

## MEMORANDUM

To: Hearings Officer

From: Land Use Planning

Date: September 6, 2023

Land Use Case: T3-2022-16220 Portland Water Bureau Water Filtration Facility & Pipelines

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Concerns have been expressed by various parties in their testimony (Exhibits H.17, H.18, H.20, I.19, and I.20) about the adequacy of the Portland Water Bureau's Inadvertent Discovery Plan for Cultural Resources document (Exhibit A.71) and archeological field work of the water filtration site.

Land Use Planning would like to advise the Hearings Officer that Multnomah County Code requires a Significant Environmental Concern permit for any excavation or removal of any pre-contact or archaeological materials.

### § 39.5510 USES; SEC PERMIT REQUIRED.

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**(B) Any excavation or any removal of materials of archaeological, historical, pre-contact or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.**

If the Hearings Officer feels a condition of approval is necessary, the following is recommended:

#### **Cultural Resource Condition**

If after commencement of ground disturbing activities and/or construction improvements, cultural resources are discovered, the following procedures shall be followed:

- (1) Halt Construction – All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- (2) Notification – The project applicant shall notify the Planning Director within 24 hours of the discovery. If the cultural resources are pre-contact or otherwise associated with Native Americans, the Planning Director will provide a list of tribal government contacts to the project applicant. The project applicant shall notify the tribal governments within 24 hours.
- (3) Survey and Evaluation – The project applicant shall work with any interested Tribal Government to survey the cultural resources after obtaining written permission from the landowner (if not Portland Water Bureau) and appropriate permits from SHPO (*see* ORS 358.905 to 358.955). They will gather enough

information to evaluate the significance of the cultural resources. A copy of the report shall be provided to the Planning Director.

(a) If after evaluation, it is determined that additional excavation or removal of archaeological, historical, and/or pre-contact is needed, the applicant shall apply for a Significant Environmental Concern permit pursuant to MCC 39.5510(B).



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**T3-2022-16220**

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To: LUP Comments <lup-comments@multco.us>

Wed, Sep 6, 2023 at 9:40 AM

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\*\*\*This email is not a land use decision. And should not be relied upon for future actions. It is advisory.\*\*\*

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