

IN CONSIDERATION OF RESOLUTION NO. 24-5400, FOR THE PURPOSE OF
AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN
PROPERTY IN THE CLEAR CREEK TARGET AREA UNDER THE 2019 PARKS AND
NATURE BOND MEASURE

Date: March 26, 2024
Department: Parks and Nature
Meeting Date: April 4, 2024

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Presenter(s), (if applicable): not
applicable
Length: not applicable

ISSUE STATEMENT

The Chief Operating Officer requests authorization from the Metro Council to acquire a particular property (the “Property”) in the Clear Creek Target Area.

ACTION REQUESTED

Staff requests Council authorize the Chief Operating Officer (or her designee) to acquire the Property in accordance with the terms outlined in the purchase and sale agreement.

IDENTIFIED POLICY OUTCOMES

Acquisition of this Property will fulfill the overarching goals and objectives set by the Metro Council through Resolution 19-4988, the 2019 Parks and Nature bond measure, as well as meet target area specific goals and objectives for the Clear Creek Target Area identified in the Target Area Refinement Plans for the bond measure as adopted by the Metro Council via Resolution 22-5250.

POLICY QUESTION(S)

Should the Metro Council authorize the Chief Operating Officer to acquire the Property in accordance with the terms outlined in the purchase and sale agreement?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Option 1: The Metro Council authorizes the Chief Operating Officer to acquire the Property in accordance with the terms outlined in the purchase and sale agreement. This enables the Property to be protected in perpetuity and is in alignment with previous Council legislation directing staff to achieve the goals and objectives of the 2019 Parks and Nature bond measure as well as the specific target area goals and objectives adopted by the Metro Council through the Target Area Refinement Plans. Metro’s acquisition of the Property will be funded through the 2019 bond funds and funding is available in this fiscal year’s budget to acquire the Property.

Option 2: The Metro Council does not authorize the Chief Operating Officer to acquire the Property. This will prohibit Metro from implementing this portion of previous Council direction through the 2019 Parks and Nature bond measure and Target Area Refinement Plans.

STAFF RECOMMENDATIONS

Staff recommends the Metro Council authorize the Chief Operating Officer to acquire the Property in accordance with the terms outlined in the purchase and sale agreement.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The Property, 18.72 acres in size, is located at the confluence of Clear Creek and the Clackamas River. Over the past 30 years and three bond measures Metro has protected almost 750 acres upstream on Clear Creek and approximately 715 acres upstream on the Clackamas River.

Metro protection of the Property is in alignment with the 2019 Parks and Nature bond measure because this Property contains floodplain and riparian habitat along Clear Creek and the Clackamas River. As it contains the confluence of Clear Creek and the Clackamas River it also would provide a corridor for wildlife, both aquatic and terrestrial species. The Property is adjacent to public lands owned by Clackamas County Parks and Forests and may provide an opportunity for restoration of aquatic habitat to benefit Salmon, Steelhead, Cutthroat Trout and Pacific Lamprey.

In addition to the Property at the confluence of Clear Creek and the Clackamas River, the seller owns tax lots that connect Metro's Clear Creek Natural Area to the Clackamas River that, if acquired by Metro, would facilitate significant ecological uplift in terms of restoring prairie habitat, and creating a large, protected wildlife corridor. Staff were able to negotiate as part of acquisition of the Property that the seller would grant Metro a Right of First Opportunity to purchase the seller's additional property. This would provide a future opportunity to acquire property to expand upon Metro's prairie restoration efforts at Clear Creek Natural Area and connect prairie and wildlife habitat between Clear Creek and the Clackamas River.

The Metro Council has previously delegated authority to the Chief Operating Officer to acquire natural areas and trail property in accordance with the parameters set forth in the Acquisition Parameters and Due Diligence Guidelines of the Amended and Restated Natural Areas Implementation Work Plan ("Work Plan"), which includes a purchase price that is supported by an independent appraisal. The negotiated price for this Property is above the appraised value and thus is outside of the Work Plan parameters, requiring specific Metro Council authorization to purchase the Property.

Known Opposition/Support/Community Feedback

Acquisition of the Property advances goals of the Clackamas Partnership, a coalition of 15 organizations and agencies working to recover Salmon, Steelhead, Cutthroat Trout and

Lamprey in the Clackamas River watershed. Clear Creek is an important cold-water tributary to the Clackamas River watershed.

There is no known opposition to the Metro’s acquisition of the Property.

Legal Antecedents

1995 Open Spaces bond measure; 2006 Natural Areas bond measure

Resolution No. 19-4988, “For the Purpose of Submitting the Voters of the Metro Area General Obligation Bonds in the Amount of \$475 Million to Fund Natural Area and Water Quality Protection and to Connect People to Nature Close to Home; and Setting Forth the Official Intent of the Metro Council to Reimburse Certain Expenditures Out of the Proceeds of Said Bonds Upon Issuance”, adopted by Metro Council on June 6, 2019.

Resolution No. 22-5250, “For the Purpose of Approving Acquisition Target Area Refinement Plans for the 2019 Parks and Nature Bond Measure”, adopted by Metro Council on April 14, 2022.

Anticipated Effects

Should Metro Council authorize the COO to acquire this property, Metro is expected to close on the Property on April 5, 2024 and subsequently manage it as a natural area for fish and wildlife habitat and to improve water quality.

Financial Implications

Purchase of the Property will occur with 2019 Parks and Nature bond funds and is within the budget allocation for fiscal year 2024.

BACKGROUND

This work builds on the 1995 and 2006 bond measures, which included funds for land acquisition for conservation and future trail development. The 2019 Parks and Nature bond measure, referred to the voters by the Metro Council in June of 2019, established principles and criteria to guide protecting and restoring greater Portland’s special places and securing gaps in the regional trail system in geographically specific target areas and regional trail corridors.

The principles, program criteria, and geographically specific 24 target areas identified in the 2019 Parks and Nature bond measure and subsequent refinement plans reflect Council direction and community priorities. The bond program protects land and water, aligns with regional conservation goals, strengthens our region’s climate resilience, and benefits communities who have been historically excluded from decision making or have not benefitted equitably from past investments. The refinement plans for each target area, adopted by the Metro Council in 2022 via Resolution 22-5250, articulate goals and objectives for each of the bond-identified target areas and were developed thorough a robust public engagement process including ecological assessments of each target area and

stakeholder interview sessions and roundtable discussions with people who identify as Black, Indigenous, or a person of color, or a person living with a disability.

ATTACHMENTS

None

- Is legislation required for Council action? Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today? Not applicable