

**SECOND AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT**

**Management of Fanno Creek Open Space Property
Fields Trust / Brown Natural Area
Tigard, Oregon**

This Second Amendment to Intergovernmental Agreement (this “Second Amendment”) is by and between City of Tigard (the “City”), and Metro, an Oregon municipal corporation. This Second Amendment is made and entered into as of the last date of signature indicated below (the “Effective Date”).

RECITALS

A. The City and Metro are parties to a certain Intergovernmental Agreement dated March 8, 2013 (the “Original Fields Trust IGA”), Metro Contract No. 931912, as amended by a First Amendment dated July 16, 2013 (the “First Amendment,” and together with the Original Fields Trust IGA, the “IGA”).

B. Pursuant to the IGA, the City and Metro jointly manage approximately 38 acres of real property in the City of Tigard, known as the “Brown Natural Area,” as depicted in Exhibit A to the First Amendment, 2 acres of which Metro owns and 25 acres of which Metro and the City jointly own.

C. On April 28, 2011, the City of Tigard approved the Tigard Greenways Trail System Plan, which identifies the Fanno Creek Trail as a regional trail, and also includes 3,000 feet of Fanno Creek Trail through the Brown Natural Area, connecting the Tigard Public Library to Milton Court and Bonita Road (the “Brown Segment”).

D. In 2013, the City and Metro jointly developed a Site Development Concept (the “Site Plan”), based on input from project representatives, a public open house, and online survey, which Site Plan is attached as Exhibit A to this Second Amendment.

E. The Site Plan describes future development and protection of the Brown Natural Area, including the Brown Segment, as discussed in more detail in Section 1 of this Second Amendment and as depicted on Exhibit A.

F. As of the date of this Second Amendment, the City has received a 2016-2018 Regional Flexible Fund Grant to construct four segments of the Fanno Creek Trail, including the Brown Segment.

G. The City and Metro wish to enter into this Second Amendment to provide for the responsibilities and obligations of the parties for the funding, design, construction, management and maintenance of the Brown Segment and associated site improvements in accordance with the Site Plan, the terms of this Second Amendment, and the IGA.

H. Capitalized terms used in this Second Amendment shall have the meanings given to them in the IGA, except as expressly modified by this Second Amendment.

AGREEMENT

In consideration of the foregoing, the parties hereby acknowledge and agree as follows:

1. Interim Period. Section 2(a) of the Original Fields Trust IGA calls for joint development of long-term management guidelines for the Brown Natural Area (the “Site Conservation and Management Plan”) and Section 3(e) requires joint development of a master plan (the “Master Plan”). The parties agree that the City shall take the lead to develop both documents, with the support of Metro, and the documents shall remain subject to both parties’ written approval.

2. Site Development Concept. In 2013, representatives from both the City and Metro formed a project team to develop a mutual understanding of the site program at the Brown Natural Area. The team met five times and hosted a public open house and online survey, resulting in the Site Plan for the Brown Natural Area. For the sake of clarity, the parties acknowledge and agree that the Site Plan is an interim step in the development of a long-term management strategy for the property and does not replace the Site Conservation and Management Plan or the Master Plan discussed in Section 1, above.

To support the work to create the Site Plan, the consultant team of Nevue Ngan Landscape Architects was hired and Pacific Habitat Services provided a wetlands determination. Based on the public comments, team discussion, and review by managers, Metro and City agree on the following recommendations:

- (a) Restoration
 - (i) Site restoration is the primary value and action on the site. Importance is placed on the riparian corridor, the remnant oak savanna and the potential habitat for turtles.
- (b) Develop the Fanno Creek Trail
 - (i) Alignment considerations: The trail is recommended to cross Fanno Creek with a pedestrian/bicycle bridge at the library. The trail will cross the open field and as it goes through the woods, avoid trees if possible, with the emphasis being to avoid impacts to the oak trees. The trail exits at Milton Court. This street may be considered for design revisions to comfortably delineate the trail within the right-of-way, potentially with a green street design solution.
 - (ii) Design considerations: A 10’, paved trail with 1’ shoulders is assumed, with 12’ where emergency vehicle access is needed.
 - (iii) Options not recommended: After consideration, the team does not recommend the trail entering the site directly from Hall Blvd. There is private property,

consideration of turtle nesting habitat and a lack of proximity to the library and nearby neighborhood.

(c) Sports fields

- (i) The goals for the site include natural resource protection and active use, with options on the eastern portion of the property for active use including sports fields.
- (ii) In the future, if the City of Tigard finds that additional sports field sites have not been located elsewhere in the city and pressure on existing fields is problematic, a public process will be held to determine how sports fields are developed at the property.
- (iii) Given this possibility, the site concept will set aside an area for sports fields. That area may be included in restoration efforts with the understanding that planting may be removed in the future. Given this consideration, no trees will be planted in the area designated for possible sports fields.
- (iv) When sports fields are developed, parking options will be evaluated. Any potential parking will be designed to minimize impacts to the natural resources. Parking will be accessed via SW Milton Court, but the specific location has not been determined or approved. Emergency vehicle access will be needed along with a turn-around and a permeable pavement treatment will be used. An additional parking analysis, to address access and site design issues, will be funded by the City of Tigard.
- (v) In response to the sensitive habitat, sports fields would be low impact by design. The fields would be grass, with no lighting, and played seasonally. From approximately November through March the fields and the associated road/parking function would be closed.

(d) Existing, informal trail

- (i) The project team discussed the informal, dirt trail along Fanno Creek with several considerations.
- (ii) The trail has been a conduit for people with transient camps and the associated security and health concerns.
- (iii) The trail serves the management actions such as checking on transient camps.
- (iv) People like to walk it and it potentially serves as a loop.
- (v) The recommendation is that this trail be developed and monitored in the current, or nearby location, with 3-ft. soft surface trail that makes a loop with the Fanno Creek Trail.

2. Trail Design and Construction. The City shall be responsible for the design, permitting, construction and funding of the Brown Segment of the Fanno Creek Trail and any other associated site improvements substantially as depicted in Exhibit A: the Site Plan. Per Section 2(c) of the Original Fields Trust IGA, the City shall not allow or permit any alteration of any water, timber, mineral or other resource on the Property without Metro's approval in writing of such action. The City agrees to submit design documents to Metro Parks and Nature Department for review and approval at 10%, 30%, 60%, and 90% completion. The City shall not

proceed with design or construction without written approval from the Metro Parks and Nature Project Manager at each stage. Metro shall provide its written response within 15 days of receipt of the City's design documents. The City agrees to obtain prior written approval from Metro for any material deviations from this agreed upon site plan and agreed upon designs.

3. Ownership and Management. The City shall own any improvements it constructs on the Brown Natural Area. Ownership of improvements will not have any effect on ownership of real property. Pursuant to the IGA, the City shall be responsible for management, maintenance, security and operation of Brown Natural Area including any improvements.

4. Signage. The City agrees to include and pay for Intertwine wayfinding signage, and additionally, post signage stating funding for Brown Natural Area includes funding from the 2006 Metro Natural Areas Bond Measure.

5. Miscellaneous. This Amendment may be executed in counterparts and delivery by facsimile or e-mail shall be sufficient to form a binding agreement. The IGA is modified only in the specific respects set forth in this Second Amendment. Except as expressly modified herein, the IGA remains unmodified and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment effective as of the Effective Date.

CITY OF TIGARD:

By: _____

Print Name: _____

Title: _____

Date: _____

METRO:

By: _____

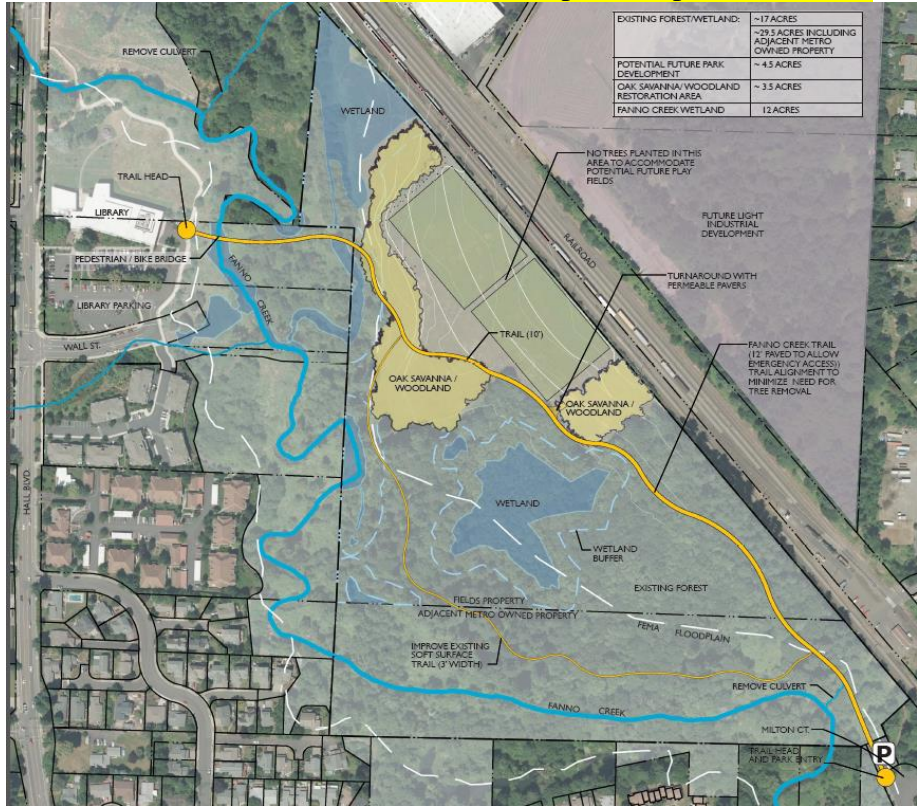
Print Name: _____

Title: _____

Date: _____

Exhibit A Site Plan

(add as PDF upon completion of IGA)



REFINED CONCEPT

The refined concept maintains 28 acres of contiguous forest on this and adjacent properties. It includes a 17-acre patch with the Fanno Creek riparian area and an 11-acre patch with forested wetland.

FINAL RECOMMENDATIONS

- RESTORATION**
Site restoration is the primary value and action on the site. Importance is placed on the riparian corridor; the remnant oak savanna and potential habitat for turtles.
- FANNO CREEK TRAIL DEVELOPMENT**
 - Alignments:** Cross Fanno Creek with a pedestrian/bicycle bridge at the library. Align trail through open field where possible. Through the woods, avoid trees, with emphasis on avoiding impacts to oak trees. The trail exits at Milton Ct. The street may be considered for design revisions to comfortably delineate the trail within right-of-way, potentially with a green street design.
 - Design:** A 10' paved trail with 1' shoulders is assumed, with 12' trail where emergency vehicle access is needed.
 - Options not recommended:** After consideration, the team does not recommend a trail connection directly from Hall Blvd. due to private property, turtle nesting habitat and a lack of proximity to the library and nearby neighborhood.
- SPORTS FIELDS**
The goals for the site include natural resource protection and active use, with options on the eastern portion of the property for sports fields. In the future, if the City of Tigard finds that pressure on existing fields is problematic, a public process will be held to determine how sports fields are to be developed on the property.
Given this possibility, the site concept will set aside an area for sports fields with the following considerations:
 - Restoration:** The area set aside for sports fields may be included in restoration efforts with the understanding that planting may be removed in the future. Given this consideration, no trees will be planted in the area designated for possible sports fields.
 - Parking and emergency access:** Should sports fields be developed, parking will be designed to minimize impacts to natural resources. It will be located close to Milton Court, with no road or parking traversing the woods. Emergency vehicle access with a turnaround will be needed. Permeable pavement will be used.
 - Design:** Should sports fields be developed, they would be low impact, with grass fields, no lighting, and seasonal play. From approximately November through March the fields and associated road/parking would be closed.
- EXISTING INFORMAL TRAIL**
This trail should be developed and monitored, in its current or nearby location, with a 3' wide soft surface trail that makes a loop with the Fanno Creek Trail.