

## **ORDINANCE NO. 186070**

Authorize the Water Bureau to acquire a conservation and access easement on the YMCA Camp Collins property (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In May 2005 the Council directed the Water Bureau to develop the Bull Run Water Supply Habitat Conservation Plan (HCP) in accordance with Section 10 of the federal Endangered Species Act to obtain long-term regulatory compliance with the Endangered Species Act and the water quality requirements of the federal Clean Water Act under Resolution No. 36319.
2. The Water Bureau worked in a partnership with federal, state, and local government agencies and non-governmental organizations called the Sandy River Basin Partners to develop a comprehensive and cost-effective set of mitigation actions to address the impacts of Portland's drinking water system on the Bull Run River and larger Sandy River Basin.
3. The HCP was approved by City Council on October 1, 2008, under Ordinance No. 182235. The Ordinance committed the City of Portland to implement the Bull Run Habitat Conservation Plan which includes 49 measures, or actions, to protect and improve habitat and to avoid or minimize the impacts on threatened species from the Bull Run water supply system.
4. This resulted in the City obtaining an Incidental Take Permit which allows for continued use of the Bull Run River for public drinking water supply that complies with the federal Endangered Species Act and Clean Water Act.
5. The actions collected and described in the HCP complement and build on the actions of other government agencies, community groups and individual land owners to maximize salmon habitat restoration in the Sandy River Basin over the next 50 years.
6. Measures contained in the HCP require the City to acquire a minimum of 373 acres of land easements from willing private landowners in the Sandy River Basin to maintain and improve riparian zone conditions. The City has pursued conservation easements with willing private landowners since 2010, and the Water Bureau has obtained conservation easements for 76 acres in the Sandy River watershed to date.
7. In 2012, the Water Bureau approached YMCA Camp Collins regarding its parcels along the lower Sandy River resulting in an easement with YMCA Camp Collins. The City has negotiated an agreement with YMCA Camp Collins related to a conservation and access easements to improve and maintain 53 acres of riparian zone land owned by YMCA Camp Collins along reach 2 of the lower Sandy River watershed.

8. This easement will result in a significant gain toward meeting the acreage requirements of the HCP and will advance the City's long-term interest in enhancing fish habitat in the Sandy River Basin consistent with its commitments in the HCP. In addition the easement will provide for 53 of the 373 acres of land in conservation easements required by the HCP.
9. The City will be responsible for maintaining and improving riparian habitat conditions in the lower Sandy River watershed by supporting the maintenance and planting of native riparian forest habitat and the removal of invasive species.
10. Funds to implement the measures of the HCP are allocated on an annual basis through the City's regular budgetary processes. The City has come to an agreement with YMCA Camp Collins based on the current appraised value of the easement area for an acquisition price of \$157,834, roughly \$2,978 per acre. The City also anticipates an additional cost of \$30,000 to fund the improvements to the easement acreage.
11. Funding of \$157,834 for the YMCA Camp Collins Easement is available in the FY 2012-13 Budget. Funding in the amount of \$30,000 for the improvements to the easement acreage will be requested in the FY 2013-14 through FY 2015-16 Budgets.

NOW, THEREFORE, the Council directs:

- a. That the Water Bureau Administrator and Auditor are authorized to purchase and execute on behalf of the City a conservation easement from YMCA Camp Collins substantially in accordance with the Agreement attached as Exhibit A, subject to the completion of Article XV of the Agreement (Subordination) and Exhibit C to the Agreement (Subordination Agreement) as approved by the Office of the City Attorney.
- b. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Passed by the Council, JUN 05 2013

Mayor Charlie Hales  
Steve Kucas  
April 22, 2013

LaVonne Griffin-Valade  
Auditor of the City of Portland

By  Deputy

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-501-

Agenda No. **186070**  
**ORDINANCE NO.**  
 Title

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<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>Mayor Charlie Hales</b></p> <p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Hales <i>CH</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p><b>BUREAU APPROVAL</b></p> <p>Bureau: Water Bureau          Bureau Head: David G. Shaff <i>DGShaff</i></p> <p>Prepared by: Steve Kucas          Date Prepared: April 22, 2013</p> <p>Financial Impact Statement          Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>          Not Required <input type="checkbox"/></p> <p>Portland Policy Document          If "Yes" requires City Policy paragraph stated in document.          Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date  <b>May 29, 2013</b></p> <p><b>City Attorney Approval:</b>          required for contract, code, easement, franchise, comp plan, charter</p>	<p>CLERK USE: DATE FILED <u>MAY 24 2013</u></p> <p style="text-align: right;">LaVonne Griffin-Valade          Auditor of the City of Portland</p> <p>By: <i>[Signature]</i>          Deputy</p> <p><b>ACTION TAKEN:</b></p> <p><b>MAY 29 2013 PASSED TO SECOND READING JUN 05 2013 9:30 A.M.</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	