

RECORDING MEMO

X	New Agreement/Contract
	Amendment/Change/Extension
	Policy Reports
	Other

**ORIGINATING COUNTY
DEPARTMENT:**

Business & Community Services

PURCHASING FOR:

N/A

**OTHER PARTY TO
CONTRACT/AGREEMENT:**

U.S. Army Corps of Engineers

BOARD AGENDA DATE:

1/28/2021

AGENDA ITEM NUMBER:

C.1

PURPOSE:

Approval of a Memorandum of Agreement among the U.S. Army Corps of Engineers, The Oregon State Historic Preservation Office, and The Advisory Council on Historic Preservation for Clackamas County to Act as Fund Manager for the Jennings Lodge Camp Meeting Site and Retreat Center

Please return to **BCS Admin - Attn: Liz Lawson Weber** after recording.

Clackamas County Official Records
Sherry Hall, County Clerk
Commissioners' Journals
Agreements & Contracts

2021-0038

02/18/2021 11:24:07 AM



January 28, 2021

Board of County Commissioners
 Clackamas County

Members of the Board:

Approval of a Memorandum of Agreement among the U.S. Army Corps of Engineers, The Oregon State Historic Preservation Office, and The Advisory Council on Historic Preservation for Clackamas County to Act as Fund Manager for the Jennings Lodge Camp Meeting Site and Retreat Center

Purpose/Outcomes	For Clackamas County to award grants from a mitigation fund established to support documentation, development of narrative materials, construction interpretative signage, websites, public outreach, preservation of similar NRHP-eligible camp sites in Oregon, restoration of NRHP-eligible churches in Oregon, or other similar tasks to educate and foster understanding of this historic site and its role in Jennings Lodge history.
Dollar Amount and Fiscal Impact	\$185,000
Funding Source	Funding provided by the mitigation funds to be managed under the MOA. No County General Funds are involved.
Duration	Effective upon signature and terminates three years from acceptance of Management Plan by USACE, SHPO, and ACHP.
Previous Board Action	Issues Presentation on January 12, 2021
Counsel Review	January 14, 2021, JM
Procurement Review	The Agreement is for the County to act as Fund Manager and to award qualifying grants from the fund. Not subject to procurement review.
Strategic Plan Alignment	1) Aligns with the BCS strategic priority of providing essential economic development, public spaces, and community enrichment services to residents, businesses, visitors and partners so they can thrive and invest in a healthy, vibrant, and prosperous Clackamas County. 2) Aligns with the BCC strategic priority of Building Public Trust through Good Government.
Contact Person	Laura Zentner, Director, Bus. and Community Services - (503) 742-4351 Jeffrey D. Munns, Assistant County Counsel – (503) 742-5984

BACKGROUND: In 2014, Lennar Development purchased a 16 acre piece of property in the Jennings Lodge Area for development (72 single family housing units now under construction). Prior to the development, the Jennings Lodge community filed several LUBA appeals and actions to stop removal of historic structures and trees. The community was ultimately unsuccessful but did receive an agreement for Lennar to pay \$185,000 in mitigation for historical preservation related to the site and similar locations in this area.

In 2018, an agreement (MOA) between the U.S. Army Corp of Engineers (USACE), the Oregon State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) specified how the funds were to be managed, distributed and used. The agreement was signed by Lennar, USACE, SHPO, ACHP, and others. Clackamas County was not a party to this original agreement but was later asked to act as the manager of the \$185,000. Clackamas County will be allowed to retain \$18,500 (10%) for acting as fund manager.

The purpose of the fund is to award grants from a mitigation fund established to support documentation, development of narrative materials, construction interpretative signage, development of websites, public outreach, preservation of similar NRHP-eligible camp sites in Oregon, restoration of NRHP-eligible churches in Oregon, or other similar tasks to educate and foster understanding of this historic site and its role in Jennings Lodge history. Business and Community Services has already drafted a Fund Management Plan attached to this staff report.

RECOMMENDATION: Business and Community Services respectfully requests that the Board of County Commissioners approve and sign this Memorandum of Agreement for Clackamas County to Act as Fund Manager for the Jennings Lodge Camp Meeting Site and Retreat Center Education and Preservation Fund.

Respectfully submitted,

Laura Zentner

Laura Zentner
Director, Business and Community Services

MEMORANDUM OF AGREEMENT

AMONG

THE U.S. ARMY CORPS OF ENGINEERS,

THE OREGON STATE HISTORIC PRESERVATION OFFICE,

AND

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

SUBJECT: Resolution of Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center (JLCMSRC), Clackamas County, Oregon, USACE Reference NWP-2016-495.

- 1. WHEREAS**, the United States Army Corps of Engineers (USACE) administers permits pursuant to Section 10 of the Rivers and Harbors Act, 33 U.S.C § 403; and
- 2. WHEREAS**, Lennar Northwest (Lennar) is the permit applicant and current owner of the historic property known as the JLCMSRC in Clackamas County, Oregon; and
- 3. WHEREAS**, Lennar plans to construct an outfall structure to service the Jennings Lodge Estates subdivision that involves work in waters of the United States, an action that requires a permit pursuant to Section 10 of the Rivers and Harbors Act, and which constitutes an undertaking under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108; and
- 4. WHEREAS**, pursuant to 36 CFR part 800, regulations implementing Section 106 of the NHPA, and 33 CFR part 325, Appendix C, Processing of Department of the Army (DA) Permits: Procedures for Protection of Historic Places, the USACE is required to take into account the effects of Federally permitted undertakings on properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) prior to the issuance of permits for the undertaking and to consult with the State Historic Preservation Officer; and
- 5. WHEREAS**, the USACE defined the undertaking's area of potential effects (APE) as the entire project area consisting of the removal and staging areas (see Attachment A); and
- 6. WHEREAS**, the USACE determined that the JLCMSRC, a historic district with 17 contributing structures and three groves of trees, is eligible for listing in the NRHP, and the undertaking, which includes the removal of these 17 structures and three groves of trees, will result an adverse effect to the historic district; and
- 7. WHEREAS**, the USACE consulted with the Oregon State Historic Preservation Officer (SHPO) pursuant to 36 CFR part 800 and 33 CFR part 325, Appendix C, and the SHPO concurred with the USACE regarding the eligibility of the historic property for listing in the

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon (USACE Reference NWP-2016-495)

NRHP, and the determination of adverse effect upon the JLCMSRC, pursuant to 36 CFR § 800.4(b) and 36 CFR § 800.5(a), respectively; and

8. WHEREAS, the USACE reached out to the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Warm Springs Indian Reservation, Confederated Tribes of the Siletz, the Confederated Tribes of the Cowlitz, Jennings Lodge CPO (JLCPO), Gladstone Historical Society, Clackamas Historical Society, Friends of Jennings Lodge, the Oak Lodge History Detectives (OLHD), Restore Oregon, and the National Trust for Historic Preservation (NTHP) about this undertaking; and

9. WHEREAS, the JLCPO, the OLHD, Restore Oregon, and the NTHP expressed a desire to consult on this Section 106 Memorandum of Agreement (MOA); and

10. WHEREAS, the USACE acknowledges its continued responsibility to engage in meaningful consultation with tribes (e.g., Executive Order 13175, 54 U.S.C. § 302706(b), and the November 5, 2009 Presidential Memorandum on Tribal Consultation) throughout the process of carrying out the stipulations of this agreement; and

11. WHEREAS, in accordance with 36 CFR § 800.6(a)(1), USACE notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

12. WHEREAS, the USACE consulted with Lennar, the primary owner, regarding the effects of the undertaking on historic properties and invited them to sign this MOA as an invited signatory pursuant to 36 CFR § 800.6(c)(2); and

13. WHEREAS, based on their stated interest, the USACE consulted with the JLCPO, the OLHD, Restore Oregon, and the NTHP, and invited them to participate in this MOA as concurring parties pursuant to 36 CFR § 800.6(c)(3); and

14. WHEREAS, the JLCPO, the OLHD and the NTHP do not agree that this MOA is sufficient to mitigate for the demolition of the JLCMSRC; in response Lennar is providing \$50,000 additional funding (as reflected in this MOA under Stipulation V.) to help relocate the Friesen Chapel; and

15. WHEREAS, Consulting Parties for the purpose of this MOA include USACE, SHPO, ACHP, Lennar, JLCPO, OLHD, Restore Oregon, and NTHP; and

NOW, THEREFORE, the USACE, the SHPO and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The USACE, in coordination with Lennar, shall ensure that the following stipulations are implemented:

- I. Where applicable (for example, Stipulations II., IV.a., IV.d., possibly VI.), work pursuant to this MOA will be developed by or under the supervision of a person or persons with experience in historic preservation and meeting the minimum professional qualifications for Historic Architect, Architectural Historian or Historian included in the Secretary of the Interior's Professional Qualification Standards, 48 Fed. Reg. 44716 (Sept. 29, 1983). Stipulations involving educational elements will receive the input of individuals with demonstrated experience in curriculum planning or public education. If in doubt, the SHPO in consultation with the USACE has the authority to determine if the work requires a historic preservation professional, and if a given individual is qualified to conduct the work.
- II. Within one year of execution of the MOA, Lennar will complete an Oregon State Level Documentation of the JLCMSRC district and its contributing elements. The narrative will emphasize the landscape as the historical inspiration for JLCMSRC's development and discuss the restorative and spiritual value of the setting to the faith-based facility. The documentation will lay out the historic context, landscape history, and architectural history of the site, and will include photographs (and index) depicting the landscape, representative trees and vegetation, layout, circulation patterns, and any other supporting features or characteristics, to include a vegetation plan denoting the locations of buildings among the trees, supplemented by individual narrative records for each building or structure, to include a separate photo index and black and white photographs of each building showing interior and exterior views, details, and context within the landscape. Specific documentation will include no less than:
 - a. Architectural descriptions of no less than 500 words for all contributing buildings and features of JLCMSRC to include the following information:
 - (1) The physical context of the buildings and how they relate to the surrounding environment or property as a whole,
 - (2) The historical context of JLCMSRC concerning the relationship of the buildings or structures to the historical development of the surrounding area and to trends in local and national histories,
 - (3) Specific historical data, including the dates of initial planning and development, any changes in plan and evolution, individuals such as architects or developers associated with the site, and associated historical events, and
 - (4) A physical description of the site according to the original plan, how it has changed over time, and how it is at present.
 - b. A history of JLCMSRC of no less than 500 words that includes at minimum the dates of construction, names of architects or builders, ownership, and changes to the property.
 - c. A bibliography of sources cited and consulted.

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- d. A map of the JLCMSRC site on the appropriate United States Geological Survey or similar map.
- e. A scale site plan that includes all NRHP-contributing buildings, structures, and tree groves at the JLCMSRC property.
- f. Scale floor plans of JLCMSRC of all buildings specified by SHPO.
- g. Digital photographs adhering to National Register digital photograph standards published by the National Park Service. Each building, structure, and landscape features should have no less than eight photos. The photographic documentation will be completed and sent to SHPO for review of adequacy and completeness prior to any construction or changes to the JLCMSRC. Photographs will include:
 - (1) General or environmental views of JLCMSRC to illustrate setting, landscape, adjacent buildings, and roadways,
 - (2) The front façade of each building on site,
 - (3) Perspective view, front and one side of each building on site,
 - (4) Perspective view, rear and opposing side of each building on site,
 - (5) Detail, front entrance and/or a typical doorway,
 - (6) Exterior details of architectural interest, and
 - (7) Interior views to capture spatial relationships, typical spaces, and any decorative or character defining features including hallways and stairways.
 - (8) Perspective view of the Cathedral of Trees from at least two views showing each of the three groves within the context of the overall District.
 - (9) Detail views of the Cathedral of Trees showing specific, notable groves or individual trees. This stipulation does not require the photography of each individual tree.
 - (10) A photo location map.
- h. Relevant archival materials, including original architectural drawings or maps, brochures, historic photos, newspaper clippings, or other archival items of interest related to the property. See Stipulation III. and IV.b. for archival material disposition.
- i. Consulting Parties will be provided a reasonable opportunity to review and comment on the documentation and Lennar will take the comments into consideration.
- j. Lennar can begin demolition (assuming Lennar has relevant permitting and this MOA has been executed) once the SHPO has accepted that the photographs taken in support of the documentation required under this Stipulation are adequate and the SHPO so notifies Lennar and the Consulting Parties. It is anticipated that archival/historical documentation will be completed during construction.
- k. Lennar will supply one hard copy and one digital CD copy of the complete documentation to the SHPO to fulfill this stipulation.

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III. Lennar will supply one hard copy and one digital CD copy of finalized digital historical records acquired in its research on the JLCMSRC (including Stipulation II. material) to the Consulting Parties within 30 days of completion of Stipulation II. Additional copies of this documentation will be provided to the Clackamas County Historical Society, the Clackamas County Public Library at Oak Lodge, the Oregon Historical Society and the University of Oregon Knight Library Special Collections. If the listed repositories cannot accept the document, SHPO and the Lennar will work together to find an appropriate replacement repository. The document shall be available at another location besides the SHPO and Lennar.

IV. Public Outreach.

- a. Commemorative Signage. Within one year of execution of the MOA, Lennar will create and install an interpretative and photographic display that describes the history of the JLCMSRC. The display will be located on-site in a publicly accessible area. Information gathered during the compilation of the Oregon State Level Documentation could be used for this interpretive display. The design and content of the interpretive display will be reviewed and meet the approval of USACE and SHPO prior to being installed and the stipulation accepted as fulfilled. The display will include:
- (1) At a minimum a presentation of JLCMSRC's history and interpretation of the JLCMSRC's historic significance.
 - (2) It will consist of at least one panel that may range in size from 2' by 3' up to 4' by 6'.
 - (3) The interpretive display shall be of professional quality.
 - (4) Interpretive panel(s) should be prepared by persons that possess the skills of a qualified Historian, Architectural Historian, Cultural Resource Specialist, Exhibit Specialist/ Graphic Artist; or by an organization that has the ability to create and design professional quality interpretive panels.
 - (5) Consulting Parties will be provided a reasonable opportunity to comment on the draft panel materials, placement, design, layout and text.
 - (6) Lennar shall specify in its HOA documents that long-term maintenance and care is the responsibility of the Homeowners' Association ("HOA").
 - (7) Subject to Clackamas County's approval, Lennar shall place a traffic-type historical marker sign on SE River Road to provide notice of the commemorative sign installed under this Stipulation.
 - (8) It is anticipated this display will cost no more than \$15,000. Lennar will transfer any leftover funds to the JLCMSRC Education and Preservation Fund in Stipulation VI. within 30 days of installation of the display.
- b. Within 60 days of execution of the MOA, Lennar will offer to donate physical archival material (e.g., maps, drawings, photographs, etc.) related to the JLCMSRC currently in Lennar's possession to the Clackamas County Public Library at Oak Lodge. If the library does not accept the material within 60 days of the offer, Lennar will offer the

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon (USACE Reference NWP-2016-495)

material to the Consulting Parties. If no Consulting Party or other party approved by the Consulting Parties requests ownership of the materials after 60 days, Lennar has no further obligation to donate the material.

- c. In its development of the JLCMSRC, Lennar will be removing three groves of existing Douglas-fir trees and other existing trees. After completion of its infrastructure improvements including installation of agency-required street trees, Lennar shall install an additional two hundred twenty-nine trees. The tree varieties, sizes and placement shall be appropriate for Lennar's intended purpose, at its sole discretion and consistent with plans approved by Clackamas County. Notwithstanding and in recognition of the removal of the existing Douglas-fir trees, Lennar will make reasonable efforts where appropriate to incorporate Douglas-fir trees in its tree planting selections.
 - d. In its Covenants, Conditions, and Restrictions (CCRs) for the Jennings Lodge Estates subdivision, Lennar shall provide a 1-2 paragraph narrative summarizing the history of the JLCMSRC with regard to the people, improvements, and cultural uses of the site. This narrative shall be shared with the SHPO to ensure that it adequately summarizes the historic property. Consulting Parties will be provided 30 days to comment on the draft text.
 - e. Lennar shall, in its naming of the subdivision, retain "Jennings Lodge" in the name.
 - f. In commemoration of the loss of three groves of existing Douglas-fir trees, as well as a historic Bing Cherry tree and Big Leaf Maple tree, and other trees associated with the JLCMSRC, within one year of execution of the MOA Lennar will plant commemorative tree or trees (as space permits) near the signage under Stipulation IV.a.; specifically, Lennar will plant a commemorative Bing Cherry tree, a commemorative Big Leaf Maple tree, and at least one commemorative Douglas Fir tree within the development. Lennar will identify the trees as commemorative either in the signage under Stipulation IV.a., or through installation of a small plaque by each commemorative tree identifying the tree(s) as commemorative of the JLCMSRC. Long-term maintenance, care, and, if necessary, replanting will be the responsibility of the Homeowners' Association ("HOA") and Lennar shall specify the same in its HOA documents.
 - g. Lennar shall use reasonable efforts to use street names associated with the history of the Jennings Lodge area. Lennar has reserved with Clackamas County the names of Faith, Morse, Berryman, and Hodgkin to accomplish the same. Notwithstanding the foregoing, the parties acknowledge and agree that Clackamas County has sole discretion and control as to the naming of streets at the time of final platting.
- V. Relocation of the Friesen Chapel (Chapel). Lennar has offered to assist in relocation of the Chapel as follows:
- a. Lennar will provide the title to the Chapel and \$185,000 to offset relocation and rehabilitation costs to the administrator if the Chapel remains within Jennings Lodge or surrounding area (i.e., Jennings Lodge, Oak Grove, and Oatfield), but only \$50,000

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon (USACE Reference NWP-2016-495)

would be offered if the Chapel is moved outside of Jennings Lodge or the surrounding area. Lennar will not provide any property (on or off-site) for relocation; the structure must be moved off-site, and the funds will help offset moving costs.

- b. Lennar will market the Chapel for relocation and rehabilitation/restoration according to accepted historic preservation standards as approved by the SHPO. The advertisement shall provide information on National Register eligibility and the application process for a qualified recipient. Attachment B contains the advertisement.
 - c. Lennar shall offer the chapel for relocation and rehabilitation/restoration to a local non-profit organization, a local government, or to other private citizens and organizations, in that order of priority. Preference will be given to participants willing to install in the Jennings Lodge community. With the assistance of interested Consulting Parties, Lennar shall screen the applicants and select a recipient to relocate and rehabilitate the Chapel. The USACE will sign off on the final decision. Lennar will notify Consulting Parties by email if a party has been selected within 30 days of making the selection. If the building is scheduled to be moved, Lennar will email the Consulting Parties of the proposed move date.
 - d. The recipient of the Chapel must agree to install a minimum of four historic photographs printed no smaller than 2' by 3' and displayed within the Chapel. These photographs must depict the old Chapel prior to the relocation, whether it is identifiably in the background or the focus of the picture, and must label the pictures as originally from the 1945 Friesen Chapel at the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon, and provide attribution. Lennar will supply the recipient electronic copies of photographs, and the SHPO will approve the photographs Lennar provides within 30 days of receipt. Lennar is encouraged to consider photographs from various sources (the community, Consulting Parties, historic records, etc.).
 - e. If Lennar fails to identify a qualified recipient to relocate and rehabilitate/restore the Chapel by September 1, 2018, or if the Chapel is not removed from the Project site by July 1, 2019, Lennar will so notify the Consulting Parties and may demolish the Chapel. Prior to demolition Lennar shall use all reasonable and practicable efforts to salvage and offer character defining architectural and structural elements of the Chapel to the ReBuilding Center, a non-profit organization, to be repurposed at its discretion. Any funds remaining from Stipulation V.a. will be transferred prior to demolition of the Chapel to the funds in Stipulation VI., and shall be in addition to any funds specified in Stipulation VI. This stipulation will be complete after the USACE receives confirmation from the fund administrator in Stipulation VI. that they have received the funds. USACE shall inform the consulting parties that the stipulation is complete.
- VI. Within the earlier of 30 days from the selection of a qualified recipient or the failure to identify a qualified recipient for the relocation of the Chapel (per Stipulation V.), Lennar will establish a JLCMSRC Education and Preservation Fund (the Fund) as partial mitigation for the adverse effects to the JLCMSRC as provided herein.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon (USACE Reference NWP-2016-495)

- a. If the Chapel is moved outside of Jennings Lodge or surrounding area per Stipulation V.a., Lennar will provide \$135,000, plus any funding remaining from Stipulation IV.a. and Stipulation V.a., to mitigate adverse impacts to the JLCMSRC. The Fund may be used for the following activities, but is not be limited to them: documentation, development of narrative materials, construction interpretative signage, development of websites, public outreach, preservation of similar NRHP-eligible camp sites in Oregon, restoration of NRHP-eligible churches in Oregon, or other similar tasks to educate and foster understanding of this historic site and its role in Jennings Lodge history. If the Chapel is relocated in Jennings Lodge or the surrounding area, Lennar shall not be required to provide any funding contemplated in this Stipulation VI., except for remaining funds, if any, from Stipulations IV.a. and V.a.
- b. Clackamas County and Restore Oregon are willing to administer the Fund. If either party is unable or unwilling to fulfill fund management duties, an alternative entity will be identified and selected by the USACE and SHPO, with input from the Consulting Parties. The USACE and SHPO will select the Fund Manager. The Fund Manager will receive and administer the mitigation funds. The Fund Manager will keep track of all costs associated with the mitigation funding account, including associated overhead/administrative costs. Mitigation funds shall be transferred from Lennar to the Fund Manager within seven days of agreement authorizing the transfer of funds is approved by the Fund Manager and Lennar. Administrative costs shall not exceed 10%, unless the increased costs are approved by the USACE and SHPO.
- c. If at least \$50,000 is available for the Fund, the Fund Manager will prepare or have prepared a Management Plan to guide use of the mitigation funds before they are expended. Projects in Clackamas County have higher priority. Consulting Parties will be provided 30 days to comment on the draft Management Plan. The content of the Management Plan will be reviewed and meet the approval of USACE and SHPO prior to acceptance.
- d. The Fund Manager will implement the Management Plan and contract out projects based on plan priorities. The Fund Manager will not be responsible for project management following the award of funds. The Fund Manager will review completed projects for compliance with the Management Plan in order to facilitate reimbursement, but will not be responsible for providing hands-on project management throughout the course of the project.
- e. As part of accepting the Fund administration responsibilities, the Fund Manager will agree to email Consulting Parties an annual summary of use of the funds for a period of three years from acceptance of the Management Plan, or until the funds are expended, whichever comes first. After three years, any remaining funds will automatically be made available for other local historic preservation efforts at the discretion of the Fund Manager and approved by SHPO.
- f. Mitigation funds shall be transferred from Lennar to the fund manager within seven days after an agreement authorizing the transfer of funds is approved by the Fund Manager

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon (USACE Reference NWP-2016-495)

and Lennar. Lennar's responsibility under this Stipulation will be completed once the funding has been transferred to the Fund Manager, and the USACE receives confirmation from the Fund Manager.

VII. Administration Stipulations.

- a. **DURATION.** If the terms of this agreement have not been implemented within five years of execution of the MOA, this agreement will expire, unless prior to expiration, the signatories agree in writing to amend the agreement to allow for an extension in accordance with Stipulation VII.d below. If the agreement expires before the undertaking or mitigation measures have been completed, and prior to work continuing on the undertaking, USACE shall so notify the signatories to this agreement and consult to develop a new MOA or request the comments of the ACHP in accordance with the terms of this MOA.
- b. **MONITORING AND REPORTING.** At least once a year, from the date of MOA execution, Lennar will email a yearly status update to the Consulting Parties detailing the current status of Stipulations under its responsibility, which will include any scheduling changes proposed, any problems encountered, and any disputes and objections. Upon completion of the five-year duration of this MOA, or following the completion of the mitigation measures described herein, Lennar, shall provide all Consulting Parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes, any problems encountered, and any disputes and objections received in the efforts of USACE and Lennar, to carry out the terms of this MOA.
- c. **DISPUTE RESOLUTION.** Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, USACE shall consult with such party to resolve the objection. If USACE determines that such objection cannot be resolved, USACE will:
 - (1) Forward all documentation relevant to the dispute, including USACE's proposed resolution, to the ACHP. The ACHP shall provide USACE with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response within 30 days of receiving a response from the ACHP. USACE will then proceed according to its final decision.
 - (2) If the ACHP does not provide its advice regarding the dispute within the 30 day time period, USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USACE shall prepare a written response within 30 days that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the ACHP with a copy of such written response.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon (USACE Reference NWP-2016-495)

(3) USACE and Lennar will assume responsibility for carrying out all other actions subject to the terms of this MOA that are not the subject of the dispute and remain unchanged.


- d. AMENDMENTS. Any signatory may request that this MOA be amended by submitting such a request to the other signatories and consulting parties in writing. The USACE shall consult with the signatories and consulting parties for up to sixty days, or another time period agreed to by all signatories, concerning the necessity and appropriateness of the proposed amendment. At the end of the consultation period the USACE shall provide an amended MOA for signature by the signatories and consulting parties or a written statement describing why the USACE chose not to pursue an amendment to this MOA. Amendments shall be effective on the date a copy of the MOA signed by all of the signatories is filed with the ACHP.
- e. TERMINATION. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VII.d., above. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the Consulting Parties. Should this agreement be terminated, and prior to work continuing on the undertaking, the USACE shall either consult to develop a new MOA or request the comments of the ACHP.
- f. EXECUTION. Execution of this MOA by USACE, ACHP, and SHPO and implementation of its terms are evidence that USACE has taken into account the effects of this undertaking on historic properties, afforded the ACHP and all concerned parties an opportunity to comment, and satisfied the requirements of Section 106 of the NHPA (54 U.S.C. § 306108) and applicable implementing regulations.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Signatory



Aaron L. Dorf
Colonel, U.S. Army Corps of Engineers
District Commander



Date

Note: Signatures continued on next page.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Note: By signing this document, you agree to all the terms and conditions outlined in the subject
Memorandum of Agreement.

Signatory



John M. Fowler
Executive Director
Advisory Council on Historic Preservation


Date 7/26/18


Note: Signatures continued on next page.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Note: By signing this document, you agree to all the terms and conditions outlined in the subject
Memorandum of Agreement.

Signatory


Christine Curran
Deputy State Historic Preservation Officer
Oregon State Historic Preservation Office


Ian P. Johnson
Assoc Deputy SHPO

7/12/2018
Date

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SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Note: By signing this document, you agree to all the terms and conditions outlined in the subject
Memorandum of Agreement.

Invited Signatory



Lennar Northwest, Inc.

7-12-18

Date

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SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Concurring Party

Restore Oregon

Date

Note: Signatures continued on next page.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Concurring Party

Jennings Lodge Community Planning Organization

Date

Note: Signatures continued on next page.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Concurring Party

Oak Lodge History Detectives

Date

Note: Signatures continued on next page.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Concurring Party

National Trust for Historic Preservation

Date

Note: Signatures continued on next page.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Concurring Party:
CLACKAMAS COUNTY BOARD OF COMMISSIONERS



Chair

1/28/2021

Date



Recording Secretary

1/28/2021

Date

Note: Signatures continued on next page.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Concurring Party

Restore Oregon

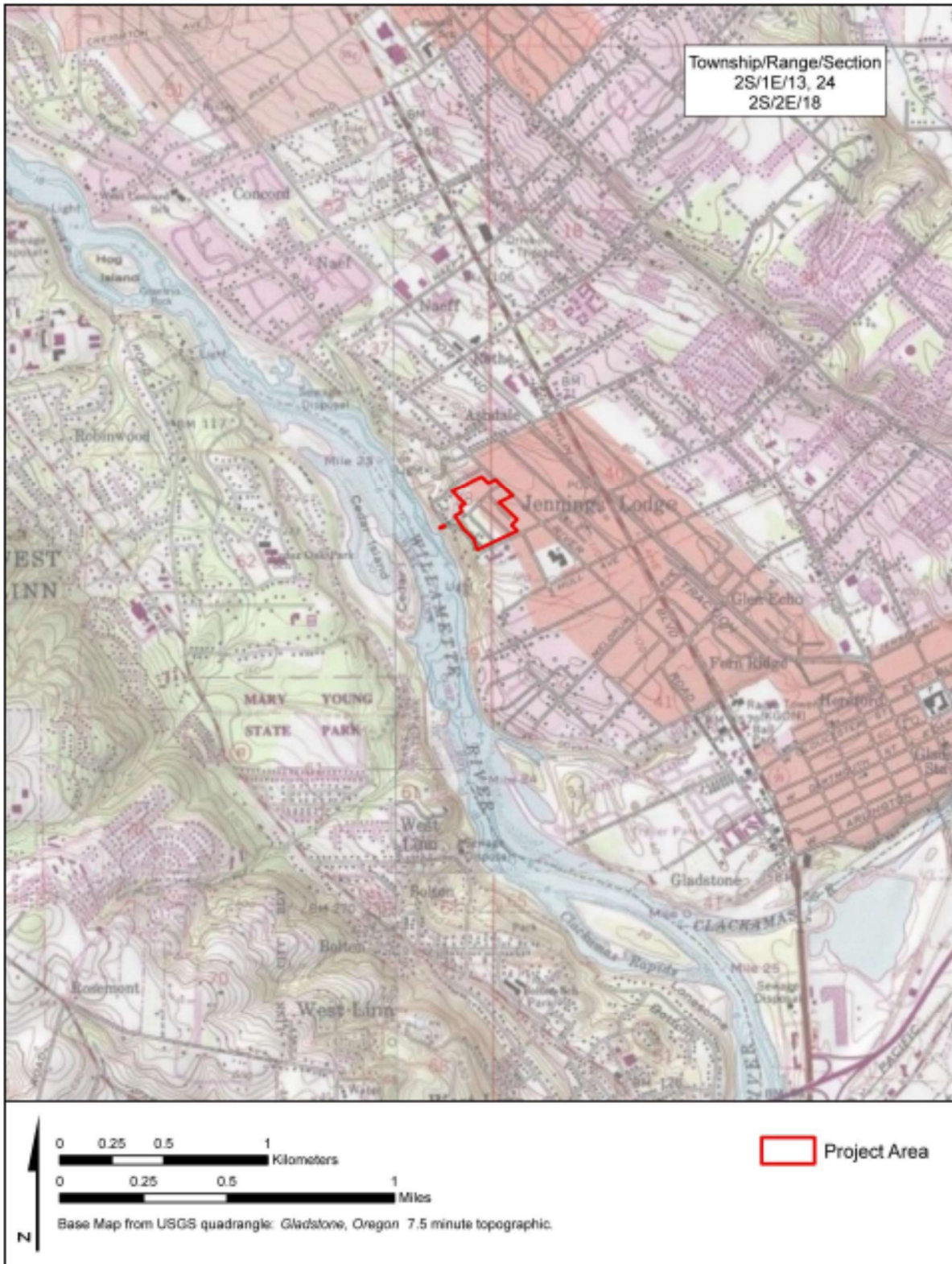
Date

Note: End of signatures.

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

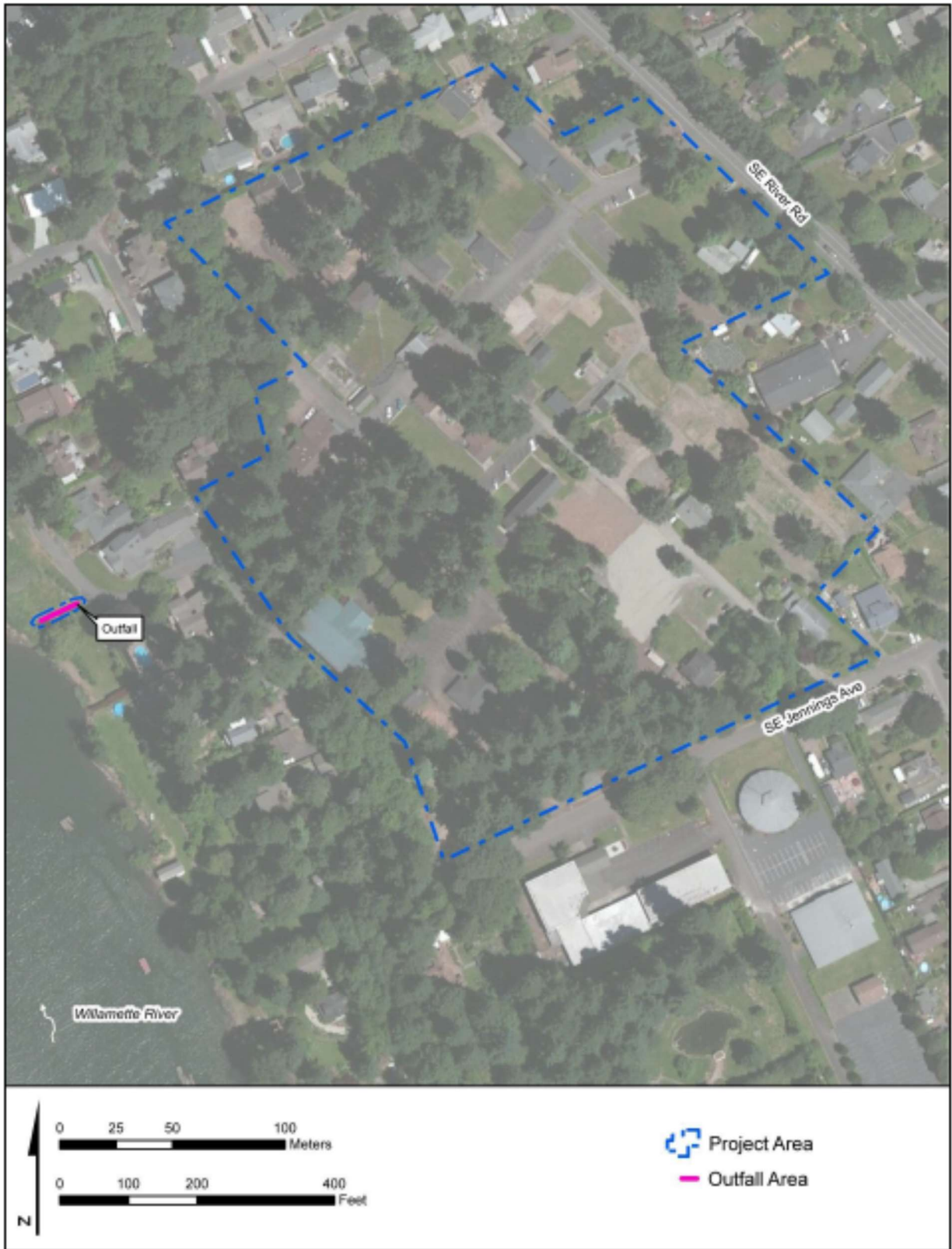
Attachment A – Area of Potential Effect

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon (USACE Reference NWP-2016-495)



Attachment A – Area of Potential Effect

SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center, Clackamas County, Oregon (USACE Reference NWP-2016-495)



SUBJECT: Adverse Effects to the Jennings Lodge Camp Meeting Site and Retreat Center,
Clackamas County, Oregon (USACE Reference NWP-2016-495)

Attachment B –Advertisement



FOR IMMEDIATE RELEASE

CONTACT: LENNAR NORTHWEST, INC.
Teresa Felton
Phone – 360-258-7885
Email – Teresa.Felton@Lennar.com

**Request for Proposals Issued for Relocation
of Jennings Lodge Evangelical Center’s
Friesen Chapel**

Milwaukie, Oregon: Lennar Northwest, Inc. (“Lennar”), the property owner, has issued this Request For Proposal (RFP) seeking organizations or individuals interested in relocating the Friesen Chapel from its present location on the former Jennings Lodge Evangelical Center property in Milwaukie, Oregon. Additional RFP information may be obtained by visiting the following website: <https://lennar.box.com/s/tpcyy8xnktye32gnh8zoo37c0lywc2ge>.

Lennar is undertaking the development of the property for a residential neighborhood. To accommodate this project, Lennar is issuing this RFP to relocate the Friesen Chapel – constructed in 1945 and determined to be a contributing element to the National Register of Historic Places of the Jennings Lodge Camp Meeting Site and Retreat Center historic district – on behalf of Lennar and in coordination with the State Historic Preservation Office (“SHPO”), Advisory Council on Historic Preservation (“ACHP”) and United States Army Corps of Engineers (“USACE”). **Proposals must be received by 5:00 p.m. by August 24, 2018.** No proposals received after the deadline will be considered.

PLEASE NOTE: This offering and below-noted offsetting funding is contingent upon the execution of the applicable Section 106 of the National Historic Preservation Act Memorandum of Agreement (“MOA”).

The following stipulations apply:

- The Friesen Chapel shall be completely removed from the Lennar property. The selected organization or individual shall be solely responsible for providing its own property for the relocation.
- Lennar, in coordination with USACE, will make the final determination of approving the organization or individual selected (the “Selected Party”) for the relocation and its corresponding work plan, based on accepted historic preservation standards as approved by OR SHPO.
- The Chapel shall be offered for relocation and rehabilitation to a non-profit organization or to other private citizens and organizations in that order of priority.

11807 NE 99th Street, Suite 1170 Vancouver, WA 98686 Office 360 258-7900 Fax 360 258-7901

LENNAR.COM

LENNAR®

- Lennar has made funding available to the Selected Party to offset relocation and rehabilitation costs. If the Chapel is relocated to remain in a location within the Jennings Lodge or surrounding area (i.e., Jennings Lodge, Oak Grove, and Oatfield), Lennar will provide \$185,000 for offsetting funding. If the Chapel is relocated to remain in a location outside the Jennings Lodge or surrounding area, Lennar will provide \$50,000 for offsetting funding. Excepting the above-noted offsetting funding, which shall be provided to the Selected Party, any and all costs associated with the feasibility analysis, relocation and rehabilitation of the Chapel shall be borne by the Selected Party.
- Interested parties are made aware that Lennar's property will be partially or fully improved with construction underway at the time of Chapel relocation. The Selected Party acknowledges the property is an active construction site, shall exercise best practices related to safety and environmental protection measures, shall be fully insured as required by Lennar, and be solely responsible for the protection, repair or replacement of any improvements or property that may be affected as a result of its Chapel relocation efforts. The above-noted offsetting funding will be first-applied to costs for such protection, repair or replacement, if any.
- The Chapel has an approximate overall footprint of 43' W x 57' L, and central structure height of 25', plus the steeple projecting an additional 20' over the structure.
- The deadline to select the organization or individual committed to relocating and rehabilitating the Friesen Chapel is September 4, 2018. The Chapel must be completely removed from Lennar's property by July 1, 2019. No extensions will be granted.
- Except for arrangements made with and under personal escort by Lennar, the property is not available for access or inspection.
- Interested parties seeking additional information should contact Teresa Felton of Lennar at 360-258-7885 or via email at Teresa.Felton@Lennar.com.

Jennings Lodge Camp Meeting Site and Retreat Center Education and Preservation Fund – Management Plan

OVERVIEW

In 2018, Lennar Northwest applied for a permit to redevelop the Jennings Lodge Camp Meeting Site and Retreat Center (JLCMSRC) property. During the permit review process, the United States Army Corps of Engineers (USACE) determined that the JLCMSRC, an historic district with 17 contributing structures and three groves of trees, was eligible for listing in the National Register of Historic Places (NHRP), and that removal of the structures and trees would result in an adverse effect to the historic district.

After consultation with numerous stakeholders (including the Oregon State Historic Preservation Office (SHPO), Oak Lodge History Detectives, Restore Oregon, the National Trust for Historic Preservation, the Jennings Lodge Community Planning Organization, the Advisory Council on Historic Preservation), a Memorandum of Agreement (MOA) pursuant to Section 106 of the National Historic Preservation Act was signed by Lennar Northwest, USACE, SHPO, and ACHP to take into account and mitigate the adverse effects of Lennar Northwest's redevelopment of the JLCMSRC site. (See Appendix E for the full MOA)

As part of the MOA, Lennar Northwest agreed to establish a JLCMSRC Education and Preservation Fund (EPF), to be administered by Clackamas County. This Management Plan outlines:

- 1) Role and responsibilities of Clackamas County in managing the EPF
- 2) EPF permissible uses and funding priorities
- 3) EPF funding request evaluation and disbursement procedures
- 4) Responsibilities of recipients of EPF awards

MANAGEMENT OF EPF FUND BY CLACKAMAS COUNTY

Lennar has funded the EPF contemplated in sections V.a. and VI. of the MOA via a transfer of \$185,000 to an escrow account. Per section IV.a.(8), Lennar is also obligated to transfer the remainder, if any, of the \$15,000 allowance for the installation of the commemorative signage contemplated in section IV.a. of the MOA. No other contributions are expected to be made to the EPF.

Clackamas County Business and Community Services (BCS) has agreed to act as Fund Manager for the EPF. Clackamas County's responsibilities will include:

- Receiving the funds transferred into escrow by Lennar noted above.
- Keeping track of all revenues, expenditures, and other EPF activities, in accordance with applicable Clackamas County financial management policies and/or best practices.
- Evaluating funding requests, making awards, and disbursing EPF funds based on the procedures adopted by Clackamas County and the priorities/criteria outlined in the MOA and this Management Plan.

- Reviewing completed projects for compliance with this Management Plan following the award of funds (see MOA Stipulation VI.d).
 - Clackamas County will not be responsible for providing project management support to any award recipient.
- Providing an annual email summary of project awards and EPF usage to the Consulting Parties (USACE, SHPO, ACHP, Lennar, Oak Lodge History Detectives, Restore Oregon, and NTHP). (see MOA Stipulation VI.e).
 - Such summaries shall be provided for a period of three years from the acceptance of this Management Plan, or until all funds have been expended (whichever comes first).

Clackamas County may recoup overhead costs associated with EPF administration. Such costs shall not exceed \$18,500 (10%), unless approved in advance by USACE and SHPO (See MOA Stipulation VI.b).

PERMISSIBLE USES AND FUNDING PRIORITIES

EPF funds will be used to support projects and activities which foster an understanding of the JLCSMRC historic site and its role in the history of the Jennings lodge area, or preservation/restoration of other NHRP-eligible churches/campsites in Oregon. Projects and activities may include (but not be limited to):

- Documentation
- Development of narrative materials
- Construction interpretive signage
- Development of websites
- Public outreach
- Preservation of similar NHRP-eligible campsites in Oregon
- Restoration of NHRP-eligible churches in Oregon
- Other similar tasks to educate and foster understanding of the historic site and its role in Jennings Lodge history

Projects within or focusing on Clackamas County will be prioritized over projects occurring in or focusing on areas outside of Clackamas County (see MOA Stipulation VI.c).

FUNDING REQUEST EVALUATION AND REIMBURSEMENT PROCEDURES

It is Clackamas County policy to issue grants to outside entities using an open and competitive process. The County has identified Notice of Funding Opportunities (NOFOs) as the primary competitive process for the issuance of grants (please see Appendix D for Clackamas County's NOFO policy).

Once EPF funds have been received, the Fund Manager will follow Clackamas County's NOFO process to announce and solicit applications for funds, including:

- Announcement: The Fund Manager will create an announcement for publication on the County's central website for Notice of Funding Opportunities: www.clackamas.us/grants. Announcements will contain sections on program description, award information, eligibility, application process, application evaluation, and non-discrimination information. Consulting Parties to the MOA will be notified via email when announcements are posted.

- Funding Request: A standardized funding request form will be developed and used. The standardized form will include the following elements:
 - Applicant information
 - Project description, outputs/outcomes, and success measurement criteria
 - Major project activities and timeline
 - Anticipated project budget

Please see Appendix B, “EPF GRANT PROCESS”, for further information on funding requests.

- Evaluation: Clackamas County will develop written criteria for evaluating funding requests consistent with this plan’s “PERMISSIBLE USES AND FUNDING PRIORITIES” section. The process of evaluation and/or scoring will be fully documented. The Fund Manager may choose scoring measures, narrative methods, or any other method appropriate to the award when developing evaluation criteria.

Please see Appendix B, “EPF GRANT PROCESS”, for further information on evaluation procedures and criteria.

- Notification: Award notifications will be made publicly available, as well as provided to all applicants in writing. Notifications will include when it is anticipated an official agreement will be issued, when costs related to the project may be incurred, and any other information the applicant should be made aware of prior to the commencement of the program.

Awards will be made upon selection of grant recipient.

RECIPIENT RESPONSIBILITIES

In order to facilitate the Fund Manager’s responsibilities for reviewing completed projects for compliance with this Management Plan, and for facilitating required annual summaries of use of funds, recipients of EPF awards will be required to complete brief quarterly reports describing project activities, documenting project outputs/outcomes, and comparing project progress with previously-identified success measurement criteria. A sample quarterly progress report has been included in Appendix C.

APPENDIX A: CURRENT CONTACTS FOR CONSULTING PARTIES

United States Army Corps of Engineers (USACE)

Winston Zack

Winston.S.Zack@usace.army.mil

Oregon State Historic Preservation Office (SHPO)

Tracy Schwartz

Tracy.Schwartz@oregon.gov

Ian P. Johnson

ian.johnson@oregon.gov

Oak Lodge History Detectives

info@oaklodgehistory.org

Lennar

Michael Loomis

mike.loomis@lennar.com

Restore Oregon

Peggy Moretti

peggym@restoreoregon.org

info@restoreoregon.org

National Trust for Historic Preservation

Elizabeth 'Betsy' S. Merritt

emerritt@savingplaces.org

Jennings Lodge Community Planning Organization

Jane Morrison

jenningslodgpecpo@gmail.com

Advisory Council on Historic Preservation

John M. Fowler

jfowler@achp.gov

APPENDIX B: EPF GRANT PROCESS

The Jennings Lodge Camp Meeting Site and Retreat Center Education and Preservation Fund (EPF) funds will be used to support projects and activities which foster an understanding of the JLCMSRC historic site and its role in the history of the Jennings lodge area, or preservation/restoration of other NHRP-eligible churches/campsites in Oregon.

Eligible projects and activities may include (but not be limited to):

- Documentation
- Development of narrative materials
- Construction interpretive signage
- Development of websites
- Public outreach
- Preservation of similar NHRP-eligible campsites in Oregon
- Restoration of NHRP-eligible churches in Oregon
- Other similar tasks to educate and foster understanding of the historic site and its role in Jennings Lodge history

Financial Information

Lennar has funded the EPF contemplated in sections V.a. and VI. of the MOA via a transfer of \$185,000 to an escrow account. Per section IV.a.(8), Lennar is also obligated to transfer the remainder, if any, of the \$15,000 allowance for the installation of the commemorative signage contemplated in section IV.a. of the MOA.

No other contributions are expected to be made to the EPF, and the EPF will be terminated once the existing funds are depleted.

Minimum grant award = \$500

Maximum grant award = \$185,000 + the remainder (if any) of the \$15,000 allowance noted above.

Matching Funds

A dollar match for funds requested is not required.

Eligible Applicants

Organizations seeking EPF grant funding must meet the following requirements:

- Operate within the State of Oregon as a public or private nonprofit.

- Preference may be given to community-based or community-focused organizations actively engaged with the Jennings Lodge community.
- Be experienced or primarily involved in:
 - The creation and administration of educational materials and programs related to local history, or
 - The preservation and/or interpretation of buildings, artifacts, documents, and other items that relate to history.
- Be experienced with successfully administering history-related educational programming and activities.

Application Requirements

An application form will be developed which will ask applicants to provide the following information:

- Contact information for applicant including project manager's email address and phone number.
- Description of proposed project(s).
 - One of the projects or project components must include a webpage (which may be linked via QR code or URL from the JLCMSRC's interpretive sign) containing supplemental historical JLCMSRC information.
- Timeline of major project activities and expected completion date(s).
- Anticipated project budget.
- Discussion of how the described project(s) will provide long-term educational benefit to the Jennings Lodge community.
 - For elements of the proposed project related to education, the application should convey how the principles of pedagogy and andragogy will be applied to address child and adult learning.
- Description of how the applicant will engage the Jennings Lodge community and provide the community with periodic updates of project activities/progress.
- A sample list of the applicant's completed history-related educational programming and activities.
- For elements of the project related to conservation, development or interpretation of cultural heritage, the application must convey how such work will be completed using appropriate museum, archival, preservation, research or library practices, including specification of which standards will be followed for those aspects of the project.
 - For digitization projects, recommended minimum standards are those promoted by the Association for Library Collections & Technical Services (<http://www.ala.org/alcts/resources/preserv/minimum-digitization-capture-recommendations>)
- For elements of a project related to the preservation/restoration of similar churches or campsites, the application must convey how such work will meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>).

Application Submission

Opportunities will be advertised and applications solicited in accordance with Clackamas County Notice of Funding Opportunity (NOFO) Policy (see Appendix E).

Evaluation Committee

Grant recipients will be selected by an evaluation committee comprised of the Director and Deputy Director of Business and Community Services and one Jennings Lodge community member. The anticipated composition of the evaluation committee is:

- Laura Zentner, Director, Clackamas County Business and Community Services
- Greg Williams, Deputy Director, Clackamas County Business and Community Services
- Karen Bjorklund, Community Member, Jennings Lodge

Evaluation Criteria

Applications will be evaluated based on:

- How well the proposed project(s) foster an understanding of the JLCSMRC historic site and its role in the history of the Jennings lodge area.
- Whether project(s) will assist with preservation/restoration of other NHRP-eligible churches/campsites in Oregon.
- Public outreach components, particularly those within the Jennings Lodge community.
- Long-term education benefit to the Jennings Lodge community.
- Connection to the preservation and interpretation of Clackamas County's history. Projects within or focusing on Clackamas County will be prioritized over projects occurring in or focusing on areas outside of Clackamas County (see MOA Stipulation VI.c).

Grant Reporting and Payment

Awarded projects will be the subjects of binding agreements between Clackamas County and the applicants. Grant funds will be disbursed upon selection of grant recipient.

Recipients will be required to submit quarterly progress reports to Clackamas County. The progress reports shall include:

- A description of specific project activities undertaken, and/or of progress made on activities already in progress.
- A description of how the activities undertaken/progress made support the goals of the EPF.
- A description of the community outreach/engagement activities undertaken.
- Results of any activities to evaluate project/activity results (including gathering baseline statistics, developing/conducting surveys, conducting interviews, recording anecdotes, or collecting usage data).
- A description of any particular successes/challenges encountered.
- An accounting of EPF fund expenditures.

A sample reporting template has been included in Appendix D. Recipients may elect to submit reports in an alternate format.

APPENDIX C: SAMPLE QUARTERLY PROGRESS REPORT

Jennings Lodge Camp Meeting Site and Retreat Center Education and Preservation Fund Progress Report – FY 20xx

This reporting form is designed to allow award recipients to provide a summary of their activities and results to date.

Please complete and submit reports by email to xxxxxx@clackamas.us.

GENERAL INFORMATION

Reporting Period	<input type="checkbox"/> First quarter <input type="checkbox"/> Second quarter <input type="checkbox"/> Third quarter <input type="checkbox"/> Fourth quarter
Project Title	
Project Coordinator	

ACTIVITIES

Describe your project activities this period and your progress toward project goals. Include discussion of community engagement/outreach activities.

EVALUATION

Describe evaluation activities begun or completed this period. Examples include gathering baseline statistics, developing a survey, conducting interviews, recording anecdotes, or collecting usage data.

SUCSESSES

Describe any project-related successes you have experienced this period.

CONCERNS

Describe any difficulties or issues you are currently experiencing with the project.

FINANCIAL PROGRESS

Award Funds

Budget Category	Approved Project Budget	Funds spent this period	Funds spent to date	Remaining Funds
Supplies	\$	\$	\$	\$
Professional Services and Consultant Fees	\$	\$	\$	\$
Equipment	\$	\$	\$	\$
Other (explain in 'Additional Comments' below)	\$	\$	\$	\$
Total (sum of all categories)	\$	\$	\$	\$

ADDITIONAL COMMENTS

--

REPORT PREPARED BY

Name		Phone	
Email		Date	

Name		Phone	
Email		Date	

APPENDIX D: CLACKAMAS COUNTY NOTICE OF FUNDING OPPORTUNITY (NOFO) POLICY

To properly steward public funds and to avoid potential conflicts of interests (see *Conflict of Interest Policy*), it is County policy to issue grants to outside entities using an open and competitive process. A competitive process helps to reduce the chances of collusion and minimizes political pressures. It also offers a better opportunity for getting the greatest public benefit for the greatest value. To this end, this section provides a basic structure to be followed by County Departments when issuing grant awards. The County has identified Notice of Funding Opportunities (NOFO's) as the primary competitive process for the issuance of grants. It remains the responsibility of County Departments to follow the requirements of their funding agency, if any, for the competitive awarding of recipient and subrecipient agreements. The integrity of the NOFO process outlined in this section requires planning and foresight. Departments are encouraged to plan ahead.

This section establishes guidelines for the competitive issuance of County grant awards. Departments are responsible for policy implementation and adherence.

The NOFO process must be used for all grant awards issued by County departments and agencies to outside entities, with the following exceptions:

- Subrecipients specifically named either in the County grant application or County award document;
- Where the Board of County Commissioners specifically appropriates funds to a recipient;
- Subrecipients chosen by external committees or regional organizations with authority to authorize funding by the granting agency;
- Any other special circumstance approved by Finance.

There are five required NOFO elements: advertisement or announcement, application, evaluation, notification, and appeal.

NOFO Announcements

Announcements should include any links to application or additional materials (such as those which may be required by your funding agency, e.g. a grant manual from HUD), but not the materials themselves. Departments are responsible for creating, at their discretion, a public presence for application or supplementary materials, as well as maintaining the process for receiving completed applications. The announcements will be submitted to Finance for review (FinanceGrants@clackamas.us). Finance will forward the material to PGA for publication on the County's central website for Notice of Funding Opportunities: www.clackamas.us/grants. PGA will maintain the website. In addition, departments are responsible for providing notice of the announcement in appropriately targeted media. Statements in each of the five languages identified in Appendix III of the [County's Title VI policy](#), tailored to the NOFO, should be listed on the first page of the NOFO and in the targeted media, which will provide opportunities for applicants to request translation of the NOFO (paid by the department funding the agreement) and contact information to make such a request. Opportunities will be segregated within the website by grant and/or program type. The website will also contain a record of recently awarded grants. Announcements shall contain the following, standardized sections:

- Program Description. Include a full program description of the opportunity describing, at minimum, the technical requirements, required program components, and indicators of successful programs. Any other information deemed important by the department may be included.
- Award Information.
 - Include the funding source(s) for the program, indicating clearly whether and which federal sources (if any) may be included.
 - Indicate whether multiple awards will be issued from this announcement and the term of the award (e.g. multiple years, single year, etc.)
 - The anticipated start and end dates for the period of performance.
 - Include the reporting and frequency requirements.
 - Minimum and maximum award amount, as appropriate.
- Eligibility.
 - Clearly identify eligibility requirements.
 - Include any cost sharing/matching requirements.
 - If funded by Federal funds, include a requirement that the applicant must have a DUNS number, be registered in sam.gov and not be disbarred or suspended.
- Application and Submission Information.
 - Include application deadline. It is recommended the open period for application be at least 20 business days.
 - Links to location of application forms with instructions for completion.
 - List of any supporting documents required.
 - FOR EXAMPLE: If a federally funded award: a copy of the applicant's most recent audited financials, an inquiry as to whether there are any outstanding lawsuits against the applicant (with room to provide details), and a list of federal awards (with amounts) the applicant currently manages. (These materials are necessary for the required Risk Assessment.)
 - Where & how to submit application.
 - Funding restrictions which must be addressed in the applicant's budget.
- Application Evaluation.
 - Outline of the application review process, scoring criteria and timeline.
 - For federal awards, departments are required, in conjunction with Finance, to complete a Risk Assessment on applicants and include the Risk Assessment outcome in their award determination as appropriate.
- Non-Discrimination.
 - Each announcement must contain the following language: "Per the Civil Rights Act of 1964, no person shall, on the basis of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any County program, service or activity."

Applications

So all applicants are provided the same information, application materials should be standardized for the purpose of any given award or set of awards. In the development of applications, funding agency considerations should be prioritized. Therefore, departments should develop applications which include all program elements, including budgets, pertinent to awards involving pass-through funds. Departments

may collect application inquiries and post them as FAQ addendums to the award announcement in the website.

Record Retention

Awarding Departments must retain submitted applications for three years after the submission deadline, or as prescribed by your funding agency, per record retention requirements, including destruction at the end of the retention period.

Evaluations

Evaluation processes and criteria must be predetermined, in writing, and the process of evaluation and/or scoring must be fully documented, and is subject to retention requirements. As with applications, funding agency considerations should be prioritized in the development of evaluation criteria. Departments may choose scoring measures, narrative methods, or any other criteria appropriate to the award or required by the funding agency in the development of their evaluation criteria.

Notifications

Departments should standardize and make explicit the notification of awards to applicants. Notifications should be made publicly available through a press release, posted on the internet, as well as provided to all applicants in writing. Notifications should also include when it is anticipated an official agreement will be issued, when costs related to the project may be incurred, how pre-award costs will be handled, and any other information the applicant should be made aware of prior to commencement of the program. Recently closed NOFO's will be listed in a section of the NOFO website.

Appeal process

Departments are encouraged to include an appeal process for applicants not awarded funds. If included, the process may be tailored to the individual NOFO, but must be in writing prior to the initiation of the funding opportunity, made explicit in the application (how the appeal will be evaluated, how the applicant will be notified of appeal review and final decision, etc.), and, if desired, constructive feedback on unsuccessful and appealed applications. Additionally, the evaluation of appeals must be documented in writing and is subject to the three-year retention policy.