

ORDINANCE NO. 187036

Authorize an agreement with Roger R. and Kathleen M. Harrison in the amount of \$128,500 to acquire a 17-acre conservation and stream enhancement easement and to fund improvements to the easement acreage (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 in addition to non-governmental organizations, collectively 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 authorized under Ordinance No. 182235 by City Council on October 1, 2008. The Ordinance committed the City of Portland to implement 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. The approved HCP resulted in the City obtaining an Incidental Take Permit which allows for continued use of the Bull Run River for public drinking water supply while maintaining compliance 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 government agencies, community groups and individual land owners to maximize salmon habitat restoration in the Sandy River Basin over the next five decades.
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 successfully completed conservation easements with willing private landowners since 2010 obtaining 221 acres of conservation easement area in the Sandy River watershed to date.
7. In 2014, the Water Bureau approached Roger R. and Kathleen M. Harrison regarding their land along Cedar Creek in the middle Sandy River watershed. The City has negotiated a conservation and stream enhancement agreement with the Harrisons to improve and maintain 17 acres of riparian zone land.

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.
9. The City will be responsible for maintaining and improving riparian habitat conditions in Cedar Creek by supporting the maintenance and planting of native riparian forest habitat and the removal of invasive species and creating diverse instream habitat for fish by installing and maintaining large wood structures.
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 the Harrisons based on the current appraised value of the easement area for an acquisition price of \$97,000. The City also anticipates an additional cost of \$30,000, over three fiscal years, to fund the improvements to the easement acreage.
11. Funding of \$97,000 for acquisition of the Harrison Easement is available in the FY 2014-15 Budget. Funding of \$5,000 for easement improvements and \$1,500 for the easement closing costs are available in the FY 2014-15 Budget, and \$25,000 will be requested in the FY 2015-16 through FY 2017-18 Budgets for additional easement improvements.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and Auditor are authorized to execute on behalf of the City a conservation and stream enhancement easement from Roger R. and Kathleen M. Harrison substantially in accordance with the Agreement attached as Exhibit A. Any changes to the Agreement from the date of passage of this Ordinance shall be approved as to form 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, MAR 04 2015

Commissioner Nick Fish
Steve Kucas
January 28, 2015

Mary Hull Caballero
Auditor of the City of Portland

By  Deputy

Agenda No.
ORDINANCE NO. 187036

with Roger R. and Kathleen M. Harrison Title

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INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>FEB 20 2015</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish <i>[Signature]</i> Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <u><i>[Signature]</i></u> Deputy
BUREAU APPROVAL Bureau: Water Bureau Bureau Head: David G. Shaff <i>[Signature]</i> Prepared by: Steve Kucas Date Prepared: January 28, 2015 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	ACTION TAKEN: FEB 25 2015 PASSED TO SECOND READING MAR 04 2015 9:30 A.M.
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date 02/25/2015	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: (for presentation, testimony and discussion)

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	✓	