

# ORDINANCE NO. 183540

Establish watershed protection policies for City-owned lands in the Bull Run Watershed Management Unit. (Ordinance; add Code Chapter 21.36; amend Code Chapter 21.24)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bull Run watershed, located within the Bull Run Watershed Management Unit (BRWMU), is the primary water supply for approximately 860,000 persons in the Portland metropolitan area.
2. The BRWMU is a federally designated subunit of the Mt. Hood National Forest that is closed to public entry.
3. The Water Bureau shares management responsibilities for protection and stewardship of the BRWMU with Mt. Hood National Forest.
4. The City owns approximately five percent of the BRWMU; the remaining 95% is federal land managed by the Mt. Hood National Forest and the Bureau of Land Management (BLM).
5. Policy direction for federal lands within the BRWMU is set forth by Congressional legislation known as the Bull Run Management Act, passed in 1977 and amended in 1996 and 2001. The Bull Run Management Act authorizes the Forest Service to restrict entry to the BRWMU in order to protect the City's water supply.
6. Forest Service lands within the BRWMU are closed to public entry through an administrative Special Closure Order. City-owned lands within and adjacent to the BRWMU are posted for no trespassing but there has been no provision in the City Code that explicitly closes these lands to public entry.
7. BLM is currently in the process of preparing an administrative Closure Order that will close its lands within the BRWMU to public entry.
8. ORS 448.305 authorizes cities to pass ordinances restricting entry and activities in their watershed areas, including federally owned portions thereof, if an agreement exists with the federal land management agency to authorize the city's enforcement of federal closures.
9. The Bull Run Watershed Management Unit Agreement between the Water Bureau and the Mt. Hood National Forest, signed on December 17, 2007, granted the City the authority to enforce Bull Run Watershed Management Unit access restrictions within the Unit as a whole.
10. The Bull Run Management Act limits tree cutting on federal lands to only that needed for the protection and enhancement of water quality or water quantity, or the construction, expansion, protection or maintenance of municipal water supply or hydropower facilities.
11. The City has had a long-standing policy of managing its lands in accordance with the Bull Run Management Act.

12. Under the terms of the Bull Run Watershed Management Unit Agreement, the City agreed to formalize its policy of timber harvest restrictions for City-owned lands in the BRWMU to ensure that they have the same level of protection as federal BRWMU lands have under the Bull Run Management Act.

NOW, THEREFORE, the Council directs:

- a. A new chapter, defined as Chapter 21.36 and attached hereto as Exhibit A, is added to the City Code to establish boundaries of a Bull Run Watershed Closure Area including City and Forest Service lands, formalize public closure and tree-cutting policies that apply to City-owned land in the Closure Area, and authorize the enforcement of closure policies for Forest Service lands within the Closure Area.
- b. Chapter 21.24.010 of the City Code is hereby repealed because the prohibition on domestic animals is included in Chapter 21.36.030 of the new Code.

Passed by the Council, FEB 10 2010

Commissioner Leonard  
Prepared by Richard Robbins  
January 5, 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

*Susan Parsons*  
Deputy

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Agenda No. **183540**  
**ORDINANCE NO.**  
 Title

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INTRODUCED BY Commissioner/Auditor: <b>Commissioner Leonard</b>	CLERK USE: DATE FILED <u>JAN 29 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>Amador</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Water Bureau Head: David G. Shaff <i>[Signature]</i>	ACTION TAKEN: FEB 03 2010 PASSED TO SECOND READING FEB 10 2010 9:30 A.M.
Prepared by: Richard Robbins Date Prepared: 12/22/09	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date February 3, 2010	
City Attorney Approval <i>[Signature]</i>	

<b>AGENDA</b> <b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <i>2 of 2</i> <b>Start time:</b> 10:15 a.m. <b>Note:</b> This is the second of two ordinances. <b>Total amount of time needed:</b> 15 minutes (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz		<input checked="" type="checkbox"/>
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	