:

"Contractor shall be reimbursed for one-half its Direct Costs until January 31, 1997, and for seventy five percent of its Direct Costs during the remaining three months of this Agreement (excluding Contractor-provided labor expenses except those pre-approved by Metro) for the extraordinary costs for replacement or rebuilding of those items listed in Exhibit 7.2 of Change Order No. 15 to the extent of Cost Substantiation, provided that the Contractor has performed the periodic maintenance consistent with historical levels and the Operation and Maintenance Manuals."

Except as modified herein, all terms and conditions of the original agreement and previous change orders remain in full force and effect.

TRANS INDUSTRIES

METRO

Signature

Signature

Print Name and Title

Print Name and Title

Date

Date

Agenda Item Number 8.1

**Resolution No. 96-2343, For the Purpose of Approving A
Refinement Plan for the Gales Creek Target Area As Outlined
in the Open Space Implementation Work Plan.**

**Metro Council Meeting
Thursday, June 27, 1996
2:00 PM - Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING)
A REFINEMENT PLAN FOR THE)
GALES CREEK TARGET AREA)
AS OUTLINED IN THE OPEN SPACE)
IMPLEMENTATION WORK PLAN)

RESOLUTION NO. 96-2343

Introduced by Mike Burton
Executive Officer

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the electors of Metro approved Ballot Measure 26-26 which authorizes Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements pursuant to Metro's Open Spaces Program; and

WHEREAS, Gales Creek was designated as a greenspace of regional significance in the Greenspaces Master Plan and identified as a regional target area in the Open Space, Parks and Streams Bond Measure; and

WHEREAS, in November 1995, the Metro Council adopted the Open Space Implementation Work Plan, which calls for a public "refinement" process whereby Metro adopts a Refinement Plan including objectives and a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, Resolution No. 95-2228 authorizes the Executive Officer to purchase property with accepted acquisition guidelines as outlined in the Open Space Implementation Work Plan, now therefore,

BE IT RESOLVED,

That the Metro Council adopts the Gales Creek Refinement Plan, consisting of objectives and a confidential tax-lot-specific map identifying priority properties for acquisition, authorizing the Executive Officer to begin the acquisition of property and property rights as detailed in the Open Space Implementation Work Plan adopted in November, 1995 and in Resolution No. 95-2228.

ADOPTED by Metro Council this _____ day of _____, 1996.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2343, FOR THE PURPOSE OF APPROVING A REFINEMENT PLAN FOR THE GALES CREEK TARGET AREA AS OUTLINED IN THE OPEN SPACES IMPLEMENTATION WORK PLAN

Date: June 24, 1996

Presented by:

**Charles Ciecko
Jim Desmond**

PROPOSED ACTION

Resolution No. 96-2343, requests approval of a refinement plan and adoption of Target Area boundaries and objectives for the Gales Creek Regional Greenspace. These boundaries and objectives will be used to guide Metro in the implementation of the Open Space Bond Measure.

BACKGROUND AND ANALYSIS

The target area description in the Bond Measure Fact Sheet (authorized by Council Resolutions 95-2113, 94-2050 and 94-2029B) is as follows:

"Gales Creek Regional Greenspace. Acquire 775 acres of wetland, upland, and riparian natural area."

In the 1992 Greenspaces Master Plan, the target area was described as follows:

"Gales Creek is one of the headwater streams of the Tualatin. Flowing parallel to the Wilson River Highway (State Route 6) for much of its length, it has a "mountain stream" character in its upper reaches and supports trout populations. Several vineyards have been established in the middle reaches of the watershed on south facing slopes of the Coast Range foothills. South of Forest Grove, the lower reaches of the creek are slower moving, and agricultural uses predominate."

Target Area Description

The Gales Creek Watershed is located in far western Washington County. From its headwaters in the Coast Range near Round Top (elevation 908 feet), about 35 miles northwest of Forest Grove, Gales Creek flows through a landscape patchwork of forest and agricultural lands to its confluence with the Tualatin River. The watershed drains an area in excess of 50,000 acres and supports important species of fish and wildlife, including trout, steelhead, salmon, waterfowl, shorebirds, reptiles and amphibians. These species are dependent upon clean, cool water, vegetated riparian zones, wetlands, open water and farmland. Gales Creek is one of the only Tualatin River tributaries that still has native populations of cutthroat trout, steelhead and salmon. Its waters and channel provide the only non-fragmented natural area connection between the headwaters of Gales Creek from the upland forests of the Coast Range to the wetlands and floodplain of the Tualatin River. As Gales Creek flows south of the Tualatin Valley Highway toward its confluence with the Tualatin River, it becomes a part of the Tualatin River floodplain and the Fernhill Wetlands system. The Fernhill Wetlands are located on the southerly edge of the city of Forest Grove. The 160 acre wetland complex is part of a chain of regional wetlands that provide habitat and forage for a variety of migratory and wintering waterfowl, as well as a variety of resident

fish and wildlife. The target area includes the lower portion of Gales Creek from Ritchey Road south to the confluence with the Tualatin River. The target area also includes expansion of the Fernhill Wetlands east toward Jackson Bottom.

Refinement Process

The Open Spaces Implementation Work Plan, adopted by the Metro Council in November 1995, requires that a Refinement Plan be submitted to the Council for review and adoption prior to the acquisition of property in each target area. The Refinement Plan will contain objectives and a confidential tax-lot-specific map identifying priority properties for acquisition, enabling Metro to begin the acquisition of property and property rights as detailed in the Open Space Implementation Work Plan and in Resolution No. 95-2228. Resolution No. 95-2228 "authorizes the Executive Officer to acquire real property and property interests subject to the requirements of the Acquisition Parameters and Due Diligence guidelines of the Open Space Implementation Work Plan."

During the refinement process, Metro staff compiled available information about the Gales Creek target area, analyzed maps, and conducted biological field visits. In April of 1996, approximately 15 stakeholders were interviewed to identify key issues pertaining to the Gales Creek target area. These interviews included representatives of the City of Forest Grove, Washington County, Unified Sewerage Agency, Pacific University Biology Department, Oregon Department of Fish & Wildlife, Washington County Soil & Water Conservation District, Washington County Farm Bureau and the Tualatin River Watershed Council. The key points from the interviews are summarized in Appendix A.

A public workshop to discuss the proposed Refinement Plan was held on May 13, 1996 at the Shirley Huffman Cafeteria in Hillsboro. Notices of the workshop were mailed to area residents and other interested stakeholders. Approximately 50 people attended and their comments are summarized in Appendix B. A questionnaire was distributed at the workshop to gather public input on key resource issues and important connections; 11 questionnaires were returned. A copy of the questionnaire is included in Appendix C.

Biologist Esther Lev evaluated the Gales Creek target area based on the regional target area criteria. The evaluation is included as Appendix D and provides key findings leading to staff's recommended Refinement Area Boundary.

Findings

- Gales Creek is a regionally significant natural resource due to its fish, wildlife and water quality values.
- Within the watershed, upland and riparian forests, aquatic habitats, wetlands and the floodplain of the Tualatin River are surrounded by commercial timber lands, agriculture, nurseries, and rural home sites.
- There are areas of substantial public ownership within the Gales Creek watershed, including the following:
 - Watershed for the City of Forest Grove (4,300 acres)

- Commercial timber lands owned and managed by the State Department of Forestry to benefit the common school fund
- Pacific University arboretum in the upper watershed (approximately 60 acres)
- City of Forest Grove, Unified Sewerage Agency and Joint Water Commission ownerships in the Fernhill Wetlands area in the lower watershed (approximately 500 acres)
- The Joint Water Commission operates a water treatment plant on the south side of the Tualatin River near Gales Creek and a water intake for the Joint Water Commission and the Tualatin Valley Irrigation District draws water from the Tualatin River a short distance east of the Gales Creek confluence.
- The Fernhill Wetlands complex is part of a chain of regional wetlands that provide habitat and forage for a variety of migratory and wintering waterfowl as well as a variety of resident fish and wildlife. The combination of open water, emergent wetland and farmland habitats make this a regionally significant resource for waterfowl and shorebird species.
- A concept master plan for the Fernhill Wetlands was prepared in 1992. An active friends group, the Fernhill Wetlands Council, is proceeding with wetland restoration and enhancement projects, public access improvements and educational programs consistent with the concept master plan. A copy of the Fernhill Wetlands Master Plan Map is attached as Appendix E.
- The +3,000 acre Hagg Lake Reservoir, owned by the U.S. Bureau of Reclamation and managed by Washington County, is located southwest of Gales Creek but outside of the watershed. Hagg Lake Reservoir provides drinking and irrigation water and augments summer flows in the Tualatin River. The reservoir is managed for multiple use, including a range of recreational activities.
- Easements, dedications, donations, and other voluntary property-owner agreements should be pursued in addition to fee acquisition in order to stretch the impact of the regional dollars spent.
- A need exists for coordination with other government agencies and regulatory authorities to avoid duplication of protection efforts within the target area.

Regional Parks and Greenspaces Advisory Committee

A presentation of the staff report was given by Metro staff and consultants at a public meeting in Room 370A of Metro Regional Center on May 21, 1996. This analysis and the resulting objectives were approved by a unanimous vote of the Regional Parks and Greenspaces Advisory Committee.

At the Regional Facilities Committee Meeting held June 17, 1996, the City of Forest Grove requested that a specific area be included in the Gales Creek Target Area. A copy of their letter is attached as Appendix F. The Regional Facilities Committee recommended that this area be included in Tier I of the target area, and objectives have been amended accordingly.

GOAL: Acquire a minimum of 775 acres along Gales Creek and the Tualatin River, primarily through expansion of the Fernhill Wetlands complex at the confluence of Gales Creek and the Tualatin River, and provide a linear greenway connection along Gales Creek north to Ritchey Road, and north along Knox Ridge Stream from Ritchey Road to Willamina Avenue, for multiple values:

- Wildlife habitat
- Linear-greenway connection to Fernhill Wetlands and the Tualatin River
- Water quality/water quantity management
- Education and stewardship opportunities
- Passive recreation.

OBJECTIVES

Tier I Objectives

- Acquire key parcels near the Gales Creek confluence with the Tualatin River
- Acquire parcels to complete public ownership of the Fernhill Wetlands area.
- Acquire parcels to support linear greenway connections with the Fernhill Wetlands and the Tualatin River.
- Acquire key upland parcels in the vicinity of the Fernhill Wetlands in order to provide a variety of habitat.
- Protect and restore riparian corridor along Gales Creek north to Ritchey Road and along Knox Ridge Stream from Ritchey Road to Willamina Avenue through acquisition, easement and education for fisheries, wildlife habitat, water quality and open space values.

Tier II Objectives:

- Acquire/protect the riparian and wooded corridor along the Tualatin to connect the Fernhill Wetlands to Jackson Bottom.

Partnership Objectives:

- Pursue partnership opportunities with the City of Forest Grove, Friends of Fernhill Wetlands, the Unified Sewerage Agency and Pacific University to leverage the regional bond dollars targeted to the Gales Creek Regional target area.
- Pursue partnership opportunities with the farm community to retain agricultural land base within the target area.
- Coordinate with other government agencies and regulatory authorities to avoid duplication of protection efforts within the target area.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 96-2343.

**Appendix A
Gales Creek
Summary of Stakeholder Interviews**

- The City of Forest Grove has long-standing vision to link the community with a "linear open space" along Gales Creek south to the Tualatin River.
- Strong support to continue expansion of the Fernhill Wetlands consistent with the concept master plan.
- If the Unified Sewerage Agency decides not to retain the Zurcher farm property, several individuals mentioned that it was a key parcel to keep in public ownership with the frontage on both the Tualatin River and Gales Creek.
- Resource agencies mentioned the importance of Gales Creek habitat for waterfowl and fisheries.
- Metro should explore opportunities to keep farm lands in production and focus restoration activities along the creek corridor; be sensitive to farmer concerns regarding trespass, excessive traffic and vandalism.
- There are many partnership opportunities in this target area, including at least the City of Forest Grove, USA, Friends of Fernhill Wetlands, and Pacific University.

Stakeholders Interviewed:

Hal Bergsma and Jim Tice, Washington County Planning Dept., phone: 640-3519

Tom VanderPlaat, Water Resource Program Mgr., USA, phone: 648-8621

Larry Eisenberg, Washington County Facilities Management, phone: 648-8829

Rob Stockhouse, Biology Professor, Pacific University, Phone: 357-5161

Ivan Burnett, City Manager; Karl Mawson, Planning Director; Jim Smither, Associate Planner, City of Forest Grove, phone: 359-3226

Susan McLain, Metro Councilor, phone: 797-1553

Tualatin River Watershed Council, Staff Contact: Jackie Dingfelder, phone: 281-9623

Gene Herb, Joe Pesek and Holly Michel, ODF&W

Rob Foster, City Engineer, City of Forest Grove, phone: 359-3228

Tim Ewert, Manager, Joint Water Commission

McKay Creek Valley Association (meeting with about 8 people), Contact: Chris King, President, phone: 647-0007

Meeting with members of the Washington County Farm Bureau (about 10 individuals)

APPENDIX B

Jackson Bottom/McKay Creek/Dairy Creek/Gales Creek Questions and Comments

Public Workshop, May 13, 1996, Shirley Huffman Cafeteria, Hillsboro

Attendance: approximately 50 persons

If Metro has \$135 million to spend on 6,000 acres - that's \$20,000 per acre and that would buy a lot of land in this area.

Staff responded by explaining budget breakdown by target area, and that the Dairy and McKay and Gales creeks target areas each have their own budget.

Who will pay the taxes on the land you acquire?

Staff explained that the properties are taken off the tax roll, but tradeoff is enhanced livability to attract businesses, adding to tax base.

If your Tier II objective (on Dairy/McKay) is to "pursue acquisition of riparian corridors," if you have one unwilling seller left in the area, will you delete the objective or take by acquisition?

Staff explained that there will always be some unwilling sellers, stressed that natural resources can still be protected by partial ownership, and that is goal.

So there is no question that a minority will ever be condemned?

Staff expanded explanation of willing seller program - Metro has no intent to condemn.

Does Metro have power of condemnation?

Yes, but we feel it would seriously harm the program.

Who do we come after ten years from now when you're gone?

Staff explained three year timeline to acquire at least 60%, stressed that Metro is not going to condemn.

If Metro decides to do a trail, we can't believe they won't condemn a holdout.

Staff explained that the Open Space Bond Measure is for acquisition only; some trails areas are already clearly identified in other areas.

If Metro has the honest intent of not condemning property, they should sign a binding contract. We are suspicious of government. A few years ago Metro showed us a map with trails for this area.

Staff responded that other areas are now designated trails, and this bond measure is different than one proposed in 1992 because it included target areas and goals.

Is it possible that the City of Forest Grove will do a trail in the city?

Metro will be happy to work with the City if that is one of their projects.

If you acquire creek frontage, will you manage the creek? (remove downed trees, etc.)

Staff responded that Metro will be as responsible as any property owner would be, that sometimes trees should be left down for fish habitat reasons, as flooding is a natural phenomenon.

What is your timeline?

Staff explained timeline and fund distribution between objective tiers, and that it also depends on finding willing sellers.

Most of the land (targeted) is outside the UGB, already in public ownership, or floodplain, therefore undevelopable and protected.

Staff responded that Metro won't buy public lands, and there are more threats than just residential development, i.e. water quality issues. Each parcel is evaluated individually.

Councilor McLain stated that if a property is wetland, it can be developable due to mitigation, filling, drainage, etc.

Is Metro creating another bureaucracy to manage the lands we acquire?

Staff explained funding for program by Metro Council, the general revenue process, and importance of partnerships.

What are the long term objectives, can funds be used for enhancement?

Staff explained landbanking, which may include enhancement, i.e., replanting clearcuts, repairing slides, etc.

A person said he supports acquisition of the Banks Wetland area.

Please review the public access issue.

Staff responded that one of our problems will be controlling public access, and that access won't happen immediately, but some areas may already have public access. Reviewed management plans and public processes. Short term issues include maintaining the status quo, which may mean putting up gates or fences.

What's to stop this all from changing to very public active recreational areas ten years from now?

Councilor McLain stated that public figures change over time, and that future generations may decide on a trail, but we cannot now take away rights of future Council and public to determine policy. We can only be responsible for today; however, intent of Measure 26-26 is open spaces and willing seller program. All decisions will be made in a public process.

Staff responded that the voters voted for the bond measure as it currently stands.

Bond measure was voted down the first time, and Metro should have listened to the voters.

Staff explained differences between the two proposals.

The Tualatin River Water Quality Plan imposes a ban on usage 25' from banks. Why do we need Metro if it's already protected?

The objectives state that we don't want to take active agricultural or already protected land.

Why didn't Metro just go to the landowners first to see if you had any sellers?

Staff explained refinement plan to identify natural resource areas, which determines properties Metro may want to purchase.

Why not simply take all the Bond Measure funds to improve sewage and stormwater management if you are interested in water quality?

That is not the sole intent of the Bond Measure.

A participant encouraged acquisition around Fernhill Wetlands and Jackson Bottom, especially to create educational opportunities.

A participant stated the importance of protecting biological values because conditions will certainly change in 20 years. Stated we should all be working toward this together.

How is the \$25 million in local share dollars spent?

Staff explained local share program. Scott Talbot with the City of Hillsboro talked of specific projects—Noble Woods, Rood Bridge Park and Rock Creek acquisitions and enhancements.

We (the community) have seen uncontrolled growth and we don't trust politicians.

A member of the audience stated they support more funds being spent in urban developed areas, especially for water quality issues. Buy the USA land in Forest Grove.

Does zoning get lifted for Metro?

Staff responded that it does not. We are not that different from other landowners.

Various participants stated that it is important to buy contiguous parcels, they were looking for information on conservation easements, and to keep the UGB where it is.



GALES CREEK QUESTIONNAIRE

The Metro staff invites you to participate in the Refinement process for the Gales Creek Regional Greenspace. Refinement is the public process through which Metro adopts specific geographic boundaries and objectives for each target area. In the course of this process we interview stakeholders, evaluate the undeveloped land in the target area and formulate preliminary objectives. Please assist us by completing this questionnaire and sharing your ideas.

1. For the Refinement process being undertaken by the Metro staff for Gales Creek, what key elements should be emphasized in the land acquisition? (Rank in order from 1 to 5, with 1 being the most important and 5 the least important).

- _____ Acquisition of properties adjacent to the Fernhill Wetland area
- _____ Acquisition of land along Gales Creek west of the City of Forest Grove to provide a linear park connection to Fernhill Wetland and the Tualatin River
- _____ Acquisition of large land parcels, with existing or future potential to support a diversity of plants and animal life
- _____ Acquisition of land parcels, with existing or future potential to provide picnicking and camping facilities
- _____ Acquisition of wooded upland areas

2. What other objectives should be emphasized? (Rank 1 to 5, same as above).

- _____ Preservation/restoration of natural wildlife habitat
- _____ Wetlands and riparian corridors
- _____ Watershed/tributary protection
- _____ Public access
- _____ Educational opportunities

3. Specifically, where do you think public access is appropriate?

4. Are there locations where you would recommend against access? Please briefly explain why.

5. What suggestions would you propose to enhance the regional natural area?

6. Additional comments:

7. Are you interested in participating in the Open Spaces Program as a willing seller or benefactor in the form of a donation, dedication or conservation easement?

Name, Address, Phone Number (OPTIONAL)

_____ Please add my name to your Gales Creek mailing list for future information, public meetings and events.

Please return questionnaire to Metro Open Spaces Program, 600 NE Grand Avenue, Portland, OR 97232-2736. You may also call Metro's Open Spaces Hotline (797-1919) for more information or to leave a comment

APPENDIX D

**RECOMMENDATIONS FOR GALES CREEK TARGET AREA
ACQUISITIONS
DRAFT REPORT**

**Submitted to Metro Regional Parks and Greenspaces
May 8, 1996
Esther Lev**

RECOMMENDATIONS FOR GALES CREEK TARGET AREA ACQUISITIONS

INTRODUCTION

Gales Creek Watershed is located in far western Washington County. From its headwaters in the Coast Range near Round Top (elevation 908 feet) approximately 35 miles northwest of Forest Grove, the creek flows through a landscape patchwork of forest and agricultural lands to its confluence with the Tualatin River. The watershed drains an area of 50,275 acres or 7.85 sq. miles. The creek cuts through young alluvium, silt and clay deposits approximately 20 to 30 feet thick within its floodplain. The entire watershed is underlain by sandstone 400 feet in thickness.

Within the watershed, upland and riparian forests, aquatic habitats, wetlands and the floodplain of the Tualatin River are surrounded by agriculture, nurseries, homes and commercial timber lands. Trout, steelhead, salmon, waterfowl, shorebirds, reptiles and amphibians are important fish and wildlife species found in the watershed. These species are dependent upon clean, cool water, vegetated riparian zones, wetlands, open water and farmland. The waters and channel of Gales Creek provide the only non-fragmented natural area connection between the headwaters of Gales Creek from the upland forests of the Coast range to the wetlands and floodplain of the Tualatin River. Black cottonwood, bigleaf maple, Oregon ash, vine maple and elderberry are the dominant plant species in the riparian zone of the upper reaches of Gales Creek. Agricultural land, pastures, nurseries and a very thin riparian strip are more characteristic of the lower stretches of the creek.

As Gales Creek flows south of the Tualatin Valley Highway toward its confluence with the Tualatin River, it becomes a part of the Tualatin River floodplain and Fernhill wetland system. Fernhill wetland is located on the southerly edge of the city of Forest Grove. The 160 acre wetland complex is part of a chain of regional wetlands that provide habitat and forage for a variety of migratory and wintering waterfowl as well as a variety of resident fish and wildlife. From late fall to early spring thousands of geese, swans, ducks and other waterfowl flock to the area. The wastewater ponds provide large open water habitat for resident and migratory waterfowl and shorebirds, while the adjacent farm fields provide fall and winter food source. The combination of open water, emergent wetland and farmland habitats make this area high quality for these waterfowl and shorebird species.

Ballot Measure 26-26 allows Metro Parks and Greenspaces to acquire 775 acres of wetland, upland and riparian natural area within the Gales Creek Watershed. The following report recommends potential strategies and target areas for acquisition aimed at protecting and enhancing habitat for the fish and wildlife species found within the watershed.

FISH AND WILDLIFE SPECIES OF GALES CREEK WATERSHED

Cutthroat trout, steelhead and salmon have all been surveyed in Gales Creek. Over the past ten years the populations and occurrences of these fish species have drastically declined. Gales Creek is one of the only Tualatin River tributaries that still has these native populations of these fish species. As water quality decreases, and water temperature increases due to lack of riparian vegetation in the lower reaches of the creek, the likely occurrence and survival of these fish species in Gales Creek also decreases.

The open water and emergent wetland areas of Fernhill Wetland Complex provide habitat for canvasback, scaup, ring-necks, buffleheads, hooded mergansers, American mergansers, ruddy ducks, and western and pied grebes. Sandpipers, yellowlegs, dowitchers, snipe and killdeer are common visitors to the mudflats created when the lagoon is drained. Exposed mudflats providing critical feeding habitat for fall and spring migrating shorebirds are rapidly disappearing in the Willamette Valley. Great blue and green-back herons, and kingfishers commonly feed on the carp and other small fish that live in the lagoon. Common egrets are also seen in the winter and early spring.

The adjacent Tualatin River provides habitat for beaver, nutria and mink as well as a variety of reptile and amphibian species. The forested riparian zone along this stretch of the Tualatin provides cover and nesting habitat for herons, wood ducks, mergansers, red tailed hawks, kingfishers, owls and warbler species.

The snags (dead trees) of the adjacent small woodlots provide habitat for cavity nesting birds such as swallows, kestrels, woodpeckers, flickers, hooded mergansers, wood ducks, wrens, swallows and chickadees. The larger live trees provide nest trees for great horned owls, hawks and songbird species. Deer, raccoon, squirrels and coyotes are common in these woodlot habitats.

The reed canarygrass and emergent wetland plants provide winter food for shorebirds and waterfowl species, escape cover for songbirds, wrens, pheasants, mice and voles. This area also provides nesting habitat for marsh wrens and sora rails.

The upland forests of the watershed and Coast Range provide habitat for deer, occasional elk, owls, woodpeckers, hawks and other wildlife species.

The following is a list compiled by Oregon Department of Fish and Wildlife of reptile and amphibian species that were found in a 1984 survey.

Status of amphibians and reptiles in Gales Creek

Species	1984	Prior to 1984	Habitat
Redlegged frog	R	X	Maple/Alder forest with lush undergrowth
Spotted frog	R	X	Exterminated by bullfrog, maybe crop spraying
Roughskin newt	C	X	Ponds, slow moving streams
Ensatina	C	X	Rotting logs, conifers, woodlands
Pacific Tree Frog	C	X	
Western Terrestrial Garter Snake	R		Upper reaches of small valleys near streams
Racer	C	X	Sunny, Grass and brush
Common Garter Snake	C	X	Grassy areas along streams & ponds

Key: R= rarely found; C= common: X= probably occurring previously

The Importance of Riparian, Upland and Wetland Habitats in Gales Creek Watershed

The riparian zone serves as a nutrient filter, while providing shade, structure, and food sources to the creek. Healthy riparian zones can create diverse aquatic habitats, reduce light levels, modulate temperatures, serve as barriers to erosion into the stream, and provide travel corridors for wildlife species. The extent and continuity of the riparian vegetation are critical to both aquatic and terrestrial communities.

The wetland areas in addition, to providing fish and wildlife habitat also provide flood storage, water polishing and uptake of pollutants and nutrients and groundwater recharge.

The upland forests provide habitat for a variety of wildlife species, in addition to stabilizing the soil and steep slopes, preventing increased sediment from entering the creek.

Social Values and Opportunities Provided by the Natural Areas Within The Gales Creek Watershed.

The scenic setting, as well as wildlife viewing, education and interpretation opportunities within the Fernhill Wetland Complex are unique in the Portland metropolitan region.

Adjacency and access to the Tualatin River provide small boat canoe and kayak opportunities, potentially linking Fernhill and Jackson Bottom wetlands. Access points, allowing people to watch wildlife can be developed adjacent to the wetland complex and riparian zone of Gales Creek.

Potential Partners

Many groups currently are working within the Gales Creek watershed to study, protect and enhance the natural values of the watershed.

Pacific University Biology Department has been doing research, monitoring and restoration projects at the Fernhill wetland complex and at their forty acre arboretum located along the Wilson River Highway.

Fernhill Wetlands Council are the stewards of the Fernhill Wetland complex. In addition to volunteer projects and efforts, they have worked to develop a site master plan, and raise people's awareness on the importance of the area.

Oregon Department of Fish and Wildlife has an office in the Gales Creek watershed. They are very interested and concerned with the native fish, waterfowl and shorebirds and native reptiles and amphibians that utilize the Gales Creek Watershed.

The Washington County Farmer Bureau is very interested in keeping the fertile agricultural land of the watershed in production. The cultivated fields provide food for migrating waterfowl species.

Unified Sewerage Agency is a major landowner within the Fernhill wetland complex. They have encouraged creation and restoration of the wetland area, in addition to keeping much of the land in agricultural production.

RECOMMENDATIONS

The fish and waterfowl species occurrence and use of the Gales Creek watershed is unique for a semi-urban watershed and very important for the overall health of their populations within the Tualatin Basin and the Metro region. Any opportunities to add on to or enhance existing habitats should be a high priority for acquisitions.

Two target areas within the watershed, one near the confluence with the Tualatin River and the second in the upper watershed, have been identified as high priority acquisition complexes. These two areas have been chosen because of their wildlife habitat value, ability to add on to existing natural areas, and the potential partnerships with other groups and agencies in the management and maintenance, with the ability to add on to existing natural area ownerships. Timber harvest, ~~homes~~, pasture land, agricultural fields and homes fragment the natural linkages and lower the wildlife habitat in the middle section of the watershed. Therefore, recommendations for acquisition areas are aimed at the upper and lower portions of the watershed.

The highest priority area, The Fernhill Wetland Complex is shown on Map 1. Any possible additions to this area, including Fernhill Wetland, Tualatin River riparian zone and adjacent uplands should be a very high priority. The diversity of wetland, riparian and upland habitats will increase habitat diversity and wildlife habitat value. Any agricultural lands that are purchased, may be kept in agricultural production, with restoration and enhancement activities focused along the creek. The biology department at Pacific University has been involved with implementation, biological inventories and restoration of Fernhill Wetland for the past four years. They are very interested in continuing work at the site. A very strong partnership between Metro, Pacific University, Oregon Department of Fish and Wildlife and the Fernhill Wetlands Council could be formed to share responsibilities for management and enhancement of the site.

In addition, any areas along Gales Creek between its confluence with the Tualatin River north to Richey Road should be considered for acquisition. When possible, restoration of a riparian zone 200 ft. wide from the top of the bank should be encouraged. The restoration of the riparian zone will help to lower water temperature, limit sediment input and improve fish habitat in the creek. The rest of the site can be kept in agricultural production to provide food for waterfowl and pheasant species.

The second priority target area (see map) is located within the upper watershed. Pacific University owns a 40 acre arboretum adjacent to Highway 6. Gales Creek flows through this western red cedar, cottonwood forest. Opportunities to add upland forest habitat to the Pacific University arboretum site will provide important upland habitat and linkages from the creek to the ridgelines and improve the overall wildlife habitat value. In addition, protection of these forested hillsides will help limit sediment input into the creek. Adjacency to Highway 6 provides easy and more direct access to Gales Creek and its upland forests than the forested areas in the middle section of the watershed. Similar to Fernhill Wetland, students from Pacific University use the site as an outdoor laboratory conducting- biological inventories, restoration projects and monitoring. A strong partnership could be forged between Metro and Pacific University in the management and maintenance of this site.

The Banks Wetland, scrub/shrub wetland located just outside of the Gales Creek watershed is also an important geographic and natural resource feature in the overall landscape. Although, separated by drainage, this unique wetland types provides a connection and larger landscape ecological value to the resources within the Gales Creek watershed. Any opportunities to add this wetland area to the larger Gales/McKay Dairy Watershed should be considered.

forest grove

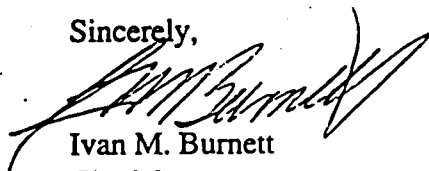
June 14, 1996

Metro Council
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Metro Councilors:

The City of Forest Grove respectfully requests that Metro extend its Tier I Regional Gales Creek Greenspaces land acquisitions study area north of Ritchey Road to Willamina Avenue in Forest Grove (see attached map). The City's long term policy, as reflected in the Comprehensive Plan, has been to develop a park and natural area in this part of the city. Currently, this area is rapidly developing and the City desires to balance this urbanization with a natural edge along the western border of the city. The City of Forest Grove is committed to this goal and is willing to assist Metro financially in making this acquisition.

Sincerely,



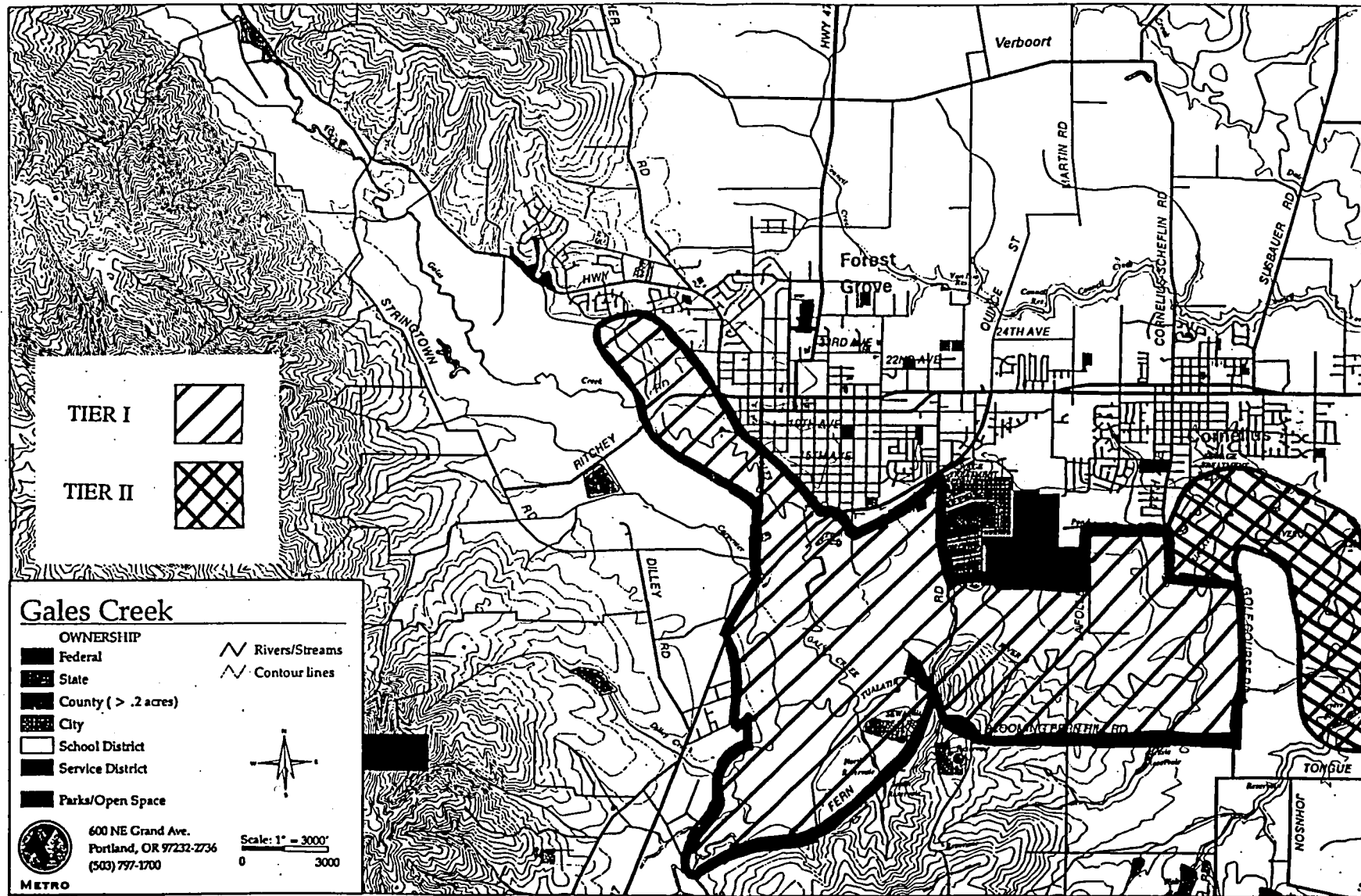
Ivan M. Burnett
City Manager

js

Enc.

cc: Jim Desmond, Metro
Nancy Chase, Metro

APPENDIX F



Agenda Item Number 8.2

**Resolution No. 96-2342, For the Purpose of Approving A
Refinement Plan For the Jackson Bottom Dairy/McKay Creeks
Target Area As Outlined in the Open Space Implementation Plan.)**

Metro Council Meeting
Tuesday, June 27, 1996
2:00 PM - Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING)
A REFINEMENT PLAN FOR THE)
JACKSON BOTTOM-DAIRY/)
MCKAY CREEKS TARGET AREA)
AS OUTLINED IN THE OPEN SPACE)
IMPLEMENTATION WORK PLAN)

RESOLUTION NO. 96-2342

Introduced by Mike Burton
Executive Officer

WHEREAS, in July 1992, Metro completed the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, at the election held on May 16, 1995, the electors of Metro approved Ballot Measure 26-26 which authorizes Metro to issue \$135.6 million in general obligation bonds to finance land acquisition and capital improvements pursuant to Metro's Open Spaces Program; and

WHEREAS, Jackson Bottom-Dairy/McKay creeks was designated as a greenspace of regional significance in the Greenspaces Master Plan and identified as a regional target area in the Open Space, Parks and Streams Bond Measure; and

WHEREAS, in November 1995, the Metro Council adopted the Open Space Implementation Work Plan, which calls for a public "refinement" process whereby Metro adopts a Refinement Plan including objectives and a confidential tax-lot-specific map identifying priority properties for acquisition; and

WHEREAS, Resolution No. 95-2228 authorizes the Executive Officer to purchase property with accepted acquisition guidelines as outlined in the Open Space Implementation Work Plan, now therefore,

BE IT RESOLVED,

That the Metro Council adopts the Jackson Bottom-Dairy/McKay Creeks Refinement Plan, consisting of objectives and a confidential tax-lot-specific map identifying priority properties for acquisition, authorizing the Executive Officer to begin the acquisition of property and property rights as detailed in the Open Space Implementation Work Plan adopted in November, 1995 and in Resolution No. 95-2228.

ADOPTED by Metro Council this _____ day of _____, 1996.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Staff Report

CONSIDERATION OF RESOLUTION NO. 96-2342, FOR THE PURPOSE OF APPROVING A REFINEMENT PLAN FOR THE JACKSON BOTTOM - DAIRY/MCKAY CREEKS TARGET AREA AS OUTLINED IN THE OPEN SPACES IMPLEMENTATION WORK PLAN

Date: June 24, 1996

Presented by:

**Charles Ciecko
Jim Desmond**

PROPOSED ACTION

Resolution No. 96-2342, requests approval of a refinement plan and adoption of Target Area boundaries and objectives for the Jackson Bottom (Dairy/McKay creeks) Regional Greenspace. These boundaries and objectives will be used to guide Metro in the implementation of the Open Spaces Bond Measure.

BACKGROUND AND ANALYSIS

The target area description in the Bond Measure Fact Sheet (authorized by Council Resolutions 95-2113, 94-2050 and 94-2029B) was as follows:

"Jackson Bottom Dairy/McKay Creeks Addition. Acquire 335 acres in area of creeks' confluence."

In the 1992 Greenspaces Master Plan, the target area was described as follows:

"Dairy Creek is a low-gradient tributary of the Tualatin River in western Washington County. Remnant forest patches can be found along this system, but it is generally agricultural. There is a narrow, but almost continuous, corridor of riparian vegetation along the creek. At its confluence with the Tualatin, significant wetland habitat enhancement projects are underway or planned as part of the Jackson Bottom Master Plan. A major water quality planning effort to reduce phosphorous loads in the Tualatin is underway."

"McKay Creek is a low-gradient stream flowing through primarily agricultural land east of the city of North Plains. It enters Dairy Creek just north of the confluence of Dairy Creek and the Tualatin River on the west side of Hillsboro. Blocks of adjacent upland forest still exist along the stream, although many are grazed. A major water quality planning effort to reduce phosphorous loads in the Tualatin is underway."

Target Area Description:

The Dairy and McKay creeks drain a largely agricultural watershed within Washington County. McKay Creek forms the western boundary of the City of Hillsboro and flows into Dairy Creek to the north of the Tualatin Valley Highway. Dairy Creek then forms the western boundary of Hillsboro to the confluence with the Tualatin River on the south.

Refinement Process

The Open Spaces Implementation Work Plan, adopted by the Metro Council in November 1995, requires that a Refinement Plan be submitted to the Council for review and adoption prior to the acquisition of property in each target area. The Refinement Plan will contain objectives and a confidential tax-lot-specific map identifying priority properties for acquisition, enabling Metro to begin the acquisition of property and property rights as detailed in the Open Space Implementation Work Plan and in Resolution No. 95-2228. Resolution No. 95-2228 "authorizes the Executive Officer to acquire real property and property interests subject to the requirements of the Acquisition Parameters and Due Diligence guidelines of the Open Space Implementation Work Plan."

During the refinement process, Metro staff compiled available information about the Dairy and McKay creeks target area, analyzed maps, and conducted biological field visits. In April of 1996, approximately 15 stakeholders were interviewed to identify key issues pertaining to the Dairy/McKay Creek Regional target area. These interviews included representatives of the City of Hillsboro and the City of Cornelius, Washington County, Unified Sewerage Agency, Oregon Department of Fish & Wildlife, Washington County Soil & Water Conservation District, Washington County Farm Bureau, McKay Creek Valley Association, and the Tualatin River Watershed Council. The key points from the interviews are summarized in Appendix A.

A public workshop to discuss the proposed Refinement Plan was held on May 13, 1996 at the Shirley Huffman Cafeteria in Hillsboro. Notices of the workshop were mailed to area residents and other interested stakeholders. Approximately 50 people attended and their comments are summarized in Appendix B. A questionnaire was distributed at the workshop to gather public input on key resource issues and important connections, and eleven questionnaires were returned. A copy of the questionnaire is included as Appendix C.

Findings

- The Jackson Bottom Dairy/McKay Creeks Addition is a regionally significant natural area due to its fish, wildlife and water quality values.
- The Jackson Bottom Dairy/McKay Creeks Addition is a regionally significant greenway due to its water quality and connectivity values.
- The floodplain associated with Dairy and McKay creeks provides a "break" in the Urban Growth Boundary between the cities of Hillsboro and Cornelius. Metro's 2040 Growth Concept designates this area between the two cities as a "rural reserve" and the Tualatin Valley Highway is designated as a "green corridor" to reinforce the permanent open space separation of the two communities.
- The southerly end of the Dairy and McKay creeks watershed is anchored by Jackson Bottom, a regional wetland area with significant public ownership (approximately 500 acres). For over 15 years, the City of Hillsboro, the Unified Sewerage Agency, the Oregon Department of Fish and Wildlife, the U.S. Soil Conservation District, and the Portland Audubon Society have been working together to preserve and enhance the natural resources of Jackson Bottom. Their efforts have been directed toward improving

the wildlife habitat, recreational opportunities and water quality at Jackson Bottom and in the Tualatin River.

- Jackson Bottom sits in the middle of the Tualatin River basin, near mile 45 of the 83-mile Tualatin River. The Tualatin River meanders through the Jackson Bottom study area, traversing a total of 9.5 river miles. The river is roughly 40 to 60 feet wide within the study area. A concept master plan for Jackson Bottom was prepared in January 1989 and the active "Friends of Jackson Bottom" has taken a leadership role in implementing wetland and recreational enhancement projects at Jackson Bottom, including plans for an interpretive center. A map of the Jackson Bottom Master Plan is attached as Appendix D.
- The Jackson Bottom wetland complex is part of a chain of regional wetlands that provide habitat and forage for a variety of migratory and wintering waterfowl as well as a variety of resident fish and wildlife. The riparian corridor extending north of Jackson Bottom along Dairy and McKay creeks provide an important link between agricultural lands, upland habitat and the river and wetland habitats at Jackson Bottom.
- The City of Hillsboro owns a natural area/park site to the east side of Dairy Creek and south of the Tualatin Valley Highway. The City has worked with developers to obtain protection and dedication of the 100-year floodplain as a condition of land division and subdivision adjacent to the creeks.
- The Banks Wetland, an approximate 240-acre wetland site, has been identified as a unique site containing all that remains of an estimated 10,000 acres of willow wetland/marsh that occurred on poorly drained labish, semiahmoo, and wapato soils. The site is located on Highway 6, and is part of the west fork of Dairy Creek Drainage. Biologists and the Nature Conservancy recommend protection of this site.
- Outside of the Urban Growth Boundary, agriculture is the predominant land use adjacent to Dairy and McKay creeks. In addition, two golf courses are located adjacent to the creeks between the cities of Hillsboro and Cornelius, a boy scout camp is located along McKay Creek to the west of Glencoe Road, and cemeteries abut the creek to the north of the Tualatin Valley Highway.
- A biologist evaluated the Dairy and McKay creeks area based on the regional target area criteria. The evaluation is included as Appendix E and provides key findings leading to staff's recommended Refinement Area Boundary.
- Easements, dedications, donations, and other voluntary property-owner agreements should be pursued in addition to fee acquisition in order to stretch the impact of the regional dollars spent.
- A need exists for coordination with other government agencies and regulatory authorities to avoid duplication of protection efforts within the target area.

Regional Parks and Greenspaces Advisory Committee

A presentation of the staff report was given by Metro staff and consultants at a public meeting in Room 370A of Metro Regional Center on May 21, 1996. This analysis and the

resulting objectives were approved by a unanimous vote of The Regional Parks and Greenspaces Advisory Committee.

GOAL

Expand Jackson Bottom Wetlands complex at the confluence of Dairy Creek and the Tualatin River. Protect other significant wetlands associated with Dairy Creek and its tributaries. Provide a linear greenway connection extending north along Dairy and McKay creeks for multiple values:

- Wildlife habitat
- Water quality and water quantity management (floodplain protection)
- Education and stewardship opportunities
- Greenway corridor to regional open space at Jackson Bottom and the Tualatin River
- Permanent open space separation of Hillsboro and Cornelius.
- Passive recreation.

OBJECTIVES

Tier I Objectives:

- Acquire a minimum of 335 acres along Dairy and McKay creeks, with an emphasis on the creek confluence area south to Jackson Bottom.
- Acquire key parcels near the Dairy Creek confluence with the Tualatin River to complete public ownership of the Jackson Bottom Master Plan area for multiple purposes (habitat, water quality, public access, education).
- Acquire/protect the Banks Wetland in the upper Dairy Creek watershed because of unique soil and vegetation characteristics, flood control and water quality benefits.
- Acquire/protect areas along Dairy Creek north of Jackson Bottom to the confluence of Dairy and McKay creeks, with a focus on protecting riparian corridors along the creeks.
- Acquire/protect areas adjacent to the streams with upland forest habitats.

Tier II Objectives:

- Acquire/protect the riparian and wooded corridor along Dairy and McKay creeks extending north of the confluence of Dairy and McKay creeks to Hornecker Road, including the confluence of Council and Dairy creeks.
- Acquire/protect the riparian and wooded corridor along the Tualatin to connect Jackson Bottom to Fernhill Wetlands.

Partnership Objectives:

- Pursue partnership opportunities with the City of Hillsboro, City of Cornelius, Friends of Jackson Bottom, and the Unified Sewerage Agency to leverage the regional bond dollars targeted to the Dairy and McKay creeks target area.
- Pursue partnership opportunities with the farm community to retain agricultural land base within the target area.
- Coordinate with other government agencies and regulatory authorities to avoid duplication of protection efforts within the target area.

Executive Officer's Recommendation

The Executive Officer recommends passage of Resolution No. 96-2342.

Appendix A
Jackson Bottom/McKay and Dairy Creeks
Summary of Stakeholder Interviews

- Strong support to continue expansion of the Jackson Bottom Wetlands consistent with the concept master plan.
- Support from the cities of Cornelius and Hillsboro to use open space acquisition to reinforce the permanent separation of the two communities.
- City of Hillsboro vision to provide a linear greenway connection along Dairy and McKay creeks to Jackson Bottom and the Tualatin River on the south.
- Metro should explore opportunities to keep farm lands in production and focus acquisition efforts along the creek corridor; be sensitive to farmer concerns regarding trespass, excessive traffic and vandalism.
- There are many partnership opportunities in this target area, including at least the City of Hillsboro, City of Cornelius, Unified Sewerage Agency, Friends of Jackson Bottom and local schools.
- Questions from many farmers regarding future plans for construction of a public access trail along McKay Creek.

Stakeholders Interviewed:

Hal Bergsma and Jim Tice, Washington County Planning Dept., phone: 640-3519

Tom VanderPlaat, Water Resource Program Mgr., USA, phone: 648-8621

Larry Eisenberg, Washington County Facilities Management, phone: 648-8829

Rob Stockhouse, Biology Professor, Pacific University, Phone: 357-5161

Ivan Burnett, City Manager; Karl Mawson, Planning Director; Jim Smither, Associate Planner, City of Forest Grove, phone: 359-3226

Susan McLain, Metro Councilor, phone: 797-1553

Tualatin River Watershed Council, Staff Contact: Jackie Dingfelder, phone: 281-9623

Gene Herb, Joe Pesek and Holly Michel, ODF&W

Rob Foster, City Engineer, City of Forest Grove, phone: 359-3228

Tim Ewert, Manager, Joint Water Commission

McKay Creek Valley Association (meeting with about 8 people), Contact: Chris King, President, phone: 647-0007

Meeting with members of the Washington County Farm Bureau (about 10 individuals)

APPENDIX B

Jackson Bottom/McKay Creek/Dairy Creek/Gales Creek Questions and Comments

Public Workshop, May 13, 1996, Shirley Huffman Cafeteria, Hillsboro

Attendance: approximately 50 persons

If Metro has \$135 million to spend on 6,000 acres - that's \$20,000 per acre and that would buy a lot of land in this area.

Staff responded by explaining budget breakdown by target area, and that the Dairy and McKay and Gales creeks target areas each have their own budget.

Who will pay the taxes on the land you acquire?

Staff explained that the properties are taken off the tax roll, but tradeoff is enhanced livability to attract businesses, adding to tax base.

If your Tier II objective (on Dairy/McKay) is to "pursue acquisition of riparian corridors," if you have one unwilling seller left in the area, will you delete the objective or take by acquisition?

Staff explained that there will always be some unwilling sellers, stressed that natural resources can still be protected by partial ownership, and that is goal.

So there is no question that a minority will ever be condemned?

Staff expanded explanation of willing seller program - Metro has no intent to condemn.

Does Metro have power of condemnation?

Yes, but we feel it would seriously harm the program.

Who do we come after ten years from now when you're gone?

Staff explained three year timeline to acquire at least 60%, stressed that Metro is not going to condemn.

If Metro decides to do a trail, we can't believe they won't condemn a holdout.

Staff explained that the Open Space Bond Measure is for acquisition only; some trails areas are already clearly identified in other areas.

If Metro has the honest intent of not condemning property, they should sign a binding contract. We are suspicious of government. A few years ago Metro showed us a map with trails for this area.

Staff responded that other areas are now designated trails, and this bond measure is different than one proposed in 1992 because it included target areas and goals.

Is it possible that the City of Forest Grove will do a trail in the city?

Metro will be happy to work with the City if that is one of their projects.

If you acquire creek frontage, will you manage the creek? (remove downed trees, etc.)

Staff responded that Metro will be as responsible as any property owner would be, that sometimes trees should be left down for fish habitat reasons, as flooding is a natural phenomenon.

What is your timeline?

Staff explained timeline and fund distribution between objective tiers, and that it also depends on finding willing sellers.

Most of the land (targeted) is outside the UGB, already in public ownership, or floodplain, therefore undevelopable and protected.

Staff responded that Metro won't buy public lands, and there are more threats than just residential development, i.e. water quality issues. Each parcel is evaluated individually.

Councilor McLain stated that if a property is wetland, it can be developable due to mitigation, filling, drainage, etc.

Is Metro creating another bureaucracy to manage the lands we acquire?

Staff explained funding for program by Metro Council, the general revenue process, and importance of partnerships.

What are the long term objectives, can funds be used for enhancement?

Staff explained landbanking, which may include enhancement, i.e., replanting clearcuts, repairing slides, etc.

A person said he supports acquisition of the Banks Wetland area.

Please review the public access issue.

Staff responded that one of our problems will be controlling public access, and that access won't happen immediately, but some areas may already have public access. Reviewed management plans and public processes. Short term issues include maintaining the status quo, which may mean putting up gates or fences.

What's to stop this all from changing to very public active recreational areas ten years from now?

Councilor McLain stated that public figures change over time, and that future generations may decide on a trail, but we cannot now take away rights of future Council and public to determine policy. We can only be responsible for today; however, intent of Measure 26-26 is open spaces and willing seller program. All decisions will be made in a public process.

Staff responded that the voters voted for the bond measure as it currently stands.

Bond measure was voted down the first time, and Metro should have listened to the voters.

Staff explained differences between the two proposals.

The Tualatin River Water Quality Plan imposes a ban on usage 25' from banks. Why do we need Metro if it's already protected?

The objectives state that we don't want to take active agricultural or already protected land.

Why didn't Metro just go to the landowners first to see if you had any sellers?

Staff explained refinement plan to identify natural resource areas, which determines properties Metro may want to purchase.

Why not simply take all the Bond Measure funds to improve sewage and stormwater management if you are interested in water quality?

That is not the sole intent of the Bond Measure.

A participant encouraged acquisition around Fernhill Wetlands and Jackson Bottom, especially to create educational opportunities.

A participant stated the importance of protecting biological values because conditions will certainly change in 20 years. Stated we should all be working toward this together.

How is the \$25 million in local share dollars spent?

Staff explained local share program. Scott Talbot with the City of Hillsboro talked of specific projects—Noble Woods, Rood Bridge Park and Rock Creek acquisitions and enhancements.

We (the community) have seen uncontrolled growth and we don't trust politicians.

A member of the audience stated they support more funds being spent in urban developed areas, especially for water quality issues. Buy the USA land in Forest Grove.

Does zoning get lifted for Metro?

Staff responded that it does not. We are not that different from other landowners.

Various participants stated that it is important to buy contiguous parcels, they were looking for information on conservation easements, and to keep the UGB where it is.



METRO

DAIRY/MCKAY CREEKS JACKSON BOTTOM ADDITION QUESTIONNAIRE

The Metro staff invites you to participate in the Refinement process for the Dairy/McKay Creeks study. Refinement is the public process through which Metro adopts specific geographic boundaries and objectives for each target area. In the course of this process we interview stakeholders, evaluate the undeveloped land in the target area and formulate preliminary objectives. Please assist us by completing this questionnaire and sharing your ideas.

1. For the Refinement process being undertaken by the Metro staff for Dairy/McKay Creeks, what key elements should be emphasized in the land acquisition? (Rank in order from 1 to 5, with 1 being the most important and 5 the least important).

- ☐ Acquisition of properties adjacent to Jackson Bottom.
- ☐ Acquisition of land along the Dairy/McKay Creek corridor to provide a connection from Hillsboro neighborhoods to Jackson Bottom and the Tualatin River.
- ☐ Link of Council Creek at the northeast edge of Cornelius with Dairy/McKay Creeks and Jackson Bottom.
- ☐ Acquisition of parcels east of Dairy/McKay Creek and within the urban growth boundary.
- ☐ Acquisition of parcels between the cities of Hillsboro and Cornelius to maintain a permanent open space separation of the two communities.

2. What other objectives should be emphasized? (Rank 1 to 5, same as above).

- ☐ Preservation/restoration of natural wildlife habitat.
- ☐ Wetlands and riparian corridors.
- ☐ Watershed/tributary protection.
- ☐ Public access.
- ☐ educational opportunities.

3. Specifically, where do you think public access is appropriate?

4. Are there locations where you would recommend against access?
Please briefly explain why.

What suggestions would you propose to enhance the regional natural area?

Additional comments:

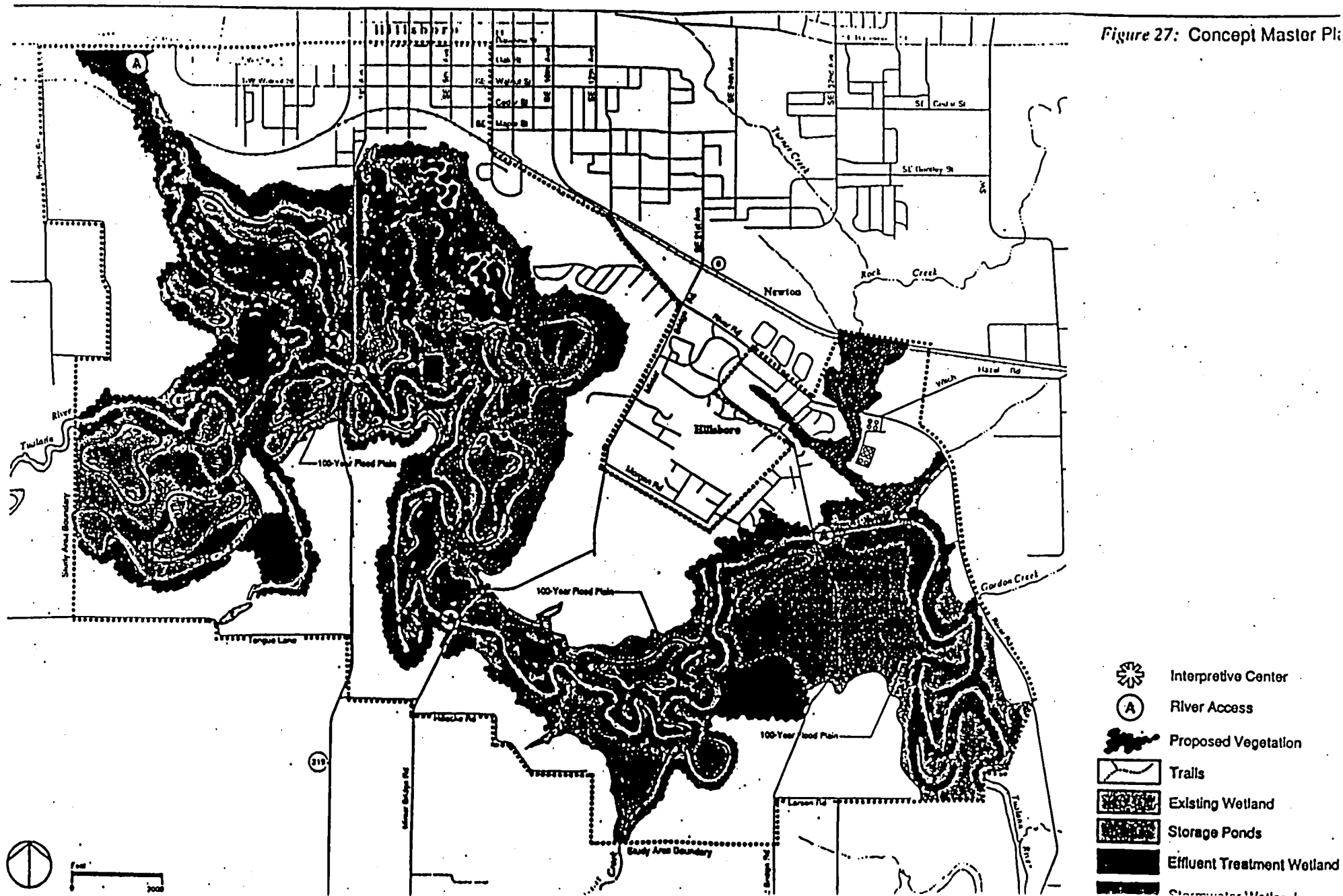
Are you interested in participating in the Open Space Program as a willing seller or benefactor in the form of a donation, dedication or conservation easement?

Name, Address, Phone Number (OPTIONAL)

Please add my name to your Dairy/McKay Creek mailing list for future information, public meetings and events.

Please return questionnaire to Metro Open Spaces Program, 600 NE Grand Avenue, Portland, OR 97232-2736. You may also call Metro's Open Space Hotline (797-1919) for more information or to leave a comment.

Figure 27: Concept Master Plan



APPENDIX E

BIOLOGICAL ASSESSMENT
of
McKay and Dairy Creek Drainages

Prepared for:

METRO - Regional Parks and Greenspaces Department
600 N.E. Grand Avenue
Portland, Oregon 97232-2736

Prepared by:

Christie Galen
Fishman Environmental Services
Consultants in Ecology and Natural Resource Management
434 NW 6th Avenue, Suite 304
Portland, Oregon 97209-3600

June 1996

FES Project #96041-1



INTRODUCTION

Fishman Environmental Services (FES) was contracted by Metro to conduct biological site evaluations of portions of the McKay and Dairy Creek drainage basins for the Metro Regional Parks and Greenspaces Program. The study area includes McKay Creek between Glencoe Road and the confluence of McKay and Dairy Creek and Dairy Creek between Susbauer Road and its confluence with the Tualatin River. Banks swamp and Council Creek east of Susbauer Road are also included. Most sites are centered around stream reaches; site boundaries are defined by roads or extreme changes in riparian vegetation.

METHODS

Background information was collected from the Oregon Department of Fish and Wildlife (ODFW, 1995), Jackson Bottom Management Plan (SRI, 1992), Oregon Natural Heritage Program (Christy, 1991), and Washington County Rural Natural Resource Community Plan (1985). Site descriptions are based upon a single site visit conducted on April 16 or April 20, 1996. Field surveys consisted of observing sites from roadways unless access was allowed by the property owner. Floral and faunal species lists were compiled for each site; project time constraints and excessive rain during the allotted time for field work limited observable wildlife species. Fish species were compiled from ODFW fish surveys. Each site was evaluated based on size, type, condition, structure, interspersions to other habitats, and unique features. Wetland functions of flood storage and water quality benefits were also included.

SITE EVALUATIONS

Dairy Creek and McKay Creek are low-gradient streams located within a largely agricultural watershed in Washington County. Dairy Creek is a tributary of the Tualatin River and McKay Creek enters Dairy Creek north of the Tualatin Valley Highway just north of the confluence of Dairy Creek and the Tualatin River at the southwest corner of the City of Hillsboro.

Nine sites were evaluated in the Dairy and McKay Creek drainages for this study (Figure 1). All of these resource sites provide important fish and wildlife habitat by providing water, food, and cover resources. A description of each site follows:

Site 1 Jackson Bottom (Vicinity)

Description: Site 1 is lower Dairy Creek and adjacent Tualatin River areas located south of the Southern Pacific rail line. It includes Jackson Bottom (approximately 450-acres), agricultural fields on both sides of Highway 219 (private, approximately 200 acres, and Unified Sewerage Agency, approximately 230 acres), and riparian areas at the lower end and mouth of Dairy Creek and the Tualatin River (approximately 75 acres).

Vegetation: Site 1 is dominated by agricultural fields and emergent wetlands located in the floodplain of the Tualatin River. The riparian corridor of Dairy Creek and the Tualatin River is typically narrow, approximately 25 - 50 feet on either side of the stream and generally with

moderate to moderately steep banks. Vegetation was observed from Highway 219 and the Kingfisher trail at Jackson Bottom. The predominantly deciduous canopy is dominated by Oregon ash (12-18" dbh) and includes willow and black cottonwood. The shrub understory is diverse and includes red-osier dogwood, willow, Indian plum, Oregon grape, serviceberry, spirea, beaked hazelnut, rose, vine maple, red elderberry, cascara, poison oak, and snowberry. Himalayan blackberry is dominant on the riparian margins at the disturbed edge of the plowed fields. Herbaceous vegetation is more limited due to the dense shrub cover; it includes reed canarygrass, fringecup, and sword fern. There are three contiguous woodlands located adjacent to the Dairy Creek riparian corridor: on the north end, in the middle and at the confluence of Dairy Creek and the Tualatin River.

Condition/Disturbance: Reed canarygrass dominates portions of Jackson Bottom; habitat has been diversified during the last 6 years by pond and island construction. One of the primary goals of the Jackson Bottom Management plan is habitat diversification. Agricultural fields dominate landscape.

Habitat Values:

- Fish and wildlife:
 - large flocks of wintering and migrant waterfowl, and nesting waterfowl in and adjacent to agricultural fields and Jackson Bottom
 - native cutthroat trout upstream in Dairy and McKay Creeks
- Habitat features:
 - wildlife travel corridor along creek
 - confluence of Dairy Creek and Tualatin River
 - forest pockets adjacent to creek northwestern corner near railroad, vicinity of confluence, adjacent to southwest field, and northeast corner of Jackson Bottom.
 - large size of contiguous undeveloped habitat
 - creek connects to Tualatin River
- Other features:
 - floodplain including large amount of agricultural, emergent, and forested wetlands
 - connectivity of City land on Dairy Creek with Tualatin River
 - large size of public land (USA, Jackson Bottom); potential for larger complex
 - potential for boat launching site on river
 - existing trails and educational opportunities already established at Jackson Bottom

Site 2 Dairy Creek: north and south of Tualatin Valley (TV) Highway

Description: Site 2 is located north and south of TV Highway and includes Dairy Creek and its associated riparian habitat (22 acres), and agricultural floodplain to the west (38 acres)

Note: adjacent land east of Dairy Creek within UGB has already been filled for commercial/industrial development)

Vegetation: The riparian corridor along Dairy Creek is narrow and limited to streambanks. Vegetation is similar to lower Dairy Creek (Site 1). The adjacent floodplain is farmed and contains emergent wetlands.

Condition/Disturbance: This site is visible from TV Highway; wildlife inhabiting site impacted by highway disturbances and noise. Agricultural disturbances to native vegetation.

Habitat Values: important connection between upper creek and lower creek.

- Fish and wildlife:
 - native cutthroat trout upstream in Dairy and McKay Creeks
 - most likely winter waterfowl habitat in agricultural fields
- Habitat features:
 - connectivity of Dairy and McKay Creeks to Tualatin River
 - wildlife travel corridor along stream
- Other features:
 - floodplain including emergent wetlands provide water quality and hydrologic control

Site 3 McKay Creek and confluence of McKay w/ Dairy Creek

Description: Site 3 includes portions of McKay and Dairy Creeks and associated riparian habitat (approximately 115 acres) including the confluence of McKay and Dairy creeks, and adjacent lands (approximately 200 acres) including an upland and wetland forest island, a large area of emergent camas wetland (McKay golf course course), and a few Douglas fir woodland pockets.

Vegetation: The riparian community adjacent to McKay Creek extends beyond the top of the hillslope in portions of this reach. Riparian vegetation is dominated by native species. The canopy is dominated by Oregon ash and black cottonwood and includes Oregon white oak and cherry. Shrubs include red-osier dogwood, rose, red elderberry, snowberry, Indian plum, tall Oregon grape, serviceberry, and vine maple. The understory is dominated by lily (Erythronium), fringe cup, meadow rue, and camas and includes reed canarygrass and bittersweet nightshade on streambanks. The island forest is multi-layered with abundant woody debris. It contains wetlands to the south and uplands to the north. It is dominated by Oregon ash, spirea, and reed canarygrass on the south end and big leaf maple, Douglas fir, Oregon white oak, star-flowered solomon's seal, and snowberry on the north end.

Condition/Disturbance: Himalayan blackberry is present on field margins where soil has been plowed but is not dominant. A small patch of English ivy occurs in the woodland. Fields have been plowed and seeded for agriculture and golf course. Abundant camas remains in golf course field.

Habitat Values: Stream meanders in natural channel and is generally shaded by riparian vegetation; large size and diverse habitats.

- Fish and wildlife: Cutthroat trout have been observed in this reach
winter waterfowl, nesting woodducks
great-horned owl, deer, raccoon, and a variety of riparian species observed
- Habitat features:
McKay Creek generally contains diverse native riparian vegetation
meandering natural channel; stream 75%+ shaded by canopy vegetation
connectivity to Tualatin River; wildlife travel corridor along stream
mosaic of different habitat types
- Other features:
broad floodplain includes emergent and forested wetlands
large floodplain wetlands protect water quality, quantity, and hydrologic control

Site 4 Unnamed tributary to McKay Creek (lower Glencoe swale)

Description: Site 4 is located west of NW Hornecker Road and east of McKay Creek. It includes a small tributary to McKay Creek and its narrow riparian corridor (approximately 22 acres). Upstream northeast of Glencoe Road this tributary is known as Glencoe swale. Site 4 was observed from Hornecker Road and from Padgett Road.

Vegetation: The upper end of the stream is approximately 10 feet wide and contains a well-developed riparian canopy. Vegetation is dominated by red alder and includes Oregon ash and black cottonwood. Understory vegetation includes grass with pockets of skunk cabbage. Roadside fill slopes on the upper end are dominated by Himalayan blackberry. The lower two-thirds of the stream does not contain riparian vegetation and the stream narrows. This portion of the stream is grazed by cattle. Vegetation is dominated by grass with scattered clumps of skunk cabbage and shrubs.

Habitat values:

- Fish and wildlife:
 - fish habitat limited due to seasonal nature of tributary
 - contributes to wildlife habitat especially songbirds
- Habitat features:
 - connectivity to McKay Creek
- Other features:
 - narrow floodplain dominated by emergent vegetation
 - some water quality benefits
 - proximity to residential development

Site 5 Scout Camp Ireland (Vicinity)

Description: Site 5 is located in the vicinity of McKay Creek north of Hornecker Road and between Leisy and Glencoe Roads. It includes McKay Creek, riparian habitat, and adjacent forest and agricultural fields. McKay Creek meanders through a natural channel on the east half of this site; a western fork of the creek appears to have been channelized and contains a couple of dams. Site 5 was observed from Hornecker Road and Camp Ireland and includes approximately 340 acres.

Vegetation: Woodland vegetation adjacent to the stream at Camp Ireland contains Douglas fir, Pacific yew, western red cedar, big leaf maple, and grand fir in the canopy. Shrub vegetation includes vinemapple, salal, snowberry, and tall Oregon grape. Understory vegetation supports a variety of wildflowers including trillium, duckfoot, wood violet, buttercup, vanilla leaf, waterleaf, and sword fern. Riparian vegetation is dominated by Oregon ash, red alder, western red cedar, and spirea. The meandering stream is well-shaded by the canopy. The forest area is surrounded by agricultural fields.

Condition/Disturbance: Portions of the woodland at the scout camp have been trampled for trail use, camping and picnicking purposes. Scouts have installed a bridge crossing and soft path trails. Even with heavy use, the adjacent woodland retains a dominance of diverse native vegetation.

Habitat Values: Site 5 contains the broadest woodland habitat adjacent to a riparian corridor of all sites.

- Fish and wildlife:
 - Cutthroat trout
 - owl, deer, variety of riparian, forest, and forest/field edge wildlife species
 - forest, riparian, and edge wildlife species
- Habitat features:
 - large forested areas (approximately 250 acres)
 - connectivity to Tualatin River
 - broad wildlife travel corridor
 - mosaic of diverse habitats
- Other features:
 - scout camp with existing trails and bridge over stream

Site 6 Council Creek

Description: Site 6 is located along Council Creek between Susbauer Rd. and Hobbs Rd. It includes the natural stream channel and broad (approximately 100 feet) forested wetland floodplain with forested deciduous and coniferous hillslopes (approximately 33 acres). Site 6 was observed from Susbauer and Hobbs roads.

Vegetation: Site 6 is dominated by a wetland shrub community. Vegetation is dominated by Pacific willow, red-osier dogwood, and reed canarygrass and includes Oregon ash, lady fern, and stinging nettle. The channel is approximately 20 to 25 feet wide and flows through a broader wetland (approximately 100 feet). The eastern third of Site 6 includes adjacent upland woodlands. Vegetation on upland hillslopes is dominated by Douglas fir and western red cedar.

Condition/Disturbance: reed canarygrass is dominant in emergent areas

Habitat values:

- Fish and wildlife:
Riparian species (birds observed include common yellowthroat, rufous-sided towhee, and red-winged blackbird).
- Habitat features:
connectivity to Dairy Creek (and eventually Tualatin River)
adjacent forest community on east end
- Other features:
floodplain including emergent and scrub-shrub wetlands
relatively large floodplain wetlands for the size of stream protect water quality, quantity, and hydrologic control
forested hillslopes protect slopes from erosion and protect water quality

Site 7 Council Creek

Description: Site 7 is located along Council Creek between Hobbs Rd. and the confluence of Council Creek with Dairy Creek. This reach of Council Creek has been influenced by clearing and grazing. Site 7 includes Council Creek and its broad (approximately 100 foot) emergent floodplain (approximately 44 acres).

Vegetation: Stream side vegetation is dominated by grasses with pockets of willow, red alder, and skunk cabbage.

Condition/Disturbance: Trees and shrubs are limited due to agricultural practices. Potential for restoration.

Habitat values:

- Fish and wildlife:
Riparian species (birds observed include red-winged blackbird and rufous-sided towhee).
- Habitat features:
connectivity to Dairy Creek (and eventually Tualatin River)
- Other features:
floodplain including emergent wetlands
relatively large floodplain wetlands for the size of stream protect water quality, quantity, and hydrologic control

Site 8 Dairy Creek: east of Susbauer Rd. and north of Council Creek

Description: Site 8 includes Dairy Creek and associated riparian habitat (approximately 109 acres) and adjacent agricultural land (approximately 280 acres) located east of Susbauer Road and north of Council Creek.

Vegetation: Site 8 is broad forested riparian corridor. Riparian vegetation is dominated by Oregon ash and includes willow and black cottonwood. The shrub understory is diverse and includes red-osier dogwood, willow, Indian plum, Oregon grape, serviceberry, spirea, beaked hazelnut, rose, vine maple, red elderberry, cascara, and snowberry. The adjacent forest to the north is dominated by big leaf maple and red alder. Herbaceous vegetation is limited due to dense canopy; it includes giant fawn lily, fringe cup, and sword fern. Himalayan blackberry is dominant on the forest margins at the disturbed edge of the adjacent plowed fields.

Condition/Disturbance: Himalayan blackberry is dominant on the forest margins at the disturbed edge of the adjacent plowed fields. Garbage has been dumped in the forest margins along Susbauer Road.

Habitat values:

- Fish and wildlife:
Riparian species
- Habitat features:
broad riparian forest beyond top of hillslope
connectivity to Tualatin River via creek corridor
- Other features:
narrow floodplain includes forested wetlands and provides some water quality protection

Site 9 Banks Swamp

Description: Site 9 is a scrub-shrub swamp located on either side of Highway 6, 1.5 miles west of Banks. It includes approximately 240 acres. Banks swamp is a relic interior valley willow bottom occurring on organic soils. It occurs on an ancient lake bed formed by the impeded drainage of Park Farms Creek, a tributary of the West Fork of Dairy Creek. Most wetlands of this type have been converted to onion farms, pasture, or other agricultural land. This site has been ditched and grazed but grazing has been light in wetland areas.

Vegetation: Vegetation is dominated by dense stands of Geyer's willow with lesser amounts of Piper's willow and Pacific willow. The site also includes approximately 40 acres of Douglas spirea, reed canarygrass, sedges, and other emergent species and 30 acres of Oregon ash with an understory of reed canarygrass and sedges.

Disturbance/Condition: The site has been ditched and grazed for decades although grazing has been light in wet areas. The dense willow and spirea stands are in excellent condition. A single ditch extends the entire length of the wetland but is dammed in several places by beaver. Highway 6 was built across the wetland in the 1930's isolating 15 acres south of the highway. Routine maintenance of the PGE powerline corridor also impacts the site periodically. Reed canarygrass is dominant in portions of the site and non-native bullfrogs are abundant.

Habitat Values:

- Fish and wildlife:
beaver, waterfowl, abundant red-winged blackbirds, swallows
- Habitat features:
large size of scrub-shrub wetland with ponded water
- Other features:
floodplain including emergent, scrub-shrub, and forested wetlands
large floodplain wetlands protect water quality, quantity, and hydrologic control
water quality benefits are significant due to upstream agricultural practices

Ecological significance: unique plant community; relic Willamette Valley scrub-shrub; largest contiguous stand of vegetation type remaining in the Willamette Valley. All that remains of an estimated 10,000 acres of willow swamp/marsh that occurred on poorly drained Labish, Semiahmoo, and Wapato soils. Geyer's willow is rare in the Willamette Valley and its occurrence as a dominant species is significant and reflects a pre-settlement vegetation type.

Note: The Nature Conservancy could not acquire Site 9 because it was too weedy to meet their acquisition goals. They would like to see it preserved. Most of the above information was taken from The Nature Conservancy's Preserve Design Plan authored by John Christy.

SUMMARY

In the study area both Dairy and McKay Creeks flow in natural meandering channels with well-developed multi-layered canopies providing shade over 70% of the stream and protecting stream water quality from erosion. ODFW sampled fish in Dairy Creek at Roy Road north of the study area and found native cutthroat trout and reticulate sculpin. Further upstream they observed western brook lamprey, cutthroat trout, rainbow trout, reticulate sculpin, and torrent sculpin. The abundance and diversity of these species reflects the high water quality of the stream. Cutthroat have also been observed on McKay Creek. Both streams also provide potential spawning and rearing areas for coho salmon and steelhead. It is important to preserve stream integrity and water quality for these species that are intolerant to warm water and sediment filled streams. It is also important to maintain large contiguous habitat for wildlife adjacent to streams. The broader the protected corridor surrounding a stream, the more species it will benefit. Woodlands adjacent to streams provide valuable food, cover and nesting resources. Due to extensive agricultural land uses in this drainage, it is important to preserve the few remaining woodlands as well as restore woodland and riparian vegetation once sites are acquired.

RECOMMENDATIONS

- Acquire land adjacent to existing public land to increase the size of existing public greenspaces (Sites 1 & 2).
- Acquire upland forest habitat adjacent to stream corridors as it is uncommon in this area due to extensive agricultural land uses (Sites 1,3,5,6, and 8).

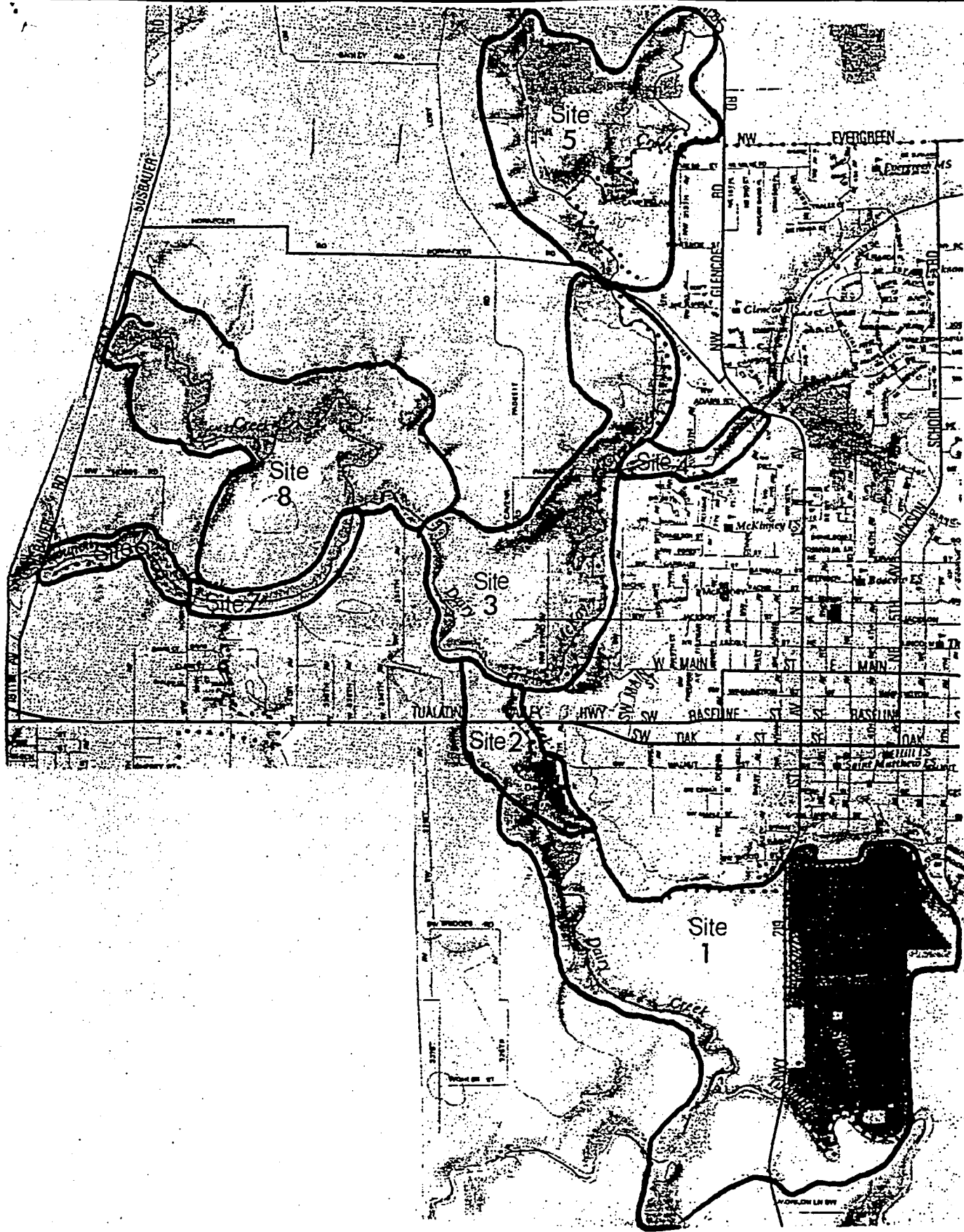
- Broaden riparian corridor and adjacent lands (All sites)
- Preserve unique biological communities: Banks swamp (Site 9) is unique and should be preserved.
- Potential opportunities for partnerships (Site 1 - Jackson Bottom, USA; Site 2 - City of Hillsboro; Site 9 - Oregon Department of Fish and Wildlife, The Wetlands Conservancy, The Nature Conservancy)

REFERENCES

Christy, John. 1991. *Preserve Design Plan for Banks Swamp*. Oregon Natural Heritage Program.

ODFW. 1995. *Distribution of Fish and Crayfish, and Measurement of Available Habitat in the Tualatin River Basin*. Final Report of Research.

Scientific Resources, Inc. 1992. *Natural Resource Management Plan for Jackson Bottom Wetlands Preserve*.



LEGEND

APPENDIX E Page 13

DRAWN: W. Bush
 APPROVED: C. Galen
 DATE: June 1996
 SCALE: No Scale
 REVISED:

**METRO-Regional Parks
 and Greenspaces**
**Biological Assessment of
 McKay & Dairy Creek Drainages**

SITE LOCATIONS

*Consultants in ecology and
 natural resource management*

Pietrus Environmental Services
 434 NW Sixth Avenue • Suite 304
 Portland, Oregon 97209-3600
 (503) 224-0333

Figure # 1

Project # 96041-1



METRO

REGIONAL FACILITIES COMMITTEE REPORT:

CONSIDERATION OF RESOLUTION NO. 96-2243, FOR THE PURPOSE OF APPROVING A REFINEMENT PLAN FOR THE GALES CREEK TARGET AREA AS OUTLINED IN THE OPEN SPACE IMPLEMENTATION WORK PLAN.

Date, June 24 1996

Presented by Councilor McLain

Committee Recommendation: At the June 17th meeting the committee voted unanimously to recommend Council adoption of Resolution 96-2243. Voting in favor: Councilors McFarland, Monroe and Washington.

Committee Issues/Discussion: No public testimony was offered. The committee amended the staff report and map for this refinement area, based on a letter from Forest Grove. This area, North of Ritchey Road, are now included in the refinement plan's tier I objectives.

CONSIDERATION OF RESOLUTION 96-2242, FOR THE PURPOSE OF APPROVING A REFINEMENT PLAN FOR THE JACKSON BOTTOM DAIRY/MCKAY CREEKS TARGET AREA AS OUTLINED IN THE OPEN SPACE IMPLEMENTATION WORK PLAN

Date: June 24, 1996

Presented by Councilor McLain

Committee Recommendation: At the June 17th meeting, the committee voted unanimously to recommend Council adoption of Resolution 96-2242. Voting in favor: Councilors McFarland, Monroe and Washington.

Committee Issues/Discussion: No public testimony was offered. No councilor comments outside of executive session were made.

Council Roll Call and Vote Record

Meeting Date 6/27/96

Agenda Item 96-2331

Jim Watkins - Solid Waste

Start	Councilor	Present/ Absent	Motion	Second	Aye	Nay	Abstain
	McCaig		✓		✓		
	Monroe				✓		
	Washington				✓		
	McLain			✓	✓		
	Morissette						
	McFarland						
	Kvistad				✓		

The Vote Is

5 Yes - 0

Agenda Item Res 96-2343

Exec Session Began 2:25pm

Start	Councilor	Present/ Absent	Motion	Second	Aye	Nay	Abstain
	McCaig						
	Monroe						
	Washington		✓				
	McLain			✓			
	Morissette						
	McFarland						
	Kvistad						

The Vote Is

*Desmond Spoke
5 Yes - 0*

Agenda Item Res 96-2342

Start	Councilor	Present/ Absent	Motion	Second	Aye	Nay	Abstain
	McCaig		✓	✓			
	Monroe		✓	✓			
	Washington		✓				
	McLain						
	Morissette						
	McFarland						
	Kvistad						

The Vote Is

5 Ye 0 -

Exec Sess End 2:35

Ad. 2:

Council Roll Call and Vote Record

Meeting Date 6/27/96

Agenda Item Minutes 7:04

Start	Councilor	Present/ Absent	Motion	Second	Aye	Nay	Abstain
	McCaig						
	Monroe						
	Washington		✓				
	McLain						
	Morissette			✓			
	McFarland						
	Kvistad						

The Vote Is 5-0

Agenda Item Ord 96-646

Start	Councilor	Present/ Absent	Motion	Second	Aye	Nay	Abstain
	McCaig						
	Monroe						
	Washington						
	McLain						
	Morissette						
	McFarland						
	Kvistad						

The Vote Is

Agenda Item Res 96-2316

Start	Councilor	Present/ Absent	Motion	Second	Aye	Nay	Abstain
	McCaig		✓	✓	✓		
	Monroe		✓		✓		
	Washington				✓		
	McLain						
	Morissette					✓	
	McFarland						
	Kvistad					✓	

The Vote Is

3-2

FINAL REPORT FROM THE
METRO POLICY ADVISORY COMMITTEE
BOUNDARY COMMISSION WORKGROUP

Introduction

This report summarizes the work and recommendations of the Boundary Commission Workgroup of the Metro Policy Advisory Committee (MPAC). The workgroup was established in June 1995; following a request by the Metro Council that MPAC develop recommendations concerning the future status and operations of the Portland Metropolitan Area Local Government Boundary Commission (the commission). The request was made to implement the provisions of the 1992 Metro Charter which require that the Council "undertake and complete a study of the Portland Metropolitan Area Local Government Boundary Commission with advice of the MPAC." The charter further authorizes the Council to "implement the results of the study and seek any legislative action needed for implementation."

The six-member work group was chaired by County Commissioner Judie Hammerstad from Clackamas County. Other workgroup members included: Portland City Commissioner Charlie Hales, Tualatin Valley Water District Board Member Rob Mitchell, Cornelius City Councilor Jeannine Murrell, Washington County Commissioner Linda Peters, and Lake Oswego Mayor Alice Schlenker. All of the workgroup members are members of MPAC. Metro Councilor Susan McLain attended the workgroup meetings and served as the liaison with the Metro Council.

Staff was provided by the Metro Council Office. The staff of the commission provided summaries of the early workgroup meetings and promptly responded to all information requests from the workgroup. The workgroup also was assisted by the McKeever/Morris consulting firm and in the development of funding proposals by Kent Squires, General Manager, Oak Grove Sanitary District.

Commission History

As early as the mid 1950s, the Legislative Assembly recognized that local government response to the rapid growth of suburban areas throughout the state was fragmented and resulted in the ineffective provision of urban services in metropolitan areas. Legislation was introduced, but not adopted, in the 1957 Legislative Assembly to create a statewide local government boundary commission.

Following the work of the Portland Metropolitan Study Commission, legislation to establish boundary commissions in certain local areas was introduced in the 1967 Legislative Assembly. The legislation passed in the House but died in a Senate committee. Similar legislation was reintroduced and passed in the 1969 Assembly.

This legislation created the Portland Metropolitan Area Local Government Boundary Commission with a jurisdiction of all of Clackamas, Columbia, Multnomah and Washington Counties (Columbia County was removed from commission jurisdiction in 1979). By the time the commission was created, the number of local governmental units within its jurisdiction had reached over 300. Many small cities had been created to avoid annexation to larger cities. These cities had no capacity to provide urban services. Suburban areas were generally served by a patchwork of special districts. Fragmentation and a lack of planning for the provision of urban services were commonplace. One study concluded that the average citizen in the Portland metropolitan area was subject to decisions made by 11 separate units of government. During its 27 years of operation, the number of units of government has declined from 290 to 105.

Current Commission Role

The following discussion outlines how the commission defines its purposes and jurisdiction, the types of actions subject to commission review, its decision-making processes and the criteria used in the decisionmaking process.

Purposes. Though there have been a number of technical and procedural changes enacted since 1969, the essential purpose and role of the commission have remained unchanged. The Law defines these purposes to be:

- 1) guide the creation and growth of local jurisdictions to prevent illogical boundary extensions and encourage restructuring of overlapping units;
- 2) assure service quantity and quality and financial integrity of local jurisdictions;
- 3) provide impartial forum for resolution of local issues;
- 4) provide decisions consistent with local comprehensive plans and statewide planning goals;
- 5) reduce fragmented service delivery by encouraging single agency service delivery.

Jurisdiction. The commission's jurisdiction includes all cities and thirteen of the most common types of special districts. These include water, sanitary, fire, county service and park and recreation districts. Notable exemptions to the commission's jurisdiction include school districts and people's utility districts.

Local Actions Subject to Review. The following types of actions by local jurisdictions are subject to commission review:

- 1) incorporation, dissolution, merger or consolidation of a city or district;
- 2) initiation of a new function by a district;
- 3) annexation to or withdrawal from a city or district;
- 4) formation or expansion of privately-owned community water or sewer system with certain exceptions;
- 5) extraterritorial water or sewer line extensions.

Decision-making Process

The general commission process for the consideration of actions subject to its review is as follows:

- 1) submittal of the proposed action to the commission by the initiating local jurisdiction, or by citizens requesting an action;
- 2) scheduling a commission hearing;
- 3) preparation of a commission staff report, including recommendations;
- 4) holding of a public hearing by the commission;
- 5) commission decision, which may include approval, denial or modification of the proposed action;
- 6) issuance of a commission final order.

The commission has up to 120 days to take action on major proposals, such as the initiation, merger or consolidation of a city or district. Commission action on all other types of actions, such as annexations, must be completed within 90 days. The law also has established a 25-day expedited process for the consideration of small non-contested actions.

The effective date of the commission's final orders depends on the type of action under consideration. All commission decisions are appealable to the state Court of Appeals.

Decision-making Criteria

The state statute governing the commission does not clearly and separately define the criteria that are to be applied by the commission to the action items that it must review. The policy

section of the statute (ORS 199.410) provides that "a single governmental agency, rather than several governmental agencies is in most cases better able to assess the financial resources and therefore is the best mechanism for establishing community services." The commission has interpreted this language to mean that it should give a preference to cities as service providers.

Other examples of language in the governing statute include a provision of the policy section which provides that the intent of the commission is "to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns." ORS 199.462 provides that the commission "consider local comprehensive planning for the area, economic, demographic and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change."

The commission has utilized the general policy and intent statements throughout its government statute to develop a series of 17 general decision-making criteria. These include:

- 1) Avoid fragmentation of public services.
- 2) Orderly development of urban area is in the best interest of the citizens of this state.
- 3) Effect of the growth of one unit of government on other units of government.
- 4) Insure orderly determination of local government boundaries.
- 5) Determine the local service provider when local comprehensive plans are unclear.
- 6) Preference for single agency provision of urban services (cities as preferred providers).
- 7) Promote efficiency and economy in providing urban services.
- 8) Encourage planned, well-ordered and efficient development patterns.
- 9) Guide creation and growth of units of government to prevent illogical boundaries.
- 10) Encourage reorganization of overlapping units of government.
- 11) Assure adequate quality and quantity of urban services.

12) Assure financial integrity of units of government affected by a boundary change.

13. Serve as an impartial forum.

14) Make decisions consistent with local plans and statewide goals.

15) Consider timing, phasing and availability of services.

16) Reduce fragmentation by encouraging single agency service delivery.

17) Consider economic, demographic, and sociological trends and past, present and future development of the land.

Workgroup Review Process

Initial workgroup meetings in July and August 1995 focused on the identification of issues and concerns related to the current operation of the commission. The workgroup also extensively discussed the current local and regional land use planning process and how these activities relate to the commission.

In September, the workgroup finalized a list of issues that would become the focus of its review. These included:

- 1) the purpose of the commission
- 2) the authority of the commission
- 3) policy framework for decision-making (including criteria)
- 4) commission governance
- 5) funding
- 6) status of the commission advisory committee
- 7) commission decision-making process
- 8) appellate review, and
- 9) the expedited consideration process.

A discussion paper outlining these issues and identifying related policy questions was sent to local jurisdictions subject to the commission. The workgroup then held a series of three public hearings in October. Written and oral testimony was received from the commission (including current and former commissioners and staff), cities, counties, special districts and the general public.

Workgroup meetings during November and December reviewed the information received during the hearing process and refined the nature of the issues and policy options that would receive further consideration. During a series of worksessions in January, February and March, the workgroup developed its preliminary and final recommendations and approved its final report to MPAC.

Workgroup Findings and Recommendations

The workgroup has developed recommendations in four principal areas related to the commission. These include: 1) function and structure, 2) criteria, 3) geographic boundaries, and 4) funding. Each of these areas are addressed below.

Function and Structure

Discussion. The commission and its supporters contend that the existing functions and structure should be retained with only a few minor changes. They argue that, while the commission has reduced fragmentation and inefficient service provision, its continuation in its present form is necessary to maintain the status quo. They note that "the easy recreation of confusion and inefficiency is only avoided by the presence of the Commission."

Supporters contend that the commission provides timeliness, centralized processing efficiency, impartial fairness and uniformity to the boundary change decision-making process. They argue that returning many boundary change decision-making functions to local jurisdictions would increase costs and result in decisions based on political considerations.

Actions by one jurisdiction could have significant impact on another jurisdiction and it would be more difficult to insure the state and regional interests are addressed. For example, they note that the state shares a variety of revenue sources with local jurisdictions and therefore has a significant interest in the development of efficient and economical local government structures.

Commission supporters recognize that there are many new mechanisms that may assist local jurisdictions in resolving boundary and service provision issues among themselves. These could include the SB 122 (ORS 195.020-195.080) intergovernmental service agreement process, Metro's 2040 early implementation measures and the development of the Regional Framework Plan. But they contend that the agreement and planning process are still evolving and there is no assurance they will fully address all boundary and service delivery issues.

Supporters also contend the existence of comprehensive land use plans and intergovernmental service provision agreements do not address many issues addressed in the commission's decision-making

criteria. For example, while such plans and agreements may set service area boundaries, they often do not address issues related to the timing, availability and financing of service provision. In addition, they may not address the question of whether an area outside a city boundary is to be annexed.

The commission proposed potential statutory changes to address its relationship with the SB 122 process and the implementation of the Regional Framework Plan. These included a commission-administered process for setting urban service boundaries based on SB 122 agreements and with clear statutory direction that the commission's decisions should be consistent with adopted regional plans.

The workgroup also received extensive testimony from several local jurisdictions which advocated a substantial reduction in the scope of the commission's functions. These suggested changes were based on two principal assumptions: 1) that a large percentage of the local boundary and service provision decisions subject to commission review are minor and have only a limited local impact, and 2) there are extensive state, regional and local planning processes now in place that reduce the need for the commission.

Some jurisdictions have established local processes for the consideration of annexations. These procedures generally include a local planning commission and city public hearing process. Other jurisdictions file annexation proposals directly with the boundary commission. In addition, property owners may choose to file annexation proposals directly with the commission.

A large majority of the commission's work involves the review of proposed city annexations. Such annexations often involve a single parcel or a small number of parcels that are being annexed at the request of the landowner. In many cases there is no opposition to the proposal. Testimony suggested that commission review of such cases is costly and time consuming. It was noted that most commission hearings on these types of actions are noncontested. Some of those offering testimony to the workgroup suggested that only "contested" cases be subject to review at the regional level.

It is generally agreed that at the time the commission was originally established, the governmental landscape in the metropolitan region was characterized by a proliferation of small units of governments, distrust and competition between governments and an almost total lack of intergovernmental cooperation and planning. However, many of those testifying before the workgroup noted that in recent years new regional and local intergovernmental planning processes have been mandated. They contended that the completion of these processes will significantly reduce the need for a boundary commission.

At the regional level, the 1992 Metro Charter requires the development of a regional framework plan by December 1997. The

plan will address transportation and mass transit systems, administration of the urban growth boundary, housing densities, urban design and settlement, open spaces, and water sources and storage. Cities and counties will be required to make land use decisions consistent with the framework plan, and the Metro Council will adjudicate and determine the consistency of local comprehensive plans with the framework. In addition, Metro is completing a review of the urban growth boundary under the 2040 process that will result in boundary adjustments and the creation of urban reserves outside of the boundary.

At the local level, the Legislative Assembly has enacted legislation (SB 122) requiring local governments to develop urban service agreements for areas inside an urban growth boundary. These SB 122 agreements must address who will provide each urban service, the functional role of each service provider, determination of service areas, and assign responsibilities for planning and administration of urban services. Such agreements would be required for sanitary sewer, water, fire protection, parks, open space, recreation and street, road and mass transit services. A variety of economic, financial, feasibility, cost allocation, demographic and sociological factors must be addressed in developing the agreements. The agreements will be required to be in place by the time of the city's next comprehensive plan acknowledgement by the state Land Conservation and Development Commission. In the metropolitan region, Metro has been designated as the review, advisory and coordinative agency.

Several jurisdictions also contended that there is now a much higher level of intergovernmental cooperation related to service delivery issues. They noted that there are numerous agreements affecting police, fire, emergency and library services. In addition, they noted the recent regional study effort on future water source and delivery issues that involved all of the region's water providers.

In conclusion, those who support reducing the scope of regional boundary adjudication functions argue that many of the functions now performed by the current commission will be addressed through other types of regional or local planning processes. In most cases, the commission's role would be reduced to simply reviewing noncontested cases or confirming that a local action is consistent with the regional framework plan or a local SB 122 agreement.

Recommendation. The workgroup makes the following recommendations concerning the scope of the regional boundary change review and adjudication process and its administrative structure.

- 1) The scope of the boundary change review process be substantially reduced to include only "contested" cases. A contested case would include any action in which there is a dispute

between two or more jurisdictions or when a staff review of the action concludes that it may violate any regional plans or local urban service agreements. This criteria would apply to any type of local action that is currently subject to review by the boundary commission.

The workgroup concluded that many local annexations involve small areas that have no regional interest or significance. Under the workgroup's proposal, these types of will be handled at the local level. Local jurisdictions will establish processes for soliciting public input concerning these actions. Local citizens and property owners can participate in this process and attempt to influence their local decisionmakers. There are adequate provisions in existing law that provide procedures for legal appeal or electoral remonstrance procedures for those who may object to a decision. In addition such decisions in the future will be governed by existing SB 122 urban service agreements and the provisions of the framework plan.

Major decisions related to the initiation, merger, consolidation or dissolution of a unit of government occur infrequently. In recent years, these actions have generally involved the merger or consolidation of special districts. In most cases, these mergers and consolidations have proceeded only after extensive economic analysis and a local public hearing process. Under the workgroup's proposed recommendation, if such actions were not objected to by another jurisdiction or did not violate regional or local plans or agreements, local approval by the affected jurisdictions and administrative review at Metro would be all that is necessary to validate the proposed action.

2) The boundary review function be transferred to Metro. This recommendation is based on two factors. First, it is anticipated the number of local decisions that will be contested will represent only a small percentage of the cases currently considered by the commission. This reduced workload would not be sufficient to support an independent agency with a five-person staff.

Second, several mechanisms have been put in place in recent years to facilitate local management of the region's growth management process. Metro now administers many aspects of this process including management of the urban growth boundary, development and administration of the regional framework plan and serving as the coordinator of the local SB 122 urban service agreement process. Transfer of the regional boundary review function would be a logical extension of these regional planning functions.

3) Boundary Review Process and the Structure and Role of a Metro Boundary Review Office. The workgroup recommends the establishment of separate boundary review processes for "noncontested" and "contested" cases. These processes would apply

to all types of local actions that are currently subject to boundary commission review.

Non-contested cases. The non-contested case process would include the following steps:

1) Proposed actions would be developed by a local jurisdiction.

2) The jurisdiction would conduct an analysis and public input process based on the nature of the proposal.

3) The jurisdiction would consult with Metro boundary review staff to determine the necessary legal requirements for filing the proposal with Metro.

4) The jurisdiction would make a decision to file the proposal.

5) Metro staff would review the proposal to insure it complies with necessary legal requirements (ie. including an accurate metes and bounds description of lands proposed for annexation). Legislative change will be necessary to rely on computerized maps for determining metes and bounds. If deficiencies are identified, the proposal would be returned to the local jurisdiction for correction.

6) Metro staff would review the proposal to determine if it qualified as a contested case. If it is determined that the proposal is not contested, the staff would notify the jurisdiction that the filing of the proposal had been accepted. The jurisdiction would be authorized to proceed with the proposed action subject to statutory appellate procedures.

7) Metro staff would provide required information to affected local offices (ie. elections and assessment and taxation departments). The boundary commission currently provides this information.

Contested cases. The first five steps of the contested case process would be the same as the non-contested process. If Metro staff determines that a proposed action is a contested case, the following process would be followed.

1) The proposing jurisdiction would be notified. The jurisdiction would have the opportunity to eliminate those elements of the proposal that caused it to become contested. For example, if another jurisdiction objected, there would be an opportunity to negotiate a solution. If Metro staff determined that the proposal violated a regional plan, the proposing jurisdiction would have an opportunity to address these issues.

2) If a proposal retains its contested status following step 1, it would be referred for a hearing before a hearings officer. The hearings officer would render a decision on the proposal. (Note: The workgroup considered used either a hearings officer or a citizen review board to hear contested cases. The workgroup is recommending the use of a hearings officer for several reasons. These include: 1) a hearings officer would have knowledge of applicable laws and local and regional plans and agreements, 2) a hearings officer would provide constant and objective decisions, and 3) a hearings officer would be more cost-effective. It is recommended that the hearings officer serve on a contract basis to preserve objectivity and as a least-cost option.

3) The decision of the hearings officer may be accepted or the proposal modified to comply with the decision. If not, the proposal may be dropped or the decision appealed to the Metro Council.

4) The decision of the Metro Council may be accepted or the proposal modified to comply with the decision. If not, the proposal may be dropped or the decision appealed to the state Court of Appeals.

5) If at any point during the contested case process, the objecting jurisdiction withdraws its objection or Metro staff determines the proposal has been modified to comply with applicable regional plans, Metro would accept the filing of the proposal, and the proposing jurisdiction could proceed with the proposed action.

Decision-making Criteria

Discussion. The commission and its supporters argue the existing statute provides general policy and intent statements that are sufficient for the development of decisionmaking criteria. They note the commission has used this statutory direction to develop 17 more specific criteria which are outlined in its administrative rules. They contend that these criteria give the commission flexibility in addressing the often unique aspects of individual proposals. In addition, the criteria give the commission the opportunity to examine important issues that extend beyond compliance with an applicable land use plan. The commission noted that issues related to the adequacy of services or governmental structure are frequently the most critical to be examined.

The workgroup also received testimony from local jurisdictions that expressed concern about the current criteria. This concern focused on three principal issues.

First, some special districts objected to the statutory and criteria language which gives a preference to cities as service providers. They noted that as some special districts have merged

in recent years, they have become the most efficient service providers in many areas of the region.

Second, it was argued that the general language of the current criteria may be subject to multiple interpretations that has resulted in a lack of consistency in commission decisions. For example, testimony from one special district questioned how the language "most efficient service provider" could be interpreted.

Third, some contended that the current criteria work against the development of regional and subregional approaches to service delivery. It was suggested that existing regional efforts to quantify the quality and quantity of public services and identify service provision areas be utilized to develop sounder boundary change decision-making criteria.

Recommendation. The workgroup recommends that, as part of the transfer of the boundary change review process to Metro, statutory language be enacted to give Metro the authority to establish clear and objective criteria that will be used to examine local proposals. Metro would consult with MPAC and local jurisdictions in developing these criteria.

The workgroup also adopted four specific recommended criteria. These include: 1) compliance with provisions of the regional framework plan, 2) a presumption that all territory within the urban growth boundary will ultimately be within a city, 3) consideration of the economic and financial effects of the proposed action, and 4) compliance with existing SB 122 agreements.

Geographic Boundaries

Discussion. Since 1979 the jurisdiction of the commission has included all of Clackamas, Multnomah and Washington Counties. The workgroup received some testimony that questioned the need to include the rural portions of these counties within the commission's jurisdiction. They noted that the municipalities in rural Clackamas and Washington Counties are distinct communities. The effect of boundary changes in these areas is generally limited to the individual city and possibly an adjacent special district. They noted that the larger communities, such as Sandy and Canby, would be subject to the same SB 122 urban service agreement requirements as more urbanized cities.

The commission and its supporters expressed several concerns about removing more rural areas from its jurisdiction. They noted that growth management and boundary change policies within the region's urban growth boundary could impact nearby rural areas. In addition, growth policies in nearby cities, such as Sandy and Canby could have impact inside the urban growth boundary. They also

contended the commission had been effective in addressing service delivery and the proliferation of service providers in the Mt. Hood Corridor. It was also noted that the removal of a large geographic area would reduce the funding base for the commission.

Recommendation. The workgroup recommends that, as part of the transfer of the boundary change review process to Metro, the jurisdiction should be limited to units of government that are wholly or partly within Metro's boundaries. Proposed changes outside the Metro boundary would be processed using existing statutory procedures that apply in areas of the state that do not have boundary commissions.

Funding

Discussion. The commission's funding is currently provided through the collection of assessments from cities, counties and special districts and from filing fees collected from jurisdictions submitting proposals for commission review. Cities and counties pay a per capita assessment and special districts pay an assessment based on the assessed value of property within the district. Large entities such as Metro, the Unified Sewerage Agency and several larger special districts pay a flat fee. A total of 42 percent of the commission's funding comes from cities, 31 percent from districts, and 27 percent from filing fees.

Several special districts testified that the current assessment system unfairly penalizes those who live in unincorporated urban areas that are served by several special districts. They noted that each special district pays an assessment and the county pays an additional assessment. For example, the Oak Lodge Fire District testified that governments in its area pay a total of 41 cents per capita in commission assessments. By comparison, residents of nearby cities paid 10 cents per capita.

The commission responded by explaining that its funding is based on the potential for providing services to local units of governments. They noted that in areas served by multiple special districts, each of the districts may receive services and therefore each district should pay its fair share.

Recommendation. Adoption of the entire package of workgroup recommendations should reduce the cost of providing necessary boundary review services. The commission currently processes about 125-150 proposals annually. If the boundary review function is transferred to Metro and the geographic boundaries are reduced, the workgroup assumes the number of proposals received will decline. In addition, if the hearing process is limited to contested cases only, staffing needs will be reduced.

The current commission budget is \$349,022 for FY 95-96. The commission has a 4+FTE staff and is housed in the State Office

Building. It is difficult to precisely forecast the funding needs for a Metro-based boundary review process. This is primarily due to the difficulty in estimating the number of local proposals that will result in contested cases and the associated hearing and appellate costs related to these cases.

Workgroup staff developed two potential staffing scenarios. The first scenario assumed the workload reduction would result in a two-person staff with a total budget of \$194,608. The second scenario assumed a three-person staff with an estimated cost of \$287,550. The actual budget will need to be determined by Metro at the time the transfer of the commission's functions actually occurs.

The workgroup recommends that funding for Metro's boundary review office be provided from three sources. These would include: 1) a minimal assessment collected from all jurisdictions subject to the revised boundary review process, 2) a system of fees for the filing of proposed actions, and 3) payments for the costs of a contested case review by the party initiating the case. A specific funding proposal should be developed by Metro in consultation with MPAC and the affected units of government. The proposal should address the funding equity concern raised by jurisdictions that serve unincorporated areas. In addition, the workgroup recommends that, due to the uncertainty of the office's workload, the methods of funding should be reviewed after two years of operation.

The workgroup also recommends that when Metro assumes the boundary review function, the transfer shall include all current commission contingency and capital reserve fund balances, files and equipment. These fund balances were estimated to be \$52,482 in FY 95-96. These funds would provide a necessary cushion should Metro initially underestimate the costs of processing contested cases and implementing the new review procedure.