

# **ANNOTATED MINUTES**

Tuesday, December 30, 1997 - 9:00 AM  
Portland Building, Second Floor Hearing Room  
1120 SW Fifth Avenue, Portland

## **BOARD BRIEFING**

*Chair Beverly Stein convened the meeting at 9:00 a.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley and Dan Saltzman present, and Commission District 3 position vacant.*

- B-1      Status Report on Potential Lease of the Gus Solomon Federal Courthouse from the United States GSA, to Accommodate Multnomah County Courts Expansion and Some County Sheriff and Community Justice Functions. Presented by Bob Oberst, Jim Emerson, Dan Oldham, Cary Harkaway and Jerry Cooper.

***JIM EMERSON AND BOB OBERST PRESENTATION AND RESPONSE TO BOARD QUESTIONS. JERRY COOPER, BARBARA SIMON AND ELYSE CLAWSON DISCUSSION REGARDING SPACE NEEDS AND RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS AND DISCUSSION. MR. COOPER TO PROVIDE BOARD WITH WRITTEN PROJECTIONS REGARDING PROPOSED EFFICIENCIES WITHIN THE COURT SYSTEM.***

*The briefing was adjourned and the regular meeting convened at 9:35 a.m.*

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Tuesday, December 30, 1997 - 9:30 AM  
Portland Building, Second Floor Hearing Room  
1120 SW Fifth Avenue, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR**

***FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, CONSENT CALENDAR ITEMS C-1 THROUGH C-5, SUBSTITUTE C-6, ITEMS C-7 THROUGH C-14, AND C-16 THROUGH C-18, WERE UNANIMOUSLY APPROVED.***

**NON-DEPARTMENTAL**

- C-1 Appointment of Sharon Harmon to the ANIMAL CONTROL ADVISORY COMMITTEE
- C-2 Appointment of Karie Ayn Kobatake to the CITIZEN INVOLVEMENT COMMITTEE
- C-3 Amendment 1 to Intergovernmental Agreement 500318 for the Public Safety Bond Measure with the State of Oregon Judicial Department, Allowing Multnomah County to Purchase Equipment on Behalf of the State and Updating the Equipment List

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-4 Budget Modification CFS 6 Restoring 1 FTE CFS Manager Sr. in the Division of Developmental Disabilities
- C-5 Amendment 1 to Intergovernmental Revenue Agreement 102008 with Centennial School District Funding Mental Health Services for Children
- C-6 Renewal of Intergovernmental Revenue/Expenditure Agreement 102928 with the Oregon Department of Human Resources to Fund the Integrated Services Project at Roosevelt High School

***SUBSTITUTE (CORRECTED) AGREEMENT.***

- C-7 Renewal of Intergovernmental Revenue/Expenditure Agreement 102938 with the Oregon Department of Human Resources to Fund the Integrated Services Project at Marshall High School
- C-8 Renewal of Intergovernmental Revenue/Expenditure Agreement 102948 with the Oregon Department of Human Resources to Fund the Integrated Services Project at Beach Elementary School

- C-9           Amendment 2 to Intergovernmental Expenditure Agreement 103557 with Portland Public Schools Changing the Name from CAPCare to CAAPCare, Deleting Risk Sharing Section of Original Contract, Adding Conditions to Include Oregon Health Plan Medicaid Demonstration Project Administrative Rules, and Extending Duration of Contract to June 30, 1998

**DEPARTMENT OF SUPPORT SERVICES**

- C-10           Renewal of Intergovernmental Agreement 500405 with the City of Portland for Administration of the Multnomah County Business Income Tax

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-11           Auto Wrecker License Approval for FRANK MILLER TRUCK WRECKING, 15015 NW MILL ROAD, PORTLAND
- C-12           Auto Wrecker License Approval for ORIENT AUTO PARTS, INC., 28425 SE ORIENT DRIVE, GRESHAM
- C-13           ORDER Authorizing Execution of Deed D981534 for Repurchase of Tax Foreclosed Property to Former Owner Lee Olds

***ORDER 97-217.***

- C-14           ORDER Authorizing Execution of Deed D981535 for Repurchase of Tax Foreclosed Property to Former Owner Harry E. Coleman

***ORDER 97-218.***

**DEPARTMENT OF HEALTH**

- C-16           Budget Modification HD 10 Approving a \$10,985 Increase in the STD Budget Funded with Earnings from the Epitope Research Project, and Approving a \$32,000 Increase in the Field Services Budget Funded with Revenue from a Contract with the Early Head Start Program and with Increased State Grant Funds
- C-17           Intergovernmental Revenue Agreement 201128 with the City of Portland Providing Funding for Implementation of the Home Lead

Reduction Program to Reduce the Incidence of Childhood Lead  
Poisoning

**SHERIFF'S OFFICE**

- C-18      RESOLUTION Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees at the Multnomah County Jails

***RESOLUTION 97-219.***

**REGULAR AGENDA**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-15      Budget Modification DES 6 Creating Staffing Equivalent to Three FTE in the Engineering and Maintenance Sections of the Transportation Division, Utilizing Road Fund Contingency

***FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE BUDGET MODIFICATION WAS UNANIMOUSLY CONTINUED TO THURSDAY, JANUARY 8, 1998 IN ORDER FOR STAFF TO RESPOND TO QUESTIONS OF COMMISSIONER SALTZMAN.***

**PUBLIC COMMENT**

- R-1      Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

***NO ONE WISHED TO COMMENT.***

**NON-DEPARTMENTAL**

- R-2      Budget Modification MCCF 1 Transferring Appropriations and Adding Grant Revenue to Support the Operations Cost of the Youth Advisory Board Committee Reporting to the Multnomah Commission on Children and Families, Including the Creation of a Permanent Position



**COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-2. JIM CLAY AND YOUTH ADVISORY BOARD MEMBERS KIM JONES AND SARAH RICH EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS IN SUPPORT. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

- R-3      RESOLUTION Declaring a Vacancy in County Commissioner District Position No. 1, Calling an Election for March 10, 1998, and Setting the Candidate Filing Deadline for January 20, 1998

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF CORRECTED RESOLUTION. COMMISSIONER SALTZMAN EXPLANATION. RESOLUTION 97-220 UNANIMOUSLY APPROVED.**

- R-4      Second Reading and Adoption of an ORDINANCE Amending Ordinance No. 795 to Provide for Procedures for Conveyance of Tax Foreclosed Property to Nonprofit and Municipal Corporations for the Creation of Open Space, Parks or Natural Areas for Perpetual Public Use

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SECOND READING AND ADOPTION. COMMISSIONER SALTZMAN EXPLANATION. NO ONE WISHED TO TESTIFY. ORDINANCE 895 UNANIMOUSLY APPROVED.**

#### **DEPARTMENT OF SUPPORT SERVICES**

- R-5      First Reading of an ORDINANCE Amending Multnomah County Business Income Tax MCC 5.60 to Incorporate Technical and Housekeeping Changes

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN**

***MOVED AND COMMISSIONER HANSEN  
SECONDED, APPROVAL OF FIRST READING.  
DAVE BOYER EXPLANATION. CHAIR STEIN  
DISCUSSED LETTER SHE IS SENDING TO CITY OF  
PORTLAND BUREAU OF LICENSES REQUESTING  
SUPPORT FOR AN ORDINANCE AMENDMENT  
WHICH WOULD BENEFIT SMALL BUSINESS  
OWNERS BY TIEING FUTURE INCREASES TO THE  
CONSUMER PRICE INDEX. BOARD COMMENTS  
IN SUPPORT. NO ONE WISHED TO TESTIFY.  
FIRST READING UNANIMOUSLY APPROVED.  
SECOND READING THURSDAY, JANUARY 8, 1998.***

**DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- R-6 Intergovernmental Agreement 700478 with Portland School District No. 1 and Multnomah Education Service District Providing Funding and Program Services to Operate an Alternative School which Serves up to 100 Youth who have been Suspended, Expelled, or are Not Attending Traditional School Programs within Multnomah County for Reasons of Persistent Truancy or Serious Behavior Problems

***COMMISSIONER KELLEY MOVED AND  
COMMISSIONER HANSEN SECONDED, APPROVAL  
OF R-6. ELYSE CLAWSON EXPLANATION AND  
RESPONSE TO BOARD QUESTIONS. AGREEMENT  
UNANIMOUSLY APPROVED.***

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- R-7 PUBLIC HEARING and Consideration of an ORDER Authorizing Funding Award for County Sponsored Strategic Investment Program to: Housing Authority of Portland, ROSE Community Development Corporation, Franciscan Enterprise of Oregon, Inc., Central City Concern, Housing Our Families, Portland Habilitation Center, Hacienda Community Development Corporation, Sabin Community Development Corporation, and Mt. Hood Community Mental Health Center, for Low Income Housing Purposes

**COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-7. CECILE PITTS INTRODUCED JOHN RAKOWITZ, TERRY McCALL AND HC TUPPER. MS. PITTS EXPLANATION. TERRY McCALL COMMENTS AND RECOMMENDATIONS ON BEHALF OF THE CITY OF GRESHAM. DORENE WARNER TESTIMONY ON BEHALF OF FRANCISAN ENTERPRISE OF OREGON. MATT KIRKPATRICK TESTIMONY ON BEHALF OF ROSE COMMUNITY DEVELOPMENT. CHRIS PIERCE TESTIMONY ON BEHALF OF HACIENDA COMMUNMITY DEVELOPMENT. LUCY SHELBY OF J. D. STEFFEY COMPANY TESTIMONY ON BEHALF OF PORTLAND HABILITATION CENTER. AT CHAIR STEIN'S REQUEST, COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, AMENDMENT ADDING THE FOLLOWING LANGUAGE: "IF FUNDING AWARDS ARE NOT COMMITTED FOR THE APPROVED PROJECTS BY JANUARY 1, 1999, THE BOARD OF COUNTY COMMISSIONERS WILL CONSIDER REALLOCATING THE UNCOMMITTED AMOUNTS TO OTHER PROGRAMS, IINCLUDING HOME OWNERSHIP." BOARD COMMENTS AND DISCUSSION. AMENDMENT UNANIMOUSLY APPROVED. ORDER 97-221 UNANIMOUSLY APPROVED, AS AMENDED.**

**DEPARTMENT OF SUPPORT SERVICES**

**R-9            First Reading of an ORDINANCE Relating to the Creation of a Sheltered Market Program and Making Certain Technical Corrections to the Public Contract Review Board Rules**

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF FIRST READING OF SUBSTITUTE ORDINANCE. JERRY WALKER AND JOHN THOMAS EXPLANATION. TESTIMONY IN**

**SUPPORT FROM SUE KLOBERTANZ ON BEHALF OF CITY OF PORTLAND; BRUCE WATTS ON BEHALF OF COALITION OF BLACK MEN; JAMES CASON ON BEHALF OF BLACK CONTRACTORS ALLIANCE; CINDY CATTO ON BEHALF OF ASSOCIATION OF GENERAL CONTRACTORS AND BESSIE McCALLEN, SMALL BUSINESS OWNER. MR. WALKER AND MR. THOMAS RESPONSE TO CONCERNS RAISED DURING TESTIMONY AND BY COMMISSIONER SALTZMAN REGARDING ESB's AND QUARTERLY REVIEW. COMMISSIONER SALTZMAN MOVED, SECONDED BY COMMISSIONER KELLEY, AN AMENDMENT TO PAGE NINE FOR A QUARTERLY REPORT PROVIDING AN EVALUATION OF THE PROGRAM. CHAIR STEIN DIRECTED THAT IT BE IN WRITING, AVAILABLE TO THOSE WHO WISH TO RECEIVE IT. AMENDMENT UNANIMOUSLY APPROVED. COMMISSIONER SALTZMAN'S MOTION TO DELETE ESB's FROM THE SHELTERED MARKET PROGRAM FAILED FOR LACK OF A SECOND. MR. WALKER RESPONSE TO BOARD QUESTIONS AND DISCUSSION. FIRST READING UNANIMOUSLY APPROVED, AS AMENDED. SECOND READING THURSDAY, JANUARY 8, 1998.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

R-8 Findings of Fact, Conclusions of Law and FINAL ORDER in the Matter of the Application by Tim and Angela Schillereff for the Alteration of an Existing Non-conforming Dog Kennel Use to Allow up to 75 Dogs on Remand from LUBA - LUBA No. 95-254, County File No. CU 4-95, MC 1-95

**AT THE REQUEST OF CHAIR STEIN, COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF OPTION B. CHAIR STEIN EXPLANATION OF HER PROPOSED FINDINGS IN BOARD DETERMINATION APPROVING REQUEST**

**FOR AN ALTERATION OF EXISTING, LAWFUL, NONCONFORMING DOG KENNEL WITH A CAPACITY FOR 50 DOGS TO EXPAND THE KENNEL CAPACITY TO ACCOMMODATE 75 DOGS. COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF CHAIR STEIN FINDINGS. COUNTY COUNSEL SANDRA DUFFY DIRECTED TO PREPARE FINAL ORDER WITH FINDINGS BASED ON CHAIR STEIN'S PROPOSAL. COMMISSIONER HANSEN COMMENTS IN SUPPORT. MOTION UNANIMOUSLY APPROVED. COUNTY COUNSEL TO PREPARE FINAL ORDER TO COME BACK BEFORE THE BOARD.**

*There being no further business, the meeting was adjourned at 11:45 a.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*

Deborah L. Bogstad

# **ANNOTATED MINUTES**

Thursday, August 28, 1997 - 9:30 AM  
Portland Building, Second Floor Auditorium  
1120 SW Fifth Avenue, Portland

## **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.*

### **CONSENT CALENDAR**

***AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, CONSENT CALENDAR ITEMS C-1 THROUGH C-5 AND C-7 THROUGH C-8 WERE UNANIMOUSLY APPROVED.***

### **NON-DEPARTMENTAL**

- C-1      Re-Appointment of Blair Batson to the COLUMBIA RIVER GORGE COMMISSION
- C-2      Appointment of Jeffery Plummer to the HISTORIC COLUMBIA RIVER HIGHWAY ADVISORY COMMITTEE

### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-3      ORDER Authorizing Cancellation of Uncollectible Personal Property Taxes, 1981/82 through 1996/97

***ORDER 97-170.***

- C-4      ORDER Authorizing Execution of Deed D981511 for Repurchase of Tax Foreclosed Property to Former Owner Mary M. Maes

***ORDER 97-171.***

- C-5 ORDER Authorizing Execution of Deed D981514 Upon Complete Performance of a Contract with Byron C. Walters

**ORDER 97-172.**

**DISTRICT ATTORNEY'S OFFICE**

- C-7 Intergovernmental Agreement 500438 with the City of Portland Police Bureau, to Fund One Officer for the CARES Northwest Program to Assist with CARES Evaluations and Investigations on Child Abuse Multidisciplinary Intervention Cases

***DISTRICT ATTORNEY'S OFFICE TO BE ADVISED OF COMMISSIONER SALTZMAN'S CONCERN WITH THE TERM "QUARTERLY" PERTAINING TO THE TWO BILLINGS TO BE SUBMITTED BY THE PORTLAND POLICE BUREAU.***

- C-8 Renewal of Intergovernmental Agreement 700066 with the City of Portland Police Bureau, to Provide Three Full-time Investigators to the DA's Office to Perform Duties Related to the Prosecution of Crimes

**REGULAR AGENDA**

**DEPARTMENT OF HEALTH**

- C-6 Renewal of Intergovernmental Agreement 200028 with Oregon Health Sciences University for the Supervision, Training and Education of Emergency Medical Technicians Working for Non-Emergency Ambulance Services in Multnomah County

***COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF C-6. BILL COLLINS EXPLANATION. JUNITA KAUBLE OF COMMUNITY AMBULANCE TESTIMONY CONCERNING THIS AGREEMENT. MR. COLLINS FINANCIAL CLARIFICATION AND RESPONSE TO MS. KAUBLE'S QUESTIONS AND CONCERNS. MR. COLLINS TO PREPARE WRITTEN CLARIFICATION TO BOARD AND AMBULANCE PROVIDERS. AGREEMENT UNANIMOUSLY APPROVED.***

## **PUBLIC COMMENT**

- R-1            Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

***NO ONE WISHED TO COMMENT.***

## **DEPARTMENT OF SUPPORT SERVICES**

- R-2            Acknowledgement of Multnomah County Budget and Quality and Finance Divisions' Receipt of a Distinguished Budget Presentation Award and a Certificate of Achievement for Excellence in Financial Reporting Awarded by the Government Finance Officers Association of the United States and Canada

***THE BOARD GREETED AND ACKNOWLEDGED EFFORTS OF JEAN UZELAC, BILL MORAVICS, JEAN KARECKI, SHERRIL MCGUIRE, SAMI THOMAS, ALICE STREET, TERI ARGUELLO AND MARGE OLSON.***

## **SHERIFF'S OFFICE**

- R-3            RESOLUTION Authorizing the Sheriff to Purchase Land and Obtain All Necessary Permits to Construct a New Jail and Alcohol and Drug Treatment Center at the Radio Towers Site

***COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SUBSTITUTE RESOLUTION. SHERIFF DAN NOELLE EXPLANATION AND COMMENTS IN SUPPORT OF RADIO TOWERS SITE. ANNE NICKEL, ROBERT HEISEY AND PAUL MILLER TESTIMONY IN SUPPORT OF RADIO TOWERS SITE. DENNIS KEEPE TESTIMONY REQUESTING AMENDMENT TO DESCRIPTION OF RIVERGATE SITE. CHUCK HARRISON TESTIMONY IN SUPPORT OF RADIO TOWERS SITE AND RESPONSE TO BOARD QUESTIONS. DAVID MYERS-EATWELL, DAVID LOHMAN AND BOB STACEY TESTIMONY IN SUPPORT OF RADIO TOWERS SITE. LEWIS MARCUS TESTIMONY***



**REQUESTING AMENDMENT TO RIVERGATE SITE, MOVING NORTH LOMBARD PAROLE AND PROBATION OFFICE AND RESPONSE TO BOARD QUESTIONS, ADVISING THE BOARD TO GO BACK TO SQUARE ONE AND LOOK FOR UPLAND SITES. RICHARD ANDERSON AND DON ARAMBULA TESTIMONY IN SUPPORT OF RADIO TOWERS SITE AND RESPONSE TO BOARD QUESTIONS. MARY ABRAMS TESTIMONY EXPRESSING CONCERN OVER WETLAND DEGRADATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, AMENDMENT ADDING GOOD NEIGHBOR PLAN, NATURAL RESOURCE PLAN, TRANSPORTATION PLAN TO RESOLUTION. SHERIFF NOELLE AND CONSULTANT TIM DABEREINER RESPONSE TO BOARD QUESTIONS. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, AMENDING THE AMENDMENT BY ADDING THE WORD "ISSUES". MR. DABEREINER RESPONSE TO BOARD QUESTION. AMENDMENT UNANIMOUSLY APPROVED, AS AMENDED. SHERIFF NOELLE RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, AMENDMENT ADDING "NO LESS THAN QUARTERLY CONCERNING BOTH THE PERMITTING PROCESS AS WELL AS CONSTRUCTION" TO THE FINAL RESOLVE. SHERIFF NOELLE AND MR. DABEREINER RESPONSE TO BOARD QUESTIONS, DISCUSSION AND COMMENTS. AMENDMENT UNANIMOUSLY APPROVED. RESOLUTION 97-173 UNANIMOUSLY APPROVED, AS AMENDED.**

*Commissioner Dan Saltzman was excused at 11:15 a.m.*

#### **DEPARTMENT OF LIBRARY SERVICES**

R-8            Intergovernmental Agreement 600068 with the University of Oregon Library (Orbis Library Consortium), for a Three Year Subscription to an Online Full Text Database of Hundreds of Magazine Titles

**COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-8. GINNIE COOPER EXPLANATION. AGREEMENT APPROVED WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE.**

**DISTRICT ATTORNEY'S OFFICE**

- R-4            RESOLUTION Accepting and Adopting Multnomah County's Public Safety Bond Technology Program

**COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. MICHAEL SCHRUNK EXPLANATION. BOARD COMMENTS IN SUPPORT. RESOLUTION 97-174 APPROVED WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE.**

- R-5            Budget Modification DA 2 Appropriating a Local Law Enforcement Block Grant to Fund 1.0 FTE Legal Assistant to Identify and Expedite Legal Resolutions to Defendants with Holds from Other Jurisdictions

**COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-5. MICHAEL SCHRUNK EXPLANATION. BUDGET MODIFICATION APPROVED WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE.**

**NON-DEPARTMENTAL**

- R-6            RESOLUTION Extending the Bridge Loan to the Brentwood-Darlington Community Family Resource Center to June 30, 1998

**COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-6. COMMISSIONER COLLIER EXPLANATION AND COMMENTS IN SUPPORT. RESOLUTION 97-175 APPROVED WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE.**

- R-7 First Reading of an ORDINANCE Relating to County Organization; Concerning the Organization and Functions of the Office of County Counsel, and Repealing Ordinance No. 607

***ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. COMMISSIONER COLLIER EXPLANATION. COMMISSIONER HANSEN COMMENTS IN SUPPORT. TOM SPONSLER RESPONSE TO QUESTION OF COMMISSIONER KELLEY. NO ONE WISHED TO TESTIFY. FIRST READING APPROVED WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE. SECOND READING THURSDAY, SEPTEMBER 4, 1997.***

#### **DEPARTMENT OF HEALTH**

- R-9 Request Approval of a NOTICE OF INTENT to Apply for a \$15,000 Oregon Community Foundation Grant for a Peace Action Zone Project

***COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. LINDA JARAMILLO EXPLANATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER KELLEY COMMENTS IN SUPPORT. NOTICE OF INTENT APPROVED, WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND STEIN VOTING AYE.***

#### **DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- R-10 First Reading of an ORDINANCE Amending MCC Chapter 5.10.435 to Increase the Fee for Filing a Domestic Relations Suit in the Circuit Court of Multnomah County from \$137.00 to \$150.00

***ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF FIRST READING. HUGH MCISAAC EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO ONE WISHED TO TESTIFY.***

***FIRST READING APPROVED WITH  
COMMISSIONERS KELLEY, HANSEN, COLLIER  
AND STEIN VOTING AYE. SECOND READING  
THURSDAY, SEPTEMBER 4, 1997.***

- R-11 Budget Modification DCJ 1 Requesting \$126,482 from the Contingency Reserve Fund to Support Expenditures Necessary to Carry Through the Arming Implementation Plan Approved by the Board

***COMMISSIONER COLLIER MOVED AND  
COMMISSIONER KELLEY SECONDED, APPROVAL  
OF R-11. MICHAEL HAINES EXPLANATION AND  
RESPONSE TO COMMISSIONER COLLIER  
COMMENTS IN SUPPORT. BUDGET  
MODIFICATION APPROVED WITH  
COMMISSIONERS KELLEY, HANSEN, COLLIER  
AND STEIN VOTING AYE.***

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-12 Cooperative Improvement Agreement 300198 with the Oregon Department of Transportation for Constructing Bicycle and Pedestrian Facilities on NE Halsey Street from 223rd Avenue to 238th Avenue

***COMMISSIONER KELLEY MOVED AND  
COMMISSIONER COLLIER SECONDED, APPROVAL  
OF R-12. ED ABRAHAMSON EXPLANATION.  
AGREEMENT APPROVED WITH COMMISSIONERS  
KELLEY, HANSEN, COLLIER AND STEIN VOTING  
AYE.***

- R-13 Third Reading and Adoption of an ORDINANCE Adopting the Sauvie Island Multnomah Channel Rural Area Plan, a Portion of the Multnomah County Comprehensive Framework Plan

***ORDINANCE READ BY TITLE ONLY. COPIES  
AVAILABLE. AT THE REQUEST OF CHAIR STEIN  
AND UPON MOTION OF COMMISSIONER  
COLLIER, SECONDED BY COMMISSIONER  
KELLEY, THE THIRD READING WAS  
UNANIMOUSLY RESCHEDULED TO THURSDAY,  
OCTOBER 23, 1997.***

*The regular meeting was adjourned and the briefing convened at 11:35 a.m.*

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Thursday, August 28, 1997 - 11:30 AM  
Portland Building, Second Floor Auditorium  
1120 SW Fifth Avenue, Portland

## **BOARD BRIEFING**

B-1      Presentation and Discussion of Issues Related to Stream Protection in the East of Sandy River Rural Area. Presented by Gordon Howard.

*Commissioner Gary Hansen was excused at 11:35 a.m. and returned at 11:38 a.m.*

*Commissioner Tanya Collier was excused at 11:38 a.m.*

**GORDON HOWARD PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. KEN WEISS RESPONSE TO BOARD QUESTIONS REGARDING TROUT CREEK BIBLE CAMP. KLAUSE HEYNE COMMENTS REGARDING STREAM PROTECTION. SUSAN FRY COMMENTS IN SUPPORT OF 300' QUARRY SITE PROTECTION ONLY.**

*There being no further business, the meeting was adjourned at 12:04 p.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

**Deborah L. Bogstad**

Deborah L. Bogstad



## MULTNOMAH COUNTY OREGON

**BOARD CLERK**

OFFICE OF BEVERLY STEIN, COUNTY CHAIR  
1120 SW FIFTH AVENUE, SUITE 1515  
PORTLAND, OREGON 97204-1914  
TELEPHONE • (503) 248-3277  
FAX • (503) 248-3013

**BOARD OF COUNTY COMMISSIONERS**

BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

# MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

# AGENDA

FOR THE WEEK OF

AUGUST 25, 1997 - AUGUST 29, 1997

Thursday, August 28, 1997 - 9:30 AM - Regular Meeting ..... Page 2

Thursday, August 28, 1997 - 11:30 AM - Board Briefing ..... Page 5

Thursday Meetings of the Multnomah County Board of Commissioners are \*cable-cast\* live and taped and can be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

\*Produced through Multnomah Community Television\*

INDIVIDUALS WITH DISABILITIES MAY CALL THE BOARD CLERK AT (503) 248-3277, OR MULTNOMAH COUNTY TDD PHONE (503) 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

Thursday, August 28, 1997 - 9:30 AM  
Portland Building, Second Floor Auditorium  
1120 SW Fifth Avenue, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR**

#### **NON-DEPARTMENTAL**

- C-1      Re-Appointment of Blair Batson to the COLUMBIA RIVER GORGE COMMISSION
- C-2      Appointment of Jeffery Plummer to the HISTORIC COLUMBIA RIVER HIGHWAY ADVISORY COMMITTEE

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-3      ORDER Authorizing Cancellation of Uncollectible Personal Property Taxes, 1981/82 through 1996/97
- C-4      ORDER Authorizing Execution of Deed D981511 for Repurchase of Tax Foreclosed Property to Former Owner Mary M. Maes
- C-5      ORDER Authorizing Execution of Deed D981514 Upon Complete Performance of a Contract with Byron C. Walters

#### **DEPARTMENT OF HEALTH**

- C-6      Renewal of Intergovernmental Agreement 200028 with Oregon Health Sciences University for the Supervision, Training and Education of Emergency Medical Technicians Working for Non-Emergency Ambulance Services in Multnomah County

#### **DISTRICT ATTORNEY'S OFFICE**

- C-7      Intergovernmental Agreement 500438 with the City of Portland Police Bureau, to Fund One Officer for the CARES Northwest Program to Assist with CARES Evaluations and Investigations on Child Abuse Multidisciplinary Intervention Cases

- C-8           Renewal of Intergovernmental Agreement 700066 with the City of Portland Police Bureau, to Provide Three Full-time Investigators to the DA's Office to Perform Duties Related to the Prosecution of Crimes

## **REGULAR AGENDA**

### **PUBLIC COMMENT**

- R-1           Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

### **DEPARTMENT OF SUPPORT SERVICES**

- R-2           Acknowledgement of Multnomah County Budget and Quality and Finance Divisions' Receipt of a Distinguished Budget Presentation Award and a Certificate of Achievement for Excellence in Financial Reporting Awarded by the Government Finance Officers Association of the United States and Canada

### **SHERIFF'S OFFICE**

- R-3           RESOLUTION Authorizing the Sheriff to Purchase Land and Obtain All Necessary Permits to Construct a New Jail and Alcohol and Drug Treatment Center at the Radio Towers Site

### **DISTRICT ATTORNEY'S OFFICE**

- R-4           RESOLUTION Accepting and Adopting Multnomah County's Public Safety Bond Technology Program
- R-5           Budget Modification DA 2 Appropriating a Local Law Enforcement Block Grant to Fund 1.0 FTE Legal Assistant to Identify and Expedite Legal Resolutions to Defendants with Holds from Other Jurisdictions

### **NON-DEPARTMENTAL**

- R-6           RESOLUTION Extending the Bridge Loan to the Brentwood-Darlington Community Family Resource Center to June 30, 1998



- R-7 First Reading of an ORDINANCE Relating to County Organization; Concerning the Organization and Functions of the Office of County Counsel, and Repealing Ordinance No. 607

#### **DEPARTMENT OF LIBRARY SERVICES**

- R-8 Intergovernmental Agreement 600068 with the University of Oregon Library (Orbis Library Consortium), for a Three Year Subscription to an Online Full Text Database of Hundreds of Magazine Titles

#### **DEPARTMENT OF HEALTH**

- R-9 Request Approval of a NOTICE OF INTENT to Apply for a \$15,000 Oregon Community Foundation Grant for a Peace Action Zone Project

#### **DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- R-10 First Reading of an ORDINANCE Amending MCC Chapter 5.10.435 to Increase the Fee for Filing a Domestic Relations Suit in the Circuit Court of Multnomah County from \$137.00 to \$150.00
- R-11 Budget Modification DCJ 1 Requesting \$126,482 from the Contingency Reserve Fund to Support Expenditures Necessary to Carry Through the Arming Implementation Plan Approved by the Board

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-12 Cooperative Improvement Agreement 300198 with the Oregon Department of Transportation for Constructing Bicycle and Pedestrian Facilities on NE Halsey Street from 223rd Avenue to 238th Avenue
- R-13 Third Reading and Adoption of an ORDINANCE Adopting the Sauvie Island Multnomah Channel Rural Area Plan, a Portion of the Multnomah County Comprehensive Framework Plan

Thursday, August 28, 1997 - 11:30 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**

Portland Building, Second Floor Auditorium  
1120 SW Fifth Avenue, Portland

## **BOARD BRIEFING**

- B-1      Presentation and Discussion of Issues Related to Stream Protection in the East of Sandy River Rural Area. Presented by Gordon Howard. 30 MINUTES REQUESTED.

**BOGSTAD Deborah L**

---

**From:** SALTZMAN Dan R  
**Sent:** Wednesday, August 27, 1997 5:05 PM  
**To:** 'STEIN Beverly E'; BOGSTAD Deborah L; ROJO Maria D; KELLEY Sharron E; COLLIER Tanya D  
**Subject:** Although the jail siting discussion may make tomorrow's meeting rather lengthy...

I have a doctor's appt. at 11:30 a.m., which requires me to leave the board meeting no later than 11:15 a.m.

I'll maintain hope that we'll be able to hear from all parties prior to my departure....

MEETING DATE: AUG 28 1997

AGENDA # : C-1

ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Re-Appointment to Columbia River Gorge Commission

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: 8/28/97

AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

### SUGGESTED AGENDA TITLE:

Re-appointment of Blair Batson to Columbia River Gorge Commission for a term ending 4/30/2001.

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT

MANAGER: \_\_\_\_\_

*Beverly Stein*

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 18 AM 9:33  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

August 11, 1997

Chair Beverly Stein  
Attention: Delma Faro  
Multnomah Board of Commissioners  
Portland Building Room 1410  
1120 SW 5th Avenue  
Portland, Oregon 97204-1935

Subject: Columbia River Gorge Commission - Multnomah County Appointee

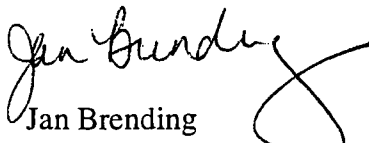
Dear Chair Stein:

I spoke with Delma of your office today regarding the reappointment (or appointment) of the Multnomah County representative to the Commission. In April of 1987, the first appointment was made to the Commission. Each appointment is a four-year term. Traditionally, appointments or the filling of vacancies runs through April of the appropriate year. It is my understanding that when Blair Batson was appointed to fill the vacancy left by Kris Olson Rogers her appointment was made through December 31, 1997 instead of April, 1997..

It is up to Multnomah County as to when they want to either reappoint or appoint someone to the Commission. If the county chooses to use the end of the year date, we will change our records to reflect that action.

Please let me know as soon as possible of your decision. Thanks for your help in this matter.

Sincerely,

  
Jan Brending  
Administrative Assistant

jb

MEETING DATE: AUG 28 1997

AGENDA #: C-2

ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Appointment to Historic Columbia River Highway Advisory Committee

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: 8/28/97

AMOUNT OF TIME NEEDED:

Consent Calendar

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

SUGGESTED AGENDA TITLE:

Appointment of Jeffery Plummer to the Historic Columbia River Highway Advisory Committee for a term ending 8/30/2001.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT

MANAGER: \_\_\_\_\_

*Beverly Steen*

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 AUG 18 AM 9:35

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

# MULTNOMAH COUNTY OREGON

## INTEREST FORM FOR CITIZEN ADVISORY BOARDS & COMMISSIONS

RECEIVED  
FEB 4 1997  
BEVERLY STEIN  
MULTNOMAH COUNTY CHAIR

The purpose of this form is to obtain information for use in making appointments to Multnomah County Citizen Advisory Boards & Commissions, and to assist the County Chair in making inquiries concerning the qualifications of applicants for appointment. If you have a resume or supplemental information which further details your involvement in volunteer activities, public affairs, civic services, published writings or affiliations, please attach them to this form. Thank you for your interest.

A. Please list, in order of priority, any Multnomah County Citizen Advisory Board or Commission on which you would be interested in serving.

HCRH - AC, HISTORIC COLUMBIA RIVER HIGHWAY  
ADVISORY COMMITTEE

B. Name: JEFFERY A. PLUMMER

Address: 1713 SE EVANS

City/State/Zip: TRONTDALE OR 97060

Home Phone: (503) 669-8398

C. Current Employer: FAMILIAN N.W.

Address: 2123 SE THURMAN

City/State/Zip: GRESHAM

Work Phone/Extension: 669-5455

Occupation: PLBG

D. Affirmative Action Information (This section is voluntary. Under Federal Law, this information may not be used to discriminate against you.)

Sex: M / F

Racial/  
Ethnic Background: ☐ African-American ☐ Asian ☐ Caucasian  
☐ Hispanic ☐ Native American ☐ Other

Date of Birth: Month \_\_\_ Date \_\_\_ Year \_\_\_

E. List major paid employment and volunteer activities which may related to service on boards and commissions.

DATES:

EMPLOYER/VOLUNTEER ACTIVITY

1989-1996

Attendee / CONCEPT ARTIST TO HCRH-AC

F. Circle from the list below fields in which you have interest or ability:

Aging/Elderly  
Agriculture  
Alcohol/Drug Treatment  
Animal Welfare  
Art  
Children and Families  
Civil Rights/Discrimination  
Corrections/Law Enforcement  
Economic Development/Trade  
Environment/Natural Resources  
Food Services

Handicapped/Disabled Issues  
Health Care  
Housing  
Juvenile Justice Issues  
Labor/Labor Relations  
Land Use Planning  
Library Services  
Mental Health Services  
Minority Affairs  
Transportation  
Other \_\_\_\_\_

G. Conflict of Interest: Please list potential conflicts of interest between private life and public service which might result from service on a board or commission.

NONE.

H. References: Please list names, addresses, and phone numbers of two people who may be contacted as references:

JOHN LUNDEN (HCRH-AC MEMBER) (541) 296-3717  
RICHARD FIX (MEMBER TO HCRH) (503) 667-3396

I. My signature affirms that all information is true to the best of my knowledge and I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration, or subsequent to appointment to a board or commission, may result in dismissal.

Signature: \_\_\_\_\_

Date: 1/25/97

Contact: Delma Farrell

Beverly Stein, Multnomah County Chair  
1120 SW Fifth Room 1515  
Portland, Oregon 97204 Tel. (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: MultChair@aol.com



MEETING DATE: AUG 28 1997  
AGENDA NO: C-3  
ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Uncollectable Personal Property Taxes  
BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_  
REGULAR MEETING: Date Requested: AUGUST 28, 1997  
Amount of Time Needed: 5 minutes  
DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation  
CONTACT: Kathy Tuneberg TELEPHONE #: 248-5132 X2331  
BLDG/ROOM #: 166/300/Collections  
PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Matter of cancellation of Uncollectable Personal Property Taxes for 1981/82 through 1996/97, in the amount of \$217,127.17.

9/3/97 copies to Kathy Tuneberg

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
OR  
DEPARTMENT MANAGER: K. A. Tuneberg John E. Dickson

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 21 PM 5:45  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Authorizing Cancellation of	)	ORDER
Uncollectible Personal Property	)	97 - 170
Taxes, 1981/82 through 1996/97	)	

This matter is before the Board to consider the cancellation of certain personal property taxes; it appearing that the taxes have been delinquent that the Tax Collector and County Counsel have determined that said taxes are wholly uncollectible and have requested the Board for an order directing that the taxes be canceled in accordance with ORS 311.790, and the Board being duly advised in the premises, it is

ORDERED, that the Tax Collector for Multnomah County, Oregon, is directed to cancel those personal property taxes which are listed and appended hereto and incorporated herein for tax years 1981/82 through 1996/97, in the total amount of \$217,127.17 for the reason that the same are found to be uncollectible.

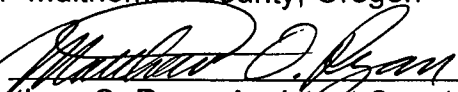
Dated this 28th day of August, 1997.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By   
Beverly Stein, Chair



REVIEWED:  
THOMAS SPONSER, COUNTY COUNSEL  
For Multnomah County, Oregon

By   
Matthew O. Ryan, Assistant County Counsel

## WRITE OFF SUMMARY

08/18/97

14:39:11

TAX YEARS	# of ACCTS.	TOTAL DOLLARS
81/82	2	\$58.95
82/83	2	\$247.64
83/84	2	\$551.48
84/85	16	\$2,617.73
85/86	18	\$2,455.35
86/87	31	\$6,200.81
87/88	22	\$6,444.97
88/89	28	\$13,547.45
89/90	32	\$18,187.32
90/91	28	\$14,634.23
91/92	33	\$11,704.62
92/93	40	\$69,968.90
93/94	23	\$62,369.13
94/95	24	\$4,739.41
95/96	8	\$3,338.84
96/97	2	\$60.34

	# OF ACCOUNTS	DOLLARS
TOTALS	205	\$217,127.17
WRITE-OFF DUE TO BANKRUPTCY	5	\$128,538.28
PERCENT BANKRUPTCIES OF TOTAL \$		59.20%
WRITE-OFF DUE TO DISSOLUTION OF CORP.	74	\$56,059.06
PERCENT CORPORATIONS OF TOTAL \$		25.82%

1997

## WRITE OFF LIST

08/04/97 16:14:45

		TAX YEARS - DOLLARS																
COUNT NUMBERS		81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	ACCOUNT TOTALS
P-04-60215-17	b												\$65,506.60	\$58,649.57				\$124,156.17
P-06-03560-00	b						\$819.27											\$819.27
P-08-09600-66	b							\$777.07	\$2,433.91									\$3,210.98
P-09-04089-55	b											\$190.97						\$190.97
P-10-23080-00	b												\$160.89					\$160.89
P-01-08090-03	c													\$10.30				\$10.30
P-01-10815-00	c												\$66.85					\$66.85
P-01-18110-50	c												\$454.11					\$454.11
P-02-01960-00	c										\$110.51							\$110.51
P-02-09090-10	c										\$172.83	\$147.20						\$320.03
P-02-21580-00	c														\$190.33			\$190.33
P-03-01145-15	c														\$55.78			\$55.78
P-03-01375-20	c								\$40.30									\$40.30
P-03-01456-21	c								\$20.61	\$138.56	\$149.71							\$308.88
P-03-19310-50	c													\$74.15				\$74.15
P-03-26525-00	c													\$15.04				\$15.04
P-03-29898-15	c												\$11.61					\$11.61
P-04-08780-00	c												\$229.57	\$436.95	\$383.46			\$1,049.98
P-04-28840-00	c					\$61.10									\$92.96			\$154.06
P-04-57974-65	c								\$880.08									\$880.08
P-04-59545-00	c										\$858.26	\$662.15						\$1,520.41
P-04-60940-00	c					\$331.39	\$577.00											\$908.39
P-05-00718-00	c														\$202.31			\$202.31
P-05-05516-00	c					\$378.63												\$378.63
P-05-26860-10	c														\$5.47			\$5.47
P-05-30140-00	c														\$17.36			\$17.36
P-05-30170-00	c															\$5.68		\$5.68
P-05-32040-00	c													\$9.68				\$9.68
P-05-38337-26	c												\$9.43					\$9.43
P-05-38339-47	c						\$407.67											\$407.67
P-06-02790-20	c													\$190.81				\$190.81
P-06-03622-00	c							\$305.50										\$305.50
P-06-07053-00	c												\$26.61					\$26.61
P-06-08600-00	c									\$513.59	\$1,122.24	\$698.78	\$293.40	\$271.67				\$2,899.68
P-06-20210-00	c														\$1,497.12	\$1,894.79		\$3,391.91
P-06-20334-00	c														\$780.81	\$1,041.56		\$1,822.37
P-06-36457-60	c									\$67.45								\$67.45
P-06-37670-00	c									\$1,137.12								\$1,137.12
P-06-43140-00	c												\$10.57					\$10.57
P-06-45180-40	c											\$94.97	\$73.35					\$168.32
P-06-46225-00	c									\$7,503.55	\$7,092.24	\$5,020.87	\$695.91	\$585.32				\$20,897.89
P-06-46745-00	c										\$112.57							\$112.57
P-07-00477-25	c											\$387.83	\$313.12					\$700.95
P-07-04045-00	c												\$10.55					\$10.55
P-07-04770-15	c											\$305.63						\$305.63
P-07-05053-80	c												\$38.99					\$38.99

1997

## WRITE OFF LIST

08/04/97

16:14:45

		TAX YEARS - DOLLARS																
COUNT NUMBERS		81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	ACCOUNT TOTALS
P-07-05212-00	c												\$34.94	\$83.46				\$118.40
P-07-05340-00	c														\$31.37			\$31.37
P-07-08005-00	c											\$194.45						\$194.45
P-07-08900-02	c																\$17.15	\$17.15
P-07-09880-00	c														\$47.45			\$47.45
P-07-10050-00	c							\$1,447.07	\$1,511.55									\$2,958.62
P-07-10055-00	c						\$5.05	\$811.81	\$847.97									\$1,664.83
P-08-02226-02	c						\$326.95											\$326.95
P-08-05163-30	c										\$13.72							\$13.72
P-08-05501-00	c				385.21	355.44												\$740.65
P-08-09920-10	c												\$213.77	\$191.47				\$405.24
P-08-10031-90	c								\$1,326.11	\$1,945.86								\$3,271.97
P-09-00320-00	c														\$6.98			\$6.98
P-09-02145-50	c														\$13.14			\$13.14
P-09-08897-50	c														\$28.45			\$28.45
P-09-09470-80	c														\$498.53	\$183.13		\$681.66
P-09-09555-13	c									\$333.25								\$333.25
P-09-10872-00	c								\$405.84	\$690.56	\$646.81	\$447.78	\$246.84	\$233.93				\$2,671.76
P-09-10958-12	c											\$253.98						\$253.98
P-09-13939-05	c												\$5.53					\$5.53
P-10-03811-00	c														\$65.90			\$65.90
P-10-11180-00	c												\$208.23	\$188.79				\$397.02
P-10-30202-00	c													\$7.10				\$7.10
P-10-42402-00	c												\$12.98					\$12.98
P-10-51490-00	c									\$283.78	\$296.13	\$235.31						\$815.22
P-11-24208-00	c									\$147.54								\$147.54
P-13-61980-00	c										\$53.55							\$53.55
P-61-71000-02	c						\$151.13	\$135.55										\$286.68
P-64-85000-01	c												\$31.35					\$31.35
P-67-27000-01	c				\$155.95													\$155.95
P-67-69000-01	c									\$67.58								\$67.58
P-69-32000-08	c								\$884.74									\$884.74
P-69-54000-01	c										\$53.94							\$53.94
P-01-12145-00								\$155.33	\$196.13									\$351.46
P-01-12320-02							\$170.87											\$170.87
P-01-12860-10										\$284.77	\$160.77	\$115.77	\$93.08					\$654.39
P-01-24360-00											\$9.80							\$9.80
P-02-07243-03									\$69.79									\$69.79
P-02-09500-00						\$81.90												\$81.90
P-02-09825-00								\$296.60	\$320.21									\$616.81
P-02-10290-01										\$14.18								\$14.18
P-02-24660-06													\$12.27					\$12.27
P-02-26650-01														\$260.81				\$260.81
P-02-26650-02														\$465.82				\$465.82
P-02-30760-00									\$710.25									\$710.25
P-03-02405-20													\$139.06	\$115.12				\$254.18

1997

## WRITE OFF LIST

08/04/97

16:14:45

COUNT NUMBERS		TAX YEARS - DOLLARS																ACCOUNT TOTALS
		81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	
P-03-02525-00								\$866.60	\$905.05	\$872.61								\$2,644.26
P-03-14726-53							\$11.12											\$11.12
P-03-29630-01										\$445.61	\$439.51							\$885.12
P-04-02800-00								\$272.50										\$272.50
P-04-05080-00							\$248.58											\$248.58
P-04-12240-00									\$65.46									\$65.46
P-04-19980-00									\$127.19	\$402.45	\$405.68	\$321.99	\$251.01					\$1,508.32
P-04-28545-00									\$148.04	\$157.87								\$305.91
P-04-31540-00										\$710.51								\$710.51
P-04-38470-00											\$7.83							\$7.83
P-04-39699-00													\$46.42					\$46.42
P-04-43520-00							\$148.10											\$148.10
P-04-44250-05							\$22.30											\$22.30
P-04-45395-20						\$28.58												\$28.58
P-04-60117-30										\$274.84								\$274.84
P-05-04360-00									\$411.90									\$411.90
P-05-08200-00					\$142.21													\$142.21
P-05-10402-00												\$53.99						\$53.99
P-05-12180-44													\$7.86					\$7.86
P-05-13445-00						\$57.78												\$57.78
P-05-14310-00							\$94.25	\$100.47										\$194.72
P-05-16740-00												\$100.34						\$100.34
P-05-28320-00								\$118.64										\$118.64
P-05-29400-10													\$79.63					\$79.63
P-05-34280-00													\$69.63	\$74.15				\$143.78
P-06-03015-00															\$137.41			\$137.41
P-06-03531-00												\$23.79						\$23.79
P-06-09482-01										\$148.94								\$148.94
P-06-12540-00												\$53.01						\$53.01
P-06-14910-00							\$70.77											\$70.77
P-06-20195-00											\$688.52							\$688.52
P-06-20350-05								\$190.70										\$190.70
P-06-22643-00							\$898.60											\$898.60
P-06-24357-00							\$237.26											\$237.26
P-06-27485-00													\$27.01					\$27.01
P-06-27940-00													\$31.29					\$31.29
P-06-31830-00															\$10.00			\$10.00
P-06-32755-00													\$58.03					\$58.03
P-06-35254-00							\$82.86											\$82.86
P-06-35550-00					\$92.52	\$138.40	\$189.53											\$420.45
P-06-36456-50									\$457.26									\$457.26
P-06-37945-00							\$112.35											\$112.35
P-06-38130-00					\$132.38	\$137.14												\$269.52
P-06-38130-00					\$132.38	\$137.14												\$269.52
P-06-38130-04				\$275.74	\$53.79	\$55.73		\$195.76										\$581.02
P-06-38130-04				\$275.74	\$53.79	\$55.73												\$385.26



1997

## WRITE OFF LIST

08/04/97 16:14:45

COUNT NUMBERS	TAX YEARS - DOLLARS																ACCOUNT TOTALS
	81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	
P-06-42180-00									\$6.27								\$6.27
P-06-42560-00				\$57.16	\$61.36	\$92.86											\$211.38
P-06-43553-05										\$746.20	\$600.75						\$1,346.95
P-06-45075-02					\$61.80	\$109.71											\$171.51
P-06-45180-40											\$94.97	\$73.35					\$168.32
P-06-45180-60				\$39.47													\$39.47
P-06-45940-00				\$217.28													\$217.28
P-06-47010-65							\$56.28										\$56.28
P-06-47200-00					\$47.34	\$244.77											\$292.11
P-07-00415-16												\$6.02					\$6.02
P-07-00499-25				520.66													\$520.66
P-07-01533-60											\$366.72						\$366.72
P-07-02087-01				\$208.00													\$208.00
P-07-02800-00													\$9.74				\$9.74
P-07-03950-30						\$228.96	\$113.81										\$342.77
P-07-05044-00										\$294.50							\$294.50
P-07-05044-00										\$294.50							\$294.50
P-07-05275-01													\$408.04	\$358.02			\$766.06
P-08-00308-60											\$123.82	\$122.82					\$246.64
P-08-00464-30						\$82.45											\$82.45
P-08-02226-00													\$39.62	\$229.61			\$269.23
P-08-02238-05								\$28.26									\$28.26
P-08-02910-00						\$8.19	\$115.92	\$120.97	\$145.02	\$153.49	\$128.70	\$118.30					\$790.59
P-08-05103-56											\$188.46						\$188.46
P-08-06197-10	\$58.95	\$55.64															\$114.59
P-08-07346-50						\$196.28											\$196.28
P-08-09480-60											\$123.22						\$123.22
P-08-10034-00						\$110.45											\$110.45
P-08-10730-30											\$13.77						\$13.77
P-08-12200-27										\$259.76	\$253.53						\$513.29
P-09-01595-02					\$124.53												\$124.53
P-09-02869-00								\$425.61	\$437.01								\$862.62
P-09-05630-00						\$65.79											\$65.79
P-09-10816-03								\$443.32									\$443.32
P-09-11246-00					\$125.92	\$102.16	\$122.98	\$135.21	\$149.45								\$635.72
P-09-11860-03										\$5.17							\$5.17
P-09-13630-00				\$149.04													\$149.04
P-09-14921-40															\$100.35		\$100.35
P-09-15027-90															\$5.29		\$5.29
P-09-15099-92						\$309.24											\$309.24
P-10-04206-00				\$80.74													\$80.74
P-10-15504-00				\$197.15	\$215.44												\$412.59
P-10-22760-00											\$169.34						\$169.34
P-10-47015-00											\$110.32						\$110.32
P-11-03611-01								\$150.21	\$150.19								\$300.40
P-11-03611-02									\$14.62								\$14.62

1997

## WRITE OFF LIST

08/04/97 16:14:45

COUNT NUMBERS	TAX YEARS - DOLLARS																ACCOUNT TOTALS
	81/82	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	
P-11-24808-00														\$12.43			\$12.43
P-11-40311-00								\$12.98									\$12.98
P-11-40372-00									\$186.85	\$237.16	\$77.27						\$501.28
P-11-70977-00									\$282.96								\$282.96
P-12-00090-02							\$218.42										\$218.42
P-12-00430-28												\$13.06					\$13.06
P-12-00650-14						\$76.29	\$81.19										\$157.48
P-12-00680-59							\$3.58	\$468.50									\$472.08
P-12-00685-28									\$91.23								\$91.23
P-12-00860-05										\$108.83	\$87.83	\$81.73					\$278.39
P-12-00866-11											\$16.77						\$16.77
P-12-00870-52							\$59.19										\$59.19
P-13-66795-00									\$75.44								\$75.44
P-20-00794-44										\$70.00							\$70.00
P-20-01241-06										\$70.00							\$70.00
P-20-01483-53											\$40.34	\$83.13	\$47.59	\$45.91	\$43.73	\$43.19	\$303.89
P-20-01610-55															\$64.31		\$64.31
P-20-01812-72									\$128.85								\$128.85
P-40-00831-00		\$192.00															\$192.00
P-60-22000-01									\$378.81								\$378.81
P-66-20004-90														\$28.61			\$28.61



MEETING DATE: AUG 28 1997  
AGENDA NO: C-47  
ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: \_\_\_\_\_

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590  
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Request approval of Repurchase Deed to former Owner, MARY M. MAES.

Deed D981511 and Board Order attached.

9/3/97 ORIGINAL Deed & copies of  
All to tax title

**SIGNATURES REQUIRED:**

ELECTED  
OFFICIAL: \_\_\_\_\_

OR  
DEPARTMENT  
MANAGER: K. A. Tuneberg L. A. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 AUG 18 AM 9:25

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

Authorizing Execution of Deed D981511	)	
for Repurchase of Tax Foreclosed Property	)	<b>ORDER</b>
to Former Owner	)	97- 171
MARY M. MAES	)	

WHEREAS Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that MARY M. MAES is the former record owner thereof, and

WHEREAS the above former owner has applied to the County to repurchase said property for the amount of \$11,634.48, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that said property be sold to said former owner.

NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the former owner the following described real property, situated in the County of Multnomah, State of Oregon:

**AS DESCRIBED ON ATTACHED EXHIBIT A**

Dated this 28th day of August,

1997.

**BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON**

By   
Beverly Stein, Chair



**REVIEWED:**  
Thomas Sponsler, County Counsel  
Multnomah County, Oregon

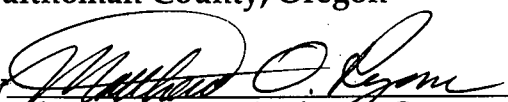
By   
Matthew O. Ryan, Assistant County Counsel

EXHIBIT "A"

A tract of land in the Northeast 1/4 of Section 20, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Commencing 882 feet South and 762.11 feet West of the Northeast corner of said section; thence South 260.79 feet; thence East 100 feet; thence North 260.79 feet; thence West 100 feet; Excepting therefrom the North 130.395 feet thereof.

DEED D981511

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MARY M. MAES, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

AS DESCRIBED ON ATTACHED EXHIBIT A

The true and actual consideration paid for this transfer, stated in terms of dollars is \$11,634.48.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSONS ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

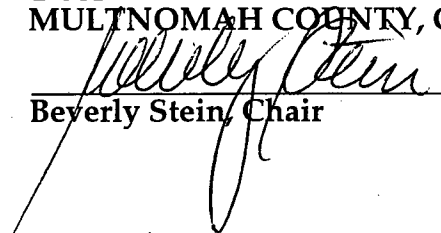
Until a change is requested, all tax statements shall be sent to the following address:

MARY M. MAES  
19632 KUKKALA RD  
CLATSKANIE OR 97016

IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 28th day of August, 1997, by authority of an Order of said Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:  
Thomas Sponsler, County Counsel  
for Multnomah County, Oregon

By   
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:  
Kathy Tuneberg, Acting Director  
Assessment & Taxation

By   
Kathleen A. Tuneberg

After recording return to 166/300/Multnomah County Tax Title

EXHIBIT "A"

A tract of land in the Northeast 1/4 of Section 20, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Commencing 882 feet South and 762.11 feet West of the Northeast corner of said section; thence South 260.79 feet; thence East 100 feet; thence North 260.79 feet; thence West 100 feet; Excepting therefrom the North 130.395 feet thereof.

STATE OF OREGON

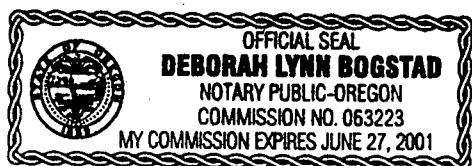
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 28th day of August, 1997, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



*Deborah Lynn Bogstad*

Notary Public for Oregon

My Commission expires: June 27, 2001

MEETING DATE: AUG-28-1997  
AGENDA NO: C-5  
ESTIMATED START TIME: 9:30 AM

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: **Request Approval of Deed to Contract Purchaser for Completion of Contract.**

BOARD BRIEFING: Date Requested: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: \_\_\_\_\_

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Request approval of deed to contract purchaser, BYRON C. WALTERS, for completion of Contract #15482R  
(Property repurchased by former owner).

Deed D981514 and Board Order attached.

9/3/97 ORIGINAL Deed & copies of All to  
TAX TITLE

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 18 AM 9:26  
MULTNOMAH COUNTY  
OREGON

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_

(OR)  
DEPARTMENT MANAGER: K. A. Tuneberg Lawrence Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any Questions: Call the Board Clerk 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Execution of Deed D981514  
Upon Complete Performance of a Contract  
with BYRON C. WALTERS

} ORDER  
97-172

WHEREAS, on October 18, 1991, Multnomah County entered into a contract with BYRON C. WALTERS for the sale of the real property hereinafter described; and

WHEREAS, the above contract purchaser has fully performed the terms and conditions of said contract and is now entitled to a deed conveying said property to said purchaser; now therefore

IT IS ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

E 13' OF LOT 11, BLOCK 7; W 19' OF LOT 12, BLOCK 7, ALBINA, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Dated this 28th day of August, 1997.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By   
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By   
Matthew O. Ryan, Assistant County Counsel



DEED D981514

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BYRON C. WALTERS, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

E 13' OF LOT 11, BLOCK 7; W 19' OF LOT 12, BLOCK 7, ALBINA, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$1,566.62.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

BYRON C. WALTERS  
PO BOX 4973  
PORTLAND, OR 97208

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 28th day of August, 1997, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By Matthew O. Ryan  
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:

Kathleen A. Tuneberg, Acting Director  
Assessment & Taxation

By K. A. Tuneberg  
Kathleen A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON

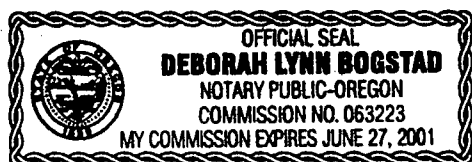
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 28th day of August, 1997, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: June 27, 2001

# SPEAKER SIGN UP CARDS

DATE 8/28/97

NAME Junita Kable for

ADDRESS Community Ambulance

PO Box 69128

PHONE Portland OR 97201

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC EMS - OHSU CONTRACT

GIVE TO BOARD CLERK

C-6

MEETING DATE: AUG 28 1997  
AGENDA NO.: C-6  
ESTIMATED START TIME: 9:30am

(Above space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Intergovernmental Agreement with Oregon Health Sciences University

BOARD BRIEFING Date Requested: \_\_\_\_\_

Requested By: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING Date Requested: \_\_\_\_\_

Amount of Time Needed: 5 minutes or less

DEPARTMENT: Health DIVISION: \_\_\_\_\_

CONTACT: Bill Collins\* TELEPHONE #: 248-3220

BLDG/ROOM #: 160/10

PERSON(S) MAKING PRESENTATION: Gary Oxman / Bill Collins

**ACTION REQUESTED:**

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

**SUGGESTED AGENDA TITLE:**

Renewal of Intergovernmental Agreement 200028 with Oregon Health Sciences University for the supervision, training and education of Emergency Medical Technicians working for non-emergency ambulance services in Multnomah County.

9/4/97 originals to Karen Garber

**SIGNATURES REQUIRED:**

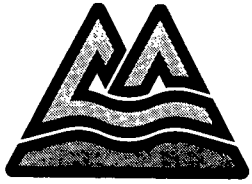
ELECTED OFFICIAL: \_\_\_\_\_

Or

DEPARTMENT MANAGER: Billi Odegaard

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

Any Questions: Call the Board Clerk at 248-3277



# MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT  
426 S.W. STARK STREET, 8TH FLOOR  
PORTLAND, OREGON 97204-2394  
(503) 248-3674  
FAX (503) 248-3676  
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

**Date:** August 6, 1997  
**To:** Board of County Commissioners  
**From:** Bill Odegaard, Director, Health Department  
**Subject:** Contract #200028 with Oregon Health Sciences University for medical supervision, training and education of non-emergency ambulance EMTs

I. Recommendation/Action Requested: The Health Department recommends Board ratification of Contract #200028 with Oregon Health Sciences University for the period July 1, 1997, through June 30, 1998. It is retroactive due to delays by OHSU in approving the new agreement.

II. Background/Analysis: This is a renewal of an agreement which originated in January 1997. OHSU will continue to provide medical supervision, training and education for Emergency Medical Technicians (EMTs) working for non-emergency ambulance services in Multnomah County. The County's EMS Medical Director, who is also on staff at OHSU, provided some of these services previously. This agreement allows the services to be provided through OHSU with a commensurate reduction in the EMS Medical Director's compensation.

This is one of two agreements between the Health Department and OHSU for EMS-related services. OHSU also provides on-line medical direction, trauma communications coordination and data collection for emergency medical services in Multnomah County.

III. Financial Impact: The County will pay OHSU a maximum of \$36,000. Funds have been budgeted. All expenditures will be recovered from the franchise fees paid by American Medical Response Northwest, the County's ambulance provider.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: Continuing to collaborate with other governmental agencies in the provision of health care.

VII. Citizen Participation: None

VIII. Other Government Participation: None

August 27, 1997

**TESTIMONY BEFORE MULTNOMAH COUNTY COMMISSION  
REGARDING CONTRACT #200028  
INTERGOVERNMENTAL AGREEMENT BETWEEN COUNTY & OHSU**

Madame Chair and Members of the Commission, I am Junita Kauble, Owner / Operator of Community Ambulance, a non-911 Basic Life Support ambulance service based within Multnomah County. I appreciate the opportunity to share with you today some concerns that I have in regards to the renewal of the Intergovernmental Agreement between Multnomah County and OHSU for the training and supervision of non-emergency ambulance Emergency Medical Technicians.

I became aware last Monday that a contract existed between Multnomah County EMS Dept. and OHSU for the benefit of non-emergency ambulance companies. I became aware of the contract only by seeing it on today's agenda. In talking to the owners of the two other exclusively non-emergency ambulance services in Multnomah County, I learned that neither owner was aware of the contract or had received any services provided from the contract. No one from OHSU has ever contacted Community Ambulance for any related services. If this contract is intended to benefit our segment of EMS, how is it that we have known nothing about it for the past 8 months?

I recognize that one case review was provided for emergency as well as non-emergency in March of this year by Dr. Jui at the headquarters of our 911 provider. Was this funded by OHSU under the contract for non-emergency or by EMS for emergency?

I find no budget published for the proposed \$36,000. I am in favor of training and supervision for non-emergency ambulance companies. I am not in favor of paying for non-specific services to be provided to ~~by~~ non-specific persons to be decided as the contract is under way. Especially when there is no evident record of what was completed with the moneys spent January through August.

Thank you for allowing me to address you on this topic today.

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☒ [X]

Contract # 200028

Previously Approved Contract Boilerplate: ☐ Attached ☐ Not Attached

Amendment # \_\_\_\_\_

<p style="text-align: center;"><b>CLASS I</b></p> <p><input type="checkbox"/> Professional Services under \$25,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$25,000</p> <p><input type="checkbox"/> Expenditure</p> <p><input type="checkbox"/> Revenue</p>	<p style="text-align: center;"><b>CLASS II</b></p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p style="text-align: center;"><b>CLASS III</b></p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement over \$25,000</p> <p style="text-align: center;"><b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b></p> <p style="text-align: center;"><b>AGENDA # C-6 DATE 8/28/97</b></p> <p style="text-align: center;"><b>DEB BOGSTAD</b></p> <p style="text-align: center;"><b>BOARD CLERK</b></p>
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Department: Health Division: \_\_\_\_\_ Date: 6/19/97

Contract Originator: Bill Collins Phone: x22216 Bldg/Room: 160/10

Administrative Contact: Karen Garber Phone: x26207 Bldg/Room: 160/7

**Description of Contract:**

Medical supervision, training and education of non-emergency ambulance EMTs. (Transfers a portion of John Jui's salary from County to OHSU.)

RFP/BID #: \_\_\_\_\_ Date of RFP/BID: \_\_\_\_\_ Exemption Expiration Date: \_\_\_\_\_

ORS/AR # \_\_\_\_\_ Contractor is ☐ MBE ☐ WBE ☐ QRF ☒ N/A ☐ None

Original Contract No. 201167 (FOR RENEWALS ONLY)

<p>Contractor: <u>Oregon Health Sciences University</u></p> <p>Address: <u>Department of Emergency Medicine</u></p> <p><u>3181 SW Sam Jackson Park Road</u></p> <p><u>Portland, OR 97201</u></p> <p>Phone: _____</p> <p>Employer ID# or SS#: <u>93-1176109</u></p> <p>Effective Date: <u>July 1, 1997</u></p> <p>Termination Date: <u>June 30, 1998</u></p> <p>Original Contract Amount: \$ <u>36,000</u></p> <p>Total Amt of Previous Amendments: \$ _____</p> <p>Amount of Amendment: \$ _____</p> <p>Total Amount of Agreement: \$ _____</p>	<p>Bill Brown, Contracts Manager, 494-4768</p> <p>Remittance Address <u>Attn: Sharon Mills</u></p> <p><u>University Hospital Fiscal Services - FS</u></p> <p><u>3181 SW Sam Jackson Park Rd, Portland, OR 97201</u></p> <p>Payment Schedule _____ Terms _____</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input checked="" type="checkbox"/> Other \$ <u>Quarterly</u> <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements contract - Requisition Required</p> <p>Purchase Order No. _____</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
---	---

**REQUIRED SIGNATURES:**

Department Manager: Bill Adgeard Date: 8/11/97

Purchasing Director: \_\_\_\_\_ Date: \_\_\_\_\_

(Class II Contracts Only)

County Counsel: Kathy Dait Date: 8/19/97

County Chair/Sheriff: Wally Klein Date: August 28, 1997

Contract Administration: \_\_\_\_\_ Date: \_\_\_\_\_

(Class I, Class II Contracts Only)

VENDOR CODE 686284A				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC DEC
01	100	015	0240			6110		0399			
02											
03											

If additional space is needed, attach separate page. Write contract # on top of page.

DISTRIBUTION: Contract Administration, Finance, HD Contracts Unit, HD Payables/Receivables, HD Program Manager

**Intergovernmental Agreement  
for Training, Education and Medical Supervision  
of Non-Emergency Ambulance EMTs**

THIS INTERGOVERNMENTAL AGREEMENT is between MULTNOMAH COUNTY, acting by and through its Health Department, hereafter "COUNTY," and OREGON HEALTH SCIENCES UNIVERSITY, a public corporation, acting on behalf of its Department of Emergency Medicine, hereafter "OHSU."

WITNESSETH:

WHEREAS, Multnomah County Code (MCC) establishes a single Emergency Medical Service (EMS) Medical Director with responsibilities for the development and coordination of EMT training and education; and

WHEREAS, MCC requires that all medical supervision for ambulance EMTs be provided for by COUNTY; and

WHEREAS, non-emergency ambulance EMTs provide a separate and unique service and are separate from 911-dispatched ambulances; and

WHEREAS, OHSU is able and prepared to provide a portion of the required training, education, and medical supervision for non-emergency ambulance EMTs; now therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. TERM

This Agreement shall become effective July 1, 1997, and shall expire June 30, 1998, unless sooner terminated under the provisions hereof.

2. SERVICES

A. OHSU shall provide training and education to EMTs working for Multnomah County-licensed, non-emergency ambulance services as specified by COUNTY's EMS Medical Director and in accordance with an education plan to be developed by both parties.

B. OHSU shall provide medical supervision to the EMTs specified in Paragraph 2.A above as directed by COUNTY's EMS Medical Director and as documented in a medical supervision plan to be developed by both parties.

3. COMPENSATION

A. COUNTY agrees to pay OHSU \$36,000 for the performance of those services provided hereunder.



- B. COUNTY shall reimburse OHSU quarterly upon receipt of a billing invoice. Invoices shall be sent to:

EMS Administrator  
Multnomah County Health Department  
426 SW Stark Street, 10th Floor  
Portland, OR 97204

- C. COUNTY certifies that sufficient funds are available and authorized to finance the costs of this Agreement. In the event that funds cease to be available to COUNTY in the amounts anticipated, either COUNTY or OHSU may terminate the Agreement or the parties by mutual agreement may reduce Agreement funding accordingly. COUNTY will notify OHSU as soon as it receives notification from funding source. Reduction or termination will not affect payment for accountable expenses prior to the effective date of such action.
- D. All final billings affecting Agreement payments must be received within forty-five (45) days after the end of the Agreement period. Agreement payments not triggered or billed within this specified time period will be the sole responsibility of OHSU.

## **INTERGOVERNMENTAL AGREEMENT STANDARD CONDITIONS**

**1. INDEPENDENT CONTRACTOR STATUS**

OHSU is an independent contractor and is solely responsible for the conduct of its programs. OHSU, its employees and agents shall not be deemed employees or agents of COUNTY.

**2. INDEMNIFICATION**

- A. OHSU shall defend, hold and save harmless COUNTY, its officers, agents, and employees from damages arising out of the tortious acts of OHSU, or its officers, agents, and employees acting within the scope of their employment and duties in performance of this Agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and any applicable provisions of the Oregon Constitution.
- B. COUNTY shall defend, hold and save harmless OHSU, its officers, agents, and employees from damages arising out of the tortious acts of COUNTY, or its officers, agents, and employees acting within the scope of their employment and duties in performance of this Agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and any applicable provisions of the Oregon Constitution.

**3. WORKERS' COMPENSATION INSURANCE**

OHSU shall maintain workers' compensation insurance coverage for all non-exempt workers, employees, and subcontractors either as a carrier-insured employer or a self-insured employer as provided in Chapter 656 of Oregon Revised Statutes.

**4. TAXPAYER IDENTIFICATION NUMBER**

OHSU shall furnish to COUNTY its federal employer identification number, as designated by the Internal Revenue Service.

**5. SUBCONTRACTS AND ASSIGNMENT**

OHSU shall neither subcontract with others for any of the work prescribed herein, nor assign any of OHSU's rights acquired hereunder without obtaining prior written approval from COUNTY. COUNTY by this Agreement incurs no liability to third persons for payment of any compensation provided herein to OHSU.

**6. RECORD CONFIDENTIALITY**

COUNTY and OHSU agree to keep all client records confidential in accordance with state and federal statutes and rules governing confidentiality.

**7. ACCESS TO RECORDS**

OHSU agrees to permit authorized representatives of COUNTY, and/or the applicable federal or state government audit agency, to make such review of the records of OHSU as COUNTY or auditor may deem necessary to satisfy audit and/or program evaluation purposes. OHSU shall permit authorized representatives of COUNTY's Health Department to site-visit all programs covered by this Agreement. Agreement costs disallowed as the result of such audits, review or site visits will be the sole responsibility of OHSU. If an Agreement cost is disallowed after reimbursement has occurred, OHSU will make prompt repayment of such cost.

8. ADHERENCE TO LAW

- A. OHSU shall adhere to all applicable laws governing its relationship with its employees, including but not limited to laws, rules, regulations and policies concerning workers' compensation, and minimum and prevailing wage requirements.
- B. OHSU shall not unlawfully discriminate against any individual with respect to hiring, compensation, terms, conditions or privileges or employment, nor shall any person be excluded from participation in, be denied the benefits, or be subjected to discrimination under any program or activity because of such individual's race, color, religion, sex, national origin, age or handicap. In that regard, OHSU must comply with all applicable provisions of Executive Order Number 11246 as amended by Executive Order Number 11375 of the President of the United States dated September 24, 1965, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and Section 504 of the Rehabilitation Act of 1973 as implemented by 45 C.F.R. 84.4 and the Americans with Disabilities Act of 1990, Public Law Number 101-336 and all enacting regulations of the EEOC and Department of Justice. OHSU will also comply with all applicable rules, regulations and orders of the Secretary of Labor concerning equal opportunity in employment and the provision of ORS Chapter 659.

9. MODIFICATION

- A. In the event that COUNTY's Agreement obligation is amended by a federal- or state-initiated change, COUNTY shall amend this Agreement through written notification of changes sent to OHSU by mail. OHSU shall return to COUNTY within twenty (20) working days a signed acknowledgment of receipt of COUNTY's notification document.
- B. Any other amendments to the provisions of this Agreement, whether initiated by COUNTY or OHSU, shall be reduced to writing and signed by both parties.

10. WAIVER OF DEFAULT

Waiver of a default shall not be deemed to be a waiver of any subsequent default. Waiver of any breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the provisions of this Agreement

11. EARLY TERMINATION

- A. Violation of any of the rules, procedures, attachments, or conditions of this Agreement may, at the option of either party, be cause for termination of the Agreement and, unless and until corrected, of funding support by COUNTY and services by OHSU, or be cause for placing conditions on said funding and/or service, which may include withholding of funds. Waiver by either party of any violation of this Agreement shall not prevent said party from invoking the remedies of this paragraph for any succeeding violations of this Agreement.
- B. This Agreement may be terminated by either party by sixty (60) days prior written notice to the other party, delivered by certified mail or in person.
- C. COUNTY may terminate this Agreement immediately, effective upon delivery of written notice to OHSU by certified mail or in person, under any of the following conditions:
  - 1) Upon denial, revocation, suspension or non-renewal of any license or certificate required by law or regulation to be held by OHSU to provide a service under this Agreement.
  - 2) If OHSU fails to begin services on the date specified in this Agreement, or if OHSU fails to continue to provide service for the entire Agreement period.
  - 3) If COUNTY has evidence that OHSU has endangered or is endangering the health and safety of clients/residents, staff, or the public.

- D. If the Agreement is terminated under this paragraph, COUNTY shall pay OHSU only for services provided in accordance with the Agreement through the day of termination.
- E. Termination under any provision of this paragraph shall not affect any right, obligation or liability of OHSU or COUNTY which accrued prior to such termination.

12. NOTICE OF LITIGATION

Each party shall give the other immediate notice in writing of any action or suit filed or any claim made against that party which may result in litigation in any way related to this Agreement.

13. OREGON LAW AND FORUM

This Agreement shall be construed and governed according to the laws of the State of Oregon.

14. INTEGRATION

This Agreement contains the entire Agreement between the parties pertaining to its subject matter and supersedes all prior written or oral discussions or agreements.

15. CERTIFICATION REGARDING LOBBYING

- A. OHSU certifies, to the best of OHSU's knowledge and belief, that no federally appropriated funds have been paid or will be paid, by or on behalf of OHSU, to any person for influencing or attempting to influence an officer or an employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Agreement, OHSU shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

16. OMB CIRCULAR A-128

If OHSU is a sub-recipient of federal funds passed through the COUNTY, OHSU shall submit to COUNTY an annual federal compliance audit in conformity with OMB Circular A-128 and the federal Single Audit Act of 1984.

IN WITNESS WHEREOF, the parties have caused this Agreement, including the Standard Conditions and any attachments incorporated herein, to be executed by their duly authorized officers.

OREGON HEALTH SCIENCES  
UNIVERSITY

By UB

Title Contracts Manager

Date 8/4/97

93-1176109

Federal Tax ID Number

MULTNOMAH COUNTY

By Beverly Stein  
Beverly Stein, Multnomah County Chair  
Date August 28, 1997

By Billi Odgaard  
Billi Odgaard, Health Department Director  
Date 8/11/97

By Bill Collins  
Bill Collins, EMS Administrator  
Date AUG 11 1997

REVIEWED:

Multnomah County Counsel

By Katie Gaetjens  
Katie Gaetjens, Asst. County Counsel  
Date 8/19/97

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-6 DATE 8/28/97  
DEB BOGSTAD  
BOARD CLERK

MEETING DATE: AUG 28 1997  
AGENDA NO: C-7  
ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement between the District Attorney's Office and the Portland Police Bureau to fund one officer for the CARES Northwest Program to assist with CARES evaluations and investigations on CAMI cases.

BOARD BRIEFING ☐

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: \_\_\_\_\_

DATE REQUESTED: 8/28/97

AMOUNT OF TIME NEEDED: 1 minute

DEPARTMENT: District Attorney

DIVISION: Family Justice

CONTACT: Tom Simpson

TELEPHONE #: 248-3863

BLDG/ROOM #: 101/600

PERSON(S) MAKING PRESENTATION: (consent calendar item)

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

Intergovernmental Agreement between the District Attorney's Office and the Portland Police Bureau to fund one officer for the CARES Northwest Program to assist with CARES evaluations and investigations on CAMI cases.

9/4/97 ORIGINALS to Tom Simpson

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT MANAGER: 

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES 97

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
AUG 18 AM 9:33



## **SUPPLEMENTAL STAFF REPORT**

**TO: Board of County Commissioners**

**FROM: Michael D. Schrunk**

**DATE: August 11, 1997**

**RE: Intergovernmental Agreement between the District Attorney's Office and the Portland Police Bureau to fund one officer for the CARES Northwest Program to assist with CARES evaluations and investigations on CAMI cases.**

1. **Recommendation/Action Requested:**  
**Approval**

2. **Background/Analysis:**  
**The CAMI Grant provides funding from the Child Abuse Multidisciplinary Intervention Account to Multnomah County District Attorney's Office for the new police officer position at CARES.**

3. **Financial Impact:**  
**This grant appropriates \$32,801 within the pass through line item.**

4. **Legal Issues:**  
**ORS 190 provides for intergovernmental agreements.**

5. **Controversial Issues:**  
**N/A**

6. **Link to Current County Policies:**  
**Multnomah County's Benchmark to Reduce Child Abuse is furthered through the CAMI Program, and is directly linked to the District Attorney's MDT Unit.**

7. **Citizen Participation:**  
**N/A**

8. **Other Government Participation:**  
**Services to Children and Families, Portland Police Bureau, Oregon State Police, and the Gresham Police Bureau, are participating in the CAMI Program.**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☐

Contract # 500438

Prior-Approved Contract Boilerplate: ☐ Attached: ☐ Not Attached ☐

Amendment # \_\_\_\_\_

<p><b>CLASS I</b></p> <p><input type="checkbox"/> Professional Services under \$25,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$25,000</p>	<p><b>CLASS II</b></p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p><b>CLASS III</b></p> <p><input checked="" type="checkbox"/> <b>APPROVED MULTNOMAH COUNTY</b></p> <p style="text-align: center;"><b>BOARD OF COMMISSIONERS</b></p> <p>AGENDA # <u>C-7</u> DATE <u>8/28/97</u></p> <p style="text-align: center;"><u>DEB BOGSTAD</u></p> <p style="text-align: center;"><b>BOARD CLERK</b></p>
---	--	---

Department: District Attorney Division: Family Justice Date: \_\_\_\_\_

Contract Originator: Tom Simpson Phone: 248-3863 Bldg/Room: 101/600

Administrative Contact: Kathy Graham Phone: 248-5330 Bldg/Room: 101/600

Description of Contract: Intergovernmental Agreement between the District Attorney's Office and the Portland Police Bureau to fund one officer for the CARES Northwest Program to assist with CARES evaluations and investigations on CAMI cases.

RFP/BID #: \_\_\_\_\_ Date of RFP/BID: \_\_\_\_\_ Exemption Expiration Date: \_\_\_\_\_

ORS/AR # \_\_\_\_\_ (Check all boxes that apply) Contractor is ☐ JMBE ☐ JWBE ☐ ESB ☐ JQRF ☐ JN/A ☐ JNone

Original Contract No. \_\_\_\_\_ (ONLY FOR ORIGINAL RENEWALS)

<p>Contractor Name: <u>Portland Police Bureau</u></p> <p>Mailing Address: <u>1111 SW 2<sup>nd</sup> Avenue, 12<sup>th</sup> Fl</u></p> <p style="padding-left: 40px;"><u>Portland, OR 97204</u></p> <p>Phone: <u>823-0032</u></p> <p>Employer ID# or SS#: _____</p> <p>Effective Date: <u>6/1/97</u></p> <p>Termination Date: <u>12/31/97</u></p> <p>Original Contract Amount: \$ <u>32,801</u></p> <p>Total Amt of Previous Amendments: \$ _____</p> <p>Amount of Amendment: \$ _____</p> <p>Total Amount of Agreement: \$ <u>32,801</u></p>	<p>Remittance Address (if different) _____</p> <p>_____</p> <p>_____</p> <p><b>Payment Schedule Terms</b></p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input checked="" type="checkbox"/> Other \$ <u>quarterly as billed</u> <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Requirements contract - Requisition Required</p> <p>Purchase Order No. _____</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
---	---

**REQUIRED SIGNATURES:**

Department Manager: [Signature] Date: 8-14-97

Purchasing Manager: \_\_\_\_\_ Date: \_\_\_\_\_

(Class II Contracts Only)

County Counsel: [Signature] Date: 8/15/97

County Chair/Sheriff: [Signature] Date: August 28, 1997

Contract Administration: \_\_\_\_\_ Date: \_\_\_\_\_

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01	156	023	2437			6060			Pass-through	32,801	
02											
03											

If additional space is needed, attach separate page. Write contract # on top of page.

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance



**Multnomah County/City of Portland  
Intergovernmental Agreement  
June 1, 1997 - December 31, 1997 for Portland Police Bureau Officer**

THIS CONTRACT is between Multnomah County, acting by and through its District Attorney Office (MCDA) and the Portland Police Bureau (PPB).

**THE PARTIES AGREE:**

The CAMI Grant provides funding from the Child Abuse Multidisciplinary Intervention Account to Multnomah County District Attorney's Office in accordance with the grant application and award documents.

Chapter 190 of the Oregon Revised Statutes provides for intergovernmental agreements.

**1. DESCRIPTION OF SERVICES.** CONTRACTOR will provide the following services:

- A. PPB agrees to provide a police officer for the CARES Northwest Program. CARES is a participating member of the Multnomah County Multi-Disciplinary Child Abuse Team. The police officer coordinates CARES NW intakes, to help determine the appropriateness of an evaluation. The officer provides relevant background information on the child and family to assist in completing the CARES assessment, and will ensure all reports and relevant information are available prior to the assessment.
- B. PPB shall have administrative authority for the establishment of standards and performance of the police officer assigned to the CARES Northwest Program.
- C. In the event of a dispute between the parties as to the extent and the nature of the duties and function of the PPB officer assigned to the CARES Northwest Program, the resolution shall be made by the Chief of Police and the District Attorney or their delegated representatives.

**2. COMPENSATION.**

PPB shall submit invoices in the amount of \$16,400.50 on a quarterly basis as follows. The total amount of this contract is \$32,801.00.

June 1, 1997 - September 30, 1997  
October 1, 1997 - December 31, 1997

By 10/20/97  
By 1/20/98

**3. TERM.**

This agreement shall extend from June 1, 1997 through and including December 31, 1997.

**4. MODIFICATION.**

This agreement may be modified by mutual consent of the parties. Any modification to provisions of this agreement shall be reduced to writing and signed by the parties.

**5. INTEGRATION**

This agreement contains the entire agreement between the parties and supersedes all prior written and oral agreements.

**6. CONTRACT DOCUMENTS.** This Contract consists of this contract document and the attached Conditions of Contract.

7. NOTICES

All notices pursuant to the terms of this agreement shall be addressed as follows:

Notices to the City:

Charles A. Moose, Police Chief  
Portland Police Bureau

Notices to the County:

Michael D. Schrunk, District Attorney  
Multnomah County District Attorney's Office

**MULTNOMAH COUNTY, OREGON**  
Department Manager

By Michael D. Schrunk  
Michael D. Schrunk, District Attorney

Date: August 14, 1997

By Beverly Stein  
Beverly Stein, County Chair

Date: August 28, 1997

**PORTLAND POLICE BUREAU**

By \_\_\_\_\_  
Charles A. Moose, Police Chief

Date: \_\_\_\_\_

By \_\_\_\_\_  
City Auditor

Date: \_\_\_\_\_

**REVIEWED:**

THOMAS SPONSER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan  
Matthew O. Ryan, Deputy County Counsel

Date: August 15, 1997

**APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS**  
AGENDA # C-7 DATE 8/28/97  
DEB BOGSTAD  
**BOARD CLERK**

## CONDITIONS OF INTERGOVERNMENTAL AGREEMENT

The attached contract for services between Multnomah County (MCDA), County herein, and the City of Portland Police Bureau (PPB), Contractor herein, is subject to the following:

GENERAL CONDITIONS

1. Independent Contractor Status - Contractor is an independent contractor, and neither Contractor, Contractor's subcontractors nor employees are employees of the County. Contractor is responsible for all federal, state and local taxes and fees applicable to payments for service
2. Subcontracts and Assignment - Contractor shall neither subcontract with others for any of the services prescribed herein nor assign any of Contractor's rights acquired hereunder without the prior written consent of County. The County is not liable to any third person for payment of any compensation payable to Contractor as provided in this agreement.
3. Access to Records - The County's authorized representatives shall have access to the books, documents, papers and records of Contractor which are directly pertinent to this contract for the purpose of making audit, examination, excerpts, and transcripts.
4. Ownership of Work Product - All work products of the Contractor which result from this contract are the exclusive property of the County, including the right of copyright of any published work.
5. Workers' Compensation Insurance -
  - A. Contractor shall maintain workers' compensation insurance coverage for all non-exempt workers employed by Contractor in the performance of the work, either as a carrier of self-insured employer as provided in Chapter 656 of Oregon Revised Statutes. A certificate showing current workers' compensation insurance, or a copy thereof is attached to this agreement as Exhibit \_\_\_\_\_.
  - B. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current workers' compensation insurance coverage as described in subparagraph A. above.
  - C. If Contractor's workers' compensation insurance coverage is due to expire before completion of the work, Contractor will renew or replace such insurance coverage and provide County with a certificate of insurance coverage showing compliance with this section.
6. Indemnification -
  - A. If Contractor is insured against claims for professional errors and omissions under a professional liability insurance policy, to the extent Contractor is covered under such policy, Contractor shall defend, indemnify and hold harmless the County, its officers, agents and employees from all claims, suits or actions resulting or arising from Contractor's sole negligence in performance of professional services under this agreement, without regard to any monetary limits of such policy of insurance.
  - B. As to any other claim of liability, other than above described, Contractor shall defend, indemnify, and save harmless the County, its officers, agents and employees from all claims, suits or actions for personal injury, including death, or property damage resulting or arising out of the activities of the Contractor or Contractor's subcontractors, agents or employees under this agreement.
7. Early Termination -
  - A. This contract may be terminated by mutual consent of both parties, or by either party upon thirty (30) days notice, in writing, and delivered by certified mail or in person.
  - B. The County, by written notice of default, may terminate this agreement if Contractor fails to provide any part of the services described herein within the time specified for completion of that part or any extension thereof.
  - C. Upon termination before completion of the services, payment to Contractor shall be prorated to and include the day of termination and shall be in full satisfaction of all claims by Contractor against County under this agreement.
  - D. Termination under any provision of this paragraph shall not affect any right, obligation or liability of Contractor or liability of Contractor or County which accrued prior to termination.
8. Adherence to Law - The Contractor shall comply with all federal, state and local laws and ordinances applicable to the work to be done under this contract.
9. Non-Discrimination - Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes.

MEETING DATE: AUG 28 1997  
AGENDA NO: C-8  
ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement between the District Attorney's Office and Portland Police Bureau to provide three full-time investigators to the DA's office in exchange for payment of 7.3 hours of overtime per investigator per pay period.

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: 8/28/97  
AMOUNT OF TIME NEEDED: 1 minute

DEPARTMENT: District Attorney DIVISION: Circuit Court

CONTACT: Tom Simpson TELEPHONE #: 248-3863

BLDG/ROOM #: 101/600

PERSON(S) MAKING PRESENTATION: (consent calendar item)

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

Intergovernmental Agreement between the District Attorney's Office and Portland Police Bureau to provide three full-time investigators to the DA's office in exchange for payment of 7.3 hours of overtime per investigator per pay period.

all original originals to Tom Simpson

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT \_\_\_\_\_  
MANAGER: TS

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 18 AM 9:34  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



**MICHAEL D. SCHRUNK**, District Attorney for Multnomah County

600 County Courthouse • Portland, Oregon 97204 • (503) 248-3162 • FAX (503) 248-3643

## **SUPPLEMENTAL STAFF REPORT**

**TO:** Board of County Commissioners  
**FROM:** Michael D. Schrunk  
**DATE:** August 12, 1997  
**Re:** Intergovernmental Agreement between the District Attorney Office and Portland Police Bureau to provide three full-time investigators to the DA's Office in exchange for payment of 7.3 hours of overtime per investigator per pay period.

- 
1. **Recommendation/Action Requested:**  
**Approval**
  2. **Background/Analysis:**  
**The Portland Police Bureau provides 3 full-time officers assigned to the District Attorney's Office to perform duties related to the prosecution of crimes within MCDA's jurisdiction. This agreement renews automatically at the beginning of each fiscal year unless either party exercises the termination clause, outlined in Paragraph C.**
  3. **Financial Impact:**  
**For fiscal year 1997-1998, this agreement secures for the MCDA the services of 3 full-time investigators in exchange for payment of \$20,424.30 to PPB.**
  4. **Legal Issues:**  
**None**
  5. **Controversial Issues:**  
**N/A**
  6. **Link to Current County Policies:**  
**N/A**
  7. **Citizen Participation:**  
**N/A**
  8. **Other Government Participation:**  
**Portland Police Bureau**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☒ [ X ]

Contract # 700066

Prior-Approved Contract Boilerplate: Attached: Not Attached

Amendment # 2

<p style="text-align: center;"><b>CLASS I</b></p> <p><input type="checkbox"/> Professional Services under \$25,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$25,000</p>	<p style="text-align: center;"><b>CLASS II</b></p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p style="text-align: center;"><b>CLASS III</b></p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement over \$25,000</p> <p style="text-align: center;"><b>APPROVED MULTNOMAH COUNTY</b></p> <p style="text-align: center;"><b>BOARD OF COMMISSIONERS</b></p> <p><b>AGENDA #</b> <u>C-8</u> <b>DATE</b> <u>8/28/97</u></p> <p style="text-align: center;"><b>DEB BOGSTAD</b></p> <p style="text-align: center;"><b>BOARD CLERK</b></p>
---	--	--

Department: District Attorney Division: Circuit Court Date: \_\_\_\_\_

Contract Originator: Tom Simpson Phone: 248-3683 Bldg/Room: 101/600

Administrative Contact: Kathy Graham Phone: 248-5330 Bldg/Room: 101/600

Description of Contract: This is an intergovernmental agreement between the District Attorney's Office and the Portland Police Bureau to provide three full-time investigators to the DA's office in exchange for payment of 7.3 hours of overtime per investigator per pay period. This agreement will automatically renew at the beginning of each fiscal year unless either party exercises the termination clause, outlined in Paragraph 3.

RFP/BID #: \_\_\_\_\_ Date of RFP/BID: \_\_\_\_\_ Exemption Expiration Date: \_\_\_\_\_

ORS/AR # \_\_\_\_\_ (Check all boxes that apply) Contractor is ☐ JMBE ☐ JWBE ☐ ESB ☐ JQRF ☐ JN/A ☐ JNone

Original Contract No. 700066 (ONLY FOR ORIGINAL RENEWALS)

<p>Contractor Name: <u>Portland Police Bureau</u></p> <p>Mailing Address: <u>1111 SW 2<sup>nd</sup> Avenue, Room 1202</u></p> <p style="text-align: center;"><u>Portland, OR 97204</u></p> <p>Phone: <u>823-0032</u></p> <p>Employer ID # or SS#: _____</p> <p>Effective Date: <u>7/1/97</u></p> <p>Termination Date: <u>6/30/98</u></p> <p>Original Contract Amount: \$ <u>19,148.92</u></p> <p>Total Amt of Previous Amendments: \$ <u>23,000.00</u></p> <p>Amount of Amendment: \$ <u>20,424.30</u></p> <p>Total Amount of Agreement: \$ <u>62,573.22</u></p>	<p>Remittance Address (if different) _____</p> <p>Payment Schedule/Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input checked="" type="checkbox"/> Other \$ <u>\$5,106.08</u> <input type="checkbox"/> Other Quarterly</p> <p><input type="checkbox"/> Requirements contract - Requisition Required</p> <p>Purchase Order No. _____</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
--	---

**REQUIRED SIGNATURES:**

Department Manager: [Signature] Date: 8-14-97

Purchasing Manager: \_\_\_\_\_ Date: \_\_\_\_\_

(Class II Contracts Only)

County Counsel: [Signature] Date: 8/14/97

County Chair/Sheriff: [Signature] Date: August 28, 1997

Contract Administration: \_\_\_\_\_ Date: \_\_\_\_\_

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01	100	023	2441			6110			Professional Services	20,424.30	No
02											
03											

If additional space is needed, attach separate page. Write contract # on top of page.

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance

**Multnomah County/City of Portland  
INTERGOVERNMENTAL AGREEMENT FOR 1997/98**

THIS AGREEMENT is between Multnomah County, acting by and through its District Attorney's Office, (MCDA), and the City of Portland Police Bureau (PPB).

**THE PARTIES AGREE:**

MCDA is mandated to prosecute crimes committed within the County of Multnomah, State of Oregon.

PPB is the law enforcement agency operating in the City of Portland which lies within the boundaries of the County of Multnomah.

Chapter 190 of the Oregon Revised Statutes provides for intergovernmental agreements. Therefore, the MCDA and the PPB agree to the following.

**1. DESCRIPTION OF SERVICES.**

- A. PPB agrees to provide 3 full-time PPB officers assigned to the MCDA office to perform duties directly and indirectly related to the prosecution of crimes within MCDA's jurisdiction.
- B. Typical duties shall include, but not be limited to, conduct investigations of cases and grand jury matters, personal service of subpoenas, locate witnesses, prepare diagrams and court exhibits, take photographs of crime scenes, and perform assignments from deputy district attorneys and management staff.
- C. The City shall have administrative authority for the establishment of standards and performance of the officers assigned to MCDA.

MCDA shall have administrative authority of directing the investigative tasks assigned to PPB officers in the MCDA positions. They will report directly to the MCDA Chief Investigator.

- D. In the event of a dispute between the parties as to the extent and the nature of the duties and function of the PPB officers assigned to investigations, the resolution shall be made by the Chief of Police and the District Attorney or their delegated representatives.

MCDA shall provide adequate work space and assign each officer a county car to perform their duties.

- E. Both parties are subject to the Oregon State Tort Claims Act, ORS 30.265, et. seq. The scope and limits of any and all liability for injury or damaged property to any third person shall be imposed in accordance with this law.

**2. COMPENSATION.**

The City shall bill MCDA for 7.3 hours of overtime for each of the 3 officers per pay period. Billing shall be done by PPB on a quarterly basis. MCDA will remit payment within thirty (30) days after receipt of quarterly billing.

**3. TERM.**

This agreement shall extend from July 1, 1997 through and including June 30, 1998, and will be automatically renewed at the beginning of each fiscal year.

#### 4. TERMINATION

- A. This agreement may be terminated upon 60 days mutual written consent of the parties or upon 90 days written notice by one of the parties.
- B. Termination under any provision of this paragraph shall not affect any rights, obligations, or liability of PPB or MCDA which accrues prior to such termination.

#### 5. MODIFICATION

- A. This agreement may be modified by mutual consent of the parties. Any modification to provisions of this agreement shall be reduced to writing and signed by the parties.

#### 6. INTEGRATION

This agreement contains the entire agreement between the parties and supersedes all prior written and oral agreements. **CONTRACT DOCUMENTS.** This Contract consists of this contract document and the attached Conditions of Contract.

#### 7. NOTICES

All notices pursuant to the terms of this agreement shall be addressed as follows:

Notices to the City:

Charles A. Moose, Police Chief  
Bureau of Portland Police

Notices to the County:

Michael D. Shrunk, District Attorney  
Multnomah County District Attorney Office

#### MULTNOMAH COUNTY, OREGON

Department Manager

By Michael D. Schrunk  
Michael D. Schrunk, District Attorney

Date: 8-14-97

By Beverly Stein  
Beverly Stein, County Chair

Date: August 28, 1997

#### REVIEWED:

THOMAS SPONSER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan  
Matthew O. Ryan, Deputy County Counsel

Date: August 14, 1997

#### CITY OF PORTLAND, OREGON

By \_\_\_\_\_  
Mayor, Vera Katz

Date: \_\_\_\_\_

By \_\_\_\_\_  
Auditor, City of Portland

Date: \_\_\_\_\_

JEFFREY L. ROGERS  
City Attorney

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-8 DATE 8/28/97  
DEB BOGSTAD  
BOARD CLERK



**CONDITIONS OF PERSONAL SERVICES CONTRACT**

The attached contract for services between Multnomah County (MCDA), County herein, and Portland Police Bureau (PPB), Contractor herein, is subject to the following:

GENERAL CONDITIONS

1. Independent Contractor Status - Contractor is an independent contractor, and neither Contractor, Contractor's subcontractors nor employees are employees of the County. Contractor is responsible for all federal, state and local taxes and fees applicable to payments for service
2. Subcontracts and Assignment - Contractor shall neither subcontract with others for any of the services prescribed herein nor assign any of Contractor's rights acquired hereunder without the prior written consent of County. The County is not liable to any third person for payment of any compensation payable to Contractor as provided in this agreement.
3. Access to Records - The County's authorized representatives shall have access to the books, documents, papers and records of Contractor which are directly pertinent to this contract for the purpose of making audit, examination, excerpts, and transcripts.
4. Ownership of Work Product - All work products of the Contractor which result from this contract are the exclusive property of the County, including the right of copyright of any published work.
5. Workers' Compensation Insurance -
  - A. Contractor shall maintain workers' compensation insurance coverage for all non-exempt workers employed by Contractor in the performance of the work, either as a carrier of self-insured employer as provided in Chapter 656 of Oregon Revised Statutes. A certificate showing current worker's compensation insurance, or a copy thereof is attached to this agreement as Exhibit \_\_\_\_\_.
  - B. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached in lieu of the certificate showing current workers' compensation insurance coverage as described in subparagraph A. above.
  - C. If Contractor's workers' compensation insurance coverage is due to expire before completion of the work, Contractor will renew or replace such insurance coverage and provide County with a certificate of insurance coverage showing compliance with this section.
6. Indemnification -
  - A. If Contractor is insured against claims for professional errors and omissions under a professional liability insurance policy, to the extent Contractor is covered under such policy, Contractor shall defend, indemnify and hold harmless the County, its officers, agents and employees from all claims, suits or actions resulting or arising from Contractor's sole negligence in performance of professional services under this agreement, without regard to any monetary limits of such policy of insurance.
  - B. As to any other claim of liability, other than above described, Contractor shall defend, indemnify, and save harmless the County, its officers, agents and employees from all claims, suits or actions for personal injury, including death, or property damage resulting or arising out of the activities of the Contractor or Contractor's subcontractors, agents or employees under this agreement.
7. Adherence to Law - The Contractor shall comply with all federal, state and local laws and ordinances applicable to the work to be done under this contract.
8. Non-Discrimination - Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes.

MEETING DATE: August 28, 1997  
AGENDA #: R-2  
ESTIMATED START TIME: 9:30 AM

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Government Finance Officers Association of the United States and Canada Award

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: Thursday, August 28, 1997  
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Maria Rojo TELEPHONE #: 248-3955  
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Beverly Stein, Vickie Gates, Invited Others

### ACTION REQUESTED:

☒ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☐ APPROVAL   ☐ OTHER

### SUGGESTED AGENDA TITLE:

Acknowledgement of Multnomah County Budget and Quality and Finance Divisions'  
Receipt of a Distinguished Budget Presentation Award and a Certificate of Achievement  
for Excellence in Financial Reporting Awarded by the Government Finance Officers  
Association of the United States and Canada

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

*Beverly Stein*

(OR)  
DEPARTMENT  
MANAGER: \_\_\_\_\_

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 AUG 21 PM 8:55

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277



GOVERNMENT FINANCE  
OFFICERS ASSOCIATION

180 North Michigan Avenue, Suite 800, Chicago, Illinois 60601  
312/977-9700 • Fax: 312/977-4806

RECEIVED

JUL 14 1997

BEVERLY STEIN  
MULTNOMAH COUNTY CHAIR

July 7, 1997

Ms. Beverly Stein  
County Chairperson  
Multnomah County  
1120 SW 5th Ave., 1510  
Portland, Oregon 97204

Dear Ms. Stein:

I am pleased to notify you that Multnomah County, Oregon has received the Distinguished Budget Presentation Award for the current year, from the Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting and represents a significant achievement by your organization.

When a Distinguished Budget Presentation award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to:

The Budget & Quality Division

We hope you will arrange for a formal public presentation of the award, and that appropriate publicity will be given to this notable achievement. A press release is enclosed for your use.

We appreciate your participation in GFOA's Budget Awards Program. Through your example, we hope that other entities will be encouraged to achieve excellence in budgeting.

Sincerely,

Jeffrey L. Esser  
Executive Director

JLE/af

Enclosure

WASHINGTON OFFICE

1750 K Street, N.W., Suite 650, Washington, DC 20006  
202/429-2750 • Fax: 202/429-2755



**GOVERNMENT FINANCE  
OFFICERS ASSOCIATION**

July 7, 1997

180 North Michigan Avenue, Suite 800, Chicago, Illinois 60601  
312/977-9700 • Fax: 312/977-4806

**PRESS RELEASE**

**RELEASE IMMEDIATELY**

For Further Information Contact  
Stephen J. Gauthier (312) 977-9700

\*\*\*\*\*

Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that Multnomah County, Oregon has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity.. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communication device

Budget documents must be rated "proficient" in all four categories to receive the award.

When a Distinguished Budget Presentation award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to the Budget & Quality Division.

Since the inception of the GFOA's Distinguished Budget Presentation Awards Program in 1984, approximately 700 entities have received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

The Government Finance Officers Association is a nonprofit professional association serving 12,650 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.

**WASHINGTON OFFICE**

1750 K Street, N.W., Suite 650, Washington, DC 20006  
202/429-2750 • Fax: 202/429-2755



GOVERNMENT FINANCE  
OFFICERS ASSOCIATION

180 North Michigan Avenue, Suite 800, Chicago, Illinois 60601  
312/977-9700 • Fax: 312/977-4806

BOARD OF  
COUNTY COMMISSIONERS  
97 JUL 29 AM 9:55  
MULTNOMAH COUNTY  
OREGON

July 22, 1997

Ms. Beverly Stein  
Chair, Board of County Commissioners  
Multnomah County  
P.O. Box 14700  
Portland, OR 97214-0700

Dear Ms. Stein:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended June 30, 1996 qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement is also presented to the individual designated by the government as primarily responsible for its having earned the certificate. Enclosed is an Award of Financial Reporting Achievement for: Jean Uzelac, Accounting Manager.

The Certificate of Achievement plaque will be shipped under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. To assist with this, a sample news release and the 1996 Certificate Program results are enclosed.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Stephen J. Gauthier*

Stephen J. Gauthier  
Director/Technical Services Center

SJG/kas  
Enclosures

WASHINGTON OFFICE

1750 K Street, N.W., Suite 650, Washington, DC 20006  
202/429-2750 • Fax: 202/429-2755



GOVERNMENT FINANCE  
OFFICERS ASSOCIATION

180 North Michigan Avenue, Suite 800, Chicago, Illinois 60601  
312/977-9700 • Fax: 312/977-4806

July 22, 1997

NEWS RELEASE

For information contact:  
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to:

MULTNOMAH COUNTY

by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual designated as primarily responsible for preparing the award-winning CAFR. This has been presented to:

JEAN UZELAC, ACCOUNTING MANAGER

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving 12,625 government finance professionals with offices in Chicago, Illinois, and Washington, D.C.

- 30 -

WASHINGTON OFFICE

1750 K Street, N.W., Suite 650, Washington, DC 20006  
202/429-2750 • Fax: 202/429-2755

PRESENTATION OF THE CERTIFICATE OF ACHIEVEMENT  
FOR EXCELLENCE IN FINANCIAL REPORTING

The Certificate of Achievement for Excellence in Financial Reporting is the highest form of recognition for state and local governments. The Certificate program thereby advocates that recipients be formally recognized for their outstanding accomplishments. If you would like a formal presentation of the Certificate of Achievement plaques, you should contact your GFOA State Representative. Your representative's mailing address and phone number is as follows:

503/248-3292  
David Boyer  
Finance Director  
Multnomah County  
P.O. Box 14700  
Portland, OR 97214

503/248-3312

#1

# SPEAKER SIGN UP CARDS

DATE 8/28/97

NAME Anne Nickel - CCA

ADDRESS Po Box 55651  
Portland 97238

PHONE 503 - 287 - 8686

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R3 - Jail - Supports Radio tower

GIVE TO BOARD CLERK Site



#2

# SPEAKER SIGN UP CARDS

DATE 8-28-97

NAME ROBERT HEISEY

ADDRESS 14636 N.E. SCHUYLER

PORT. ORE. 97230

PHONE 252-1175

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-3 - Supports Site

GIVE TO BOARD CLERK RT

#3

## SPEAKER SIGN UP CARDS

DATE 28 AUG 97

NAME

PAUL MILLER

ADDRESS

3555 NE 133 AVE

PORTLAND OR 97230

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC JAIL LAND PURCHASE

GIVE TO BOARD CLERK

Supports RADIO tower  
SITE

#4

## SPEAKER SIGN UP CARDS

DATE 8/28/97

NAME DENNIS KEEPER

ADDRESS 9622 N PIER PARK PL  
PORTLAND, OR, 97203

PHONE 783-1570

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC NAK - wants Amendment

GIVE TO BOARD CLERK TO RIVERGATE  
PROPERTY DESCRIPTION  
2 PG 3 RESOLVED RE CONDEM

#5

## SPEAKER SIGN UP CARDS

DATE AUGUST 28, 1997

NAME CHUCK HARRISON

ADDRESS 14211 SE CRYSTAL CT.

PORTLAND

PHONE 280-1540

SPEAKING ON AGENDA ITEM NUMBER OR

TOPIC JAIL SITING - SUPPORTS RT

GIVE TO BOARD CLERK Site

SAC

#6

## SPEAKER SIGN UP CARDS

DATE 8/28/97

NAME DAVID R. Myers-EATWELL

ADDRESS 2601 N. W. 11th  
97217

PHONE 289-6864

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Jail Story AT Radio Towers

Supports GIVE TO BOARD CLERK

#7

## SPEAKER SIGN UP CARDS

DATE 8/28/97

NAME David Lahman

ADDRESS Box 7528

Portland 97208

PHONE 731-7025

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC County Jail Siting Resolution

**GIVE TO BOARD CLERK**

Port of Portland - Supports Radio Tower Site

#8

# SPEAKER SIGN UP CARDS

DATE 8/28/97

NAME BOB STACEY <sup>ATTY</sup> Ball Jank

ADDRESS 101 SW MAIN #1100 <sup>Rep site</sup> own  
PORTLAND 97204

PHONE 228-2525

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Jail sitting - Supports RT Site  
GIVE TO BOARD CLERK URGIE APPROVAL

#9

## SPEAKER SIGN UP CARDS

DATE

8/28/07

NAME

LEWIS MARCUS

ADDRESS

7318 N SYRACUSE

PH

97203

PHONE

285-2850

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC

JAIL

-CONCERNS RE RIVERGATE

GIVE TO BOARD CLERK SITE CHANGES

WANTS AMENDMENTS -  
WANTS PPOFFICE RELOCATED



#10

## SPEAKER SIGN UP CARDS

DATE 8-28-97

NAME RICHARD ANDERSON

ADDRESS 2019 NE 167<sup>th</sup> Pl

PORTLAND, OR 97230

PHONE 503-464-7550

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC SAC - JAIL SITING - Supports RADIO  
GIVE TO BOARD CLERK Tower Site

#11

# SPEAKER SIGN UP CARDS

DATE AUG. 28, 1997

NAME DON ARAMBULA

ADDRESS 8224 N. FENWICK  
PORTLAND

PHONE 289-4047

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC TAIL SITTING — RADIO tower

GIVE TO BOARD CLERK SITE 2  
WANTS NEIGHBORHOOD input CAVEATS

#12

## SPEAKER SIGN UP CARDS

DATE 27 Aug 97

NAME

Mary Abrams

ADDRESS

BES Columbia Slough Watershed

Copp

PHONE

823 - 7032

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Jail sitting

GIVE TO BOARD CLERK

MEETING DATE: AUG-28-1997  
AGENDA NO. R-3  
ESTIMATED START TIME 9:35am

### AGENDA PLACEMENT FORM

SUBJECT: Resolution authorizing the Sheriff to purchase land and obtain all necessary permits to construct a new jail and secure residential alcohol and drug treatment facility at the Radio Towers site.

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: Thursday, August 28, 1997

AMOUNT OF TIME NEEDED: 45 MINUTES

DEPARTMENT: Sheriff's Office

DIVISION: Dan Noelle - Sheriff

CONTACT: Barbara Simon/Dan Oldham

TELEPHONE: 251-2503 or 251-2519  
BLDG/ROOM: Hanson/103

PERSON MAKING PRESENTATION: Sheriff Dan Noelle

### ACTION REQUESTED

☐ INFORMATION ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

### SUGGESTED AGENDA TITLE

**RESOLUTION AUTHORIZING THE SHERIFF TO PURCHASE LAND AND OBTAIN ALL  
NECESSARY PERMITS TO CONSTRUCT A NEW JAIL AND SECURE RESIDENTIAL ALCOHOL  
AND DRUG TREATMENT FACILITY AT THE RADIO TOWERS SITE**

8/29/97 copies to BCC, Sheriff Noelle, misc  
Citizens, County Counsel  
SIGNATURES REQUIRED

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)

DEPARTMENT MANAGER: \_\_\_\_\_

*Sheriff Noelle*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

ANY QUESTIONS? Call the Board Clerk @ 248-3277

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 20 AM 10:15  
MULTNOMAH COUNTY  
OREGON

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
STAFF REPORT SUPPLEMENT**

---

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: SHERIFF DAN NOELLE**

**DATE: AUGUST 19, 1997**

**RE: RESOLUTION AUTHORIZING THE SHERIFF TO PURCHASE  
LAND AND OBTAIN PERMITS TO CONSTRUCT A NEW JAIL  
AND SECURE ALCOHOL AND DRUG TREATMENT FACILITY  
AT THE RADIO TOWER SITE.**

**REQUESTED PLACEMENT DATE: THURSDAY, AUGUST 28, 1997**

---

- RECOMMENDATION/ACTION REQUESTED:

Request the Board to approve Resolution authorizing Sheriff Noelle to purchase land and obtain permits to construct a new jail and secure residential alcohol/drug treatment facility at the Radio Tower site and enter into negotiations with City of Portland and Port of Portland regarding mitigation and environmental enhancements, as well as other types of assistance which may be necessary to secure permits and land-use approvals for development of the Radio Tower site.

- BACKGROUND/ANALYSIS:

The Siting Advisory Committee identified the Radio Tower site as the first choice for constructing the new jail and secure alcohol/drug treatment facility. Due diligence has been completed and the Sheriff has reported the results of the engineering, environmental and land-use investigations to the Board. Sheriff Noelle is now prepared to move forward with the development of the Radio Tower site and wishes the Board to approve the Resolution.

- FINANCIAL IMPACT:

State and local bonding is in effect. Some additional financing may be required to secure the total 91 acre site and complete structural fill requirements and environmental mitigation and enhancement.

- LEGAL ISSUES:

Legal issues include the County's ability to persuade the City of Portland to condemn Port of Portland property, as well as securing a fill permit from the Division of State Lands and the Army Corps of Engineers.

- CONTROVERSIAL ISSUES:

Radio Tower site contains wetland. Although zoned industrial, the site will be opposed by some environmentalists who do not wish to see the site developed at all. Some surrounding neighborhood groups will oppose the site although the Sheriff has won some support from the Kenton Neighborhood Association, in whose boundaries this site lies.

- LINK TO CURRENT COUNTY POLICIES:

The Sheriff's Office is in compliance with current County policies regarding the development and construction of County owned facilities.

- CITIZEN PARTICIPATION:

The Sheriff's Office believes that it has "led the way" in citizen participation within Multnomah County. The Sheriff's Office was a partner in formulating the *Facilities Siting Public Involvement Manual*, and to date has formed one 15 member Citizens Siting Advisory Committee, continues to publish a *Siting Newsletter*, has conducted over 42 public meetings over a broad reach of the community, and built solid relationships with citizens and community groups. Not all citizen groups have agreed with the result, but our process and outreach is exemplary. The RESOLUTION also authorizes the Sheriff to create a Citizens Working Group to advise on design, construction and operation of the facility.

- OTHER GOVERNMENT PARTICIPATION:

Sheriff Noelle or his staff has briefed and discussed the building of the jail and alcohol/drug treatment facility with officials from all the surrounding jurisdictions. We have asked for their support, and although there are differences, other cities have been kept informed. The Sheriff has personally briefed City of Portland Council Members. The Sheriff has opened communications lines with the Port of Portland as well.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Authorizing the Sheriff to Purchase Land and	)	
Obtain All Necessary Permits to Construct	)	RESOLUTION
a New Jail and Alcohol and Drug Treatment	)	97 -
Center at the Radio Towers Site	)	

WHEREAS, the Siting Advisory Committee (SAC), a 15 member citizen advisory committee, recommended three possible sites for a new jail and a secure residential alcohol and drug treatment center; and

WHEREAS, the Board of County Commissioners (Board) accepted the report of the SAC and requested that further feasibility studies of each site be conducted; and

WHEREAS, a team of technical experts conducted a preliminary site assessment of the three top-ranked sites for a new Multnomah County Corrections Facility; and

WHEREAS, this team conducted a systematic and thorough analysis of engineering, environmental, land-use and permitting issues at each site; and

WHEREAS, the analysis also identified flaws which are technical conditions of the property that, if not resolved, render a site unsuitable; and

WHEREAS, potential flaws were identified at each site; and

WHEREAS, the environmental contamination in combination with the proximity of a chlorine plant at the Northwest Industrial site render that site unsuitable for building a jail and secure residential alcohol and drug treatment center; and

WHEREAS, the SAC recommended the Radio Towers site (*A parcel of approximately 91 acres situated southerly of and adjacent to Expo Center land, northerly of and adjacent to Portland International Raceway land, and westerly of and adjacent to Expo Road and Interstate Highway 5*) as its first choice and the Rivergate site (*A parcel of approximately 35 acres situated within Blocks 9 and 14, Rivergate Industrial District, at a location to be determined, easterly of N. Lombard Street and northerly of N. Ramsey Blvd. Extended*) as the first alternative site for the building of a new jail and a secure residential alcohol and drug treatment center; and

WHEREAS, potential solutions exist to address all of the potential flaws identified at the Radio Towers and Rivergate sites; and

WHEREAS, despite possible solutions the environmental and land issues at the Radio Tower site may prove impossible to obtain; and

WHEREAS, the County is obligated to make the best use of taxpayer investment by minimizing construction and operating costs, and maximizing building design efficiency;

IT IS RESOLVED, that the Board authorize Sheriff Noelle to move forward with the purchase of land and obtaining the necessary permits to construct a new jail and secure residential alcohol and drug treatment center at the Radio Towers site; and

IT IS FURTHER RESOLVED, that the Board authorize Sheriff Noelle to commission a Citizens Working Group comprised of representatives of local neighborhood, business, and environmental organizations to advise the Sheriff and the County on design, construction and operation of the new jail and secure residential alcohol and drug treatment center; and

IT IS FURTHER RESOLVED, that the Board also authorize Sheriff Noelle to enter into negotiations with the Port of Portland to secure a written agreement by November 30, 1997 which details the legal resources, environmental mitigation, enhancement and capital to be contributed by the Port to assist in the acquisition of necessary permits for construction at the Radio Towers site; and

IT IS FURTHER RESOLVED, that the Board authorize Sheriff Noelle to gain agreement with the City of Portland to supplement environmental mitigation and enhancement efforts the City is making on or about the Radio Towers site, and to work with the City to acquire land at the first alternative site if no agreement is reached between the Sheriff and the Port of Portland regarding the Radio Tower site by November 30, 1997;

IT IS FURTHER RESOLVED, that in accordance with the recommendations of the SAC, the environmental mitigation to be completed by the County and its partners at the Radio Towers site shall exceed the minimum standards required by construction permits;

IT IS FURTHER RESOLVED, that if the new jail and secure residential alcohol and drug treatment facility cannot be built at the Radio Towers site because the environmental and land use permits cannot be obtained that Sheriff Noelle be authorized to proceed with securing the Rivergate site:



IT IS FURTHER RESOLVED, that the Board direct Sheriff Noelle to give quarterly progress reports concerning the construction of the new jail and secure residential alcohol and drug treatment center.

APPROVED this \_\_\_\_\_ day of August 1997.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy  
Sandra N. Duffy, Chief Assistant County Counsel



City of Portland  
Vera Katz  
Mayor

August 25, 1997

Multnomah County Board of Commissioners  
1120 SW Fifth Avenue, 15th Floor  
Portland, OR 97204

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 26 AM 9:33  
MULTNOMAH COUNTY  
OREGON

Dear Chair Stein: *Beu*

Sheriff Noelle asked for my review and input on the resolution he is bringing forward to the Board of County Commissioners on August 28. I have expressed my concerns to his office and want to share them with you. I am disappointed the Sheriff chose to move ahead with the resolution as currently written.

I met with Sheriff Noelle on August 5 to discuss the issues surrounding the two remaining viable potential jail sites at Radio Towers and Rivergate. At that meeting I expressed my concerns about the size of the facility's footprint at either location. I also requested the Sheriff provide me with information about the construction and operational costs of "building up" in order to preserve environmentally sensitive wetlands at the Radio Towers site or prime rail-served, industrial land at the alternate Rivergate site. Dan Oldham of Sheriff Noelle's office has indicated that architects from Zimmer Gunsul Frasca are developing estimates of the construction costs and an in-house team is working on the operational cost estimates. I am pleased this analysis is being done. I hope the County will involve the City of Portland, other entities, and the community in a full discussion of the costs and tradeoffs.

I am concerned, however, that this resolution does not consider building up, rather than out, as a potential option. In fact, it may preclude this as an option with the condition requiring the County to "make the best use of taxpayer investment by minimizing construction and operating costs". The public interest in our environmental resources and in our substantial public investment in infrastructure improvements in the Rivergate area need to be considered as well. We have already heard from the environmental and industrial communities about their opposition to the respective sites. The County will need to minimize impacts at whichever site is selected. Our land use processes at the city and the many permits the County will have to obtain from multiple agencies rely on consideration of many factors including the space requirements of the facility.

Mailing Address:  
1220 SW 5th Avenue, Room 303  
Portland, Oregon 97204-1995

Temporarily Located At:  
1400 SW 5th Avenue, Suite 501  
Portland, Oregon

(503) 823-4120 • FAX (503) 823-3588 • TDD (503) 823-6868 • <http://www.ci.portland.or.us/mayor/>

Multnomah County Board of Commissioners

Page 2

August 25, 1997

I would like to see an amendment to this resolution adding language that the County will consider the option of building a facility, especially the expanded 2000 bed facility, at a higher density per square foot. Additional expenditures may be needed to address the public interest in preserving our environmental resources or valuable industrial property. After a thorough evaluation of costs and benefits, financial considerations could prevent the County from doing so. However, this option should be fully explored and not precluded at this time. A future bond initiative will fund additional construction at the site and the County could plan for any additional costs for these phases.

Another alternative I proposed to the Sheriff's office was the removal of the clause regarding minimizing costs. Removal of this condition would remove the potential for the County to be boxed into making a decision on purely economical grounds without consideration of the other public interests involved in the siting and design of this facility.

I fully support the County's efforts to build this jail. I would be willing to support any efforts to raise needed funds at the ballot for a facility that better balances community interests. As Mayor of the City of Portland, the City Charter charges me to "exercise careful supervision over the general affairs of the city." My interest in proposing these possible amendments is to ensure you have the opportunity to balance the concrete fiscal costs of building this facility with the less tangible costs to our community of losing environmental habitat or potential employers and industry. As elected officials, we must look at the interests of the community as a whole and balance public objectives and goals. We must minimize not only impacts on our lands but also reduce the potential for controversy and opposition as the County moves forward with seeking permits and approvals from various government entities.

If you have any questions regarding my concerns, please do not hesitate to contact Betsy Ames of my office at 823-4799. Thank you.

With warm regards,



Vera Katz  
Mayor

cc: Dan Noelle, Multnomah County Sheriff  
Portland City Council



# St. Johns Boosters

An Active Organization, For An Active Community  
P.O. BOX 83272 • PORTLAND, OREGON 97283

*"Keep Faith In Our History  
Keep Pace With Our Future"*

From: St. Johns Boosters  
P.O. Box 83272  
Portland, OR 97283

August 25, 1997

To: Multnomah County Commissioners

Subj: County Jail

On August 19, 1997, Multnomah County Sheriff Dan Noelle gave a presentation to the General Membership of the St. Johns Boosters regarding the current status of the process for siting a 2000 inmate jail in Multnomah County. The Boosters voted unanimously to support Sheriff Noelle in his efforts to site and build this facility.

The Boosters feel strongly that adequate jail space contributes significantly to the safety of the community. We understand that many people are fearful of having a jail located near their community, and there is no location in Multnomah County that will satisfy everyone. However, the citizens of Multnomah County voted to build a new jail. The problems associated with inadequate jail space far outweigh any risk associated with locating a jail in North Portland. The siting process has worked closely with the citizens to exhaustively review the available locations, and we support the selection of the Radio Towers site, with the Rivergate site as the number two choice.

Sincerely,

Gary Boehm  
President, St. Johns Boosters

RECEIVED BY  
COUNTY COMMISSIONERS  
977 AUG 27 PM 3:59  
MULTNOMAH COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Sheriff to Purchase	)	
Land and Obtain All Necessary	)	RESOLUTION
Permits to Construct a New Jail and	)	97 -
Alcohol and Drug Treatment Center	)	
at the Radio Towers Site	)	

WHEREAS, the Siting Advisory Committee (SAC), a 15 member citizen advisory committee, recommended three possible sites for a new jail and a secure residential alcohol and drug treatment center; and

WHEREAS, the Board of County Commissioners (Board) accepted the report of the SAC and requested that further feasibility studies of each site be conducted; and

WHEREAS, a team of technical experts conducted a preliminary site assessment of the three top-ranked sites for a new Multnomah County Corrections Facility; and

WHEREAS, this team conducted a systematic and thorough analysis of engineering, environmental, land-use and permitting issues at each site; and

WHEREAS, the analysis also identified flaws which are technical conditions of the property that, if not resolved, render a site unsuitable; and

WHEREAS, potential flaws were identified at each site; and

WHEREAS, the environmental contamination in combination with the proximity of a chlorine plant at the Northwest Industrial site render that site unsuitable for building a jail and secure residential alcohol and drug treatment center; and

WHEREAS, the SAC recommended the Radio Towers site (*A parcel of approximately 91 acres situated southerly of and adjacent to Expo Center land, northerly of and adjacent to Portland International Raceway land, and westerly of and adjacent to Expo Road and Interstate Highway 5*) as its first choice and the

Rivergate site (*A parcel of approximately 35 acres situated within Blocks 9 and 14, Rivergate Industrial District, at a location to be determined, easterly of N. Lombard Street and northerly of N. Ramsey Blvd. Extended*) as the first alternative site for the building of a new jail and a secure residential alcohol and drug treatment center; and;

WHEREAS, potential solutions exist to address all of the potential flaws identified at the Radio Tower site; and

WHEREAS, despite possible solutions the environmental and land issues at the Radio Tower site may prove impossible to obtain; and

WHEREAS, the County is obligated to make the best use of taxpayer investment by minimizing construction and operating costs, and maximizing building design efficiency; now therefore

IT IS RESOLVED that the Board authorize Sheriff Noelle to move forward with the purchase of land and obtaining the necessary permits to construct a new jail and secure residential alcohol and drug treatment center at the Radio Towers site; and

IT IS FURTHER RESOLVED that the Board authorize Sheriff Noelle to commission a Citizens Working Group comprised of representatives of local neighborhood, business, and environmental organizations to advise the Sheriff and the County on design, construction and operation of the new jail and secure residential alcohol and drug treatment center; and

IT IS FURTHER RESOLVED that the Board also authorize Sheriff Noelle to enter into negotiations with the Port of Portland to secure a written agreement by November 30, 1997 which details the legal resources, environmental mitigation, enhancement and capital to be contributed by the Port to assist in the acquisition of necessary permits for construction at the Radio Towers site; and

IT IS FURTHER RESOLVED that the Board authorize Sheriff Noelle to gain agreement with the City of Portland to supplement environmental mitigation and enhancement efforts the City is making on or about the Radio Towers site; and

IT IS FURTHER RESOLVED that in accordance with the recommendations of the SAC, the environmental mitigation to be completed by the County and its partners at the Radio Towers site shall exceed the minimum standards required by construction permits; and

IT IS FURTHER RESOLVED that if the new jail and secure residential alcohol and drug treatment facility cannot be built at the Radio Towers site because the environmental and land use permits cannot be obtained that Sheriff Noelle be authorized to proceed with securing the Rivergate site; and

IT IS FURTHER RESOLVED, that the Board direct Sheriff Noelle to give quarterly progress reports concerning the construction of the new jail and secure residential alcohol and drug treatment center.

APPROVED this 28th day of August, 1997.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy  
Sandra N. Duffy, Chief Assistant County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Sheriff to Purchase )	
Land and Obtain All Necessary )	RESOLUTION
Permits to Construct a New Jail and )	97 -
Alcohol and Drug Treatment Center )	
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WHEREAS, this team conducted a systematic and thorough analysis of engineering, environmental, land-use and permitting issues at each site; and

WHEREAS, the analysis also identified flaws which are technical conditions of the property that, if not resolved, render a site unsuitable; and

WHEREAS, potential flaws were identified at each site; and

WHEREAS, the environmental contamination in combination with the proximity of a chlorine plant at the Northwest Industrial site render that site unsuitable for building a jail and secure residential alcohol and drug treatment center; and

WHEREAS, the SAC recommended the Radio Towers site (*A parcel of approximately 91 acres situated southerly of and adjacent to Expo Center land, northerly of and adjacent to Portland International Raceway land, and westerly of and adjacent to Expo Road and Interstate Highway 5*) as its first choice and the



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IT IS FURTHER RESOLVED, that the Board direct Sheriff Noelle to give quarterly progress reports concerning the construction of the new jail and secure residential alcohol and drug treatment center.

APPROVED this 28th day of August, 1997.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*  
Sandra N. Duffy, Chief Assistant County Counsel



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Oregon State Office

2600 S.E. 98th Avenue, Suite 100

Portland, Oregon 97266

(503) 231-6179 FAX: (503) 231-6195

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 AUG 27 PM 6:52  
August 27, 1997

Multnomah County Commission  
1120 SW Fifth, Avenue Rm 1515  
Portland, Oregon 97204

Dear Multnomah County Commissioners:

The U.S. Fish and Wildlife Service (Service) has received notice that there will be a Multnomah County board meeting regarding the siting of the new Multnomah County Corrections Facility on Thursday, August 28, 1997. The Service is writing this letter to make you aware of our concerns regarding two of the three sites for your consideration as you discuss and vote on the siting resolution at the meeting. Unfortunately, the two sites we are concerned about are the Radio Tower site and Rivergate, which are currently ranked by the Siting Advisory Committee as the top choice and first alternative.

### Radio Tower Site

As you know, development of the Radio Tower site would require the issuance of several local, state, and federal permits, including a Clean Water Act, Section 404 permit administered by the U.S. Army Corps of Engineers. As part of the Section 404 permit review process, the Service has the opportunity to comment on permit applications under the authority of, and in accordance with, the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). The Service evaluates and comments on applications for non-water dependent projects according to the following policy:

- A. Non-water dependent projects which document an existing public need are presumed to have practicable alternatives with less impact. The Service will recommend denial of non-water dependent projects unless it is demonstrated that there is no practicable non-wetland site available, and that there is existing public need for project construction.
- B. Non-water dependent, non-essential public or private development projects must meet the following conditions:
  - i. There is no feasible means to restore or manage the area as a wetland;
  - ii. The area to be destroyed is small and isolated from other wetlands;
  - iii. The area has no known significant fish, wildlife, or ecological (flood control, water quality, erosion control, etc.) function;
  - iv. The area is not habitat for any threatened, endangered, or unique species;

- and,  
v. Adverse cumulative environmental impacts are not demonstrated.

Additionally, the Clean Water Act, Section 404(b)(1) guidelines prohibit avoidable or significant adverse impacts to the aquatic environment. Mitigation must be considered using a clear sequence of avoidance, minimization, and lastly, compensation of unavoidable impacts. If permitted, compensation through mitigation must result in no net loss of wetland quality or quantity. The burden to demonstrate compliance with these guidelines rests with the permit applicant.

The Radio Tower site makes up a significant portion of the 900 acre area covered under the Natural Resources Management Plan for Peninsula Drainage District No. 1 (Pen 1). Pen 1 contains a complex of inter-connected sloughs, wetlands, lakes, and associated corridors and uplands which provide highly significant fish and wildlife habitat as well as storage capacity and infiltration of storm water, water quality benefits, public recreational opportunities, and visual relief from the adjacent industrial areas and freeways. The local scarcity of wetlands the size of the Radio Tower site, as well as the hydrological connectivity to other water bodies, its prime location between Smith and Bybee Lakes and Delta Park, and the variety of functions and values it provides make it a significant natural resource and local Greenspace.

In addition, although the wetlands on the Radio Tower site are currently dominated by reed canary grass (*Phalaris arundinacea*), native plant species are represented and the site has tremendous potential for increasing species diversity as well as the other values associated with water bodies and open spaces through future enhancement and/or restoration efforts. The Service has funded restoration of similar wetlands throughout Multnomah County under the Metropolitan Greenspaces Program. Destroying wetlands at the Radio Tower site for a non-water dependent use that can be placed on one of several upland sites is counter to the environmental goals of the Metropolitan Greenspaces Program.

Based on the facts about the site and the permit review policy outlined above, the Service would most likely recommend denial of a Section 404 permit for any non-water dependant use at the Radio Tower site.

#### **Rivergate**

The Service would like to point out that the original justification which enabled the Port of Portland to fill the wetlands which covered the Rivergate site was 1) there was a public need for the Port development and 2) development on this property was to be water dependent as related to Port activities. Therefore, the Service is concerned about development occurring on this property which is not water dependent, as well as potential repercussions which could arise due to the Port's loss of this property. The Service would not support additional wetland fill elsewhere for the Port to compensate for the loss of this land. Therefore, if this alternative is selected, these two issues will need to be addressed.

Thank you for considering these comments as you move forward with the siting process. Please contact Jennifer Thompson or Ron Garst of my staff at (503) 231-6179 if you would like to discuss these issues further.

Sincerely,



for Russell D. Peterson  
State Supervisor

cc: Beverly Stein, Chair, Multnomah County Commission  
Commissioner Dan Saltzman, Multnomah County  
Commissioner Gary Hansen, Multnomah County  
Commissioner Tanya Collier, Multnomah County  
Commissioner Sharron Kelley, Multnomah County  
Dan Noelle, Multnomah County Sheriff  
Judy Linton, U.S. Army Corps of Engineers  
Jerry Hedrick, Oregon Division of State Lands  
Joel Shaich, Environmental Protection Agency  
Greg Robart, Oregon Department of Fish and Wildlife  
Holly Michaels, Oregon Department of Fish and Wildlife



# United States Department of the Interior

**FISH AND WILDLIFE SERVICE**  
**Oregon State Office**  
**2600 S.E. 98th Avenue, Suite 100**  
**Portland, Oregon 97266**  
**(503) 231-6179 FAX: (503) 231-6195**

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 SEP - 2 AM 9:43

August 27, 1997

Multnomah County Commission  
1120 SW Fifth, Avenue Rm 1515  
Portland, Oregon 97204

Dear Multnomah County Commissioners:

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- and,
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Thank you for considering these comments as you move forward with the siting process. Please contact Jennifer Thompson or Ron Garst of my staff at (503) 231-6179 if you would like to discuss these issues further.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron D. Peterson", with a stylized flourish at the end.

for Russell D. Peterson  
State Supervisor

cc: Beverly Stein, Chair, Multnomah County Commission  
Commissioner Dan Saltzman, Multnomah County  
Commissioner Gary Hansen, Multnomah County  
Commissioner Tanya Collier, Multnomah County  
Commissioner Sharron Kelley, Multnomah County  
Dan Noelle, Multnomah County Sheriff  
Judy Linton, U.S. Army Corps of Engineers  
Jerry Hedrick, Oregon Division of State Lands  
Joel Shaich, Environmental Protection Agency  
Greg Robart, Oregon Department of Fish and Wildlife  
Holly Michaels, Oregon Department of Fish and Wildlife



**SUMMARY REPORT**

**Preliminary Site Assessment**

New Multnomah County  
Corrections Facility

**Prepared for:**

Dan Noelle  
Multnomah County Sheriff  
12240 NE Glisan Street  
Portland, Oregon 97230

Robert Grindstaff  
Deputy Director  
Multnomah County Juvenile  
and Adult Community Justice  
421 SW Fifth Avenue  
Portland, Oregon 97204

and

Bob Nilsen  
Multnomah County Facilities and Property Management  
2505 SE 11th Avenue  
Portland, Oregon 97202

**Prepared by:**

Barney & Worth, Inc.  
1211 SW Fifth Avenue, Suite 2100  
Portland, Oregon 97204  
503-222-0146  
- and associated firms -

**July 14, 1997**

# Acknowledgements

Appreciation to the following for their contributions to the Preliminary Site Assessment:

Adolfson Associates, Inc.

KCM, Inc.

Squier Associates, Inc.

Archaeological Investigations Northwest, Inc.

Patrick B. Kelley Consulting Engineer

Crawford Engineering Associates, Inc.

Parametrix, Inc.

Zimmer Gunsul Frasca Partnership

O'Donnell Ramis Crew Corrigan & Bachrach

Multnomah County Sheriff's Office

Multnomah County Facilities and Property Management

Multnomah County Juvenile and Adult Community Justice

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# Chapter One :

## Executive Summary

In April 1997, Multnomah County retained a team of technical experts assembled by Barney & Worth, Inc. to conduct preliminary site assessments of the three top-ranked sites for a new Multnomah County Corrections Facility. From April through June, this team conducted a systematic and thorough analysis of engineering, environmental, land-use and permitting issues at each of the three sites. The team also reviewed cost and schedule implications for the full range of design and construction issues.

In the course of investigating these sites, the consultants identified challenges each site poses to the design, construction and operation of a corrections facility. For most, the consultants were able to identify solutions that can be enacted within the County's budget and schedule constraints.

Each site of the three candidate sites presents one or more challenges that defy easy solution, and may prove difficult to resolve. These remaining challenges, unique for each site, are termed "potential fatal flaws."

"Potential fatal flaws" are technical conditions of the property that, if not met, render a site unsuitable for the facility.

The following points address the three potential fatal flaws for the **Radio Towers** site, the top ranked site:

1. **Environmental Permits:** Chances of obtaining necessary federal, state and local environmental permits are good, although not guaranteed, if the County takes two steps. First, the County should minimize the disturbance of wetland and natural resources by placing the facility on the least environmentally valuable area of the parcel and keeping the facility size as contained as is feasible within the constraints imposed by capital and operating budgets and safe corrections facility practice. Second, the County should assemble a beneficial package of wetlands and environmental mitigation and enhancement projects to accompany construction of the facility.
2. **100-Year Flood Plain:** City of Portland Building Code requires residential use structures to rest one foot above the 100-year flood plain level. That level currently is over 20 feet above the elevation of the Radio Towers site. If current planned levee and pump station improvements by the US Army Corps of Engineers and local agencies stay on track, then the 100-year flood plain should be lowered significantly, making construction of the jail feasible without exceeding the County's time frame for constructing the facility.
3. **Cultural Resources:** The County is likely to need to conduct additional investigations, documentation and preservation to meet federal, state and local requirements to protect cultural resources at the site. It is possible, but unlikely, that the site contains artifacts that will delay the project.

If these conditions are met, the County can overcome the Radio Towers site's potential fatal flaws.

For **Rivergate**, the first alternative site, there remains a single potential fatal flaw:

1. **Property Acquisition:** The Port of Portland does not wish to sell property in Rivergate to Multnomah County for the corrections facility. While it appears that Multnomah County on its own cannot acquire the site through condemnation, it may be able to acquire the property with the cooperation of the City of Portland, which appears to possess condemnation authority.

With action by local governments, the Rivergate site could overcome its potential fatal flaw.

Potential fatal flaws for the **Northwest Industrial District** site, the second alternative, are twofold:

1. **On-Site Hazardous Materials:** Contaminated soils and groundwater on the four parcels pose significant risks that make it difficult to predict if or when the site could be prepared for use as a corrections facility. To uncover if there is any possibility of using this site, the County should first conduct expensive and time consuming environmental and risk assessments.
2. **Off-Site Hazardous Materials:** Adjacent industries, particularly a chlorine plant, make it highly challenging to design and construct a corrections facility with the safety of guards, staff and inmates assured.

It is very likely, however, that the combination of the difficulty of designing a facility on contaminated property that protects against the threat of a chlorine gas leak and the requirements for safe and efficient corrections facility operations represents a fatal flaw.

# *Chapter Two :* **Introduction to Preliminary Site Assessment**

## **The Siting Advisory Committee**

Multnomah County officials began the search for a site for a new corrections facility in May 1996 when voters approved Measure 26-45, authorizing the County to issue \$43.9 million in general obligation bonds for the facility. These are the in-hand funds available to build the facility.

The County's need for the facility is urgent. The lack of jail space is leading to the early, unsupervised release of several hundred inmates per month. In addition, impacts from the implementing statute for Ballot Measure 11, SB 1145 began on January 1, 1997. SB 1145 requires counties to assume management responsibility to felons sentenced to twelve months or less who previously were sent to state prisons. The drug & alcohol treatment facility is a key to help reduce recidivism. The dictates of public safety argue for construction of the facility as soon as possible.

In August 1996, the Board of County Commissioners adopted Resolution 96-148 creating a 15-member citizens panel, called the Siting Advisory Committee. Beginning in September 1996, the committee evaluated eight candidate sites which had been screened from a longer list of alternatives. The County published a *Siting Newsletter* on a monthly basis to keep citizens apprised of the committee's progress. The County held community workshops as the committee approached key decisions, and conducted mail-in surveys through the *Siting Newsletter*. All told, several hundred citizens participated in the committee's deliberations. In January 1997, the committee presented the Multnomah County Sheriff and Board of Commissioners a report containing its recommendations.

The committee recommended the Radio Towers site as its top choice. It also presented two alternatives in ranked order. The first alternative was the Rivergate site; the second was the Northwest Industrial District site.

The County Board accepted the Siting Advisory Committee's report and recommendation, and asked for additional information regarding each site's "environmental concerns, fill and site preparation, permits and zoning and public involvement."

## **Preliminary Site Assessment**

To this end, the Sheriff and the County retained a team of technical consultants assembled by Barney & Worth, Inc. to conduct preliminary site assessments of the three sites. Elements of the assessment were three fold: environmental, engineering and land-use/permitting.

From April through June 1997, this team tapped a broad array of primary and secondary investigative techniques. Consultants reviewed existing pertinent environmental and engineering research, and interviewed key public agency staff for further information. Land-use and legal experts analyzed applicable federal, state and local laws and regulations that will guide regulatory review of the sites. In addition, thorough field inspections of each site and neighboring properties were conducted. Consultants prepared technical reports on environmental, engineering, land-use and permitting issues. Each details the information gathered and sources mined.

This summary does not recount the detailed information to be found in these reports. It does capture the current understanding of each site's potential fatal flaws.

## Potential Fatal Flaws

The primary mission of the preliminary site assessment is to determine if each site has any "fatal flaws." Fatal flaws are conditions that will not allow the corrections facility to be designed, constructed and operated within the financial and time requirements of the County.

If a site has a "fatal flaw," it is not a viable site for the corrections facility.

The preliminary site assessment took an even, systematic approach to exploring a wide battery of engineering, environmental and land-use/permitting issues for each site. During this initial assessment, the consultants were able to identify for most potential challenges likely solutions that fit within the project's budget and schedule.

Some issues still remained unresolved for each site, however. Some are largely dependent on parties other than the County to be addressed. It was these that became potential fatal flaws. A site's potential fatal flaws are unique to each site.

## Preliminary Site Assessment : Environmental

The environmental assessment included reviews of *natural resources* such as wetlands and wildlife habitat, *cultural resources*, and a Level I Environmental Site Assessment for *hazardous materials* in soil and groundwater at each site.

Hazardous materials experts worked in cooperation with geotechnical researchers to conduct a limited Level II Environmental Site Assessment, testing of a deep soil boring, at Radio Towers. In addition, the County ordered a wetlands delineation for the Radio Towers site.

## Preliminary Site Assessment : Engineering

The engineering assessment included a review of *geotechnical conditions* covering the suitability for construction on the existing soils or fill, and the seismic characteristics of each site. This data affects the facility's structural and foundation requirements. Transportation analysts measured the *transportation impacts* of the facility, and engineers documented the availability of essential *infrastructure*, such as water supply, fire protection, sanitary sewer, storm drainage, gas and electric service. Protection against flooding was also analyzed.

Some engineering issues specific to a single site were explored. An expert conducted, in close consultation with Peninsula Drainage District No. 1, the agency responsible for the levees that protect the Radio Towers vicinity from the Columbia River and the Columbia Slough, a thorough examination of *flood control* issues at that site. To gather seismic information at Radio Towers, the geotechnical consultant drilled a single deep boring to develop a soil profile. Data from previous studies precluded the need for this procedure at the Rivergate and Northwest Industrial sites.

## Preliminary Site Assessment : Land-Use and Permitting

This assessment reviews the requirements for Conditional Use Permit and other land-use approvals at each site, and identifies issues of concern which might be raised in the land-use review process.

As with the other assessments, each site required some special study. An environmental (c) zone overlay protects the Radio Towers site, and the land-use report identifies the additional requirements and setbacks that this required Type II environmental review carries.

Fill of wetlands at the Radio Towers requires a permit from the Oregon Division of State Lands and the US Army Corps of Engineers. With information gathered during the environmental assessment, the consultants crafted a permitting report that identifies the requirements that must be met to obtain permission to fill wetlands at Radio Towers.

The potential fatal flaw at the Rivergate site revolves around property acquisition. At its heart, this issue is a policy concern. As part of the assessment, legal counsel explored the potential for obtaining the property for this use even without a willing seller.

## Preliminary Facility Design

For the purposes of the preliminary site assessment, two generic facilities were tested at the site — an initial facility of 510-beds (210 in a jail, 300 in a drug & alcohol treatment facility) and an expanded facility of 2,000-beds (1,700 jail, 300 drug & alcohol).



For safe and cost effective operation, the 510-bed initial facility would require 216,000 sq. ft. in building floor area and a total footprint covering 6 acres. The 2,000-bed expanded facility has an estimated building floor area of 711,000 sq. feet, covering 24 acres. An additional ten acres are required to provide the community buffer promised by the Sheriff at the start of the siting process.

Under the basic plan, the jail buildings will be single story pods, while the drug & alcohol treatment center and the supporting infrastructure facilities will be two story. Modified prefabricated metal building materials will be used, set on foundations of concrete slab on grade (spread footing). Parking for staff, visitors, legal counsel and the Sheriff buses would be provided.

These generic preliminary facility designs must be adjusted to the particular characteristics of each site. The Preliminary Design Report explains in greater detail the generic facility and then identifies the special qualities for the facility at each site, with cost and schedule implications. Recent order of magnitude estimates by Multnomah County for the total construction cost for a 2,000-Bed Expanded Facility, including likely site improvements, is in the range of \$200 million (in 1997, non-inflation adjusted dollars).

## Public Involvement

The Sheriff has continued his public outreach efforts during the course of the preliminary site assessment. At the beginning of work in April, the seventh edition of the *Siting Newsletter* was mailed out to approximately 1,000 people — all of them names from North and Northwest Portland collected during the Siting Advisory Committee's work, as well as those who expressed an interest in staying involved in the process. The newsletter spelled out the issues that would be studied during the assessment.

While work was proceeding, the Sheriff offered to meet with each site's neighborhood association and other interested community groups. He was taken up on his offer by the Kenton Neighborhood Association, the Columbia Slough Watershed Council, the Columbia Corridor Association and the Friends of Cathedral Park. A representative from the Sheriff's Office also spoke with the Northwest Industrial Neighborhood Association.

The consultant team, as part of its work, held a meeting with representatives from key agencies that will exercise regulatory review over the new facility. Agencies represented included the Portland Bureaus of Planning, Parks & Recreation, and Environmental Services; Multnomah County Drainage District No. 1; Oregon Division of State Lands; Oregon Department of Environmental Quality; Oregon Fish & Wildlife; and the US Army Corps of Engineers. In addition, consultants contacted representatives or neighboring property owners - Metro to discuss future plans for the Expo Center; Portland Parks & Recreation Bureau to review the draft master plan for the Portland International Raceway; and the Port of Portland to gather geotechnical and hazardous materials information for Rivergate.

During the review process for the Natural Resources Management Plan for Peninsula Drainage District No. 1, an area that includes the Radio Towers site, the Sheriff addressed the Portland Planning Commission and the Portland City Council.

At these public meetings, the Sheriff reiterated his commitment to form a working group of citizens and stakeholders to advise on the design, construction and operation of the new facility at whichever site is selected.

Finally, with work completed on the assessment, an eighth edition of the *Siting Newsletter* will be mailed in early July that summarizes the findings. The Sheriff is also hosting an open house, scheduled for July 21 in North Portland, to give citizens an opportunity to speak directly to the experts in the various fields investigated. Siting Advisory Committee members will also have a chance to meet with the consultant team to find out what was learned about each of the three sites.

## Conditional Use Master Plan

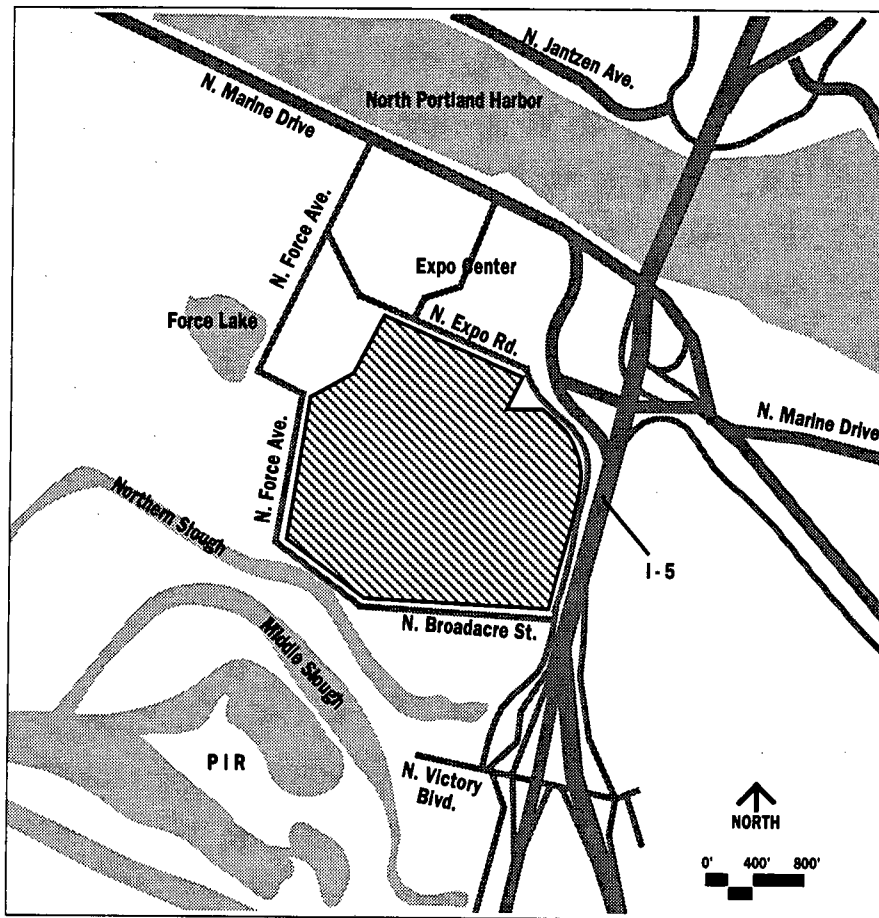
As is spelled out in the Land-Use Report, a Conditional Use Permit is required for construction on any of these three sites. The consultant team believes that the County, with a facility that may grow to the size projected for the Expanded Facility, would be required to prepare a Conditional Land-Use Master Plan for whichever site selected.

A master plan process can take a year or more to complete, and the costs usually range from \$100,000 to \$300,000. The facility would be designed in parallel to this process. A master plan is a tool to work with City bureaus, neighbors and stakeholders to plan future expansions of the facility, allowing for advance approval of expansions, and providing some certainty to interested parties regarding what the future holds for the facility.

In a recent development, the City of Portland is developing an ordinance imposing a Transportation System Development Charge on new development. An estimate for that fee, which will be calculated and assessed during conditional use review, is \$139,500.



## Chapter 3 : Radio Towers



### Site Description

The 90.9-acre Radio Towers site is located in North Portland, south of the Metro Expo Center and west of I-5. The site is bordered on the west by Heron Lakes Golf Course; Portland International Raceway is located to the south. The site is zoned IG2ch, General Industrial with an environmental conservation (c) zone overlay and an aircraft landing zone (h) overlay. The site has been the location for radio transmission facilities since the 1920s.

### Special Design Features at Radio Towers

Potential fatal flaws at the Radio Towers site involve environmental issues. Given this, a premium is placed on disturbing as little land as possible, especially valuable wetlands. There are two design variables that impact the land disturbed by development:

- *The location of the facility on the site:* Alternative designs place the facility in two locations on the parcel — one along the western edge and the other along the eastern. Each takes maximum advantage of the different areas of upland on the parcel, while avoiding significant upland habitat areas.
- *The size of the facility footprint:* Reducing the overall size of the footprint would reduce the amount of land needed for the facility. The preliminary design report details what steps could be taken. For this site, the jail dorm pods could be two stories and space between the pods could be minimized with a shift in building material to masonry. Employee parking could be placed under the jail infrastructure buildings or the drug and alcohol facility that are elevated on supports. All together, these proposed changes would generate an additional cost to the expanded facility of tens of millions of dollars and reduce the land needed by 10 acres. However, according to Sheriff Noelle, a shift from a single level facility to a two story facility would increase annual operating costs and create significant supervisory and logistical problems and costs.

Basic sewer, water and transportation infrastructure is available nearby for the new facility to use without incurring a significant additional expense. Estimated annual transportation operating cost for the 2,000-Bed Expanded Facility is \$400,000.

## Potential Fatal Flaw 1: Environmental Permits

Wetlands are an environmental resource valued by the community and protected by federal, state and local regulations. To construct the basic facility at the Radio Towers site, however, 16 to 23 acres of the site's 62.5 acres of wetland may need to be filled. This requires permits. Two public processes will serve to protect the wetlands — a federal and state fill permit process and an environmental review by the City of Portland. Failure to obtain the necessary permits would be a fatal flaw for the Radio Towers site.

The federal and state process for filling wetlands is as follows. An applicant must obtain a Section 404 permit from the US Army Corps of Engineers. In conjunction with the "404" permit, the Oregon Division of State Lands must issue a fill permit. The Oregon Department of Environmental Quality must also issue Section 401 Certification. These three concurrent processes run between 60 and 120 days. Application fees for these permits are not burdensome.

Agencies review permit applications to determine if they meet specific regulatory criteria.

1. An applicant must first demonstrate that all reasonable efforts have been made to avoid any impact to wetlands. This means the applicant must demonstrate there are no viable "upland" *alternative* sites for the facility. For this, the Siting Advisory Committee process will be an important facet to the County's application.
2. If wetlands must be disturbed, an applicant must show that it has taken steps to *minimize* the quantity of wetlands disturbed. For the County, the two design variables are facility location and size.
3. Finally, an acceptable *mitigation* plan must explain how the applicant will compensate for the disturbance. The County will need to develop such a plan, working with environmental and community stakeholders and the agencies themselves.

Reading the letter of the regulations and the record of reviews of other applications, the County can prepare a credible application addressing these federal and state criteria. This is, however, no guarantee of success.

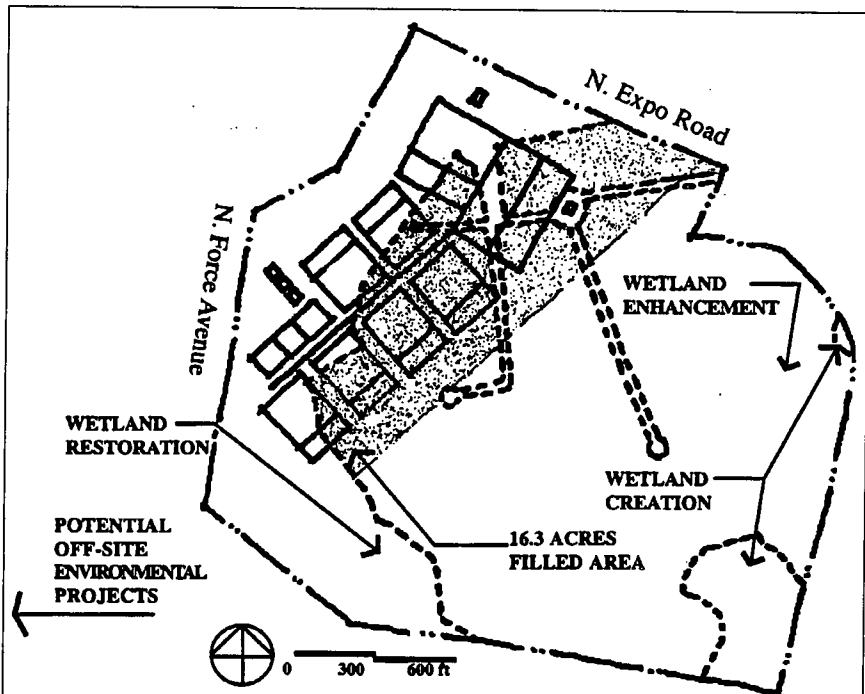
The Type II environmental review by the City of Portland protects natural resources on the entire site, including portions that are not wetlands. Environmental review may take place in conjunction with Type III Conditional Use Permit Review. A guiding document for the City's review will be the Natural Resources Management Plan for the area.

#### **Facility Location**

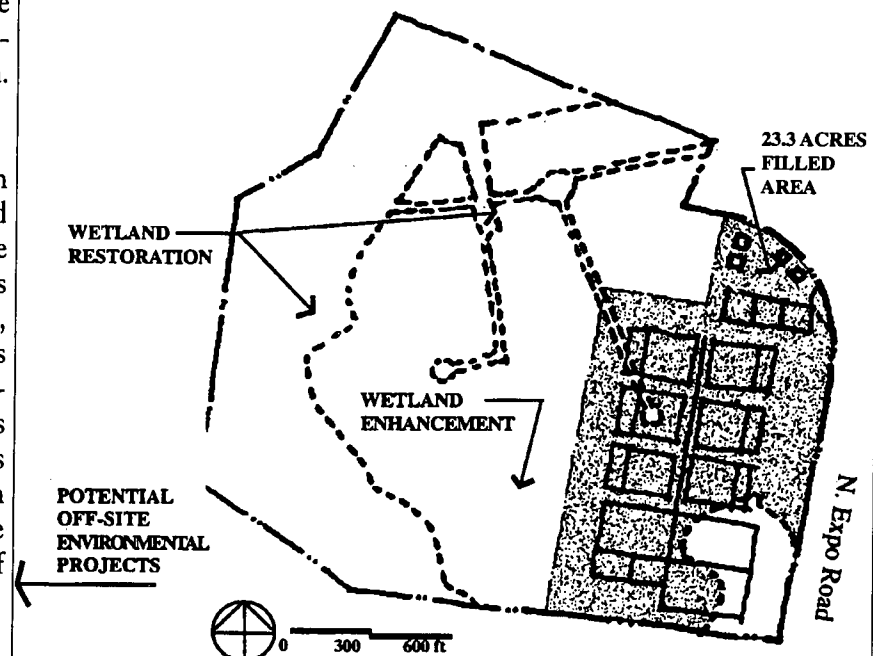
There is a tension between the federal and state and the local processes. The state and federal agencies protect wetlands. As such, they argue for placing as much of the facility as possible on "upland" portions of the property. This would place the facility on the western third of the property where most of the upland is.

The City, as reflected in the Natural Resources

Management Plan for Peninsula Drainage District No. 1, values connections between areas of natural resources. This argues for placing the facility along the eastern third, near I-5. Placing the facility to the east means disturbing 7 acres more wetlands, counter to the directives of state and federal agencies.



*Conceptual Plan Option 1: Western Upland Development, Filled Areas*



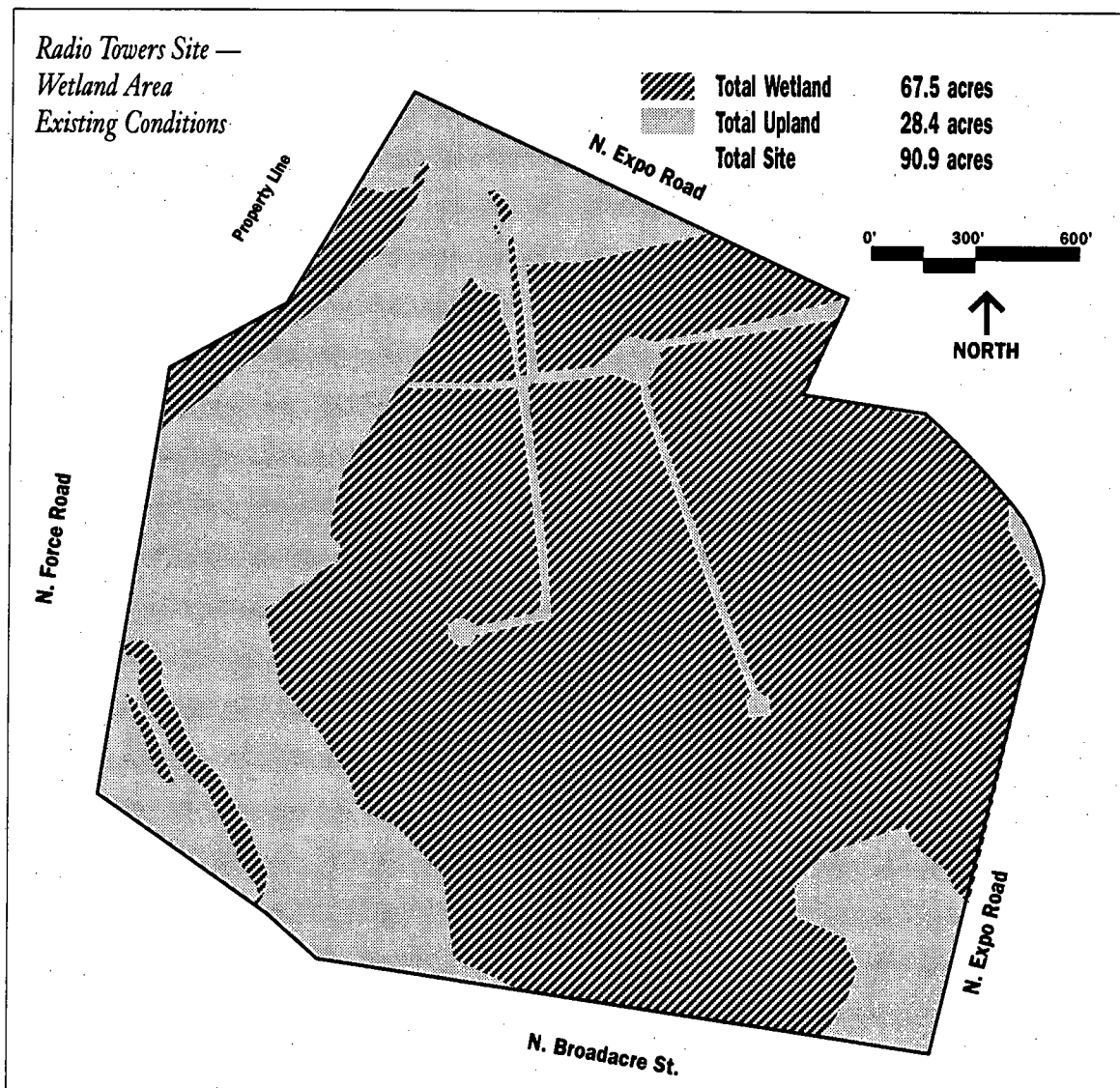
*Conceptual Plan Option 2: Eastern Upland Development, Filled Areas*

Resolving this tension will be one of the challenges facing development on the Radio Towers site. The County might benefit by encouraging City of Portland representatives to join in explaining to federal and state regulators the greater environmental benefit of having development at the site follow the Natural Resources Management Plan.

### ***Mitigation Plan***

Developing a solid package of environmental mitigation to accompany the project is essential to obtain the federal and state permits and to gain approval of the City. The Siting Advisory Committee directed the County to do "more than minimum wetlands mitigation." Indeed, the Sheriff stated to the Portland City Council in May 1997 that the facility, if sited at Radio Towers, must provide net positive benefits to the wetlands and the Columbia Slough watershed.

Based upon discussions with environmental leaders and City of Portland staff, as well as a review of the City of Portland's recently adopted Natural Resources Management Plan, there are ample opportunities in the immediate vicinity for wetland mitigation and other environmental enhancements.



Possible beneficial environmental projects are numerous. There are potential wetland restoration activities, which can earn mitigation credit on an acre-for-acre basis:

- First, up to 19 acres of historic, non-forested wetland on the Radio Towers property itself could be restored.
- Second, off-site, but still within the Penn1 drainage district, is 25 additional acres of such wetland restoration opportunities.

The County can also work with stakeholders to identify additional projects. For example:

- The Radio Towers parcel's remaining 40 acres of lower grade wetland can be enhanced.
- Off-site priority projects identified in the Natural Resources Management Plan include restoration of a three-acre parcel connecting the Radio Towers property to Force Lake.
- The County could capitalize on environmental projects of other public agencies. The City of Portland's Bureau of Environmental Services has planned enhancements along the Columbia Slough that the County may be able to participate in and build upon. The management plan identifies restoration opportunities along the Northern Slough, the Middle Slough, and the Midwestern Slough.

If all mitigation opportunities within the Penn1 drainage district have been exhausted, the Natural Resources Management Plan would allow the County to explore opportunities in other areas.

There is also the potential for further environmental partnerships in the area. The Port of Portland has expressed an interest in exploring participation in wetlands mitigation and enhancement projects in the area.

With these opportunities, the new corrections facility could serve as the catalyst for a great deal of environmental improvement to the Columbia Slough and the vicinity around the site. In a way, the project may become known for delivering these benefits as much as for enhancements to public safety. The total cost of these wetlands mitigation and enhancement projects could exceed \$2.5 million.

Finally, the County, by buying the 91-acre site and developing less than one-third, can for the balance restore and enhance the wetlands and remove the industrial-zoned property from private hands, bringing it into the environmental stewardship of the public trust and protecting it from the threat of future industrial development.

### ***The Three Variables***

The response of the regulating agencies in meetings and conversations with consultants has ranged from negative to promising. The Permitting Report provides an assessment of how best to pursue these permits.

The County has three variables within its control that will affect its chance of gaining the necessary approvals:

1. ***The location of the facility on the site*** — The less valuable the land disturbed, from a natural resources standpoint, the more likely approval.
2. ***The size of the facility*** — Taking steps to reduce the facility footprint that fit within the County's construction budget, operating budget and sound corrections facility practices increases the likelihood of approval.
3. ***The mitigation package*** — The more appealing the environmental restoration and enhancement projects that can accompany the site, the better the chance for approval.



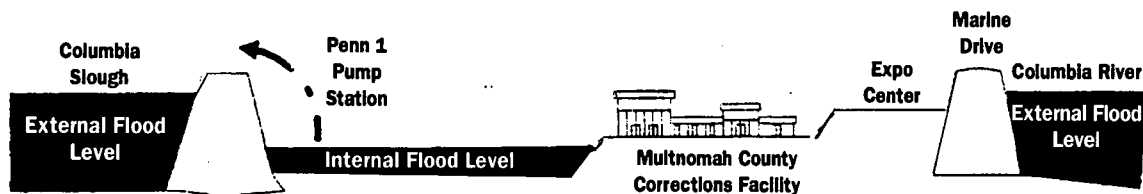
There is, even if approvals are granted, a possibility of legal action by any concerned party against the state and federal agencies. There is a risk of an injunction to delay the project. An appeal of conditional use approval to the Land-Use Board of Appeals is also possible.

Failing to obtain these permit and land-use approvals would be a fatal flaw. If the County can minimize the disruption to natural resources and develop a comprehensive package of potent environmental benefits for the area, the County has a good chance for success. If it is unable to take these steps, due to the constraints of construction budgets, operating budgets, schedule, and safe corrections facility operations, there is a significant increase in the possibility that this will prove to be a fatal flaw.

## Potential Fatal Flaw 2: The Internal 100-Year Flood Plain

The Portland Building Code requires residential uses to be sited one foot above the 100-year flood plain. The jail, the drug & alcohol treatment dorms, and other buildings critical to jail operations will need to be elevated to this level at the Radio Towers site, either by supports or by fill. Other buildings and facilities not critical to the operation of the jail may be located below the flood plain.

As is detailed in the Engineering Assessment, most of the Radio Towers site lies at an elevation of six to seven feet. The current 100-year flood plain, internal to the Penn1 drainage district, rests at 28.68 feet. Elevating the buildings to one foot above this level would be cost prohibitive, and would be a fatal flaw.



*Cross Section Through Radio Towers Site Showing Flooding Protection*

Current plans, however, call for lowering significantly the internal 100-year flood level. The plan, developed to assist long-standing City of Portland projects in the area, consist of three steps:

1. The US Army Corps of Engineers, working in cooperation with Peninsula Drainage District No. 1 and the City of Portland, is embarking this summer on a project to reinforce a levee along a 2,000 foot portion along the Union Pacific Railroad tracks on the eastern side of Triangle Lake. This work should be completed in 1997.
2. The Peninsula Drainage District No. 1 in 1998 will construct improvements to a pump discharge pipe that helps draw surface water out of the Radio Towers area.
3. The City of Portland and the Peninsula Drainage District No. 1 will ask the Federal Emergency Management Administration (FEMA) to adjust its Flood Insurance Rate Maps for the Penn1 district.

This plan should lower the internal 100-year flood level to 10.5 feet, an 18-foot drop that makes building the corrections facility here a viable option. The facility would be designed to place occupied buildings at an elevation of 12 feet.

There are risks to the success of this plan, and corresponding steps the County can take to minimize these risks. First, the Corps of Engineers' funding for the levee work is always at risk. Although the City of Portland is contributing a good share of the repair cost, the project could be delayed due to a lack of federal funds. Alerting federal elected officials of the importance of this project would be beneficial.

Second, flood plain adjustments are not a priority at FEMA. This step can be quite lengthy, but may be accelerated through cooperative action by the City, the County, the Peninsula Drainage District No. 1 and federal elected officials.

Third, other levees protecting the drainage district may require repairs. Most suspect is a portion of the north bank of the Columbia Slough. Peninsula Drainage District No. 1 is monitoring a section that has shown some signs of weakening. It is possible that repairs to a section may be required before FEMA would adjust its maps. Repair costs are difficult to estimate, but could reach \$1 million. In this case, it may be in the County's interest to partner with the City of Portland and to prioritize these repairs.

It is important that the process remain on track. The Bureau of Buildings will not issue a building permit for a residential use that is in the flood plain. Indications are, however, that petitioning from FEMA a Conditional Letter of Map Revision, which can be issued before the levee repair is complete, may satisfy the Bureau of Buildings' requirements. Obtaining this letter is a 45 to 90 day process.

Agency staff state that the Corps of Engineers Section 404 permit, as well as the Division of State Lands fill permit and the Department of Environmental Quality Section 401 Certification, can be issued with similar assurance from FEMA.

The steps outlined above should resolve this potential fatal flaw at no cost to the County.

## **Potential Fatal Flaw 3: Cultural Resources**

Another potential fatal flaw at the Radio Towers site is meeting the federal, state and local requirements for preserving and documenting cultural resources on the site. As detailed in the Environmental Assessment, the Radio Towers site has structures of historic significance under the National Register of Historic Places - the two radio towers themselves and the transmitter building.

The 625-foot radio towers, and the 800-foot radial copper grid buried about 18 inches underground, must be removed. A representative from the state Occupational Health and Safety Administration indicates that there are no current regulatory requirements that the towers be removed due to electromagnetic fields. There is a safety concern regarding the risk of the towers falling. The current owner of the site indicates that the company owns other towers that can serve as the transmission platforms for the signals now emanating from the radio towers.

It is probably wise to bring the towers down. Neither of the two facility footprint locations requires demolition of the transmitter building, which dates to 1931 and is a model for a valued type of architectural design.

Before removing the towers and/or the transmitter building, the County would need to document the structures. Documenting will range between \$5,000 to \$10,000 and take about one month. Costs for removing the towers and the transmitter building are estimated at between \$50,000 and \$150,000.

The second cultural resource is not visible to the naked eye. It is of a moderate to high probability that the site may contain pre-historic archaeological deposits along the southern and western perimeter of an old lake that was once on this parcel. The County will need to conduct subsurface explorations of the site before construction begins. This work, which takes about four weeks, will cost about \$10,000. If a resource is uncovered, the project will have to conduct further field studies, consult with tribal governments, and follow with the approval of the Army Corps of Engineers and the State Historic Preservation Office laws and regulations to document, preserve or protect these resources. The costs for this range between \$20,000 and \$100,000 with work taking up to six months.

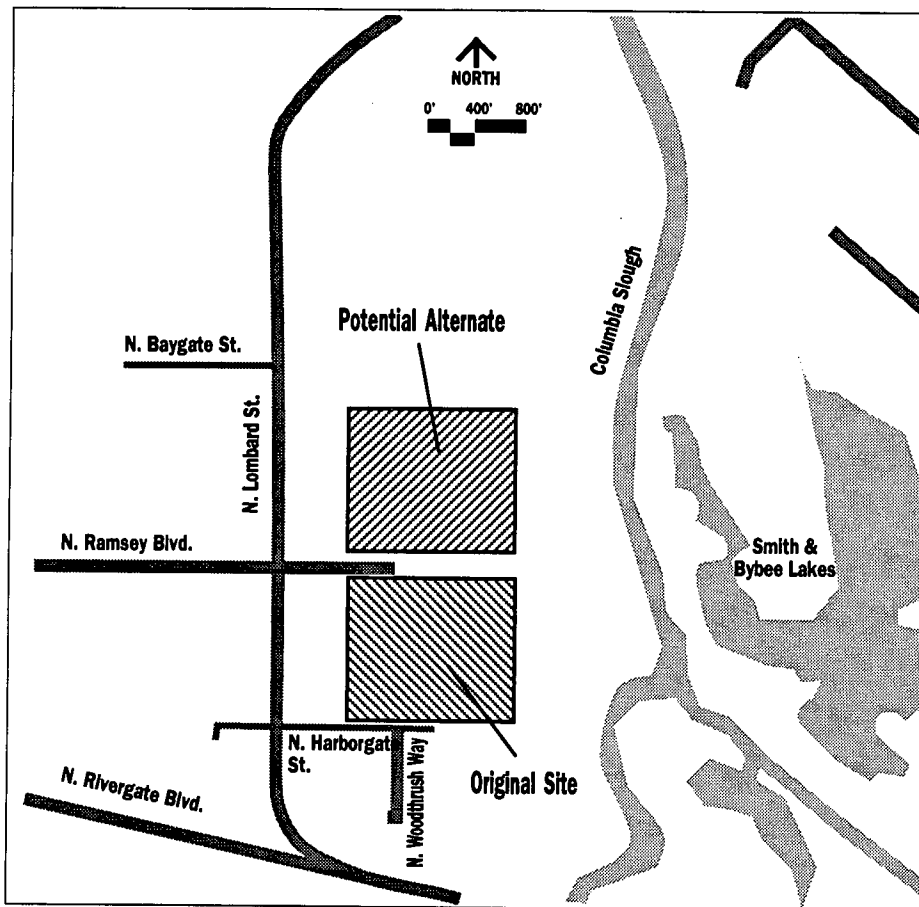
With these steps, the Radio Towers site would meet the challenges posed by cultural resources.

If the County has the ability, within its construction budget, its operating budget, its schedule and the sound practice that governs safe operations of a corrections facility, to resolve the environmental challenges the site pose, construction of a jail is possible at this site.

### **Recommended Next Steps: If Radio Towers is selected**

1. Form citizens Working Group to advise on facility design, including environmental enhancements, construction and operations.
2. Form Resource Advisory Group of regulatory agencies to resolve conflicts as environmental approvals are sought.
3. Pursue environmental permits and begin environmental review process.
4. Begin development of Conditional Use Master Plan, assisted by Working Group.
5. Begin facility design.

## Chapter Four : Rivergate



### Site Description

The Rivergate site is located in the Rivergate Industrial District in North Portland. It is 35 acres in size, and is zoned IHh, Heavy Industrial with an aircraft landing (h) overlay zone. The eastern border is adjacent to land zoned open space with an environmental (c) overlay.

At the beginning of the Siting Advisory Committee process, a 35-acre parcel east of North Lombard Street between North Ramsey Boulevard and North Harbogat Street was identified. This parcel was on the southern end of a large parcel of industrial property being marketed by the Port of Portland.

During the committee's deliberations, the Port sold this parcel to ANI America. The Port did not mention this pending sale during its presentation to the committee at the committee's third meeting on October 23, 1996. The property transfer was executed in mid-December 1996. This year, ANI began to develop the site.

ANI is eager to have the County shift its focus away from its property. There remains ample property immediately to the north of the parcel originally identified. Similarly filled, this property does not differ in environmental or engineering characteristics from the original Rivergate candidate site.

The Sheriff sought vacant sites, wishing to avoid displacing existing businesses; this was one of his original threshold factors used to screen potential sites to bring forward to the Siting Advisory Committee. It also appears that the County does not have any additional property acquisition powers for a private property owner in Rivergate compared to property still in Port hands. It may be wise for the County to shift its focus to a site immediately to the north.

For the purposes of this preliminary site assessment, the consultant team attempted to gather information on both parcels. In most instances, comparable data is available. In gathering geotechnical information and hazardous materials data from existing studies, the consultants were unable to gather proprietary data on the original parcel. For this reason, the focus of these components is the parcel immediately to the north.

## Special Design Features for Rivergate

The property in Rivergate is ready for development, and the new corrections facility would not tax the infrastructure now in place to service industrial development. Already disturbed and filled, the site does not pose infrastructure, transportation, natural resources, hazardous materials or cultural resources challenges that require an expenditure beyond normal development. Estimated annual transportation operating cost for the 2,000-Bed Expanded Facility is \$690,000.

## Potential Fatal Flaw 1: Property Acquisition

The potential fatal flaw for the Rivergate site is a failure to acquire the property. While Rivergate property is available for sale, the Port makes clear that it is not willing to sell to the County for this purpose. Rivergate is designated in Port plans for marine industrial development that promotes commercial import and export trade. A jail does not fit this profile.

Examining how Rivergate was brought to the Siting Advisory Committee, as well as the committee's deliberations about the site, is of value.

Reviewing the record of the first meeting of the committee, the Sheriff brought forward eight candidate sites, one of which was Rivergate. These eight survived a screening of vacant industrial property in the county conducted by County staff. This screening process was explained to the Siting Advisory Committee at its first meeting.

One of the screening threshold factors was "early availability of the site." Properties already on the market were preferred. An owner unwilling to sell to the County, raising the prospect of condemnation, did not alone eliminate a site from consideration. A condemnation proceeding against a private property owner, although potentially lengthy, usually delivers to the public entity a right of immediate possession early in that process, providing early availability.

Sites were not brought to the citizens committee due to flood danger, transportation access, and water and sewer infrastructure difficulties. Some sites also had an owner unwilling to sell to the County, a fact that was noted at the meeting, but that was not a stand-alone determinant factor.

Once the committee began its work, it fell to the committee, not the Sheriff or County staff, to decide whether to add or delete sites from consideration.

Nearing the latter portion of the committee's deliberation, counsels for the Port and the County reached an opinion that the County lacks clear condemnation power over the Port. This information was given to the committee in a written opinion from John Thomas, of the Office of the County Counsel, at the committee's ninth meeting on January 23, 1997.

Despite the County's apparent inability to acquire the property, the committee selected the Rivergate site as its first alternative. Records of that meeting indicate that some committee members believed a long court battle was unlikely, since the property acquisition challenge was largely a political problem requiring the cooperative negotiation between two public entities.

The potential for such discussions is not part of this preliminary site assessment. Legal experts did explore in greater detail the condemnation issue.

Attorney Paul C. Elsner, of O'Donnell Ramis Crew Corrigan & Bachrach, examined this issue. In his report, Attorney Elsner confirms the opinion of County Counsel that the County appears to lack direct or explicit condemnation powers over the Port. A legal battle could ensue over the issue of whether the Port or the County will put the property in question to the "higher" public use. It also appears that the Port, in its deed of sale with ANI America, may be able to assert its reserved reversionary interest in the property as a competing public interest/use, which would in turn mitigate against the County in a condemnation action.

Elsner's reading of two Oregon statutes, however, offers a potential path for the acquisition of the Port property.

First, an Oregon statute explicitly grants to a city the power to appropriate property for any public or municipal use. One use specifically cited is jails. Second, the Port's enabling statute specifies that the Port has no authority to "interfere with or detract from the general rights and powers of a city."

Acting on the County's behalf, or through an intergovernmental agreement, the City of Portland could, it seems, obtain the property. There is authority in Oregon for transferring condemnation power in this fashion, and nothing in Oregon statutory law seemingly prohibits such a transfer between two governmental entities.

A legal battle for condemnation could take two years and cost \$100,000 to \$125,000. The County would need to acquire a right to immediate possession early in the process to avoid waiting to construct the facility until the case completes its navigation of the Byzantine appellate world.

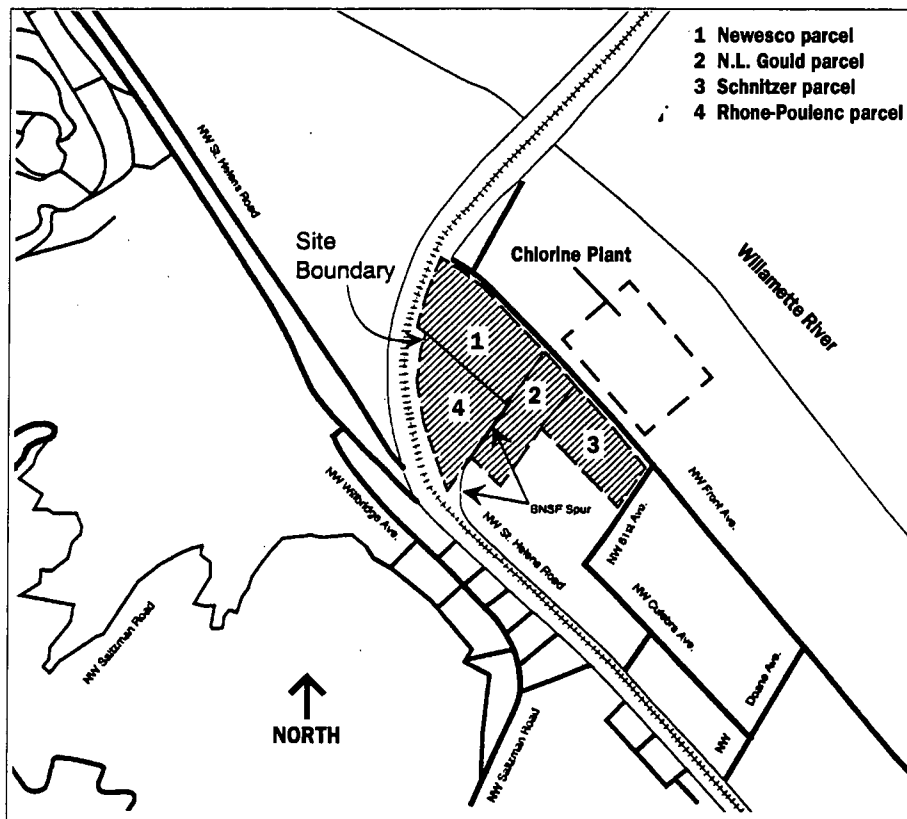
As permission of the property owner is required to submit a Conditional Use Master Plan, failure to secure immediate possession would delay review of the County's application until the ownership question is finally resolved. Elsner believes an initial determination on whether the County would obtain an order of immediate possession from the trial court could take, after some time to prepare the case, between one to two months.

Under this acquisition scenario, the need for the City and County to come to such an arrangement is required. If this happens, Rivergate is a viable site for the new jail.

### **Recommended Next Steps: If Rivergate is selected**

1. Shift to vacant site north of original property.
2. Form citizens Working Group to advise on facility design, construction and operations.
3. Begin discussions with Port of Portland and City of Portland.
4. Begin development of Conditional Use Master Plan, assisted by Working Group.
5. Begin facility design, assisted by Working Group.

## *Chapter Five :* **Northwest Industrial District**



### **Site Description**

The Northwest Industrial Site comprises of four parcels located in Northwest Portland in the Northwest Industrial District, between NW Front Avenue and NW St. Helens Road, south of a rail road bridge crossing the Willamette and north of NW 61<sup>st</sup> Avenue. The 40-acre site is zoned IHi, Heavy Industry with a river industrial greenway (i) overlay. Areas zoned residential are to the south and west of the site, across NW St. Helens Road.

### **Special Design Features for Northwest Industrial District**

There are significant environmental challenges at this site, that pose important engineering implications for designing the facility. Several adjustments to facility design would be required to operate safely and efficiently on this site. The Preliminary Design Report contains a detailed description of these modifications.



There are not unusual costs at the Northwest Industrial site associated with infrastructure, transportation, cultural resources or natural resources issues. The initial facility may be able to rest on the parcel with its contaminants already capped. The shape and size of that parcel dictates minor modifications to the facility design. Estimated annual transportation operating cost for the 2,000-Bed Expanded Facility is \$730,000.

Soils and groundwater under most portions of the site contain significant hazardous materials. To avoid the contaminants, the facility must rest on concrete slab on-grade foundations. A foundation requiring excavation or pile driving could puncture the protective caps on the four parcels. Any construction activity that disturbs these caps risks moving the pollutants in the soil and groundwater. These pollutants themselves may pose a threat. In addition, if the County facility impacts the contaminants, this may expose the County to liability for a portion of the clean-up costs.

The facility as envisioned for Rivergate and Radio Towers would not require pile driving construction. At the Northwest Industrial Site, however, the state and local fire marshals indicate that additional facilities are needed to provide "defend-in-place" protection against the accidental release of hazardous substances from neighboring properties. Of particular concern, across NW Front Avenue from the site, is Elf Atochem, a large manufacturer of chlorine gas.

Discussions with state and local fire marshals and other experts have led to a preliminary design for the facility at this site that has, as part of a defend-in-place system, sealed, air tight "safe haven" rooms fed by compressed air. To protect against heavier-than-air chlorine gas, air for building ventilation will be drawn from a 200-foot tower. This will serve to reduce intake of chlorinated organic materials, minimizing the smell of chlorine or other materials that may erroneously agitate inmates and staff. That tower will likely require driving piles for support.

These additional protections against accidental releases of hazardous materials would add approximately \$5 million to the cost of construction at this site. There is no assurance that these measures will protect against every threat that neighboring industries may pose.

## **Potential Fatal Flaw 1: On-Site Hazardous Materials**

The first potential fatal flaw for constructing the corrections facility at Northwest Industrial District is to prepare the site so that the facility will neither disturb nor contact contaminated soils and groundwater at the site. Research indicates these parcels are contaminated with a wide variety of highly toxic pollutants.

Clean-up is underway or being investigated for each of the four parcels at the Northwest Industrial District site. Regulators speak optimistically about progress in eventually returning the property to industrial use. Investigation raises doubts, however, about whether this site can support a corrections facility.

Each of the Northwest Industrial District's four parcels has its own unique site history and clean-up status.

1. **Newesco** is a 10.5 acre lot located along NW Front Avenue at the northern end of the Northwest Industrial District site. This property has a protective cap placed on it, a remedy judged sufficient for industrial use. The parcel served until 1983 as a landfill to dispose of demolition debris, foundry resins, arc furnace dust and zircon sands. Known contaminants underneath the cap include radioactive zircon sands, arc furnace dust (chromium), battery casings, and low-level radioactive groundwater. It is not known if the cap provides enough safety for a use such as a corrections facility. The parcel is large enough to hold the initial 510-bed facility the County needs to build.
2. **N.L. Gould** is a 9.2 acre property located along NW Front Avenue adjacent south to the Newesco parcel. This parcel an Environmental Protection Agency Superfund site. The parcel is the former location of lead/acid battery recycling and lead smelting facilities. Contaminants include lead, acid wastes and battery casings. Clean up efforts began in 1983 and are still ongoing. Completion date is unknown, with earliest possible date to industrial, but not corrections facility, standards is mid-1999.
3. **Schnitzer** is a 6.3 acre parcel located along NW Front Avenue at the southern end of the site. The Oregon Department of Environmental Quality directs clean up. The property was the site beginning in 1949 of an acetylene gas manufacturing plant. Contaminants include calcium hydroxide, metals and arsenic. Site investigations began in 1987. Earliest possible clean-up completion date, to industrial standards, is mid-1999.
4. **Rhone-Polenc** is a 8.9 acre parcel located south and west of the Newesco parcel. The Oregon Department of Environmental Quality is overseeing clean up. An agrochemical facility that formulated and manufactured pesticides operated on the site from 1943 through 1991. Contaminants include pesticides, solvents and metals. Site investigations began in the late-1980s. Earliest possible industrial use clean up completion date is early 2002.

Several issues are raised about the risks posed by the contaminants on these sites:

- Beyond the known materials, a great deal is still unknown that will require further investigation before a remedy sufficient for siting the corrections facility at this site could be prescribed. These risks also raise the specter of lawsuits from staff and inmates over perceived health effects of long-term exposure. Today, no one can say with certainty that these parcels can be cleaned up to the level needed to support a corrections facility.
- The clean-up activities slated for these parcels may not proceed fast enough to meet the County's schedule. Reviewing the collected data and discussing with experts and interested parties, there is a view that the agencies' clean up schedule is overly optimistic. It is unknown when clean-up at these sites may be completed.
- The currently planned clean-up activities at these parcels, even that completed at for the Newesco parcel, are geared to returning the parcels to industrial uses. These are less intensive uses than a corrections facility, which has 24-hour per day residents on site. New risk assessments would be required on all of the sites, even Newesco, to determine if the remedies already enacted or planned are sufficient for using the property for a corrections facility.

- Finally, these parcels pose legal difficulties. The property owners are currently suing one another over clean up costs, making it less certain when clean-up will be completed. The County could represent an enticing partner for these partners to share in the costs to the clean up of this site.

To protect itself, the County needs to enter into a Prospective Purchaser Agreements with the US Environmental Protection Agency and the Oregon Department of Environmental Quality. These agreements, which can take several months to negotiate, will protect the County against any liability for clean up of existing pollutants under their existing conditions.

To maintain this, the County must be certain to not disturb the pollutants. Construction techniques at the site are thereby restricted. Light-weight buildings atop on-grade concrete slabs should not threaten the integrity of protective caps, but pile driving is to be avoided. These restrictions are tested by the site's second potential fatal flaw.

If the County proceeds at this site, a full Level II Environmental Site Assessment is recommended for the Newesco parcel, the area where the initial facility would be built. This investigation can range in cost from \$50,000 to \$250,000 and take up to six months to complete. It will allow the County to peek under the cap to find out what is buried. This information should form the basis of a full risk assessment to determine if the existing cap is a remedy that provides sufficient safety for guards and inmates. A risk assessment would take one month and cost about \$5,000.

In turn, similar steps should be taken on the three remaining parcels which will accommodate the expanded facility. Cost and time for a Level II Environmental Site Assessment and a risk assessment on these parcels are similar. With this work, the County will be in a better position to know if a corrections facility can be sited at the Northwest Industrial District site. Serious consideration of this site dictates beginning these studies immediately.

Today, the County cannot select this site with a certainty that it can support a safe and efficient corrections facility. There are still unknowns regarding the ability of the Newesco site to accommodate the initial 510-bed facility, and unknowns regarding clean-up of the other parcels which would be required for the expanded 2,000-bed facility. The on-site contamination alone may represent a fatal flaw.

## **Potential Fatal Flaw 2: Off-Site Hazardous Materials**

Around the Northwest Industrial Site, there are several potential sources of hazardous materials. The Metro Waste Transfer Station, for example, sometimes encounters hazardous materials.

The threat posed by these neighbors pales compared to that by Elf Atochem.

Elf Atochem is, by all accounts, a well-run manufacturing facility for chlorine, sodium chlorate, hydrogen and hydrochloric acid. The plant opened in 1941. The facility is assessed at more than \$64 million, and it employs 200 employees at good wages and benefits.

It also leaks chlorine gas. Information from the local fire marshal indicates that on average about three leaks per year are detected by the plant and its neighbors, with a significant recent release in 1994.

Chlorine is very toxic to the respiratory system. In its gas form, it is heavier than air, and tends to clump, meaning it is not quick to disperse. How a release will behave is difficult to predict and therefore plan for (or against).

The potential for a large-scale leak does exist. The worst case scenario at the plant involves a rupture to one of the 90 ton rail cars used to haul the 500 tons of chlorine the plant produces each day. The plant and its neighbors are required to develop emergency response plans, filed with and approved by the local fire marshal, for such an event. By 1999, the plant needs to file a public plan with the federal Environmental Protection Agency.

Evacuation is the preferred response plan for neighbors to the plant. Opportunities to evacuate quickly a jail are restricted by the nature of the facility. The State Fire Marshal indicates that since evacuation is not possible, the facility would require a "defend-in-place" system.

One such potential system, the product of discussions with the State Fire Marshal and the Portland Fire Marshal's Office, is outlined in the previous discussion of design and are spelled out in more detail in the predesign report. The system combines air tight safe havens, a four-hour supply of compressed air and a 200-foot steel tower. This solution is modeled on the way high rise office buildings use pressurized air to keep smoke out of stairways and elevator shafts.

Such a system may constitute a safety plan that meets state and local standards. It is important, however, to recognize:

- This option is very expensive, adding \$5 million to construction costs;
- There are added operating costs for the facility having to train staff and practice emergency safety procedures;
- The plan's satisfying the local fire marshal does not mean it protects against every type of incident that could arise;
- Constructing the 200-foot tower will probably require driving piles for support, threatening to expose the County to clean-up cost liabilities; and,
- Even with these measures, the Sheriff also has expressed concerns at public meetings about the potential for jittery inmates. For example, some cleaning supplies have an odor very similar to chlorine, and a spill could lead to panic.

Determining the odds or public health risk of a large release at Elf Atochem is beyond the scope of this preliminary site assessment. To ascertain whether the Northwest Industrial District site can pass this second potential fatal flaw, a full risk assessment should be conducted. Information from the assessment can then contribute to a facility design effort to see if it is possible for the County, given its fiscal and schedule demands, to build and operate a facility at this site that protects the safety of guards, staff and inmates. That risk assessment will cost \$7,500 and take about one month.

Given the nexus of soil and groundwater contamination, the potential danger posed by the neighboring chlorine plant, and the demands and nature of operating a corrections facility, the Northwest Industrial site is not a viable location for a jail.

### **Recommended Next Steps: If Northwest Industrial District is selected**

1. Form citizens Working Group to advise on facility design, construction and operations.
2. Begin Level II Environmental Site Assessment
3. Begin on-site and off-site hazardous materials Risk Assessments.
4. Begin development of Conditional Use Master Plan, assisted by Working Group.
5. Begin facility design, assisted by Working Group.

# *Chapter Six :*

## **Summary of Potential Fatal Flaws**

### **Radio Towers:**

#### **Potential Fatal Flaw 1: Environmental Permits**

To build the facility, the County must obtain federal and state fill permits and gain approval through City of Portland environmental review. If the County can, within the constraints of its budgets and safe and prudent operating practice, minimize wetland impacts and assemble a solid package of environmental restoration and enhancement projects, it has a solid chance for success. It is unknown at this time if these constraints may make approvals difficult, giving the site a fatal flaw.

#### **Potential Fatal Flaw 2: The 100-Year Internal Flood Plain**

Residential use buildings must be one foot above the 100-year flood plain, according to City of Portland Code. Lowering the 100-year flood plain within Peninsula 1 Drainage District makes this feasible. At the moment, federal and local agencies are preparing to repair the levee and apply to the Federal Emergency Management Administration to adjust the flood plain level within the County's time frame. Key is for the County to exert its influence to make certain plans stay on schedule. Success is likely.

#### **Potential Fatal Flaw 3: Cultural Resources**

The construction of the project must follow federal and state regulations for preserving and documenting cultural resources and artifacts. The project can at a reasonable cost build in the steps needed to make certain these guidelines are followed. Success is likely.

### **Rivergate:**

#### **Potential Fatal Flaw 1: Property Acquisition**

The fact that the Port of Portland does not wish to sell Rivergate site to the County for a corrections facility makes this site a challenge for the elected leadership of the County. Attorneys say it is possible for the County, with the cooperation of the City of Portland, to acquire this property through condemnation, but not without a lengthy legal battle. Since there appears to be a method to acquire the property, the site does not have a fatal flaw.

## **Northwest Industrial District:**

### **Potential Fatal Flaw 1: On-Site Hazardous Materials**

The four parcels which comprise this site hold a variety of toxic substances. Whether a remedy can be found to make the site safe not just for an industrial use but for use by a corrections facility, and whether that remedy can be implemented in time to meet the County's schedule is questionable. Additional time and dollar consuming research is needed, but on-site contamination alone may be a fatal flaw.

### **Potential Fatal Flaw 2: Off-Site Hazardous Materials**

The neighboring Elf Atochem chlorine plant poses a significant challenge for designing a corrections facility that could ensure the safety of guards, staff and inmates. A "defend-in-place" safe haven system, costing in the neighborhood of \$5 million, may pass federal, state and local standards, but may not provide certain protection against all possible releases. In addition, constructing this system would probably require construction techniques that are not advisable for building on contaminated soils. More investigation is needed, but at this date it appears the combination of on-site and off-site hazardous materials is a fatal flaw for this site.

# Chapter Seven:

## Summary of Cost & Schedule Impacts

### Additional Costs Comparison Matrix: 2,000-Bed Expanded Facility

	Radio Towers		Rivergate		NW Industrial	
Property Cost:		\$6,550,000		\$4,950,000		\$3,900,000
Required Design Expenses for Site:						
Enhanced Defend-In-Place System						\$5,000,000
Design Total		\$0		\$0		\$5,000,000
Required Engineering Expenses for Site:						
Foundation Additions						\$1,123,000
Structural Fill		\$3,969,000				\$2,112,000
Additional Clearing and Rough Grading		\$150,000				
Sewer, Water, Stormwater Off-Site Connections	\$70,000 to	\$90,000	\$120,000			\$100,000
Transportation Improvements	\$150,000 to	\$690,000				\$75,000
Removal of towers and/or transmitter building	\$50,000 to	\$150,000				
Engineering Total		\$5,049,000		\$120,000		\$3,410,000
Required Environmental Expenses for Site:						
Wetland and Habitat Mitigation and Enhance.	\$2,100,000 to	\$2,500,000				
Cultural Resource Investigations	\$5,000 to	\$10,000				
Document towers and/or transmitter building	\$5,000 to	\$10,000				
Additional hazardous materials investigations	\$10,000 to	\$20,000	\$10,000 to	\$30,000		
Level II Env. Site Assessment - Newesco					\$50,000 to	\$250,000
Level II Env. Site Assessment - other parcels					\$50,000 to	\$250,000
Risk Assessment - On-Site Hazardous Materials						\$5,000
Risk Assessment - Off-Site Hazardous Materials						\$7,500
Environmental Total		\$2,540,000		\$30,000		\$512,500
Required Land-Use/Permitting/Legal Expenses for Site:						
Conditional Use Master Plan	\$100,000 to	\$300,000	\$100,000 to	\$300,000	\$100,000 to	\$300,000
Transportation System Development Charge		\$139,500		\$139,500		\$139,500
Land-Use Total		\$439,500		\$439,500		\$439,500
<b>TOTAL Additional Costs</b>		<b>\$14,578,500</b>		<b>\$5,539,500</b>		<b>\$13,262,000</b>

POTENTIAL ADDITIONAL EXPENSES		Radio Towers		Rivergate		NW Industrial	
Possible Additional Environmental Costs:							
Prehistoric Artifact Preservation		\$20,000 to	\$100,000				
Possible Additional Land-Use/Permitting/Legal Costs:							
Legal Fees for Condemnation				\$100,000 to	\$125,000		

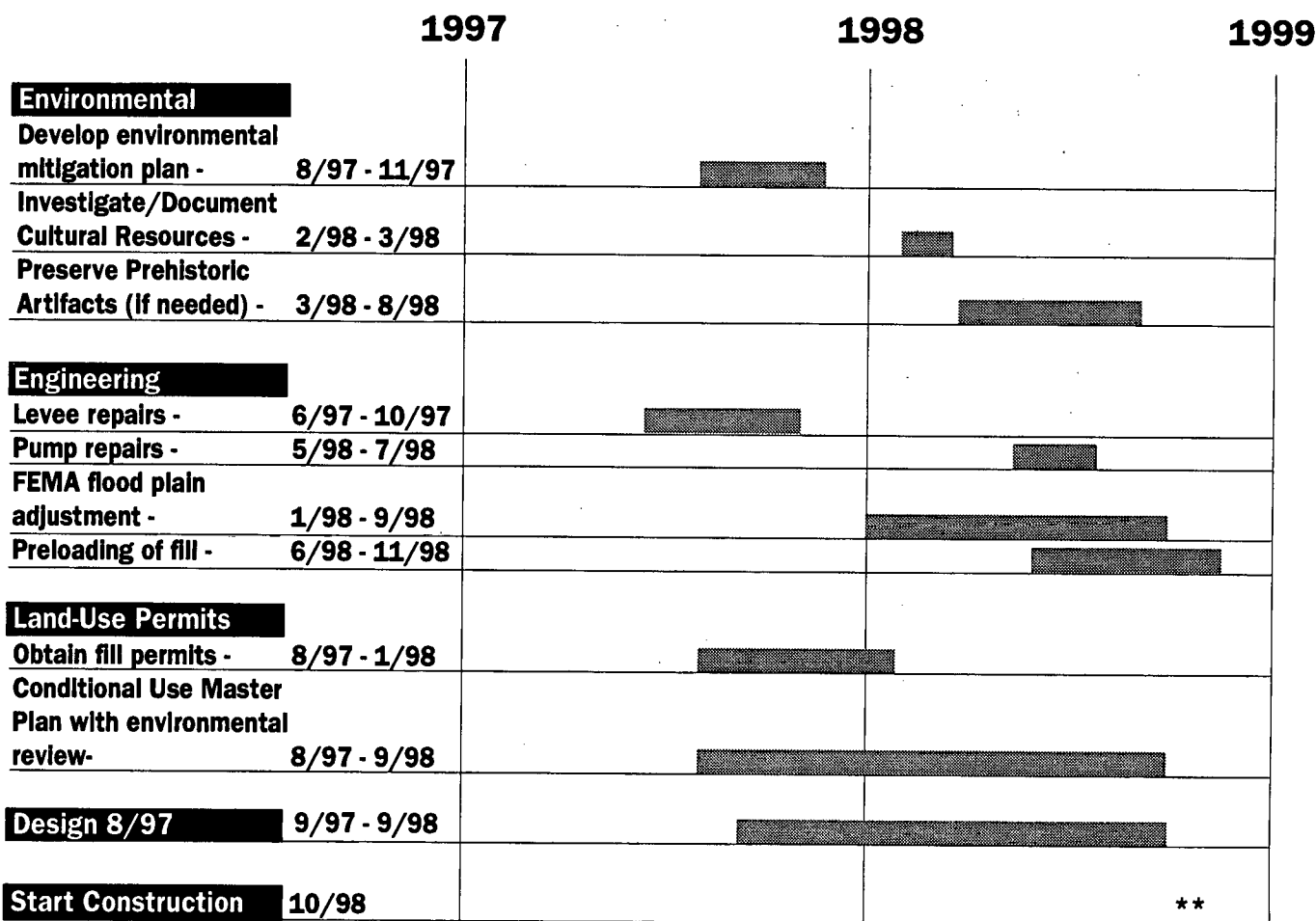
**Note for all sites:** The costs above are budgetary estimates for a 2,000-Bed Expanded Facility, developed for relative cost comparison only. They are in 1997, non-inflation adjusted dollars.

**Note for Northwest Industrial Site:** Hazardous waste clean-up costs are unknown, and some costs could be discounted against the price of the land. Both soils and groundwater are contaminated.

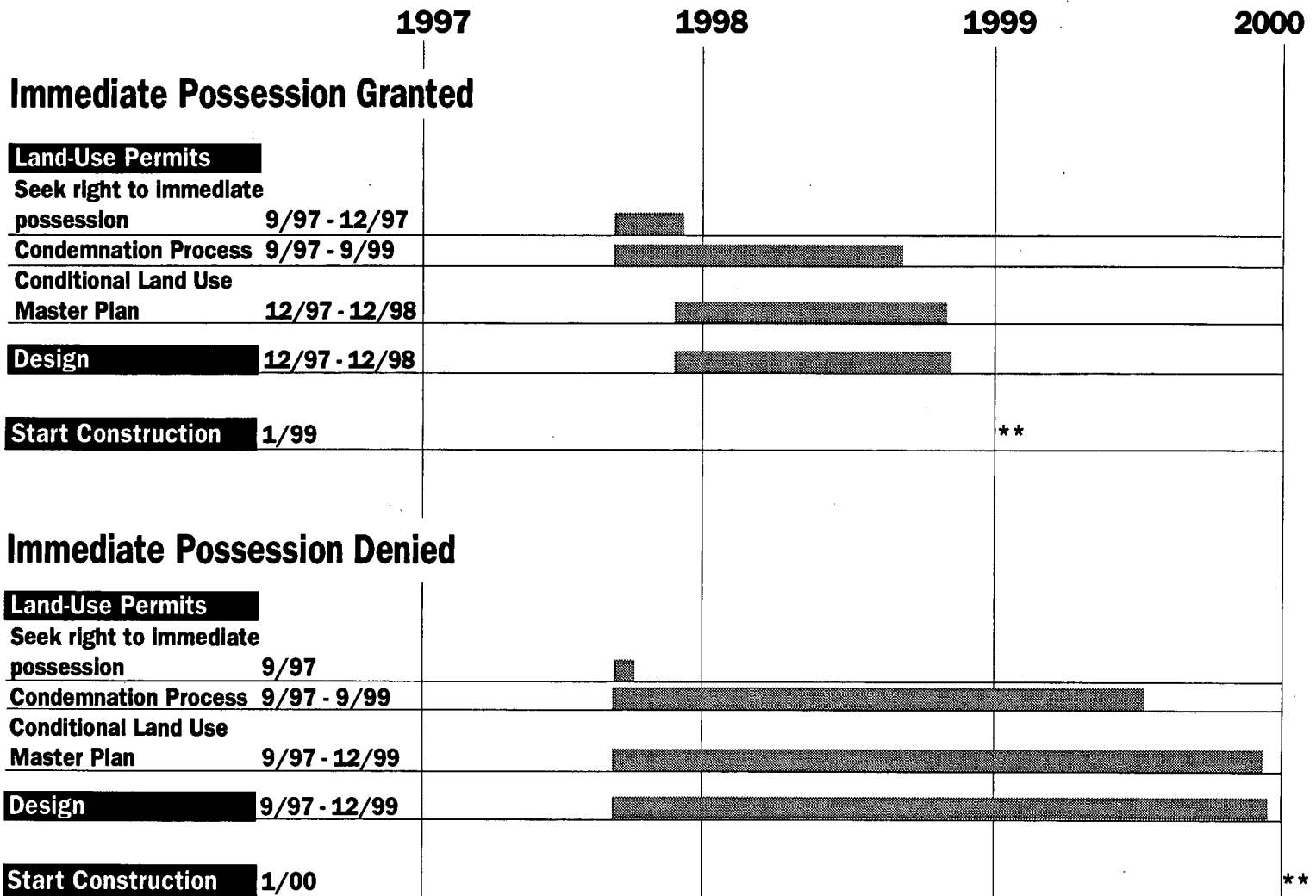




# Timeline Bar Chart - Radio Towers



# Timeline Bar Chart - Rivergate



## 1999

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## ***Chapter Eight :*** **List of Supporting Reports**

### **Preliminary Design Report - prepared by the Zimmer Gunsul Frasca Partnership**

#### **Appendix:**

Report on Elf Atochem Manufacturing Plant - prepared by Zimmer Gunsul Frasca Partnership

### **Permitting Report - prepared by O'Donnell Ramis Crew Corrigan & Bachrach**

#### **Appendix :**

Report on Condemnation - prepared by O'Donnell Ramis Crew et. al.

### **Land-Use Report - prepared by Barney & Worth, Inc.**

### **Environmental Assessment - prepared by Adolfson Associates, Inc.**

#### **Appendices:**

Natural Resources Assessment - prepared by Adolfson Associates, Inc.

Cultural Resources Inventory - prepared by Archaeological Investigations Northwest, Inc.

Environmental Site Assessment - prepared by Squier Associates, Inc.

### **Engineering Assessment - prepared by KCM, Inc.**

#### **Appendices:**

Draft Program Elements - prepared by Zimmer Gunsul Frasca Partnership

Preliminary Geotechnical and Geological Study - prepared by Patrick B. Kelly Consulting Engineer

Transportation Assessment - prepared by Parametrix, Inc.

Drainage/Flood Control Analysis of Radio Tower Site - prepared by Crawford Engineering Associates



## St. Johns Boosters

An Active Organization, For An Active Community  
P.O. BOX 83272 • PORTLAND, OREGON 97283

*"Keep Faith In Our History  
Keep Pace With Our Future"*

From: St. Johns Boosters  
P.O. Box 83272  
Portland, OR 97283

August 25, 1997

To: Multnomah County Commissioners

Subj: County Jail

On August 19, 1997, Multnomah County Sheriff Dan Noelle gave a presentation to the General Membership of the St. Johns Boosters regarding the current status of the process for siting a 2000 inmate jail in Multnomah County. The Boosters voted unanimously to support Sheriff Noelle in his efforts to site and build this facility.

The Boosters feel strongly that adequate jail space contributes significantly to the safety of the community. We understand that many people are fearful of having a jail located near their community, and there is no location in Multnomah County that will satisfy everyone. However, the citizens of Multnomah County voted to build a new jail. The problems associated with inadequate jail space far outweigh any risk associated with locating a jail in North Portland. The siting process has worked closely with the citizens to exhaustively review the available locations, and we support the selection of the Radio Towers site, with the Rivergate site as the number two choice.

Sincerely,

Gary Boehm  
President, St. Johns Boosters



# COLUMBIA CORRIDOR ASSOCIATION

**Sustaining Sponsors August 27, 1997**

DIT-TEL Investment  
 Hoising Portland  
 Cascade Corporation  
 PacificCorp  
 Portland Development Comm  
 Portland General Electric  
 Port of Portland  
 Rivers Companies  
 Three Oaks Development  
 U.S. National Bank of Oregon  
 Wells Fargo Bank  
 Winmar Company, Inc.

Multnomah County Commission  
 Beverly Stein, Chair  
 Commissioners

## RE: Siting of the County Corrections Facility

The Columbia Corridor Association (CCA) is an advocacy group representing the interests of the 2855 business and property owners in the Columbia Corridor, a area stretching 16 miles along the Columbia River from Rivergate Industrial District to the Troutdale Industrial District. The CCA participated in Sheriff Noelle's process to identify an appropriate site for the new Multnomah County Corrections Facility and strongly supports the resolution selecting of the Radio Towers site as the preferred site. We urge you to adopt the resolution at your meeting on August 28, 1997.

## Board of Directors

President, Steve Daneman  
 Daneman Realty, Inc.  
 Vice President, Chuck Harrison  
 Hulton Company  
 Secretary, Christopher Juniper  
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 Ossey Patterson Co

James Pierce  
 Atlas Copco Wagner

Tim Rantis  
 O'Donnell Rantis Crew

Tony Reese  
 Cashman & Wakefield

Paul Shucy  
 Portland Office of Trans

Anne Nickel  
 Executive Director

We support the Radio Towers site for several reasons:

\* The Radio Towers site is a less valuable industrial property than the alternative site in Rivergate. The limited amount of industrial property in Portland with access to both shipping and rail transportation and the amount of public investment that has gone into creating this resource argue against consuming Rivergate property for the corrections facility.

\* The Radio Tower property is zoned industrial. This implies that the City has slated the site for development. The question is: who and what kind of development? CCA believes the Corrections Facility is a perfect use to meet the intent of the City. This development will be less intrusive to the abundant wetlands on the site and it is secondary property because of the cost to develop land with wetland issues. The County, as a public agency, can more readily be held accountable for good management of the environment and resource.

\* Radio Towers will be a win/win for all interested groups, including the Sheriff's office, the taxpayers and the environmental coalitions. We understand that the County and its partners will purchase the entire 91 acres of industrial property. The facility itself will take up to less than 1/3 of the parcel, leaving over 60+ acres of wetlands and other natural resources for the County and its partners to enhance, improve and protect against future development.

\* The 15 member Siting Advisory Committee, on which a representative of the CCA served, selected the Radio Towers site as its first choice for the new Corrections Facility. The Sheriff has promised to honor the Committee's recommendation and we believe the Commissioners should honor the recommendation from citizens who have actively participated in the decision making process.

We know that building the Corrections Facility at Radio Towers will be a challenge. But the CCA is convinced this is the best location for the new jail. We urge each of you to work with your colleagues in the City of Portland, the Port of Portland and with key state and federal agencies to make this facility a winner for the Sheriff, the taxpayers and the environment

Sincerely,

*Anne Nickel*

Anne Nickel  
 Executive Director



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Sheriff to Purchase	)	
Land and Obtain All Necessary	)	RESOLUTION
Permits to Construct a New Jail and	)	97-173
Alcohol and Drug Treatment Center	)	
at the Radio Towers Site	)	

WHEREAS, the Siting Advisory Committee (SAC), a 15 member citizen advisory committee, recommended three possible sites for a new jail and a secure residential alcohol and drug treatment center; and

WHEREAS, the Board of County Commissioners (Board) accepted the report of the SAC and requested that further feasibility studies of each site be conducted; and

WHEREAS, a team of technical experts conducted a preliminary site assessment of the three top-ranked sites for a new Multnomah County Corrections Facility; and

WHEREAS, this team conducted a systematic and thorough analysis of engineering, environmental, land-use and permitting issues at each site; and

WHEREAS, the analysis also identified flaws which are technical conditions of the property that, if not resolved, render a site unsuitable; and

WHEREAS, potential flaws were identified at each site; and

WHEREAS, the environmental contamination in combination with the proximity of a chlorine plant at the Northwest Industrial site render that site unsuitable for building a jail and secure residential alcohol and drug treatment center; and

WHEREAS, the SAC recommended the Radio Towers site (*A parcel of approximately 91 acres situated southerly of and adjacent to Expo Center land, northerly of and adjacent to Portland International Raceway land, and westerly of and adjacent to Expo Road and Interstate Highway 5*) as its first choice and the

Rivergate site (*A parcel of approximately 35 acres situated within Blocks 9 and 14, Rivergate Industrial District, at a location to be determined, easterly of N. Lombard Street and northerly of N. Ramsey Blvd. Extended*) as the first alternative site for the building of a new jail and a secure residential alcohol and drug treatment center; and;

WHEREAS, potential solutions exist to address all of the potential flaws identified at the Radio Tower site; and

WHEREAS, despite possible solutions the environmental and land issues at the Radio Tower site may prove impossible to obtain; and

WHEREAS, the County is obligated to make the best use of taxpayer investment by minimizing construction and operating costs, and maximizing building design efficiency; now therefore

IT IS RESOLVED that the Board authorize Sheriff Noelle to move forward with the purchase of land and obtaining the necessary permits to construct a new jail and secure residential alcohol and drug treatment center at the Radio Towers site; and

IT IS FURTHER RESOLVED that the Board authorize Sheriff Noelle to commission a Citizens Working Group comprised of representatives of local neighborhood, business, and environmental organizations to advise the Sheriff and the County on design, construction, building footprint, good neighbor plan, natural resource plan issues, transportation plan, and operation of the new jail and secure residential alcohol and drug treatment center; and

IT IS FURTHER RESOLVED that the Board also authorize Sheriff Noelle to enter into negotiations with the Port of Portland to secure a written agreement by November 30, 1997 which details the legal resources, environmental mitigation, enhancement and capital to be contributed by the Port to assist in the acquisition of necessary permits for construction at the Radio Towers site; and

IT IS FURTHER RESOLVED that the Board authorize Sheriff Noelle to gain agreement with the City of Portland to supplement environmental

mitigation and enhancement efforts the City is making on or about the Radio Towers site; and

IT IS FURTHER RESOLVED that in accordance with the recommendations of the SAC, the environmental mitigation to be completed by the County and its partners at the Radio Towers site shall exceed the minimum standards required by construction permits; and

IT IS FURTHER RESOLVED that if the new jail and secure residential alcohol and drug treatment facility cannot be built at the Radio Towers site because the environmental and land use permits cannot be obtained that Sheriff Noelle be authorized to proceed with securing the Rivergate site; and

IT IS FURTHER RESOLVED, that the Board direct Sheriff Noelle to give no less than quarterly progress reports concerning both the permitting process as well as the construction of the new jail and secure residential alcohol and drug treatment center.

APPROVED this 28th day of August, 1997.



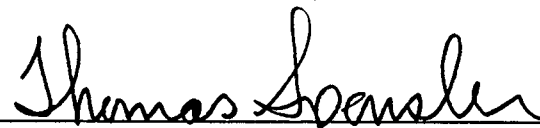
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By

  
Thomas Sponsler, County Counsel

revised 8/28/97

ESTIMATED START TIME: 10:25am

## AGENDA PLACEMENT FORM

**SUBJECT: Resolution accepting and adopting the Public Safety Coordinating Council's Data Standards Committee's Report on the Public Safety Bond Technology Program and Data Standards Policy Recommendations.**

BOARD BRIEFING: \_\_\_\_\_  
DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: 8/28/97

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: District Attorney DIVISION: Administration

CONTACT: Michael D. Schrunk TELEPHONE #: 248-3143

BLDG/ROOM #: 101/600

**PERSON(S) MAKING PRESENTATION:** *Michael D. Schrunk*

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY    ☐ POLICY DIRECTION    ☒ APPROVAL    ☐ OTHER

***SUGGESTED AGENDA TITLE:***

*Resolution accepting and adopting the Public Safety Coordinating Council's Data Standards Committee's Report furthering linkages among criminal justice computer systems of Multnomah County to ensure public safety.*

9/4/97 copies to Michael Serwint & Tom Simpson

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:**

(OR)

DEPARTMENT

**MANAGER:**

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

***Any Questions: Call the Board Clerk @ 248-3277***



**MICHAEL D. SCHRUNK**, District Attorney for Multnomah County

600 County Courthouse • Portland, Oregon 97204 • (503) 248-3162 • FAX (503) 248-3643

## **SUPPLEMENTAL STAFF REPORT**

**TO: Board of County Commissioners**

**FROM: Michael D. Schrunk**

**DATE: August 14, 1997**

**RE: Resolution Adopting Data Standards Report**

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1. **Recommendation/Action Requested:**  
Adopt the Public Safety Coordinating Council's Data Standards Committee's Report on the Public Safety Bond Technology Program and Data Standards Policy Recommendations.

2. **Background/Analysis:**  
The Data Standards Committee is a standing committee of the the Public Safety Coordinating Council. It was charged with making recommendations, providing guidelines, prioritizing, and monitoring the following: development and implementation of the Public Safety Bond Technology Program, policy recommendations regarding data standards, and that data is appropriate for evaluation.

The Data Standards Committee met from January through June, 1997 to meet its charge. After numerous presentations about various projects and technologies the Committee developed a set of projects for funding and a set of policy recommendations for adoption by the PSCC. The PSCC adopted the report, including the projects and the policy recommendations, on July 17, 1997.

The funds for the Bond Technology Program are in the County's budget and therefore it was deemed necessary to bring forward a resolution which allows the Board of Commissioners to also adopt the Report and the plan for expenditures.

3. **Financial Impact:**  
The Public Safety Bond Technology Program is \$7,620,000.
4. **Legal Issues:**  
None.
5. **Controversial Issues:**  
None.
6. **Link to Current County Policies:**  
NA.
7. **Citizen Participation:**  
The plan has been reviewed and adopted by the Multnomah County Public Safety Coordinating Council which includes citizen members.
8. **Other Government Participation:**  
The Data Standards Committee includes members of the following organizations: Portland Police Bureau, Fairview Police, Gresham Police, Troutdale Police, Multnomah County Sheriff's Office, Multnomah County District Attorney's Office, Multnomah County Courts, Department of Juvenile and Adult Community Justice, Metropolitan Public Defenders, and Multnomah County Information Services Division.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Accepting and Adopting Multnomah	)	RESOLUTION
County's Public Safety Bond	)	97-174
Technology Program	)	

WHEREAS, Multnomah County voters approved a Public Safety Bond Measure in May 1996; and

WHEREAS, the Public Safety Bond included resources for a technology program for computer equipment and technology infrastructure for public safety and criminal records processing and tracking; and

WHEREAS, the Public Safety Coordinating Council appointed a Data Standards Committee charged with making recommendations, providing guidelines, prioritizing, and monitoring the following: development and implementation of the Public Safety Bond Technology Program, policy recommendations regarding data standards, and that data is appropriate for evaluation; and

WHEREAS, the Data Standards Committee has completed a report which includes recommendations for a Public Safety Bond Technology Program, policy guidelines, and addresses evaluation issues; and

WHEREAS, the Public Safety Coordinating Council adopted this report on July 17, 1997; and

WHEREAS, funding of the projects in the Public Safety Bond Technology Program requires authorization by the Multnomah County Board of Commissioners; now, therefore

IT IS RESOLVED that the Multnomah County Board of Commissioners accept and adopt the June 26, 1997, report of the Public Safety Coordinating Council's Data Standards Committee; and

IT IS FURTHER RESOLVED that the Multnomah County Board of Commissioners expresses its support for the work of the Public Safety Coordinating Council's Data Standards Committee in furthering the linkages among the criminal justice computer systems of Multnomah County to ensure public safety.

APPROVED this 28th day of August, 1997.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

THOMAS SPONSER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By:   
Sandra N. Duffy, Chief Assistant Counsel



**BUDGET MODIFICATION NO.**

**DA # 2**

(For Clerk's Use) Meeting Date **AUG 28 1997**  
Agenda No. **R-5**

**1. REQUEST FOR PLACEMENT ON THE AGENDA FOR**

DEPARTMENT District Attorney  
CONTACT Tom Simpson  
\* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

(Date)  
DIVISION Circuit Court Trial  
TELEPHONE 248-3863

**SUGGESTED**

**AGENDA TITLE** (to assist in preparing a description for the printed agenda)

Budget Modification DA#2 appropriates a Local Law Enforcement Block Grant to identify and expedite holds from other jurisdictions.

(Estimated Time Needed on the Agenda)

**2. DESCRIPTION OF MODIFICATION**

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

☒ X

Personnel changes are shown in detail on the attached sheet

The District Attorney's office has received a new Local Law Enforcement Block Grant to fund 1.0 FTE legal assistant who will be responsible for identifying and expediting legal resolutions to defendants with holds from other jurisdictions. This will enable Multnomah County to free up jail beds quicker, and reduce resource used to house prisoners awaiting transport.

**3. REVENUE IMPACT**

(Explain revenues being changed and reason for the change)

The LLEBG grant provides \$54,185 in new Federal revenue between 10/1/97 - 9/30/98.

**4. CONTINGENCY STATUS**

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of

Date

After this modification

\$

Originated By

Date

Lisa Moore

08/15/97

Department Director

Date

Tom Simpson

08/15/97

Plan/Budget Analyst

Date

Karayne Dargam

8/18/97

Employee Services

Date

CRumbins

8/18/97

Board Approval

Date

Deborah L. Boaster

8/28/97

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 AUG 18 PM 2:15



**PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.**

**DA # 2**

**5. ANNUALIZED PERSONNEL CHANGES**

(Compute on a full-year basis even though this action affects only a part of the fiscal year (FY).)

		ANNUALIZED			
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
1.00	Legal Assistant	\$34,018	\$6,018	\$4,813	\$44,849
1.00	TOTAL CHANGE (ANNUALIZED)	\$34,018	\$6,018	\$4,813	\$44,849

**6. CURRENT YEAR PERSONNEL DOLLAR CHANGES**

(Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this BudMod.)

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	CURRENT FY		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
0.75	New legal assistant in the LLEBG program to expedite holds that begins on 10/1/97	\$25,514	\$4,514	\$3,610	\$33,637
TOTAL CURRENT FISCAL YEAR CHANGES		\$25,514	\$4,514	\$3,610	\$33,637

## Detail

EXPENDITURE  
TRANSACTION

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		156	023	2448			5100			\$25,514		Permanent
		156	023	2448			5500			\$4,514		Fringe
		156	023	2448			5550			\$3,610		Insurance
		400	070	7522			6580			\$3,610		Insurance fund transfer
		156	023	2448			6110			\$1,234		Professional Services
		156	023	2448			6140			\$400		Communications - Phone
		156	023	2448			8400			\$4,500		Equipment - desk & PC
		156	023	2448			7100			\$4,051		Indirect
		100	075	9120			7700			\$4,051		Indirect fund transfer

TOTAL EXPENDITURE CHANGE

\$51,484	\$0
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REVENUE  
TRANSACTION

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Revenue/ Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		156	023	2448			2190			\$43,823		LLEBG - LA Holds
		400	070	7522			6602			\$3,610		Insurance fund transfer
		100	075	9120			7700			\$4,051		Indirect fund transfer

TOTAL REVENUE CHANGE

\$51,484	\$0
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*Office Memorandum*

*MICHAEL D. SCHRUNK*, District Attorney

TO: Board of County Commissioners

FROM: Michael D. Schrunk

DATE: 08/15/97

REQUESTED PLACEMENT DATE: August 28, 1997

RE: New Local Law Enforcement Block Grant awarded to the District Attorney's office to expedite holds.

I. Recommendation/Action Requested:  
Approval

II. Background/Analysis:

The District Attorney's office has received a new Local Law Enforcement Block Grant to fund 1.0 FTE Legal Assistant who will be responsible for identifying and expediting legal resolutions to defendants with holds from other jurisdictions. This will enable Multnomah County to free up jails beds quicker, thus reducing resources used to house prisoners awaiting transport to other jurisdictions.

III. Financial Impact:

This grant provides \$54,185 new revenue to the Federal/State fund from 10/1/97 through 9/30/98. County in-kind match of \$6,021 will come from funds already appropriated in the District Attorney's budget.

IV. Legal Issues:  
N/A

V. Controversial Issues:  
None

VI. Link to Current County Policies:  
N/A

VIII. Other Government Participation:  
None

AUG 28 1997

MEETING DATE: AUG 21 1997

AGENDA #: R-2 R-6

ESTIMATED START TIME: 9:30 AM  
10:35 AM

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Brentwood-Darlington Family Resource Center Loan Extension

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: August 21, 1997

AMOUNT OF TIME NEEDED: 10 Minutes

DEPARTMENT: Non-Departmental

DIVISION: Commission District #3

CONTACT: Don Carlson

TELEPHONE #: 248-5126

BLDG/ROOM #: \_\_\_\_\_

PERSON(S) MAKING PRESENTATION: Commissioner Collier/Mike Harris

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

A Resolution Extending the Bridge Loan to the Brentwood-Darlington Family Resource Center

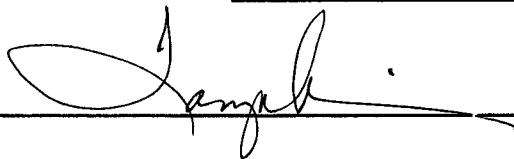
9/4/97 copies to Tanya Collier, Don Carlson &  
Dave Boyer

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER:



BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 13 AM 11:33  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM STAFF REPORT**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** Don Carlson / Chris Sickels

**TODAY'S DATE:** August 8, 1997

**REQUESTED PLACEMENT DATE:** August 21, 1997

**RE: REQUEST APPROVAL OF A RESOLUTION TO EXTEND THE BRIDGE LOAN TO THE BRENTWOOD-DARLINGTON FAMILY RESOURCE CENTER.**

**I. Recommendation/Action Requested:**

Request the Board of County Commissioners approve the attached resolution to extend the bridge loan to the Brentwood-Darlington Family Resource Center to June 30, 1998.

**II. Background/Analysis:**

The Board of County Commissioners approved Resolution and Order No. 95-258 on December 14, 1995 authorizing a loan in the amount of \$137,500 to the Brentwood-Darlington Family Resource Center Board of Directors. The purpose of the loan was to provide bridge funding for the Community Center so construction could begin during the 1996 construction season to avoid future construction cost increases. The Community Center Board continued its efforts to raise the money during 1996 to repay the loan. It was not able to raise the necessary funds during this period of time because much of its focus and energy was spent dealing with construction issues and opening of the Center.

In February of 1997 Sam Galbreath, former Development Coordinator of the Center, sent a letter of inquiry to the Murdock Charitable Trust seeking partial support. That letter and the reply from the Trust indicating that the Center project meets the criteria of the Trust is attached as Exhibit A. The Board desires to follow-up on the letter of inquiry and make a formal application for funding. The Board also requests that at the end of the current fiscal year, the Board of County Commissioners take action to relieve the Board of any financial obligation for any outstanding part of the bridge loan.

**III. Financial Impact:**

The County Board made the loan out of the County General Fund. If all or any portion of the loan is not repaid, the County will have to write it off thus reducing the General Fund Fund Balance.

**IV. Legal Issues:**

There are no apparent legal issues regarding this request.

**V. Controversial Issues:**

This request is not a matter of controversy.

**VI. Link to Current County Policies:**

The County Board has followed its policies and procedures in making the loan for the public purpose of constructing the Family Resource Center. Extension of the loan to allow additional time to seek funding to repay the loan, is within the policy framework of the County Board.

**VII. Citizen Participation:**

The notice of the public hearing on this resolution is being given following normal county procedures. The public hearing allows for public testimony.

**VIII. Other Government Participation:**

The City of Portland provided a bridge loan in the amount of \$112,500 from Housing and Community Development Block Grant funds. The request for funding by the Trust or from any other source would include repayment of all or a portion of the City loan on a proportional basis.

## EXHIBIT A

### BRENTWOOD-DARLINGTON COMMUNITY/FAMILY RESOURCE CENTER An Oregon Nonprofit Corporation

Board of Directors  
Michael Harris, Chair  
Darlene Carlson  
Elaine Casillo  
Mary Davis  
Carol Grant  
Michael Grant  
Barbara Madigan  
Nancy Melor  
Patricia Navin  
Susan Simper  
Ron Sumner

Development Coordinator  
Sam Galbreath  
7720 SW Macadam Ave., No. 20  
Portland, Oregon 97219  
Telephone (503) 244-3435  
Fax (503) 244-7416

February 21, 1997

Dr. John Van Zytveld  
Senior Program Officer  
M.J. Murdock Charitable Trust  
P.O. Box 1618  
Vancouver, WA 98668

Re. Brentwood-Darlington Community Center

Dear Mr. Zytveld:

We submit this letter of inquiry to request consideration of a trust contribution of \$200,000, to provide capital financing for our newly completed community center. The City of Portland and Multnomah County provided an interim loan of \$200,000 needed to commence construction. The Brentwood-Darlington Community Center Board pledged to retire the gap funding within 24 months of the receipt of City and County funds. Will you help us?

#### Organization Background

The Brentwood-Darlington Community Center is owned and operated by a newly formed, neighborhood-based, non-profit corporation. Since the Center is community owned it allows the neighborhood unprecedented control over the facility, its programs and tenants. This assures the activities of the Center are consistent with community values and address critical community needs.

The Community Center is a visible symbol of the new identity emerging in Brentwood-Darlington. With miles of unpaved streets, failing septic systems, and an increasing crime rate, the area had little hope until it was annexed in the City of Portland in 1985 and a neighborhood association was formed. They participated in the development of the Brentwood-Darlington Neighborhood Plan which identified high priority community needs and desires one of which was a community center. Many of the high priority needs of the community have been or are successfully being met. Through hard work by community leaders in partnership with public agencies and private non-profit social service providers, the neighborhood is feeling successful and empowered.

Over the past ten years, the neighborhood has worked in partnership with other entities to successfully establish the Safety Action Team Office of community policing and staff it with neighborhood volunteers. This has resulted in the closure of over 100 neighborhood drug houses. Neighborhood volunteers have helped accomplish the development of Harney Park and surrounding area streets. They were chosen as the most outstanding neighborhood association in 1989 and have seen Lane Middle School designated as one of three Community Schools in the City.

#### Community Need

This project is a response to a neglected neighborhood's dream for a Community Center. Annexed to the City of Portland in 1985, Errol Heights had a long history of decay and despair. Nicknamed "Felony Flats" because it had the largest residential population of convicted felons in the state, it was riddled with crime, unemployment, failing septic and water systems, miles of unpaved streets, and a population that distrusted outsiders but knew it needed help.

The Center will have a significant impact on our ability to get integrated services to the residents. And, we expect a significantly higher number of residents to access services they need because they will be close by, and residents won't have to leave familiar territory, deal with the hassle of a long bus ride or locate a baby sitter. If area residents can get the help they need, the neighborhood will continue to flourish as unemployment is reduced, health improves and crime diminishes.

#### **Project Description**

Fall of 1996, marked the grand opening of the Brentwood-Darlington Community Center. It has taken two and a half years of diligence and collaboration for the neighborhood to fully realize their dream for a community center. The B/D Community Center models the true spirit of community building through partnerships including local private, non-profit and public organizations.

Designed with a strong residential appearance, the one story, 8,600 square foot building is built on land leased by the Portland Public Schools. It contains office space for community services and areas for child care, counseling and health assessment. The heart of the Center is a large multi-purpose space divisible into meeting rooms for continuing education classes, senior activities, meals, youth programs, dances, games, receptions, and socializing.

Tenants of the Center include the Providence Health System, Multnomah County Aging Services, Portland Impact Senior Services and Family Center, Oregon State University Extension, State Adult and Family Services, Private Industry Council and ROSE Community Development Corporation among others. Tenant rents support the Center's ongoing operation and upkeep.

#### **Project Support**

The project's costs were funded through grants from 15 major contributors as well as contributions from neighbors and friends of the Center. Contributors include Meyer Memorial Trust, Providence Foundation, Portland General Electric, Rose Tucker Charitable Trust, Oregon Community Foundation, Collins Foundation, First Interstate Charitable Trust, Wessinger Foundation, U.S. National Bank, Columbia River Building Trades Council, Schnitzer Family Foundation, Goodman Family Foundation, Multnomah County and the City of Portland.

We hope you find our request worthy and consistent with the M.J. Murdock Charitable Trust's objectives. We anxiously await your review for eligibility. Should you have any questions regarding our brief outline of this most worthwhile project, please feel free to contact the undersigned at your convenience at 503-244-3435. Thank you in advance for your thoughtful consideration and support of this community endeavor.

Sincerely,

Brentwood-Darlington Community/Family Resource Center

Sam Galbreath, Development Coordinator



**SOURCES OF CAPITAL FUNDS**  
**BRENTWOOD-DARLINGTON COMMUNITY/FAMILY RESOURCE CENTER**

<u>COMMITTED</u>	<u>AMT. AWARDED</u>
Meyer Memorial Trust	\$200,000
Oregon Community Foundation	5,000
Multnomah County	200,000
City of Portland	225,000
First Interstate Bank Charitable Trust	10,000
U.S. National Bank	5,000
Rose Tucker Trust	15,000
Collins Foundation	100,000
Portland General Electric	25,000
Wessinger Foundation	25,000
Schutzer Family Foundation	3,000
Northwest Natural Gas	1,500
Providence Foundation	25,000
Goodman Family Trust	1,250
Precision Cast Parts	2,500
Community Fundraising	690
<b>Total Amount of Contributions</b>	<b>\$843,940</b>
Funding by:	
City of Portland and Multnomah County	\$200,000
<b><u>TOTAL FINAL PROJECT COSTS</u></b>	<b>\$1,061,075</b>

MAILING ADDRESS  
POST OFFICE BOX 1018  
VANCOUVER, WA 98668  
(206) 694-4115 (501) 285-4115  
DAX (300) 694-4219



M. J. MURDOCK CHARITABLE TRUST

M. J. MURDOCK  
EXECUTIVE PLAZA  
703 BROADWAY  
SUITE 710  
VANCOUVER, WA 98660

March 14, 1997

Sam Galbreath  
Development Coordinator  
Brentwood-Darlington Community  
Family Resource Center  
7720 S. W. Macadam Ave., No. 20  
Portland, OR 97219

Dear Mr. Galbreath:

It would appear from the information you have provided in your recent Letter of Inquiry that the general subject area described is eligible for consideration under the current grants program of the Trust. Accordingly, I have enclosed an Application Packet detailing the latest information on how to apply for a grant.

Before you make a decision about applying for support, we recommend that you study the sections on "Grants Program Philosophy" and "Questions to Ask a Proposal" within the *Grant Proposal Guidelines*. This will help you understand the Murdock Trust and what to consider should you apply for a grant. Also included is a copy of our General Application Form. This Form is to be used for all projects other than scientific research. Please be careful to follow all directions provided so that your proposal can be processed without delay.

I wish to emphasize that a determination of your eligibility to apply for a grant does not give any assurance that a grant will be awarded. The competition for funds is extremely intense. In that light, we encourage you to seek support from other donors as well to increase the probability you will be able to secure the funding you need for this project. Any formal request you make to the Trust must stand alone and be sufficiently complete so that it can be evaluated apart from any previously submitted material.

Please feel free to call the Trust offices should you have any questions.

Sincerely yours,

M. J. MURDOCK CHARITABLE TRUST

John Van Zytveld, Ph.D.  
Senior Program Director

JVZ:sj  
Enclosure

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

Extending the Bridge Loan to the                     )  
Brentwood-Darlington Community                     )  
Family Resource Center to June 30, 1998                     )

**RESOLUTION**  
97-175

WHEREAS, the Board of County Commissioners approved Resolution and Order No. 95-258 authorizing a bridge loan in the amount of \$137,500 for the Brentwood-Darlington Community Family Resource Center, Inc.;

WHEREAS, the bridge loan was to be repaid to Multnomah County in fiscal year 1996-97;

WHEREAS, the Brentwood-Darlington Community Center Director has informed the County that they currently do not have funds on hand to repay the bridge loan;

WHEREAS, the Brentwood-Darlington Community Center is in the process of submitting an application for funding to a charitable trust; and

WHEREAS, the charitable trust has indicated that the Brentwood-Darlington Community Center project meets the trust's criteria for funding.

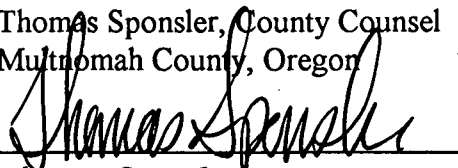
NOW THEREFORE IT IS HEREBY RESOLVED that the Multnomah County Board of Commissioners extends the repayment of the bridge loan in the amount of \$137,500 to be repaid no later than June 30, 1998; and, that it is the intent of this Board to terminate the unpaid balance on the bridge loan at the end of this extension period .

DATED this 28th day of August, 1997.



REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

  
Thomas Sponsler

**BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

  
Beverly Stein, Chair

AUG 28 1997

MEETING DATE: AUG 21 1997  
AGENDA #: R-3 R-7  
ESTIMATED START TIME: 9:40am

10:45am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Office of County Counsel

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: August 21, 1997  
AMOUNT OF TIME NEEDED: 10 Minutes

DEPARTMENT: Non-Departmental DIVISION: Commission District #3

CONTACT: Don Carlson TELEPHONE #: 248-5126  
BLDG/ROOM #: \_\_\_\_\_

PERSON(S) MAKING PRESENTATION: Commissioner Collier/Tom Sponsler

### ACTION REQUESTED:

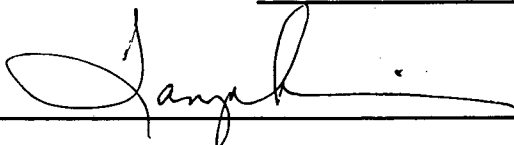
☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

*An ordinance relating to county organization; creating an Office of County Counsel; and repealing Ordinance No. 607*

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: \_\_\_\_\_



BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 13 AM 11:54  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM STAFF REPORT  
(Revised on August 18, 1997)**

**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** Don Carlson/Tom Sponsler  
**TODAY'S DATE:** August 18, 1997  
**REQUESTED PLACEMENT DATE:** August 21, 1997

**RE: REQUEST APPROVAL OF AN ORDINANCE TO CREATE AN OFFICE  
OF COUNTY COUNSEL.**

**I. Recommendation/Action Requested:**

Request the Board of County Commissioners approve the attached ordinance creating the Office of County Counsel.

**II. Background/Analysis:**

The County has recently appointed a new County Counsel (Counsel). It is important at the start of this new relationship to define the duties and responsibilities of the Counsel and to define the relationship of the Counsel to all parts of the county government. The Counsel is the chief legal advisor for the county and works for both the executive branch including all administrative departments and units and the legislative branch, the board of commissioners. At the time this ordinance was prepared, it appeared that there was no adopted county policy which states the duties and responsibilities of the Counsel and defines the relationship with the administration, board and other elected officials. County Counsel recently found a copy of Ordinance No. 607 which was adopted on January 19, 1989. Ordinance No. 607 (see Exhibit A attached) sets forth the duties and responsibilities of the Counsel and requires the Chair to consult with the Board prior to appointing or removing the Counsel. Ordinance No. 607 was never codified and a quick review of the records shows no indication that it has been changed. The proposed ordinance establishes the Office and makes the appointment of future Counsels subject to confirmation by the board. A section by section description of the proposed ordinance is as follows:

**Section 1(A)** establishes the Office and names the Counsel as the chief legal officer of the county and director of the Office. This section requires appointment of the Counsel by the Chair subject to consent of a majority of the Board. The Chair may terminate the services of the Counsel after consultation with each member of the Board.

**Section 1(B)** sets forth the duties of the Counsel. The duties range from providing legal advice to the Board, the Chair and all administrative units of the county, all other county elected officials and boards, commissions and committees; to employing outside legal counsel on behalf of the county when the Counsel deems it is necessary and appropriate to do so.

**Section 1©** establishes the attorney-client relationship between the Counsel and the county elected and appointed officials.

**Section 2** requires the ordinance to be codified in Chapter 2 of the Multnomah County code.

**Section 3** repeals ordinance No. 607.

**Section 4** sets the effective date of the ordinance on the 30<sup>th</sup> day following its adoption as provided by the County Charter.

**III. Financial Impact:**

None

**IV. Legal Issues:**

The ordinance is in conformance with the County Charter and no legal issue is expected to develop as a result of this action. Charter section 6.10(8) refers to "the office of county counsel". The Office of County Counsel was created by Board Order in 1972. Under the administrative authority of the County Executive or Chair, the Office operated as a division of Office of County Management or Department of General Services until January 1989. Ordinance No. 607 redefined the Office as part of the Office of the Chair and set forth duties. The provision in the proposed ordinance for consent of a majority of the Board to the appointment of the County Counsel is not inconsistent with the Charter powers vested in the Chair.

**V. Controversial Issues:**

None

**VI. Link to Current County Policies:**

This ordinance is being processed and is in conformance with the policies set forth in the Multnomah County Charter.

**VII. Citizen Participation:**

The notice of the public hearing on this ordinance is being given following normal county procedures. The public hearing allows for public testimony.

**VIII. Other Government Participation:**

There was no direct participation by any other government in the preparation of the ordinance. Similar provisions of the Metro Code and the City of Gresham Code were used in the preparation of the ordinance.

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 607

An Ordinance concerning the organization and functions of the Office of County Counsel and repealing MCC 2.30.450(H).

Multnomah County ordains as follows:

Section 1. Office of County Counsel

A. The County Counsel function shall consist of the County Counsel and such assistants as are necessary to perform the functions of the office.

B. The County Counsel shall be appointed and may be removed by the Chair, who shall consult with the Board prior to making the appointment or removal.

C. Assistant County Counsels and support staff shall be appointed by the County Counsel.

D. The County Counsel and all Assistant County Counsels shall be members in good standing of the Bar of the State of Oregon.

E. The County Counsel shall be the Chief Legal Officer of the County

F. The County Counsel function shall be organizationally part of the Office of the Chair and subject to the Chair's general administrative supervision.

G. Nothing in this ordinance is intended to abrogate the authority of the Board of Commissioners to retain counsel in accordance with ORS 203.145.

Section 2. Duties

The County Counsel shall have the following duties:

(1) Appear for, represent and defend the County, its boards and commissions, officers and employees and other persons entitled to County representation under the Oregon Tort Claims Act in all appropriate civil law proceedings;



(2) Draft or review all ordinances, resolutions, rules, orders, contracts, bonds, conveyances, deeds and other legally binding instruments to which the County is a party;

(3) Give advice and opinions orally and in writing, on matters of a civil nature in connection with the functions of the county, its officials and employees;

(4) Retain and, as appropriate, supervise and coordinate the services of outside legal counsel when necessary.

### Section 3. Records

(A) The County Counsel shall have charge and custody of the Office of County Counsel and of all legal papers pertaining thereto and shall keep in the Office a complete docket and set of pleadings of all suits, actions or proceedings in which the County or any official, employee or department is a party. If the proceedings are being conducted by outside counsel the County Counsel shall keep such pleadings and records as are deemed necessary;

(B) The County Counsel shall keep and record all significant written opinions furnished by the Office of County Counsel and shall compile and keep an index thereof.

### Section 4. Chief Assistant County Counsel

The County Counsel may designate a Chief Assistant who shall act as the County Counsel in his or her absence.

### Section 5. Repeal

MCC 2.30.450(H) is repealed.

### Section 6. Adoption.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 19th day of January, 1989, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

(SEAL)

By Polly Casterline  
Polly Casterline  
Vice Multnomah County Chair

APPROVED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By Laurence Kressel  
Laurence Kressel  
County Counsel

2817R/dp  
010589:1

1                   **BEFORE THE BOARD OF COUNTY COMMISSIONERS**

2                   **FOR MULTNOMAH COUNTY, OREGON**

3                   **ORDINANCE NO. \_\_\_\_\_**

4  
5                   An ordinance relating to county organization; concerning the  
6 organization and functions of the office of county counsel, and repealing  
7 Ordinance No. 607.  
8

9  
10                  Multnomah County ordains as follows:

11  
12                  **Section 1: Office of County Counsel**

13  
14                  (A) An office of county counsel is established. The county  
15 counsel is the chief legal officer of the county and shall be the office  
16 director. The county counsel shall be appointed by the chair of the board  
17 of commissioners (chair) subject to consent of a majority of the entire  
18 board of commissioners (board). The county counsel may be removed  
19 from office by the chair after first consulting with each other member of the  
20 board concerning the decision.  
21

22  
23                  (B) The county counsel shall:

24                   (1) Provide legal advice and counsel to the board and its  
25 various advisory boards, commissions and committees;  
26

1           (2)    Provide legal advice and counsel to the chair and all  
2 county departments and offices;

3           (3)    Provide legal advice and counsel to the sheriff and  
4 auditor;

5           (4)    Prepare ordinances and other legal documents when  
6 requested by a member of the board, chair, sheriff, auditor, or  
7 department director;  
8

9           (5)    Review and approve as to form all written contracts,  
10 ordinances, resolutions, board orders, chair executive orders,  
11 bonds, and other legal documents;

12          (6)    Control and supervise all civil actions and legal  
13 proceedings in which the county is a party or has a legal interest;  
14

15          (7)    Represent and defend the county and its elected  
16 officials, boards, commissions, committees, department directors,  
17 and employees and other persons entitled to representation under  
18 the Oregon Tort Claims Act in all appropriate legal matters, unless  
19 the county has an insurance policy or indemnification agreement  
20 which provides such representation and defense;

21          (8)    Initiate, defend, appear or appeal any legal action, matter or  
22 proceeding in any court or tribunal when requested by the board, chair,  
23 sheriff or auditor;  
24

25          (9)    Submit formal annual report to the board concerning  
26 the status of all legal actions in which the county is a party, and at

1 the request of any elected official report on the status of any legal  
2 matter;

3 (10) Prepare formal written opinions deemed necessary by  
4 the county counsel regarding significant interpretations of federal  
5 and Oregon law, the county charter and ordinances, and other  
6 documents. Formal opinions may be requested by any county  
7 elected official or department director. Formal opinions shall be  
8 official guidance to the county unless superseded by court or  
9 administrative decisions, or subsequent legislation or administrative  
10 rules;  
11

12 (11) Maintain custody of records including the office  
13 pleadings and other documents of all legal actions, and all county  
14 counsel formal written opinions;  
15

16 (12) Codify county ordinances as provided by chapter 1.20 of  
17 the Multnomah County Code; and

18 (13) Employ outside legal counsel on behalf of the county  
19 when the county counsel deems it necessary or appropriate to do  
20 so. A majority of the entire board may also employ outside legal  
21 counsel for a specific county matter. With this exception no county  
22 elected official, board, commission, committee, department director  
23 or employee shall employ or be represented by counsel other than  
24 the county counsel.  
25

26 (C) The county and the office of county counsel shall have an  
attorney-client relationship and the county is entitled to all

benefits thereof. For purposes of the attorney-client relationship,  
the county is a single entity and its elected and appointed  
officials collectively and individually perform duties and exercise  
county legal authority.

**Section 2: Codification**

Sections 1 of this ordinance shall be codified as section 2.30.550 of  
chapter 2 of the Multnomah County Code.

**Section 3. Repeal**

Ordinance No. 607 is repealed.

**Section 4. Effective Date**

This ordinance shall take effect shall take effect on the 30<sup>th</sup> day after  
its adoption, as provided by Multnomah County Charter Section 5.50.

///

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///

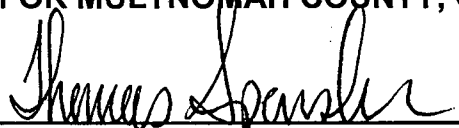
1  
2 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1997, being the  
3 date of its second reading before the Board of County Commissioners of  
4 Multnomah County, Oregon.  
5  
6  
7  
8

9 BOARD OF COUNTY COMMISSIONERS  
10 FOR MULTNOMAH COUNTY, OREGON  
11  
12

13 \_\_\_\_\_  
14 Beverly Stein, Chair  
15 Multnomah County, Oregon  
16

17 REVIEWED :  
18

19 THOMAS SPONSER, COUNTY COUNSEL  
20 FOR MULTNOMAH COUNTY, OREGON

21   
22 \_\_\_\_\_

23 Thomas Sponsler, County Counsel  
24  
25  
26

DATA\SPONSLER\CCORD\TSVERSION

AUG 28 1997  
MEETING DATE: AUG 21 1997  
AGENDA NO: R-8  
ESTIMATED START TIME: 9:30 am  
10:55 am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: ORBIS agreement

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED:

AMOUNT OF TIME NEEDED:

DEPARTMENT: Library

DIVISION: Admin.

CONTACT: Wes Stevens

TELEPHONE #: 85432

BLDG/ROOM #:

PERSON(S) MAKING PRESENTATION: Becky Cobb

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

Intergovernmental Agreement #600068 with the  
University of Oregon (ORBIS) for magazine online  
subscription payment.

9/4/97 ORIGINALS to Wes Stevens

### SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT  
MANAGER:

*Ginni Loeger*

BOARD OF  
COUNTY COMMISSIONERS  
CLATSOP COUNTY  
OREGON  
97 AUG - 6 PM 12:26  
AUG - 6 PM 12:26

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



# SUPPLEMENTAL STAFF REPORT

**TO:** Board of County Commissioners

**FROM:** Jeanne Goodrich, Deputy Director,  
Department of Libraries

**DATE:** July 30, 1997

**RE:** Orbis Agreement

---

1. Recommendation/Action Requested:  
The Library requests approval of this agreement with the University of Oregon Library ( Orbis Library Consortium).
2. Background:  
Currently the Library has 1 year remaining on a 3 year contract with the Information Access Company (IAC). IAC provides the Library with a subscription to an online full text database of hundreds of magazine titles. This new agreement will allow the Library to obtain this same subscription at much lower pricing as negotiated by the Orbis Library Consortium, operated by the University of Oregon Library, through June 30, 2000.
3. Financial Impact:  
Savings of \$120,000.00 over the next 3 years.
4. Legal issues:  
N/A
5. Controversial Issues:  
N/A
6. Link to Current County Policies:  
N/A
7. Citizen Participation:  
N/A
8. Other Government Participation:  
This is an IGA with the University of Oregon Library.



# **CONTRACT APPROVAL FORM** (See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 600068

Amendment # \_\_\_\_\_

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement  <b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b> AGENDA # <u>R-8</u> DATE <u>8/28/97</u> <u>DEB BOGSTAD</u> <b>BOARD CLERK</b>

Department Library Division Admin. Date 7-28-97Contract Originator Jeanne Goodrich Phone 85492 Bldg/Room 317Administrative Contact Wes Stevens Phone 85432 Bldg/Room 317Description of Contract Agreement with Orbis to pay the subscription fee for the magazines online database to the University of Oregon.

RFP/BID # \_\_\_\_\_ Date of RFP/BID \_\_\_\_\_ Exemption Exp. Date \_\_\_\_\_

ORS/AR # \_\_\_\_\_ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name University of Oregon Library  
 Mailing Address 1299 University of Oregon  
Eugene, OR 97403-1299  
 Phone 541-346-3049  
 Employer ID# or SS# 93-6001786-W  
 Effective Date Upon execution  
 Termination Date June 30, 2000  
 Original Contract Amount \$ 66,304.00 (per year)  
 Total Amount of Previous Amendments \$ \_\_\_\_\_  
 Amount of Amendment \$ \_\_\_\_\_  
 Total Amount of Agreement \$ 198,912.00

Remittance Address \_\_\_\_\_  
(If Different) \_\_\_\_\_

Payment Schedule \_\_\_\_\_ Terms \_\_\_\_\_

☐ Lump Sum \$ \_\_\_\_\_ ☐ Due on receipt  
☐ Monthly \$ \_\_\_\_\_ ☐ Net 30  
☐ Other \$ \_\_\_\_\_ ☐ Other \_\_\_\_\_  
☐ Requirements contract - Requisition required.  
 Purchase Order No. \_\_\_\_\_  
☐ Requirements Not to Exceed \$ \_\_\_\_\_

**REQUIRED SIGNATURES:**

Department Manager *Ginni Coogan*  
 Purchasing Director *[Signature]*  
 (Class II Contracts Only)  
 County Counsel *[Signature]*  
 County Chair / Sheriff *[Signature]*  
 Contract Administration *[Signature]*  
 (Class I, Class II Contracts Only)

Encumber: Yes ☐ No ☐  
 Date 7-30-97  
 Date \_\_\_\_\_  
 Date 8/1/97  
 Date August 28, 1997  
 Date \_\_\_\_\_

VENDOR CODE			VENDOR NAME							TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
01.	162	080	8360			6700						
02.												
03.												
* If additional space is needed, attach separate page. Write contract # on top of page.												

INSTRUCTIONS ON REVERSE SIDE

WHITE CONTRACT ADMINISTRATION CANARY INITIATION PINK FINANCE

## Interagency Agreement

This agreement, entered into between the State of Oregon, acting by and through the State Board of Higher Education, on behalf of the University of Oregon (Orbis Library Consortium) hereafter referred to as Orbis and Multnomah County Library hereafter referred to as Purchaser will become effective upon execution by both parties, and remain in full force and effect through June 30, 2000 unless either party provides thirty (30) days written notice requesting termination upon the other party.

The parties agree as follows:

A. Orbis shall include Purchaser in Orbis' agreement with Information Access Company, hereafter referred to as IAC.

B. Orbis will pay IAC for Purchaser's access rights.

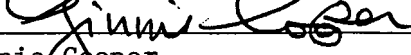
C. Purchaser shall pay Orbis within thirty (30) days of the date of execution of this agreement, in a lump sum payment, the amount identified in Attachment A, which is attached hereto, and by this reference made a part of hereof.

D. Except as otherwise limited by Oregon law, ORS 30.260 to 30.300, and the Oregon Constitution, Article XI, Section 7, each party shall be responsible for its tortious acts and those of its officers or employees arising out of, or in any way connected with the activities of each party under this agreement.

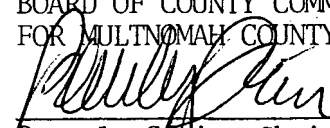
**MERGER CLAUSE. THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. NO AMENDMENT, CONSENT, OR WAIVER OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY ALL PARTIES. ANY SUCH AMENDMENT, CONSENT, OR WAIVER SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THE PARTIES, BY THE SIGNATURE BELOW OF THEIR AUTHORIZED REPRESENTATIVES, ACKNOWLEDGE HAVING READY AND UNDERSTOOD THE AGREEMENT TO BE BOUND BY ITS TERMS AND CONDITIONS.**

This agreement shall not become effective until the date of last signature.

Purchaser: Multnomah County Library

By:   
Ginnie Cooper  
Director of Libraries

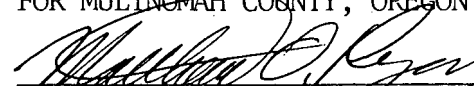
Date: 7-30-97  
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair  
Date: August 28, 1997

The State of Oregon, Acting by and through the State Board of Higher Education, on behalf of the University of Oregon.

By: \_\_\_\_\_  
Sherri McDowell  
Director of Business Services  
and Contract Officer

Date: \_\_\_\_\_  
REVIEWED:  
THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

  
Matthew O. Ryan, Asst. County Counsel

Date:  
Library:  
Contact Name:  
Address:  
City, State, Zip:

Information Access  
COMPANY

### InfoTrac SearchBank Subscription and License Agreement

This legal document is an agreement between INFORMATION ACCESS COMPANY, a Thomson Corporation company, and you, the subscriber (herein referred to as "Subscriber"). UPON SIGNING THIS AGREEMENT, SUBSCRIBER AGREES TO BE BOUND BY THE TERMS AND CONDITIONS SET FORTH HEREIN.

This agreement provides for the use by the Subscriber of the "Product" as defined below, and any and all enhancements, modifications or alterations made thereto by Information Access Company, and any written materials supplied by Information Access Company under this agreement ("Agreement").

#### TERMS AND CONDITIONS:

**1.0 Product.** The "Product" made subject to this Agreement consist of: (a) the "Database(s)" ordered by Subscriber pursuant to the InfoTrac SearchBank Purchase Agreement and any updates made thereto; (b) the "Software" consisting of the search and retrieval software and any other software produced and owned by Information Access Company and any enhancements made thereto; (c) any "Hardware" supplied by Information Access; and (d) the "Manuals" produced by Information Access Company and consisting of user documentation relating to the Product.

#### 2.0 License Grant

**2.1** Information Access Company hereby grants to Subscriber a non-transferable, non-exclusive license to use the Product according to the terms and conditions of this Agreement. Subscriber will use the Product only for internal noncommercial purposes, will not use the Product as a component of, or a basis for, a directory, database, or other publication prepared for sale or for any other form of distribution, and will neither duplicate nor alter the Product in any way. This is a multi-user license and will entitle the Subscriber to utilize the Database(s) on a Wide Area Network system, provided, however that the use of the Product will be limited to the authorized user base of the institution(s) licensing the Product through this Agreement.

**2.2** No provision of the Agreement conveys any ownership interest in the Product. Title, as well as all applicable copyrights, patents, trade secrets and other intellectual proprietary rights of and to the Software and Database(s) is, and remains the property of Information Access Company and "Third Party Data Suppliers", as defined below, respectively.

**2.3** The Software and Manuals are provided with RESTRICTED RIGHTS. The use, duplication or disclosure by the federal government and its agents is subject to restrictions as set forth in subdivision (c)(1)(ii) of the Rights in Technical Data and Computer Software clause at DFAR 252.227-7013 or subparagraphs (c) (1) and (2) of the Commercial Computer Software Restricted Rights at 48CFR 52.227-19 or 52.227-14, as applicable. Manufacturer is Information Access Company, 362 Lakeside Drive, Foster City, CA, 94404.

#### 3.0 Proprietary Rights in the Database(s).

**3.1** Subscriber acknowledges that the Database(s) are proprietary to Information Access Company and the Third Party Data Suppliers who have licensed their Database(s) to Information Access Company and that Subscriber shall have no rights in the Database(s) other than as set forth in this Agreement. No right to use the Database(s) is conveyed to Subscriber except the right to use it for performing research, including training therein. Subscriber may view the Database(s) on its terminal or may print limited excerpts of the data by printer (and may make limited copies of such printout) solely for purposes expressly permitted by this license. In no event may the Database(s) be uploaded, downloaded, transmitted for sale or conveyance, or distributed in any way by Subscriber except as expressly permitted by this license.

#### 4.0 Use Restrictions.

**4.1** The Database(s) shall only be used by the faculty, staff, students, patrons and employees of Subscriber ("Authorized Users"). The Database(s) shall not be made available for any other use by any loan, rental, service bureau, external time sharing or similar arrangement or otherwise. Information contained in the Database(s) (or portions thereof) may not be duplicated or disseminated in hardcopy or machine readable form without the prior written consent of Information Access Company, except that each authorized user may print or download electronically a single copy of excerpts of records contained in the Database(s) for nonprofit educational purposes or for use only by such authorized users to support his or her personal research needs. Under no circumstances may printed or electronically stored copies permitted under this Section be offered for resale or redistribution.

**4.2** The Database(s) may not be copied in any machine-readable form, whether it is optical disc, magnetic disc, magnetic tape, or any other form currently existing or developed in the future. Subscriber may not modify, merge, or include any portion of the Product with or into any other data or software. Subscriber may not prepare publications from the Database(s) for distribution except as such rights are granted directly to Subscriber by Information Access Company or the Third Party Data Suppliers.

**4.3** Third Party Data Suppliers may provide additional terms and conditions affecting the Subscriber's use of the Database(s) which will be appended to this Agreement or supplied in writing separately to Subscriber. Such terms and conditions will prevail and control use of the relevant Database(s) over any conflicting terms contained herein. Subscriber agrees that this Agreement, to the extent it pertains to the Database(s) contained in the Product, may be enforced by the Third Party Data Supplier.

**4.4** Some material in the Database(s) is from copyrighted publications of the respective copyright claimants. Subscriber is referred to the publication data appearing in the bibliographic citations, as well as to the copyright notices appearing in the original publication, all of which are hereby incorporated by reference.

## 5.0 Subscriber's Obligations.

Subscriber agrees to the following:

- (a) to take all necessary action to restrict and control the use, copying, protection and security of the Product among subscriber's authorized users and prevent access except to those permitted to have access by the terms of this Agreement;
- (b) Subscriber may not permit dial-in access to the Database(s) to an authorized user unless such authorized user is issued a security password by Subscriber that controls access to the Database(s), or provide other means of verifying access to Authorized Users; and

## 6.0 Warranties

- 6.1 THE DATABASE(S) AND SOFTWARE ARE PROVIDED "AS IS", WITHOUT WARRANTY OF ANY KIND. FURTHER, NEITHER INFORMATION ACCESS COMPANY NOR THE THIRD PARTY DATA SUPPLIERS WARRANTS, GUARANTEES OR MAKES ANY REPRESENTATIONS THAT SUBSCRIBER'S USE OF THE DATABASE(S) OR SOFTWARE WILL BE UNINTERRUPTED OR ERROR-FREE, OR THAT THE RESULTS OBTAINED WILL BE SUCCESSFUL OR WILL SATISFY SUBSCRIBER'S REQUIREMENTS. INFORMATION ACCESS COMPANY AND THE THIRD PARTY DATA SUPPLIERS MAKE NO REPRESENTATION OR WARRANTY WHATSOEVER, EITHER EXPRESSED OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF THE SOFTWARE OR THE RESULTS TO BE OBTAINED FROM USING THE INFORMATION CONTAINED IN THE DATABASE(S) OR THE RELATED DOCUMENTATION, INCLUDING, BUT NOT LIMITED TO ITS QUALITY, PERFORMANCE, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE OF ANY SOFTWARE OR DATABASE(S) OR ANY INFORMATION CONTAINED IN SUCH DATABASE(S). THE ENTIRE RISK TO THE RESULTS AND PERFORMANCE OF THE DATABASE(S) AND SOFTWARE IS ASSUMED BY THE SUBSCRIBER AND THE FEE DUE UNDER THIS AGREEMENT REFLECTS SUCH ASSUMPTION OF RISK BY SUBSCRIBER.
- 6.2 IN NO EVENT SHALL INFORMATION ACCESS COMPANY OR ANY THIRD PARTY DATA SUPPLIER BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES ARISING OUT OF THE USE OF OR INABILITY TO USE THE DATABASE(S) OR SOFTWARE OR FOR THE LOSS OR DAMAGE OF ANY NATURE CAUSED TO ANY PERSON AS A RESULT OF THE USE OF THE DATABASE(S) OR SOFTWARE. IN NO EVENT SHALL INFORMATION ACCESS COMPANY'S OR THIRD PARTY DATA SUPPLIER'S LIABILITY UNDER THIS AGREEMENT EXCEED THE ANNUAL SUBSCRIPTION FEE RECEIVED BY INFORMATION ACCESS COMPANY FROM SUBSCRIBER.

## 7.0 Indemnification.

Excluding claims arising out of or relating to the violation by Information Access Company or the Third Party Data Suppliers of any third party copyright, or other property rights, the Subscriber agrees to indemnify Information Access Company and the Third Party Data Suppliers and hold them harmless from and against any and all claims of Authorized Users or other parties arising out of or related to the use of the software or Database(s).

## 8.0 Term.

The initial term of this Agreement will be one (1) year commencing from the date specified in the Purchase Agreement, and this Agreement will be automatically renewed for successive one (1) year terms at the fees current on the renewal date unless either Information Access Company, Subscriber, or Third Party Data Suppliers gives notice of its intention to cancel or modify the Agreement at least sixty (60) days in advance of the expiration of the current term.

9.0 **Payment.** As full consideration for Information Access Company's performance of its obligations under this Agreement, Subscriber shall pay to Information Access Company the subscription fee specified in the Purchase Agreement and any applicable sales, use, excise, or similar taxes. The fee is due within thirty (30) days after invoice date.

## 10.0 Termination of License.

If Subscriber breaches any term of this Agreement, Information Access Company in addition to all other legal remedies, may terminate this Agreement. Information Access Company may terminate this Agreement with respect to any Database(s) that it ceases to produce or any Database(s) not made available to Information Access Company by any Third Party Data Provider. Upon termination of the Agreement by Information Access Company or Subscriber for any reason, Subscriber shall within thirty (30) days, unless otherwise agreed to in writing by Information Access Company, return to Information Access Company, at the Subscriber's expense, the Product and all copies thereof. The provisions of this Agreement which protect the proprietary rights of Information Access Company and the Third Party Data Suppliers will continue in force after termination.

## 11.0 Prohibition of Assignment.

Neither this Agreement nor the license contained herein may be sub-licensed, assigned or transferred by the Subscriber in any manner whatsoever.

## 12.0 Force Majeure.

Information Access Company will not be responsible for delay or failure to perform due to unforeseen circumstances or circumstances beyond Information Access Company's control, including, without limitations, war, strikes, civil disturbances and Acts of God.

## 13.0 Notices.

All notices, consents or other communications referred to herein will be in writing and will be sent to the other party by First Class Mail at the appropriate addresses indicated by the parties. Service of such notice, consent or other communication hereunder will be effective on the fifth day after the day of mailing.

## 14.0 Security Audit.

The Subscriber hereby grants Information Access Company the right to audit, during regular business hours, use of the Database(s) to ensure compliance with this agreement including without limitation the number of simultaneous users permitted to access the Database(s).

## 15.0 Enforceability.

The Third Party Data Suppliers retain their respective rights to enforce its trademarks, copyrights, patents, trade secrets and other rights against any violation thereof.

This document must be signed and returned to Information Access Company within 45 days of installation. I understand that by reading this I am bound by the terms and conditions herein.

(Signature) Sherri McDowell

(Institution)

State Of Oregon Acting By And Through  
The State Board Of Higher Education  
On Behalf Of The University Of Oregon

## **ADDENDUM TO THE INFORMATION ACCESS COMPANY'S INFOTRAC SEARCHBANK SUBSCRIPTION AND LICENSE AGREEMENT.**

This Addendum to the Information Access Company's Infotrac Searchbank Subscription And License Agreement (the "Agreement") is entered into between the Information Access Company ("IAC") and the Orbis Library Consortium (the "Subscriber"). The parties hereby agree as follows:

**ADD THIS SECTION:**

### **0.0 Description of Subscriber and Consortium**

Subscriber, as agent, signs this Agreement on behalf of the libraries described in Exhibit A ("the Consortium Members"). The Consortium Members are entitled to the rights, responsibilities, and privileges as set forth for the Subscriber under this Agreement. The Subscriber agrees and represents that it has the agreement of all Consortium Members to enter into this Agreement, and each Consortium Member accepts and agrees to the terms and conditions of this Agreement, as if it had itself executed the same, as evidenced by Consortial Acceptance. (Exhibit B).

Paragraph 3.1 of Section 3.0 "Proprietary Rights in the Database(s)" shall be amended as follows:

Subscriber may view the Database(s) on its terminal or may print data by printer (and may make copies of such printout) solely for the purposes expressly permitted by this license.

Paragraph 4.1 of Section 4.0 "Use Restrictions" shall be amended as follows:

Information contained in the Database(s) (or portions thereof) may not be duplicated or disseminated in hardcopy or machine readable form without the prior written consent of Information Access Company, with two exceptions:

- each authorized user may print or download electronically information contained in the Database(s) for nonprofit educational purposes or for use only by such authorized users to support his or her personal research needs.
- each Consortium Member will follow the CONTU guidelines for interlibrary loan purposes.

Under no circumstances may printed or electronically stored copies permitted under this Section be offered for resale. Subscriber will adhere to the

Copyright Law of 1976 (Title 17 US Code) including the Fair Use Guidelines (Sec 107) regarding the redistribution of printed or electronically stored copies.

Paragraph 4.3 of Section 4.0 "Use Restrictions" shall be amended to include the following statement after the statement beginning "Third Party Suppliers...."

Notification of revised or additional terms and conditions should be received by the Subscriber thirty (30) days in advance.

Paragraph (a) of Section 5.0 "Subscriber's Obligations" shall be amended as follows:

(a) to take all reasonable action to restrict and control the use, copying, protection, and security of the Product among subscriber's authorized users and prevent access except to those permitted to have access by the terms of this Agreement.

Paragraph 6.2 of Section 6.0 "Warranties" shall be amended as follows:

In no event shall IAC or any third party data supplier be liable for indirect, special, incidental, or consequential damages arising out of the use of or inability to use the database(s) or software or for the loss or damage of any nature cause to any person as a result of the use of the database(s) or software. In no event shall IAC's or third party data supplier's liability under this agreement exceed the annual subscription fee received by IAC from Subscriber plus attorney's fees.

Add Paragraph 6.3 to Section 6.0 "Warranties":

6.3 In the event that through the fault of IAC, the Subscriber is unable to access the Product for more than ten (10) hours in total during any month of this Agreement, IAC shall refund to Licensee a prorata portion of the license fees paid to IAC for each hour over ten (10) hours per month that the Product is unavailable.

Section 7.0 "Indemnification" shall be amended to include the following statement after the statement beginning "Excluding...:

The foregoing provision shall apply to Consortium Members that are public universities located in the state of Oregon, subject to the constraints of Oregon Constitution, article XI, sec. 7, and Oregon Revised Statutes 30.260, et seq.

Section 8.0 "Term" shall be amended to as follows:

The initial term of this agreement will be one (1) year commencing from the date specified in the Purchase Agreement, and this Agreement will be automatically renewed for two (2) successive one (1) year terms at the fees current on the renewal date unless either Information Access Company, Subscriber, or Third Party Data Suppliers give notice of its intention to cancel or modify the Agreement at least sixty (60) days in advance of the expiration of the current term. In the event that one or more Consortium Members must terminate their subscription to the Database(s), the Subscriber may find appropriate substitutes or re-negotiate the price.

**Section 10.0 "Termination of License" shall be amended as follows:**

Either party can terminate this Agreement in the event of a material breach of the Agreement's terms by the other party which is not corrected within five (5) days of receiving written notice of the violation. In the event of cancellation or early termination of this agreement for any reason, fees paid in advance shall be returned to Subscriber on a basis prorated by week, unless otherwise specified. Information Access Company may terminate this agreement with respect to any Databases(s) that it ceases to produce or any Database(s) not made available to Information Access company by any Third Party Provider. In the event that any Database(s) are eliminated from this Agreement, the price will be re-negotiated.

**Section 11.0 "Prohibition of Assignment" shall be amended as follows:**

Neither party may assign any of its rights or delegate any of its obligations under this Agreement to any other party without the express written consent of the other, except that IAC may assign this Agreement to a now existing or hereafter formed affiliate or to an entity acquiring all or substantially all of its assets.

**Section 14.0 "Security Audit" shall be amended as follows:**

The Subscriber hereby grants Information Access Company the right to unobtrusively audit during regular business hours, use of the Database(s) to ensure compliance with this Agreement including without limitation the number of simultaneous users permitted to access the Database(s).

**ADD THIS SECTION:**

**15.0 Statistics**

IAC shall provide Subscriber within thirty (30) days of the end of each quarter during the term of this Agreement, a written report for the quarter. Such reports shall include the volume of search requests by Subscriber and each Consortium Member during that quarter.





1299 University of Oregon  
Eugene, OR 97403-1299

(541) 346-3049 voice  
(541) 346-3485 fax  
libsys@oregon.uoregon.edu

Attachment A

**COPY**

**Invoice**

Date: 10-Jul-97

---

To: Multnomah County Library  
205 N.E. Russell St.

Portland, OR 97205

Attention: Jeanne Goodrich

---

For: Subscription: IAC. Access to Information Access  
Corporation databases from July 1, 1997 through June  
30, 1998 under terms negotiated by the Oregon Task  
Force on Cooperative Database Licensing.

---

**Invoice Total:** \$66,304.00

---

**Make payment payable to:** University of Oregon Library

**Return one copy of this invoice with your payment to this address**

Systems Dept.-Orbis  
University of Oregon Library  
1299 University of Oregon  
Eugene, OR 97403-1299

---

*Accounting index: NORBER acct. code: 6398*

MEETING DATE: August 28, 1997  
AGENDA NO: R-9  
ESTIMATED START TIME: 11:00am

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Notice of Intent for Violence Prevention Program Grant Application

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: Thursday, August 28, 1997  
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Health DIVISION: Planning and Development

CONTACT: Linda Jaramillo TELEPHONE #: 248-3663, ext. 22815  
BLDG/ROOM #: 160/2

PERSON(S) MAKING PRESENTATION: Linda Jaramillo

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

**Request for Approval of a Notice of Intent to Apply for a  
\$15,000 Oregon Community Foundation Grant  
for a Peace Action Zone Project**

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: Bette Odegaard (Sg)

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 AUG 20 AM 11:04

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



# MULTNOMAH COUNTY OREGON



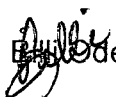
HEALTH DEPARTMENT  
426 S.W. STARK STREET, 8TH FLOOR  
PORTLAND, OREGON 97204-2394  
(503) 248-3674  
FAX (503) 248-3676  
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Beverly Stein, Chair

FROM: Linda Jaramillo  
Violence Prevention Coordinator

THROUGH:  E. Odgaard, Director

SUBJECT: Grant Application  
Oregon Community Foundation  
Community Grant Program

TODAY 'S DATE: August 19, 1997

REQUESTED PLACEMENT DATE: August 28, 1997

- I. Recommendation/Action  
Request Board approves Health Department's Violence Prevention Program Grant Application in the amount of \$15,000.
- II. Background/Analysis:  
The Community Grant Program supports a wide variety of projects where modest amounts of money can make a significant difference and which promise tangible benefits or means of solving community problems or concerns. A primary funding objective is to preserve and improve Oregon's livability through citizen involvement.

The Multnomah County Board of County Commissioners and Commission on Children and Families has identified violence as a major community concern. A number of community groups throughout Multnomah County have identified violence prevention as a priority. The Health Department offers a vehicle for communities to mobilize as a *Peace Action Zone*. These *Zones* are identified and formalized by the local group. Each group then sets goals that are closely related to their specific community's problem statement. In this way, smaller

segments of our communities can respond in ways that bring results to their local settings.

The funds will be used to support the efforts of the local *Peace Action Zones*. Often more than one group will join together to more effectively address common concerns. They sometimes do not have the necessary administrative infrastructure to apply for or administer the funds. The Health Department provides technical assistance, planning, and support services to the local efforts.

III. Financial Impact

There is no additional financial impact for the county. Violence Prevention staff will continue to support local efforts through already approved budget funds.

IV. Legal Issues

None known

V. Controversial Issues:

Funds will not be used for development of policy statements or political opinions. Funds may be used for public awareness and educational programs related to violence in the media and/or safe gun storage.

VI. Link to Current County Policies

Multnomah County and City of Portland have identified crime and domestic violence as urgent benchmarks. The Multnomah County Commission on Children and Families has identified Safe Families Living in Safe Communities as a goal in their 1997 Strategic Plan.

VII. Citizen Participation:

Citizens in the communities of Multnomah County are the primary decision-makers and players in this effort. Health Department staff supports their efforts through technical and administrative assistance, training, and program and educational resources.

VIII. Other Government Participation:

The Health Department works closely with the County Department of Community and Family Services, Department of Juvenile and Adult Community Justice, and Aging Services. Other working partners include City Police Agencies, Office of Neighborhood Associations, and private non-profit.

*Peace Action Zones* include a variety of governmental support systems. *Zones* now exist or are being formed in Caring Communities, Family Centers, Schools, Faith communities, specific neighborhoods or housing complexes, etc.

MEETING DATE: AUG 28 1997  
AGENDA NO.: R-10  
ESTIMATED START TIME: 11:05am

Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ordinance Amending MCC Chapter 5.10.435 to Increase Dissolution Filing Fee for Support of Family Court Services

BOARD BRIEFING: DATE REQUESTED \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED August 28, 1997  
AMOUNT OF TIME NEEDED 10 minutes

DEPARTMENT: Juvenile and Adult Community Justice Services DIVISION: Family Court Services  
CONTACT: Hugh McIsaac TELEPHONE #: 248-3189  
BLDG/ROOM #: 101/350

PERSON(S) MAKING PRESENTATION: Hugh McIsaac

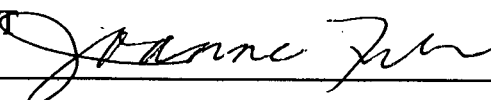
ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

SUGGESTED AGENDA TITLE:

Increase in Dissolution Filing Fee \$13 for support of Family Court Services

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT \_\_\_\_\_  
MANAGER: 

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 20 AM 10:46  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

TO: Board of County Commissioners

FROM: Hugh McIsaac, Manager  
Family Court Services  
Department of Juvenile and Adult Community Justice

DATE: August 14, 1997

SUBJECT: Increase in Dissolution Filing Fee — \$13 — for Support of Family Court Service Program

#### I. RECOMMENDATION

The Department of Juvenile and Adult Community Justice (DCJ) recommends approval of the attached ordinance increasing the assessment to the dissolution filing fee to \$150, an increase of \$13 for support of Family Court Services. This increase will support the budget in the 1997-98 budget approved by the Board of Commissioners for this year.

#### II. BACKGROUND ANALYSIS

The Board of County Commissioners' approved budget for 1997-98 for the Department of Juvenile and Adult Community Justice is contingent upon approval of a \$13 increase in the dissolution filing fee allocated for Family Court Services to be increased from \$137 to \$150. This fee was last increased in 1990.

#### III. FINANCIAL IMPACT

The addition of this \$13 will raise an estimated \$45,000 enabling us to meet our 1997-98 projected revenue figure. The Family Court Services will continue to be totally supported out of filing fee surcharge for dissolutions, a case opening fee for child custody and visitation evaluations and the parent education fee implemented this year enabling us to provide parent education to all divorcing families with children.

#### IV. LEGAL ISSUES

This fee increase does not come under the provisions of Measure 47 since no county funds have been used to support the service. Therefore, this fee increase does not constitute a property tax revenue replacement.

#### V. CONTROVERSIAL ISSUES: N/A

**VI. LINK TO CURRENT COUNTY POLICIES**

The purpose of this fee increase is to finance the current budget as approved for fiscal year 1997-98.

**VII. CITIZEN PARTICIPATION: N/A**

**VIII. OTHER GOVERNMENTAL PARTICIPATION:** This fee increase is to be coordinated with the October 5, 1997, \$36.00 fee increase to be added by the State Court for other programs.

1  
2  
3 BEFORE THE BOARD OF COUNTY COMMISSIONERS

4  
5 FOR MULTNOMAH COUNTY, OREGON

6  
7 ORDINANCE NO. \_\_\_\_\_  
8  
9

10 An ordinance amending MCC Chapter 5.10.435 to increase the fee for filing a  
11 domestic relations suit in the Circuit Court of Multnomah County from \$137.00 to  
12 \$150.00.

13 (Language in brackets [ ] is to be deleted; underlined language is new.)

14 Section I. Findings.

15 (A) Conciliation and mediation services in Multnomah County are funded by  
16 domestic relations filing fees of \$137.00.  
17

18 (B) The filing fee has not been increased since 1990 and no longer covers  
19 the cost of services.

20 (C) The fee increase is included in the approved 1997-98 budget.

21 (D) Related state fees will be increased October 5, 1997, pursuant to 1997  
22 legislation.  
23

24 (E) An increase in the domestic relations filing fee at this time would permit  
25 coordination with the state changes and reduce printing and administration costs.  
26



1 Section II. Amendment.

2 MCC 5.10.435 is amended to read:

3 **5.10.435. Fee for filing a domestic relations suit.**

4 (A) The Multnomah County portion of the fee for filing a domestic relations  
5 suit in the circuit court of Multnomah County shall be [~~\$137.00~~] \$150.00. Total  
6 receipts from these filings shall be utilized to fund conciliation and mediation services  
7 provided by the family court services division.  
8

9 (B) A child custody evaluation case opening fee of \$150.00 shall be  
10 assessed in domestic relations suits in the Circuit Court of Multnomah County  
11 involving minor children, at the time court ordered custody investigation is instituted.  
12 Both parties to the suit are responsible for payment of the fee. The fee may be  
13 assessed as costs at the time of the decree.  
14

15 (C) A child custody evaluation case opening fee of \$150.00 shall be paid at  
16 the time of filing a motion for modification of child custody or visitation, and shall be  
17 paid by the moving party.  
18

19 (D) Total receipts from the case opening fee shall be utilized to fund the  
20 family court services division. Persons eligible for legal aid counsel may have the  
21 custody evaluation case opening fee deferred, upon application to and approval of the  
22 director of family court services, or that person's designee.  
23

24 (E) The director of family court services shall establish written criteria to be  
25 used in reviewing application for fee deferral, consistent with local court rules  
26 regarding deferral of filing fees.

1 Section III Adoption.

2 This ordinance, being necessary for the health, safety, and general welfare of the  
3 people of Multnomah County, shall take effect on the thirtieth (30<sup>th</sup>) day after its  
4 adoption, pursuant to 5.50 of the Charter of Multnomah County.

5 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1997, being the date of its  
6 second reading before the Board of County Commissioners of Multnomah County,  
7 Oregon.  
8

9 BOARD OF COUNTY COMMISSIONERS  
10 MULTNOMAH COUNTY, OREGON

11 (SEAL)

12 By \_\_\_\_\_  
13 Beverly Stein, Chair  
14  
15  
16  
17

18 REVIEWED:

19 THOMAS SPONSLER, COUNTY COUNSEL  
20 FOR MULTNOMAH COUNTY, OREGON

21 By Katie Gaetjens  
22 Katie Gaetjens, Assistant County Counsel  
23  
24

25 Advisory\Gaetjens\Ordinances\Dom Rel Filing Fee.doc  
26

## BUDGET MODIFICATION NO.

DCJ 1

(For Clerk's Use) Meeting Date **AUG 28 1997**Agenda No. **R-11**

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR \_\_\_\_\_

(Date)

DEPARTMENT **Juvenile & Adult Community Justice**

DIVISION \_\_\_\_\_

CONTACT **Meganne Steele**TELEPHONE **248-3961**

\* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

SUGGESTEDAGENDA TITLE (to assist in preparing a description for the printed agenda)

**Budget modification to increase the Department of Juvenile & Adult Community Justice Budget by \$126,482 to implement the approved Arming Implementation Plan.**

(ESTIMATED TIME NEEDED ON THE AGENDA)

## 2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

 Personnel changes are shown in detail on the attached sheet

The Department of Juvenile & Adult Community Justice, Adult Justice Management budget will be increased by \$126,482. The implementation of the optional arming policy necessitates an increase in training for Probation/ Parole Officers and supplies related to arming such as ammunition, weapons, safety equipment, range equipment, training room construction. The Multnomah County Board of Commissioners has agreed to provide funding in the amount of \$126,482 from the General Fund.

## 3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Increase General Fund revenue

\$ 126,482

 BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 AUG 20 AM 11:47

## 4. CONTINGENCY STATUS

(to be completed by Budget &amp; Planning)

 Fund Contingency before this modification (as of 8/18/97)

8/18/97

\$

Date

After this modification

\$ 2,254,952

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

Wendy C. Boustan 8/28/97



## REQUEST FOR GENERAL FUND CONTINGENCY TRANSFER

1. Attachment to Bud Mod No. DCJ-1
2. Amount requested from General Fund Contingency \$126,482
3. Summary of Request

The Department of Juvenile and Adult Community Justice recommends approval of this budget modification to transfer \$126,482 from general fund contingency to support expenditures necessary to implement the Arming Implementation Plan approved by the Board of County Commissioners on July 10, 1997. The implementation of the optional arming policy necessitates an increase in training for Probation/Parole Officers and supplies related to arming such as ammunition, weapons, safety equipment, range equipment and training room construction. At the time of approval, the Board of County Commissioners was advised that additional, unbudgeted expenses would be required to implement the arming plan as preferred; the Department was instructed to return to the Board for approval of necessary budget modifications.

4. Has the expenditure for which this transfer is sought been included in any budget request during the past five years? NO

If so, when?

If so, what were the circumstances of its denials?

5. Why was this expenditure not included in the annual budget process?

This wasn't included in the budget because the Board had not yet approved an arming policy. Given the controversy around this subject, it would have been premature to presume a policy outcome during budget development. We needed to wait for direction from the Board.

6. What efforts have been made to identify funds from another source within the Department, to cover this expenditure? Why are no other Departmental sources of funds available?

The Departmental budget is fully committed for other planned expenditures.

7. Describe any new revenue that this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

This expenditure will not produce any cost savings nor will it generate revenues to payback the contingency account.

8. This request is for a (Quarterly , Emergency) review.

9. FOR EMERGENCY REQUESTS ONLY: Describe in detail on an additional sheet the costs or risks that would be incurred by waiting for the next quarterly review, in justification of the emergency nature of this request.

Waiting for the next quarterly review of contingency requests would delay implementation of the Approval Arming Implementation Plan.

10. Attach any additional information or comments you feel helpful.

\_\_\_\_\_  
Signature of Department Head/Elected Official

\_\_\_\_\_  
Date



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE  
JUVENILE COMMUNITY JUSTICE  
1401 N.E. 68TH  
PORTLAND, OREGON 97213  
(503) 248-3460  
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Meganne Steele, Manager  
Resource Management Services  
Department of Juvenile and Adult Community Justice

DATE: August 8, 1997

SUBJECT: Budget Modification to Increase the Department of Juvenile  
and Adult Community Justice Budget by \$ 126,482 to  
Implement the Approved Arming Implementation Plan

## I. RECOMMENDATION

The Department of Juvenile and Adult Community Justice [DCJ] recommends approval of Budget Modification DCJ-1. This budget modification transfers \$126,482 in General Fund contingency to the Adult Community Justice Management budget to implement the Arming Implementation Plan as approved by the Board of County Commissioners on July 10, 1997.

## II. BACKGROUND ANALYSIS

On July 10, 1997, the Board of County Commissioners adopted an Arming Implementation Plan for sworn staff in Adult Community Justice. During the process of Board deliberations on the alternative approaches, the Board was advised that additional, unbudgeted expenses would be required to implement the preferred policy of optional arming with mandatory specialized arming. The Board adopted this policy and instructed the Department to return to the Board for approval of necessary budget modifications. Budget Modification DCJ-1 is submitted to finance the Arming Implementation Plan as directed by the Board.

To date, 64 sworn staff in Adult Community Justice have requested to be optionally armed. This includes staff who are currently armed for threat or armed per their specialized unit assignments. Prior to the adoption of this resolution, there were 32 staff armed; the additional 32 will be armed provided they successfully complete all force continuum training sessions and pass a psychological examination.

## II. FINANCIAL IMPACT

This budget modification provides \$126,482 to support materials and supplies expenditures needed for the Arming Implementation Plan in 1997-98. Of this amount, \$20,000 is a one-time-only investment to establish a training room for the Department, to be located at the Peninsula Office. To be armed, sworn staff must be able to employ all levels of the force continuum. The force continuum requires the ability to defend oneself without resorting to deadly force. The training room will be a space where we can put down gymnasium mats and will be used for Confrontational Simulation, weapons retention, arrest and restraint training and ASSP baton training. These classes are very physical and require space and mats. Gyms charge \$200 a day for use and are not always available to be scheduled for reasonable training times. The balance of \$106,482 is needed for weapons, weapons parts, ammunition, eye and ear protection, cleaning kits, weapons lockers, targets range fees and supplies, magazine carriers and training. Most of these items are expendable with the exception of weapons, for which \$25,000 is now allocated. In future years, new weapons will be purchased as new sworn staff select to be optionally armed and as older weapons require replacement.

This budget modification does not reflect the full cost of the Arming Implementation Plan: personnel costs will be absorbed within the staffing levels approved in the 1997-98 Adopted Budget. Within that budget, the Range Master position became a full-time position. The budget does not provide additional staff to fill-in for sworn staff time dedicated to the force continuum training sessions nor does it cover increased costs for psychological examinations.

The 1997-98 General Fund contingency will be reduced by \$126,482 to transfer funds to the Department of Juvenile and Adult Community Justice. This use of contingency funds is to support expenses necessary to keep a public commitment. These additional expenses can not be accommodated within the existing departmental budget. Approval of this

budget modification is necessary at this time to support timely implementation of the approved Arming Implementation Plan.

Approval of this budget modification will create on-going costs of approximately \$ 100,000. Given the approved policy regarding contingency requests, the Department's "constraint calculation" for next year will not be adjusted to reflect on-going costs. The Department will need to request support for these additional costs in the process of preparing the Proposed 1998-99 Budget.

IV. LEGAL ISSUES : N/A

V. CONTROVERSIAL ISSUES: N/A

VI. LINK TO CURRENT COUNTY POLICIES

The purpose of this budget modification is finance implementation of the Arming Implementation Plan adopted by the Board of County Commissioners on July 10, 1997.

VII. CITIZEN PARTICIPATION : N/A

VIII. OTHER GOVERNMENTAL PARTICIPATION: N/A





# MULTNOMAH COUNTY, OREGON

---

**BOARD OF COUNTY COMMISSIONERS**

BEVERLY STEIN  
DAN SALTZMAN  
GARY HANSEN  
TANYA COLLIER  
SHARRON KELLEY

**BUDGET & QUALITY**

PORTLAND BUILDING  
1120 S.W. FIFTH - ROOM 1400  
P. O. BOX 14700  
PORTLAND, OR 97214  
PHONE (503)248-3883

---

TO: Board of County Commissioners

FROM: Karyne Dargan, Budget Office

DATE: August 19, 1997

SUBJECT: Contingency Request by the Department of Community Justice  
Budget Modification DCJ01

---

The Department of Community Justice is requesting \$126,482 from the Contingency Reserve to support expenditures necessary to implement the Arming Implementation Plan approved by the Board of County Commissioners on July 10, 1997.

In the 1997-98 Adopted Budget for Multnomah County, the Financial and Budget Policy for general fund emergency contingency transfers is as follows:

"To achieve financial stability, the following are guidelines to be used by the Board in considering requests for transfers from the General Fund Contingency Account:

1. *Approve no contingency request for purposes other than "one-time-only" allocations.*
2. *Limit contingency funding to the following:*
  - a. *Emergency situations which, if left unattended, will jeopardize the health and safety of the community.*
  - b. *Unanticipated expenditures that are necessary to keep previous public commitment or fulfill a legislative or contractual mandate or can be demonstrated to result in significant administrative or programmatic efficiencies that cannot be covered by existing appropriations."*

The Board should note that only \$20,000 of the \$126,482 is for one-time-only monies and that approval of this action will result in increasing the departments budgeted expenditures in 1997-98 fiscal year. This request for a contingency transfer meets criteria 2b. However, the Budget Office recommends that the whole request be treated as a one-time-only expenditure, and that it not be included as part of the constraint calculation for the 1998-99 fiscal year. No offsetting revenues are associated with this program, thus funding for 1998-99 would be at the expense of other county departments and programs. That is, if the cost for this program were to be added to Community Justice's constraint, the effect would be to spread the cost across all other departments and hold only Community Justice harmless.

As of August 18, 1997 there was \$2,381,434 in the Contingency Reserve fund. This budget modification will reduce that fund to \$2,254,952.

MEETING DATE: AUG 28 1997

AGENDA NO: R-12

ESTIMATED START TIME: 11:15 Am

(Above Space for Board Clerk's Use ONLY)

-----  
**AGENDA PLACEMENT FORM**

**SUBJECT:** \_\_\_\_\_

**BOARD BRIEFING**      **Date Requested:** \_\_\_\_\_

**Requested by:** \_\_\_\_\_

**Amount of Time Needed:** \_\_\_\_\_

**REGULAR MEETING:**      **Date Requested:** August 28, 1997

**Amount of Time Needed:** 5 Minutes

**DEPARTMENT:** Environmental Services      **DIVISION:** Transp. & Land Use Plan

**CONTACT:** Karen Schilling      **TELEPHONE #:** 83636

**BLDG/ROOM #:** #425/Yeon

**PERSON(S) MAKING PRESENTATION:** Karen Schilling

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY      ☐ POLICY DIRECTION      ☒ APPROVAL      ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Approval of Cooperative Improvement Agreement for Halsey Street

9/4/97 ORIGINALS to CATHEY KRAMER

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** \_\_\_\_\_

**OR**

**DEPARTMENT MANAGER:** A. Lou E. Nicholas

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions:**      **Call the Board Clerk at 248-3277**

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 20 PM 4:44  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION  
1620 SE 190TH AVENUE  
PORTLAND, OREGON 97233  
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DAN SALTZMAN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
TANYA COLLIER • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** Harry F. Nicholas, P.E., Director  
Karen Schilling

**TODAY'S DATE:** August 6, 1997

**REQUESTED PLACEMENT DATE:** August 28, 1997

**RE:** Halsey St. Cooperative Improvement Agreement

**I. Recommendation/Action Requested:**

Approval of a Cooperative Improvement Agreement for constructing bicycle and pedestrian facilities on NE Halsey Street from 223<sup>rd</sup> Ave. to 238<sup>th</sup> Ave.

**II. Background/Analysis:**

In 1994, Oregon Department of Transportation (ODOT) agreed to terminate construction of the I-84 multi-use path east of 207<sup>th</sup> Ave. and transfer the savings to Multnomah County. The I-84 multi-use path has limited access to adjoining land uses. The County agreed to construct bicycle and pedestrian facilities on NE Halsey St. from 207<sup>th</sup> Ave. to the Columbia River Highway in Troutdale using the funds transferred from ODOT. This project will complete a missing segment of bicycle and pedestrian facilities on Halsey St. from 223<sup>rd</sup> Ave to 238<sup>th</sup> Ave.

**III. Financial Impact:**

The preliminary estimate for this project is \$1.5 million. The County will be responsible for costs exceeding \$800,000 to complete the roadway reconstruction. The project is programmed in the current Capital Improvement Program.

IV. Legal Issues:

There are no legal issues.

V. Controversial Issues:

There are no controversial issues.

VI. Link to Current County Policies:

Providing bike and pedestrian facilities throughout the County complies with Policy 33C of the Multnomah County Comprehensive Plan. The County is committed to providing a balanced, safe and efficient transportation system that serves different modes of traffic.

VII. Citizen Participation:

Bike and pedestrian facilities on Halsey St. have been discussed in the Northeast Construction Project Newsletter as a pending project for the coming year. The project has been identified in the Capital Improvement Plan since 1994.

The project has received support at the East Multnomah County Transportation Committee (EMCTC). EMCTC is comprised of elected officials from the four East County Cities and Multnomah County.

VIII. Other Government Participation:

This project is strongly supported by ODOT as shown by the commitment to funding the bicycle and pedestrian facilities. Staff and elected officials from the four East County cities have discussed this project and support the completion of bicycle and pedestrian facilities on NE Halsey St.

(See Administrative Procedures CON-1)

Contract # 300198

Prior-Approved Contract Boilerplate: \_\_\_\_\_ Attached:  X  Not Attached

Amendment # \_\_\_\_\_

<p style="text-align: center;"><b>CLASS I</b></p> <p><input type="checkbox"/> Professional Services under \$50,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$50,000</p>	<p style="text-align: center;"><b>CLASS II</b></p> <p><input type="checkbox"/> Professional Services over \$50,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p style="text-align: center;"><b>CLASS III</b></p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement over \$25,000</p> <p style="text-align: center;"><b>APPROVED MULTNOMAH COUNTY</b>  <b>BOARD OF COMMISSIONERS</b>  <b>AGENDA #</b> <u>R-12</u> <b>DATE</b> <u>8/28/97</u>  <u>DEB BOGSTAD</u>  <b>BOARD CLERK</b></p>
---	--	---

Department: Environmental Services Division: Transportation & Land Use Planning Date: 8/6/97

Contract Originator: Karen Schilling Phone: 83636 Bldg/Room: #425/Yeon

Administrative Contact: Cathey Kramer Phone: 248-5050 x22589 Bldg/Room: #425/Yeon

**Description of Contract:** **Cooperative Improvement Agreement for Halsey Street from 223rd Ave to 238th Ave.**

RFP/BID #: \_\_\_\_\_ Date of RFP/BID: \_\_\_\_\_ Exemption Expiration Date: \_\_\_\_\_

ORS/AR # \_\_\_\_\_ (Check all boxes that apply) Contractor is ☐ MBE ☐ WBE ☐ QRF ☒ N/A ☐ None

Original Contract No. \_\_\_\_\_ (ONLY FOR ORIGINAL RENEWALS)

Contractor Name: <u>Oregon Dept. of Transportation</u>	Remittance Address (if different) _____
Mailing Address: <u>123 NW Flanders St</u>	_____
City/State/Zip: <u>Portland OR 97209-4037</u>	_____
Point of Contact: <u>Tamira Clark</u>	
Phone: <u>(503) 731-8275</u>	
Employer ID# or SS#: _____	Payment Schedule Terms
Effective Date: <u>September 1, 1997</u>	<input checked="" type="checkbox"/> Lump Sum <u>\$800,000</u> <input checked="" type="checkbox"/> Due on Receipt
Termination Date: <u>December 31, 2000</u>	<input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30
Original Contract Amount: _____	<input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other
Total Amt of Previous Amendments: _____	<input type="checkbox"/> Requirements contract - Requisition Required
Amount of Amendment: _____	Purchase Order No. _____
Total Amount of Agreement: <u>\$800,000.00</u>	<input type="checkbox"/> Requirements Not to Exceed \$ _____
	Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>

**REQUIRED SIGNATURES:**

Department Manager: A. Loma. Cickolas

Date: 8/11/97

Purchasing Manager: \_\_\_\_\_

Date: \_\_\_\_\_

(Class II Contracts Only)

County Counsel: *Gandhi Gupta*

Date: 8-19-97

County Chair/Sheriff: Mike Jensen

Date: August 28, 1997

Contract Administration: \_\_\_\_\_

Date \_\_\_\_\_

(Class I, Class II Contracts Only)

[illegible]

If additional space is needed, attach separate page. Write contract # on top of page.

**DISTRIBUTION:** Original Signatures - Contract Administration, Initiator, Finance

CAF.DOC/KSVH2681.CAF

## COOPERATIVE IMPROVEMENT AGREEMENT

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT"; and MULTNOMAH COUNTY, a political subdivision of the State of Oregon, acting by and through its Board of Commissioners, hereinafter referred to as "COUNTY".

### WITNESSETH

#### RECITALS

1. Halsey Street is a part of the County street system under the jurisdiction and control of the County.
2. By the authority granted in ORS 366.770 and 366.775, ODOT may enter into cooperative agreements with the counties and cities for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. Under such authority and for the purpose of improving bicycle and pedestrian facilities along Halsey Street within the Multnomah County limits, ODOT and County plan and propose to construct bicycle and pedestrian improvements as a part of Halsey Street reconstruction from approximately 213<sup>th</sup> to 244<sup>th</sup>. Improvements along Halsey Street are intended to provide a continuous bicycle and pedestrian system from the 207<sup>th</sup> connection with I-84 to the intersection of Halsey and the Historic Columbia River Highway in lieu of a multi-use pathway along a corresponding section of I-84 on the State Highway System. The locations of these improvements are approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.
4. ODOT will contribute \$800,000, in State funds, to be used toward the construction portion of bikelanes and sidewalk improvements along N.E. Halsey from 225<sup>th</sup> to 236<sup>th</sup> Avenue; hereinafter referred to as "Project". Any additional project costs will be the responsibility of the County.
5. This agreement shall become effective upon execution of this agreement by all parties and shall remain in effect for the purpose of ongoing maintenance responsibilities addressed herein.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

### **ODOT OBLIGATIONS**

1. ODOT shall review and provide written approval of all construction plans prior to County's advertisement for project bids.
2. Upon approval by the Oregon Transportation Commission for inclusion of the project in the 1998-2001 Statewide Transportation Improvement Program (STIP) and after the County's award of the construction contract to improve NE Halsey Street between NE 225th and NE 236th including bikelanes and sidewalks as shown on the Exhibit B, attached hereto and made a part hereof, ODOT will issue a check to the County for a lump sum amount of \$800,000, within 30 days of receiving an invoice from the County.

### **COUNTY OBLIGATIONS**

1. County, or its consultant if any, shall, at County expense, conduct the necessary field surveys, environmental studies and traffic investigations; identify and obtain all required permits; acquire all right-of-way and easements; arrange for relocation or adjustment of any conflicting utility facilities; and perform all preliminary engineering and design work required to produce preliminary/final plans and specifications for the project.
2. County shall, upon ODOT's review and approval of final plans, prepare the contract and bidding documents; advertise for construction bid proposals; award all contracts on or before December 1998; pay all contractor costs, and furnish all construction engineering, field testing of material, technical inspection and provide project manager services for administration of the contract.
3. County shall ensure that said bicycle and pedestrian improvements are constructed in compliance with the Americans with Disabilities Act requirements and in accordance with the current Oregon Bicycle and Pedestrian Plan.
4. County shall, upon completion of the project and at its own expense, maintain the project.
5. County shall authorize execution of this agreement during a regularly convened session of its Board of Commissioners.

M.C. & A. NO.15,023  
MULTNOMAH COUNTY

6. Upon award of the construction contract, County shall forward an invoice to ODOT for \$800,000 to be used for improvement and/or construction of bikelanes and sidewalks from 225<sup>th</sup> to 236<sup>th</sup> on N.E. Halsey Street.
7. County agrees that if the 225<sup>th</sup> – 236<sup>th</sup> contract is terminated or not completed within 2 years of contract award date, the \$800,000 will be returned to ODOT.

**GENERAL OBLIGATIONS**

1. ODOT and County agree and understand that a mutual review of the construction plans will be conducted prior to advertisement for construction bid proposals, and that ODOT's written approval is necessary before such advertisement.
2. The Contractor, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.
3. This agreement may be terminated at any time by mutual written consent of the parties.
4. County acknowledges and agrees that ODOT and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of County that are pertinent to this agreement to perform examinations and audits and make excerpts and transcripts. County shall retain and keep all files and records for a minimum of three (3) years after completion of the project.
5. County shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, attached hereto as Exhibit C and by this reference made a part hereof. Without limiting the generality of the foregoing, the parties expressly agree to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Acts of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.



M.C. & A. NO.15,023  
MULTNOMAH COUNTY

6. This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this agreement shall not constitute a waiver by ODOT of that or any other provision.
7. County shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save, and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation, its officers and employees from any and all claims, suits, and liabilities which may occur in the performance of this project.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

M.C. & A. NO. 15,023  
MULTNOMAH COUNTY

This project is in the Draft 1998 - 2001 Statewide Transportation Improvement Program (STIP) and is anticipated to be approved in the Final 1998 - 2001 to be submitted to the Oregon Transportation Commission in September 1997. Any work performed prior to acceptance of the STIP by the Oregon Transportation Commission and funding being programmed with FHWA, will be considered non participating. Should this project not be approved in the 1998 - 2001 STIP by December 31, 1997, this IGA shall be considered null and void.

On May 1, 1995, the Oregon Transportation Commission adopted Delegation Order 2, which grants authority to the Region Manager to approve and execute agreements for work in the current STIP.

**APPROVAL RECOMMENDED**

By \_\_\_\_\_  
Reg. 1 Tech. Services Mgr.

Date \_\_\_\_\_

**REVIEWED FOR ODOT:**

By \_\_\_\_\_  
Assist. Attorney General

**REVIEWED:**

THOMAS SPONSLER, County Counsel  
for Multnomah County, Oregon

By: Sandra Duff  
Assistant County Counsel

Date 8-19-97

STATE OF OREGON, by and through its  
Department of Transportation,

By: \_\_\_\_\_  
Region Manager

Date \_\_\_\_\_

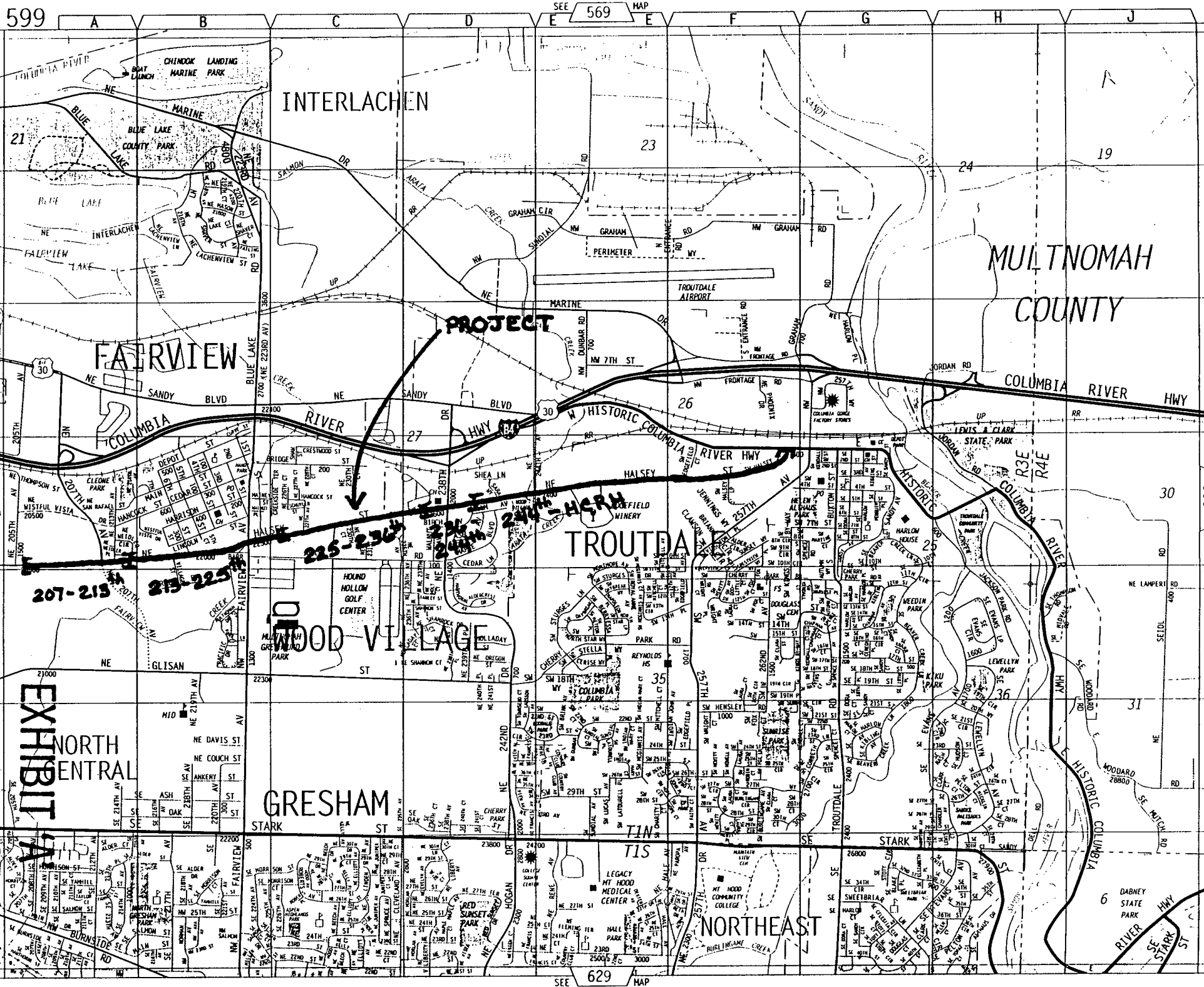
MULTNOMAH COUNTY, OREGON  
BOARD OF COUNTY COMMISSIONERS

By: Beverly Stein  
Beverly Stein, Chair

Date August 28, 1997

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-12 DATE 8/28/97  
DEB BOGSTAD  
BOARD CLERK

PORTLAND



COPYRIGHT 1997 Thomas Bros. Maps

SEE 600 MAP

SEE 629 MAP

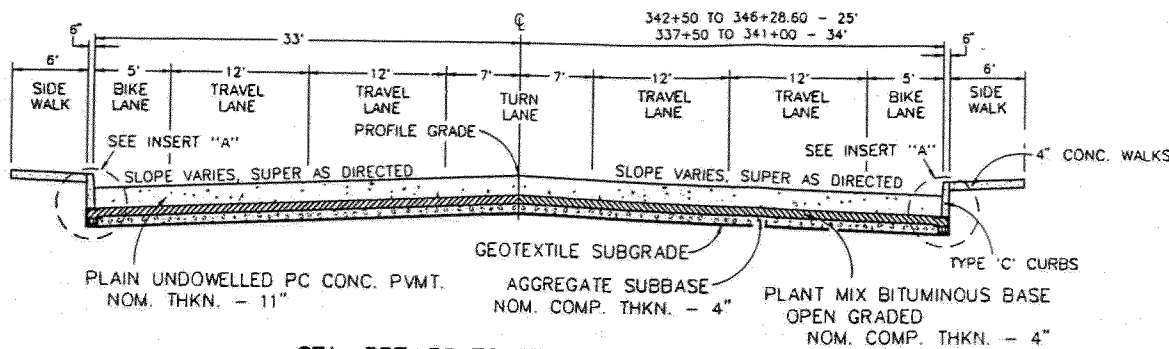
SEE 598 MAP

SEE 569 MAP

SEE 629 MAP

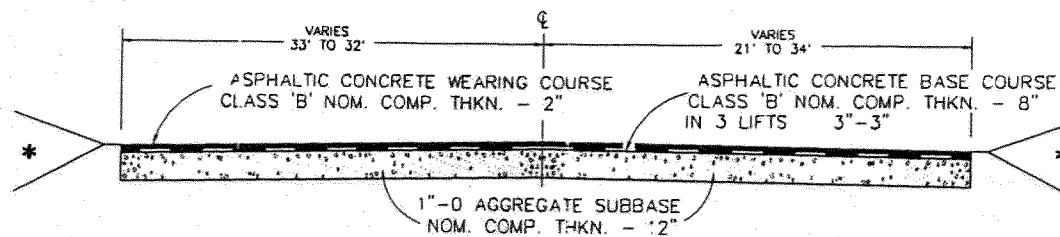
DETAIL

EXHIBIT A

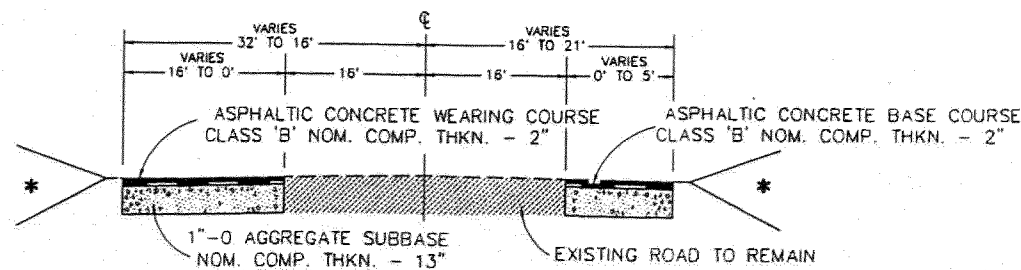


NOTE:  
INSERT "A" DETAILS SEE Sht. 2A-2

STA. 337+50 TO STA. 346+28.60  
BEGIN CURB & WALK RT. & LT.



STA. 337+00 TO STA. 337+50  
\* SLOPE TO ORIGINAL GROUND



\* SLOPE TO ORIGINAL GROUND

N.E. HALSEY ST.  
TYPICAL SECTION

EXHIBIT 'B'

## EXHIBIT C

### PERSONAL/PROFESSIONAL SERVICE CONTRACT

#### COMPLIANCE WITH APPLICABLE LAW (EXCERPTS)

279.312 Conditions of public contracts concerning payment of laborers and materialmen, contributions to Industrial Accident Fund, liens and withholding taxes. Every public contract shall contain a condition that the contractor shall:

(1) Make payment promptly, as due, to all persons supplying to such contractor labor or material for the prosecution of the work provided for in such contract.

(2) Pay all contributions or amounts due the Industrial Accident Fund from such contractor or subcontractor incurred in the performance of the contract.

(3) Not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

(4) Pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

279.314 Condition concerning payment of claims by public officers. (1) Every public contract shall also contain a clause or condition that, if the contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to the contractor or a subcontractor by any person in connection with the public contract as such claim becomes due, the proper officer or officers representing the state, county, school district, municipality, municipal corporation or subdivision thereof, as the case may be, may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due the contractor by reason of such contract.

(2) The payment of a claim in the manner authorized in this section shall not relieve the contractor or the contractor's surety from obligation with respect to any unpaid claims. (Amended by 1981 c.712 §5)

279.316 Condition concerning hours of labor. (1)(a) Every public contract shall also contain a condition that no person shall be employed for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it, and in such cases, except in cases of contracts for personal services as defined in ORS 279.051, the laborer shall be paid at least time and a half pay:

(A) For all overtime in excess of eight hours a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or

(B) For all overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and

(C) For all work performed on Saturday and on any legal holiday specified in ORS 279.334.

(b) An employer must give notice to employees who work on a public contract in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

(2) In the case of contracts for personal services as defined in ORS 279.051, the contract shall contain a provision that the laborer shall be paid at least time and a half for all overtime worked in excess of 40 hours in any one week, except for individuals under these contracts who are excluded under ORS 653.010 to 653.261 or under 29 USC, sections 201 to 209 from receiving overtime.

279.320 Conditions concerning payment for medical care and providing workers' compensation. (1) Every public contract shall also contain a condition the contractor shall promptly, as due, make payment to any person, copartnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to the employees of such contractor or all sums which the contractor agrees to pay for such services and all moneys and sums which the contractor collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

(2) Every public contract also shall contain a clause or condition that all employers working under the contract are subject employers that will comply with ORS 656.017.

ORAR 150-305.385(6)-(B) For purposes of this certificate, 'Oregon tax laws' mean the state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and local taxes administered by the Department of Revenue (Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan Transit District Self-Employment Tax).

#### RECYCLING

As required by ORS 279.555, in the performance of this contract, Contractor shall use, to the maximum extent economically feasible, recyclable products.

Meeting Date: AUG 28 1997  
Agenda No: R-13  
Est. Start Time: 11:20am

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** Third Reading of an Ordinance adopting the Sauvie Island/Multnomah Channel Rural Area Plan (C 6-95)

**BOARD BRIEFING**      Date Requested:  
                                 Amt. of Time Needed:  
                                 Requested By:

**REGULAR MEETING**      Date Requested:      August 28, 1997  
                                 Amt. of Time Needed:      1 hour

**DEPARTMENT:**      DES      **DIVISION:** Transportation & Land Use Planning  
**CONTACT:**      Gordon Howard      **TELEPHONE:** 248-3043  
                                 **BLDG/ROOM:** 412 / 1<sup>st</sup> Floor

**PERSON(S) MAKING PRESENTATION:** Gordon Howard

### ACTION REQUESTED

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

### SUGGESTED AGENDA TITLE

Third reading of an ordinance adopting the Sauvie Island/Multnomah Channel Rural Area Plan, which will refine the Multnomah County Comprehensive Framework Plan by providing a policy direction for land use issues in the Sauvie Island/Multnomah Channel Rural Area.

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 20 AM 11:48  
MULTNOMAH COUNTY  
OREGON

### SIGNATURES REQUIRED

**Elected Official:** \_\_\_\_\_

or

**Department Manager:** KB Larry F. Nicholas

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
SUPPLEMENTAL STAFF REPORT**

**To:** Multnomah County Board of Commissioners

**From:** Division of Transportation and Land Use Planning

**Today's Date:** August 20, 1997

**Requested  
Placement Date:** August 28, 1997

**Subject:** Third Reading on Adoption of the Sauvie Island/Multnomah Channel Rural Area Plan, a component of the Multnomah County Comprehensive Framework Plan

**I. Recommendation / Action Requested:**

Hold the public hearing, consider the third reading the ordinance adopting Sauvie Island/Multnomah Channel Rural Area Plan, and schedule a subsequent reading of the ordinance for an appropriate date if substantial changes are made to the ordinance.

**II. Background / Analysis:**

See previous supplemental staff reports for first and second readings.

**III. Financial Impact:**

See previous supplemental staff reports for first and second readings.

**IV. Legal Issues:**

Staff and County Counsel have done additional research on the amendment adopted as part of the second reading by the Board of Commissioners on August 7, 1997. Based upon discussions with the Oregon Department of Land Conservation and Development, we have found a significant legal problem associated with the approach approved by the Board of Commissioners and request that the Board reconsider and amend the language adopted on August 7.

State Planning Goal 15, Willamette River Greenway, states that *"the qualities of the Willamette River Greenway shall be protected, conserved, enhanced and maintained consistent with the lawful uses present on December 6, 1975. Intensification of uses, changes in use or developments may be permitted after this date only when they are consistent with the Willamette Greenway Statute, this goal... and the statewide planning goals...and when such changes have been approved as provided in the Preliminary Greenway Plan or similar provisions in the completed plan as appropriate."*

What this provision means is that Multnomah County does not have the legal authority to declare existing moorages as legal non-conforming uses without finding that the moorage is consistent with Multnomah County's adopted Willamette River Greenway plan, which implements State Planning Goal 15. There are two ways the Board of Commissioners can resolve this problem: 1) amend the Policy 10 language adopted August 7, 1997 to require a Willamette River Greenway permit be issued for each moorage applying for legal status under its provisions, or 2) returning to the original Planning Commission recommendation and requiring each illegal moorage to go through the Special Plan Area (SPA) process.

### ***SOLUTION # 1***

1. Add a provision that all of the moorages to be permitted under these provisions would also have to be issued a Willamette River Greenway permit to show that they meet the Willamette River Greenway Design Plan standards (11.15.6372) of our zoning ordinance. These standards have been acknowledged by the state as properly implementing Goal 15, Policy F.3., Greenway Compatibility Review.
2. The Willamette River Greenway permit is a quasi-judicial administrative decision, which can be appealed to a hearings officer and further to the Board of Commissioners. One of the standards requires subsequent approval of a Design Review permit, also an appealable administrative decision. The fee for a Willamette River Greenway permit application is \$540 and the fee for a design review permit application is \$1,570.
3. The actual consideration of Willamette River Greenway permits for each moorage would be delayed until Multnomah County adopts proper implementing language for this concept in the Multnomah County Zoning Ordinance and amends Policy 26 of the Comprehensive Framework Plan.
4. The result of this process would be to make each of the subject moorages "permitted," not "non-conforming."

The specific amendments to Policy 10 are as follows:

POLICY 10: Multnomah County Comprehensive Framework Plan Policy 26 should be amended and rewritten to include the following:

(1 and 2 unchanged)

3. That those named moorages are to be treated as ~~non-conforming~~ permitted (permitting continuation of the use and level of intensity in existence as of August 7, 1997) if 1) proof of all required permits, as identified by the County (Division of State Lands, Army Corps of Engineers, Department of Environmental Quality, State Health Department, and appropriate fire authority) other than County land use permits, is given to the County Division of Transportation and Land Use Planning; and 2) Multnomah County approves a Willamette River Greenway permit for the moorage.
3. That those moorages currently in the Policy 26 area for houseboats are to be treated as ~~non-conforming~~ permitted uses to the extent that development existing on August 7, 1997 (number of



houseboats) exceeds those authorized by land use permits, if 1) proof of all required permits, as identified by the County and listed in Section 3 above, other than County land use permits, is given to the County Division of Transportation and Land Use Planning; and 2) Multnomah County approves a Willamette River Greenway permit for the moorage.

5. That an inventory of each moorage identified in Sections 3 and 4 above is to be undertaken within 60 days of the effective date of the adoption of the zoning code amendments implementing Policy 26. This inventory may be performed by the County, or prepared by each moorage and verified by the County. Through this inventory, the County will 1) determine the level of existing development to be accepted as a ~~non-conforming~~ permitted use (number of existing dwelling units); and 2) receive proof that the non-County permits have been obtained. Then, each moorage identified in Sections 3 and 4 shall have 60 days to file an application for a Willamette River Greenway permit pursuant to the Multnomah County Zoning Ordinance. If these two three things are done and verified by the County, and the Willamette River Greenway permit is approved by Multnomah County, then the non-conforming use would be accepted.

(6 unchanged)

7. That if those moorages that are deemed ~~non-conforming~~ permitted subsequently seek a modification or alteration of their inventoried ~~non-conforming~~ use, they must meet all applicable zoning codes in effect at that time.

(8 unchanged)

## ***SOLUTION # 2***

Return to the Planning Commission recommendation.

### **STAFF RECOMMENDATION**

Adopt Solution # 2, a return to the original Planning Commission, for the following reasons:

1. The amendments necessary to make Policy 10 as adopted on August 7, 1997 work legally require two additional steps, a Willamette River Greenway Permit process, and a Design Review process. These two steps make the timelines for completing the process much longer, as long or longer than the timelines associated with the Special Plan Area process recommended by the Planning Commission.
2. The additional steps necessary to make Policy 10 as adopted on August 7, 1997 work legally are permits which may result in public hearings before a hearings officer and the Board of Commissioners, thus increasing the level of uncertainty for affected moorages to levels similar to the Special Plan Area process' uncertain outcomes.
3. For both the revised August 7 language and the Planning Commission recommendation, the final decision on any necessary permit for a moorage will lie with the Board of Commissioners.

### **V. Controversial Issues:**

Agenda Report  
C 6-95 Sauvie Island/Multnomah Channel  
Rural Area Plan

August 28, 1997

Page 3

See previous supplemental staff reports for first and second readings.

**VI. Link to Current County Policies:**

See previous supplemental staff reports for first and second readings.

**VII. Citizen Participation:**

See previous supplemental staff reports for first and second readings.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. \_\_\_\_\_

An Ordinance adopting the Sauvie Island/Multnomah Channel Rural Area Plan, a portion of the Multnomah County Comprehensive Framework Plan.

Multnomah County Ordains as follows:

Section I. Findings

(A) In October, 1995, the Multnomah County Board of Commissioners accepted the Sauvie Island/Multnomah Channel Rural Area Plan Scoping Report, prepared in July 1995 by Cogan Owens Cogan, which listed issues Multnomah County would address in the Sauvie Island/Multnomah Channel Rural Area Plan.

(B) The Chair of the Multnomah County Board of Commissioners subsequently appointed a Citizens' Advisory Committee of sixteen members to conduct public meetings and assist in the preparation of the Sauvie Island/Multnomah Channel Rural Area Plan.

(C) The Citizens' Advisory Committee held monthly meetings from January, 1996 through January, 1997, and formulated draft policies and principles to be included within the Sauvie Island/Multnomah Channel Rural Area Plan.

(D) These draft principles and policies were presented at a public open house in March, 1997 within the Sauvie Island/Multnomah Channel Rural Community.

(E) The Multnomah County Planning Commission held a public hearing on the draft Sauvie Island/Multnomah Channel Rural Area Plan on April 21, 1997. On June 2,

1 1997, the Planning Commission completed revisions to the Sauvie Island/Multnomah  
2 Channel Rural Area Plan document and recommended its adoption by the Multnomah  
3 County Board of Commissioners.

4

5 (F) On May 20, 1997, the draft Sauvie Island/Multnomah Channel Rural Area Plan  
6 was sent to the Oregon Department of Land Conservation and Development for a 45-  
7 day review period.

8

9 (G) On July 3, 1997, the Multnomah County Division of Transportation and Land  
10 Use Planning mailed notice of a public hearing on the Sauvie Island/Multnomah  
11 Channel Rural Area Plan to all property owners and other interested parties.

12

13 (H) On July 16, 1997, the Multnomah County Board of Commissioners conducted a  
14 public hearing on the first reading of Sauvie Island/Multnomah Channel Rural Area  
15 Plan.

16

17 (I) On August 7, 1997, the Multnomah County Board of Commissioners considered  
18 the second reading of the Sauvie Island/Multnomah Channel Rural Area Plan.

19

20 (J) On August 28, 1997, the Multnomah County Board of Commissioners considered  
21 the third reading of the Sauvie Island/Multnomah Channel rural area plan.

22

23 Section II. Amendment of Comprehensive Framework Plan

24

25 The Multnomah County Comprehensive Framework Plan is hereby amended  
26 to include the Sauvie Island/Multnomah Channel Rural Area Plan, attached hereto as  
27 Exhibit "A", with the following amendments:

28

29 Page 7, second paragraph under **Background**, *Metro Regional Framework Plan*

30 Metro is in the process of preparing a 50-year growth management plan for the

1 Portland metropolitan area, entitled the 2040 Regional Framework Plan. The  
 2 Regional Framework Plan will include a component that addresses protection of  
 3 natural areas, parks, and streams. ~~As part of this 2040 plan, Metro has adopted a~~  
 4 ~~Greenspaces Plan. This plan would preserve significant natural areas in and around~~  
 5 ~~the Portland Metropolitan area, and develop a regional trail system among and~~  
 6 ~~between them. Land along Multnomah Channel is designated as a significant natural~~  
 7 ~~area, and purchase of additional open space lands in the vicinity of the existing~~  
 8 ~~Burlington Bottoms property owned by the Bonneville Power Administration is~~  
 9 ~~identified on the adopted map as a specific project which would implement the~~  
 10 ~~Greenspaces Plan. The adopted map also shows a future regional trail along~~  
 11 ~~Multnomah Channel from the Portland City Limits north to Burlington Bottoms, then~~  
 12 ~~turning westward to head up the Tualatin Hills along the Burlington Northern~~  
 13 ~~Cornelius Pass railroad alignment. In 1995, Metro received approval from Portland~~  
 14 ~~area voters in the region for a bond issue to purchase and develop protect regionally~~  
 15 ~~significant greenspaces and regional trails rail and greenway corridors. Following~~  
 16 ~~bond approval, an acquisition plan for the Multnomah Channel area was approved by~~  
 17 ~~Metro Council (June 1996) which identifies land acquisition priorities in the vicinity~~  
 18 ~~of the Burlington Bottoms wetlands. The bond measure also approved purchase of a~~  
 19 ~~railway corridor from near Multnomah Channel at the Portland city limits and over~~  
 20 ~~the Tualatin Hills along the Burlington Northern Cornelius Pass railroad alignment.~~  
 21 That project is contingent upon the railroad company abandoning the railway section  
 22 which has not yet occurred.

23

24 Page 11, Policy 10

25

26 POLICY 10: Multnomah County Comprehensive Framework Plan Policy 26 should  
 27 be amended and rewritten so that moorages and marinas will only be permitted in to  
 28 include the following:

29

30 1. ~~The area where houseboats are currently permitted by Policy 26, and;~~

1       ~~2. The existing Happy Rock, Sauvie Island, Parker, and Mayfair moorage~~  
2       ~~sites.~~

3       1. That moorages and marinas will only be permitted within the boundaries identified  
4       by Policy 26.

5  
6       2. That the area occupied by Happy Rock Moorage, Sauvie Island Moorage, Parker  
7       Moorage, and Mayfair Moorage be included within the area where houseboats  
8       are currently permitted under Policy 26.

9  
10       3. That those named moorages are to be treated as non-conforming (permitting  
11       continuation of the use and level of intensity in existence as of August 7, 1997) if  
12       proof of all required permits, as identified by the County (Division of State Lands,  
13       Army Corps of Engineers, Department of Environmental Quality, State Health  
14       Department, and appropriate fire authority) other than County land use permits, is  
15       given to the County Division of Transportation and Land Use Planning.

16  
17       4. That those moorages currently in the Policy 26 area for houseboats are to be  
18       treated as nonconforming uses to the extent that development existing on August  
19       7, 1997 (number of houseboats) exceeds those authorized by land use permits, if  
20       proof of all required permits, as identified by the County and listed in Section 3  
21       above, other than County land use permits, is given to the County Division of  
22       Transportation and Land Use Planning.

23  
24       5. That an inventory of each moorage identified in Sections 3 and 4 above is to be  
25       undertaken within 60 days of the effective date of the adoption of the zoning code  
26       amendments implementing Policy 26. This inventory may be performed by the  
27       County, or prepared by each moorage and verified by the County. Through this  
28       inventory, the County will 1) determine the level of existing development to be  
29       accepted as a non-conforming use (number of existing dwelling units); and 2)  
30       receive proof that the non-County permits have been obtained. If these two

1 things are done and verified by the County, then the non-conforming use would  
 2 be accepted.

3

4 6. That if any moorage is subsequently in violation of any non-County permit, of  
 5 County zoning codes enacted after the effective date of amended Policy 26 and  
 6 implementing measures, then that moorage must meet all applicable zoning codes  
 7 in effect at that time.

8

9 7. That if those moorages that are deemed non-conforming subsequently seek a  
 10 modification or alteration of their inventoried non-conforming use, they must  
 11 meet all applicable zoning codes in effect at that time.

12

13 8. That this action does not set a precedent for acceptance of any unauthorized land  
 14 use in the jurisdiction of Multnomah County. That this action by the Board is  
 15 done in the context of the adoption and speedy, practical implementation of the  
 16 Sauvie Island/Multnomah Channel Rural Area Plan.

17

18 Page 13, Policy 15 Criteria, **Water Environmental**, fourth criterion

19

20 Fish and Wildlife - Development which contributes to or does not have a significant  
 21 detrimental impact to the fish and wildlife in the water.

22

23 Page 13, Policy 15 Criteria, **Land Environmental**, first criterion

24

25 Development in Wetland - Development which does not impact wetlands and the  
 26 fish, wildlife, and other organisms dependent on the wetland habitat.

27

28 Page 14, Policy 15 Criteria, **Recreation**, new criterion added

29

30 Protect Public's Right to Access and Utilize Public Waterway - Development which

1 promotes and does not infringe on public's ability to access the public waterway  
2 (Multnomah Channel) for recreational purposes.

3

4 Page 15, Policy 17

5

6 POLICY 17a: Multnomah County should promote responsible recreational uses in  
7 the channel by allowing public access or boat launches to occur as part of any  
8 redevelopment or development of public recreation facilities.

9

10 STRATEGY: Multnomah County shall implement this policy as part  
11 of the Special Plan Area process and the community service review  
12 process for public park development.

13

14 Page 16, HOWELL PARK

15

16 Howell Park, located on the east side of Sauvie Island Road north of the Sauvie  
17 Island bridge, consists of approximately ~~140~~ 93 acres. The Metro Council adopted a  
18 park master plan in April, 1997.....

19

20 Page 17, Policy 19

21

22 POLICY 19: Encourage Metro to purchase additional greenspace lands on the west  
23 side of Multnomah Channel in order to expand and enhance the Burlington Bottoms  
24 wildlife area and allow for appropriate recreational uses.

25

26 Page 17, Policy 20

27

28 POLICY 20: Promote recreational activities within the rural plan area which are  
29 complementary to natural and environmental resources identified pursuant to Goal 5  
30 of the Statewide Planning Program and regionally significant natural areas adopted in



1 the Metro Greenspaces Master Plan and lands approved in Metro's Acquisition  
2 Refinement Plan.

3

4 Page 23, New Policy 27a.

5

6 Policy 27a: Multnomah County shall adopt revisions to its zoning ordinance to  
7 specifically address cellular telephone tower facilities on Sauvie Island and in other  
8 rural unincorporated areas.

9

10 Strategy: Multnomah County shall implement this policy through the work program  
11 of the Division of Transportation and Land Use Planning.

12

13 Page 30, Policy 33

14

15 POLICY 33: Encourage property owners to control vegetation along Sauvie Island  
16 levees through methods that are least environmentally damaging as determined by the  
17 Sauvie Island Drainage District in coordination with the Oregon Department of Fish  
18 and Wildlife.

19

20 Page 30, Policy 38

21

22 POLICY 38: Take measures to protect Sauvie Island levees from bank erosion in a  
23 manner which protects fish and wildlife habitat and passage.

24

25 Page 31, Strategy related to Policy 39

26

27 **STRATEGY:** Multnomah County shall implement this policy by requesting the  
28 Division of State Lands, the State Marine Board, and the Army Corps of Engineers  
29 participate in preparing a joint program to remove hazardous debris from Multnomah  
30 Channel. Hazardous debris does not include smaller woody debris from downed

1 trees and shrubs which is beneficial to fish and wildlife.

2

3 ADOPTED this 28th day of August, 1997, being the date of its third reading  
4 before the Board of County Commissioners of Multnomah County.

5

6

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

7

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9

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Beverly Stein, Chair

10

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12

13

REVIEWED:

14

15 THOMAS SPONSLER, COUNTY COUNSEL  
16 FOR MULTNOMAH COUNTY, OREGON

16

17 By Sandra Duffy  
18 Sandra N. Duffy, Chief Assistant Counsel

19

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## **BOGSTAD Deborah L**

---

**From:** CAMPBELL Edward A  
**Sent:** Friday, August 22, 1997 12:25 PM  
**To:** STEIN Beverly E  
**Cc:** BOGSTAD Deborah L; ROJO Maria D; SCHOLLES Rhys R  
**Subject:** FW: Sauvie Island Moorage/Marina Issues

Sauvie Island RAP Update: The moorage issue again rears it's ugly head. See below. I'll track down the answers to any questions you have.

I think the sensible move in the short term is to continue the 8/28 third reading until this issue can be adequately addressed. Tanya and Dan are in agreement-- I'll touch base w/ Gary and Sharron asap and get back to you. Don Carlson is the lead on this. Tonneson inquiries and other moorage questions can be directed to him.

--EC

---

**From:** CARLSON Donald E  
**Sent:** Thursday, August 21, 1997 8:54 AM  
**To:** BUSSE Kathy A  
**Cc:** CAMPBELL Edward A; DUFFY Sandra N; COLLIER Tanya D  
**Subject:** FW: Sauvie Island Moorage/Marina Issues

Kathy, First, my e-mail name is Donald E. Carlson. Regarding a meeting on Monday, I will be out of the office next week on Monday, Tuesday and Wednesday. I don't mind you all meeting to sort this out, but I'm very interested in this matter and don't want our options narrowed until I get fully briefed and understand the issues. I also would like to meet with Chris Foster at some point early on to find out what he's about regarding all this. Thanks.

---

**From:** CARLSON Don L  
**Sent:** Thursday, August 21, 1997 8:30 AM  
**To:** CARLSON Donald E  
**Subject:** FW: Sauvie Island Moorage/Marina Issues

---

**From:** BUSSE Kathy A  
**Sent:** Thursday, August 21, 1997 8:17 AM  
**To:** CAMPBELL Edward A; DUFFY Sandra N  
**Cc:** PEMBLE Scott R; CARLSON Don L  
**Subject:** RE: Sauvie Island Moorage/Marina Issues

As you all know---we were immediately challenged by Chris Foster, a Planning Commissioner, on the legality of our proposal to waive the County permits, particularly, in applying the Willamette River Greenway standards.

Scott has been seeking a response from both legal counsel and DLCD but has been unable to schedule a meeting with DLCD staff rep and Sandra Duffy--I have asked him to include you and Don Carlson in any meeting pertaining to the DLCD response to our moorage proposal. Don will also need time to communicate with moorage owners before the Public Reading---as will you and I need lead time to communicate to BCC members..... Don has indicated he wants to postpone the third reading until all the political/legal ducks are in order. Sandy has been doing some legal research on this. Lets gather on Monday-- if possible, and see what needs to be done to communicate the legal problem with the moorage proposal--and what our options are.

**From:** CAMPBELL Edward A  
**Sent:** Wednesday, August 20, 1997 4:08 PM  
**To:** BUSSE Kathy A; DUFFY Sandra N  
**Subject:** Sauvie Island Moorage/Marina Issues

I understand that there is or was a meeting regarding this. Can someone fill me in? We're getting the anticipated inquiries from the Tonnesons and I need some info in order to respond or refer.

Thanks,

--EC

Edward.A.Campbell@co.multnomah.or.us  
Office of Beverly Stein, Multnomah County Chair  
(503) 306-5834  
(503) 248-3093 Fax

August 26, 1997

Bev Stein, Chair  
Multnomah County Board of Commissioners  
1120 SW 5th Ave, Rm 1515  
Portland, OR 97204

97  
RECEIVED

AUG 27 1997

RECEIVED

Oregon

DEPARTMENT OF  
LAND  
CONSERVATION  
AND  
DEVELOPMENT

Dear Chair Stein,


The department has participated in the review of the Sauvie Island/Multnomah Channel Rural Area Plan. Through our participation, it has come to our attention that the county is considering amendments to remove the requirements for some existing moorages to satisfy plan and zone requirements pertaining to the Willamette River Greenway.

The county's acknowledged policies have been developed to ensure consistency with the Willamette River Greenway (Statewide Planning Goal 15). We are concerned that allowing uses that have been established without demonstrating that the county's policies have been satisfied would compromise this consistency. We also believe that granting a permitted status to these moorages could result in noncompliance with other county plan and land development ordinances, as well as, other statewide planning goals.

In conclusion, we believe that the county must, at a minimum, adopt findings which demonstrate that the provisions protecting the Willamette River Greenway have been satisfied. Furthermore, a preferred way for the Board of Commissioners to assure against noncompliance is to concur with county staff and to pursue one of their identified alternatives.

Thank you for this opportunity to comment.

Respectfully,

  
Jon Jinings  
Farm/Forest Specialist and  
Field Representative

JJ

<j:\pa\pa97mult004>

cc: R. Scott Pemble, Multnomah County Planning Director  
Mike Rupp, DLCD Rural Plan Coordinator  
Jim Sitzman, DLCD Urban Plan Coordinator

John A. Kitzhaber  
Governor



1175 Court Street NE  
Salem, OR 97310-0590  
(503) 373-0050  
FAX (503) 362-6705

# Rocky Pointe Marina LLC

23586 N.W. St. Helens Hwy, Portland, OR 97231

Tele/Fax: (503) 543-7003

email: rockypoint@triax.com

Aug. 19, 1997

Beverly Stein  
Chairperson  
Multnomah County Commissioners  
1120 SW 5<sup>th</sup> St.  
Room 1515  
Portland, OR 97204

Dear Commissioner Stein:

Please enter these comments *for the record* in the hearing proceedings of Sauvie Island/Multnomah Channel Rural Area Plan adoption taking place at regular County Commissioner meeting on August 28, 1997.

*Multnomah County does not have the authority to suspend State of Oregon Land Use Planning Policy 15. Policy 15 clearly allows "uses that are water related only". Houseboats (dwellings) are not water related or necessary by both Multnomah County and State of Oregon definitions. Living units (houseboats) are better sited when on land.*

*Secondly, by effectively waiving the fees associated with the permit process you are depriving the County of needed revenues.*

Sincerely,



Richard H. Tonneson  
Owner, Rocky Pointe Marina LLC

cc: Sandra Duffy  
County Council

BOARD OF  
COUNTY COMMISSIONERS  
97 AUG 27 AM 11:26  
MULTNOMAH COUNTY  
OREGON

We are proud supporters of the Clean Water Act. We operate the only free pump-out facility on the Multnomah Channel

Meeting Date: JUL 16 1997 AUG 07 1997  
Agenda No: P-3 R-8  
Est. Start Time: 6:00pm 10:37<sub>4r</sub>

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** First Reading of an Ordinance adopting the Sauvie Island/Multnomah Channel Rural Area Plan (C 6-95)

**BOARD BRIEFING** Date Requested:  
Amt. of Time Needed:  
Requested By:

**REGULAR MEETING** Date Requested: July 16, 1997  
Amt. of Time Needed: 2 hours

**DEPARTMENT:** DES **DIVISION:** Transportation & Land Use Planning  
**CONTACT:** Gordon Howard **TELEPHONE:** 248-3043  
**BLDG/ROOM:** 412 / 1<sup>st</sup> Floor

**PERSON(S) MAKING PRESENTATION:** Gordon Howard

### ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

### SUGGESTED AGENDA TITLE

First reading of an ordinance adopting the Sauvie Island/Multnomah Channel Rural Area Plan, which will refine the Multnomah County Comprehensive Framework Plan by providing a policy direction for land use issues in the Sauvie Island/Multnomah Channel Rural Area.

### SIGNATURES REQUIRED

Elected Official: \_\_\_\_\_

or

Department Manager: \_\_\_\_\_

*KB [Signature]*

BOARD OF  
COUNTY COMMISSIONERS  
97 JUL - 8 PM 4:57  
MULTNOMAH COUNTY  
OREGON

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
SUPPLEMENTAL STAFF REPORT**

**To:** Multnomah County Board of Commissioners

**From:** Division of Transportation and Land Use Planning

**Today's Date:** July 25, 1997

**Requested  
Placement Date:** August 7, 1997

**Subject:** Second Reading on Adoption of the Sauvie Island/Multnomah Channel Rural Area Plan, a component of the Multnomah County Comprehensive Framework Plan

**I. Recommendation / Action Requested:**

Hold the public hearing, approve the second reading of the ordinance adopting Sauvie Island/Multnomah Channel Rural Area Plan, and schedule a subsequent reading of the ordinance for an appropriate date if the second reading amends the first reading ordinance adopted on July 16, 1997.

**II. Background / Analysis:**

See staff report for July 16, 1997 for background/analysis.

**IV. Legal Issues:**

The proposed Sauvie Island/Multnomah Channel Rural Area Plan has been submitted to the Oregon Department of Land Conservation and Development (DLCD) for a 45-day review period regarding compliance with the Goals of the Oregon Statewide Planning Program. The DLCD has submitted a letter of response with only a request for minor clarifications in the plan document.

County Counsel will have additional comments on the two controversial issues listed below at the hearing.

**V. Controversial Issues:**

The following two issues were raised at the July 16, 1997 hearing on the first reading of the ordinance adopting the Sauvie Island/Multnomah Channel Rural Area Plan.

**LEGALIZATION OF MOORAGES AT EXISTING LEVELS**

The Board of Commissioners received testimony regarding the recommendation of the Sauvie Island/Multnomah Channel Citizens' Advisory Committee to include the following policy in the rural area plan:



***POLICY: MULTNOMAH COUNTY SHOULD ADOPT LANGUAGE AND POLICY WHICH GRANDFATHERS THOSE MOORAGES/MARINAS THAT EXISTED AS OF JANUARY 1, 1997 AND THAT HAD ALL OTHER APPLICABLE PERMITS FROM ALL AGENCIES EXCEPT MULTNOMAH COUNTY.***

The practical result of this policy would be to legalize moorages which were in compliance with 1) their waterway lease with the Division of State Lands, 2) their Department of Environmental Quality (DEQ) permits for septic and water systems, 3) their Army Corps of Engineers wetland permits, and any other necessary permits from other agencies.

The Planning Commission rationale for not recommending adoption of this policy is two-fold:

1. Adoption of this policy would set a poor precedent for future compliance with Multnomah County's land use and zoning laws. Moorages which violate their existing permits, or violate County land use and zoning provisions, whether willfully or in ignorance, would have their violations excused. The result would be an increase of cynicism and contempt for land use and zoning laws which exist for the protection of the health, safety, and general welfare of Multnomah County's citizens.
2. The recommended Sauvie Island/Multnomah Channel Rural Area Plan contains a potential solution for zoning violations such as the Happy Rock moorage case. This solution involves the marina or moorage entering into a Special Plan Area process which would resolve all of the service issues associated with a proposed development which Multnomah County has not had the opportunity to properly review for their impacts, both positive and negative, upon Multnomah Channel and its surroundings.

The Board of Commissioners had questions regarding the timeline for implementation of the provisions of the Sauvie Island/Multnomah Channel Rural Area Plan and its relationship to a solution to the Happy Rock moorage problem. In order for Multnomah County and the moorage to resolve this issue, Multnomah County would need to take two actions: 1) Amend Policy 26 of the Comprehensive Framework Plan to include the Happy Rock moorage site, and 2) Process a Special Plan Area application for the Happy Rock moorage site. It is estimated that the combination of these two actions would take a minimum of six months. While the amendment of Policy 26 is explicitly spelled out as an action required by the Sauvie Island/Multnomah Channel Rural Area Plan and thus is not subject to serious controversy, the processing of the Special Plan Area application will require review of the moorage against the criteria set forth in Policy 15 of the Rural Area Plan and must result in a decision as to whether the site is truly suitable for a houseboat moorage instead of a boat marina as originally approved in the 1970's.

## **CELLULAR TOWERS ON SAUVIE ISLAND**

The Board of Commissioners received testimony on July 16, 1997 at the first reading regarding cellular telephone tower facilities on Sauvie Island. Currently, Multnomah County is processing a Community Service (CS) application for a cellular telephone tower on the Grange Hall property adjacent to Sauvie Island school. Several of the speakers at the hearing opposed cellular towers on Sauvie Island, while one speaker supported the proposed tower.

In response, the Board of Commissioners directed staff to return at the second reading with an amendment to the plan which would declare a "moratorium" on new cellular towers on Sauvie Island until Multnomah County prepares a zoning ordinance revision to address this issue on a county-wide basis. The current zoning ordinance section on telecommunications tower facilities was written prior to the advent of cellular towers, and does not adequately address standards necessary to govern their placement and use.

In response, if the Board wishes to pursue this approach, staff would recommend adoption of the following policy:

*DO NOT APPROVE ADDITIONAL CELLULAR TELEPHONE TOWER FACILITIES WITHIN THE SAUVIE ISLAND/MULTNOMAH CHANNEL RURAL AREA PLAN UNTIL MULTNOMAH COUNTY HAS ADOPTED REVISIONS TO ITS ZONING ORDINANCE TO SPECIFICALLY ADDRESS THESE FACILITIES*

If the Board adopts this policy, then there is a necessary follow-up action: direct the Division of Transportation and Land Use Planning to return to the Board with a work program to prepare zoning ordinance amendments to address cellular telephone facilities. This policy would not affect processing of the Grange property cellular tower proposal, as this application was filed prior to adoption of any policy related to cellular towers.

#### **VI. Link to Current County Policies:**

The Sauvie Island/Multnomah Channel Rural Area Plan would be the third adopted as part of Multnomah County's rural area planning program, begun in 1993. The aim of this program is the adoption of rural area plans (considered "subsets" of the Multnomah County Comprehensive Framework Plan) for all of Multnomah County's rural communities. The Board of Commissioners adopted the West Hills Rural Area Plan in October, 1996 and the East of Sandy River Rural Area Plan in July 1997. Work has not yet begun on a West of Sandy River rural area plan.

#### **VII. Citizen Participation:**

Prior to beginning plan preparation, Multnomah County completed a process of scoping all major issues associated with land use in the Sauvie Island/Multnomah Channel rural area. This process included a public forum noticed to all property owners at which the attendees were asked for input on major issues they wished to be addressed. The result was a scoping report presented to the Planning Commission and Board of Commissioners in September, 1995.

In November 1995, the Multnomah County Chair appointed a Citizens' Advisory Committee to provide input on the preparation of the Sauvie Island/Multnomah Channel Rural Area Plan. This committee met monthly through January, 1997 and came forth with a set of recommended policies and principles to guide the plan. These policies and principles were presented to the public in March, 1997 at an open house at the Sauvie Island School.

Multnomah County mailed notice of the Planning Commission hearing on the Sauvie Island/Multnomah Channel Rural Area Plan in April, 1997 to all Sauvie Island/Multnomah Channel Rural Area property owners and also to all houseboat owners of record on the Multnomah County assessment rolls. Approximately 30 people attended the Planning Commission hearing. Notice of the public hearing held by the Board of Commissioners on July 16, 1997 was also been mailed to all property owners. Approximately 40 people attended the Board of Commissioners hearing.

#### **VIII. Other Government Participation:**

Multnomah County invited the participation of other local governmental agencies throughout the preparation of Sauvie Island/Multnomah Channel Rural Area Plan. We have received comments and input from the following state and local agencies:

Oregon Department of Land Conservation and Development  
Oregon Department of Fish & Wildlife  
Oregon Department of Transportation  
Division of State Lands  
Army Corps of Engineers  
State Marine Board  
METRO Parks and Greenspaces Division  
Sauvie Island Rural Fire Protection District  
Columbia County Commissioners and Sheriff  
Sauvie Island Drainage District

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
SUPPLEMENTAL STAFF REPORT**

**To:** Multnomah County Board of Commissioners

**From:** Division of Transportation and Land Use Planning

**Today's Date:** July 7, 1997

**Requested  
Placement Date:** July 16, 1997

**Subject:** First Reading on Adoption of the Sauvie Island/Multnomah Channel Rural Area Plan, a component of the Multnomah County Comprehensive Framework Plan

**I. Recommendation / Action Requested:**

Hold the public hearing, consider the first reading the ordinance adopting Sauvie Island/Multnomah Channel Rural Area Plan, and schedule a subsequent reading of the ordinance for an appropriate date.

**II. Background / Analysis:**

Multnomah County began work on the Sauvie Island/Multnomah Channel Rural Area Plan in 1995 with an issues identification process. The result of this process was a Scoping Report, identifying major issues expressed by citizens at a public workshop meeting, other governmental agencies, and organized interest groups. In September, 1995, the Board of Commissioners heard and accepted the Scoping Report.

After adoption of the Scoping Report, which identified major issues to be addressed in the plan, the Multnomah County Chair appointed the Sauvie Island/Multnomah Channel Rural Area Plan Citizen's Advisory Committee, consisting of fifteen members plus one Planning Commission ex-officio member, to work with Planning Division staff on preparation of this document. The Committee held monthly meetings between January 1996 and January 1997 to review all elements included within this document. The Committee's role was to review and comment upon materials prepared by Planning Division staff, make policy recommendations to the Multnomah County Planning Commission and Board of Commissioners, and provide a forum for additional public involvement in the preparation of the Sauvie Island/Multnomah Channel Rural Area Plan. In Marcy, 1997 Multnomah County hosted a public forum in order to present recommendations which came from the Citizen's Advisory Committee meetings.

On April 21, 1997, the Multnomah County Planning Commission held a public-hearing on the draft plan, and received a large amount of written and oral testimony on different aspects of the document. On June 2, 1997, after two additional deliberative meetings, the Planning Commission approved a recommended draft for transmittal to the Board of Commissioners.

The Sauvie Island/Multnomah Channel Rural Area Plan is guided by and must conform to three documents of regional and statewide significance. First, the plan is a subset of the Multnomah County

Comprehensive Framework Plan, and must conform to that plan's findings and policies. Second, the plan must conform to the METRO 2040 Concept, which designates the Sauvie Island/Multnomah Channel area as a "rural reserve," not to be added to the Portland Metropolitan Area Urban Growth Boundary. Third, the plan must conform to the goals and rules of the Oregon Statewide Planning Program. This plan cannot conflict with any of these three plans without amendments to those plans.

The guiding principle of the Sauvie Island/Multnomah Channel Rural Area Plan is the maintenance of this area as rural in nature. The primary goal on Sauvie Island is to maintain and enhance the existing agricultural land use character, with a secondary goal of protecting the island's areas of natural environment and permitting recreational uses which do not significantly detract from the island's agricultural economy. The primary goal for Multnomah Channel and its shoreline is the maintenance of a balance of recreational use, waterfront residential use, and the natural environment.

Among the most important policy directions set forth in the plan are the following items:

1. Maintain the predominant Exclusive Farm Use zoning on Sauvie Island.
2. Request the State of Oregon review the existing farm income standards for Sauvie Island in order to mitigate against potentially adverse side effects.
3. Encourage farm stands and u-pick facilities on Sauvie Island, which combine agricultural and recreational interests.
4. Request the State Marine Board more actively enforce and educate boat users about safety and courtesy issues on Multnomah Channel.
5. Recognize existing legal non-conforming marinas and moorages on Multnomah Channel as legitimate, long-term uses.
6. Conduct and maintain an inventory of existing moorages and marinas.
7. Provide a new regulatory mechanism (the Special Plan Area zoning district) which will allow Multnomah County and each marina or moorage property to work together on a land and water use plan which will enhance Multnomah Channel.
8. Direct the Multnomah County Bicycle Advisory Committee to study and recommend solutions to the conflicts between recreational cyclists and other road users.
9. Study methods by which the Sauvie Island Rural Fire Protection District can be reimbursed for providing emergency services to island visitors.
10. Make flood protection the highest priority among sometimes conflicting planning goals on Sauvie Island.

### **III. Financial Impact:**

Implementing the Sauvie Island/Multnomah Channel Rural Area Plan through amendments to the zoning and other County ordinances will require on-going long-range planning staff to complete the work and on-going current planning staff to apply the plan policies to land use permits. Of particular note is the commitment Multnomah County makes in this plan to initiate and process Special Plan Area amendments to the County zoning code on a no-fee basis.

### **IV. Legal Issues:**

The proposed East of Sandy River Rural Area Plan has been submitted to the Oregon Department of Land Conservation and Development (DLCD) for a 45-day review period regarding compliance with

the Goals of the Oregon Statewide Planning Program. The DLCD has submitted a letter of response with only a request for minor clarifications in the plan document.

## **V. Controversial Issues:**

The following is a discussion of issues staff expects to be controversial at the public hearing. Staff will be prepared to respond to any questions or comments regarding issues other than those discussed below at the public hearing.

### **MARINAS AND MOORAGES ON MULTNOMAH CHANNEL**

The future of marinas and moorages on Multnomah Channel occupied a large amount of the Citizens' Advisory Committee's time. The Committee appointed a representative subcommittee to review the issue more fully. The subcommittee, and then the committee, recommended a system of "preferences" for marine related uses, with marine residential uses such as houseboats and live-aboard boats ranking ahead of marine recreational uses such as boathouses. The committee's rationale was that residents along the channel act as better "stewards" of the channel's natural resources than do transient recreational users. The committee also recommended a policy which would legalize all existing moorages and marinas in their current configuration if they had all necessary permits except land use approval from Multnomah County. The Committee believed that there had been a lack of zoning enforcement by Multnomah County on Multnomah Channel, and that to begin such enforcement now would result in serious dislocation of existing houseboat residents and boaters.

However, the Planning Commission modified the recommendations of the Citizens' Advisory Committee by eliminating the "preference" rankings and by accepting the staff recommendation not to legalize existing moorages and marinas in their current configurations. The Planning Commission substituted a process (already contained within the Multnomah County Zoning Ordinance) by which existing moorage and marina properties would be considered as individual "Special Plan Areas." Each Special Plan Area would be adopted by the Board of Commissioners, upon the recommendation of the Planning Commission, and would be publicly initiated by Multnomah County either 1) when an existing marina or moorage wished to make significant changes to their facilities, or 2) if an existing marina or moorage was found to be in violation of existing land use permits and approvals and the owner did not wish to comply with existing approvals. Instead of a preference ranking system, the Planning Commission substituted a detailed list of criteria by which each Special Plan Area marina or moorage would be judged. These criteria are similar to those used by the Citizens' Advisory Committee to develop their "preference" ranking system, except that the Planning Commission added discussion of cumulative impacts to Multnomah Channel into the criteria list.

The Planning Commission's recommendations would 1) recognize (through the Special Plan Area process) the unique nature of Multnomah Channel, which does not fit into standard zoning categories, 2) recognize that each individual marina or moorage site has unique characteristics differentiating it from the others (e.g. one site may be more suited for houseboats, another for a public boat dock, another for a boat marina, etc.), 3) allow existing marinas and moorages not in compliance with their permits an opportunity to work through a process to resolve issues of conflict, 4) provide protection for natural areas on Multnomah Channel by limiting marine-related development to existing developed sites and infill areas between existing sites, and 5) provide an exhaustive list of criteria by which to judge marine-related development proposals.

## EXCLUSIVE FARM USE ZONING ON SAUVIE ISLAND

The Sauvie Island/Multnomah Channel Citizens' Advisory Committee expressed concern over what they considered the overly restrictive zoning provisions of the Exclusive Farm Use zoning district, mandated by the State of Oregon. The Committee approved a map showing approximately 500 acres of the island which they recommended be studied for consideration of an "exception" to Goal 3 (Agricultural Lands) of the Statewide Planning Program. This area included Wapato State Park, Bybee Howell Park, and approximately 250 acres of privately owned land in smaller parcels, all but one of which is less than 20 acres.

However, the Planning Commission did not adopt this recommendation of the Sauvie Island/Multnomah Channel Citizens' Advisory Committee, and removed the proposed policy from the draft plan. The Planning Commission's rationale was that consideration of additional exceptions to the Agricultural Goal would compromise continued agricultural land use on Sauvie Island, by bringing in more residents and allowing other potential uses conditionally (various commercial and civic uses). Allowing further non-agricultural uses would also have public safety impacts in terms of flood hazards if existing levees do not hold, and would exacerbate conflicts between residents and recreational visitors to the island.

A minority of planning commissioners recommended studying the two public parks currently zoned for Exclusive Farm Use on Sauvie Island for consideration of granting an "exception" to Goal 3 (Agricultural Lands) of the Statewide Planning Program. However, the majority recommended that, if either public park believes it is constrained by the Exclusive Farm Use zoning provisions, they should not be granted a status greater than private lands, but should file a plan amendment application, justify the need for the "exception," and pay all necessary processing fees.

### **VI. Link to Current County Policies:**

The Sauvie Island/Multnomah Channel Rural Area Plan would be the third adopted as part of Multnomah County's rural area planning program, begun in 1993. The aim of this program is the adoption of rural area plans (considered "subsets" of the Multnomah County Comprehensive Framework Plan) for all of Multnomah County's rural communities. The Board of Commissioners adopted the West Hills Rural Area Plan in October, 1996, and the East of Sandy River Rural Area Plan is scheduled for final adoption on July 10, 1997. Work has not yet begun on a West of Sandy River rural area plan.

### **VII. Citizen Participation:**

Prior to beginning plan preparation, Multnomah County completed a process of scoping all major issues associated with land use in the Sauvie Island/Multnomah Channel rural area. This process included a public forum noticed to all property owners at which the attendees were asked for input on major issues they wished to be addressed. The result was a scoping report presented to the Planning Commission and Board of Commissioners in September, 1995.

In November 1995, the Multnomah County Chair appointed a Citizens' Advisory Committee to provide input on the preparation of the Sauvie Island/Multnomah Channel Rural Area Plan. This committee met monthly through January, 1997 and came forth with a set of recommended policies and principles to

guide the plan. These policies and principles were presented to the public in March, 1997 at an open house at the Sauvie Island School.

Multnomah County mailed notice of the Planning Commission hearing on the Sauvie Island/Multnomah Channel Rural Area Plan in April, 1997 to all Sauvie Island/Multnomah Channel Rural Area property owners and also to all houseboat owners of record on the Multnomah County assessment rolls. Notice of this public hearing has also been mailed to all property owners.

#### **VIII. Other Government Participation:**

Multnomah County invited the participation of other local governmental agencies throughout the preparation of Sauvie Island/Multnomah Channel Rural Area Plan. We have received comments and input from the following state and local agencies:

Oregon Department of Land Conservation and Development  
Oregon Department of Fish & Wildlife  
Oregon Department of Transportation  
Division of State Lands  
Army Corps of Engineers  
State Marine Board  
METRO Parks and Greenspaces Division  
Sauvie Island Rural Fire Protection District  
Columbia County Commissioners and Sheriff  
Sauvie Island Drainage District



## ORDINANCE FACT SHEET

### Ordinance Title:

An Ordinance adopting the Sauvie Island/Multnomah Channel Rural Area Plan, a portion of the Multnomah County Comprehensive Framework Plan.

### Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored:

The ordinance will result in the adoption of the Sauvie Island/Multnomah Channel Rural Area Plan, which will refine the Multnomah County Comprehensive Framework Plan by providing a policy direction for land use issues in the Sauvie Island/Multnomah Channel Rural Area.

The Sauvie Island/Multnomah Channel Rural Area includes those portions of Sauvie Island and the Multnomah Channel within Multnomah County. The Plan Area is bounded by U.S. Highway 30 on the west, Columbia County on the north, the Columbia River on the east, and the Willamette River and the city of Portland on the south. The rural area encompasses approximately 15,400 acres of land and several thousand additional acres of water. A population of about 1,300 is housed in approximately 650 dwelling units, 200 of which are houseboats or sailboats used as permanent residences.

### What other local jurisdictions have enacted similar legislation?

All local jurisdictions have adopted Comprehensive Plans which are subject to "acknowledgment" by the Oregon Land Conservation and Development Commission. While many local jurisdictions have more specific community or area plans, to date only urban communities have prepared such plans. Multnomah County is one of the first jurisdictions to prepare a "community" plan for rural areas. The Sauvie Island/Multnomah Channel Rural Area Plan is the third of these efforts. Other rural areas in Multnomah County are East of Sandy River, West Hills, and West of Sandy River.

### What is the fiscal impact, if any?

Implementing the Sauvie Island/Multnomah Channel Rural Area Plan through amendments to the zoning and other County ordinances will require planning staff to apply the plan policies and complete additional planning work.

### SIGNATURES

Person filling out form: David H. Harand

Planning and Budget (if fiscal impact): \_\_\_\_\_

Department Manager/Elected Official: KB George E. Nicholas

1           BEFORE THE BOARD OF COUNTY COMMISSIONERS  
2                   FOR MULTNOMAH COUNTY, OREGON  
3                           ORDINANCE NO. \_\_\_\_\_  
4

5  
6           An Ordinance adopting the Sauvie Island/Multnomah Channel  
7 Rural Area Plan, a portion of the Multnomah County Comprehensive  
8 Framework Plan.  
9

10                   Multnomah County Ordains as follows:  
11

12  
13   Section I. Findings  
14

15   (A) In October, 1995, the Multnomah County Board of Commissioners  
16 accepted the Sauvie Island/Multnomah Channel Rural Area Plan Scoping  
17 Report, prepared in July 1995 by Cogan Owens Cogan, which listed  
18 issues Multnomah County would address in the Sauvie Island/Multnomah  
19 Channel Rural Area Plan.  
20

21  
22   (B) The Chair of the Multnomah County Board of Commissioners  
23 subsequently appointed a Citizens' Advisory Committee of sixteen  
24 members to conduct public meetings and assist in the preparation of the  
25 Sauvie Island/Multnomah Channel Rural Area Plan.  
26

27  
28   (C) The Citizens' Advisory Committee held monthly meetings from  
29 January, 1996 through January, 1997, and formulated draft policies and

1 principles to be included within the Sauvie Island/Multnomah Channel  
2 Rural Area Plan.

3

4

5 (D) These draft principles and policies were presented at a public open  
6 house in March, 1997 within the Sauvie Island/Multnomah Channel Rural  
7 Community.

8

9 (E) The Multnomah County Planning Commission held a public hearing  
10 on the draft Sauvie Island/Multnomah Channel Rural Area Plan on April  
11 21, 1997. On June 2, 1997, the Planning Commission completed  
12 revisions to the Sauvie Island/Multnomah Channel Rural Area Plan  
13 document and recommended its adoption by the Multnomah County  
14 Board of Commissioners.

15

16

17 (F) On May 20, 1997, the draft Sauvie Island/Multnomah Channel Rural  
18 Area Plan was sent to the Oregon Department of Land Conservation and  
19 Development for a 45-day review period.

20

21  
22 (G) On July 3, 1997, the Multnomah County Division of Transportation  
23 and Land Use Planning mailed notice of a public hearing on the Sauvie  
24 Island/Multnomah Channel Rural Area Plan to all property owners and  
25 other interested parties.

26

27  
28 (H) On July 16, 1997, the Multnomah County Board of Commissioners  
29 conducted a public hearing on the first reading of Sauvie

1 Island/Multnomah Channel Rural Area Plan.

2

3 (I) On August 7, 1997 the Multnomah County Board of Commissioners  
4 considered the second reading of the Sauvie Island/Multnomah Channel  
5 Rural Area Plan.  
6

7

8 Section II. Amendment of Comprehensive Framework Plan

9

10 The Multnomah County Comprehensive Framework Plan is hereby  
11 amended to include the Sauvie Island/Multnomah Channel Rural Area  
12 Plan, attached hereto as Exhibit "A":  
13

14

15 ADOPTED this 7th day of August, 1997, being the date of its  
16 second reading before the Board of County Commissioners of  
17 Multnomah County.  
18

19

20 BOARD OF COUNTY COMMISSIONERS  
21 FOR MULTNOMAH COUNTY, OREGON

22

23

\_\_\_\_\_  
Beverly Stein, Chair

24

REVIEWED:

25

26 THOMAS SPONSLER, COUNTY COUNSEL  
27 FOR MULTNOMAH COUNTY, OREGON

28

By Sandra N. Duffy  
Sandra N. Duffy, Chief Assistant Counsel

29



DIVISION OF TRANSPORTATION & LAND USE PLANNING

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# **SAUVIE ISLAND/MULTNOMAH CHANNEL RURAL AREA PLAN**

**PLANNING COMMISSION RECOMMENDATION**

**June 2, 1997**

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# INTRODUCTION

This document contains the Rural Area Plan for the Sauvie Island/Multnomah Channel Rural Area. It is part of the overall Multnomah County Comprehensive Framework Plan, and when adopted by the Board of County Commissioners, will constitute an official element of the plan.

This plan is a guide to decision making with regard to land use, capital improvements, and physical development (or lack thereof) of the community. It will be used by the County, other governmental agencies, developers and residents of the area.

This plan represents a commitment on the part of Multnomah County to see that the plan elements are carried out and implemented to the best of the County's financial and enforcement capabilities. It also represents a commitment on the part of the Sauvie Island/Multnomah Channel Rural Area community to support the accomplishment of the identified policies contained within this plan.

The elements of this plan reflect future trends and policies for the Sauvie Island/Multnomah Channel Rural Area during the next 15 to 20 years. The plan can be changed only if it goes through the process of an official plan amendment.

The Rural Area Planning Program was initiated in 1993 by Multnomah County. With the annexation of urban unincorporated communities and the increasing land use issues faced in the rural areas of Multnomah County, the Board of Commissioners directed the creation of five rural area plans in order to address land use issues faced by these areas. The first rural area plan to be completed was the West Hills Rural Area Plan. The second rural area plan for the area East of Sandy River will soon be completed as well.

This plan is the third of the rural area plans to be completed. Work began on the Plan in April, 1995 with the initiation of a scoping process. This process included interviews with other governmental agencies, solicitation of written comment, and a public forum held at the Sauvie Island School in order to gain input on major issues facing the community. A Scoping Report summarizing this material was presented to the Multnomah County Planning Commission and Board of Commissioners in August, 1995.

After adoption of the Scoping Report, which identified major issues to be addressed in the plan, the Multnomah County Chair appointed the Sauvie Island/Multnomah Channel Rural Area Plan Citizen's Advisory Committee, consisting of fifteen members plus one Planning Commission ex-officio member, to work with Planning Division staff on preparation of this document. The Committee held monthly meetings between January 1996 and January 1997 to review all elements included within this document. The Committee's role was to review and comment upon materials prepared by Planning Division staff, make policy recommendations to the Multnomah County Planning Commission and Board of Commissioners, and provide a forum for additional public involvement in the preparation of the Sauvie Island/Multnomah Channel Rural Area Plan. In March 1997 Multnomah County hosted a public forum in order to present recommendations which came from the Citizen's Advisory Committee meetings, attended by over 100 people.

**COLUMBIA  
COUNTY**

LUCY REEDER RD.

OAK ISLAND RD.

REEDER RD.

HIGHWAY 30

MULTNOMAH CHANNEL

CORNELIUS PASS RD.

SAUVIE ISLAND RD.

GILLIHAN LOOP RD.

COLUMBIA RIVER

WILLAMETTE RIVER



PLAN  
BOUNDARY

**SAUVIE ISLAND/  
MULTNOMAH CHANNEL  
RURAL AREA**



This document is organized by subject, with relevant policies and strategies grouped with a discussion of the subject. Almost every policy is followed by a strategy which indicates how Multnomah County will implement the relevant policy. Maps are also interspersed throughout the document, and are noted in the Table of Contents.

## **OVERVIEW**

The Sauvie Island/Multnomah Channel Rural Area includes those portions of Sauvie Island and the Multnomah Channel within Multnomah County. The Plan Area is bounded by U.S. Highway 30 on the west, Columbia County on the north, the Columbia River on the east, and the Willamette River and the city of Portland on the south. The area is dominated by agricultural uses and a wildlife refuge, with various water-related uses on and along Multnomah Channel, ranging from protected wetlands to marinas.

The rural area encompasses approximately 15,400 acres of land and several thousand additional acres of water. Approximately 11,800 of these acres are designated in the Comprehensive Framework Plan as Exclusive Farm Use, with the remainder designated as Multiple Use Agriculture. A population of about 1,300 is housed in approximately 650 dwelling units, 200 of which are houseboats or sailboats used as permanent residences.

The Plan Area lies to the north and west of the Portland Metropolitan Area's Urban Growth Boundary, with a direct common boundary only along the west side of Multnomah Channel where it bounds the City of Portland. Sauvie Island and Multnomah Channel provide a mixture of agricultural uses (due to the fine soils on the island protected by the levees of the Sauvie Island Drainage District), recreational uses (due to proximity to the Portland Metropolitan Area), and natural protected areas (primarily wetlands and water areas) which provide excellent wildlife habitat. This combination is unique to both Oregon and the entire nation. The island and channel area have been protected from creeping urbanization and unwanted regional urban-serving facilities by the vigilance of its residents and recreational users and the Oregon State and Multnomah County land use laws.

## **SAUVIE ISLAND LAND USE**

### ***EXCLUSIVE FARM USE ZONING DISTRICT***

The Exclusive Farm Use Zoning District protects farm lands in Multnomah County, pursuant to Statewide Planning Program Goal 3 related to Farm Lands. This zoning district is applied to lands with primarily Class I-IV soils (US Dept. of Agriculture ratings which indicate that the soil is suitable for agricultural purposes). The Exclusive Farm Use district applies to lands capable of commercial agricultural production, though not necessarily currently farmed.

In 1993, the Legislature enacted changes to the Exclusive Farm Use district, which were subsequently codified in 1994 by the Oregon Land Conservation and Development Commission into Oregon Administrative Rules. These changes included a new provision for "high value farmlands," consisting of lands with Class I and II soils (the highest rated) and certain Class III



**COLUMBIA  
COUNTY**

Sturgeon  
Lake

COLUMBIA RIVER

Reeder Rd.

Lucy Reeder Rd.

Sayvie Island Rd.

Oak Island Rd.

Highway 30

MULTNOMAH CHANNEL

Gillihan Loop Rd.

WILLAMETTE RIVER

**SAUVIE ISLAND/  
MULTNOMAH CHANNEL  
RURAL AREA PLAN**

**SAUVIE ISLAND ZONING DISTRICTS**

- PROPERTY LINES
- ROADS
- WATER AREAS
- MULTIPLE USE AGRICULTURE ZONED AREAS
- EXCLUSIVE FARM USE ZONED AREAS

and IV soils in the Willamette River Valley. Within such high value farmlands, the new rules require a minimum farm income requirement of \$80,000 per year in order to justify a new dwelling. Additionally, provisions for exceptions which would allow some dwellings in Exclusive Farm Use areas do not apply to "high value farmlands."

The \$80,000 gross income requirement is intended to ensure that new farm dwellings on high-value farmlands are occupied by full-time farmers, not part-time or "hobby" farmers. This policy direction from the State of Oregon is, in many minds, not appropriate for Sauvie Island. Sauvie Island has many large farm parcels which could be divided into smaller farm parcels where the \$80,000 gross income requirement could be met by the production of high value, high impact crops such as berries. Given the fact that Sauvie Island is within commuting distance to the Portland Metropolitan Area, there is a high market demand for rural residences which could be met by the creation of smaller parcels growing high value, high impact crops. The result would be a loss of the current diverse character of Sauvie Island agriculture, to be replaced by a more mono-cultural agricultural character which has more environmental impacts

All of the Exclusive Farm Use-zoned areas on Sauvie Island are classified as "high value farmlands." The areas zoned Exclusive Farm Use consist of, according to the 1977 Soil Survey of Multnomah County prepared by the United States Department of Agriculture Soil Conservation Service, five different soil types. These are 1) Burlington Fine Sandy Loam, 2) Sauvie Silt Loam, 3) Sauvie Silt Clay Loam, 4) Moag Silty Clay Loam, and 5) Rafton Silt Loam. The first three of these soil types are rated as Class II for agricultural production, while the last two are rated as Class III. The Oregon Administrative Rules state that "the soil ... designation of a specific lot or parcel may be changed if the property owner submits a statement of agreement from the Soil Conservation Service that the soil class, soil rating or other soil designation should be adjusted based on new information." Additionally, the rules state that a long-time property owner (since 1993) may request that the State Department of Agriculture determine that a lot or parcel designated as high value farmland, "cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity" and thus should be allowed a single-family dwelling. One problem with the data from the 1977 Soil Survey is that it apparently does not take into account a diversity of soil types caused by the stripping of soil for levee construction or placement of dredge material from flood control activities. Additionally, some "high value" soils are poorly drained and thus not as suitable for agriculture.

Therefore, Multnomah County's ability to allow additional non-farm uses in Sauvie Island's Exclusive Farm Use designated areas is extremely limited by state law. There are currently 12,300 acres on Sauvie Island zoned Exclusive Farm Use, with approximately 119 existing dwellings. The number of potential new dwellings is impossible to quantify, given the complicated nature of the state law, but is certainly extremely limited in number.

The only alternative to the Exclusive Farm Use designation allowed by Oregon Planning law is called an "exception" to Goal 3 (Agricultural Lands) of the Oregon Statewide Planning Program. In order to qualify as an area which should be excepted from the Exclusive Farm Use classification (and thus rezoned to Multiple Use Agriculture, or Rural Residential), one of two findings must be made:

1. The land subject to the exception is physically developed to the extent that it is no longer available for exclusive farm use, or
2. The land subject to the exception is irrevocably committed to non-farm uses because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable

(A third type of "exception" for a specific land use does not apply in this situation).

The Oregon Land Conservation and Development Commission (LCDC) has adopted administrative rules which further clarify the "exceptions" process. The practical result of these rules are that it is very difficult to justify an exception to the Exclusive Farm Use designation. Any proposal from Multnomah County would be closely scrutinized by the LCDC, with potential for reversal. Multnomah County has a process for considering exceptions to Goal 3 (Agricultural Lands) of the Statewide Planning Process through a quasi-judicial plan amendment procedure outlined in the Multnomah County code.

Currently there is some flux in state law regarding exclusive farm use lands. Recent court decisions have called into question the LCDC's interpretation of 1993 changes in state law passed by the Oregon legislature. These legal questions are beyond the purview of this plan.

It should be noted that full protection of Sauvie Island agricultural lands will impact discussion not only of land use issues, but also of recreation and transportation issues, since increased use of the island by visitors has impacts on agricultural practices. One way of combining agriculture and recreation on the island occurs with the farm stands and U-pick farms on the island, which draw numerous visitors.

### ***MULTIPLE USE AGRICULTURE***

The Multiple Use Agriculture (MUA) zoning district applies to lands for which an "exception" to Goal 3 (Farm Land) of the Oregon Statewide Planning Program has been justified. It applies to agricultural lands not suited to full-time commercial farming because of other factors and is intended to conserve these lands for part-time agricultural practices and other compatible rural development. It is applied to approximately 3,600 acres in the plan area, 2,400 acres of which are on Sauvie Island. This acreage includes the Sauvie Island Wildlife Refuge (excluding the water area of Sturgeon Lake) as well as lands on Sauvie Island which are divided into smaller lots and mostly developed with existing homes.

<b>MUA Zoned Area</b>	<b>Acreage</b>	<b>Existing Dwellings</b>	<b>Potential Additional Dwellings</b>
Sauvie Island Wildlife Refuge	1,700	28	10
Gillihan Road, North	75	12	6
Gillihan Road, Middle	65	7	3

Gillihan Road, South	270	28	11
Lucy Reeder Road	75	12	5
Sauvie Island Road - Reeder Road -Charlton Road	220	57*	13
West Side, Multnomah Channel	1,200	7*	21
<b>Total</b>	<b>3,605</b>	<b>151</b>	<b>69</b>

\* Not including floating residences

These lands have approximately 151 existing dwellings. While the minimum lot size for new subdivisions in this zoning district is 20 acres, most lots in this area are already less than 20 acres in size (and most are less than ten acres in size. No additional subdivisions are possible in Multiple Use Agriculture-zoned areas. While lots along the west side of Multnomah Channel are theoretically subdividable into 20 acre homesites, the existence of wetlands and floodplain areas on these lands would make such subdivisions very difficult to meet all necessary development standards. All of the potential additional dwellings lie on existing legal parcels of less than 20 acres in size.

#### *RURAL CENTER*

One three acre parcel immediately north of the Sauvie Island Bridge is zoned as Rural Center. It contains an existing store. Any change of commercial use would require a conditional use permit under the rules of the Rural Center zoning district. The area in the vicinity of the Sauvie Island School serves as a community and cultural center for Sauvie Island.

#### **Sauvie Island Land Use Policies**

**POLICY 1: Support measures which will ensure that Sauvie Island maintains and enhances its agricultural diversity on Exclusive Farm Use lands.**

**STRATEGY:** Multnomah County shall use this policy as a guideline in reviewing proposed changes in Exclusive Farm Use statutes and administrative rules, and will review the appropriateness of the \$80,000 gross income level as a threshold for farm dwellings if state law allows consideration of different income standards.

**POLICY 2: Multnomah County shall promote the appropriate establishment of farm stands and u-pick facilities which will support the agricultural economy of Sauvie Island.**

**STRATEGY:** Multnomah County shall implement this policy through review of the Multnomah County Zoning Ordinance Exclusive Farm Use and Multiple Use Agriculture zoning districts.

**POLICY 3: Include deed restrictions protecting surrounding agricultural practices as a requirement for dwelling approval in the Multiple Use Agriculture zoning district.**

**STRATEGY:** Multnomah County shall implement this policy through amendments to the Multnomah County Zoning Ordinance Multiple Use Agriculture zoning district.

**POLICY 4: Encourage property owners to protect their lands as wildlife habitat through the use of tax deferral programs, and allow switching of tax deferral status from agriculture to open space-wildlife habitat without penalty.**

**STRATEGY:** Multnomah County shall forward this policy as an informational item to the Oregon State Legislature and the Association of Oregon Counties.

## **MULTNOMAH CHANNEL LAND AND WATER USE**

### **Background**

#### *Metro Regional Framework Plan*

The Multnomah Channel area is outside of the Portland Metropolitan Area's Urban Growth Boundary. This boundary is set by Metro, the regional government for the Portland Metropolitan Area. Since this area is outside of the Urban Growth Boundary, it is supposed to remain rural in nature.

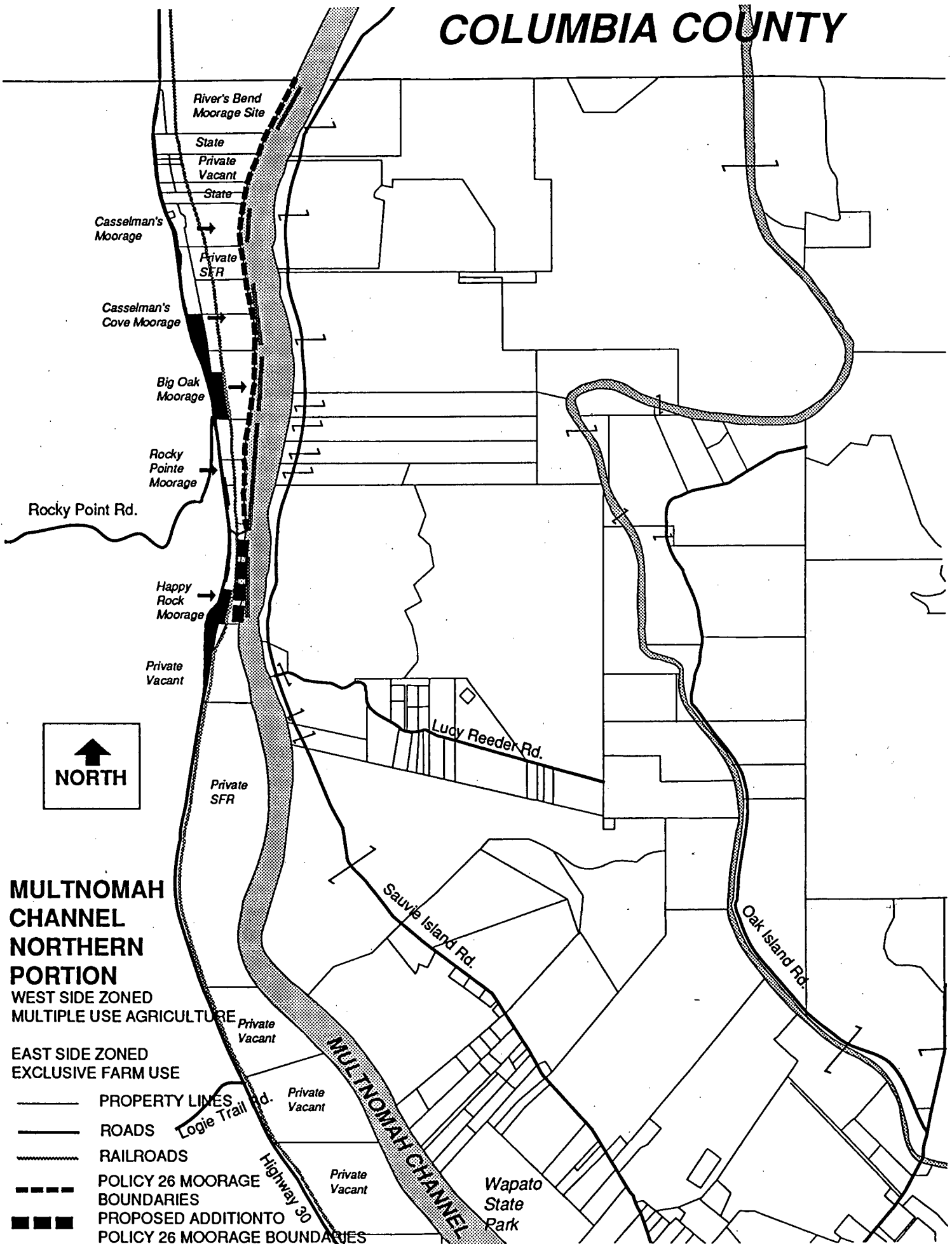
Metro is in the process of preparing a 50-year plan for the Portland area, entitled the 2040 Plan. As part of this 2040 plan, Metro has adopted a Greenspaces Plan. This plan would preserve significant natural areas in and around the Portland Metropolitan area, and develop a regional trail system among and between them. Land along Multnomah Channel is designated as a significant natural area, and purchase of additional open space lands in the vicinity of the existing Burlington Bottoms property owned by the Bonneville Power Administration is identified on the adopted map as a specific project which would implement the Greenspaces Plan. The adopted map also shows a future regional trail along Multnomah Channel from the Portland City Limits north to Burlington Bottoms, then turning westward to head up the Tualatin Hills along the Burlington Northern Cornelius Pass railroad alignment. In 1995, Metro received approval from Portland area voters for a bond issue to purchase and develop significant greenspaces and regional trails.

#### *Multnomah County Comprehensive Plan Policies Affecting Multnomah Channel*

### **POLICY 15 Willamette River Greenway**

The Comprehensive Framework Plan states that Multnomah County is to protect the natural scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette

# COLUMBIA COUNTY



River. It is also the County's policy to require special procedures for review of certain types of development allowed in the underlying base zone in order to ensure the minimum impact on the values identified within the various areas.

## **POLICY 26 Houseboats**

The Comprehensive Framework Plan states that Multnomah County's policy on houseboats is to assist in providing a broad range of housing options that conforms with:

Other County policies concerning off-site effects, air, water and noise quality, the Willamette River Greenway, natural resources, housing choice, housing location, capital improvements, traffic ways, transportation system development, utilities and facilities.

Any other applicable federal, state or local policies that regulate waterway area development.

Location criteria regarding the mean low water line, protection from siltation problems, protection from wind, wave action, icy conditions and other hazards, adequate land area to accommodate related facilities, ensuring proper maintenance of dikes, preservation of upland recreational, ecological or wildlife habitat values and exclusion from Exclusive Farm Use zoned uplands.

The current area included in Policy 26 of the Multnomah County Comprehensive Plan includes all of the existing moorages except for the Happy Rock site, the Mayfair Moorage, and the Sauvie Island Moorage. It should be noted that Policy 26 currently speaks to houseboats, not marinas which serve transient boaters.

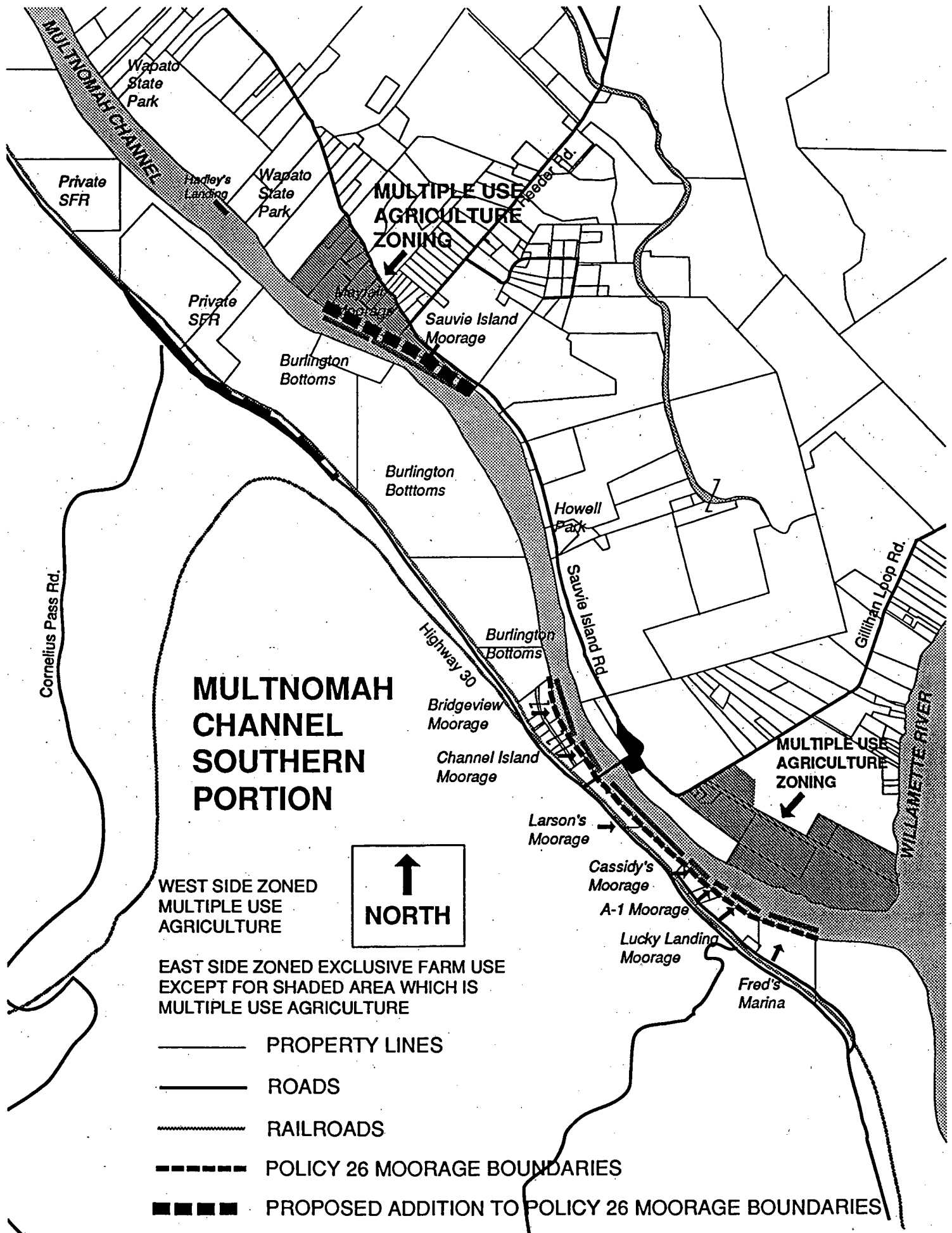
### **Zoning Code Considerations**

#### ***Multiple Use Agriculture***

The entire west (mainland) side of Multnomah Channel is zoned Multiple Use Agriculture or MUA-20. Also, lands on Sauvie Island on which the two Sauvie Island moorages lie are also zoned MUA-20. Houseboats and houseboat Moorages are listed as a Conditional Use in the Multiple Use Agriculture zoning district. Boat moorages, marinas, and boathouse moorages are considered as Community Service uses which also require a Conditional Use permit in the MUA-20 zoning district. Transient water uses, such as boating, are not regulated by the Multnomah County Zoning Ordinance.

In addition to the Conditional Use criteria of the Zoning Code, all proposed individual houseboats and houseboat moorages undergoing a conditional use permit must meet certain code criteria set forth in Section 11.15.7500 of the Zoning Ordinance. Currently the Waterfront Uses section defines Houseboats to mean "any floating structure designed as a dwelling for occupancy by one family and having only one cooking facility." This definition does not have flexibility to consider other types of living quarters and recreational boats such as boathouses, live-aboard boats, and combos. There is also an issue of consistency in definitions between County





Departments, Federal Agencies, Stage Agencies and Moorages themselves.

The Waterfront Use Zoning Criteria also determines the density allowed in houseboat moorages, which is currently not to exceed one houseboat for each 50 feet of waterfront frontage. There are also provisions for a reduction of the density below the maximum allowed if it can be demonstrated that the maximum density would place an undue burden on public services or would endanger an ecologically fragile natural resource or scenic area.

Boat moorages, marinas, and boathouse moorages are defined by the Zoning Ordinance as Community Service uses, and require approval of a conditional use permit. (Moorages for a single boat do not meet this definition and do not require a conditional use permit.) In order to approve a Community Service use, the approval authority must find that the proposed use is consistent with the character of the area, will not adversely affect natural resources, will not conflict with nearby farm or forest uses, will not require new public services, and will not create hazardous conditions.

#### *Exclusive Farm Use*

The remainder of the east (island) side of Multnomah Channel is zoned Exclusive Farm Use, or EFU. The EFU zoning district does not allow any houseboat moorages, marinas, or new private boat docks, as mandated by state law.

#### *Willamette River Greenway*

Another zoning section criteria that affects development along the Willamette River is the Willamette River Greenway overlay zoning designation, which is designed to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of the lands along the Willamette. The criteria is designed to review proposed developments and make findings to maintain the maximum possible landscaped areas and open space, to provide reasonable public access, to direct developments away from the river, to preserve agricultural lands, to consider recreational needs, protect significant fish and wildlife habitats and natural and scenic areas and viewpoints and vistas, to maintain public safety and protection of public and private property, to enhance natural vegetation, to consider natural functions of flood plains and water areas, to protect significant wetlands, ecological, scientific, historical or archaeological areas and to minimize erosion potential. The ordinance also takes into account air and water quality and land resources.

It should be noted that maintenance and repair of existing flood control facilities is exempt from the Willamette River Greenway permit requirements.

#### **Multnomah Channel Land and Water Use Policies**

**POLICY 5: Assist METRO in development of a regional hiking, equestrian, and bicycle trail along Multnomah Channel south of Burlington Bottoms connecting to the Cornelius Pass rails-to-trails potential conversion, which runs in upland areas in the vicinity of**

**Highway 30 and the existing Burlington Northern Railroad, and minimizes impacts to existing waterfront uses.**

**STRATEGY:** Multnomah County shall forward this policy to Metro, and shall review and consider permit issuance for any proposed trail use by Metro.

**POLICY 6: The County should participate in educational information and programs to better educate channel users on safety issues and required laws including no wake and buffer zones.**

Discussion: The lack of education regarding the laws, most importantly speed limits and water pollution, must be addressed by Multnomah County. The County should consider such things as signage, informational handouts at central locations as well as partnerships with such agencies as the State Marine Board.

**STRATEGY:** Multnomah County shall forward this issue on as a recommendation to the State Marine Board.

**POLICY 7: The County should recommend to the State Marine Board that all boaters be required to obtain licenses through the state prior to operating motorized marine craft over 25 horsepower including personal watercraft.**

Discussion: Boat operators are not required at this time to meet any guidelines or qualifications prior to operating watercraft. Multnomah County should value the importance of safe conditions in the channel and work through the Marine Board in establishing minimum criteria for boat operators. The amount of horsepower was chosen to include personal water craft and exclude canoes and very small boats.

**STRATEGY:** Multnomah County should forward this issue on as a recommendation to the State Marine Board.

**POLICY 8: (a) Multnomah County should make river patrol and enforcement of laws a higher priority to the Sheriff's Department.  
(b) Multnomah County should make enforcement of zoning laws in the channel a higher priority to the Transportation and Land Use Planning Department.**

Discussion: The lack of Sheriff's presence in the channel presents a problem with regard to law enforcement. The County should prioritize enforcing the existing laws in place in the channel and maintain a presence to enforce the laws. The County should also consider prioritizing zoning enforcement.

**STRATEGY:** Multnomah County shall consider these issues when allocating funding and budgeting proposals and integrate a performance program within the framework of a strategic plan to successfully carry out this policy.

**POLICY 9: Multnomah County should begin studying the noise impacts of-motorized watercraft in order to establish base levels of noise pollution in the channel.**

Discussion: With the increase in noise associated with personal watercraft, the residents of the channel and island would like the County to start documenting base noise levels in the event of increases due to increased channel traffic. With increased volume and traffic on the channel, an inventory of average noise levels is needed to gather information for future studies because channel and island residents are currently concerned with existing noise levels.

**STRATEGY:** Multnomah County should forward this issue on as a recommendation to the State Marine Board.

**POLICY 10: Multnomah County Comprehensive Framework Plan Policy 26 should be amended and rewritten so that moorages and marinas will only be permitted in:**

1. The area where houseboats are currently permitted by Policy 26, and;
2. The existing Happy Rock, Sauvie Island, Parker, and Mayfair moorage sites.

Discussion: Policy 26 currently does not include the developed marina or moorage sites listed above, allowing them to continue as existing non-conforming uses with no ability to expand or reconfigure their sites. These uses are long-term substantial facilities which are an integral part of the Multnomah Channel environment. They should be allowed the same opportunities for change in land and water use afforded to the marinas and moorages which currently fall within the boundaries of Policy 26. This action, along with the inclusion of marinas into the Policy 26 framework, will convert Policy 26 into a statement of where marine related development is allowed on Multnomah Channel, vs. marine conservation areas outside of the Policy 26 boundaries.

**STRATEGY:** Multnomah County shall implement this policy with an amendment to the Comprehensive Plan.

**POLICY 11: The County should develop and maintain a current inventory of all marinas and moorages.**

Discussion: Multnomah County needs an accurate account of all floating structures on the channel in order to accurately administer and enforce zoning laws.

**STRATEGY:** In order to accomplish this, the budget should reflect an increase in funding and allocation of resources.

**POLICY 12: The County zoning code should be consistent with the County assessor and the state regarding the definitions of houseboats, boathouses and combos. For purposes of density calculations, "houseboats" shall be defined as 1) any houseboat, and 2) any boathouse or combo which is used as a residence (occupied 7 or more days per month).**

Discussion: There has been a problem with regards to the numbers of units allowed and permitted under existing approvals depending on the definition of dwelling the County uses. There have also been recent revisions to the assessor's definitions that may be even more of a problem. The County Zoning Code decides whether a structure is a dwelling based on information regarding kitchen and restroom facilities. The County assessor makes the determination based on different information, as does the State of Oregon. The issue becomes a problem when the County Staff uses the assessor's information to determine the number of dwellings existing within a moorage/marina and consistency becomes an issue of real importance to the moorage owners.

**STRATEGY:** Multnomah County shall amend the Zoning Ordinance to include this definition.

**POLICY 13:** Multnomah County should adopt procedures requiring each existing moorage/marina to become a 'special plan area' under MCC 11.15.6600 at the initiation of the County to determine uses and densities allowed for each moorage on the channel. The special plan area designation would be required at the time of citation for a zoning violation from Multnomah County, or when the property owner requests an expansion or alteration, or for any new marina/moorage developments.

Discussion: Each moorage/marina shall be allowed to enter into a special plan area (an existing part of the Multnomah County Zoning Code, which needs some minor amendments to fit the Multnomah Channel situation) procedure with Multnomah County to adopt essentially a master plan or comprehensive plan for each moorage/marina. As an attempt to take all issues into consideration, special plans can determine by looking at each existing or proposed moorage/marina on a case by case basis regarding the density, service levels and legal status of the property. At the County's initiation (no application fees), each individual marina/moorage could receive a special plan area designation which would be an overlay designation for each moorage and marina on the channel.

**STRATEGY:** Multnomah County shall implement this policy by amending the Special Plan Area code of the Zoning Ordinance and by requiring any moorage or marina which is determined to be in violation of the zoning code or which proposes changes to an existing moorage to go through the Special Plan Area process.

**POLICY 14:** The overall density for each existing moorage/marina shall not exceed the existing levels as measured by factors such as area and length of docks and number of slips (existing as of January 1, 1997). The actual number of slips for each moorage/marina shall be determined at the time a special plan area is approved for the moorage/marina. The specific plan will look at such things as 'legally existing' issues, non-conforming status and carrying capacity of the land to determine the number of dwellings and other uses allowed in each marina/moorage.

**STRATEGY:** Multnomah County shall implement this policy at the time each special plan area is adopted.

**POLICY 15: Development on Multnomah Channel within Special Plan Areas shall be judged upon the following criteria.**

**Water Environmental**

*River Bank Protection* - Development which protects the river bank from erosion caused by boat traffic.

*Water Quality* - Development which contributes to or does not significantly degrade water quality

*Septic tanks/Sewage* - Development which is more amenable to safe and sanitary sewage disposal, along with adequate upland facilities for disposal of sewage.

*Wildlife* - Development which contributes to or do not have a significant detrimental impact to the wildlife in the water.

**Land Environmental**

*Development in Wetland* - Development which does not impact wetlands.

*Traffic Increase* - Development which minimizes increases in traffic on moorage access roads, on railroad crossings, and onto Highway 30.

*Parking* - Development which minimizes the amount of parking area necessary.

*Ground Water Quality* - Development which minimizes impacts to ground water quality.

*Need for Restroom Facilities* - Development which minimizes the need for additional communal restroom facilities to serve the proposed uses.

*Land Wildlife* - Development which minimizes impacts to land wildlife.

*Necessary Utilities* - Development which requires fewer utilities to serve proposed uses.

*Floodplain Development* - Development which minimizes placement of permanent structures and uses in the floodplain.

*Accessory Structures* - Development which minimizes the need for accessory on-land structures to serve proposed uses.

**Aesthetic**

*Vegetation on Land* - Development which minimizes the loss of land vegetation.

*Visibility of Shore* - Development which minimizes changes to natural shoreline features.

*Massing and Scale* - Development which has a human scale or architectural quality to it.

*Diversity/Rural character* - Development which maintains the existing diversity and rural character of Multnomah Channel.

*Lighting* - Development which minimizes night lighting of uses.

*Vegetation/landscape on Water* - Development which minimizes its visibility from the Multnomah Channel waterway.

**Safety**

*Contribution to Channel Traffic* - Development which minimizes channel traffic.

*Residential Link* - Development with a permanent residence component which provides a human presence to both report emergencies and violations on Multnomah Channel.

*Fire Hazard* - Development which minimizes fire hazard.

*Emergency Services* - Development which minimizes the need for emergency services.

**Economic** - Development which provides economic value to Multnomah County in the form of assessment value and reduced need for public services.

**Recreation**

*Contribution to Public Recreation* - Development which contributes to public recreation opportunities on Multnomah Channel.

**Cumulative Impacts**

The cumulative impacts of the proposed development on the overall carrying capacity of Multnomah Channel shall be considered and minimized.

**The criteria listed shall be weighed and balanced by the hearing body considering each Special Plan Area so as to determine the most appropriate intensity and type of development allowed within each of these areas.**

**In reviewing each Special Plan Area, Multnomah County shall consult with other relevant local, state, and federal agencies, including but not limited to the following agencies:**

**Division of State Lands**

**Oregon Department of Fish and Wildlife**

**Oregon Parks and Recreation Department**

**Oregon State Marine Board**

**U.S. Army Corps of Engineers**

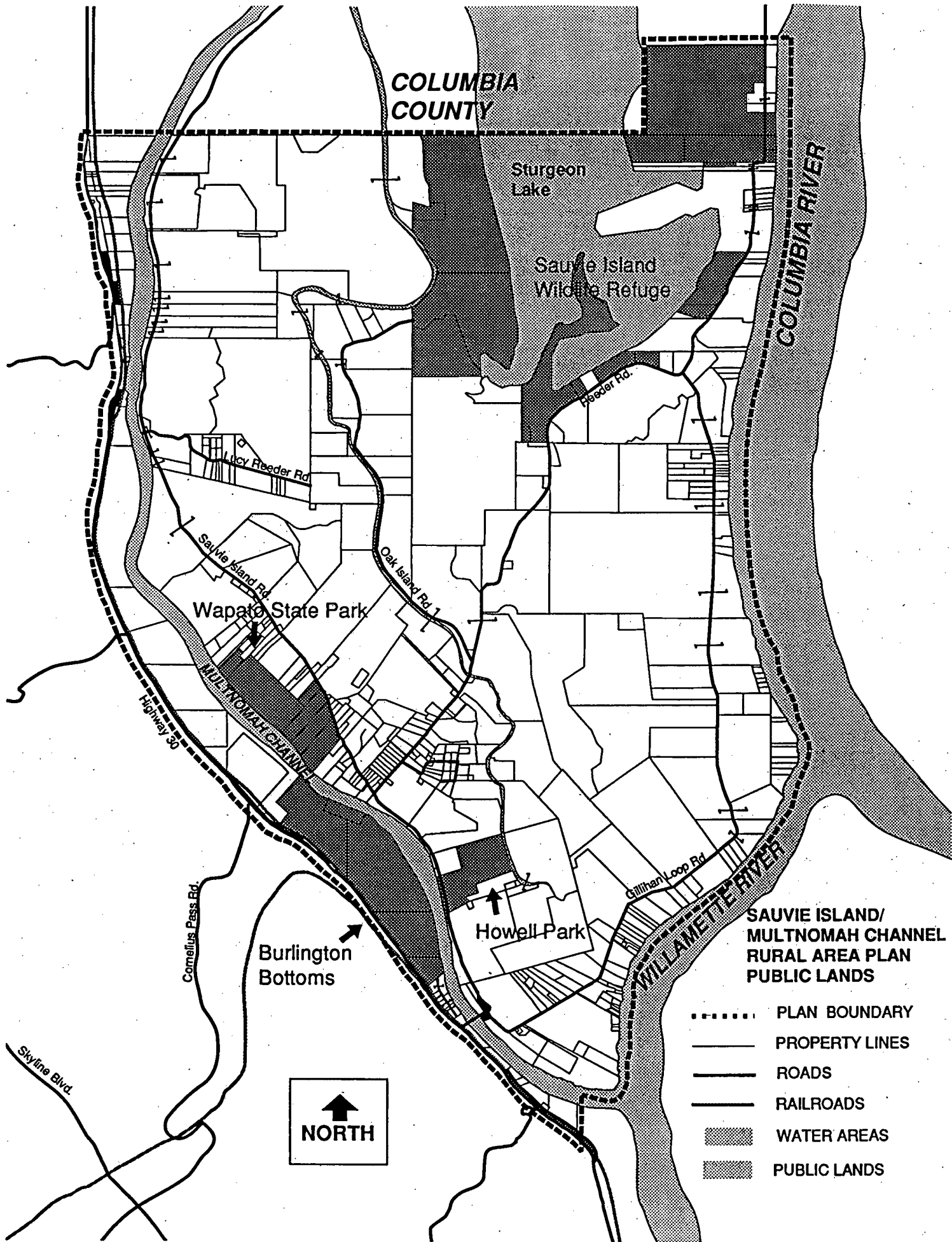
**Metro Parks and Greenspaces**

Discussion: It is not intended that each proposed use strictly meet each of the criteria listed above, but rather the criteria be used by the hearing body to weigh the appropriateness of different potential uses. It is assumed that each site within the boundaries of Policy 26 is appropriate for some sort of marine related development unless a single criteria weighs so strongly upon the site that it precludes all or some of the potential marine development uses.

**STRATEGY:** These criteria shall be included in the general special plan area code and shall be used to review proposed uses in each specific plan area is adopted.

**POLICY 16: Implement code language within the special plan area criteria that incorporates the more specialized ideas in these policies. This concept should be carried out with input from citizens on the channel and should include guidelines regarding lighting, landscaping and architectural design within the special plan areas for development.**

Discussion: Currently the WRG guidelines have vague language in them that make enforcement of them inconsistent. The County should look at adopting a set of design guidelines that the Planning Section can use to help interpret the WRG guidelines. This will allow for consistency in interpretation of the existing guidelines. These guidelines should specifically address the guidelines on lighting, landscaping and architectural design. The Citizens' Advisory Committee was very concerned about maintaining the character of the area of the channel and avoiding urban type marinas and moorages in the area.





**STRATEGY:** Multnomah County shall implement this policy as part of the Special Plan Area process.

**POLICY 17:** Multnomah County should promote responsible recreational uses in the channel by allowing public access or boat launches to occur as part of any redevelopment.

Discussion: The other policies in this plan shall not be construed to discourage public access to the water from the land or vice versa.

**STRATEGY:** Multnomah County shall implement this policy as part of the Special Plan Area process.

## **RECREATION**

### *SAUVIE ISLAND WILDLIFE AREA*

The Sauvie Island Wildlife Area, owned by the State of Oregon and managed by the Oregon Department of Fish and Wildlife, comprises approximately 11,500 acres of land and inland water areas on Sauvie Island, slightly less than half of the Island's acreage. Approximately 1,500 of these acres lie in Multnomah County, the rest are in the Columbia County portion of the island. The State of Oregon acquired the Sauvie Island Wildlife Area in the 1940's as a waterfowl area. In 1974, the Oregon Department of Fish and Wildlife prepared a Coordinated Resource Plan. In 1993, the Department prepared a new Management Plan for the Wildlife Area. The approved management plan seeks to broaden the focus of activities in the wildlife area from the primary purposes of habitat management for waterfowl and other game species to a more general focus on protecting wildlife habitat for all native species, including non-game species.

Visitor use of the Sauvie Island Wildlife Area has increased markedly in the past decade, reaching 750,000 visitor days according to the Oregon Department of Fish & Wildlife (a visitor day is defined as a visit by one individual on one day, so that if one individual visited the refuge on 50 separate days, it would be counted as 50 visitor days) in 1991 and increasing further since then. The Oregon Department of Fish and Wildlife divides users into five categories, Fishing(20% of users), Hunting(2%), Viewing(10%), Beach (38%), and Other(30%). The goal of the Management Plan is to accommodate all user groups, but emphasize recreational activities which are wildlife-oriented (hunting, fishing, wildlife viewing) as opposed to uses which merely involve visiting the public use facilities within the area, such as camping and picnicking.

Included in the plan are specific objectives which would "Explore methods to control and regulate beach use, to improve the beach use for family oriented recreation area" and "Contact Columbia County to discuss the potential for a joint beach management program." The clothing optional beach is one of four located within the Wildlife Area, is heavily used, and is the subject of some controversy on both practical and moral grounds. Since the public beaches on Sauvie Island are entirely within Columbia County, Multnomah County has no jurisdiction over them. Traffic to and from the beach does impact Multnomah County roads and emergency service provision. For the past several years there has been controversy between users of the clothing optional beach and the occupants of an adjacent residences. However, there is no documented

evidence that the clothing optional beach in and of itself provides an undue strain on transportation or emergency service provision on Sauvie Island. Disputes between users of the beach and an adjacent residence are not within the jurisdiction of Multnomah County.

### *WAPATO STATE PARK*

Wapato State Park, located on the east side of Multnomah Channel on Sauvie Island, is managed by the Oregon State Parks Department. It is also known as the Virginia Lakes area, and is designated as a significant natural area and wetland in the Multnomah County inventory of significant natural and environmental resources. It contains Hadley's Landing on Multnomah Channel, a dock for transient boats. The park has nature trails which are accessed from Sauvie Island Road, and a picnic shelter. The Oregon State Parks Department has not adopted a management plan for the park, but is considering doing so. The Department began a draft management plan for the park several years ago, but did not complete it.

### *HOWELL PARK*

Howell Park, located on the east side of Sauvie Island Road north of the Sauvie Island bridge, consists of approximately 110 acres. It contains the Bybee-Howell House, a historic structure built in 1856. The site also contains Howell Lake, a significant wetland. The park is owned and managed by Metro Parks and Greenspaces. Metro is currently preparing a master plan for the park. Any changes to the park require land use approval from Multnomah County. The preliminary goals of the master plan are 1) increased facilities and use of the house as the focus of historical and archaeological information about Native American life and early Oregon events, and 2) increased use of the lake and wetland areas for wildlife viewing and educational activities. The current Exclusive Farm Use zoning on the park limits new park uses.

### *BURLINGTON BOTTOMS*

The Burlington Bottoms site (also known as the Rafton Tract) consists of approximately 400 acres located on the west side of Multnomah Channel. The site was purchased by the Bonneville Power Administration (BPA) in 1991 as mitigation for environmental impacts caused elsewhere. In 1994, the BPA completed a Management Plan and Environmental Assessment which recommended that the site be managed primarily for maintenance and enhancement of fish and wildlife habitat associated with the natural ecosystem on the site. The recommendation also states that "a low level of public access would be allowed under this alternative, with designated areas for trails and viewing blinds to provide for passive wildlife oriented recreation. Opportunities for research and environmental education would also be available under this alternative."

In 1995 Portland area voters approved a bond measure for Metro Parks and Greenspaces which allocated money for purchase of park and greenspace land throughout the Portland Metropolitan Area. The bond measure included, among its list of potential purchases, land in the vicinity of Burlington Bottoms and other lands along Multnomah Channel. Metro has identified land adjacent to and north of Burlington Bottoms as the primary target for acquisition. Of lesser priority, but still possible for purchase, is land on Sauvie Island adjacent to Wapato State Park.

## *WATERWAY RECREATIONAL USE*

Marine recreational activities on Multnomah Channel, the Willamette River, and the Columbia River, are the regulatory responsibility of the Oregon State Marine Board. In 1995, the State Marine Board adopted a Recreational Boating Management Plan for the Portland Metropolitan Waterways. The management plan focuses on four topics; education, law enforcement, facilities, and waterway management. Multnomah County shall rely upon the State Marine Board to determine the appropriate levels of recreational use on waterways adjacent to Sauvie Island.

## *OTHER RECREATIONAL ACTIVITIES*

There are commercial activities on Sauvie Island which are primarily focused on attracting visitors to the island. These include the Pumpkin Patch and other produce stands and u-pick farms.

As discussed under transportation, numerous bicyclists use the island's roads for recreational cycling. Conflicts between recreational bicyclists and automobile traffic, both residents and visitors, has been a major Sauvie Island issue for some time.

### **Recreation Policies**

**POLICY 18: Encourage managers of the Sauvie Island Wildlife Area to post information signs regarding closures of areas to public use which explain why the area is being closed.**

**STRATEGY:** Multnomah County shall forward this policy recommendation to the Oregon Department of Fish and Wildlife.

**POLICY 19: Encourage Metro to purchase additional greenspace lands on the west side of Multnomah Channel in order to expand and enhance the Burlington Bottoms wildlife area.**

**STRATEGY:** Multnomah County shall forward this policy recommendation to Metro.

**POLICY 20: Promote recreational activities within the rural plan area which are complementary to natural and environmental resources identified pursuant to Goal 5 of the Statewide Planning Program.**

**STRATEGY:** Multnomah County shall implement this policy through the current planning permitting process and the Special Plan Area process.

## **TRANSPORTATION**

### **Multnomah County Comprehensive Framework Plan**

The Transportation System Policy of the Multnomah County Comprehensive Framework Plan

COLUMBIA  
COUNTY

Sturgeon  
Lake

COLUMBIA RIVER

Reeder Rd.

Lucy Reeder Rd.

Sauvie Island Rd.

Oak Island Rd.

Cornelius Pass Rd.

Gillham Loop Rd.

Skyline Blvd.

MULTNOMAH CHANNEL

WILLAMETTE RIVER

SAUVIE ISLAND/  
MULTNOMAH CHANNEL  
RURAL AREA PLAN  
functional classification of  
trafficways and bikeways



- PROPERTY LINES
- LOCAL ROADS
- RURAL COLLECTORS
- RURAL ARTERIALS
- PLAN BIKEWAYS
- WATER AREAS

includes policies for the following three categories: 1) Transportation System (33A), 2) Marine Transportation System (33B) and 3) Bikeways/Pedestrian System (33C). Multnomah County's policy is to provide a balanced transportation system that offers alternative transportation facilities to people and commerce.

The purpose of Policy 33A is to establish criteria for Multnomah County to use in evaluating alternative transportation proposals in order to achieve its objective of a balanced, safe and efficient system.

POLICY 33B ensures that Multnomah County takes appropriate action to provide for needed marine transportation system facilities in those areas of the Portland region within its jurisdiction. The system includes appropriate backup land for marine terminal and waterfront industrial facilities. This policy addresses the Columbia River shipping channel only and does not include Multnomah Channel.

Bikeways and pedestrian ways are an integral part of a balanced transportation system. Policy 33C currently focuses on implementing a bicycle system without addressing the pedestrian system. However, this policy will be amended in the near future to reflect the recently adopted Pedestrian Master Plan as well as the Bicycle Master Plan. Policy 33C directs facility planning and route implementation based on the Bicycle Network Map.

Policy 34 of the Comprehensive Framework plan directs Multnomah County to develop the existing traffic way system to maximize efficiency, and to consider the mobility of pedestrians by providing safe crossings. There are three types of roads in the Sauvie Island/Multnomah Channel Rural Area. US 30 is classified as a Principal Arterial. Principal Arterials serve interstate, interregional, and regional traffic. Traffic volumes are high and access to adjacent land uses is limited.

Three roadways on Sauvie Island are classified in Policy 34 as Rural Collector roadways. They are Gillihan Rd, Reeder Rd and Sauvie Island Rd. Rural Collector roads distribute traffic over large areas and generally connect to urban streets or rural arterials. They also provide for necessary truck transport (agriculture, timber or minerals) out of rural areas.

All other roads in the Sauvie Island/Multnomah Channel Rural Area are Rural Local roads. Local roads provide access to abutting land uses and are generally low traffic volume and low speed facilities.

All road access to Sauvie Island runs across the Sauvie Island bridge, which crosses Multnomah Channel near the south end of the island. It is a narrow two-lane facility with no capacity for major increases in traffic over existing levels.

#### Portland-Astoria (US Highway 30) Corridor Plan

An inventory of US 30 was conducted as part of the Corridor Plan by the Oregon Department of Transportation. The segment of US 30 from the Portland City Limits to the Multnomah County line is a four-lane highway with high speeds and volumes. Traffic volumes range from 10,000 -

50,000 average daily traffic (ADT) with peak summer traffic increasing 10-30 % above ADT.

US 30 is a designated Statewide Bicycle Route. Bicycle travel is expected to increase for both commuter and recreational travel. The Plan recommends that, at a minimum, five-foot paved shoulders be provided to accommodate bicycle use along the entire corridor length. Additional pavement is needed in some areas to meet the five-foot shoulder width. Other recommendations include:

- Provide connections to local bicycle (and hiking) systems where feasible, and
- Provide bicycle crossings across US 30 where appropriate and feasible.

Pedestrians are allowed to use the shoulders on US 30, but pedestrian activity is expected to be concentrated in the urban areas.

#### Multnomah County Bicycle Master Plan

The Bicycle Master Plan, adopted in 1990, was developed with assistance from a County wide Bicycle Planning Task Force and a Sauvie Island Bicycle Planning Task Force. Two objectives with related policies and implementation strategies are identified in the Bicycle Master Plan.

- 1) Develop and maintain an extensive network of bicycle transportation facilities that provide safe, efficient and enjoyable bicycle travel.
- 2) Increase bicyclist and motorist knowledge and awareness so as to resolve hazards and conflicts of bicycling, and reduce the occurrence of bicycle related accidents.

Included in the Bicycle Master Plan is a Bikeway Plan Map. The map identifies roadways that will provide a bikeway facility when the roadway is constructed to current standards. There are two bikeways identified on the map for the Sauvie Island/Multnomah Channel area: US 30 and Sauvie Island Rd from US 30 to Ferry Rd. Paved shoulders exist on US 30 providing a space for bicyclists to ride. Paved shoulders, the standard bikeway for Rural Collectors, do not exist on Sauvie Island Rd.

Reconstructing Sauvie Island Rd to improve safety for bicyclists and motorists has been estimated to cost over \$1 million. To add paved shoulders, the dike would need to be widened. Currently, there is no funding available or identified. Extensive coordination is required for this project with the Corps of Engineers, Sauvie Island Drainage District and Multnomah County.

The Bicycle Master Plan recommends establishing a Bicycle Citizen Advisory Committee to address current and future bicycling problems and opportunities.

#### Multnomah County Pedestrian Master Plan

The purpose of the Pedestrian Master Plan is to establish a framework for developing a safe and convenient urban and rural pedestrian system on Multnomah County roads. County standards for pedestrian facilities on rural roads include 4-foot gravel or 8-foot paved shoulders. On

Sauvie Island roads, paved shoulders are very limited. There are currently no plans to widen the shoulders on Gillihan Rd., Reeder Rd. or Sauvie Island Rd. Other pedestrian facilities that may need to be provided on the island include pedestrian crossings at the school or at other destinations that attract pedestrians.

Shoulders exist on US 30 and may be used by pedestrians. The Oregon Bike and Pedestrian Plan states that where shoulders are expected to be used by bicyclists and pedestrians, shoulders should be 1.8m (6 ft) or wider. Shoulders on rural roads are shared with bicyclists.

The Pedestrian Master Plan recommends establishing a Pedestrian Citizen Advisory Committee to assist the County in identifying and resolving specific pedestrian issues, problems and opportunities.

### Street Standards

County standards for Rural Collector roadways include two 12-foot travel lanes and two 8-foot paved shoulders. Gillihan Rd, Reeder Rd and Sauvie Island Rd are not currently constructed to the County standards for Rural Collector roads. While right-of-way is owned to accommodate these standards, there are no plans to reconstruct the roadways. Widening the paved surface would require extensive fill to widen the dike to accommodate an additional 16 feet for paved shoulders.

### Transportation Policies

**POLICY 21: Recommend that the Multnomah County Bicycle and Pedestrian Advisory Committee has significant Sauvie Island representation.**

**STRATEGY:** Multnomah County shall implement this policy through the appointment process for the Committee.

**POLICY 22: Have the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee study and recommend to the Board of Commissioners short-term and long-term solutions to safely accommodate bicyclists, pedestrians, and motor vehicles on Sauvie Island including on-road bikeways, separated multi-use paths, and funding options.**

**STRATEGY:** Multnomah County shall implement this policy through the work program of the Bicycle & Pedestrian Citizen Advisory Committee and the Transportation and Land Use Planning Division budget.

**POLICY 23: Update Policy 33B Marine Transportation System in the Comprehensive Framework Plan.**

**STRATEGY:** Multnomah County shall implement this policy through the budgeting process for the Division of Transportation and Land Use Planning.

**POLICY 24: Oppose placement of regional roadways in the Sauvie Island/Multnomah**

**Channel Rural Area, should such roadways be under consideration by any regional transportation authority in the future.**

**STRATEGY:** Multnomah County shall use this policy in discussions and recommendations regarding regional roadways.

**POLICY 25: Review rural roadway standards to determine if 8-foot paved shoulder widths can be reduced to preserve the rural character of roads.**

**STRATEGY:** Multnomah County shall implement this policy through the budgeting process for the Division of Transportation and Land Use Planning.

**POLICY 26: Participate in a cooperative effort with the Sauvie Island Drainage District and the Army Corps of Engineers to study the dikes upon which public roads run including funding for dike improvements.**

**STRATEGY:** Multnomah County shall implement this policy by working with the Drainage District and Corps of Engineers to devise and then implement a process for studying the dikes with roads on them protecting Sauvie Island.

## **PUBLIC FACILITIES**

### *Schools*

The Sauvie Island School District's boundaries encompass all of Sauvie Island. The District has one school, located at 14445 NW Charlton Road, which serves Kindergarten through Eighth Grade students. High School students attend school outside of the district. The school was rebuilt after a fire in 1980, and is a modern facility.

The Oregon Education Act of 1991 requires school districts which do not have a high school program to provide one or merge into a school district which does. The issue of the Sauvie Island School District's fate has been very controversial.

The mainland side of Multnomah Channel is divided into two school districts. The far northern portion of this area, adjacent to Columbia County, is within the Scappoose School District (this area consists of only 200 acres, and has several existing residences and the approved but not yet occupied Rivers Bend Marina). Students attend Grant Watch Elementary School for grades K-3, Peterson Elementary School for Grades 4-6, Scappoose Middle School for grades 7-8, and Scappoose High School for Grades 9-12. The district is currently conducting a survey of existing facilities, with the expectation that growth in the Scappoose city area of Columbia County will result in increased enrollment at the district's schools. However, there are no current capacity or facility problems identified in the District.

The remainder of the mainland side of Multnomah Channel is within the Portland School District. Skyline Elementary School, located near Cornelius Pass, serves the West Hills and



Multnomah Channel. Multnomah Channel is within the attendance boundaries of West Sylvan Junior High School, located to the south, and Lincoln High School, located adjacent to downtown Portland. All three of these Portland district schools are operating well below capacity of the school sites.

### *WATER SERVICE*

A portion of the mainland side of Multnomah Channel is served by the Burlington Water District. The Burlington Water District receives its water supply from the City of Portland, via a pipeline along Highway 30. The District is bound by its bylaws to provide water service to any parcel within the district, however, the existing water distribution system is barely adequate to serve existing development and has little or no capacity to handle expanded water use.

The remainder of the Sauvie Island/Multnomah Channel plan area is not served by any water district, and relies on groundwater for its supply. Currently, proposed development must show an adequate water supply quantity prior to approval of building permits. Permits requiring discretionary review are conditioned so as to require proof of an adequate water supply quantity prior to building permit issuance so that an applicant is not subject to the expense of drilling a well prior to approval of the conditional use. However, the County has no standards as to the quantity or source of the adequate water supply. Quality requirements are pursuant to Oregon Department of Environmental Quality standards for potable drinking water.

### *SEWAGE DISPOSAL*

All existing development within the Sauvie Island/Multnomah Channel Rural Area is served by private on-site sewage disposal systems. No public sewers are planned or contemplated for the area, due to its rural nature. Approval for proposed private sewage disposal systems is the responsibility of the City of Portland Building Bureau, which implements standards set forth by the Oregon Department of Environmental Quality. A number of different methods for on-site disposal of sewage effluent are available for consideration.

### *POLICE PROTECTION*

Police protection for Sauvie Island and Multnomah Channel is provided by the Multnomah County Sheriff. The Sheriff's office is located at 122nd St. and Glisan St. in the Mid-County area. Currently the entire West Hills and Sauvie Island/Multnomah Channel Rural Areas are served by one patrolling officer at a time.

### *FIRE PROTECTION & EMERGENCY SERVICES*

The Sauvie Island/Multnomah Channel Rural Area is served by three different fire and emergency services providers -- Multnomah County Rural Fire District # 30, Scappoose Fire District, and Portland City Fire Bureau.

The Multnomah County Rural Fire District #30 serves Sauvie Island from a station on Charlton Road. Its fire-fighting and emergency response force consists of 25 volunteers. The District's

staff will be occupying a new eight bay fire station in the near future. The District has a limited agreement with Portland for use of a fire boat for marine fires. The District's fire and emergency response force serve not only Sauvie Island residents, but also the 1.5 million visitors per year who visit Sauvie Island. This puts an additional strain on the District's resources above that put upon most rural fire protection forces.

The Scappoose Fire District serves the northern portion of the mainland side of Multnomah Channel, south to Burlington. The District has three fire stations, one of which is located on Cleetwood Drive near Morgan Road in the West Hills. The District has 50 volunteers and two paid personnel. Equipment includes five engines with a combined capacity of 5,750 gallons, one 3,200 gallon water tender, two rescue units, two ambulances, three wild land fire fighting units with a combined capacity of 1,500 gallons, and one command vehicle. The District is concerned that fire safety standards for access roadways and fire suppression in the marinas and moorages along Multnomah Channel be properly met.

The Burlington Water District provides fire protection services to land within its boundaries. Currently it contracts with the City of Portland to provide fire and emergency services. The Portland Fire Bureau services the Burlington area from Station # 22, located in St. Johns, with a response time to the area of 15-20 minutes. Due to the lengthy response time the district receives a low level of current services.

### **Public Facility Policy**

**POLICY 27: Study methods by which the Sauvie Island Rural Fire Protection District can be reimbursed for providing fire and emergency medical services to island visitors.**

**STRATEGY:** Multnomah County shall implement this policy by reviewing any revenue or funding proposal from the Sauvie Island Rural Fire Protection District.

## **ENVIRONMENTAL QUALITY**

### ***AIR QUALITY***

The Burlington Bottoms Wildlife Mitigation Project (December 1994) states that:

"The existing air quality in the Burlington Bottoms area is considered good to excellent, and air quality measurements fall within National Ambient Air Quality standards. The Department of Environmental Quality is responsible for air quality management in the State of Oregon."

However, the Department of Environmental quality has no staff to enforce its air quality standards as regards individual sites and uses.

Industrial facilities in the City of Portland lie to the east of Sauvie Island, across the Willamette River (Examples include Oregon Steel and Columbia Grain). These facilities have potential air quality and noise issues upon Sauvie Island associated with them which cannot be addressed

without coordination between Multnomah County, the City of Portland, and the Port of Portland.

Problems with odors and dust from individual facilities can be considered nuisances. Multnomah County Code Section 7.20 et. seq. defines and prohibits nuisances. Nuisances prohibited include such things as odorous ponds of stagnant water, animal carcasses which are not disposed of, explosive or radioactive substances, abandoned vehicles, and vegetative obstructions of good sight distance at intersections. Odors from industrial activities are not listed as nuisances under this code section. This ordinance does not apply to the City of Portland.

The Angell Brothers quarry may cause dust problems for nearby moorages along Multnomah Channel. Multnomah County must address such problems when considering additional conditional use permit approvals for the quarry. The quarry operator is responsible for mitigating dust impacts within the impact area of the quarry, defined as being 1,200 feet from the quarry property. This impact area includes several moorages along Multnomah Channel.

### *NOISE*

Multnomah County's noise ordinance (Section 7.30 et. seq. of the County Code) regulates the generation of excessive noise within the unincorporated areas of Multnomah County. The ordinance defines "sound producing device" to be regulated as 1) loudspeakers, 2) various electronic equipment, 3) musical instruments, 4) sirens & bells, 5) vehicle engine noise not in the right-of-way, 6) vehicle tires, 7) domestic tools during night hours, and 8) heat, air conditioning, and refrigeration units.

The County's noise ordinance does not include regulation of noise from organized athletic or other group activities on property generally suited for these purposes, noise caused by emergency work and equipment, noise regulated by federal law, such as railroad and aircraft operations, noise caused by bona fide use of emergency warning devices and alarm systems, sounds caused by permitted blasting activities between 9:00 A.M. and 4:00 P.M. Monday through Friday, and sounds caused by industrial, agricultural, or construction workers during their normal operations. The noise ordinance sets limits for sounds as measured in decibels (dbA). The ordinance is to be enforced by issuance of citations and, if necessary, by impoundment of the device producing the offending noise.

Aircraft noise from planes arriving and departing Portland International Airport and from over-flying national guard planes is cited by many Sauvie Island and Multnomah Channel residents as an annoyance. However, Multnomah County has no authority to regulate aircraft for noise impacts.

### *WATER QUALITY*

The January 1993 Sauvie Island Wildlife Area Management Plan published by the Oregon Department of Fish and Wildlife states:

"Water quality is generally not recognized as a problem to fish production on the Wildlife Area, but some lakes dry up during the summer and the stranded fish become a food

source to other wildlife. The water quality for fish will be met by the plan goals and objectives for water quality and by holding the water levels up where possible with existing water control structures."

The Management Plan further outlines objectives to:

"1) Manage Sturgeon Lake and its tributaries to protect, maintain and enhance water quality, comply with state water quality standards to support the designated beneficial uses such as human contact recreation, wildlife, fisheries (OAR 340-41), and to meet the requirements of the Clean Lakes Program (watershed management plan to control nutrient and bacteria sources into Sturgeon Lake)"

The ODF&W plan proposes tasks such as 1) defining and assessing the non-point source runoff problems in and around the lake that may contribute to water quality degradation, 2) seeking funding to continue water quality monitoring of closed lakes and Sturgeon Lake and its tributaries to document sources and seasonal patterns in water quality, 3) developing and implementing a grazing plan to control and/or eliminate grazing near the shoreline riparian areas to prevent animal access to the water, compacting of soils, erosion, and waste inputs into the lake, 4) protecting and encouraging riparian vegetation and emergent vegetation around the lake to provide stabilization of soils, and nutrient filters to the lake, 5) exploring opportunities to conduct selected dredging to increase depth, flows and flushing and circulation action in Sturgeon Lake, and to minimize temperature increases, 6) providing adequate sanitation facilities to prevent human wastes from entering lakes, 7) controlling boating activity and speeds to minimize shoreline erosion due to wave action and 8) conducting a shoreline inventory that may include vegetation, erosion, soil compaction.

The 1985 Atlas of Oregon Lakes identified Sturgeon Lake as a: "Large, shallow mud-bottomed lake located on Sauvie Island. Water quality problems include siltation and very high turbidity; the lake also experiences algae blooms and high bacterial counts. Hydraulic modifications over the years have exacerbated the sedimentation problem. Recommendations for rehabilitation include re-opening Dairy Creek, thereby re-establishing natural flushing from the Columbia River. Funding for this proposal has been difficult to obtain."

The 1992 federal Clean Vessel Act prohibits discharge of sewage from marine toilets on all freshwater lakes and reservoirs. Boaters must use Coast Guard-approved marine sanitation devices on the Columbia, Willamette and Snake Rivers and on navigable portions of coastal waters.

Marinas and moorages along Multnomah Channel have four basic sewage-producing types of boats or floating structures; 1) floating homes, 2) boathouses, which are primarily for interior boat storage, but may have a small living unit within the structure for "weekend" use, 3) live-aboard boats, and 4) transient boats, which may dock at a facility during the day.

Currently, the Oregon Department of Environmental Quality, the State Marine Board, and the Division of State Lands are discussing appropriate sewage disposal regulations for new and existing marinas and moorages. The Department of Environmental Quality is proposing that all

marinas and moorages provide a "hard" connection to city sewer or a private sewage disposal system for all floating homes and boathouses that are plumbed for sewer (even if they are not connected to a water system). New marinas and moorages are also required to have a "hard" connection for each "live-aboard" boat slip. The major discussion point remaining regards "live-aboard" boat slips in existing moorages. Alternatives include requiring "hard" connections at the time of any Division of State Lands lease renewal, or instead requiring easy access to a portable "pump out" facility, along with proof of its actual use. The Department of Environmental Quality has no authority to require sewage disposal facilities be available for "transient" boats -- it is considered the responsibility of the boat owner to safely and legally dispose of his or her sewage. However, it is within the authority of Multnomah County to require pump out facilities be made available for "transient" boats at marinas and moorages which provide service to such boats.

A final type of marine use in Multnomah Channel is the illegal houseboat or anchored live-aboard boat, which dumps its sewage directly into the channel in violation of the Clean Vessel act. Several such illegal "squatter" houseboats and anchored live-aboard boats exist in Multnomah Channel, and their existence is a chronic problem.

The West Hills Reconciliation Report, a subset of the Multnomah County Comprehensive Framework Plan, discusses potential impacts from the Angell Brothers quarry upon the water quality of Multnomah Channel. The quarry operator has worked with the Oregon Department of Environmental Quality to control the quality of quarry runoff, and will not be allowed to mine in the main drainage of the North Angell Brothers Creek, which empties into Burlington Bottoms. The reconciliation report allows some mining in a subsidiary drainage, but the quarry operator must divert all runoff from this area away from the North Angell Brothers Creek watershed.

### **Environmental Quality Policies**

**POLICY 28: Coordinate promulgation and enforcement of air quality, water quality, lighting, and noise pollution issues with the City of Portland and the Port of Portland.**

**STRATEGY:** Multnomah County shall implement this policy through developing a program of advocacy for protection of rural area environmental quality issues as part of the long-range planning and budgeting process

**POLICY 29: Provide for safe and easy collection and disposal of sewage from marine uses in Multnomah Channel.**

**STRATEGY:** Multnomah County shall implement this policy through the Special Plan Area review process for each marina and moorage. Marinas and moorages shall be required to meet, at minimum, state standards for sewage collection and disposal from various types of marine uses. They shall be required to provide connections to sewage disposal facilities for all floating homes and boathouses which are plumbed. Live-aboard boat slips must be provided with an on-site mechanism for disposal of sewage, either through connections at each slip or through the availability of on-site alternative pump out facilities which are

reasonably safe from accidental spillage. Marinas and moorages which serve "transient" boats to have reasonable geographic access to an on-site method of sewage disposal in order to service such boats.

**POLICY 30: Coordinate with the Division of State Lands to remove floating structures which are illegally sited and do not meet County zoning standards.**

**STRATEGY:** Multnomah County shall implement this policy by requesting the Division of State Lands to prepare a joint program for removal of illegal floating structures.

**POLICY 31: Recommend that any fill generated as a result of dredging activities in the Columbia River be located on Sauvie Island only under the following conditions:**

- To assist in flood control
- Not on designated wetlands
- Not on high value farmland unless placement of such fill improves a farm's soils or productivity
- In areas where it will not negatively impact wildlife habitat

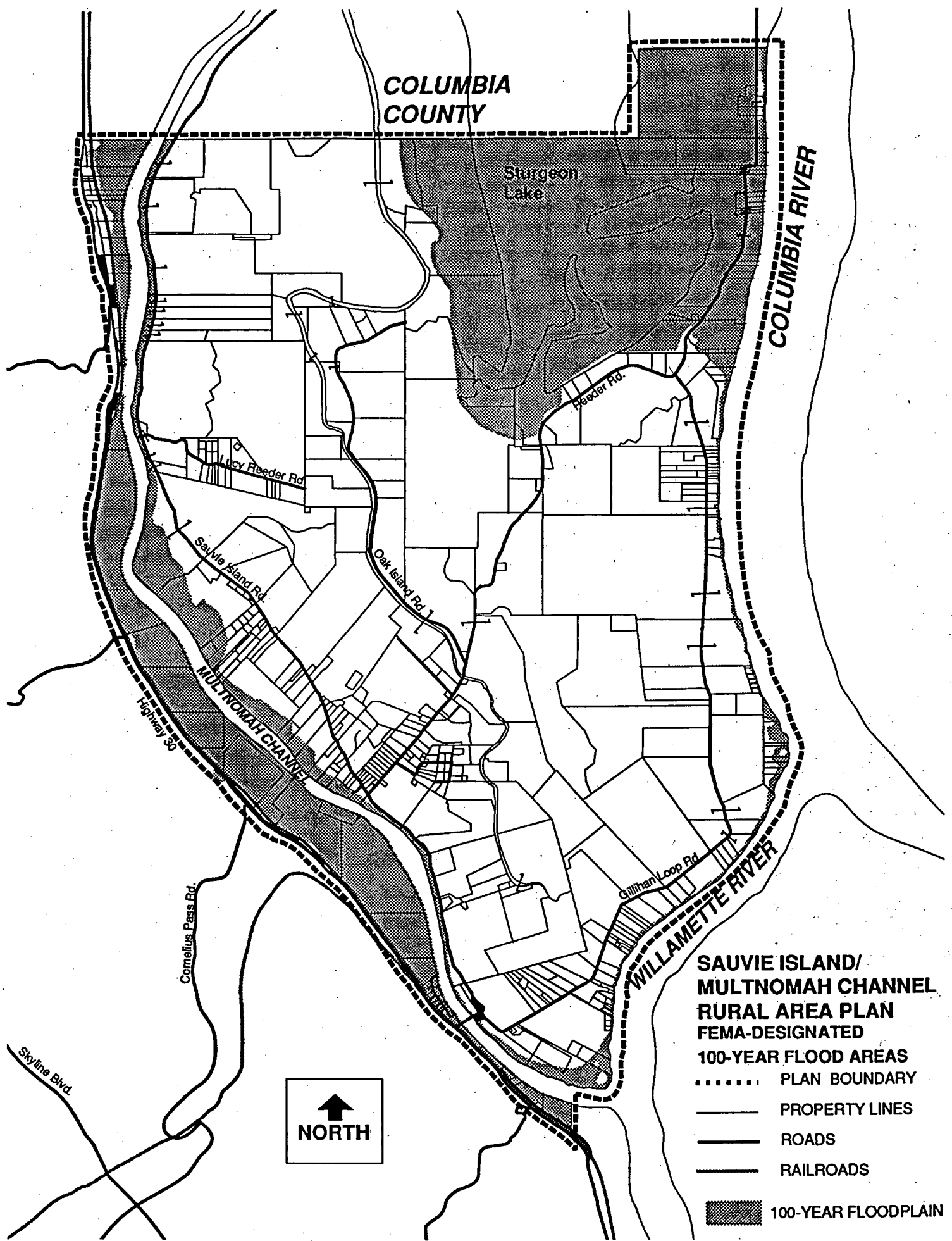
**STRATEGY:** Multnomah County shall implement this policy when reviewing any federal dredging projects proposed for the Columbia River.

## **NATURAL HAZARDS**

### ***FLOODING***

The Federal Emergency Management Agency (FEMA) requires local communities to maintain and enforce minimum floodplain management standards in order to be eligible to participate in the National Flood Insurance Program. FEMA accepted floodplain maps compiled by Multnomah County in 1980. The areas subject to inundation by a 100-year flood (expected to occur on average once every 100 years) include lands on Sauvie Island outside of the dikes maintained by the Sauvie Island Drainage District and virtually the entire area between Multnomah Channel and the Burlington Northern's Astoria rail line. The area behind the dikes on Sauvie Island (with minor exceptions) is subject to inundation by a 500-year flood (expected to occur on average once every 500 years). In addition, FEMA maps contain the following note regarding the area protected by levees: "This area protected from the 100-year flood by levee, dike, or other structures subject to possible failure or overtopping during larger floods." The only exceptions to this proviso on Sauvie Island are isolated high spots along Lucy Reeder Road, along Sauvie Island Road north of Reeder Road, in the vicinity of Sauvie Island School, and around the Bybee-Howell House.

The Sauvie Island Drainage District provides flood protection for the majority of Sauvie Island. The District was recently reconstituted as a private corporation in order to allow it to continue its assessment practices, which are based upon both the amount of acreage owned and the land elevation of each property (the lower the elevation, the more need for drainage facilities and the



**COLUMBIA  
COUNTY**

Sturgeon  
Lake

**COLUMBIA RIVER**

Reeder Rd.

Lucy Reeder Rd.

Sauvie Island Rd.

Oak Island Rd.

Highway 30

Cornelius Pass Rd.

Skyline Blvd.

Griffith Loop Rd.

**WILLAMETTE RIVER**

**SAUVIE ISLAND/  
MULTNOMAH CHANNEL  
RURAL AREA PLAN  
FEMA-DESIGNATED**

**100-YEAR FLOOD AREAS**

..... PLAN BOUNDARY

— PROPERTY LINES

— ROADS

— RAILROADS

100-YEAR FLOODPLAIN

**↑  
NORTH**

higher the assessment). The District operates a system of drainage-ways which feed into two main arteries, the Gilbert River in the central portion of the island and the A-1 canal on the eastern end of the island. These two drainage arteries flow northwesterly to the pumping plant, located in Columbia County at the end of Sauvie Island Road, where four pumps send the water over the levee in Multnomah Channel at a maximum rate of 750,000 gallons per minute. Additional feeder drainage ditches are owned and maintained by individual property owners and feed into the District's system. The District also maintains the system of levees and dikes which girdle the Multnomah Channel shoreline from the island's southern tip to the pumping plant site and the Willamette-Columbia shoreline from the island's southern tip to a point north of the intersection of Reeder and Gillihan Roads. A cross-island levee connects the northern ends of these two levees to encircle the area protected from flooding. Since most of Sauvie Island is at or below the elevation of the adjacent Columbia and Willamette Rivers, the operations of the Drainage District are vital to sustaining Sauvie Island's population and economy.

The District has identified the following problems it faces in accomplishing its mission:

1. The levees surrounding the island are subject to bank erosion due mainly to the wakes produced by wake-producing watercraft. The power of the wake depends upon the type of boat and the speed of the boat. This is a particular problem on the Multnomah Channel side of the island. Solutions include revetment of the levees, an expensive proposition, reducing boat speeds on surrounding waterways, or placement of intervening materials, from log booms to marinas, to absorb the wake's impact prior to its reaching the levee.
2. The levees are subject to seepage, especially during periods of high water as occurred in 1996.
3. One of the District's four pumps cannot operate when water levels are high, thus reducing the ability to pump out water when it is needed most.
4. The district's drainage ways are sometimes used by trespassing boaters, who have the potential to damage facilities. Since the drainage ways are easements provided to the District, such trespassing actually occurs on the private property of the individual owners.
5. The district's drainage ways are often clogged by vegetative matter during warmer periods of the year. This reduces the drainage capacity of the system.
6. When property owners allow vegetation to grow unchecked on the levees, this vegetation provides habitat for animals such as rodents which burrow and undermine the levees.
7. The district is generally concerned about the potential conflict between proper drainage facilities for Sauvie Island and the maintenance and enhancement of natural wetland areas.
8. The lowest levees on Sauvie Island are those which carry a roadbed atop them. The district is concerned about further compaction of these levees by vehicle traffic.

Outside of the Sauvie Island Drainage District, lands are generally unprotected from the



consequences of major flooding. Not only are most of the land areas subject to inundation from a 100-year flood, floods of 1996 have left significant amount of debris in the waters of Multnomah Channel. This debris constitutes a hazard to both marine vessels and floating structures along the channel.

### *GROUNDWATER LEVELS*

In Multnomah County a high ground water table is defined as groundwater between 0 and 24 inches below the surface. Areas with period high groundwater levels include parts of Sauvie Island. Groundwater is a significant factor in determining the suitability of an area for development. High groundwater tables can cause septic tank malfunction, basement flooding and can affect surface drainage.

### *SEISMIC HAZARDS*

Seismic monitoring stations were installed in the Portland area in 1980. The Portland area has a complex tectonic structure which includes faults that may be associated with past earthquake activity. The Portland Hills lineament, located in the Tualatin Mountains above Highway 30, was most likely responsible for a 1962 earthquake which measured 5.2 on the Richter scale. The approximate location of the epicenter was at Holbrook, near Highway 30, Logie Trail Road, and Multnomah Channel.

The U.S. Geological Survey and the Oregon Department of Geology and Mineral Industries are currently producing maps delineating the regional geology and potential for ground motion in the Portland Metropolitan Area. However, none of the Sauvie Island/Multnomah Channel rural area has yet been mapped, as the concentration to date has been on mapping for urban and future urban areas. Multnomah County has no mitigation program for seismic hazards at this time due to lack of information. Most likely, any mitigation program will be implemented through the enforcement of revised building codes which strengthen structures against seismic activities.

### *DISASTER PREPAREDNESS*

The floods of 1996 showed the need for emergency communications and evacuation plans during natural disasters such as flooding, or other potential disasters such as earthquakes or wildfire. Among the needs the flooding demonstrated are: method of notice for evacuation, method of distributing emergency information to Sauvie Island residents, and the need for coordination between Multnomah County, the Sauvie Island Drainage District and the Sauvie Island Fire Protection District. Another expressed need is a flood monitoring station for the reach of the Willamette and Columbia between Portland and St. Helens.

### **Hazards Policies**

**POLICY 32: Make protection from flood waters the highest priority among competing uses on Sauvie Island.**

**STRATEGY:** Through use of County ordinances, assist the Sauvie Island Drainage District in maintaining flood control facilities which protect the island.

**POLICY 33: Encourage property owners to control vegetation along Sauvie Island levees through methods that are least environmentally damaging as determined by the Sauvie Island Drainage District.**

**STRATEGY:** Multnomah County shall implement these two policies by amending the County nuisance ordinance and through the budgeting process.

**POLICY 34: Post signs prohibiting trespass on drainage waterways where they intersect with public roads.**

**STRATEGY:** Multnomah County shall implement this policy through the work program of the Division of Transportation and Land Use Planning.

**POLICY 35: Consider methods of alleviating the compaction effects of roadways on levees through relocation of such roadways or reconstruction of such roadways with additional fill under them to raise the levees.**

**STRATEGY:** Multnomah County shall implement this policy by working with the Drainage District and Corps of Engineers to devise and then implement a process for studying the dikes with roads on them protecting Sauvie Island.

**POLICY 36: Support the Sauvie Island Drainage district in its efforts to control vegetation growth in the district's drainage canals.**

**STRATEGY:** Multnomah County shall implement this policy by responding to requests for assistance from the Sauvie Island Drainage District.

**POLICY 37: Assist the Sauvie Island Drainage District in reviewing and changing assessment practices order to encourage fair assessment of all properties on Sauvie Island which benefit from the activities of the district.**

**STRATEGY:** Multnomah County shall implement this policy by responding to requests for assistance from the Sauvie Island Drainage District.

**POLICY 38: Take measures to protect Sauvie Island levees from bank erosion.**

**STRATEGY:** Encourage the Division of State Lands to promote the use of boom sticks and other materials which can absorb wakes for those portions of the Multnomah Channel and the Columbia and Willamette River shorelines where erosion is occurring and which do not have marinas or moorages in place.

**POLICY 39: Coordinate with federal and state agencies to remove hazardous debris from Multnomah Channel by preparing and implementing a program to remove such debris as**

a hazard to navigation and floating structures.

**STRATEGY:** Multnomah County shall implement this policy by requesting the Division of State Lands, the State Marine Board, and the Army Corps of Engineers participate in preparing a joint program to remove hazardous debris from Multnomah Channel.

**POLICY 40:** Assist the Sauvie Island Fire Protection District in formulating emergency communication and evacuation plans for Sauvie Island.

**STRATEGY:** Multnomah County shall implement this policy by responding to requests for assistance from the Sauvie Island Fire Protection District.

## NATURAL AND ENVIRONMENTAL RESOURCES

Multnomah County has conducted two levels of analysis for significant natural and environmental resources on Sauvie Island and Multnomah Channel. The first, done at the time of the initial adoption of the Multnomah County Comprehensive Framework Plan in 1980, identified several large-scale significant resource sites and historic and archaeological sites. The second, done in 1990, identified significant wetlands.

### *LARGE-SCALE SIGNIFICANT RESOURCE SITES*

Sturgeon Lake -- this site of approximately 3,000 acres encompasses that portion of the State Wildlife Refuge boundaries in Multnomah County as well as some adjacent private lands along Reeder Road north of its confluence with Gillihan Road. The site is designated as sensitive waterfowl habitat by the Oregon Department of Fish & Wildlife. Additionally, this area was found to have significant natural areas, water areas, wetlands, and groundwater resources, all categories for protection under Goal 5 of the Oregon Statewide Planning Program. Multnomah County protected these natural and environmental resources by placing the Significant Environmental Concern (SEC) Zoning Overlay on the site. This overlay requires review of all non-agricultural development in order to minimize or eliminate impacts to wildlife habitat, wetlands, water areas, and groundwater resources.

West Side of Multnomah Channel -- this site is bounded by Highway 30 on the west. It includes open space, fish and wildlife habitat, natural areas, water areas, wetlands, and groundwater resources which are significant. Multnomah County protected these natural and environmental resources by placing the Willamette River Greenway (WRG) Zoning Overlay on the site. This overlay requires review of all non-agricultural development in order to minimize or eliminate impacts to open space, fish & wildlife habitat, natural areas, wetlands, water areas, and groundwater resources.

Howell Lake and Virginia Lakes -- these two sites are found to be significant as open space, fish and wildlife habitat, natural areas, water areas, wetlands, and groundwater resources. Howell Lake is located on the Bybee-Howell County Park (now owned by METRO). Virginia Lakes (now known as the Wapato State Park) are located on the east side of Multnomah Channel, west

of Sauvie Island Road north of its intersection with Reeder Road. Multnomah County protected these natural and environmental resources by placing the Willamette River Greenway (WRG) Zoning Overlay on the sites. This overlay requires review of all non-agricultural development in order to minimize or eliminate impacts to open space, fish & wildlife habitat, natural areas, wetlands, water areas, and groundwater resources.

### *HISTORICAL AND CULTURAL SITES*

Bybee-Howell House -- This Greek Revival styled home was constructed in 1856, and is the oldest structure in rural Multnomah County. It is part of the Bybee-Howell County Park (now administered by METRO). The Oregon Historical Society has completely restored the house and it is listed on the National Register of Historic Places. It is considered protected because of its listing and its location within a public park.

Native American Archaeological Sites -- The area around the confluence of the Willamette and Columbia Rivers was a well-known and favored location for Native American settlements from perhaps 3,500 years ago up through the early 1800's. Sauvie Island has several known village sites which were mapped by the Lewis and Clark expedition, as well as the Sunken Village site, located on Multnomah Channel near the southern end of the island. Information about these sites is not made known to the general public, due to the potential for abuse and concern for the private property rights of affected landowners.

### *WETLANDS*

There are several definitions of wetland areas. The one used by the U.S. Fish and Wildlife Service for their National Wetland Inventory reads:

"Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: 1) at least periodically, the land supports predominantly hydrophytes, 2) the substrate is predominantly undrained hydric soil, and 3) the substrate is non-soil and LS saturated with water or covered by shallow water at some time during the growing season of each year."

Most of Multnomah County is covered by the National Wetland Inventory (NWI) at a scale of 1"=2,000' on U.S. Geological Survey base maps. The NWI maps and enlargement of the NWI overlays on property maps of 1"=1,000' and 1"=600' are on record in the Planning Division map files.

The federal and state regulatory agencies use a slightly more restrictive definition for a wetland:

"Wetlands - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetlands generally include swamps, marshes, bogs, and similar areas."

This definition, used by the U.S. Army Corps of Engineers and Oregon Division of State Lands, is also the one chosen by the county for use in the county's inventory and regulation of uses affecting wetlands.

As part of the State Goal 5 process, Multnomah County undertook a wetlands and riparian areas inventory during the spring and summer of 1988. Areas surveyed included Sauvie Island and Multnomah Channel.

Riparian areas adjacent to the wetlands and water areas were also evaluated and mapped as part of the inventory because of the inter-relationship they have for wildlife habitat.

The consultant's final report produced the following significant wetland and riparian areas for Sauvie Island and Multnomah Channel, along with each area's wildlife assessment rating, which measures its value as wildlife habitat (More detailed discussion of the wildlife habitat value of each site can be found in the original report):

1. Virginia Lakes (Score: 79-81 Points) -- now known as Wapato Access Greenway.

The Virginia Lakes area is approximately 280 acres, bordered on the south by Multnomah Channel and Sauvie Island Road to the north. It is a complex of six different vegetative community types.

Most of Virginia Lakes is owned and managed by the State of Oregon as a state park. The site is protected by the Willamette River Greenway Overlay Zone, which prevents all non-agricultural disruptions of the significant wetland area.

2. Rafton Tract (Score: 74 Points)

Rafton Tract (Burlington Bottoms) is located west of Sauvie Island, on the west side of Multnomah Channel. The site is a mosaic of riparian forest, emergent wetland, marshes and sloughs and grass/sedge meadows. Once a high quality wetland and wildlife habitat site, due to its species and structural diversity, the area's value has been greatly diminished by intensive cattle grazing.

In 1993 the Bonneville Power Administration (BPA) purchased most of the Rafton-Burlington Bottoms site as mitigation for impacts to wetlands elsewhere in the Northwest. It is anticipated that the BPA will transfer ownership of its holdings to METRO. The BPA, in coordination with the Oregon Department of Fish & Wildlife, produced an analysis of existing conditions on this land in 1994.

In 1995, Portland area voters approved a bond issue for METRO Parks and Greenspaces. This bond issue authorized METRO to purchase lands to the north of the BPA holdings in Burlington Bottoms for protection as open space and wetlands preservation. The Burlington Bottoms area has potential as a wildlife viewing area which could relieve the

pressure of such recreational uses on the Sauvie Island Wildlife Refuge. The site is protected by the Willamette River Greenway Overlay Zone, which prevents all non-agricultural disruptions of the significant wetland area.

### 3. Sturgeon Lake (Score: 71-73 Points)

Sturgeon Lake is a maze of floodplain lakes influenced by the Columbia River. Inflow and outflow of this shallow-bottomed lake is through the Gilbert River. The lake area is 2,928 acres with an elevation of eight feet and occupies the middle of Sauvie Island. Water levels are determined by Willamette Valley and Columbia River tidal influences. The lake complex receives a lot of human use: bird watching, hiking, canoeing, fishing and seasonal hunting on some portions of the lake. Much of the land surrounding Sturgeon Lake is owned by Oregon Department of Fish and Wildlife and is managed as a refuge, primarily for water fowl. The oak woodlands of Oak Island border Sturgeon Lake to the west with agricultural land to the south.

Sturgeon Lake and the surrounding lands are zoned with the Significant Environmental Concern (SEC) overlay zone. This zone prevents all non-agricultural/forest disruptions of the significant wetland areas.

### 4. Multnomah Channel (Score: 65 Points)

Multnomah Channel, located on the west side of Sauvie Island, flows north from the Willamette to the Columbia River. The Channel is approximately seven miles long. The degree of slope and type and width of riparian vegetation varies along the channel. The greatest wildlife habitat function of Multnomah Channel is as a travel corridor. The water and adjacent riparian vegetation provide habitat for waterfowl, heron, cormorants and kingfishers. Human use of the channel is high, including several boat moorages, log rafts, day boaters and fishers.

Multnomah Channel is zoned with the Willamette River Greenway (WRG) zoning overlay district. This zone prevents all non agricultural/forest disruptions of significant wetland areas, and requires review of all development proposals for their impact upon such wetlands and wildlife habitat.

### 5. Dairy Creek, Gilbert River and Misc. Drainage ways (Score: 56 Points)

The riparian strips along the water features are predominantly black cottonwood and Oregon Ash dominated with alder, willow, cherry, hawthorn and big leaf maple. The wildlife habitat value of these riparian strips on Sauvie Island vary depending upon the width of the riparian strip and the adjacent land uses.

These waterways are mostly privately owned. The Gilbert River serves as the main drainage way for the Sauvie Island Drainage District's system. Both of these streams are zoned with the SEC overlay zone which protects the wetlands associated with them from non-agricultural development. "Related drainage ways" are not protected with the SEC

overlay zone, because they are of relatively insignificant value as wetland wildlife habitat.

6. Sand Lake (Score: 49 Points)

Sand Lake is a small isolated lake on Sauvie Island surrounded by agricultural land and houses. The land around Sand Lake is privately owned. Residents pump water in and out of the lake and have also treated the lake with chemicals to eradicate algal blooms. These activities effect the wildlife habitat value and use of the lake. Sand Lake is zoned with the SEC overlay zone, which prevents non-agricultural disruptions of the significant wetland areas.

7. Howell Lake (Score: 47 Points)

Howell Lake and the adjacent wetland are located north of the Bybee Howell House. The lake is primarily open-water with about 5% of the surface area covered with emergent aquatic vegetation. Adjacent land use is agricultural. The lake receives limited human use by bird watchers and visitors to the Bybee Howell House. Most of the wetland areas are part of the Bybee-Howell Park, administered by METRO. METRO is currently preparing a master plan for the park. The site is zoned with the Willamette River Greenway (WRG) zoning overlay district, which prevents all non- agricultural and non-forest disruptions of significant wetland areas.

8. Small lake near Wagonwheel Hole Lake (Score: 47 Points)

This small linear lake is densely vegetated with willow, black cottonwood and ash on one side and steep banks with red canary grass on the other. The impacts of diking, roads and fences limit the wildlife use of this site.

The site is privately owned. The SEC overlay zone which has been placed on the site prevents all non-agricultural disruptions of the significant wetland area.

9. Agricultural Ditches and Sloughs on Sauvie Island (Score: 37-40 Points)

The majority of the waterways bisect agricultural lands. The steep banks and dense mat of vegetation limit access to and from the water for some wildlife species. Water quality may be affected by chemical runoff from adjacent agricultural fields. Water levels in these ditches fluctuate seasonally.

These ditches and sloughs are privately owned. Some of the ditches are maintained by the Sauvie Island Drainage District, while the rest are the responsibility of individual property owners. These sites are not protected by the SEC overlay zone because of their small, fragmented nature, and the fact that they are all zoned for rural uses. Most are zoned Exclusive Farm Use, and any non-agricultural use must be approved through a conditional use permit process. Such a process would serve to protect significant wetlands from development or degradation.

10. Wagonwheel Hole Lake (Score: 37 Points)

This is a small body of open water at the northern limit of the county on Sauvie Island. The banks have been severely disturbed and are eroding. Human use, primarily fishing, is heavy. The site is mainly important due to its location between Sturgeon Lake and wetlands and Multnomah Channel to the west. Significant wetlands on this site are protected from non-agricultural disruptions by the SEC zoning overlay.

**Natural and Environmental Resources Policies**

**POLICY 41: Explore and encourage opportunities to conduct selected dredging to increase depth, flows, flushing, and circulation action in Sturgeon Lake.**

**STRATEGY:** Multnomah County shall implement this policy by forwarding it to the Oregon Department of Fish & Wildlife.

**POLICY 42: Make recommendations and participate in the planning for Howell Park with METRO.**

**STRATEGY:** Multnomah County shall implement this policy by participating in and reviewing the Howell Park Master Plan.



## **Summary of Staff recommended Policies**

### **Sauvie Island Land Use Policies**

**POLICY 1:** Support measures which will ensure that Sauvie Island maintains and enhances its agricultural diversity on Exclusive Farm Use lands.

**POLICY 2:** Multnomah County shall promote the appropriate establishment of farm stands and u-pick facilities which will support the agricultural economy of Sauvie Island.

**POLICY 3:** Include deed restrictions protecting surrounding agricultural practices as a requirement for dwelling approval in the Multiple Use Agriculture zoning district.

**POLICY 4:** Encourage property owners to protect their lands as wildlife habitat through the use of tax deferral programs, and allow switching of tax deferral status from agriculture to open space-wildlife habitat without penalty.

### **MULTNOMAH CHANNEL LAND AND WATER USE**

**POLICY 5:** Assist METRO in development of a regional hiking, equestrian, and bicycle trail along Multnomah Channel south of Burlington Bottoms connecting to the Cornelius Pass rails-to-trails potential conversion, which runs in upland areas in the vicinity of Highway 30 and the existing Burlington Northern Railroad, and minimizes impacts to existing waterfront uses.

**POLICY 6:** The County should participate in educational information and programs to better educate channel users on safety issues and required laws including no wake and buffer zones.

**POLICY 7:** The County should recommend to the State Marine Board that all boaters be required to obtain licenses through the state prior to operating motorized marine craft over 25 horsepower including personal watercraft.

**POLICY 8:** (a) Multnomah County should make river patrol and enforcement of laws a higher priority to the Sheriff's Department.  
(b) Multnomah County should make enforcement of zoning laws in the channel a higher priority to the Transportation and Land Use Planning Department.

**POLICY 9:** Multnomah County should begin studying the noise impacts of-motorized watercraft in order to establish base levels of noise pollution in the channel.

**POLICY 10:** Multnomah County Comprehensive Framework Plan Policy 26 should be amended and rewritten so that moorages and marinas will only be permitted in:

1. The area where houseboats are currently permitted by Policy 26, and;

**2. The existing Happy Rock, Sauvie Island, Parker, and Mayfair moorage sites.**

**POLICY 11:** The County should develop and maintain a current inventory of all marinas and moorages.

**POLICY 12:** The County zoning code should be consistent with the County assessor and the state regarding the definitions of houseboats, boathouses and combos. For purposes of density calculations, "houseboats" shall be defined as 1) any houseboat, and 2) any boathouse or combo which is used as a residence (occupied 7 or more days per month).

**POLICY 13:** Multnomah County should adopt procedures requiring each existing moorage/marina to become a 'special plan area' under MCC 11.15.6600 at the initiation of the County to determine uses and densities allowed for each moorage on the channel. The special plan area designation would be required at the time of citation for a zoning violation from Multnomah County, or when the property owner requests an expansion or alteration, or for any new marina/moorage developments.

**POLICY 14:** The overall density for each existing moorage/marina shall not exceed the existing levels as measured by factors such as area and length of docks and number of slips (existing as of January 1, 1997). The actual number of slips for each moorage/marina shall be determined at the time a special plan area is approved for the moorage/marina. The specific plan will look at such things as 'legally existing' issues, non-conforming status and carrying capacity of the land to determine the number of dwellings and other uses allowed in each marina/moorage.

**POLICY 15:** Development on Multnomah Channel within Special Plan Areas shall be judged upon the following criteria.

**Water Environmental**

*River Bank Protection* - Development which protects the river bank from erosion caused by boat traffic.

*Water Quality* - Development which contributes to or does not significantly degrade water quality

*Septic tanks/Sewage* - Development which is more amenable to safe and sanitary sewage disposal, along with adequate upland facilities for disposal of sewage.

*Wildlife* - Development which contributes to or do not have a significant detrimental impact to the wildlife in the water.

**Land Environmental**

*Development in Wetland* - Development which does not impact wetlands.

*Traffic Increase* - Development which minimizes increases in traffic on moorage access roads, on railroad crossings, and onto Highway 30.

*Parking* - Development which minimizes the amount of parking area necessary.

*Ground Water Quality* - Development which minimizes impacts to ground water quality.

*Need for Restroom Facilities* - Development which minimizes the need for additional communal restroom facilities to serve the proposed uses.

*Land Wildlife* - Development which minimizes impacts to land wildlife.

*Necessary Utilities* - Development which requires fewer utilities to serve proposed uses.

*Floodplain Development* - Development which minimizes placement of permanent structures and uses in the floodplain.

*Accessory Structures* - Development which minimizes the need for accessory on-land structures to serve proposed uses.

#### **Aesthetic**

*Vegetation on Land* - Development which minimizes the loss of land vegetation.

*Visibility of Shore* - Development which minimizes changes to natural shoreline features.

*Massing and Scale* - Development which has a human scale or architectural quality to it.

*Diversity/Rural character* - Development which maintains the existing diversity and rural character of Multnomah Channel.

*Lighting* - Development which minimizes night lighting of uses.

*Vegetation/landscape on Water* - Development which minimizes its visibility from the Multnomah Channel waterway.

#### **Safety**

*Contribution to Channel Traffic* - Development which minimizes channel traffic.

*Residential Link* - Development with a permanent residence component which provides a human presence to both report emergencies and violations on Multnomah Channel.

*Fire Hazard* - Development which minimizes fire hazard.

*Emergency Services* - Development which minimizes the need for emergency services.

**Economic** - Development which provides economic value to Multnomah County in the form of assessment value and reduced need for public services.

#### **Recreation**

*Contribution to Public Recreation* - Development which contributes to public recreation opportunities on Multnomah Channel.

#### **Cumulative Impacts**

The cumulative impacts of the proposed development on the overall carrying capacity of Multnomah Channel shall be considered and minimized.

**The criteria listed shall be weighed and balanced by the hearing body considering each Special Plan Area so as to determine the most appropriate intensity and type of development allowed within each of these areas.**

**In reviewing each Special Plan Area, Multnomah County shall consult with other relevant local, state, and federal agencies, including but not limited to the following agencies:**

**Division of State Lands**

**Oregon Department of Fish and Wildlife**

**Oregon Parks and Recreation Department**

**Oregon State Marine Board**

**U.S. Army Corps of Engineers**

**Metro Parks and Greenspaces**

**POLICY 16: Implement code language within the special plan area criteria that incorporates the more specialized ideas in these policies. This concept should be carried out with input from citizens on the channel and should include guidelines regarding**

**lighting, landscaping and architectural design within the special plan areas for development.**

**POLICY 17: Multnomah County should promote responsible recreational uses in the channel by allowing public access or boat launches to occur as part of any redevelopment.**

Discussion: The other policies in this plan shall not be construed to discourage public access to the water from the land or vice versa.

## **RECREATION**

**POLICY 18: Encourage managers of the Sauvie Island Wildlife Area to post information signs regarding closures of areas to public use which explain why the area is being closed.**

**POLICY 19: Encourage Metro to purchase additional greenspace lands on the west side of Multnomah Channel in order to expand and enhance the Burlington Bottoms wildlife area.**

**POLICY 20: Promote recreational activities within the rural plan area which are complementary to natural and environmental resources identified pursuant to Goal 5 of the Statewide Planning Program.**

## **TRANSPORTATION**

**POLICY 21: Recommend that the Multnomah County Bicycle and Pedestrian Advisory Committee has significant Sauvie Island representation.**

**POLICY 22: Have the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee study and recommend to the Board of Commissioners short-term and long-term solutions to safely accommodate bicyclists, pedestrians, and motor vehicles on Sauvie Island including on-road bikeways, separated multi-use paths, and funding options.**

**POLICY 23: Update Policy 33B Marine Transportation System in the Comprehensive Framework Plan.**

**POLICY 24: Oppose placement of regional roadways in the Sauvie Island/Multnomah Channel Rural Area, should such roadways be under consideration by any regional transportation authority in the future.**

**POLICY 25: Review rural roadway standards to determine if 8-foot paved shoulder widths can be reduced to preserve the rural character of roads.**

**POLICY 26: Participate in a cooperative effort with the Sauvie Island Drainage District and the Army Corps of Engineers to study the dikes upon which public roads run including funding for dike improvements.**

## **PUBLIC FACILITIES**

**POLICY 27:** Study methods by which the Sauvie Island Rural Fire Protection District can be reimbursed for providing fire and emergency medical services to island visitors.

## **ENVIRONMENTAL QUALITY**

**POLICY 28:** Coordinate promulgation and enforcement of air quality, water quality, lighting, and noise pollution issues with the City of Portland and the Port of Portland.

**POLICY 29:** Provide for safe and easy collection and disposal of sewage from marine uses in Multnomah Channel.

**POLICY 30:** Coordinate with the Division of State Lands to remove floating structures which are illegally sited and do not meet County zoning standards.

**POLICY 31:** Recommend that any fill generated as a result of dredging activities in the Columbia River be located on Sauvie Island only under the following conditions:

- To assist in flood control
- Not on designated wetlands
- Not on high value farmland unless placement of such fill improves a farm's soils or productivity
- In areas where it will not negatively impact wildlife habitat

## **NATURAL HAZARDS**

**POLICY 32:** Make protection from flood waters the highest priority among competing uses on Sauvie Island.

**POLICY 33:** Encourage property owners to control vegetation along Sauvie Island levees through methods that are least environmentally damaging as determined by the Sauvie Island Drainage District.

**POLICY 34:** Post signs prohibiting trespass on drainage waterways where they intersect with public roads.

**POLICY 35:** Consider methods of alleviating the compaction effects of roadways on levees through relocation of such roadways or reconstruction of such roadways with additional fill under them to raise the levees.

**POLICY 36:** Support the Sauvie Island Drainage district in its efforts to control vegetation growth in the district's drainage canals.

**POLICY 37:** Assist the Sauvie Island Drainage District in reviewing and changing assessment practices order to encourage fair assessment of all properties on Sauvie Island

which benefit from the activities of the district.

**POLICY 38: Take measures to protect Sauvie Island levees from bank erosion.**

**POLICY 39: Coordinate with federal and state agencies to remove hazardous debris from Multnomah Channel by preparing and implementing a program to remove such debris as a hazard to navigation and floating structures.**

**POLICY 40: Assist the Sauvie Island Fire Protection District in formulating emergency communication and evacuation plans for Sauvie Island.**

#### **NATURAL AND ENVIRONMENTAL RESOURCES**

**POLICY 41: Explore and encourage opportunities to conduct selected dredging to increase depth, flows, flushing, and circulation action in Sturgeon Lake.**

**POLICY 42: Make recommendations and participate in the planning for Howell Park with METRO.**



## *Sauvie Island School District No. 19*

14445 NW Charlton Road • Portland, Oregon 97231  
Phone: 621-3426 Fax: 621-3384

June 17, 1997

To: Deborah Bogstad  
Board Clerk  
1120 S.W. 5th Suite 1515  
Portland, Or 97204

From: Sauvie Island School District #19

Subject: Use of the School Building During The Summer

Please be advised that due to summer work hours, the custodian will not be on hand for evening meetings. In an effort to accommodate the building users, we have placed a key in a lock box located on the wall inside the garbage dumpster area next to the kitchen. The combination number to unlock the lock box is **# 543. PLEASE REMEMBER TO RETURN THE KEY TO THE LOCKBOX UPON YOUR LEAVING.** Please double check lights off, oven, burners off and all doors are locked, etc.

Thank You,

*Eileen D. Fahey*

Eileen Fahey  
Deputy Clerk

BOARD OF  
COUNTY COMMISSIONERS  
97 JUN 18 PM 4:28  
MULTNOMAH COUNTY  
OREGON



**Date:** June 9, 1997

***At the April 24, 1996 board meeting, the Board established a policy whereby Individual requests for use of the building on weekends will be considered based on the district's ability to provide custodial service to allow for building entry, inspection, and exit security. Community use of the building shall be limited to the cafeteria and gym unless special needs are identified.***

1. It is agreed that the party or parties using the school facilities will exercise every care in protecting school property and in the event damage results from improper supervision, a fair adjustment will be made.
2. All authorized use of school grounds or facilities require the user to leave the grounds and/or facilities in a condition equal to or better than when authorized for use. User furnishes their own cleaning equipment/supplies.
3. The organization shall use extreme care to prevent any damage to school property and buildings and will assure adequate supervision of activity.
4. All litter, glass, etc., resulting from authorized usage will be removed at the user's expense immediately following the activity.
5. Any violation or wanton disregard of district policy or requirements will result in automatic forfeiture of future use requests.
6. The using organization and/or individual shall show proof of liability insurance for the requested activity.
7. User signs hold harmless statement.
8. User if provided a key shall return same to the district on the next work day.
9. Be it further understood that the district assumes absolutely no financial responsibility for any injury or accident, lawsuit, etc., that may occur during the user's tenure on grounds or facilities.
10. Alcohol is not permitted in the building or on the grounds and smoking is not allowed in the building.

***Submit this completed form to the school office no later than three days prior to desired facility use.***

DEBORAH BOGSTAD  
BOARD CLERK  
1120 S.W. 5TH SUITE 1515  
PORTLAND, OR 97204  
248-3277





## *Sauvie Island School District No. 19*

14445 NW Charlton Road • Portland, Oregon 97231  
Phone: 621-3426 Fax: 621-3384

n Date June 9, 1997

MULT. CNTY BOARD OF COMMISSIONERS agrees to indemnify and hold harmless the Sauvie Island School District 19, its agents, employees, or any other person against loss or expense, including attorney's fees by the reason of bodily injury, property damage, or personal injury arising out of the sole negligence of myself, my employees, or my organization. This agreement applies to my use or my organization's use of district facilities or any other obligation which I have arising out of the district's premises or operations.

It is further understood that I shall, at the option of the district, defend with appropriate legal counsel and shall further bear all costs and expenses, including expenses of counsel in defense of any suit arising hereunder.

Deborah L. Bostad 6/2/97

Signature/Date

MULTNOMAH COUNTY BOARD OF COMMISSIONERS

Organization





METRO

7/16/97  
JANE HART  
SPEAKER #1  
TESTIMONY

July 15, 1997

Multnomah County Board of Commissioners  
1220 SW 5th Avenue  
Portland, OR 97205

Subject: Sauvie Island/Multnomah Channel Rural Area Plan,  
Mult. Co. Planning Commission Recommended Draft, June 2, 1997

Dear Commissioners:

Thank you for the opportunity to submit these comments regarding the Planning Commission's recommended draft for the Sauvie Island/Multnomah Channel Rural Area Plan (June 2, 1997). This testimony is provided on behalf of the Metro Regional Parks and Greenspaces Department. We commend the staff of Multnomah County's Division of Transportation and Land Use Planning, the Citizen Advisory Committee and the Planning Commission for their work to date on this proposed Plan.

Sauvie Island Land Use Policies

We are concerned that the underlying EFU zoning designation at Howell Territorial Park on Sauvie Island does not accurately reflect the historical, current and continued future uses of this property for park and outdoor recreation uses. The park has been in public ownership since the 1960's for the purpose of protecting it's unique natural and cultural resources for the public's use and enjoyment. A Metro Council approved master plan for Howell Territorial Park identifies future improvements and public uses including interpretive programs and activities, trails, wildlife watching facilities, new picnic facilities, wildlife habitat enhancement, a ranger residence, bird of prey rehabilitation and more. The County Planning Department has made a preliminary determination that two of the proposed uses, rehabilitating injured birds of prey and a ranger residence are non-conforming uses on EFU land. We believe that the underlying EFU zoning has never served the park's historical, current and proposed future uses.

Metro believes that the County zoning map and Comprehensive Plan and Code should be corrected to reflect the historical, current and future uses identified in the master plan and that those uses be allowed outright as opposed to requiring costly and time consuming land use review and approval processes.

## Multnomah Channel Land and Water Use Policies

*Background, Metro Regional Framework Plan, second paragraph:* Replace with "Metro is in the process of preparing a growth management plan for the Portland metropolitan area, entitled the Regional Framework Plan. The Regional Framework Plan will include a component that addresses protection of natural areas, parks, and streams. In 1995, Metro received approval from voters in the region for a bond issue to purchase and protect regionally significant greenspaces, rail and greenway corridors. Following bond approval, an acquisition plan for the Multnomah Channel area was approved by Metro Council (June 1996) which identifies land acquisition priorities in the vicinity of the Burlington Bottoms wetlands. The bond measure also approved purchase of a railway corridor from near Multnomah Channel at the Portland city limits and over the Tualatin Hills along the Burlington Northern Cornelius Pass railroad alignment. That project is contingent upon the railroad company abandoning the railway section which has not yet occurred."

### *Policy 15:*

A. Policy 15 does not include fish resources in any of the criteria. We recommended the following text changes (shown in italics):

#### **1. Water Environmental**

*Fish and Wildlife* - Development which contributes to or does not have a significant detrimental impact to the *fish* and wildlife in the water.

#### **2. Land Environmental**

*Development in Wetland* - Development which does not impact wetlands *and the fish, wildlife and other organisms dependent on the wetland habitat.*

B. Beneath the **Recreation** Criteria we recommend adding the following subcategory: *Protect Public's Right to Access and Utilize Public Waterway - Development which promotes and does not infringe on public's ability to access the public waterway (Multnomah Channel) for recreational purposes.*

### *Policy 17:*

Subsequent to voter approval of the Open Spaces, Parks and Streams Bond Measure and Metro Council approved Acquisition Refinement Plans, Metro is in the process of acquiring land north of Burlington Bottom to protect natural resources and provide for public use and enjoyment. While Policy 17 promotes public access and boat launches "as part of any redevelopment." it should not exclude Metro's ability to provide public access and boat launches on those natural areas being acquired for public use and enjoyment in the area north of Burlington Bottom.

## Recreation Policies

### *Background, Howell Park, corrections:*

Howell Territorial Park is approximately 93 acres in size. Metro Council adopted a park master plan in April 1997.

*Policy 19:*

Add to end of sentence '*and allow for appropriate recreational uses*'.

*Policy 20:*

We are concerned about the phrase "identified pursuant to Goal 5 of the Statewide Planning Program". Metro is currently attempting to acquire certain lands north of Burlington Bottom along Multnomah Channel which may not have been identified and acknowledged as Multnomah County Goal 5 resource lands. However, they have been identified as part of the Greenspaces Master Plan and Metro Council approved Acquisition Refinement Plans tied to the Opens Spaces bond monies. We recommend that Policy 20 include regionally significant natural areas adopted in the Greenspaces Master Plan and lands approved in Metro's Acquisition Refinement Plans.

Natural Hazards Policies

*Policy 33:*

We recommend changing Policy 33 by adding *in coordination with Oregon Department of Fish and Wildlife* to the end of the sentence.

*Policy 38:*

Add to the end of sentence... '*in a manner that protects fish and wildlife habitat and passage*'.

*Policy 39:*

We would like a clarification of what constitutes hazardous debris. Woody debris is beneficial to fish and wildlife and an important element of habitat.

Thank you again for the opportunity to provide these comments. Please feel free to call Jane Hart (797-1585) at Metro Regional Parks and Greenspaces if we can be of further help in development of policies for the Sauvie Island/Multnomah Channel Rural Area Plan.

Sincerely,



Charles Ciecko, Director  
Metro Regional Parks and Greenspaces

cc: Mike Burton, Metro Executive Officer



# Happy Rock Moorage

7/16/97  
Ginger Curtis  
SPEAKER #3  
TESTIMONY



23548 N.W. St. Helens Rd

Portland, OR 97231

(503) 543-7464

July 16, 1997

To: Department of Environmental Services  
Transportation and Land Use Planning  
2115 S.E. Morrison Street  
Portland, Oregon 97214-2865

Re: The Multnomah Channel and Sauvie Island Rural Area Plan

The first item I would like to address is a misleading statement that some Mult. County officials have been making about Happy Rock Moorage. When they have been approached about the Happy Rock issue, their reply has been that the problem is that we are an illegal moorage. This is not true!

We are a legal moorage that in the opinion of the Multnomah County Planning Commission is in violation of its permit. To say that we are illegal is to imply that we are a squatter moorage. We are not!

We just renewed our 20 year lease with the Division of State Lands.

We have all the proper permits from the Corp. of Engineers.

We have a DEQ approved sewage system. In fact, We voluntarily let Ann Cox from DEQ do an on site inspection of our sewage system this year and also let her go into every floating structure on our moorage and she gave us an excellent letter of approval.

The Scappoose Fire Department has given us their approval.

Our access road has a legal egress and ingress rights that was just reinvestigated two years ago by an attorney because a moorage neighbor made false claims.

We have adequate parking.

And I can say with all honesty and pride that we have one of the most attractive and clean moorages around. From the beginning we have never polluted the waters of Oregon.

Now I would like to speak about the RAP Plan Citizens Task Force next. We presented our case on our grandfather rights to the task force. They agreed 100% percent that we should be grandfathered. In the plan you have before you those grandfather rights have been taken out. Instead the Special Area Permit has been added. And I believe this was never even presented to the task force.

I have been involved with members of the DSL task force. I have talked with people on previous task forces and I'm beginning to wonder. I'm beginning to wonder if task force groups are just a method to pacify the public into thinking they had a part in it. If the vote had been 50/50 or 40/60 I could see the County making the final decision. But to ignore a vote of 100% is rather astounding.

So, now we have a Special Area Permit Plan and some pretty good general criteria instead. You probably think, well, you should be happy with this. It could solve your problem. Maybe, Maybe not. How can I support a plan whose final criteria will not be written into the zoning code until after it is approved.

Let's talk about the window of time here. In numerous conversations with the County I have been told that it could be a year before the zoning code for this plan is done and we could apply. The RAP plan was to take a year and it is two years or more and it is not finished. So, judging on past performance we could be looking at one to two years before we know if it will solve our problem.

We have already lived with this violation for almost four years and now we might have to wait another two years!

During that time, as during the last four years, our tenant's houses will have no value. It will be difficult for them to sell them because no bank will loan on them. A houseboat that has no guaranteed spot has no value. Those who have sold had to sell at a lower value because of the violation.

If one of our tenants has a financial diaster or medical emergency, they cannot borrow on the equity of their home.

When I asked why the the grandfathering was taken out, the county said they were afraid that some squatter moorage could be legalized by it. How? The way it was to be phrazed was: "Happy Rock Moorage, Sauvies Is. Moorage and Mayfair Moorage whom have approval from all other regulatory agencies other than Mult. Co. Planning Commission shall be grandfathered as of January 1, 1997." I cannot see how this would allow squatters to fall between the cracks.

The other comment I heard from some county officials was that they were not comfortable with grandfathering an illegal use.

First, I believe if they check their records they will find that they have already. There are other moorages who have never actually been legal that are existing with no violation over their heads.

UNCOMFORTABLE ! I'm uncomfortable about many things that have gone on!

I'm uncomfortable - that in 1977 when we were approved to expand the southern end of our moorage and in the approved permit, under the history of the site, it states: "Development existing on the property consists of a boat ramp, gravelled parking area, restrooms, moorage spaces, boathouses and a caretaker's houseboat." But now the county says we can only have one caretaker's house.

I'm uncomfortable - that we were left out of policy 26 in 1980 and no one knows why.

I'm uncomfortable - that in 1983 the county amended the Comprehensive Plan and that amendment clearly grandfathered the houses at our moorage because there was no other reason for the amendment, but the county says now we can only have one caretakers house.

I'm uncomfortable - that in 1994 the county sent us a letter stating that we must get rid of twenty houses in sixty days or start legal action. So, instead of pushing twenty houses out into the channel, we have spent well over 55,000.00 dollars on attorney bills in three years, without any resolution.

I'm uncomfortable - with the fact that in 1989 when we hired an appraisal firm to set a monetary value on the moorage, so we could buy out our pardners and they contacted a county agent he said these houses were grandfathered. We bought out our pardners on that information.

WE WERE EXTREMELY UNCOMFORTABLE - when the windstorms preceding the 1996 flood took out 16 pilings, leaving us tied to trees on shore, almost damaging houses, and putting our tenants lives at risk because we had a violation over us and could not get a loan to replace the pilings.

I'm uncomfortable - with the fact that on December 5, 1995, we received a letter approved by all the Multnomah Co. Commissioners that stated they agreed that our houses were grandfathered under the 1983 amendment and then on August 15, 1996, we received a letter that said the December letter was a mistake and we were again only allowed one caretaker's house. This was after we had taken out a SBA diaster loan for \$65,000.00 to replace pilings and flood damage.

And yet, the county who has the authority to grandfather us and settle this issue right now is uncomfortable with grandfathering an illegal use. Somehow I do not follow their logic. It would surely have cost and still would cost the taxpayers less money.

So, what do I want? I say leave the Special Area Permit in the RAP plan. It could be beneficial in correcting many problems.

But, also reinstate Happy Rock's grandfather rights. We are the only moorage who has suffered emotional, physical and financial harm and will continue to suffer until this violation is lifted. Am I asking to much? I don't think so! We have been held hostage by the county for almost four years. Turn us free! Give us our grandfather rights back and let us live in peace again at Happy Rock.



11614  
Bill Casselman  
SPEAKER #5  
TESTIMONY

July 16, 1997

Att: Board of County Commissioners

SUBJECT: C 6-95 Sauvie Island/Multnomah Channel Rural Area  
Plan

Dear Commissioners,

As a member of the Sauvie Island/Multnomah Channel Rural Area Plan Citizen's Advisory Committee, a owner of waterfront property on the Multnomah Channel for 20 years, a builder of three moorages and Owner - Operator of a Houseboat/Boathouse moorage and a Sailboat moorage, I could be considered a stake holder in the future of the Multnomah Channel. Couple that with a 20 year oversight of what has happened to the Channel over those years makes me a concerned citizen. As a member of the Waterfront Owners and Operators of Oregon, we have for the last three years attended meetings, organized boat trips, and worked with all affected agencies concerning the problems and future of this area.

I support the staff recommended draft by the Multnomah County Staff pulling together the concerns of the various factions represented by the advisory comity and citizens attending the meetings. The overwhelming thing was preservation while meeting the recreation needs of an expanding population. Even the E.P.A. recommended in their report that existing facilities be maximized to minimize future expansion requirements.

Policy 12 creates a vacation status for boathouses allowing them to be used for that purpose. This would allow them to use the sewage collection on the boathouse instead of dumping into the river or traveling to a distant pump station. NOTE Under present code If a boathouse has a sewer connection it is considered a Houseboat which puts the moorage owner in violation of density. ( This does not make sense. )

The moorage community has lead the way in preserving the Multnomah Channel. We realize that a workable, flexible, zoning structure is necessary to accomplish that. The moorage provides public access, services, safety, electric, sewage, water, garbage collection, road access, parking and pays taxes on those investments.

GREAT JOB STAFF.

Yours Truly,



Bill Casselman Phone 503-543-5183  
Casselman's Cove, Inc. and Casselman's Wharf, Inc.

SPEAKER # 6  
JAN HAMER  
TESTIMONY

July 16, 1997

**TO:** The Multnomah County Board of Commissioners

**RE:** Sauvie Island/Multnomah Channel Rural Area Plan  
Comments on Planning Commission recommendations dated June 2, 1997

Dear Commissioners:

I have been an active participant since the beginning of this Rural Area Plan and a member of the Citizen's Advisory Task Force. I own River's Bend Marina located on the Multnomah Channel (right at the county line). Through the numerous public and sub committee meetings, I feel the Task Force and participating citizens developed a philosophy and consensus of protecting the Island and Channel while recognizing the need to manage some growth and use in both areas. Particularly in the Channel, the need to maximize existing facilities within Policy 26 and each marina's existing boundaries was also built into this plan.

I also feel the staff and Planning Commission did an excellent job of converting the Citizen and Task Force recommendations into this plan.

**SPECIFIC MULTNOMAH LAND AND WATER USE POLICY COMMENTS:**

Policy No. 12

These structures that are used as casual and weekend recreation, can be easily managed through the marinas' lease program.

Policy No. 13, 14, 15 and 16

This combined program could allow some very site specific growth within each marina's existing boundaries while measuring the overall impact of the area. It is very important to note two issues here:

- 1) Most of the boat traffic on the Channel is not moored in the Channel, but cruises in from the Metro Area. Each marina stops the bank erosion where they are located.
- 2) All moorages and marinas in the Channel provide for most of the remaining public use and access to the Channel.

I respectfully ask the Board of Commissioners to support all of the Sauvie Island/Multnomah Channel Rural Area Plan and Policies.

Sincerely,



Jan R. Hamer  
River's Bend Marina  
Phone 503-543-6223

7/16/97

LETTER READ BY SPEAKER  
#7 Betsy Charlton Powell

7/16/97

Multnomah County Planning Commission  
Board of County Commissioners  
1120 SW 5th  
Portland, OR 97204

To whom it may concern:

Re: Cell Tower as a Land Use Issue on Sauvie Island

My name is Cherie Sprando and I served as a task force member on the Multnomah County Sauvie Island/Multnomah Channel Rural Area Management Plan. This task force met monthly from January of 1996 through January of 1997. It dealt with all the issues that have been and are currently affecting Sauvie Island and the Multnomah Channel, but one.

AT &T began negotiations with the Sauvie Island Grange to locate a cell tower on their property behind the school on Charlton Road in the middle of 1996, concurrently with the task force meetings. There was never any mention of a potential cell tower location on Sauvie Island. A major negotiator for the Grange was even a task force member.

This is a major land use issue. It should have been an issue brought before the task force and all the citizens to discuss and come to a recommended policy conclusion like all the other issues. Sauvie Island has been an environmentally sensitive, intensely protected area from the onset of the first comprehensive plan. It would be a great oversight to not amend the proposed Rural Area Plan with a policy addressing cell towers, or any such type of utility tower which so greatly impacts the Island's integrity.

It is quite well established, to date, that when one cell tower is allowed, others will follow. A precedence, such as a cell tower on Sauvie Island, is an open door to allow future degradation of the Island's scenic, rural, agricultural nature, and rolling, unobstructed low topography.

Please do not let this one issue escape your attention. Sauvie Island is not an appropriate location for cell towers of any kind. Please amend the Rural Area Plan to establish a moratorium against construction of any kind of cell tower that significantly impacts the scenic beauty and rural characteristics of Sauvie Island.

Thank You

*Cherie Sprando*  
Cherie Sprando



## Happy Rock Moorage

23548 N.W. St. Helens Rd

Portland, OR 97231

(503) 543-7464

July 21, 1997

To: All Multnomah County Commissioners

Re: Multnomah Channel/Sauvies Island Rural Area Plan  
Additional written testimony for Happy Rock Moorage

I would like the following information added to Happy Rock Moorage's written testimony. I did not feel it was in good taste to present this in my oral testimony at the Rural Area Plan on July 16, 1997.

It has been brought to my attention in the last few years through conversations with county officials and our attorneys that the main complaint against Happy Rock Moorage is Rich Tonneson of Rocky Pointe Marina and some county officials have indicated that he does have a valid argument. I believe IF the county intends to consider Mr. Tonneson's argument in making their decision on Happy Rock Moorage's future then it is important that they make sure his statements are completely true.

Mr. Tonneson's argument is one of discrimination. He claims that his reason for maintaining such a tenacious stand against our grandfather rights being honored is because he had to spend thousands of dollars to put his moorage into compliance with Multnomah Co. Planning Commission and other regulatory agencies. I would like you to consider this:

Mr. Tonneson did not to my knowledge bother to check the legal status of Rocky Pointe Marina before he purchased it. If he had he would have known it was out of compliance and he could have negotiated that factor in his purchase price.

We did have an appraisal firm check out our status before buying out our partners half of the moorage.

If you were to have Mr. Tonneson break down where this money he spent went, you would find that a small percentage of what he claims actually went to put the moorage into compliance (And on the river there is real doubt that he is in complete compliance). The greater percentage was used to reconfigure and expand the existing moorage.

If Mr. Tonneson is indeed interested in equality. Why hasn't he been upset by the squatter moorage which is about four moorages down from him. Or that the moorage next to

him has floating homes with no permit on file for floating homes.

He has maintained a constant war with Happy Rock Moorage. Why? We don't know for sure but it has to be one of the following or all of the following:

1. He wants our land to expand his moorage and would like to see our business fold or us to have emotional breakdowns so he could purchase it through a straw person.
2. He wants our houseboats.
3. He has a vendetta against us because we have tenants who moved from his moorage to ours. In fact, everytime a spot has come up at Happy Rock Moorage, someone from Rocky Pointe Marina applies to move here.

Mr. Tonneson immediately made false claims against Rivers Bend Marina after seven or eight houses moved from Rocky Pointe to River's Bend. Jan Hammer, owner of River's Bend, can testify to this. Mr. Tonneson made a complaint against Casselman's Wharf when a house from his moorage moved to Casselman's Wharf. Bill Casselman, owner of Casselman's Wharf, can testify to this.

In conclusion, I would just ask the commissioners to investigate Mr. Tonneson's arguments if they intend to let his claims affect their decision on the fate of Happy Rock Moorage.

Thank you,

Curt and Ginger Curtis  
Happy Rock Moorage



## Happy Rock Moorage



23548 N.W. St. Helens Rd

Portland, OR 97231

(503) 543-7464

Fax 503-543-5521

To: ALL Multnomah County Commissioners  
(3 pages including cover)

Please contact us as soon as possible  
on the following problem.

Thank you

Ginger Curtis

BOARD OF  
COUNTY COMMISSIONERS  
97 JUL 22 PM 12:07  
MULTNOMAH COUNTY  
OREGON



## Happy Rock Moorage

23548 N.W. St. Helens Rd

Portland, OR 97231

(503) 543-7464

July 22, 1997

To: Multnomah County Commissioners

BOARD OF  
COUNTY COMMISSIONERS  
97 JUL 22 PM 12:07  
MULTNOMAH COUNTY  
OREGON

Curt and I applied for a Grading and Erosion Permit a Willamette River Greenway Permit on 6/11/97 to fill two low spots on our access road to prevent our road from flooding and repair damage caused by two years of high water. This would insure that our access road to our business would be accessible during the highwater times that Oregon has been having and provide access for fire and emergency vehicles.

Many moorages are having trouble lately. Two other moorages applied too. Fred's Marina and Rocky Pointe Marina have been granted their permits. Our permit is now sitting on Sandra Duffy, legal consul's desk.

On Monday 7/14/97 or Tues. 7/15/97 I contacted Susan Muir because the thirty day waiting period was over. She said the applications were approved with conditions, of course, and that the papers would be to us 7/18/97 or 7/21/97. Friday 7/18/97 a message on our answering machine stated that she was sorry but she was told to turn over the application to Sandra Duffy.

Now I am new to this process but it is my understanding that the County has to notify us in 30 days (that 30 days was up 7/11/97 if there were any problems or additional information needed. I also was under the impression by Willamette River Greenway WRG rule 11.15.6364 item "B" that

"Within ten business day following receipt of a completed Greenway permit application, the Planning Director shall file a decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same."

I contacted Sandry Duffy's office and was told she could not speak with me because of the lawsuit pending. First, this application has nothing to do with the litigation. Second, a letter of the reasons she has it in her office explaining any problems could have been faxed to me. I'm told that I must have my lawyer contact her. I was trying to solve this without any additional attorney fees. Fred's Marina and Rocky Pointe Marina never had to have the legal consul review their applications.

If legal consul is reviewing my application just to make sure Happy Rock is treated fairly I have no problem with this. If there are other reasons I have the right to know.

Our concern and wish for an immediate response on our application is because we need to begin work as soon as possible. This is the proper weather time for the project. Also we have been told due to a dam needing repair in Idaho and the fact they need to drain the reservoir there is a chance of more high water. The water is low now and we need to take advantage of this fact.

Is it possible for your office to provide us with some immediate information regarding this issue.

Thank you so much for your time.

Curt and Ginger Curtis  
Happy Rock Moorage



# SAUVIE ISLAND/MULTNOMAH CHANNEL RURAL AREA PLAN CHANGES TO PLANNING COMMISSION RECOMMENDATION

## Changes made at July 16, 1997 first reading of the ordinance:

Page 7, second paragraph under **Background**, *Metro Regional Framework Plan*

Metro is in the process of preparing a 50-year growth management plan for the Portland metropolitan area, entitled the 2040 Regional Framework Plan. The Regional Framework Plan will include a component that addresses protection of natural areas, parks, and streams. As part of this 2040 plan, Metro has adopted a Greenspaces Plan. This plan would preserve significant natural areas in and around the Portland Metropolitan area, and develop a regional trail system among and between them. Land along Multnomah Channel is designated as a significant natural area, and purchase of additional open space lands in the vicinity of the existing Burlington Bottoms property owned by the Bonneville Power Administration is identified on the adopted map as a specific project which would implement the Greenspaces Plan. The adopted map also shows a future regional trail along Multnomah Channel from the Portland City Limits north to Burlington Bottoms, then turning westward to head up the Tualatin Hills along the Burlington Northern Cornelius Pass railroad alignment. In 1995, Metro received approval from Portland area voters in the region for a bond issue to purchase and develop protect regionally significant greenspaces and regional trails rail and greenway corridors. Following bond approval, an acquisition plan for the Multnomah Channel area was approved by Metro Council (June 1996) which identifies land acquisition priorities in the vicinity of the Burlington Bottoms wetlands. The bond measure also approved purchase of a railway corridor from near Multnomah Channel at the Portland city limits and over the Tualatin Hills along the Burlington Northern Cornelius Pass railroad alignment. That project is contingent upon the railroad company abandoning the railway section which has not yet occurred.

Page 13, Policy 15 Criteria, **Water Environmental**, fourth criterion

Fish and Wildlife - Development which contributes to or does not have a significant detrimental impact to the fish and wildlife in the water.

Page 13, Policy 15 Criteria, **Land Environmental**, first criterion

Development in Wetland - Development which does not impact wetlands and the fish, wildlife, and other organisms dependent on the wetland habitat.

Page 14, Policy 15 Criteria, **Recreation**, new criterion added

Protect Public's Right to Access and Utilize Public Waterway - Development which promotes and does not infringe on public's ability to access the public waterway (Multnomah Channel) for recreational purposes.

**ORAL TESTIMONY**  
**Sauvie Island/Multnomah Channel Rural Area Plan**  
**8/7/97**

Good morning. My name is Julie Cleveland, I live at 27448 NW St. Helens Rd, Scappoose, Oregon. I am a houseboat owner at Happy Rock Moorage and River's Bend Marina along Multnomah Channel.

First off, I would like to thank Commissioner Collier for lending us her assistant, Don Carlson, for an afternoon. And I would like to thank Mr. Carlson for touring several of the moorages with us and listening to our perspective on how to make the Special Plan Area outlined in the Sauvie Island/Multnomah Channel Rural Area Plan an exceptional management tool.

Well, this is it. The last opportunity I will have to advocate for my community, for my friends and neighbors, and the moorages & marinas the county embraces along the channel. People have asked why are you doing this for Happy Rock since you no longer live there. People have said I am crazy for putting all of my time and effort into challenging the County. People have told me I am wasting my time since I no one is paying me for my efforts. But those people are not River People.

River People understand, they know what is at stake. River People have been behind me, supported me, and aided me in my efforts because they know our quality of life, our neighborhoods, our homes are in jeopardy of being lost.

I am River People, that is why I am here today.

Your decision today, will affect more than Happy Rock Moorage. It will have a direct financial impact in most of the moorages & marinas

along the Channel.

When I last spoke with you, I presented to you data I compiled from County files concerning the number of moorages & marinas and houseboats that would be affected by the Special Plan Area. Well the most recent data in those files came from 1993 tax assessor records.

What my friends and neighbors and I have done in the last two weeks was collect more recent data for you to base your decision on. And we compiled it in this publication that I hope you have all found time to review.

We pulled the 1996 tax assessor records and did an independent site survey of all the moorages & marinas from the County line to Fred's Marina. Based on the county houseboat criteria, density criteria, and the county's present interpretation that only legal uses ie ones that have been previously permitted are allowed; we found 11 out of the 14 houseboat moorages along the channel are out of compliance. Six of the moorages have never been permitted for houseboats. Yet, like Happy Rock, many of these moorages & marinas have been told over the years by County planners that they are in compliance.

We discovered that the county planning director, county counsel, and code enforcement officer have strayed from the county planners and their predecessors in their interpretation of Policy 26.

We have documented evidence from county files that identifies the county has allowed houseboat without permits, increased density because code enforcement was lax... and granted a density variance. These are the rule the game has been played by since 1977. Well you can't change the rules in the middle of the ball game and say this is the

way it's going to be. The precedence has already been set.

But we can make a management plan for the Channel that works without creating a gridlock on the county's financial and human resources in an effort to enforce the SPA . We can make a management plan for the Channel that works without creating undue financial and emotional hardship on moorage & marina owners and houseboat owners.

We can make the SPA work by adding a few fundamental building blocks to support it; to get us all back in the ball game. What are these building blocks?

Well, first, we must have an accurate inventory ASAP of all moorages and marinas along the channel, including the squatter moorages that we left out of our publication. This inventory should be done in cooperation with moorage & marina owners....and it should be an annual event.

Along with this, we need to start out on a clean slate by allowing all moorages and marinas that presently have all other agency permits to operate at the levels of use and development that existed as of January 1, 1997. The exception being Mayfair Moorage. Mayfair only had 17 houseboats on this date but the County allowed 18 in previous documents.

Next, we need to establish a method of code enforcement that is done with both research in the office and on site inspections. Not solely complaint driven enforcement.

We also need to find a way to create a workable data base for the moorage & marina files as a loss control measure. This would make it easier for planning staff and the public to access information they need.

Finally, let's appoint an ongoing Citizen Advisory Committee, comprised of moorage & marina owners, boat owners, and houseboat owners, from Multnomah Channel, to help educate others on the Channel as well as aide and inspire the County in its management efforts.

If we can incorporate these building blocks as the foundation for the Special Plan Area; then we have created a successful management tool that will work with the least amount of hardship for all parties involved.

Now, there has been a lot of discussion about Policy 26 from the Comprehensive Framework Plan. But I would like to remind the commissioners, that this is just one of many policies that must be equally weighed in governing moorages and marinas.

In making your decision today, I would like to ask you to think of Policy 21: Housing Choice. This is the county policy that supports and assists in the provision of an adequate number of housing units at price ranges and rent levels affordable to the region's households and to allow for variety in housing location, type and density. In this policy the county states it will reevaluate its regulations and, where possible, streamline or eliminate requirements to reduce development costs, and take a direct role in conserving the existing housing stock.

Finally, you may have noticed I have not mentioned the word "GRANDFATHER" in my speech. I do not want to impede the progress we have made on semantics. We can achieve all of our goals AND preserve and protect my neighborhood, Multnomah Channel, if we just work together. Thank you for your time.

####

TANYA COLLIER  
Multnomah County Commissioner  
District 3



1120 SW Fifth St., Suite 1500  
Portland, OR 97204  
(503) 248-5217

Date: August 6, 1997

To: Commissioner Tanya Collier

From: Don Carlson *DC*

Re: Board Agenda Item R8: Adoption of the Sauvie Island/Multnomah Channel  
Rural Area Plan

The purpose of this memo is a response to your request for a review and recommendation on this agenda item. You asked me late last week to review the matter and I have done my best to get backgrounded on the issues and talk to as many of the persons interested in this matter as possible. In my investigation I have reviewed the Staff Reports for both the July 16th and August 7th Board Meetings. I have reviewed the file of information provided to our office, much of which is correspondence from various affected parties. I have discussed the issue with Kathy Busse and Gordon Howard from the County Planning Staff and Sandra Duffy from the County Counsel's Office. I have talked with Bill Casselman, owner of Caselman's Cove and Wharf; Jan Hamer, owner of the Riverbend Moorage; Curt and Ginger Curtis, owners of the Happy Rock Moorage; Rich Tonneson, owner of the Rocky Point Marina; and Julie Cleveland, a resident of the Riverbend Moorage.

Based on my investigation, I recommend that you present to the Board of County Commissioners an amendment to the proposed Plan which would implement the recommendation of the Sauvie Island/Multnomah Channel Citizen's Advisory Committee to accept as non-conforming uses the existing moorage's/marinas as long as all other needed permits are in hand. The specific language is as follows:

Policy 10: Multnomah County Comprehensive Framework Plan Policy 26  
should be amended and rewritten to include the following:

1. That the area occupied by Happy Rock Moorage, Sauvie Island Moorage, Parker Moorage and Mayfair Moorage be included with the AREA where houseboats are currently permitted under Policy 26;
2. That those named moorages are to be treated as nonconforming (permitting continuation of the use and level of intensity now in existence) if proof of all required permits, as identified by the County (Department State Lands, Army Corp of Engineers, Department of Environmental Quality, State Health Department and appropriate fire authority), other than County land use permits, is given to the County Planning Department;

3. That those moorages currently in the Policy 26 area for house boats are to be treated as nonconforming uses to the extent that development (number of houseboats) exceeds those authorized by land use permits, if proof of all required permits, as identified by the County and listed in Section 2 above, other than County land use permits, is given to the County Planning Department;

4. That an inventory of each moorage identified in Sections 2 and 3 above is to be undertaken within 60 days of the effective date of the adoption of the zoning code enactments implementing Policy 26. This inventory may be performed by the County, or prepared by each moorage and verified by the County;

5. That if any moorage is subsequently in violation of any non-County permit, of County zoning codes enacted after the effective date of amended Policy 26 and implementing measures, then that moorage must meet all applicable zoning codes in effect at that time;

6. That if those moorages which are deemed nonconforming subsequently seek a modification or alteration of their inventoried nonconforming use, they must meet all applicable zoning codes in effect at that time; and

7. That this action does not set a precedent for acceptance of any unauthorized land use in the jurisdiction of the County. That this action by the Board is done in the context of the adoption and speedy, practical implementation of the Sauvie Island/Multnomah Channel Rural Area Plan.

Attached for your consideration is information to illustrate how this policy would work. I have used for this example the Happy Rock Moorage (HRM). Currently, the HRM is outside of the area designated in Policy 26 for a moorage where houseboats are permitted and adoption of the Plan would place the HRM within the permitted area. The County would then enact any necessary zoning code amendments to implement the amended Policy 26. Within 60 days of the zoning code amendments, the County would either do an inventory or have the HRM owner do an inventory to 1) determine the level of existing development to be accepted as a nonconforming use (number of existing dwelling units); and 2) receive proof that the non-County permits have been obtained. If these two things are done and verified by the County then the HRM nonconforming use would be accepted.

HRM's current permits are attached to illustrate the kind of documentation that would be required. **Exhibit A** shows the cover letter from the Division of State Lands that the HRM has a waterway lease good through July 1, 2016. The actual lease was not included in this document because of its length. Exhibit A also shows HRM's proof of paying the annual lease payment.

**Exhibit B** provides the Department of Environmental Quality permit for HRM's subsurface sand filter sewage disposal system. The permit was issued in August 1982. Also included in Exhibit B is correspondence from the enforcement agencies (DEQ contracts with the City of Portland for subsurface enforcement) indicating recent inspection activities on the system.

**Exhibit C** shows Army Corp of Engineer permits for the construction of moorage facilities. They include permits for pilings, floats and rip rap material along the bank.

**Exhibit D** is a letter from the Scappoose Rural Fire Protection District dealing with the access road to the moorage. The Fire District is not requiring any additional improvements at this time but will do so if additional development occurs.

In regard to water service, HRM does not provide a community water system. Each existing residence is responsible for their own water needs. Most, if not all, have individual filtration systems in their dwelling units. If HRM operated a community water system, it would do so under a permit from the State Health Division.

This recommendation provides a reasonable alternative to that of the Planning Department. The Planning Department has recommended the use of Special Planning Areas (mini master plans) to achieve compliance with land use policies. In my discussions with the Department, they have indicated that it would be possible for the Board to authorize the existing levels of development in the various moorages after the planning process has been completed. Part of the planning effort is to determine that adequate services are available and all permits are in hand. It has been pointed out by Ms Julie Cleveland in a separate document that there may be as many as 11 moorages which will need to go through the SPA process. The Staff Report indicates that the Happy Rock Moorage SPA process could take up to 6 months to complete. I have a concern that the County does not have the ability to take on additional work to make sure all these plans get done and to do other rural area code enforcement. The process in my recommendation, if properly implemented, will get us essentially to the same place. It will also make it possible to end a great deal of confusion and uncertainty within a reasonable time frame.

cc: Board of County Commissioners  
Sandra Duffy  
Kathy Busse  
Bill Casselman  
Julie Cleveland  
Curt and Ginger Curtis  
Jan Hamer  
Rich Tonneson



EXHIBIT A

Oregon



DIVISION OF  
STATE LANDS

STATE LAND BOARD

JOHN A. KITZHABER  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844  
TTY (503) 378-4615

October 18, 1996

CW CURTIS  
HAPPY ROCK MOORAGE  
23548 NW ST HELENS ROAD  
PORTLAND OR 97231

RE: State Waterway Lease ML-10444

Dear Mr. Curtis:

Enclosed is your copy of the fully executed state waterway lease ML-10444, covering the period August 1, 1996, through July 31, 2016.

If you have any questions, please call me at 378-3805, extension 240.

Sincerely,

*Debi Cox*

Debi Cox  
Resource Coordinator Assistant  
Field Operations

sign.doc

Enclosure

(2)

\*\*\*\*\* INVOICE \*\*\*\*\*

TO: CURTIS C W  
HAPPY ROCK MOORAGE  
23548 NW ST HELENS ROAD  
PORTLAND OR 97231

LEASE NUMBER	DUE DATE	PERIOD	CHARGES	AMOUNT DUE
ML 10444	08/01/97	One Year	1,480.00	1,480.00
**TOTAL**				1,480.00

ALL PAST DUE ACCOUNTS WILL BE CHARGED INTEREST AT THE RATE OF 9% PER ANNUM

Return One Copy Of This Form With Your Remittance To:

DIVISION OF STATE LANDS  
775 SUMMER STREET NE  
SALEM, OR 97310

Multnomah

*pd ok 3180  
7/28/97*

cc: DEQ/Water Quality Division

File  
Mike Ebeling, Bureau of Buildings, POB 8120, Portland, OR 97207-8120

John A. Kitzhaber  
Governor



2020 SW Fourth Avenue  
Suite 400  
Portland, OR 97201-4987  
(503) 229-5263 Voice  
TTY (503) 229-5471  
DEQ-1

EXHIBIT B

**STATE OF OREGON**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**CERTIFICATE OF SATISFACTORY COMPLETION**  
**SUBSURFACE OR ALTERNATIVE SEWAGE SYSTEM**

OWNER Happy Rock Moorage PERMIT NO. SFS-005  
LOCATION Rt. 5 Box 606 St. Helens Road  
send to: C.W. Curtis

In accordance with Oregon Revised Statute 454.005 this certificate is issued as evidence of satisfactory completion of a subsurface or alternative sewage disposal system at the above location.

Phillip Crawford  
Sanitarian

MULTNOMAH COUNTY  
DEPARTMENT ENVIRONMENTAL SERVICES  
2115 S. E. MORRISON ST.  
PORTLAND, OREGON 97214

8-11-82  
Date



# MULTNOMAH COUNTY OREGON

ENVIRONMENTAL SERVICES/PERMIT SECTION  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214

DONALD E. CLARK  
COUNTY EXECUTIVE

Inspection (503) 248-5272 Sewage 248-3671  
Building 248-3047 Right-of-Way Use 248-3582  
Plumbing 248-3668

January 14, 1982

C.W. Curtis  
Rt. 5 Box 606  
Portland, Oregon 97231

LFS: 111-81  
2nd EVALUATION

Dear Sir:

In response to your application, a land feasibility study has been conducted to evaluate the site legally described as: Tax Lots 10, 12 & 18, Section 36, 3N12W for the purpose of using an on-site sewage disposal system in accordance with your proposed system location.

In consideration of the following items:

- a) On site land study
- b) Soil studies of the natural soil by Phillip Crawford

this site is considered to be SUITABLE for the use of an ALTERNATIVE SAND FILTER SYSTEM, based upon the standards set forth in OAR 340-71-290 adopted March 13, 1981.

Based upon the study made, the following type and size of the system components is required: For 900 gallon projected daily sewage flow.

- a) Equal disposal trench system.
- b) One 1500 (gallon) septic tank.
- c) One 270 (foot) absorption trench per bedroom unit in the drainfield system.
- d) One 1000 (gallon) effluent sump.
- e) One effluent lift-pump complete with manifold and distribution piping into the sand filter box. 33.27 sq. ft. box.

This letter does not constitute a permit to install this subsurface sewage system. A permit for the installation of this subsurface sewage system will be based upon the submission of a complete contoured site plan as indicated in paragraph 3(a) of the enclosed instructions accompanied by complete detailed plans for the Sand Filter System.

Sincerely,  
*Phillip Crawford*  
Phillip Crawford, ST

PC/bm

cc: file

Encl (2)

②



## MULTNOMAH COUNTY OREGON

ENVIRONMENTAL SERVICES/PERMIT SECTION  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214

Inspection	(503) 248-5272	Sewage	248-3672
Building	248-3047	Nuisance Control	248-3582
Plumbing	248-3668	Right-of-Way Use	248-3582

### TO WHOM IT MAY CONCERN

SUBJECT: SITE PLAN INSTRUCTIONS USING SAND FILTER SYSTEM.

- 1) Based upon the results of a sand filter feasibility study (SFS: 111-81) your parcel of land has been found suitable for the installation of a subsurface sewage disposal system, i.e. sand filter system.
- 2) A copy of your feasibility application was given to the County Land-Use and Zoning Section for review. You are advised to check with that office (248-3043) for clearance of a proposed building permit. A permit to install a subsurface system CANNOT be issued until this building site has been approved by the Land-Use and Zoning Section.
- 3) Following the above, your next procedure is to prepare or have prepared a contoured site plan in accordance with the following:
  - (a) A site contour map using 1" (inch) equals 20' (feet) scale showing lot lines and dimensions; location of house; source of domestic water, intersecting creeks or streams; bodies of water; and contour elevations at one (1) foot intervals of that area to be used for subsurface disposal (approximately 1/4 acre); roof and footage drains, roads and/or driveways; to include complete sand filter system layout and specifications.
  - (b) The prepared site plan should be submitted to the Sanitation Section prior to or in conjunction with the application for a permit to install the aforementioned system. The permit cannot be issued until the site plan and specifications are approved.
  - (c) Evidence of an approved "building" and "electrical" permit must be submitted at the time of application for the sand filter system permit.

NOTICE: If this property is sold or transferred to a new owner, please furnish the new owner with a copy of this "site plan" instruction sheet.

REF: On Site Sewage Disposal Rules adopted on March 13, 1981.



# MULTNOMAH COUNTY OREGON

ENVIRONMENTAL SERVICES/PERMIT SECTION  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214

DONALD E. CLARK  
COUNTY EXECUTIVE

Inspection (503) 248-5272 Sewage 248-3671  
Building 248-3047 Right-of-Way Use 248-3582  
Plumbing 248-3668

## TO WHOM IT MAY CONCERN

SUBJECT: SAND FILTER SYSTEM, RULES CONCERNING

Portions of OAR 340-71-290 thru 305 are quoted herewith for those persons proposing to install a "conventional sand filter" system.

(1) For the purpose of these rules:

- (a) "Conventional sand filter" means a filter with two (2) feet of medium sand designed to filter and biologically treat septic tank or other treatment unit effluent from a pressure distribution system at an application rate not to exceed one and twenty-three hundredths (1.23) gallons per square foot sand surface area per day, applied at a dose not to exceed twenty (20) percent of the projected daily sewage flow.
- (c) "Sand filter system" means the combination of septic tank or other treatment unit, a dosing system with effluent pump(s) and controls or dosing siphon, piping and fittings, sand filter, absorption facility or effluent reuse method used to treat sewage.

## (5) Materials and Construction

- (a) All materials used in sand filter system construction shall be structurally sound, durable and capable of withstanding normal installation and operation stresses. Component parts subject to malfunction or excessive wear shall be readily accessible for repair and replacement.
- (b) All filter containers shall be placed over a stable level base.
- (c) In areas of temporary groundwater at least twelve (12) inches of unsaturated soil shall be maintained between the bottom of the sand filter and top of the disposal trench.
- (d) Piping and fittings for the sand filter distribution system shall be as required under pressure distribution systems, OAR 340-71-275.

(4)

340-71-295 Conventional Sand Filter Design (Diagrams 8 and 9)

(1) Flows

- (a) Conventional sand filter systems shall be designed to serve sewage flows of six hundred (600) gallons or less per day unless otherwise authorized by the Department.
- (b) Flows of four hundred fifty (450) gallons per day shall be used in determining the minimum sand surface area required for a single-family dwelling.
- (c) Flows of two hundred (200) gallons per day shall be used in determining minimum sand surface area required for individual residential gray-water filters.

(2) Minimum Filter Area. Sand filters shall be sized based on an application rate of no more than one and twenty-three hundredths (1.23) gallons septic tank effluent per square foot medium sand surface per day.

(3) General Details

- (a) Sand filter container, piping, medium sand, gravel, gravel cover, and soil crown material for a sand filter system discharging to disposal trenches shall meet minimum specifications indicated in Diagrams 8 and 9 unless otherwise authorized by the Department.
- (b) Filter containers shall be constructed of reinforced concrete, a thirty (30) mil liner or other membrane liners acceptable to the Department which will effectively exclude groundwater and will contain the sand, gravel, septic tank effluent and soil crown cover for at least a twenty (20) year service life.

340-71-305 Sand Filter System Operation and Maintenance.

- (1) Sand filter operation and maintenance tasks and requirements shall be as specified on the Certificate of Satisfactory Completion. Where a conventional sand filter system or other sand filter system with comparable operation and maintenance requirements is used, the system owner shall be responsible for the continuous operation and maintenance of the system.
- (2) The owner of any sand filter system shall provide the Agent written verification that the system's septic tank has been pumped at least once each forty-eight (48) months by a licensed sewage disposal service business. Service start date shall be assumed to be the date of issuance of the Certificate of Satisfactory Completion. The owner shall provide the Agent certification of tank pumping within two (2) months of the date required for pumping.

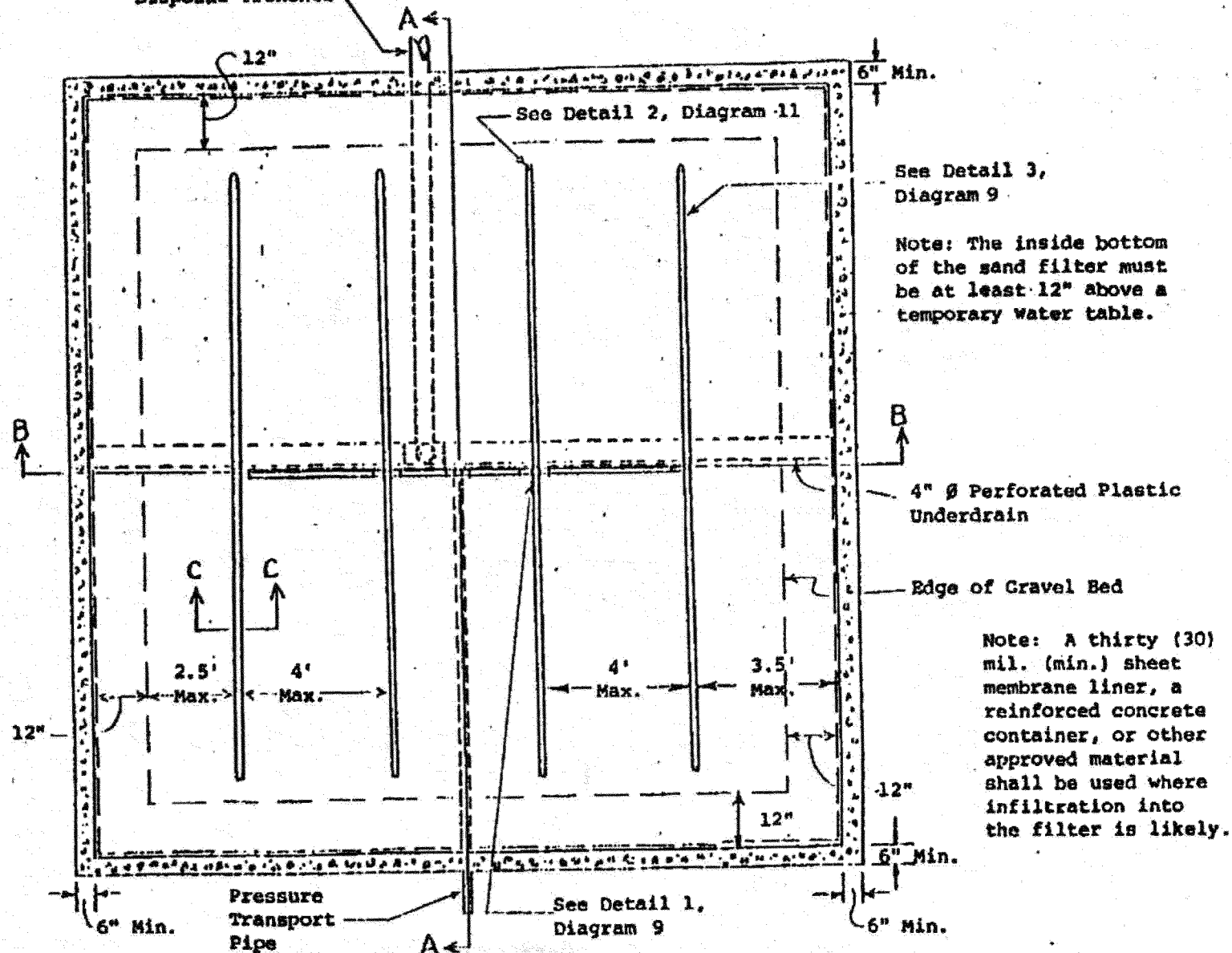
Diagrams 8 and 9 enclosed

⑤

## DIAGRAMS-8

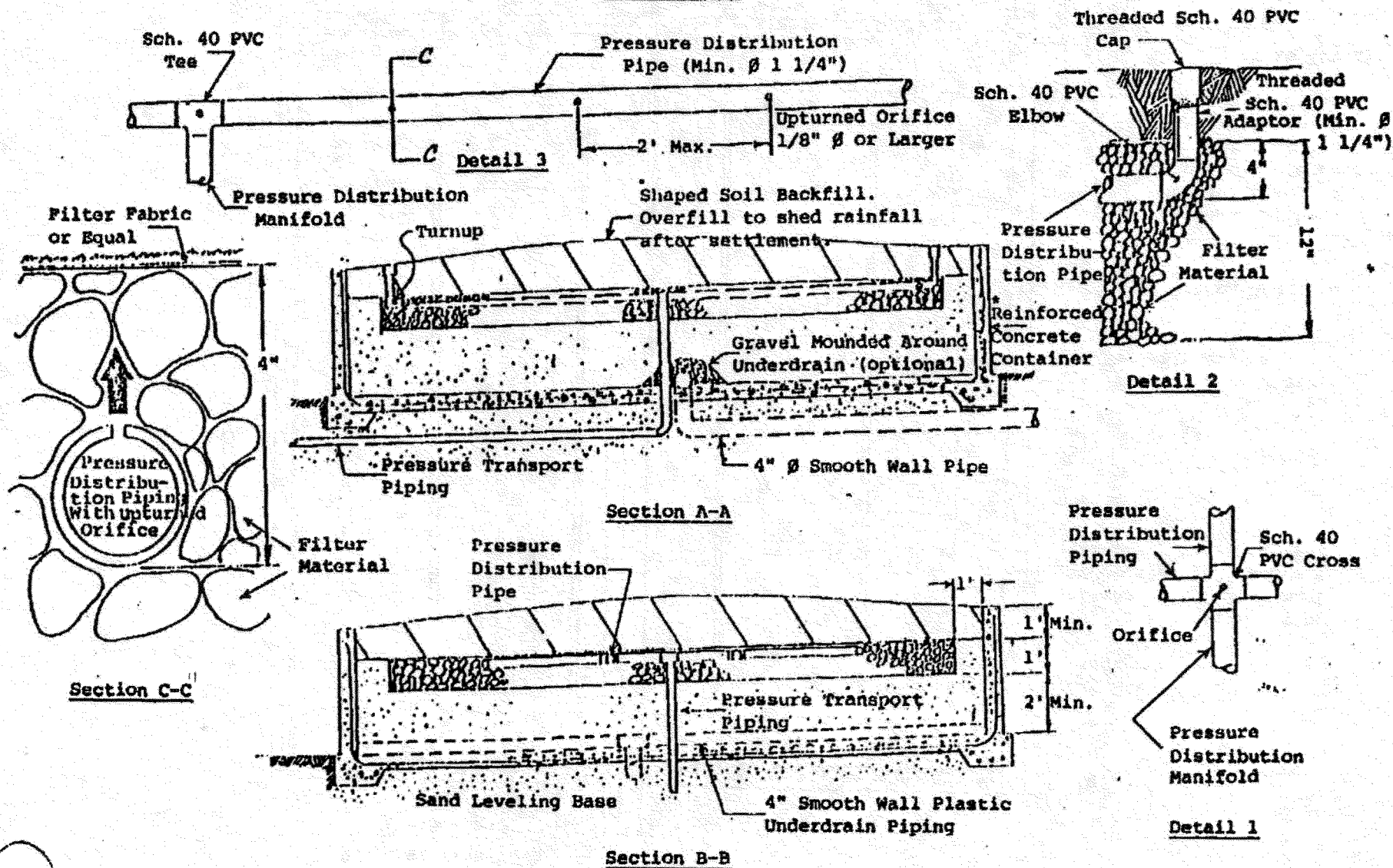
4" Smooth-wall Pipe  
under Drain to  
Disposal Trenches

DIAGRAM 8  
SAND FILTERS





## DIAGRAM 9

SAND FILTERS

Notes: Not in scale



September 17, 1996

DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY

NORTHWEST REGION

CURT AND GINGER CURTIS  
23548 NW ST HELENS ROAD  
PORTLAND OR 97231

RE: OSS- Multnomah County  
Happy Rock Marina  
Marina Inspection

Dear Mr. and Mrs. Curtis:

Thank you for coordinating the marina inspection on September 16, 1996. As you know, a few minor problems were found, and they are easily correctable. I will notify the tenants who need to correct a plumbing problem, and hope that you will also encourage them.

Thank you also for supplying a map of the marina and a tenant list, and for taking the time to assist Alan Bogner and me in locating and verifying plumbing connections. Without your coordination and assistance, our task of making inspections could have taken weeks to accomplish.

If you have any questions, please contact me at 229-6653.

Sincerely,

Anne Cox, R.S.  
Environmental Specialist  
Water Quality Source Control  
Northwest Region

cc: DEQ/Water Quality Division

File

Mike Ebeling, Bureau of Buildings, POB 8120, Portland, OR 97207-8120

John A. Kitzhaber  
Governor



2020 SW Fourth Avenue  
Suite 400  
Portland, OR 97201-4987  
(503) 229-5263 Voice  
TTY (503) 229-5471  
DEQ-1

3



CITY OF

# PORTLAND, OREGON

BUREAU OF BUILDINGS

1120 S.W. 5th Avenue  
Portland, Oregon 97204-1992  
Mailing Address: P.O. Box 8120  
Portland, Oregon 97207-8120  
(503) 823-7300  
FAX: (503) 823-6983  
TDD: (503) 823-6868

October 29, 1993

*Santer Sy 400*

HAPPY ROCK MOORAGE INC  
ATTN: CURT CURTIS  
23606 NW ST HELENS RD  
PORTLAND OR 97231

Mr. Curtis:

Thank you for your diligence and monitoring over the last four (4) months and I concur that your flows are within the limits of your permit. I will note this in your file so disregard my Notice of Violation letter of April 1, 1993.

However, keep in mind it's your septic system and in order for it to function over its life, it requires your attention. So again, if you have any questions, feel free to contact me at 823-7247.

Sincerely,

Michael G. Ebelling, RS  
Senior Environmental Soils Specialist

MGE:dk

4

## EXHIBIT D

MAY-09-1995 10:00

SCAPPOOSE FIRE DIST.


P.02

**SCAPPOOSE RURAL FIRE PROTECTION DISTRICT**

P.O. Box 625 • 52751 Columbia River Hwy. • Scappoose, Oregon 97056

Phone (503) 543-5026 • FAX: (503) 543-2670

TO: Debi Anderson, Attorney

FROM:  Michael S. Greisen, Fire Chief

DATE: May 9, 1995

REFERENCE: Roadway into Happy Rock Moorage located at 23606 N.W. St. Helens Road in Multnomah County.

I had met with the owners of Happy Rock Moorage, Curt and Ginger Curtis, last year to discuss their operations.

The roadway leading into the moorage is a very narrow road. We have not requested any additional widening at this time because it is an existing business. Although, I have informed the owners that any future remodeling, additions, expansion, or changes to Happy Rock Moorage will require roadway improvements.

Improvements to the roadway will be required if any developments are made next to their moorage, up or down river, which will have access to this roadway.

The owners are aware of the problems with the road and have better control on parking along the road where it was unsafe. They have provided an area for emergency vehicle turnaround as requested. The owners will need to keep brush, grass, and other debris down along the roadway for a clear access.

If you have any other questions or concerns, please feel free to contact me at: (503) 543-5026.

B:\INSPECTION-ROAD\HPPYROCK.MRG

(5)

Application No. 071-OYA-1-002399

EXHIBIT C

Name of Applicant Reid E. Holcomb

Effective Date 17 June 1977

Expiration Date (if applicable) 30 June 1980

DEPARTMENT OF THE ARMY  
PERMIT

Referring to written request dated 8 November 1976 for a permit to:

(a) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

( ) Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (88 Stat. 816, P.L. 82-600);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1062, P.L. 92-532);

— (Here insert the full name and address of the permittee)

Reid E. Holcomb  
9236 N. Central Street  
Portland, Oregon 97203

is hereby authorized by the Secretary of the Army:

to construct a moorage facility for boat houses (24'x 40') which consist of seven (7) single pile and one 3-pile dolphin and 400 linear feet of float five feet wide. The boat houses will be constructed elsewhere and floated into place on an as-needed basis

— (Here describe the proposed structure or activity, and its intended use. In the case of an application for a fill permit, describe the structures, if any, proposed to be erected on the fill. In the case of an application for the discharge of dredged or fill material into navigable waters or the transportation for discharge in ocean waters of dredged material, describe the type and quantity of material to be discharged.)

in Multnomah Channel mile 14

— (Here to be named the ocean, river, harbor, or waterway concerned.)

XX In Multnomah County, Near Scappoose, Oregon

— (Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

In accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks):

The above described facility is shown on the attached drawing marked 002399 (Multnomah Channel-Moorage).

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not such permit is in whole or in part.

END

(ER 1145-2-143)

former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or the Chief of Engineers, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not ~~completed on or before the date of expiration of this permit unless otherwise specified~~ completed on or before 30 day of June, 19 80 (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and condition of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

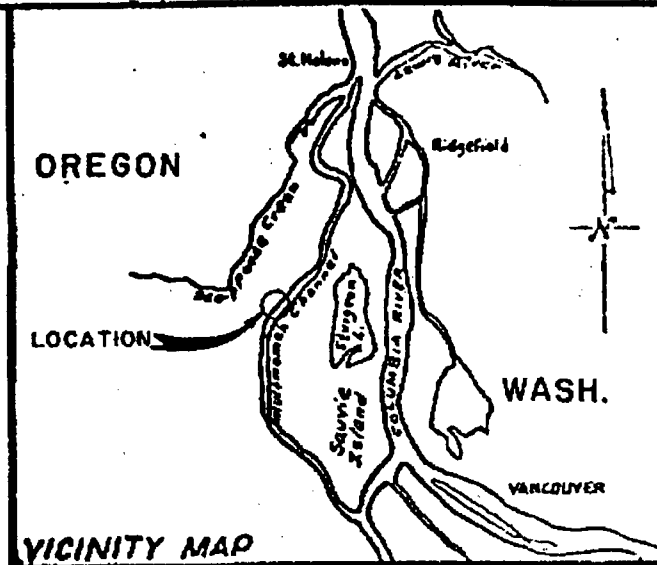
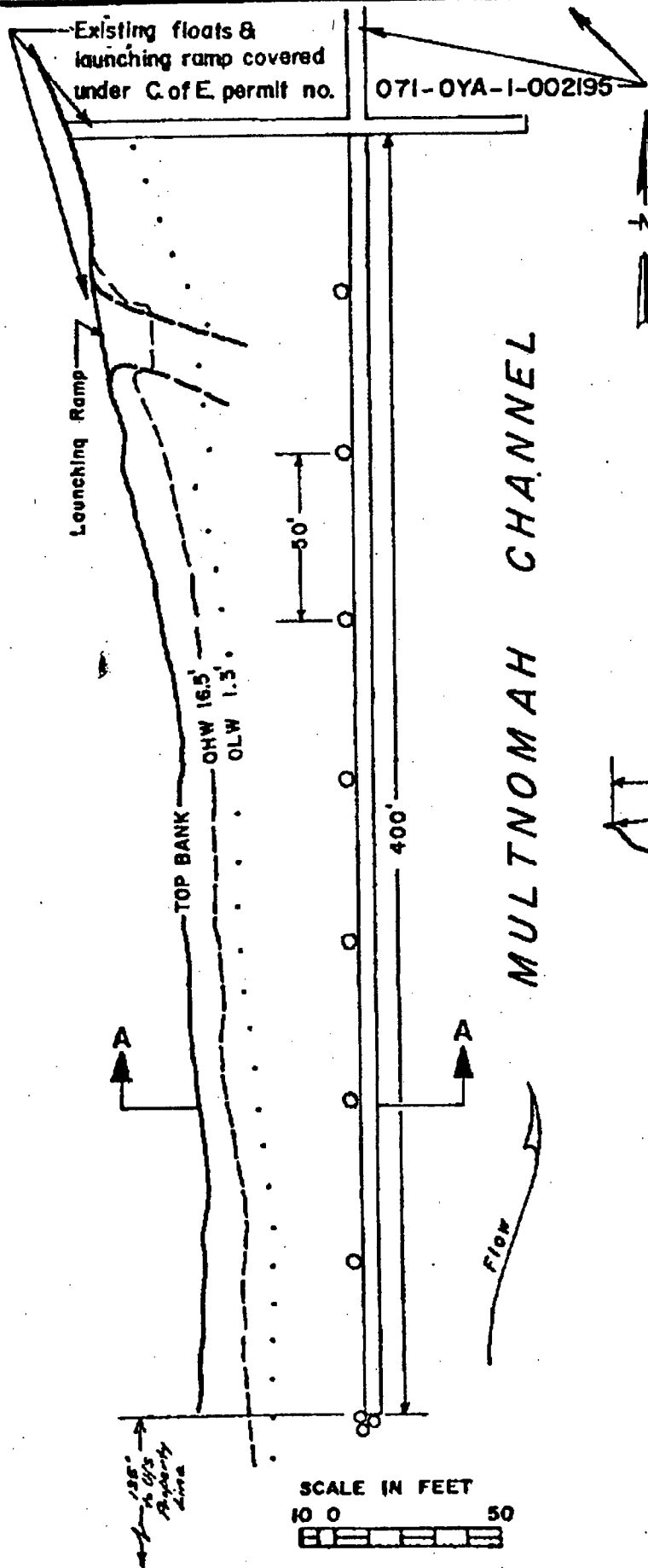
The following Special Conditions will be applicable when appropriate:

**STRUCTURES FOR SMALL BOATS:** That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

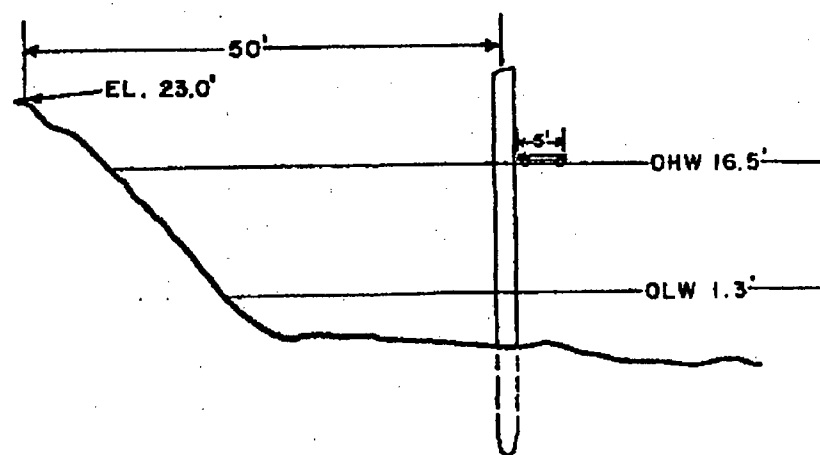
**DISCHARGE OF DREDGED MATERIAL INTO OCEAN WATERS:** That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

**ERECTION OF STRUCTURE IN OR OVER NAVIGABLE WATERS:** That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

(12)



SECTION A-A



in Mult. Channel  
at Mile 14  
County of Mult. State OR  
Application by Holcomb  
Date November 8, 1976

(13)

Application No. 071-OYA-2-002923  
 Name of Applicant REID E. HOLCOMB  
 Effective Date 16 March 1979  
 Expiration Date (If applicable) 31 March 1982

# DEPARTMENT OF THE ARMY PERMIT

Referring to written request dated 20 March 1978 for a permit to:  
~~XX~~ Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

~~XX~~ Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

Reid E. Holcomb  
 9236 N. Central  
 Portland, Oregon 97203

(Here insert the full name and address of the permittee)

is hereby authorized by the Secretary of the Army:

to place 2,000 cubic yards of quarry rock  
 riprap along 600 linear feet of bankline for  
 protection from erosion. The material will  
 be trucked to the site and dumped in place.

(Here describe the proposed structure or activity, and its intended use. In the case of an application for a fill permit, describe the structures, if any, proposed to be erected on the fill. In the case of an application for the discharge of dredged or fill material into navigable waters or the transportation for discharge in ocean waters of dredged material, describe the type and quantity of material to be discharged.)

in Multnomah Channel, mile 14.2

(Here to be named the ocean, river, harbor, or waterway concerned.)

~~EX~~ near Portland, Oregon

(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks):

002923(Multnomah Channel-Bank Protection)

subject to the following conditions:

## 1. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1721 EDITION OF JUNE 1968 IS OBSOLETE.  
 1 APR 74

(ER 1145-2-303)

144



n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not stated on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ day year from the date of issuance of this permit unless otherwise specified, and is not completed on or before 31 day of Mar, 19 82, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and condition of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Registrar of Deeds or other appropriate official.

The following Special Conditions will be applicable when appropriate:

**STRUCTURES FOR SMALL BOATS:** That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

**DISCHARGE OF DREDGED MATERIAL INTO OCEAN WATERS:** That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

**REMOVAL OF STRUCTURE IN OR OVER NAVIGABLE WATERS:** That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

(15)

Application No. 071-OYA-1-003613  
 Name of Applicant REID HOLCOMB  
 Effective Date 2 February 1982  
 Expiration Date (If applicable) 28 February 1985

# DEPARTMENT OF THE ARMY PERMIT

Referring to written request dated 7 March 1980 for a permit to:

( ) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

( X ) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

Reid Holcomb  
 9236 N. Central  
 Portland, Oregon 97203

Is hereby authorized by the Secretary of the Army:

to drive 12 single wooden piles and three 3-pile dolphins, and attach a 5- by 300-foot float with 15 boat slips, a 5- by 451-foot float, and a 5- by 100-foot float. This facility will operate as a commercial moorage for various size small boats used for recreational purposes.

in Multnomah Channel, Mile 14

at Multnomah County, near Portland, Oregon.

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks.)

003613 (Multnomah Channel - Moorage)

subject to the following conditions:

## I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1 JUL 77 1721

EDITION OF 1 APR 74 IS OBSOLETE.

(ER 1145-2-202)

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o. That if the activity authorized herein is not started on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

II. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit).

a. All construction debris will be disposed of on land in such a manner that it cannot enter the waterway.

b. All piling and lumber treated with creosote or other protective material will be completely dry before use in or near the waterway.

c. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

d. Work in the waterway will be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.

Meeting Date: AUG 28 1997  
Agenda No: B-1  
Est. Start Time: 11:30am

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** Board Briefing on Streams Issues in the East of Sandy River Rural Area

**BOARD BRIEFING**      Date Requested: August 28, 1997  
                                 Amt. of Time Needed: 30 minutes  
                                 Requested By: Board of County Commissioners

**REGULAR MEETING**      Date Requested:  
                                 Amt. of Time Needed:

**DEPARTMENT:** DES      **DIVISION:** Transportation & Land Use Planning  
**CONTACT:** Gordon Howard      **TELEPHONE:** 248-3043  
                                 **BLDG/ROOM:** 412 / 1<sup>st</sup> Floor

**PERSON(S) MAKING PRESENTATION:** Gordon Howard

### ACTION REQUESTED

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

### SUGGESTED AGENDA TITLE

Board briefing on issues related to stream protection in the East of Sandy River Rural Area

### SIGNATURES REQUIRED

**Elected Official:** \_\_\_\_\_

or

**Department Manager:** KB Lang F. Nicholas

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
97 AUG 20 AM 11:48



MULTNOMAH COUNTY

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION  
2115 SE MORRISON STREET  
PORTLAND, OREGON 97214-2865  
(503) 248-3043 FAX: (503) 248-3389

August 20, 1997

TO: MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FROM: GORDON HOWARD, SENIOR PLANNER

SUBJECT: EAST OF SANDY RIVER RURAL AREA PLAN STREAMS ISSUES

On July 10, 1997, the Board of Commissioners adopted the East of Sandy River Rural Area Plan. The Board also directed Planning staff to return with a memorandum discussing several issues related to streams in the East of Sandy River Rural Area. Issues the Board wished to have addressed were as follows:

1. What are the relative merits and faults of the adopted streams regulations which call for a setback area of 150 feet on each side of a significant stream and which prohibits new residential development within this setback area?
2. What are the relative merits and faults of the alternative streams regulation proposed by Commissioner Sharron Kelley, which would call for a setback area of 300 feet on each side of a significant stream, but which would regulate, rather than prohibit, new development within this setback area?
3. Should the 150 foot setback prohibit all new development, or only new residential development?
4. What are the consequences of changing the existing 300-foot regulatory setback on the three streams in the Howard Canyon area to a new 150-foot setback prohibiting new residential development?
5. What are the impacts of the new 150 foot setback upon the Trout Creek Bible Camp?

ISSUE # 1: WHAT ARE THE RELATIVE MERITS AND FAULTS OF THE ADOPTED STREAMS REGULATIONS WHICH CALL FOR A SETBACK AREA OF 150 FEET ON EACH SIDE OF A SIGNIFICANT STREAM AND WHICH PROHIBITS NEW RESIDENTIAL DEVELOPMENT WITHIN THIS SETBACK AREA?

The merit of the 150 foot setback prohibiting new development is its certainty. It provides a clear and objective standard, as opposed to a regulatory scheme which may include vague or subjective standards of approval. Also, the 150 foot setback is less burdensome in the East of Sandy River rural area, with its large lots, than it would be in an urbanized area of smaller lots. Most every lot with a significant stream running through it is large enough to provide a building site outside of the stream setback area.

The disadvantage of the 150 foot prohibition setback is that it makes no provision for "exceptions" or "hardship" cases that usually occur, because the impact of a general zoning rule will always have some negative effect on unusual or exceptional properties. Most likely, the new plan policy will have the greatest impact upon existing residences which are within the setback area. The provision that such residences may only be expanded up to 400 square feet in ground coverage will undoubtedly cause a hardship to property owners who wish to expand or replace an existing dwelling.

In comparison with the 300-foot regulatory option (discussed below), the 150 foot prohibition provides no protection for the area between 150 and 300 feet from the stream centerline, which may have some impacts upon the stream. However, experience with development applications in the West Hills and Howard Canyon areas show that new development within this outer area has much less impact upon streams than development within 150 feet.

**ISSUE # 2: WHAT ARE THE RELATIVE MERITS AND FAULTS OF THE ALTERNATIVE STREAMS REGULATION PROPOSED BY COMMISSIONER SHARRON KELLEY, WHICH WOULD CALL FOR A SETBACK AREA OF 300 FEET ON EACH SIDE OF A SIGNIFICANT STREAM, BUT WHICH WOULD REGULATE, RATHER THAN PROHIBIT, NEW DEVELOPMENT WITHIN THIS SETBACK AREA?**

The relative merits and disadvantages of the 300 foot regulatory option for stream protection are a mirror image of the issues concerning the 150 foot prohibition. The advantage is that a 300 foot regulatory zone allows for consideration of "exceptional" or "hardship" cases, especially since the existing Significant Environmental Concern (SEC) zone applied on the three Howard Canyon area streams specifically states that the intention of the regulation is not to prohibit a use, but rather to find the best available (one which has the least impacts upon the stream) site on an existing parcel for the use.

Alternatively, the 300 foot regulatory option is more subjective and uncertain in its application than a 150 foot prohibition would be. The existing SEC zoning overlay in the Howard Canyon area requires meeting of numerous criteria which can be considered vague and subjective, particularly the so-called "general" criteria applicable in the SEC zoning sub-district. While some of the problems with the 300 foot regulatory option may be ameliorated with a better regulatory scheme than provided by the existing ordinance, any ordinance which regulates will suffer from some loss of objectivity in its standards. Some applications submitted under such ordinances are inevitably controversial, and result in inordinate amounts of planning time and resources to resolve.

ISSUE # 3: SHOULD THE 150 FOOT SETBACK PROHIBIT ALL NEW DEVELOPMENT, OR ONLY NEW RESIDENTIAL DEVELOPMENT?

Policy # 21 of the East of Sandy River Rural Area Plan, adopted July 10, 1997, reads as follows:

**Protect significant streams in the East of Sandy River Rural Area by prohibiting new residential development within 150 feet of a stream centerline and limiting new roads, stream crossings, additions to existing structures, and other grading activities within this 150 foot area. Additions to existing dwellings of up to 400 square feet shall be exempt from the setback requirements. All related ground disturbing activities within the 150 foot stream setback shall be confined to the period between May 1 and October 1 in any year.**

The adopted language does not speak to new development, or expansion to existing development, other than residential development. There are other existing and potential non-residential uses, such as agricultural buildings, commercial, and community serving uses within 150 feet of significant streams in the East of Sandy River rural area. Of particular note is the Trout Creek Bible Camp, located adjacent to a significant stream.

Since the plan policy is silent on the issue of non-residential development, the Board of Commissioners has discretion to include or not include such development as prohibited or regulated within the 150 foot setback area when adopting implementing zoning ordinance language on this issue. However, it is logical that much non-residential development has similar or even greater impacts upon adjacent streams. The creation of impervious surfaces, grading activities, increased pollutant runoff, and destruction of natural areas are at least as great for non-residential development such as commercial buildings, schools, churches, and campgrounds with structures, as it is for new residences. Even new agricultural buildings create impervious surfaces and increased runoff from the building area and access roads.

Therefore, it is logical for Multnomah County to prohibit new non-residential development within 150 feet of a significant stream as well as new residential development, and to limit expansion of existing non-residential development within the stream setback area. This can be done when the County adopts the implementing ordinances for the East of Sandy River Rural Area Plan, and requires no amendment to the plan since it is silent on this issue.

ISSUE # 4: WHAT ARE THE CONSEQUENCES OF CHANGING THE EXISTING 300-FOOT REGULATORY SETBACK ON THE THREE STREAMS IN THE HOWARD CANYON AREA TO A NEW 150-FOOT SETBACK PROHIBITING NEW RESIDENTIAL DEVELOPMENT?

In 1994 Multnomah County adopted a 300-foot regulatory overlay zone, known as the Significant Environmental Concern (SEC) zoning overlay district, for Howard, Knieriem, and Big Creeks as part of the Howard Canyon Reconciliation Rport. The main area of controversy concerned the Howard Canyon quarry. While the quarry is required to reduce levels of pollutants flowing into these streams to levels consistent with State of Oregon standards, none of the actual quarry site is within the 300-foot protection zone.

The adopted East of Sandy River Rural Area Plan rejects the application of the 300-foot SEC zoning overlay district to the remaining significant streams in the rural area (Smith, Pounder, Buck, Gordon, and Trout Creeks and their larger tributaries), and instead proposes a 150-foot setback from these streams. All streams in the East of Sandy River rural area should have a consistent set of regulations to eliminate confusion and provide equity and fairness to property owners alongside all of these streams. However, there is a concern that amending the Howard Canyon Reconciliation Report to change the 300 foot regulatory setback to a 150 foot setback prohibiting development will either 1) make development of the quarry site easier, or 2) open the whole Reconciliation Report to renewed litigation and controversy.

Planning staff has contacted staff from the Oregon Department of Land Conservation and Development (DLCD) regarding this issue. They have informed us that amending a completed Goal 5 analysis is similar to amendment of any other portion of Multnomah County's Comprehensive Framework Plan: if the County provides adequate findings for its actions and shows that they comply with state law regarding plan amendments, then the DLCD will not comment on the changes. In this case, reduction of the setback width and changing its approach from regulation to prohibition would most likely be appropriate as a measure of consistency with the approach to similar streams within the East of Sandy River rural area, especially since none of the actual quarry site is within the setback area and the quarry site is still required to show that runoff from the mine site meets state quality standards.

As for the issue of raising controversial issues regarding the Howard Canyon quarry again, there is no guarantee that initiating an amendment will not result in controversy, even if there is no rational basis for such controversy. Staff would recommend that the Board of Commissioners initiate action to change the streams overlay zoning for the three Howard Canyon area creeks, with the option of tabling any action to make the change if new, controversial issues of an intractable nature arise.

#### 5. ISSUE # 5: WHAT ARE THE IMPACTS OF THE NEW 150 FOOT SETBACK UPON THE TROUT CREEK BIBLE CAMP?

In June, 1997 the Board of Commissioners directed the Division of Transportation and Land Use Planning to process an "exceptions" application for the Trout Creek Bible Camp, located on Gordon Creek Road along Trout Creek. The Camp is located within the Commercial Forest Use zoning district, which prohibits new camp facilities which include structures. This interferes with the Camp's ability to modernize and expand in order to serve community needs for camping facilities. Planning staff is currently working with the Camp's representatives on this project.

However, the 150-foot prohibition on new development adjacent to a significant stream would have a major impact upon the camp's facilities. Many of their existing facilities, and some new facilities such as the swimming pool and adjacent shower buildings, are located within 150 feet of Trout Creek. Multnomah County has three options in dealing with this issue:

1. Since the plan language only prohibits residential structures, continue to allow non-residential buildings within the stream setback in the entire East of Sandy River plan area. While this would allow the Trout Creek Bible Camp to place non-residential structures in the



setback area, it is logically inconsistent to leave non-residential structures as an allowed use (see discussion under Issue # 3).

2. Require the Trout Creek Bible Camp to meet a 150 foot setback from the stream for all of its new structures. This would have a negative impact upon the camp, because many of the buildings, including the disputed swimming pool and shower buildings, are located within the setback area.
3. Process an "Exception" for the Trout Creek Bible Camp alone, allowing it to continue to build within the 150 foot setback, perhaps subject to some restrictions unique to the property. This raises a fairness and equity issue relating to other properties in the East of Sandy River rural area, but would resolve the issue of the Camp's buildings within the 150 foot setback area.

