

## **STAFF REPORT**

### **IN CONSIDERATION OF RESOLUTION 17-4850 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO PURCHASE CERTAIN REAL PROPERTY IN THE JOHNSON CREEK AND WATERSHED TARGET AREA UNDER THE 2006 NATURAL AREAS BOND MEASURE**

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## **BACKGROUND**

Resolution 17-4850 requests authorization for the Chief Operating Officer to purchase property (the “Property”) located within the Johnson Creek and Watershed target area in a transaction that does not meet all of the acquisition parameters described in the 2014 Natural Areas Work Plan. Metro Council approval is necessary to complete the transaction. In order to acquire the Property, Metro staff is proposing to close on the property according to terms consistent with the discussion at the Metro Council executive session on September 28th, 2017.

The property is 1.2 acres, located at 2800 SE Hogan Road, in the City of Gresham, County of Multnomah, and State of Oregon, approximately 100 feet East of SE Hogan Road and 100 feet West of SE Ambleside Drive. It spans Johnson Creek and is one of two remaining properties not in public ownership within the Ambleside reach and the last in-holding within the boundary of Ambleside Natural Area. Acquisition of this property has been a priority of the 1995 Open Spaces, Parks and Streams and the 2006 Natural Areas bond measures, as it enables high-priority restoration and removes an obstacle to effective management. Acquisitions in Ambleside Natural Area have been sought for decades by the City of Gresham and Metro because the site includes the Johnson Creek floodplain and provides high value habitat for native wildlife, in particular, federally protected salmon and native amphibians. Public ownership in this reach of Johnson Creek also provides opportunities for the removal of constructed physical barriers to the natural flow of the Creek and flood relief downstream. To date, Metro has invested over \$6 million to purchase land along Johnson Creek; including 8 acquisitions totaling \$2,625,000 to create Ambleside Natural Area.

The goal of Johnson Creek and Watershed refinement plan (the “refinement plan”), approved by the Metro Council via Resolution No. 07-3851, was to “Pursue opportunities to acquire tracts within the remaining upland habitat areas adjacent to the main stem, along major tributary creeks, and within the Johnson Creek floodplain to protect water quality and connect existing public holdings.” This acquisition would meet that goal and enable our region to reap the full benefit of a planned \$800,000 restoration project to remove barriers within this reach of Johnson Creek and re-connect the creek to its floodplain. Metro has entered into an agreement to purchase the Property, and this resolution requests authorization for the Chief Operating Officer (COO) to complete the transaction notwithstanding a discrepancy between the appraised value and the price at which the owner has agreed to sell the property.

The Natural Areas Work Plan states that “The COO may complete an acquisition that does not meet all of the acquisition parameters only with prior Council review and approval.” The public benefit of this acquisition includes: improving Metro’s ability to restore floodplain connectivity, reduce flooding and improve habitat, enhance in-stream conditions for native salmon, reducing impervious surfaces and downstream flooding, improve the quality of storm water runoff and enhance native riparian forest.

## **ANALYSIS/INFORMATION**

1. **Known Opposition** : None

2. **Legal Antecedents**

Metro's 2006 Natural Areas Bond Measure. Resolution No. 07-3766A, "Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," adopted by the Metro Council on March 1, 2007.

Resolution No. 07-3851, "Approving the Natural Areas Acquisition Refinement Plan for the Johnson Creek and Watershed Target Area" adopted by Metro Council on September 27, 2007.

Resolution No. 14-4536, "For the Purpose of Amending and Updating the Natural Areas Work Plan," adopted by the Metro Council on August 14, 2014.

### **Anticipated Effects**

Metro staff will complete their due diligence activities to comply with the Work Plan requirements.

3. **Budget Impacts**

Metro's acquisition of the Property will be funded with 2006 Natural Areas bond proceeds. Funds for stabilization activities would be provided from the bond proceeds.

## **RECOMMENDED ACTION**

Staff recommends Council approve Resolution No. 17-4850