

IN CONSIDERATION OF RESOLUTION NO. 26-5552, FOR THE PURPOSE OF
AUTHORIZING THE CHIEF OPERATING OFFICER TO GRANT AN EASEMENT TO
WASHINGTON COUNTY AT WACHLINE PROPERTY NATURAL AREA

Date: January 16, 2026
Department: Parks and Nature
Meeting Date: January 29, 2026

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Presenter(s), (if applicable): n/a

ISSUE STATEMENT

Does the Metro Council wish to authorize the Chief Operating Officer to grant Washington County a permanent aerial easement of approximately 1,471 square feet at Wachline Property Natural Area, subject to terms and conditions as approved by the Office of Metro Attorney?

ACTION REQUESTED

Staff have reviewed the County's request in accordance with the Metro Council approved Reso. 97-2539B (the "Easement Policy") and recommend the Metro Council direct the Chief Operating Officer to grant Washington County an aerial easement as depicted in the Exhibit to this Resolution.

IDENTIFIED POLICY OUTCOMES

Authorizing the Chief Operating Officer to grant the Easements is consistent with Metro Council past policy direction. Staff reviewed and applied Metro Council policy direction in the Easement Policy to this request and have concluded that the project provides ecological benefits, including enhancing fish passage and riparian corridors. The project also provides access to nature benefits to the Metro natural area and therefore is excepted from Easement Policy analysis per consideration #9 in the Easement Policy (exceptions). A recommendation that the Council authorize this request is appropriate.

POLICY OPTIONS FOR COUNCIL TO CONSIDER

1. Metro Council authorize the COO to grant the Easement to the County. This would result in the Metro Council continuing to follow its guidance in the Easement Policy, and the County moving forward with the roadway improvement project, which includes wide-ranging benefits to the Metro natural area. The project will remove fish passage barriers and hydraulic restrictions, improve ecological conditions and the riparian corridor, restore streambank and native vegetation, promote wildlife connectivity within a widened riparian corridor, and improve bike and pedestrian facilities along SW 205th Avenue.

2. The Metro Council not authorize the COO to grant the easement to the County. This would limit the ability of the county to complete the bridge reconstruction project impacting safety and usability, and deviate from Council guidance to staff in the Easement Policy.

STAFF RECOMMENDATIONS

Staff recommends that the Chief Operating Officer be authorized to grant the easement. Granting the easement is consistent with Metro Council past policy direction. Staff reviewed and applied Metro Council policy direction in the Easement Policy to this request and have concluded that the project provides ecological and access to nature benefits to the Metro natural area. A recommendation that the Council authorize this request is appropriate.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

Washington County proposes to replace the existing bridge along SW 205th Avenue across Beaverton Creek, entirely within the right of way. The existing bridge is beyond its expected service life, is under capacity, and lacks dedicated pedestrian and bicycle facilities. Currently the bridge is weight restricted and requires frequent maintenance to ensure the safety of the traveling public. The proposed bridge will accommodate 4 vehicle lanes as well as enhanced pedestrian and cycling facilities designed to meet Washington County's Transportation System Plan. The existing bridge will be removed along with the roadway embankment currently supporting the bridge.

Metro's Wachline Property Natural Area is approximately 1.9 acres and lies west of SW 205th, along Beaverton Creek. The property was purchased in 2003 using 1995 Open Spaces Bond funds to protect fish and wildlife habitat and improve water quality. The property has been managed by the city of Hillsboro as part of the greater Rock Creek Greenway since purchase. Aerial utilities are currently located in the right of way adjacent to Metro property. While the new bridge will be located entirely in existing right of way, bridge design and reconstruction requires aerial utilities to be relocated. The County requests a 1,471-sf aerial easement along the boundary line of Metro's Wachline Property Natural Area, adjacent to the right of way, to accommodate this relocation. The easement will not require any permanent ground access and will not alter the existing surface conditions of the easement area. The aerial easement will have no adverse impacts to the natural area or management operations.

Legal Antecedents

- Metro Council Resolution No. 92-1637, For the Purpose of Considering Adoption of the Metropolitan Greenspaces Master Plan (July 23, 1992)
- Metro Council Resolution No. 94-2011A, For the Purpose of Submitting to the Voters a General Obligation Bond Indebtedness in the Amount of \$138.8 Million to Proceed with the Acquisition of Land for Regional System of Greenspaces (July 28, 1994)

- Metro Council Resolution No. 96-2301, For the Purpose of Approving a Refinement Plan for the Rock Creek Greenway as Outlined in the Open Space Implementation Work Plan (March 14, 1996)
- Metro Council Resolution No. 97-2539B, For the Purpose of Approving General Policies Related to the Review of Easements, Rights of Ways, and Leases for Non-Park Uses Through Properties Managed by the Regional Parks and Greenspaces Department (November 6, 1997)
- Metro Code Section 2.04.050 which requires Metro Council authorization for the Chief Operating Officer to transfer interests in real property

Anticipated Effects

The County will move forward with constructing the roadway improvement project, spanning 2026-2027.

Financial Implications (current year and ongoing)

There is no expense to Metro to grant the easement.

Known Opposition

None.

BACKGROUND

The Metro Code requires Metro Council approval of new easements over Metro property. As an owner of approximately 19,000 acres of land across the greater Portland region, Metro's Parks and Nature Department receives frequent requests for easements over Metro property for both park and non-park uses. In 1997, to ensure that the habitat and natural area purposes for which voters funded Metro's property acquisition are not eroded over time by non-park uses, the Metro Council approved Resolution 97-2539B.

The Easement Policy directs staff to make recommendations to the Metro Council on whether an easement request should be granted, and the policy provides the framework for staff to make its recommendations. Projects designed for the benefit of a Metro park or natural area (a "park use") are recommended for approval. If an easement request is for a non-park use, however, Metro staff must examine it further. Staff must first determine if there is any feasible alternative to the use of Metro's property, without taking into account the cost of any alternative. If a feasible alternative exists, the Easement Policy directs staff to recommend the request be denied. If there is no feasible alternative, then Metro staff analyzes whether any negative impacts from the non-park use on the Metro property can be mitigated. If mitigation is possible, the Easement Policy directs staff to recommend Metro Council approval of the easement.

ATTACHMENTS

n/a