

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Sitting/Acting as (if applicable)

Study Session Worksheet

Presentation Date: April 15, 2014 **Approx Start Time:** 11:30 **Approx Length:** 30 minutes

Presentation Title: Tualatin River Property

Department: Admin/BCS Property Resources

Presenters: Dan Chandler, Rick Gruen

Other Invitees:

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Direction on use, lease or disposition of county-owned sections of the bed and banks of the Tualatin River below ordinary high water.

EXECUTIVE SUMMARY:

Clackamas County owns significant sections of the bed and banks of the Tualatin River upstream and downstream of Stafford Road, and below the ordinary high water mark. (submerged/submersible land). Most of the property was acquired through a tax foreclosure many decades ago. Other sections are remnants from right of way acquisitions.

The property has little economic value for the County, but has some value as habitat.

Some upland property owners have docks and ramps that sit on or above the county-owned property. In some cases this presents permitting issues: the upland property owner can't apply for permits without either permission or an ownership interest in the property below ordinary high water.

In the past, the County has granted limited-term easements for docks and associated ramps. However, this creates an ongoing management issue as easements expire.

FINANCIAL IMPLICATIONS (current year and ongoing):

Placing the parcels back into private ownership might result in an increase in assessed value over time. Moreover, conveyance of the property into private hands would also eliminate some risk exposure for the County. It is doubtful that a lease program would cover the cost of administration.

LEGAL/POLICY REQUIREMENTS:

Any conveyance, easement or lease would be structured to protect the County's legal interests.

PUBLIC/GOVERNMENTAL PARTICIPATION:

There has been no public or governmental participation to date, beyond minor code enforcement issues.

OPTIONS:

The county has a number of options with respect to the property:

1. Allow the upland owner to acquire the entire county-owned property to the centerline of the stream, similar to a street vacation. The upland owner would pay all necessary survey and recording costs, and the County could retain a deed restriction to protect habitat values along the bank.
2. Grant permanent easements for permitted docks and ramps.
3. Do long term leases for the submersible land, similar to the process used by the Division of State Lands for state-owned waterways.
4. Do nothing.

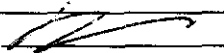
RECOMMENDATION:

Staff recommends either number one or two, above. Option one, conveying the property, has risk management advantages, and would be a more complete solution. Option two, granting permanent easements, is less complex to implement in the near term and could be made available at the request of the landowner seeking a dock permit.

ATTACHMENTS:

Maps

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval  _____
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Dan Chandler @ 503-742-5394

Fiscal Impact Form

RESOURCES:

Is this item in your current work plan and budget?

- YES
 NO

START-UP EXPENSES AND STAFFING (if applicable):

There may be some minor expenses in preparing draft deed or easement documents. However, the adjacent upland property owner would be responsible for survey and recording costs.

ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):


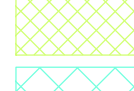

A policy creating a permanent solution for the submerged/submersible lands would, over time, lessen the amount of staff resources devoted to the issue.

ANTICIPATED RESULTS:


N/A

COSTS & BENEFITS:

Costs:							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
Total Start-up Costs							
Ongoing Annual Costs							
Benefits/Savings:							
	Item	Hours	Start-up Capital	Other Start-up	Annual Operations	Annual Capital	TOTAL
Total Start-up Benefit/Savings							
Ongoing Annual Benefit/Savings							

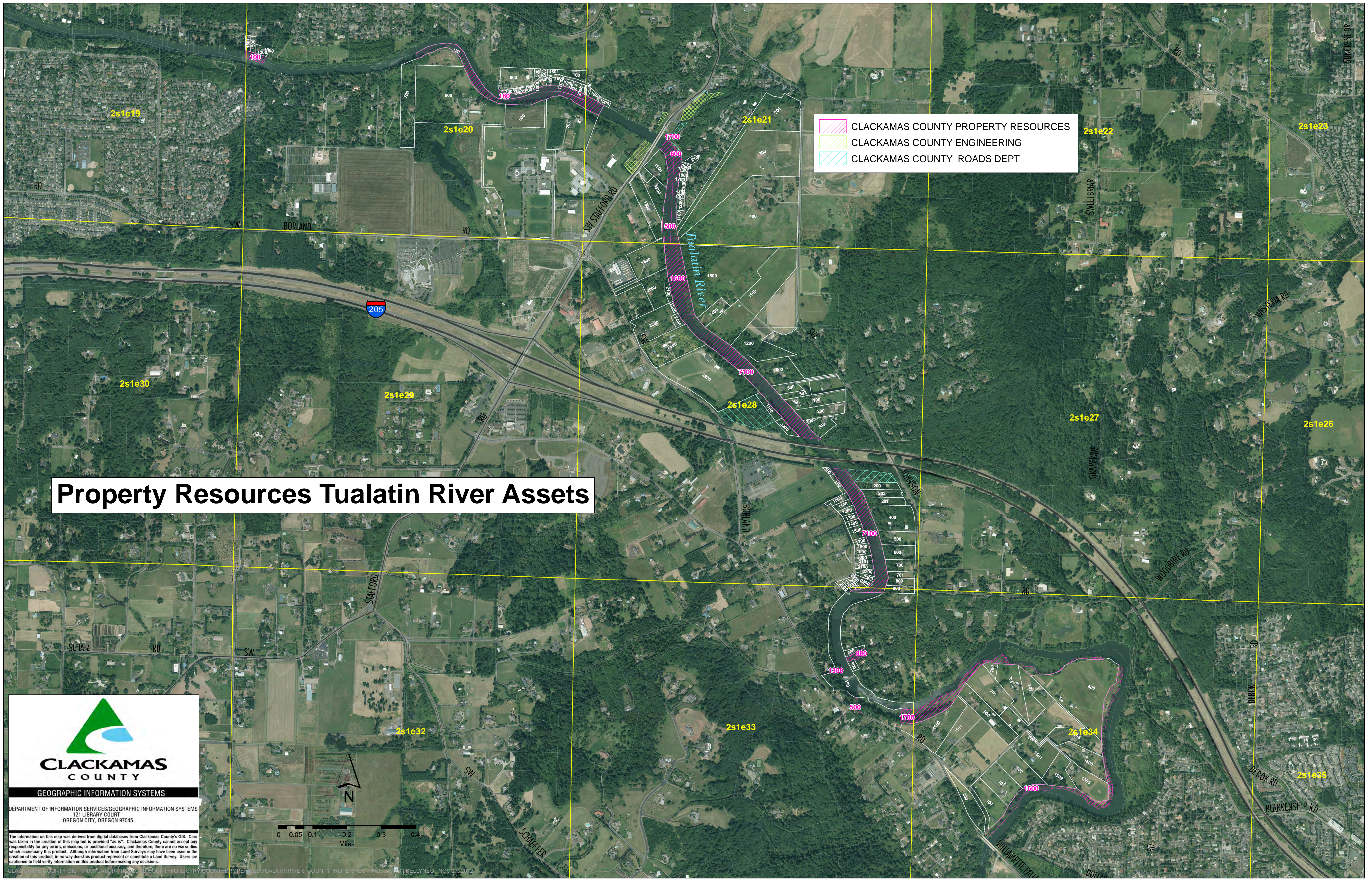
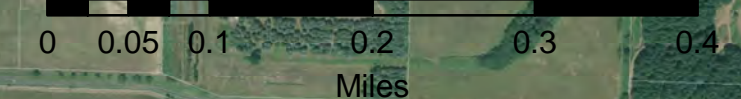
 CLACKAMAS COUNTY PROPERTY RESOURCES
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Property Resources Tualatin River Assets






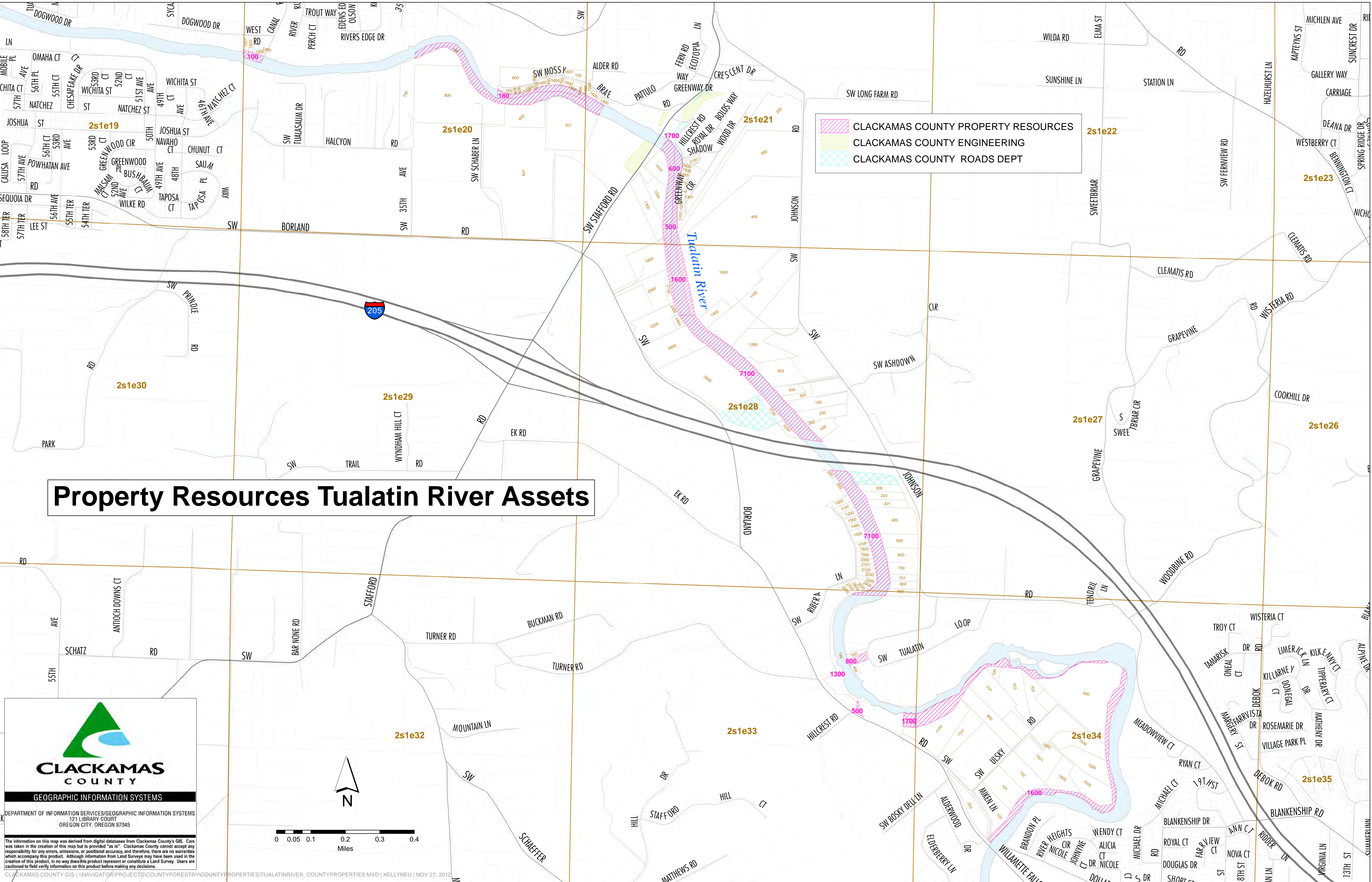

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