

ANNOTATED MINUTES

Tuesday, July 31, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Rick Bauman and Sharron Kelley present, and Commissioner Pauline Anderson excused.

PLANNER MARK HESS ADVISED THAT PLANNING STAFF REQUESTS A CONTINUANCE OF VARIOUS LAND USE DECISIONS DUE TO AN ERROR IN DISTRIBUTION OF THEIR PUBLIC NOTICE. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KAFOURY, IT WAS UNANIMOUSLY APPROVED TO CONTINUE THE LAND USE DECISIONS TO 9:30 AM, TUESDAY AUGUST 7, 1990.

PUBLIC HEARING

The Multnomah County Board Of Commissioners will hold a public hearing for the purpose of taking testimony and public input on issuance of General Obligation Bonds Of Multnomah County. The Bonds will finance construction of a new juvenile justice facility including juvenile detention, juvenile justice administration, district attorney and counselors offices, and courtroom space.

JULIE McFARLANE, JUDGE LINDA BERGMAN AND JUDGE STEPHEN HERRELL TESTIFIED IN SUPPORT. SHAYLA WALDRAM TESTIFIED IN OPPOSITION. DAVID NEWTON, PAUL THALHOFER, PATRICK DONALDSON AND JUDGE DONALD LONDER TESTIFIED IN SUPPORT. FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KAFOURY, THE BOARD UNANIMOUSLY APPROVED RESOLUTION AND ORDER 90-112 IN THE MATTER OF CALLING AN ELECTION TO AUTHORIZE MULTNOMAH COUNTY, OREGON TO ISSUE AND SELL UP TO 23.8 MILLION DOLLARS (\$23,800,000) IN GENERAL OBLIGATION BONDS TO FINANCE CONSTRUCTION OF A NEW JUVENILE JUSTICE

CENTER AND DETENTION FACILITY; DIRECTING THE PUBLICATION OF NOTICE OF ELECTION; AND ADOPTING A BALLOT TITLE AND VOTERS' PAMPHLET STATEMENT. FOLLOWING DISCUSSION AND CONSULTATION WITH COUNTY COUNSEL LAURENCE KRESSEL AND UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KAFOURY, THE BOARD UNANIMOUSLY APPROVED RESOLUTION 90-113 IN THE MATTER OF CALLING FOR A PUBLIC HEARING ON A PROPOSED GENERAL OBLIGATION BOND MEASURE (\$7.8 MILLION), SETTING THE PUBLIC HEARING FOR 9:30 AM, TUESDAY, AUGUST 14, 1990.

Tuesday, July 31, 1990 - 11:00 AM
Multnomah County Courthouse, Room 602

INFORMAL BRIEFING

1. Update on City of Portland/Multnomah County Urban Services Program - Presented by Steve Bauer and Susan Schneider

CITY OF PORTLAND PRESENTATION AND REQUEST THAT COUNTY PROVIDE A LETTER OR RESOLUTION IN SUPPORT OF UNINCORPORATED MULTNOMAH COUNTY ANNEXATIONS. CHAIR McCOY ADVISED MATTER WOULD BE PLACED FOR BOARD CONSIDERATION ON THURSDAY, AUGUST 9, 1990.

Tuesday, July 31, 1990 - 1:30 PM
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

2. Informal briefing on the Charter Review Committee Report which contains the Committee's findings, conclusions and recommendations to the people of Multnomah County and the Board of County Commissioners. Presented by Ann Porter and Bill Rapp.

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING RECOMMENDATIONS FOR SEVEN BALLOT MEASURES PROPOSING CHARTER AMENDMENTS, AND A RECOMMENDATION FOR ESTABLISHMENT OF A CITIZENS COMMISSION TO STUDY REGIONAL ISSUES. BOARD ACKNOWLEDGED CONTRIBUTIONS OF COMMITTEE MEMBERS ANN PORTER, CHAIR, MARK JOHNSON, VICE-CHAIR, FLORENCE BANCROFT, LANA BUTTERFIELD, DAVID J. CHAMBERS, LIBERTY LANE, MONICA LITTLE, BRUCE McCAIN, PAUL NORR, MARCIA PRY, CASEY SHORT, NICHOLAS TEENY, LAVELLE VANDENBERG, AND STAFF WILLIAM C. RAPP, ADMINISTRATOR AND SHIRLEY WINTER, SECRETARY.

3. Report to the Board on the findings of the Edgefield Marketing Task Force. Presented by Paul Yarborough and members of the Task Force.

PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. DES STAFF TO SUBMIT TASK FORCE RECOMMENDATIONS IN THE FORM OF A RESOLUTION FOR CONSIDERATION AT A FORMAL BOARD MEETING.

4. Informal Review of Formal Agenda of August 2, 1990

R-1 CHAIR McCOY ADVISED THAT THE PRESENTATION WILL BE RESCHEDULED FOR THURSDAY, AUGUST 16, 1990.

R-4 STAFF REQUESTED A CONTINUANCE UNTIL THURSDAY, AUGUST 9, 1990.

R-9 STAFF DIRECTED TO PROVIDE A MEMORANDUM TO THE BOARD ON THE REQUIREMENTS OF HIRING THE DISABLED.

There being no further business, the meeting was adjourned.

Thursday, August 2, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL MEETING

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Commissioners Rick Bauman and Sharron Kelley present, and Vice-Chair Gretchen Kafoury and Commissioner Pauline Anderson excused.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER BAUMAN, THE CONSENT CALENDAR (ITEMS C-1) WAS UNANIMOUSLY APPROVED.

- C-1 In the Matter of Appointment of Maria T. Tenorio to the Children & Youth Services Commission

NON-DEPARTMENTAL

- R-1 Public Presentation by Citizen Involvement Committee (CIC) of findings related to County Services, Intergovernmental Activities and Strategic Planning. Presented by Chuck Herndon and John Legry.

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, R-1 WAS UNANIMOUSLY RESCHEDULED FOR THURSDAY, AUGUST 16, 1990.

- R-2 Order in the matter of designating of newspaper for publication of Notice of Foreclosure of Tax Liens as shown on the Multnomah County 1989 Foreclosure List

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, ORDER 90-114 WAS UNANIMOUSLY APPROVED.

- R-3 First Reading and Possible Adoption of an ORDINANCE submitting proposed County Home Rule Charter amendments to the voters at the general election to be held November 6, 1990; and declaring an emergency

***UPON MOTION OF COMMISSIONER BAUMAN,
SECONDED BY COMMISSIONER KELLEY, R-3
WAS UNANIMOUSLY RESCHEDULED FOR
THURSDAY, AUGUST 9, 1990.***

DEPARTMENT OF GENERAL SERVICES

R-4 First Reading of an ORDINANCE Establishing an Audit Committee and Financial Audit Policy

***UPON MOTION OF COMMISSIONER BAUMAN,
SECONDED BY COMMISSIONER KELLEY, R-4
WAS UNANIMOUSLY RESCHEDULED FOR
THURSDAY, AUGUST 9, 1990.***

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

R-5 In the Matter of an Exemption to Waive 10 Day Period Required for Receipt of Prequalification Applications for Sellwood Bridge Overlay

***UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER BAUMAN,
ORDER 90-115 WAS UNANIMOUSLY APPROVED.***

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-6 Resolution in the Matter of the Vacation of a Portion of NW Reeder Road, known as County Road No. 1888, and setting a time and date for a hearing

***UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER BAUMAN,
RESOLUTION 90-116 WAS UNANIMOUSLY
APPROVED, SCHEDULING HEARING FOR 9:30
AM, THURSDAY, AUGUST 30, 1990.***

- R-7 Ratification of an Intergovernmental Agreement with the City of Gresham for the installation of sanitary sewer in conjunction with the planned intersection improvement of 202nd and Glisan

***UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER BAUMAN, R-7
WAS UNANIMOUSLY APPROVED.***

DEPARTMENT OF HUMAN SERVICES

AGING SERVICES AND JUVENILE JUSTICE DIVISION

- R-8 Resolution and Order In the Matter of Calling an Election to Authorize Multnomah County, Oregon to Issue and Sell up to 23.8 Million Dollars (\$23,800,000) in General Obligation Bonds to Finance Construction of a new Juvenile Justice Center and Detention Facility; Directing the Publication of Notice of Election; and Adopting a Ballot Title and Voters' Pamphlet Statement

***RESOLUTIONS 90-112 AND 90-113 APPROVED
DURING JULY 31, 1990 PUBLIC HEARING.***

- R-9 Budget Modification DHS #1 increases Aging Services Division's budget by \$420,904 in State and Federal funding for on-going services and those new services included under the Adult Transfer Resolution

***UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER BAUMAN, R-9
WAS UNANIMOUSLY APPROVED.***

- R-10 Ratification of an Intergovernmental Revenue Agreement with State Senior and Disabled Services to continue Federal/State funding to Aging Services Division's programs for the frail/elderly

***UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER BAUMAN, R-10
WAS UNANIMOUSLY APPROVED.***

- R-11 Notice of Intent to Apply for a Homeless Youth Self-Sufficiency Project to the Office of Community Services, Family Support Administration under the Demonstration Partnership Program

***UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER BAUMAN, R-11
WAS UNANIMOUSLY APPROVED.***

HEALTH SERVICES AND SOCIAL SERVICES

- R-12 Ratification of Amendment No. 1 to Intergovernmental Agreement with Oregon Health Sciences University increasing total compensation paid to OHSU from \$1,300 to \$1,800 for physicians for each of the County's (12) half-day TB clinics

***UPON MOTION OF COMMISSIONER BAUMAN,
SECONDED BY COMMISSIONER KELLEY, R-12
WAS UNANIMOUSLY APPROVED.***

- R-13 Ratification of Amendment No. 1 to Intergovernmental with Portland Employment Project to decrease Supported Employment service element by \$4,562.80 due to a client transferring to another County provider

***UPON MOTION OF COMMISSIONER BAUMAN,
SECONDED BY COMMISSIONER KELLEY, R-13
WAS UNANIMOUSLY APPROVED.***

- R-14 Ratification of an Intergovernmental Agreement with Oregon Health Sciences University for providing sigmoidoscopy examinations for County patients

***UPON MOTION OF COMMISSIONER BAUMAN,
SECONDED BY COMMISSIONER KELLEY, R-14
WAS UNANIMOUSLY APPROVED.***

- R-15 Ratification of an Intergovernmental Agreement with Multnomah Education Service District to comply with ORS 433 requiring the establishment of a system to identify, test and track students born in countries with high rates of tuberculosis

***UPON MOTION OF COMMISSIONER BAUMAN,
SECONDED BY COMMISSIONER KELLEY, R-15
WAS UNANIMOUSLY APPROVED.***

- R-16 Ratification of an Intergovernmental Agreement with Oregon Health Sciences University for the provision of an evaluation of program

changes in the County's delivery of prenatal care to Multnomah County Health Division clients

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, R-16 WAS UNANIMOUSLY APPROVED.

JAY WARD AND TIM BAUMAN SPOKE IN SUPPORT OF PRESERVING THE INTEGRITY OF FOREST PARK AND REQUESTED POSTPONEMENT OF LOGGING ACTIVITIES UNTIL COMPLETION OF A WILDLIFE CORRIDOR STUDY. FOLLOWING BOARD DISCUSSION, CHAIR McCOY DIRECTED LAND USE PLANNING STAFF TO BE PREPARED TO ADDRESS A LIST OF ALTERNATIVE SOLUTIONS REGARDING THE LOGGING ISSUES IN THE WEST HILLS AREA AND REPORT BACK TO THE BOARD.

There being no further business, the meeting was adjourned.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

July 30 - August 3, 1990

- Tuesday, July 31, 1990 - 9:30 AM - Public HearingPage 2
- Tuesday, July 31, 1990 - 11:00 AM - Informal Briefing . . .Page 2
- Tuesday, July 31, 1990 - 1:30 PM - Informal Briefings . . .Page 2
- Thursday, August 2, 1990 - 9:30 AM - Formal MeetingPage 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, July 31, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING FOR THE PURPOSE OF TAKING TESTIMONY AND PUBLIC INPUT ON ISSUANCE OF GENERAL OBLIGATION BONDS OF MULTNOMAH COUNTY. THE BONDS WILL FINANCE CONSTRUCTION OF A NEW JUVENILE JUSTICE FACILITY INCLUDING JUVENILE DETENTION, JUVENILE JUSTICE ADMINISTRATION, DISTRICT ATTORNEY AND COUNSELORS OFFICES, AND COURTROOM SPACE

Tuesday, July 31, 1990 - 11:00 AM

Multnomah County Courthouse, Room 602

INFORMAL BRIEFING

1. Update on City of Portland/Multnomah County Urban Services Program - Presented by Steve Bauer and Susan Schneider
TIME CERTAIN 11:00 AM

(PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS)

Tuesday, July 31, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

2. Informal briefing on the Charter Review Committee Report which contains the Committee's findings, conclusions and recommendations to the people of Multnomah County and the Board of County Commissioners - Presented by Ann Porter and Bill Rapp
3. Report to the Board on the findings of the Edgefield Marketing Task Force - Presented by Paul Yarborough and members of the Task Force

(PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS)

FORMAL MEETING

CONSENT CALENDAR

- C-1 In the Matter of Appointment of Maria T. Tenorio to the Children & Youth Services Commission

NON-DEPARTMENTAL

- R-1 Public Presentation by Citizen Involvement Committee (CIC) of findings related to County Services, Intergovernmental Activities and Strategic Planning - Presented by Chuck Herndon and John Legry - TIME CERTAIN 9:30 AM
- R-2 Order in the matter of designating of newspaper for publication of Notice of Foreclosure of Tax Liens as shown on the Multnomah County 1989 Foreclosure List
- R-3 First Reading and Possible Adoption of an ORDINANCE submitting proposed County Home Rule Charter amendments to the voters at the general election to be held November 6, 1990; and declaring an emergency

DEPARTMENT OF GENERAL SERVICES

- R-4 First Reading of an ORDINANCE establishing an Audit Committee to serve as liaison between the Board of County Commissioners, the external auditors and management to assure the Comprehensive Annual Audit, Single Audit and Report to Management are reviewed with the Board of County Commissioners

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-5 In the Matter of an Exemption to Waive 10 Day Period Required for Receipt of Prequalification Applications for Sellwood Bridge Overlay

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF ENVIRONMENTAL SERVICES

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0702C/22-25
cap



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
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RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

SUPPLEMENTAL AGENDA

Tuesday, July 31, 1990 - 1:30 PM

Multnomah County Courthouse, Room 602

4. Informal Review of Formal Agenda of August 2, 1990 (to follow Informal Briefings)

0702C/26/dr



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

BOARD OF COUNTY COMMISSIONERS

Tuesday, August 7, 1990

9:30 a.m., Room 602

A G E N D A

7/31/90
PLANNING STAFF
REQUEST FOR
RESET TO
CONTINUE FROM
7/31/90 TO 8/7/90

MULTNOMAH COUNTY
PLANNING DIVISION
12704 NE HALSEY STREET
PORTLAND, OREGON 97230

The following Decision is reported to the Board for acknowledgement by the Presiding Officer:

- CU 12-90 **Approve, subject to conditions,** development of this property with a non-resource related single family residence, for property located at **23680 NW Moran Road.**
- CU 14-90 **Approve, subject to conditions,** development of this property with a non-resource related single family residence, for property located at **12485 NW Skyline Blvd.**
- CU 13-90 **Approve, subject to conditions,** continued use of a portion of the residence as a one-person tax office, for property located at **12704 NE Halsey Street.**
- CU 15-90- **Deny** requested conditional use to allow an existing 30' x 40' building as a kennel for show dogs and pet grooming facility;
- HV 10-90 **Deny** requested variances, all for property at **5031 SE Jenne Road.**
- LD 22-90 **Approve, subject to conditions,** the tentative plan for the Type I land division request, a rural subdivision resulting in four lots, all for property at **34799 East Crown Point Highway.**

CU 8-90

Public Hearing - DeNovo

Review the Decision of the Planning Commission of June 11, 1990, approving, subject to conditions, the relocation of an existing rural service commercial use for an automobile, truck and farm equipment repair shop, in an MUA-20, multiple use agricultural zone, all for property located at 400 NE Evans Road.

This item has been appealed by an adjoining property owner.

Scope of Review - DeNovo



DEPARTMENT OF ENVIRONMENTAL SERVICES
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.
July 9, 1990

CU 12-90, #9

Conditional Use Request

Non-Resource Related Single Family Residence

Applicant requests conditional use approval of a non-resource related single family residence on a 5.16 acre Lot of Record in the CFU-80 zoning district. This use was approved in 1981 under CU 23-81, but the site was never developed. A Conditional Use expires after two years unless sub

Location: 23680 NW Moran Road

Legal: Tax Lot '22', Section 34, T3N, R2W

Site Size: 5.16 acres

Size Requested: Same

Property Owner: John Goodrich
PO Box 8221, Tamuning, Guam 96911

Applicant: Land Development Consultants
209 NE Lincoln Street, Hillsboro 97214

Comprehensive Plan: Commercial Forest Use

Present Zoning: CFU-80

Planning Commission

Decision: APPROVE, subject to conditions, development of this property with a non-resource related single family residence, based on the following Findings and Conclusions.

CU 12-90

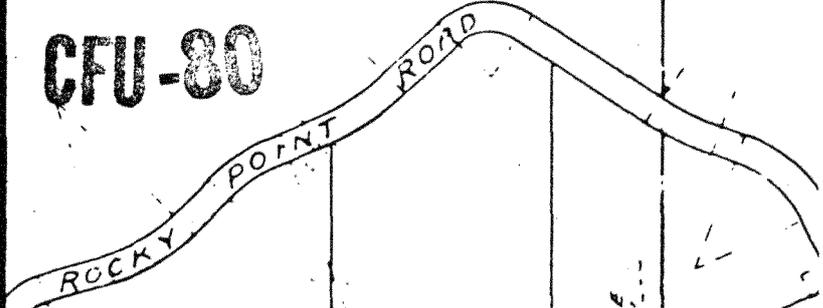
N
↑ Case #: CU 12-90
 Location: 23680 NW Moran Road
 Scale: 1 inch to 400 feet
 Shading indicates subject property

CFU-80CS

'7'
22.50 Ac

'18'
24.77 Ac

CFU-80



'19'
15.21 Ac.

CFU-80

'24'
4.99 Ac.

MORAN ROAD

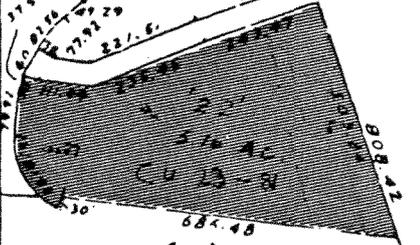
'26'
5.67 Ac.

'4'
24.31

'17'
21.0 Ac

'16'
10.0 Ac

'10'
6.72 Ac



'21'
14.07 Ac.

CFU-80

'23'
4.35 Ac.

CFU-80

**CFU-80
CS**

CFU-80CS

'10'
60 Ac

33 34

CONDITIONS OF APPROVAL:

1. Prior to the issuance of building permits, the property owner shall provide the Land Development Section with a copy of the recorded restrictions required under MCC 11.15.2052(C)(5). A prepared blank copy of this deed restriction is available at the Land Development Offices.
2. Satisfy the requirements of Engineering Services regarding any further improvements of NW Moran Road.
3. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730. Contact Mark Hess at 248-3043 for application materials.
4. Submit a final site plan demonstrating compliance with the Residential Use Location Standards of the CFU district.

FINDINGS OF FACT:

1. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described 5.16 acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

- A. A non-resource related single family dwelling is permitted in the CFU zoning district as a Conditional Use where it is demonstrated that:
 - (1) The minimum lot size shall be 80 acres or the size of the Lot of Record.
 - (2) The land is incapable of sustaining a farm or forest use, based upon one of the following:
 - a) A Soil Conservation Service Agriculture Capability Class of IV or greater for at least 75% of the lot area, and physical conditions insufficient to produce 50 cubic feet/acre/year or any commercial trees species for at least 75% of the area;
 - b) Certification by the Oregon State University Extension Service, the Oregon Department of Forestry, or a person or group having similar agricultural and forestry expertise, that the land is inadequate for farm and forest uses and stating the basis for the conclusions; or
 - c) The lot is a Lot of Record under MCC 11.15.2062(A) and (B) and is ten acres or less in size.
 - (3) A dwelling, as proposed, is compatible with the primary uses as listed in MCC

- 11.15.2048 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.
- (4) The dwelling will not require public services beyond those existing or programmed for the area.
 - (5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices.
 - (6) The following Residential Use Development Standards are satisfied:
 - (1) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Inter-Agency Fire Prevention Group, including at least the following:
 - a) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area;
 - (2) An access drive at least 16 feet wide shall be maintained from the property access road to any perennial water source on the lot or an adjacent lot;
 - (3) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC 11.15.2058(C) to (E). The physical limitations of the site which require a driveway in excess of 500 feet shall be stated in writing as part of the application for approval;
 - (4) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart #3 above;
 - (5) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:
 - a) a setback of 30 feet or more may be provided for a public road, or
 - b) the location of dwelling(s) of adjacent lots at a lesser distance which allows for clustering of dwellings or sharing of access;
 - (6) The dwelling shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes;
 - (7) The dwelling shall be attached to a foundation for which a building permit has been obtained;
 - (8) The dwelling shall have a minimum floor area of 600 square feet; and

- (9) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.

3. Site and Vicinity Characteristics:

The subject property is located on Moran Road approximately one-quarter of a mile south of Rocky Point Road. Moran Road is a privately owned and maintained accessway that serves four properties in Multnomah County and continues into Washington County.

This site, as are surrounding properties, is vegetated with a mixture of coniferous and deciduous vegetation, however, there are no commercial logging operations in that area. The property at the intersection of Moran and Rocky Point Roads is a tree farm approximately 15 acres in size.

The subject property is a Lot of Record and has a slope of between 15 to 20 degrees. An area has been cleared where the residence would be constructed. A private water well has been drilled and the County Sanitarian has indicated that the site is suitable for subsurface sewage disposal. Power and telephone service is available along Moran Road. There is no perennial stream on the property or in the immediate area. There is no identified big game winter habitats in the surrounding area.

This property was granted approval for an identical request on July 30, 1981. However, no development occurred under that approval and it expired two years after that date. Circumstances on surrounding properties are identical to those of 1981.

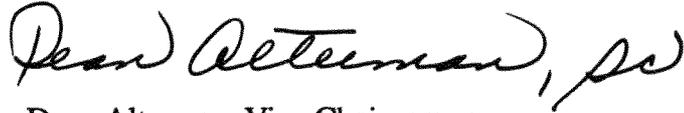
CONCLUSIONS:

1. The property is a Lot of Record of less than 10 acres in size; thereby, incapable of sustaining a farm or forest use.
2. Conditions are necessary to insure compliance with all Code provisions.

3. The applicant has carried the burden necessary for the approval of a non-resource related single family dwelling in the CFU-80 zoning District.

In the Matter of CU 12-90

Signed July 9, 1990



Dean Alterman, Vice Chairperson

Filed with Clerk of the Board on July 19, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, July 30, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 31, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.



DEPARTMENT OF ENVIRONMENTAL SERVICES
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.
July 9, 1990

CU 14-90, #75

Conditional Use Request

Non-Resource Related Single Family Residence

Applicant requests conditional use approval of a non-resource related single family residence on a three acre Lot of Record in the EFU-38 zoning district

Location: 12485 NW Skyline Blvd.

Legal: Tax Lot '29', Section 36, T2N, R2W
1989 Assessor's Map

Site Size: 3.00 acres

Size Requested: Same

Property Owner: Robert & Betty Krueger
12407 NW Skyline Blvd., 97231

Applicant: Land Development Consultants
209 NE Lincoln Street, Hillsboro 97124

Comprehensive Plan: Exclusive Farm Use

Present Zoning: EFU-38

Planning Commission

Decision: APPROVE, subject to conditions, development of this property with a non-resource related single family residence, based on the following Findings and Conclusions.

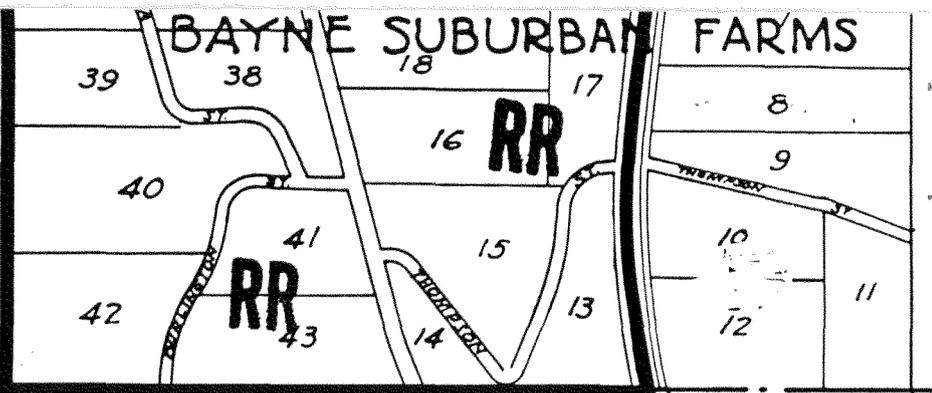
CU 14-90

MUF-19

'25'

'35'

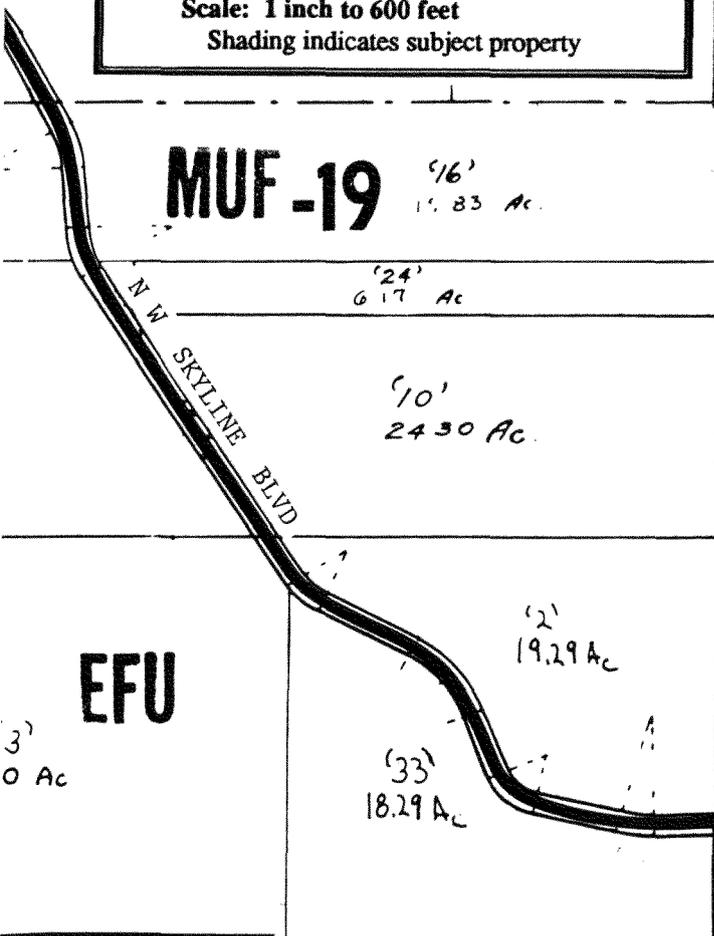
Vicinity Map
 Case #: CU 14-90
 Location: 12485 NW Skyline Blvd.
 Scale: 1 inch to 600 feet
 Shading indicates subject property



MUF-19

'16'
1.83 Ac.

MUF-19

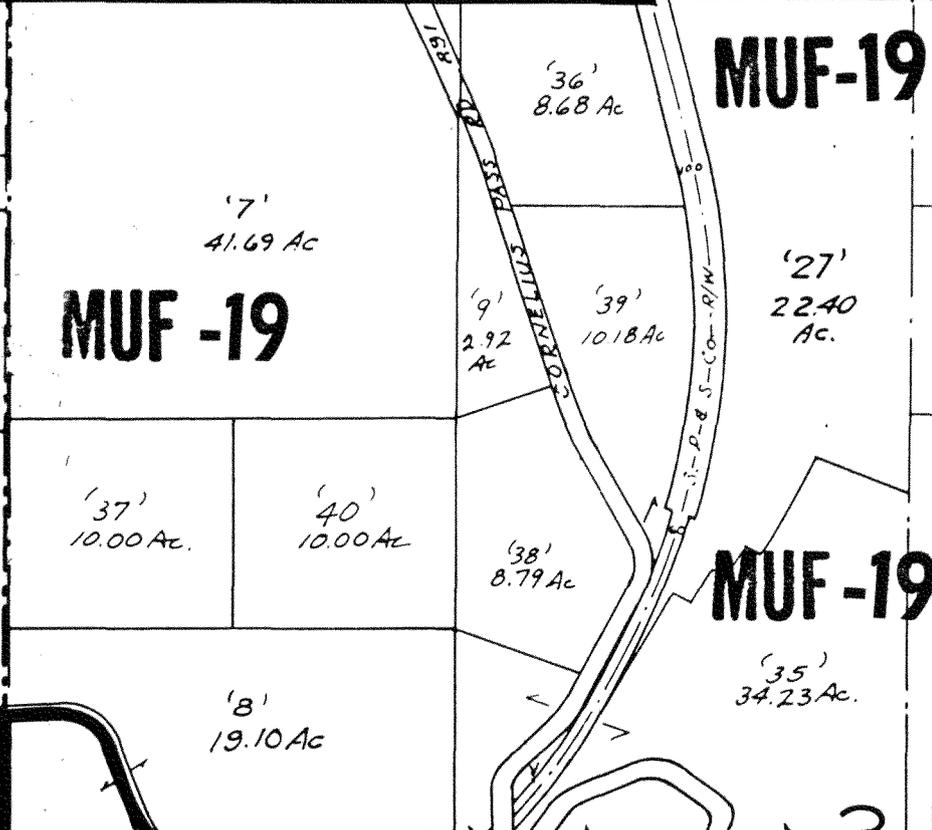


MUF-19

'7'
41.69 Ac.

'36'
8.68 Ac.

'27'
22.40 Ac.



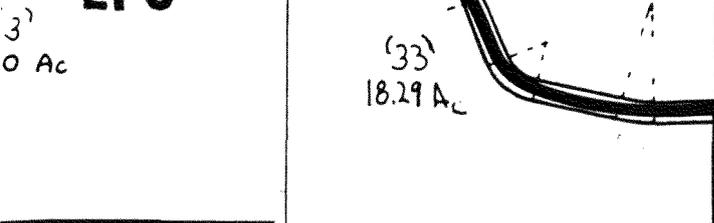
EFU

'2'
19.29 Ac.

'10'
24.30 Ac.

MUF-19

'35'
34.23 Ac.

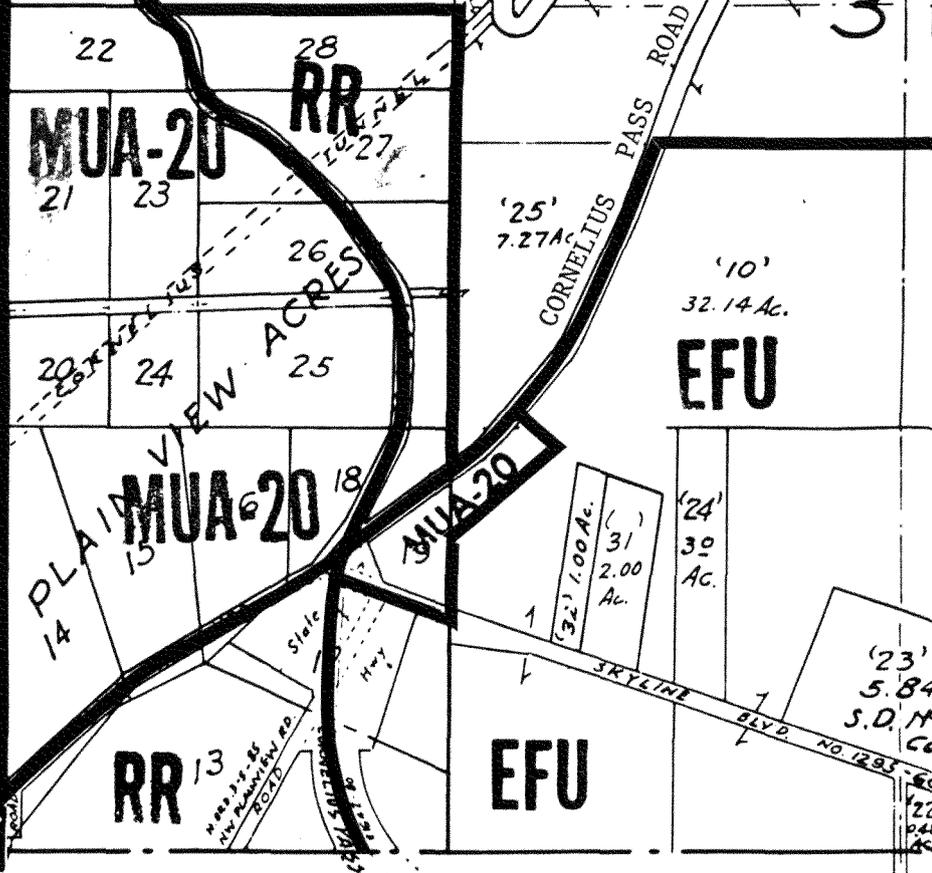


MUA-20

'28'
10.00 Ac.

'38'
8.79 Ac.

'8'
19.10 Ac.



MUF-19

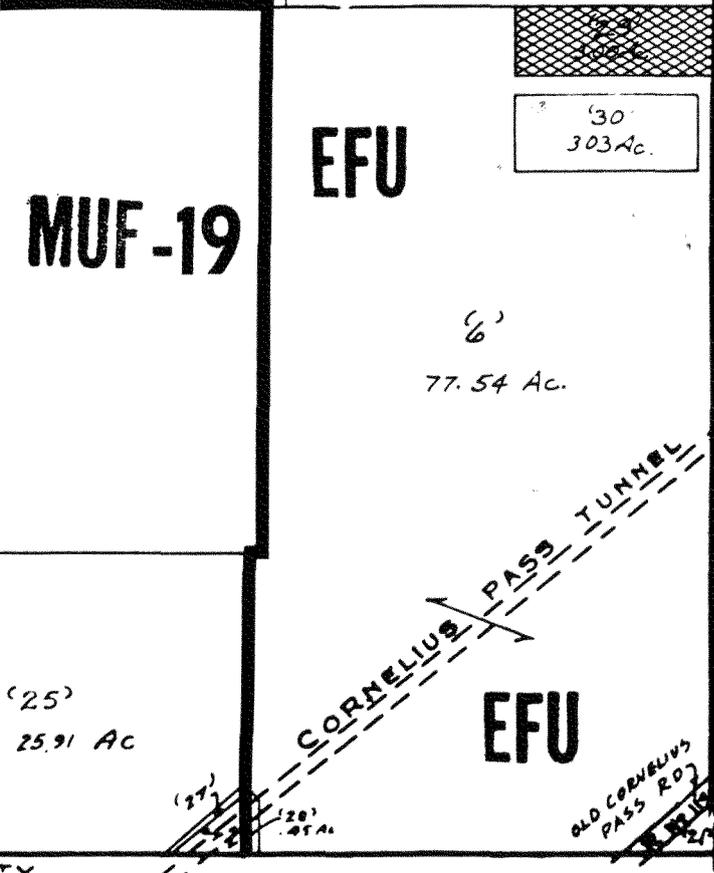
EFU

'30'
303 Ac.

'6'
77.54 Ac.

'10'
32.14 Ac.

EFU



RR

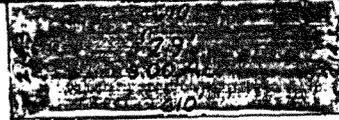
EFU

'23'
5.84
S.D.H.
C6

1354.43

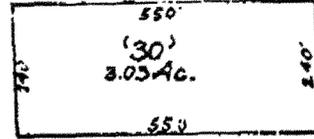
1172.77

NE COR.
W 1/2 SE 1/4



3.00 Ac.

ACCESS & EASEMENT



1703.46

(6)
77.54 Ac.

ACRES

257410
Survey

1306.16'
1225

Highway Dept.

(25)
25.91 Ac.

792

CORNELIUS PASS TUNNEL

OLD
CORNELIUS PASS
N.D.R. 6-27-127

RD.

1064.7



1 6
1N2W 1N1W

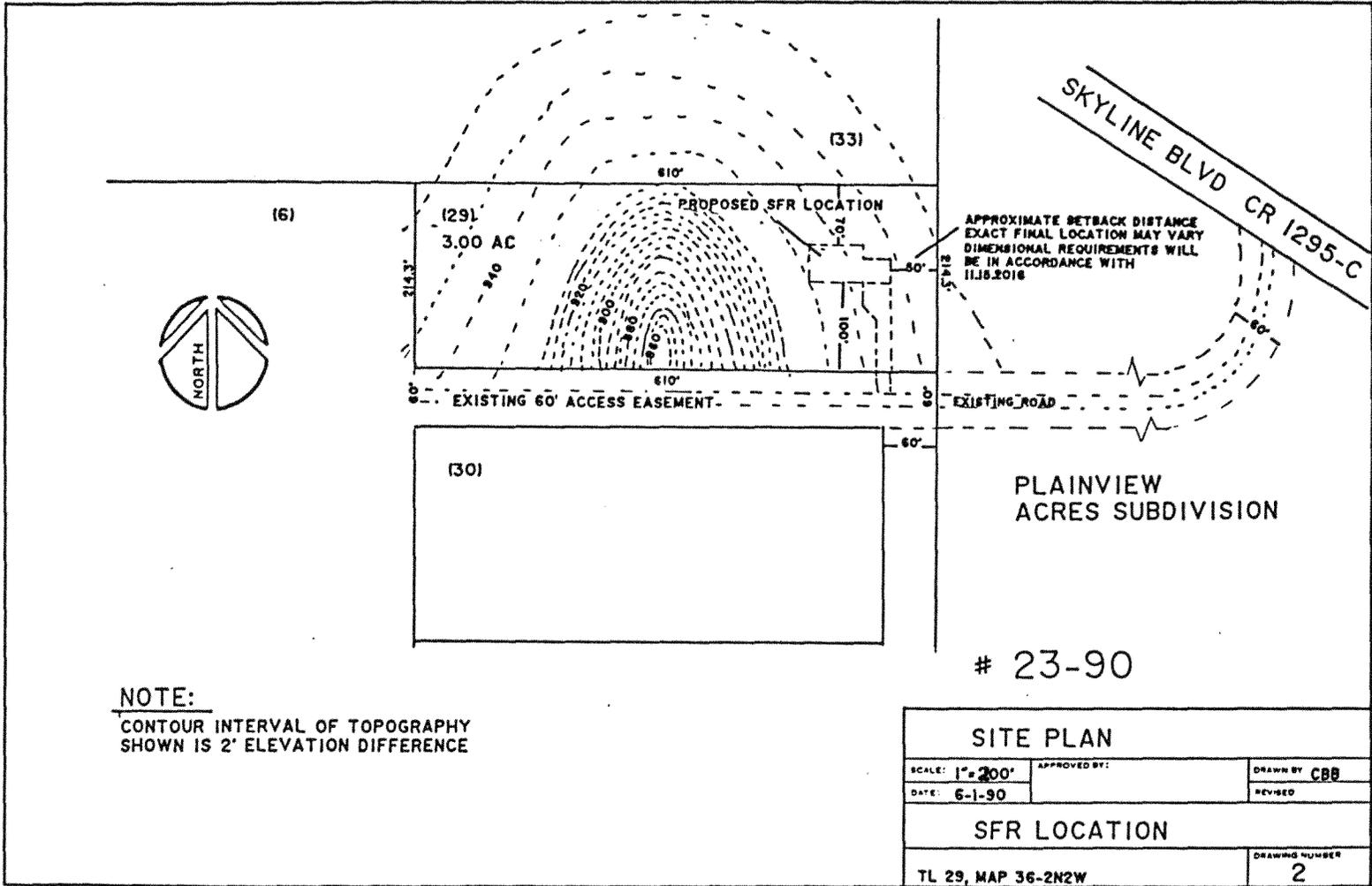
NORTH - CU 14-90



THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATION, IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.

THIS PLOT PLAN IS COURTESY OF OREGON TITLE INSURANCE COMPANY

36, - 2N2W.



CU 14-90

11 x 17 PRINTED ON NO. 1000 CLEARPRINT

CONDITIONS OF APPROVAL:

1. Prior to the issuance of building permits, the property owner shall provide the Land Development Section with a copy of the recorded restrictions required under MCC 11.15.2012(B)(3)(j). A prepared blank copy of this deed restriction is available at the Land Development Offices.
2. Satisfy the requirements of Engineering Services regarding any further improvements of NW Skyline Blvd.
3. Prior to any site clearing or grading, obtain a *Hillside Development and Erosion Control Permit* pursuant to MCC .6700-6730, if applicable. Contact Mark Hess at 248-3043 for application materials.

FINDINGS OF FACT:

I. Applicant's Proposal:

The applicant requests Planning Commission approval to develop the above described approximately three acre Lot of Record with a non-resource related single family dwelling.

2. Ordinance Considerations:

- A. A residential use not in conjunction with farm use, consisting of a single family dwelling, including a mobile or modular home may be allowed in the EFU district when it is found that the lot is a Lot of Record under MCC .2018 or was created under the applicable provisions of MCC 11.45, Land Divisions. The Planning Commission shall also find that a dwelling on the lot as proposed:
 - (a) Is compatible with farm uses described in paragraph (A) of subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243;
 - (b) Does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use;
 - (c) Does not materially alter the stability of the overall land use pattern of the area;
 - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract;
 - (e) Complies with subparts (1), (2) and (3) of MCC .2010(A) if constructed off-site;
 - (f) Complies with such other conditions as the Hearings Officer considers necessary to satisfy the purposes of MCC .2002;

- (g) Construction shall comply with the standards to the Building Code or as prescribed under ORS 446.002 through 446.200, relating to mobile homes;
- (h) The dwelling shall be attached to a foundation for which a building permit has been obtained; and
- (i) The dwelling shall have a minimum floor area of 600 square feet.
- (j) The owner shall record with the Division of Records and Elections a statement that the owner and successors in interest acknowledge the rights of nearby property owners to conduct accepted farming and forestry practices.
- (k) The applicant shall provide evidence that all additional taxes and penalties, if any, have been paid if the property has been receiving special assessment as described in ORS 215.236(2). In the alternative, the Approval Authority may attach conditions to any approval to insure compliance with this provision.

3. Site and Vicinity Characteristics:

The subject property is a Lot of Record of approximately three acres located easterly and southerly of Skyline Blvd. approximately one-half mile north of Cornelius Pass Highway. The westerly and easterly thirds of the property are gently sloping, while the center one-third is in extreme slope (nearly 30% slope). The property is not within a designated big game winter habitat area.

4. Compliance with Code Provisions:

The applicant provides the following in response to the approval criteria:

- Tax Lot 29 was created March 12, 1975 and a deed recorded in Book 1031, Page 428 and when created satisfied all applicable laws. The parcel is therefore classified as a lot of record.
- The property owners of Tax Lot 29 do not hold any possessory interests on parcels of land which are contiguous.
- Section 11.15.2026 Access requires that any lot in this District shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and for passenger and emergency vehicles.
- Tax lot 29 is provided access to Skyline Boulevard via a 60 foot easement and existing roadway as noted in the deed recorded within Book 1031, Page 428. The existing roadway will be improved or reconstructed to provide safe and convenient use and will be constructed to Fire Marshal standards for emergency vehicles.

- Public utilities consisting of electricity, natural gas and telephone services are available along Skyline Road. Multnomah District No. 20 provides fire protection services. Portland School District No. 1 provides educational services for residents of the proposed residence.
- Existing single family residences within Plain View Acres to the east of the subject property, Tax Lot 6 directly abutting the property and other dwellings within the immediate area adjacent to Skyline Road to the north of the subject property are intermixed with existing farm uses occurring on the site of the property or adjacent properties. The proposed single family residence within Tax Lot 29 will follow development patterns within the area related to the intermixing of residences with farm use and, therefore, should be considered compatible with farm uses as described in ORS 215.203.
- The farm production of small grains (wheat) conducted within Tax Lot 6 directly abuts the subject property. The production of grass hay within Tax Lot 33 directly north of and abutting the subject property are the two major farm use activities occurring that may be affected by a single family dwelling within Tax Lot 29. The proposed location of a dwelling within Tax Lot 29 will conform to setback requirements of the District to assist in reducing any direct impact to those adjacent farm uses.
- The overall land use pattern within the area adjacent to the proposed dwelling within Tax Lot 29 consists of rural residential and active farm use intermixed. The proposed single family dwelling within Tax Lot 29 is consistent with the intermixing of land uses within the immediate area and, therefore, will not alter the stability of the overall land use pattern in the area in accordance with 11.15.2012(B)(3)(c).
- The subject property contains Cascade Silt Loam on slopes ranging from 8-30%. Cascade Silt Loam Classification 7D containing slopes ranging from 15-30% occupies the center one-third area of the total parcel. This soil has a classification of IVe. The soil survey of Multnomah County prepared by the Soil Conservation Service states "This soil is poorly suited to farming." Therefore, because of the location of the poorly suited soil separates existing Class III soils within the property boundaries, the ability to reasonably and prudently farm the subject property is extremely limited because of adverse soil or land conditions and size of the remaining farmable land within that tract.

The Staff concurs with the applicant's submission and recommends approval of the application.

CONCLUSIONS:

1. The property is a Lot of Record as defined in MCC .2018.

2. Conditions are necessary to insure compliance with all Code provisions and other County regulations.
3. The applicant has carried the burden necessary for the approval of a non-resource related single family dwelling in the EFU zoning district as described in Finding .

Signed July 9,1990



Dean Alterman, Vice Chairperson

Filed with Clerk of the Board on July 19, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, July 30, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision in this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 31, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development at 248-3043.



DEPARTMENT OF ENVIRONMENTAL SERVICES
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.
July 9, 1990

CU 13-90, #376

Conditional Use Request **Office Use in a Single Family Residence**

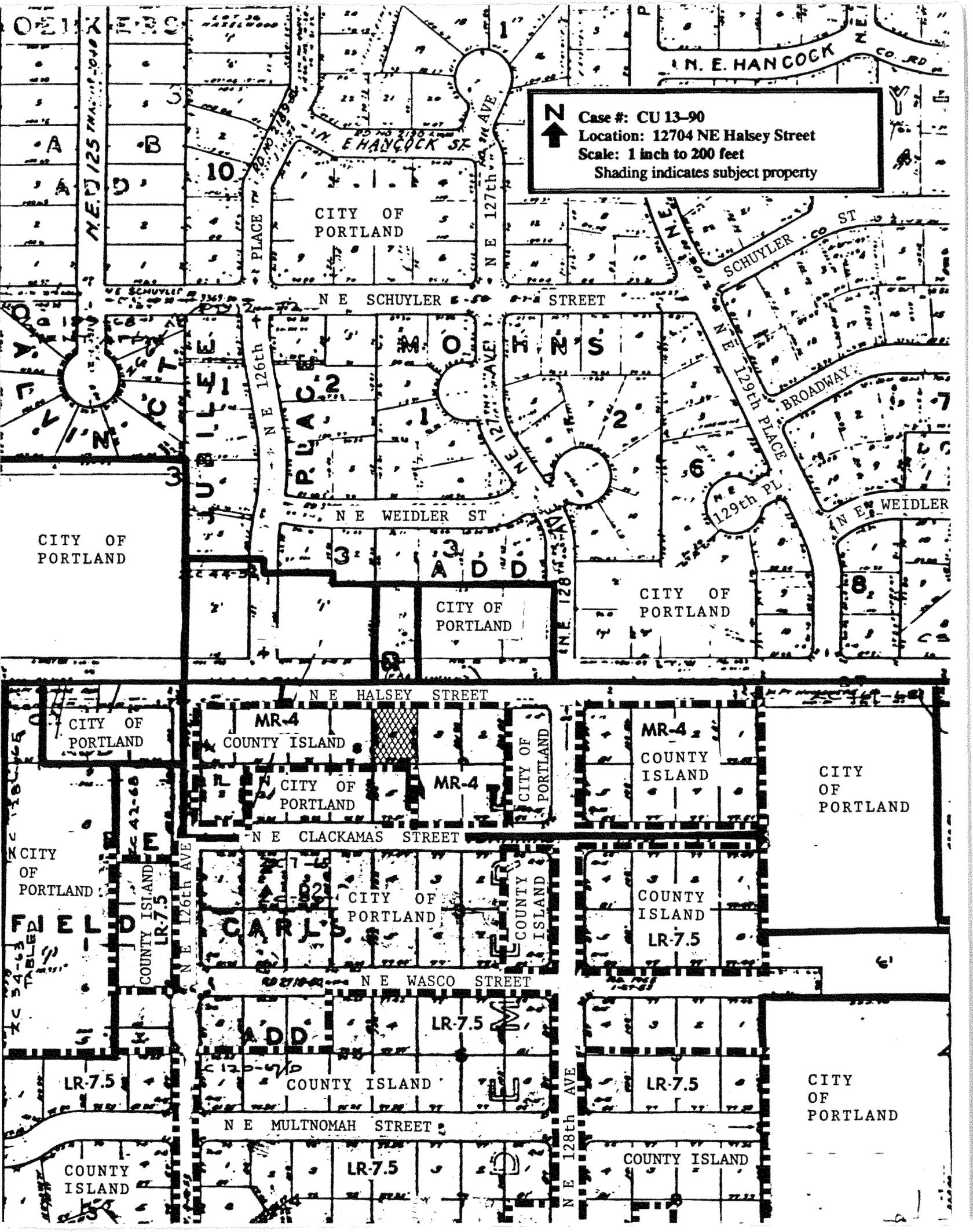
Applicant requests conditional use approval to allow continued use of a portion of the residence as a one-person tax office. The use is seasonal in nature, operating four months of the year.

Location: 12704 NE Halsey Street
Legal: Lot 4, Blk. 2, Windemere Addition
Site Size: 77' x 102'
Size Requested: Same
Property Owner: Ron McCarthy
1821 NE 122nd Avenue, 97230
Applicant: Same
Comprehensive Plan: Urban Medium Density Residential
Present Zoning: MR-4

Planning Commission

Decision: APPROVE, subject to conditions, continued use of a portion of the residence as a one-person tax office, based on the following Findings and Conclusions.

CU 13-90



N
↑
Case #: CU 13-90
Location: 12704 NE Halsey Street
Scale: 1 inch to 200 feet
Shading indicates subject property

CITY OF
PORTLAND

MR-4
COUNTY ISLAND

MR-4

MR-4
COUNTY ISLAND

CITY
OF
PORTLAND

CITY
OF
PORTLAND

COUNTY ISLAND
LR-7.5

CITY OF
PORTLAND

COUNTY ISLAND

COUNTY ISLAND
LR-7.5

LR-7.5

COUNTY ISLAND

LR-7.5

LR-7.5

CITY
OF
PORTLAND

COUNTY ISLAND

LR-7.5

COUNTY ISLAND

SITE PLAN

1" = 20'-0"

FOR

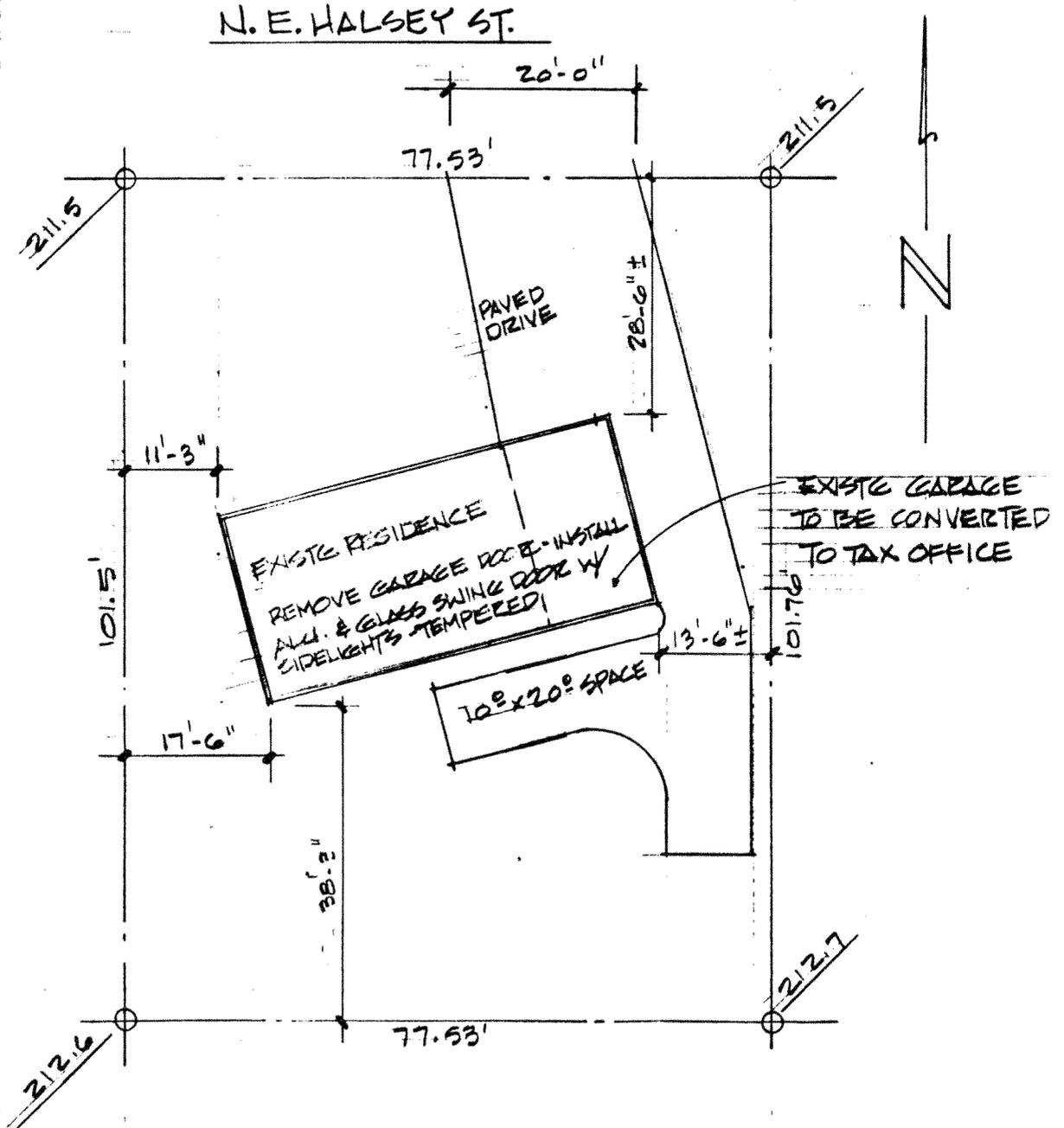
RON MCCARTY

JOB LOCATION - 12704 N.E. HALSEY

LEGAL

LOT 4, BLK 2, WINDEMERE

CU 13-90



CONDITIONS OF APPROVAL:

1. Satisfy the requirements of Engineering Services regarding any future improvements of NE Halsey Street
2. Prior to the issuance of any development permits, obtain appropriate Design Review approvals.

FINDINGS OF FACT:

I. Applicant's Proposal:

The applicant requests Planning Commission approval to allow the continued use of a portion of the single family dwelling on this property as a tax office. Such uses are considered Professional Office uses in the MR-4 zoning district, and are allowed as Conditional Uses if approved by the Planning Commission.

2. Ordinance Considerations:

In approving a Professional Office in a Medium Density Residential District, the Planning Commission shall find that the proposal:

- (A) Is consistent with the character of the area;
- (B) Will not adversely affect natural resources;
- (C) Will not conflict with farm or forest uses in the area;
- (D) Will not require public services other than those existing or programmed for the area;
- (E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
- (F) Will not create hazardous conditions;
- (G) Will satisfy the following applicable policies of the Comprehensive Plan.
 - (1) No. 5, Economic Development,
 - (2) No. 19, Community Design,
 - (3) No. 20, Arrangement of Land Uses,

(4) No. 22, Energy Conservation, and

(5) No. 29, Office Location (Isolated);

(I) Will satisfy the following development standards:

(1) The use shall be located in a structure occupied by other permitted or authorized uses, or in a detached structure which is compatible with the character and scale of structures in the vicinity occupied by permitted uses; and

(2) Vehicular access, circulation, parking and loading shall be provided without conflict with similar facilities required for other uses on the same property.

(J) Will have minimal adverse impact, taking into account location, size, design and operating characteristics on the;

(1) Livability,

(2) Value, and

(3) Development of abutting properties and the surrounding area; and

(K) Will satisfy the applicable dimensional and other requirements of the district.

3. Site and Vicinity Characteristics:

This property is located on the south side of NE Halsey Street one-half way between NE 126th and 127th Avenues. This property, as is properties on either side, is developed with a single family residence. However, the majority of the properties across NE Halsey and those westerly on both sides of NE Halsey are developed with office, community service or commercial purposes. NE Halsey in this area is a four lane major arterial with a center refuge lane.

4. Compliance with Code Provisions:

This proposal satisfies the approval criteria as follows:

(A) Character of the Area:

The character of the area surrounding this site is one of mixed residential and commercial, office and community service uses. The seasonal use of this residence will be consistent with that character.

(B) Natural Resources:

There are no natural resources that have been identified that would be impacted by the proposed use.

(C) Farm or Forest Uses and Big Game Winter Habitat:

The property is within an urbanized portion of the UGB; therefore there are no surrounding farm or forest uses, or big game winter habitats.

(D) Public Services:

All public facilities and services necessary for the utilization of this residence as a seasonal tax office are available along the NE Halsey Street frontage.

(E) Hazardous Conditions:

There are no hazardous conditions that have been identified that would result from the proposed use of the property.

(F) Comprehensive Plan Policies:

The applicant provides the following narrative describing compliance with the applicable Comprehensive Plan policies:

#5 - Economic Development - A business such as mine contributes to the economy as I have created my own employment, thereby paying taxes, purchasing equipment, supplies, and generally stimulating the economy in a small way. This will also provide an essential service near to the residential area to be served.

#19 - Community Design - This area is designed as a mixture of residential, including single and multi-family units, and professional and commercial uses. This use fits within this profile, since in appearance and use it will be a single-family residence with minimal indication of its professional use as well. There will be no increase in level of traffic, noise, or other disturbance. Halsey Street is not a neighborhood street conducive to family residence living. My proposed use of this property would allow the site to be used for residential purposes while at the same time permitting use of the garage for a seasonal tax preparation operation. As resident owners/ operators of this small business, the applicants are able to put their property to a productive use with minimal impact on the community. The stability of the neighborhood will be supported by encouraging long term occupancy as opposed to short term rental, which would be an alternative.

#20 - This use will provide a buffer or step down use between the intense commercial activity to the north and the single; family character to the south, in conformance with standard planning practice. This proposal fits squarely within the policy of blending appropriate uses, and maximizing use of existing land and structures. Also, community stability is enhanced by living and working in the same location.

22 - Energy Conservation - There is a well balanced transportation system in place to serve this site. Two east-west routes and one cross town route are within 1/4 mile of the

site. This will reduce the number of vehicles needed to access the service at this site. The type of professional activity at the sites will not increase the use of energy or utilities at the site. Insulation of the existing structure will be upgraded.

#29 - Office Location - The type of office I have, meeting the needs of individuals on a personal and small scale, adjacent to where they live, conveniently located for uses of public transportation, fits squarely within the stated goals of this policy. The policy of encouraging the integration of office services into other use areas, thereby reducing required automobile trips is obviously met by having one's office in one's residence. A specific goal is to provide for home occupations.

(G) Development Standards:

This proposal satisfies the development standards listed in MCC 11.15.2712, in that the office will be located in a residence, an obviously permitted use. A large, paved driveway will be installed where the present gravel driveway is located. An area will be included where a car can turn around to drive out onto Halsey Street without having to back out onto the street. There will be no conflict between parking my own vehicle and those of clients.

(H) Impacts:

The proposed use will have no adverse impact on livability or value of either this property or adjacent properties. Residents of adjacent properties have indicated that they have no objection to this use of the property. The outside appearance will remain virtually unchanged except for significant upgrading of the landscaping, paving the driveway, installing sidewalks, and a change to the garage door.

(I) Dimensional Standards

Since no structural changes will be made, applicable dimensional and other requirements will be met.

The Staff concurs with the applicant's submission and recommends approval of the application.

CONCLUSIONS:

1. The applicant has carried the burden necessary for approval of a professional office in an MR-4 district.
2. Conditions are necessary to insure compliance with all Code provisions and other County regulations.

IN THE MATTER OF CU 13-90

Signed July 9, 1990

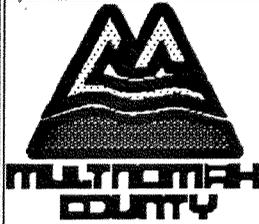

Dean Alterman, Vice Chairperson

Filed with Clerk of the Board on July 19, 1990

Appeal to the Board of County Commissioners

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DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

Decision

This Decision consists of Findings of Fact and Conclusions

July 9, 1990

CU 15-90, #522
HV 10-90, #522

Conditional Use Request
Lot Area and Width Variance Request
(Private Show Dog Kennel/ Pet Grooming Service)

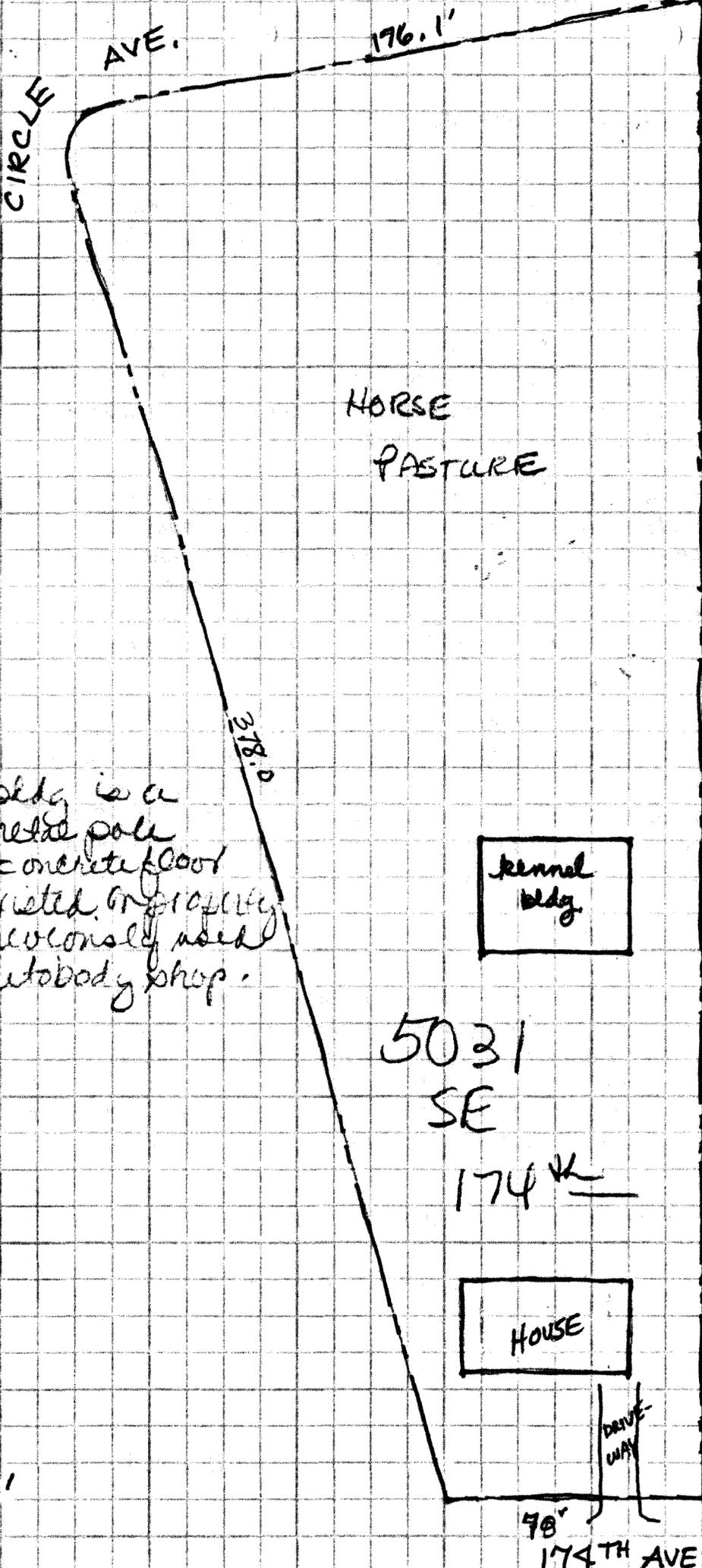
Applicant requests approval of a Conditional Use Permit to use an existing 30-foot by 40-foot building as a kennel for her own show dogs. Applicant further requests approval of a rural commercial use to allow establishment of a pet grooming facility. The proposal requires a variance to the 250-foot property width and 2-acre minimum site size requirements for sites with kennels, boarding or breeding of four or more dogs over six months of age.

Location: 5031 SE Jenne Road
Legal: Lot 3, JennyLynd
Site Size: 1.11 Acres
Size Requested: Same
Property Owner: John Racyzkowski
Applicant: Cathy Todd
Comprehensive Plan: Rural Residential
Present Zoning: RR, Rural Residential District; Minimum lot size of 5 acres;

PLANNING COMMISSION

DECISION: Deny requested Conditional Use and Variance requests based on the following Findings and Conclusions.

CU 15-90/HV 10-90



CIRCLE AVE.

176.1'

HORSE PASTURE

HORSE PASTURE

kennel bldg is a 30' x 40' metal pole bldg w/ concrete floor which existed on property & was previously used as an autobody shop.

kennel bldg.

5031 SE

5009 SE

174th

174th

HOUSE

barn

barn

HOUSE

DRIVE WAY

78' 174TH AVE

1 sq = 10'

378.0

411.6

Findings of Fact:

1. Proposal Summary and Background Information:

The applicant requests permission to continue operating a facility for housing her show dogs at this site. The applicant states that *"...I am applying for a Conditional Use to satisfy the County's regulations relating to Facility Permits for dogs. I am doing so so I can keep my show dogs at my residence and also so I may provide a dog grooming service to the residents of the surrounding area."*

The application includes a Variance request. The site does not meet the 2-acre minimum site size or 250-foot minimum lot width requirements of MCC.7215. The building and pen areas for the dogs also do not meet the 100-foot minimum setback from neighboring properties required under MCC.7220.

The applicant provides the following background information with this request: *"I have bred and shown dogs for over 25 years and have many, many show champions. My dogs are a hobby not a commercial venture for profit. I have a degree in Animal Nutrition and have worked for a major dog food manufacturer. I recently (Dec.'89) closed my grooming shop on S.E. Powell so I could spend more time with my four year old son and my dogs (in that order). Both need conditioning.*

As I mentioned above, I plan to offer a pet grooming service to show people as well as pet owners in the area. The East County area is growing rapidly and is very lacking in the services I plan to offer. I am not requesting this permit to board or train dogs. In many locations what I am requesting is a Hobby Breeders Permit. I guess the point I am trying to get across is that the area won't be overly impacted by my proposed use."

2. Site and Vicinity Information:

The 1.11 acre site is within a rural residential enclave between Portland and Gresham. The property fronts onto 174th Avenue (Jenne Rd.); Circle Avenue borders the site on the south and west. A single family residence immediately to the north sits on an approximately 2-acre site. Johnson Creek lies north of the site; the UGB follows Johnson Creek in this area. The subject site and lands further south are outside the UGB. Lands to the north and west of Johnson Creek are inside the UGB.

3. Zoning and Comprehensive Plan Designations.

The plan and zone designation of the parcel is Rural Residential.

4. Ordinance Considerations:

Conditional uses allowed in rural residential areas are specified in MCC 11.15.2212. Subsection (B)(7) specifies "**Commercial dog kennels**", and (B)(10) specifies "...**Limited rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses.**" Such uses may be permitted when found to satisfy *Conditional Use Approval Criteria* in MCC .7105 – .7640. Variances to dimensional standards (i.e., lot area and width, and setbacks for the kennel use) must meet approval criteria in MCC.8505(A).

The following section presents findings regarding the proposed Conditional Use and Variance; the applicable standard is in **bold italics**, applicant's responses are presented first in *italics*, followed by staff comments. Conditional Use permits for "**Animal Keeping – Dogs**" have specific requirements listed in MCC.7230.

A. General Conditional Use Criteria (MCC .7120)

A(1) Is consistent with the character of the area;

"The area which surrounds my residence is populated by horse owners (trainers and breeders), some small businesses and some light industry (see maps). The homes in the area are sited on the fronts of the properties with pastures, gardens, etc. in the rear. The properties for the most part are kept in a neat orderly manner. It is a pleasant rural pocket east of Powell Butte between Portland and Gresham."

Staff Comment: Commercial uses in rural residential areas are intended to be small in scale and limited in their service area. The scale of this activity is not clear from the application. The hours, number of outside employees (if any) and other details to assess the scale of the use are not detailed in the submittal.

The keeping of dogs on the site may be inconsistent with the neighboring residences due to minimal setbacks provided between the kennel and neighboring houses.

A(2) Will not adversely affect natural resources;

"I do not believe that my use will have an effect on Natural Resources. The dogs bedding is cedar/wood shavings which are composted when soiled. If in the future the amount becomes excessive, other disposal methods will be implemented."

Staff Comment: It is not clear at what point other methods of disposal would be pursued and what event would trigger the switch to other disposal methods. Animal Control has cited the applicant for animal neglect in the past due to unsanitary conditions in the pens.

A(3) Will not conflict with farm or forest uses in the area;

"There are really no working farms or forests in the immediate area. "

Staff Comment: Staff concurs that the proposal's effects on farm or forest uses in the area are negligible.

A(4) Will not require public services other than those existing or programmed for the area;

"I foresee no need for additional services for either the pet grooming service or the dog permit."

Staff Comments:

a. Water Supply.

The site is supplied water through a private well. There is insufficient information to determine if the existing well can serve the uses proposed.

b. Sewage Disposal.

Sewage is disposed through an on-site septic system. There is insufficient information to determine if this criteria can be met.

A(5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

"My location is in a rural area and although we do see an occasional deer (one in my back pasture last year), I don't think its what could be considered a 'big game habitat area'."

Staff Comment: The site is not identified as a big game habitat area in the Comprehensive Plan or by the Oregon Department of Fish and Wildlife.

A(6) Will not create hazardous conditions;

"Grooming Service— There is parking for four cars in my driveway and a gravel apron adjacent to 174th so turnoff from the road doesn't present a traffic problem. I rarely schedule dogs to arrive and go home in a group—I stagger their appointments throughout the morning so they don't have to stay an uncomfortably long time.

Show dogs— My show dogs pose no hazard to the public—they never are allowed to run loose (unlike many other dogs in the area). They are housed in a secure building and are not a nuisance."

Staff Comment: The driveway/parking area in front of the house requires backing maneuvers into 174th Avenue, creating a traffic hazard. There is an 's' curve just north of site and high speed drivers are common. There is room on the property to develop a parking area which allows on-site maneuvering and prevents cars from backing into 174th traffic. Any decision to approve the pet grooming service should require that such on-site parking be provided.

A(7) Will satisfy the applicable policies of the Comprehensive Plan.

The following policies of the County's Comprehensive Plan are applicable to this request: Policy 3 (Citizen Involvement), Policy 8 (Rural Residential Land), Policy 13 (Air, Water and Noise Quality).

a. Policy 3 – Citizen Involvement.

Staff Comment: The public will be informed of the proposed development through the County's notification procedures and given an opportunity to comment at the Planning Commission public hearing.

b. Policy 7 – Rural Residential Land Area.

Staff Comments: The Framework Plan provides for lands that are devoted to rural residential uses. Limited rural service commercial uses may be developed as conditional uses if found to meet applicable criteria.

c. Policy 13 – Air, Water, and Noise Quality.

Staff Comment: This policy seeks to minimize negative air, water and noise quality impacts from new developments. It states that *"...If the proposed use is a noise generator, the following shall be incorporated into the site plan:*

1. *Building placement on the site in an area having minimal noise level disruptions,*
2. *Landscaping or other techniques to lessen noise generation to levels compatible with surrounding land uses.*
3. *Insulation or other construction techniques to lower interior noise levels in noise-impacted areas."*

The submitted plan does not address noise impacts associated with the keeping of dogs. As noted above, the lot area and width does not meet the minimums prescribed by the Zoning Ordinance (MCC.7215). The proposal does not appear consistent with this policy.

B. Animal Keeping – Dogs Requirements (MCC .7205–.7235)

B(1) Dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the approval authority as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses. [11.15.7205 Uses]

Staff Comment: The applicant has applied for a Conditional Use for the keeping of her show dogs.

B(2) These uses shall be permitted only in the following areas and only where they will not conflict with the surrounding property uses [11.15.7210 Location Requirements]:

(A) In CFU, F-2, MUA-20, MUF, and RR districts or those areas of similar low population density.

(B) C-3 or C-2 commercial districts.

(C) Manufacturing districts.

Staff Comment: The property is zoned RR, Rural Residential. The substandard site area and width (see B(3) below) limits the area available for buffering and screening the use from neighboring properties. This closeness may cause conflicts between the dog keeping use and neighboring residential uses.

B(3) Minimum Site Size Requirements [11.15.7215]

(A) Area: Two acres.

(B) Width: Two hundred fifty feet.

(C) Depth: Two hundred fifty feet.

Staff Comment: The site does not meet the 2-acre minimum size, nor the 250-foot minimum width requirement; it contains 1.11 acres and approximately 120-foot width. The applicant has requested a Variance to these dimensional standards for the keeping of dogs.

B(4) Minimum Setback Requirements [11.15.7220]

These uses shall be located no closer than one hundred feet to any lot line, in or adjacent to an F, R, or A district.

Staff Comment: The site is not in or adjacent to any of the above identified zoning districts.

B(5) Other Requirements [11.15.7230]

(A) All kennels, runs or pens shall be constructed of masonry or such other opaque material as shall provide for cleanliness, ease of maintenance, and sound and noise control.

Staff Comment: The pens staff observed on the site are not constructed of masonry or other opaque materials. The fencing was wire; the floor of the pen was wood shavings. The applicant has made no other proposal to address the above standard.

(B) All kennels, runs and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.

Staff Comment: The existing kennel building is situated approximately 20-feet from the neighboring property to the north. There are no trees, fencing or other natural or built features which would mitigate noise or odors associated with the keeping of dogs. The number of dogs to be housed is also not indicated in the application, so the potential degree of noise and other associated impacts cannot be adequately assessed. Animal Control indicates 18 adult dogs have been observed on the premises in the past.

(C) The owner or operator of a use approved under this section shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.

Staff Comment: Applicant notes above that "... The dogs bedding is cedar/wood shavings which are composted when soiled. If in the future the amount becomes excessive, other disposal methods will be implemented."

Citations have been issued by County Animal Control due to unsanitary conditions in the pens where the dogs are kept.

(D) A separate housing facility, pen or kennel space may be required for each dog over six months of age kept on the premises over twenty-four hours.

Staff Comment: The application does not indicate the number of dogs to be housed. The kennel building is a metal barn structure. The applicant does not indicate a floorplan for the barn. It is unclear whether each dog will be housed separately.

B(6) Other Approvals [11.15.7235]

The approval authority may request the advice of the County Dog Control Officer, officials of humane societies, and veterinarians before approving an application hereunder.

Staff Comment: County Animal Control has cited the applicant for animal neglect on several occasions; this according to Animal Control Officer Judy May. The citations were issued due to unsanitary conditions in the pens where the dogs were kept. Animal Control indicates 18 adult Afghans were being housed by the applicant.

C. Variance Approval Criteria

The requested **Animal Keeping–Dogs** use includes variances from the 2-acre minimum site size and 250-foot minimum site width (MCC.7215). This is classified as a Major Variance because the reduction to 1.11 acres and approximately 120-foot lot width would be more than 25 percent of the standard. Section .8505(A) states that a Major Variance shall be granted only when all the following Criteria are met:

C(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;

"I need to secure this variance because my kennel bldg. is within 20' of my neighbors horse pasture + the setback requirement is 100'. I have included a scale drawing of the site."

Staff Comment: Applicant's above statement does not adequately identify the circumstance or condition which supports a variance from the minimum site size and lot width requirements for kennels. The standards are intended to minimize adverse off-site effects to neighbors by assuring adequate site area is available to separate, screen and buffer dog pens and kennel buildings from surrounding properties. The applicant has not demonstrated why the site area and width prescriptions of the Ordinance should not be applied to this dog keeping facility.

C(2) *The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district;*

Staff Comment: All other sites within the RR district and within the JennyLynd Acres area near this site are similarly restricted (in terms of site area or width) should a dog keeping facility be proposed.

C(3) *The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located or adversely affect the appropriate development of adjoining properties;*

Staff Comment: The variance would allow a dog keeping facility within 20-feet of the nearest neighboring property to the north. The reduced site size and lot width provides on minimal separation of the proposed use from neighbors. It would not provide sufficient distance to buffer, screen or otherwise mitigate adverse effects associated with the keeping of large numbers of dogs.

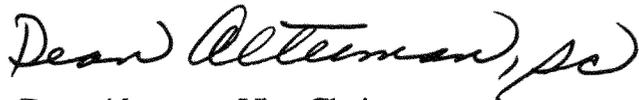
C(4) *The granting of a variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.*

Staff Comment: The applicant has not demonstrated that granting Variances to allow this use on a site of substandard size and width would not adversely effect the Comprehensive Plan.

Conclusions:

1. The proposed dog keeping facility does not satisfy Conditional Use approval criteria due its inconsistency with the area character, the lack of information on effects on natural resources and public services, and conflicts with Comprehensive Plan Policy No.13 (Air, Water, and Noise Quality).
2. The proposed dog keeping facility does not satisfy Animal Keeping–Dogs locational and site size requirements due to potential conflicts with surrounding uses, and substandard lot area and width. The application does not demonstrate consistency with specific design standards for kennels.
3. The application does not demonstrate why the proposal warrants a variance from the lot area and width requirements for dog keeping facilities.
4. The proposed pet grooming commercial use is inconsistent with the rural residential character of the area. There is insufficient information to determine what public service (i.e water or septic system) demands the commercial use may create. The commercial use as proposed will create hazardous conditions along SE 174th (Jenne Road).

Signed July 9, 1990



Dean Alterman, Vice Chairman

Filed With the Clerk of the Board on July 19, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before **4:30 PM. on Monday, July 30 1990** on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 31, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

**Decision
July 9, 1990**

12

CU 15-90/HV 10-90



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

Decision

This Decision consists of Conditions, Findings of Fact and Conclusions.

July 9, 1990

LD 22-90, #658/#659

Type I Land Division

Applicant requests approval to subdivide a 78-acre tract in the MUF-19, Multiple Use Forest District into four lots each containing 19 acres or more.

Location: 34799 East Crown Point Highway

Legal: Tax Lots '115,' Section 34, 1N-4E,
1989 Assessor's Map

Site Size: 78 Acres

Size Requested: Same

Property Owner: Wel-Cor, Ltd.
3556 Roche Harbor Road, PO Box 2530
Friday Harbor, Washington 98250

Applicant: Frank A. Windust, Jr.
36039 East Crown Point Highway, Corbett 97019

Comprehensive Plan: Multiple Use Forest

Present Zoning: MUF-19, Multiple Use Forest District
Minimum lot size of 19 acres

PLANNING COMMISSION DECISION

Approve, subject to conditions, the tentative plan for the Type I land division request, a rural subdivision resulting in 4 lots, based on the following Findings and Conclusions.

LD 22-90

BIA RIVER

Columbia River Highway

I-84

MUF-19 SEC CS

14.00 Ac.

25.48 Ac.

CORRETT

MUF-19 SEC

Zoning Map
 Case #: LD 22-90
 Location: 34799 E. Crown Point Hwy.
 Scale: 1 inch to 600 feet
 Shading indicates subject property

RR SEC

Chamberlain Road

MUF-19 SEC

RD SEC CS

RC SEC CS

RC SEC CS

MUA-20 SEC

RC SEC CS

MUF SEC

EFU SEC

MUA-20 SEC

3.18 Ac.

E Crown Point Hwy

RR SEC

Drive

HV 12-81

22'

16.38 Ac.

17.59 Ac.

15.05 Ac.

RR SEC

Curtis

RR

MUF

EFU

Evans Road

MUA-20

27'

B I A R I V E R

27

Low Water Line
Columbia River Highway

CORBETT

I-84

'7'
14.00 Ac.

'5'
25.48 Ac.

'6'
42 Ac.

'17'
90 Ac.

2074

'20'
7.51 Ac.

N
↑
Vicinity Map
Case #: LD 22-90
Location: 34799 E. Crown Point Hwy.
Scale: 1 inch to 600 feet
Shading indicates subject property

'29'
20.59 Ac.

'30'
19.97 Ac.

'15'
11.23 Ac.

'14'
7.05 Ac.

'103'
5.00 Ac.

'28'
89 Ac.

CHAMBERLAIN

ROAD

TOP CLIFF

'19'
8.4 Ac.

'25'
2.00 Ac.

'22'
5.23 Ac.

'90'
2.15 Ac.

'11'
2.00 Ac.

'7'
2.00 Ac.

'53'
2.00 Ac.

'57'
1.91 Ac.

'69'
2.00 Ac.

'119'
18.33 Ac.

'174'
109 Ac.

'57'
2.27 Ac.

'13'
3.13 Ac.

'17'
2.19 Ac.

'120'
18.57 Ac.

'90'
4.83 Ac.

'39'
2.37 Ac.

'117'
1.00 Ac.

'12'
4.20 Ac.

'177'
4.97 Ac.

POINT

'15'
6.61 Ac.

'109'
109 Ac.

'52'
1.94 Ac.

'17'
2.42 Ac.

'76'
5.00 Ac.

CROWN

'76'
23.63 Ac.

'118'
1.00 Ac.

'110'
2.00 Ac.

'177'
4.97 Ac.

'76'
5.00 Ac.

'14'
19.65 Ac.

'55'
6.00 Ac.

'118'
1.00 Ac.

'110'
2.00 Ac.

'76'
5.00 Ac.

'75'
5.00 Ac.

'66'
5.00 Ac.

'22'
4.76 Ac.

'76'
23.63 Ac.

'118'
1.00 Ac.

'110'
2.00 Ac.

'74'
4.22 Ac.

'74'
4.22 Ac.

CURTIS DRIVE

34

'103'
2.25 Ac.

'14'
19.65 Ac.

'92'
3.22 Ac.

'10'
2.80 Ac.

'58'
2.88 Ac.

'95'
5.22 Ac.

'60'
1.11 Ac.

'99'
10.00 Ac.

'23'
2.83 Ac.

'18'
2.16 Ac.

'59'
2.88 Ac.

'72'
5.01 Ac.

2

'65'
1.93 Ac.

'10'
2.80 Ac.

'105'
2.88 Ac.

'95'
5.22 Ac.

'04'

'67'
4.98 Ac.

'18'
2.16 Ac.

'105'
2.88 Ac.

'95'
5.22 Ac.

1

'64'
5.06 Ac.

'18'
2.16 Ac.

'105'
2.88 Ac.

'95'
5.22 Ac.

'64'
5.06 Ac.

'18'
2.16 Ac.

'105'
2.88 Ac.

'95'
5.22 Ac.

F1

LD 22-90

WEL-COR LTD.

FRANK A. WINDUST JR.

TAX LOT '115' - MULTNOMAH CO.
SEC. 27 & 34 R1N-14E WM. 78.10AC.

CHAMBERLAIN ROAD

LOT 3
19.50 AC.

BUILDABLE AREA

LOT 4
19.50 AC.

BUILDABLE AREA

BUILDABLE AREA

BUILDABLE AREA

LOT 1
22.40 AC.

CASCADE UTILITIES
'90'

LOT 2
19.30 AC.

ALTERNATE

CORBETT HIGH SCHOOL

CROWN POINT HIGHWAY

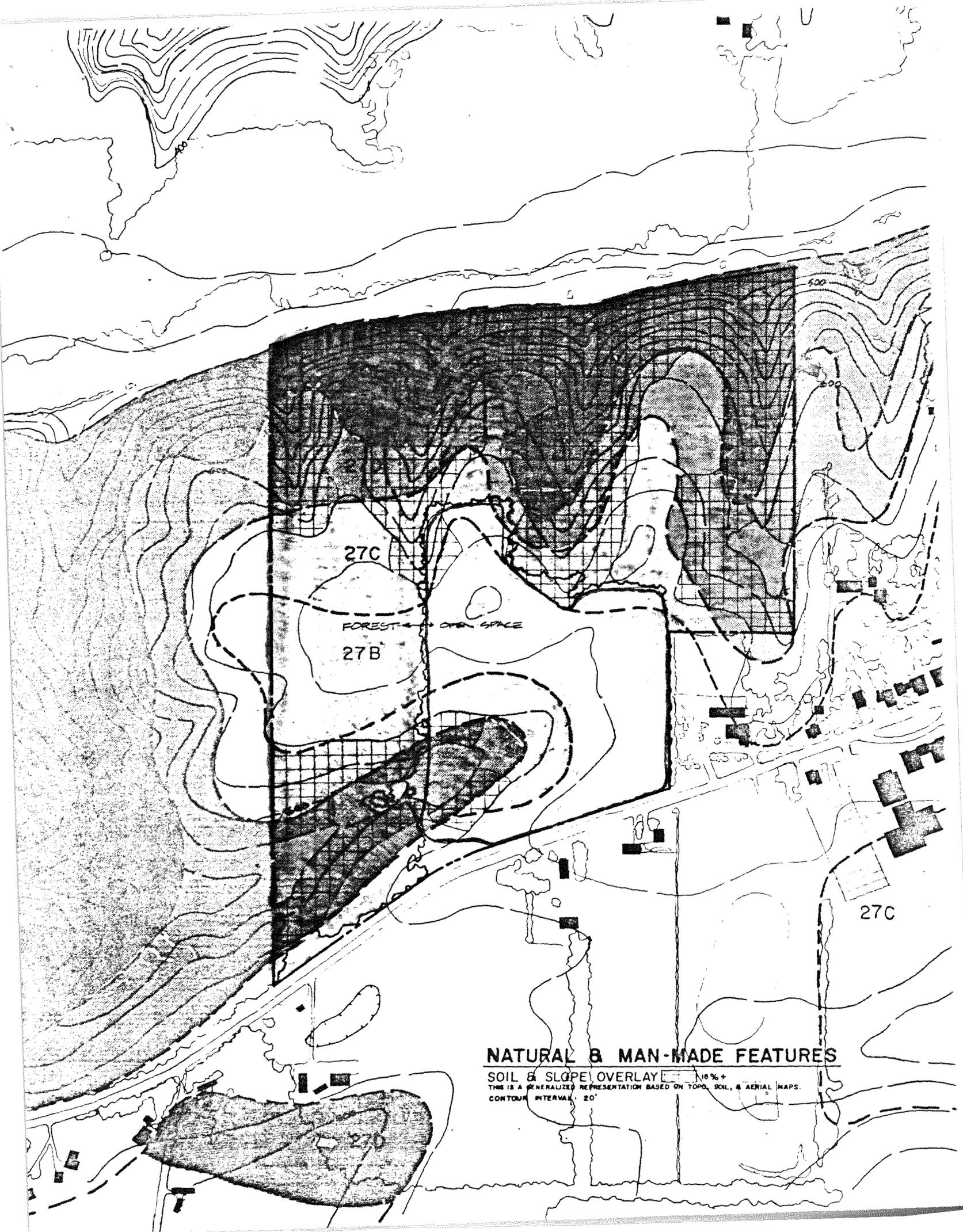


PRELIMINARY LOTTING PLAN

SCALE: 1" = 200' (8.5 X 11.5 REDUCTION: 1" = 400') MAY, 1990

BUILDABLE AREA





27C

FOREST OPEN SPACE

27B

27C

NATURAL & MAN-MADE FEATURES

SOIL & SLOPE OVERLAY 10%+

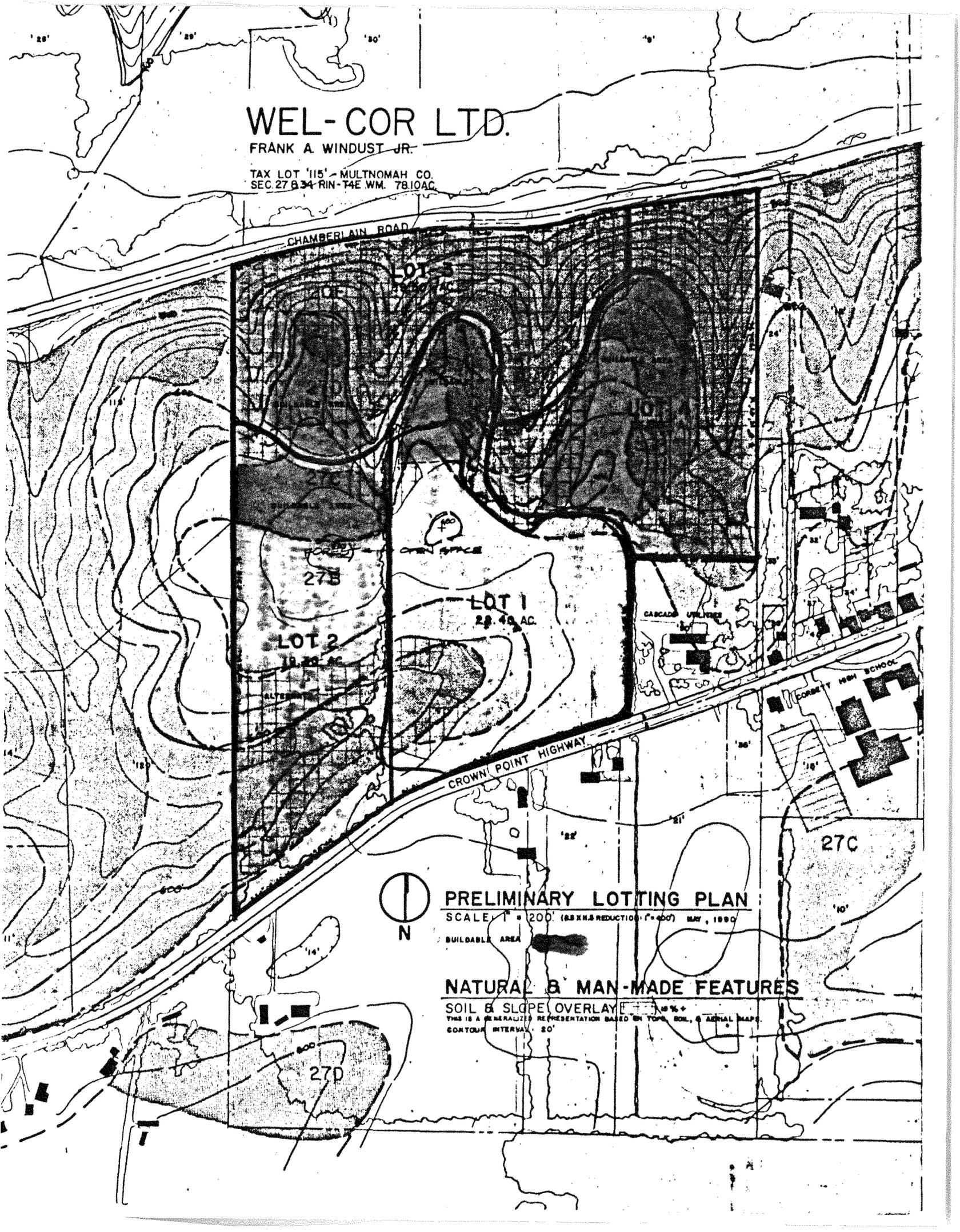
THIS IS A GENERALIZED REPRESENTATION BASED ON TOPO, SOIL, & AERIAL MAPS.

CONTOUR INTERVAL: 20'

WEL-COR LTD.

FRANK A. WINDUST JR.

TAX LOT '115' - MULTNOMAH CO.
SEC. 27 B 34 - RIN - T4E WM. 78.10AC.



CHAMBERLAIN ROAD

50'

27B

LOT 2
18.28 AC

LOT 1
28.48 AC

CASCADE UTILITIES

CORBETT HIGH SCHOOL

CROWN POINT HIGHWAY

27C



PRELIMINARY LOTTING PLAN

SCALE: 1" = 200' (AS SHOWN REDUCTION: 1" = 400') MAY, 1990

BUILDABLE AREA

NATURAL & MAN-MADE FEATURES

SOIL & SLOPE OVERLAY

THIS IS A GENERALIZED REPRESENTATION BASED ON TOP. SOIL, & AERIAL MAPS.
CONTOUR INTERVAL: 20'

27D

Conditions of Approval

1. Within one year of the date of this decision, deliver the final plat and other required attachments to the Planning and Development Division of the Department of Environmental Services in accordance with ORS Chapter 92 as amended. **Please obtain applicant's and surveyor's *Instructions for Finishing a Type I Land Division*.**
2. Prior to endorsement of the final plat by the County Planning Division, comply with the following Engineering Services Division requirements:
 - A. Commit to participate in future improvements on east Crown Point Highway and NE Chamberlain Road through deed restrictions. Contact Ike Azar at 248-5050 for additional information.
3. Prior to issuance of building permits for any lot, apply for and obtain a Land Feasibility Study confirming the ability to use on-site sewage disposal system on that lot.
4. In conjunction with issuance of building permits for either parcel construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600. Plans for the retention and/or control facilities shall be subject to approval by the County Engineer with respect to potential surface runoff on the adjoining public right-of-way.
5. Prior to issuance of a building permit for a house on any lot obtain county approval of a resource management program for at least 75 percent of the productive land on that lot under MCC 11.15.2170(A)(2).
6. This land division shall be null and void unless the final plat confirms that each lot contains at least 19 acres.
7. Prior to issuance of a building permit for any lot, show the slope of the building site on the plot plan. If any portion of the slope of the building site exceeds 20 percent, provide written certification from a geotechnical engineer or engineering geologist, licensed by the State of Oregon, that the lot is suitable for the construction of a residence. Specifics to be covered include:
 - A. The ability to construct a single-family, detached dwelling, including two uncovered off-street parking spaces built to county standards even though the slopes are steep;
 - B. Measures to be taken to prevent soil erosion; and
 - C. That areas of the lot with slopes exceeding 20 percent are not subject to slumping, earth slides, or movement.
8. Prior to issuance of building permits obtain a Hillside Development Permit for any building site with slope exceeding 25 percent under MCC 11.15.6710

9. Prior to issuance of building permits obtain approval from the Columbia River Gorge Commission.
10. Prior to issuance of building permits, apply for and obtain approval of a Significant Environmental Concerns (SEC) permit. Contact Mark Hess at 248-3043 for additional information.

Findings of Fact:

1. Applicant's Proposal:

- A. The applicant proposes to subdivide a vacant 78-acre tract of land into four lots, each containing 19 acres or more.

2. Site Conditions and Vicinity Information: Site conditions as shown on the Tentative Plan Map and general vicinity information are as follows:

- A. The site is located between NE Chamberlain Road and East Crown Point Highway about 1/2 mile west of NE Evans Road.
- B. **Slope:** Portions of the site are steep, with slopes exceeding 30 percent in some areas. However, there are relatively level areas on each proposed lot where a residence could be built. Development or construction on any portion of the site where slopes exceed 25 percent would require County approval of a Hillside Development Permit under MCC 11,15.6710.
- C. **Future Street Improvements (East Crown Point Highway and NE Chamberlain Road):** East Crown Point Highway and NE Chamberlain Road are not fully improved to county standards at this time. The County Engineer has determined that in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60) it will be necessary for the owner to commit to participate in future improvements to the abutting roads through deed restrictions in conjunction with any development of the site.

3. Land Division Ordinance Considerations (MCC 11.45):

- A. The proposed land division is classified as a Type I because it is *a rural area subdivision* [MCC 11.45.080(A)]. A subdivision is defined by MCC 11.45.015(JJ) as a land division resulting in the creation of four or more lots. This proposal would create four lots.
- B. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:
 - (1) The Tentative Plan is in accordance with:
 - a) *the applicable elements of the Comprehensive Plan;*
 - b) *the applicable Statewide Planning Goals adopted by the Land Conservation and Development*

commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and

c) the applicable elements of the Regional Plan adopted under ORS Chapter 197 [MCC 11.45.230(A)].

- (2) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances [MCC 11.45.230(B)];*
- (3) The Tentative Plan or Future Street Plan complies with the applicable provisions, including the purposes and intent of [the Land Division Ordinance] [MCC 11.45.230(C)]*
- (4) The Tentative Plan or Future Street Plan complies with the Zoning Ordinance or a proposed change thereto associated with the Tentative Plan proposal [MCC 11.45.230(D)].*
- (5) If a subdivision, the proposed name has been approved by the Division of Assessment and Taxation and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "Town", "City", "Place", "Court", "Addition" or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed [MCC 11.45.230(E)].*
- (6) The streets are laid out so as to conform, within the limits of the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and [MCC 11.45.230(E)].*
- (7) Streets held for private use are clearly indicated on the Tentative Plan and all reservations or restrictions relating to such private streets are set forth thereon [MCC 11.45.230(G)].*

4. **Response to Type I Land Division Approval Criteria:** In this section, the applicant's responses to the approval criteria are in helvetica type. Staff discussion of applicant responses appear in paragraphs titled **Staff Comment**.

A. Applicable Elements of the Comprehensive Plan

- (1) **Statewide Goals and Regional Plan:** For the reasons stated below, the proposal satisfies the applicable policies of the Comprehensive Plan. The Multnomah County Comprehensive Plan has been found to be in compliance with Statewide Goals and the Regional Plan by the State Land Conservation and Development Commission.
- (2) **Applicable Comprehensive Plan Policies:** The following Comprehensive Plan Policies are applicable to the proposed land division. The proposal satisfies those policies for the following reasons:
 - (a) **No. 13 - Air and Water Quality and Noise Levels**
This policy seeks to maintain and improve air and water quality and reduce noise pollution in the county

Applicant's Response

The large tracts of land (20 acres+) will result in continued management of forest and agricultural uses with overall impact on air, water, qualities. Continued of the forest cover helps maintain the areas air shed and resists surface erosion caused by excessive run-off. The low density residential uses can be supported by subsurface sanitary disposal over a large area (78 acres). Some localized noise may be produced by farming and forestry practices but are typical of the rural area and disperse over a large hilly area covered by vegetation thereby absorbing noise.

Staff Comment

No significant impact on air pollution will result from the four additional houses allowed by the proposed land division. The County Sanitarian will require a Land Feasibility Study for each parcel before allowing an on-site sanitation system in conjunction with building permits for that parcel unless public sewer becomes available to the site. For these reasons for those stated by the applicant, the proposal satisfies Policy 13.

- (b) **No. 14 - Development Limitations** This policy is concerned with mitigating or limiting the impacts of developing areas that have any of the following characteristics: slopes exceeding 20%; severe soil erosion potential; land within the 100 year floodplain; a high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year; a fragipan less than 30 inches

from the surface; and land subject to slumping, earthslides or movement

Applicant's Response

This land division has carefully considered development limitations and potentials by evaluation of topography/slopes, soil types, vegetation cover, open space, and scenic values, views, access, and agricultural practices of the area. By use of an composite overlay system of the above items, suitable buildable areas were identified and delineated. Lotting configurations balanced this consideration to provide the most amenities for each site and preserve agricultural and forest soils and uses.

Although some slopes are over 20%, there is no evidence of slumping/erosion or slides. All building areas are on land with less than 15% slope to flat (high crests - plateaus, etc.). The site is not affected (by floods, high water table or fragipan subsurface layers).

Staff Comment

Verification by a geotechnical engineer of suitability of any building site with slopes over 20 percent is a condition of approval. Obtaining a Hillside Development Permit for any building site with slopes over 25 percent is a condition of approval. For these reasons and for those stated by the applicant, the proposal satisfies Policy 14.

- (c) **Policy 15 - Significant Environmental Concerns**
This policy seeks to identify areas where land use will be subject to a review process to minimize adverse environmental and aesthetic impacts.

Applicant's Response

The environmental impact of this four lot (19 acres+) subdivision is minimal. Conservation/protection of natural/manmade assets have been considered in the design process. There are no significant rivers, streams, lakes, floodwater areas, wetlands, botanical/fish/wildlife habitats, archaeological, historical, scientific or cultural areas on the site. The site has prime visual value and agricultural soil

capacities. These assets are addressed in previous sections

Staff Comment

Obtaining a Significant Environmental Concern (SEC) permit before building permit issuance is a condition of approval. For this reason and for those stated by the applicant, the proposal satisfies Policy 15.

(d) **Policy 16 - Natural Resources**

Applicant's Response

The site has no identified or potential mineral and aggregate sources, energy resources, fish habitats nor is it part of a domestic watershed. There are no significant identified rare or endangered plants or significant botanical natural areas. The majority of the site is seen growth alder and fir of approximately 30 - 50 years. Associated wildlife is present, typical of the area. Small wood lot management practices of 20 acre parcels will assure continuation of these habitats for the existing wildlife versus the specter of a clear-cut of a larger unit/commercial forest operation.

Staff Comment

For reasons stated by the applicant, the proposal satisfies Policy 16.

(e) **Policy 22 - Energy Conservation** This policy promotes energy conservation. The proposed development is consistent with this policy, because it promotes constant energy conservation by its location and design.

Applicant's Response

The 20 acre forest and farming tracts can be more effectively managed by owner-occupied residences which tend to be more energy self-sufficient by use of wood burning stoves, home grown house-hold products and income sources associated with the land and the surrounding rural community.

Staff Comment

The proposed lot sizes are 19 acres rather than 20. Otherwise, staff concurs with the applicant's statement.

- (g) **Policy No. 36 - Transportation System Development Requirements:** A condition of approval requires the owner to commit to the future improvement of the abutting public roads through deed restrictions. These improvements include sidewalks, curbs and additional paving in the right-of-way adjacent to the subject property.
- (h) **Policy 37 - Utilities** This policy requires adequate utilities to serve the site.

Applicant's Response

Since this is a rural area, subsurface sanitary disposal is available and acceptable particularly on large 20 acre tracts. Water is available from the local Corbett water system. No storm water run-off beyond that pro(l)aced by roof run-off will created. All other utilities are available.

Staff Comment

The Corbett Water District has verified that water service is available to the property from a 6-inch line in East Crown Point Highway. Obtaining a Land Feasibility Study from the County Sanitarian regarding the use of on-site sanitation on each lot is a condition of approval. For these reasons, the proposal satisfies Policy 37.

- (i) **Policy 38 - Facilities** This policy requires that public facilities be available to serve the use.

Applicant's Response

The Corbett School District serves this site. The potential 4 additional residence will assist the local school tax base by productive use of agricultural and forest lands along with taxable building improvements. The school has adequate capacity for additional children. Fire protection is provided by Corbett Rural Fire District, located approximately 1 mile east on Crown Point Highway. Water District services provide adequate wage pressure and flow for fire fighting. Multnomah Co. Sheriff provides police protection in the Corbett area.

Staff Comment

For reasons stated by the applicant, the proposal satisfies Policy 38

B. Development of Property [MCC 11.45.230(B)]:

Applicant's Response

This 78 acre parcel of land is the last large parcel along the immediately adjacent road frontage to the existing zoning standards. This site contains all land owned by applicants not subdivided; no future development is considered or allowable.

Staff Comment

Approval of the request will not affect one way or the other the ability to develop or provide access to adjacent properties. For these reasons for those stated by the applicant, the proposed land division satisfies MCC 11.45.230(B).

C. Purposes and Intent of Land Division Ordinance [MCC

Applicant's Response

A future street plan is not necessary or applicable to this site since it is a rural subdivision consisting of the allowable minimum, size lots and all adjacent lands accessible from this site are parceled and not accessible because of steep slopes. All other land division ordinance standards have been addressed with the application and tentative plan.

Staff Comment

For the reasons stated by the applicant, the proposal complies with the purpose and intent of the Land Division Ordinance.

D. Zoning Ordinance Considerations [MCC11.45.390]: The applicable Zoning Ordinance criteria are as follows:

- (1) The site is zoned MUF-19, Multiple Use Forest, District.
- (2) The following minimum area and dimensional standards apply per MCC 11.15.2178:
 - (a) The minimum lot size shall be 19 acres, including one-half of the road right-of-way adjacent to the parcel being created. As shown on the Tentative Plan Map, all lots meet or exceed this requirement
 - (b) The minimum front lot line length shall be 50 feet. As shown on the Tentative Plan Map, all lots parcels exceed this requirement.

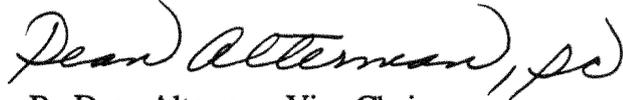
- (c) The minimum yard setbacks are 30 feet front, 10 feet side, and 30 feet rear. As shown on the Tentative Plan Map, there is adequate area on each lot for residences to meet all yard requirements.
- (3) As a condition of approval, construction of houses on all lots will require county approval of resource management programs for at least 75 percent of the productive land on each lot pursuant to MCC 11.15.2178(A)(2).
- (4) **Residential Use Development Standards:** MCC 11.15.2194 contains standards for residential development in the MUF district. The standards relating to fire safety, access, building location, and construction. Compliance with the residential use development standards will be required in conjunction with building permits for each lot. Subject to the conditions of approval recommended for this land division, compliance with those standards appears possible.
- E. **Subdivision Name [MCC 11.45.230(E)]:** The Assessment and Taxation Division will ascertain that the name of the plat conforms with applicable statutes and ordinances, including MCC 11.45.230(E).
- F. **Street Layout [MCC 11.45.230(F)]:** The proposed land division does not include any new public streets or extensions of existing streets. therefore, MCC 11.45.230(F) is not applicable.
- G. **Private Streets [MCC 11.45.230(G)]:** The proposed land division does not include any private streets. Therefore, MCC 11.45.230(G) is not applicable.

Conclusions:

1. The proposed land division satisfies the applicable elements of the Comprehensive Plan.
2. The proposed land division satisfies the approval criteria for Type I land divisions.
3. The proposed land division complies with the zoning ordinance.

IN THE MATTER OF LD 22-90

Signed July 9, 1990



By Dean Alterman, Vice Chairman

Filed With the Clerk of the Board on July 19, 1990

Appeal to the Board of County Commissioners

Any person who appears and testifies at the Planning Commission hearing, or who submits written testimony in accord with the requirements on the prior Notice, and objects to their recommended decision, may file a Notice of Review with the Planning Director on or before 4:30 p.m. on Monday, July 30, 1990 on the required Notice of Review Form which is available at the Planning and Development Office at 2115 SE Morrison Street.

The Decision on this item will be reported to the Board of County Commissioners for review at 9:30 a.m. on Tuesday, July 31, 1990 in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.

DATE SUBMITTED _____

(For Clerk's Use)
Meeting Date AUG 2 1990
Agenda No. R-8

REQUEST FOR PLACEMENT ON THE AGENDA

Justice &
Subject: Juvenile Detention Facility
General Obligation Bonds - Resolution

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Human Services DIVISION Administration/Juvenile Justice

CONTACT Duane Zussy TELEPHONE 248-3782

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Duane Zussy/Harold Ogburn

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Resolution to place on September 1990 ballot the question of the County selling general obligation bonds in the amount of \$23.8 million dollars to finance construction of a new Juvenile Justice Center and Detention facility.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

INFORMATION ONLY PRELIMINARY APPROVAL POLICY DIRECTION APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT: 7/31/90 CERTIFIED TRUE COPY TO ELECTIONS - CAP
8/1/90 CERTIFIED TRUE COPY TO TAX SUP. - DES
8/1 COPIES TO CHASE'S OFFICE
Duane Z, Hal Ogburn
PERSONNEL
 FISCAL/BUDGETARY
 General Fund

Resol. 90-112
Approved
7-31-90

CLERK OF COUNTY COMMISSIONERS
MULTI-COUNTY CLERK
OREGON
1990 JUL 25 AM 10:08

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Duane Zussy (ac)

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) [Signature]

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

NOTICE

Notice of hearing on issuance of general obligation bonds of Multnomah County to finance construction of a new Donald E. Long facility, including juvenile detention, juvenile justice administration, district attorneys' office, and related uses.

On July 31, 1990 at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon, the Board of County Commissioners of Multnomah County will hold a public hearing on the issuance and sale of general obligation bonds of Multnomah County not to exceed 23.8 million dollars. The bonds would mature over a period not to exceed 30 years.

The proceeds would be used to finance the construction of a new Donald E. Long facility on the current site, for such purposes as courtrooms, juvenile detention, district attorneys and counselors' offices, and juvenile justice administration.

At the conclusion of the public hearing the Multnomah County Board of Commissioners will determine whether to submit the question of issuing and selling general obligation bonds for the above stated purposes to the voters at the September 18, 1990 election. All interested persons may attend the hearing and shall be given a reasonable opportunity to be heard.

For Information Contact: Howard Klink
Public Affairs Director
Department of Human Services
(503) 248-3782

0877C.4
7/12/90
cap



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

NOTICE OF JUVENILE JUSTICE FACILITY

PUBLIC HEARING

JULY 31, 1990

The Multnomah County Board of Commissioners will hold a public hearing for the purpose of taking testimony and public input on issuance of general obligation bonds of Multnomah County. The bond will finance construction of a new Juvenile Justice Facility including juvenile detention, juvenile justice administration, district attorney and counselors offices, and courtroom space.

The public hearing will begin with an update by the County's Departmental staff followed by public testimony on:

TUESDAY, JULY 31, 1990
at 9:30 A.M.
MULTNOMAH COUNTY COURTHOUSE
1021 S.W. 4th. Avenue, Room 602
Portland, Oregon

At the conclusion of the public hearing the Multnomah County Board of Commissioners will determine whether to submit the question of issuing and selling general obligation bonds not to exceed \$23.8 million to the voters at the September 18, 1990 election.

All interested persons may attend the hearing and will be given a reasonable opportunity to be heard.



MULTNOMAH COUNTY OREGON

BOARD OF
COUNTY COMMISSIONERS
1990 JUL 18 PM 1:43

MULTNOMAH COUNTY

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY
SHARRON KELLEY

M E M O R A N D U M

TO: Duane Zussy, Director
DHS Administration

FROM: Larry Kressel *LK*
County Counsel (106/1530)

DATE: July 16, 1990

RE: G.O. Bond Measure for Juvenile
Facility: July 31 Resolution and Order

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
SANDRA N. DUFFY
J. MICHAEL DOYLE
GERALD H. ITKIN
H. H. LAZENBY, JR.
PAUL G. MACKEY
MATTHEW O. RYAN
MARK B. WILLIAMS

I enclose a draft Resolution and Order for the July 31st Board hearing. This document includes a Ballot Title (Exhibit A) and a Summary of the Measure for the County Voters' Pamphlet (Exhibit B). The Summary anticipates that prior to the July 31st hearing, the Board will adopt an emergency ordinance authorizing a County Voters' Pamphlet. (Ordinance on the July 19th agenda.)

Please review these documents ASAP.

By way of reminder of the legal standards, a Ballot Title has: a Caption identifying the subject of the measure (10 word max.), a Question plainly phrasing the chief purpose of the measure (20 word max.) and a concise and impartial Summary of the Measure and its major effect (85 word max.) See ORS 250.035. A statement for the Voters' Pamphlet must be "impartial, simple and understandable" (500 word max.) See section 6 of the draft Ordinance on County Voters' Pamphlet. My draft of the Voters' Pamphlet Summary tracks the Ballot Title. There is room to add more detail, but beware of the above-quoted legal standard. Brevity is a virtue in this context.

Duane Zussy
July 16, 1990
Page 2

Deadline

The deadline for DHS filing of this Resolution and Order with the Clerk of the Board is 5 p.m., July 23rd. If filed by the Chair, the deadline is noon, July 26th. In order for me to have time to prepare the final version, I need all your staff comments no less than 24 hours before the applicable filing deadline.

Thanks very much for the cooperation.

cc Hank Miggins
Paul Yarborough
Linda Alexander
Vicki Ervin
Grant Nelson
Dave Boyer
Howard Rankin, Esq.
Sheriff Robert Skipper

1ATTY.206/mw



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY
SHARRON KELLEY

M E M O R A N D U M

TO: Board of County Commissioners
Gladys McCoy, Chair
Pauline Anderson
Rick Bauman
Gretchen Kafoury
Sharron Kelley

FROM: Larry Kressel 
County Counsel (106/1530)

DATE: July 16, 1990

RE: Filing Deadlines for GO Bond Measure

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
SANDRA N. DUFFY
J. MICHAEL DOYLE
GERALD H. ITKIN
H. H. LAZENBY, JR.
PAUL G. MACKAY
MATTHEW O. RYAN
MARK B. WILLIAMS

The Board will meet on July 31st to decide on referring a GO Bond measure for the new juvenile detention facility. I have been asked what is the deadline for the Board's action, assuming the election date is September 18, 1990.

If the Board adopts an emergency ordinance authorizing a County Voters' Pamphlet (scheduled on agenda of 7/19), and if the Board wants the GO Bond measure to be in a Voters Pamphlet for the September election, an action must be taken by Wednesday, August 8th. That action would be to request that the Elections Director publish a County Voters' Pamphlet for the September election. See section 3, draft Ordinance Authorizing County Voters' Pamphlet (copy attached).

Apart from the above action, the Board must file a Ballot Title and Notice of Election with the Director of Elections no later than August 15th. ORS 287.056. However, the Elections Director and I agree that the 15th is too late from a practical perspective. In order to allow time for any possible court challenges to the Ballot Title, we recommend adoption of the

Board of County Commissioners
July 16, 1990
Page 2

Ballot Title no later than Thursday, August 9th. (I am preparing the Ballot Title.)

In sum, the Board does not have to take any final action concerning The GO bond measure on July 31. August 8th is the deadline for a Voters' Pamphlet request. August 9 is the recommended deadline for the Ballot Title. August 15th is the legal deadline for filing the Ballot Title and Notice of Election.

cc Department Managers
Clerk of the Board
Vicki Ervin

1ATTY.205/mw

"Public Office" means any city, district or county office or position, elected by the voters. (This does not include political party offices.)

- (1) "Resubmitted Measure" means a measure filed pursuant to ORS 254.095(3); ORS 254.103(2); or ORS 255.085(2).
- (12) "Special Election" is an election held on a date other than a Primary or General Election.
- (13) "Voter" means an individual qualified to vote under section 2, Article II, Oregon Constitution.

Section 3. Authorization for Preparation of Voters' Pamphlet.

- (1) Unless otherwise specified by law, this ordinance applies to all voters' pamphlets published by the Director of Elections.
- (2) The Director may prepare and have printed a county voters' pamphlet for Primary, General and Special elections when the governing body of a county, a city or a district requests that one be published. The request shall include an agreement to pay an apportioned share of the cost of producing the voters' pamphlet. Costs shall be apportioned as provided by state law. The request shall be submitted in writing to the Director at least one week prior to the deadline for filing a notice of election.
- (3) The Director shall mail or deliver the pamphlet to insure, at least:
 - (a) One voters' pamphlet per postal address for a

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the matter of Calling an Election) RESOLUTION AND ORDER
to Authorize Multnomah County, Oregon)
to Issue and Sell up to 23.8 Million)
Dollars (\$23,800,000) in General)
Obligation Bonds to Finance)
Construction of a new Juvenile)
Detention Facility; Directing the)
Publication of Notice of Election;)
and Adopting a Ballot Title and)
Voters' Pamphlet Statement)

WHEREAS, the Donald E. Long facility, which houses the Juvenile Justice Division, juvenile detention, juvenile court, district attorneys' and counselors' offices, is approximately 40 years old; and

WHEREAS, the physical condition of the facility has deteriorated due to age and hard use; and

WHEREAS, the detention area is outmoded, with an inadequate heating and ventilation system; and

WHEREAS, there also exists a current need for additional courtroom space as well as additional space for the district attorneys who work in the facility; and

WHEREAS, it is in the best interest of Multnomah County to construct a new Donald E. Long facility; and

WHEREAS, architectural plans call for building the new facility on the current site at a cost not to exceed 23.8 million dollars; and

WHEREAS, under state law, the County has the authority to issue and sell general obligation bonds of Multnomah County in the amount and for the purposes above mentioned; upon approval by a majority of legal voters of the County; and

WHEREAS, on July 12, 1990 the Board declared its intention to seek to finance the construction of the new facility by the issuance and sale of general obligation bonds of Multnomah County in an amount not to exceed 23.8 million dollars (\$23,800,000), called for a public hearing on the question of the issuance and sale of bonds and directed the giving of notice thereof in accordance with state law; and

DRAFT

WHEREAS, notices of the hearing were properly published, and the public hearing was held on July 31, 1990; and

WHEREAS, the Board finds it would be in the best interest of the people of Multnomah County to proceed immediately to call for an election;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that:

1. There shall be placed on the September 18, 1990 ballot, the question whether Multnomah County shall issue and sell general obligation bonds of the County in an amount not to exceed 23.8 million dollars, the bonds to mature during a period not to exceed 20 years, and the proceeds to be used to finance construction of a new juvenile detention facility;

2. When and if such bonds are authorized, they shall be issued and sold at such times and in such amounts as the Board of County Commissioners of Multnomah County shall from time to time order;

3. Pursuant to Ordinance No. _____, the Board hereby requests that a County voters' pamphlet be prepared for the September 18, 1990 election and agrees to pay an apportioned share of the cost. This request shall be promptly filed by the Clerk of the Board with the Director of Elections;

4. The Ballot Title attached hereto as exhibit A and the Voters' Pamphlet statement attached hereto as exhibit B are adopted; they shall be printed substantially in the form set forth in the exhibits;

5. The Clerk of the Board shall promptly file certified

copies of this Resolution and exhibits with the Director of Elections and the Tax Supervising and Conservation Commission for their action as provided by law.

ADOPTED this _____ day of _____, 1990.

(SEAL)

By _____
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

Laurence Kressel, County Counsel
of Multnomah County, Oregon

07/16/90:1

1ATTY.203/mw

BALLOT TITLE

CAPTION

GENERAL OBLIGATION BONDS FOR REPLACEMENT OF COUNTY JUVENILE
DETENTION FACILITY

QUESTION

Shall County issue General Obligation Bonds ~~for~~ \$23,800,000
to replace juvenile detention facility?

Not to Exceed

SUMMARY

Measure allows Multnomah County to issue 23,800,000 in
general obligation bonds to fund replacement of Donald E. Long
Home, county's juvenile detention facility. Existing building
is 40 years old and is deteriorated. It will be replaced on
same site in northeast Portland. New building will be occupied
by juvenile court, prosecutors, counselors and up to 88
juveniles confined by court order.

Not More than

Bonds would mature over 20 years. Cost to taxpayer will be
about \$.13 per \$1,000 of assessed property value (\$7.38 per
year for \$60,000 home).

VOTERS' PAMPHLET SUMMARY OF MEASURE

Measure allows Multnomah County to issue 23,800,000 in general obligation bonds to fund replacement of Donald E. Long Home, county's juvenile detention facility. Existing building is 40 years old, and deteriorated. It will be replaced on same site in northeast Portland. New building will be occupied by juvenile court, prosecutors, counselors and up to 88 juveniles confined by court order.

Bonds would mature over 20 years. Cost to taxpayers will be about \$.13 per \$1,000 of assessed property value (\$7.38 per year for \$60,000 home).



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
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PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY
SHARRON KELLEY

M E M O R A N D U M

TO: Hank Miggins
Executive Assistant (101/134)

FROM: Larry Kressel *LK*
County Counsel (106/1530)

DATE: July 27, 1990

RE: GO Bond Measure: Election Law Procedures

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
SANDRA N. DUFFY
J. MICHAEL DOYLE
GERALD H. ITKIN
H. H. LAZENBY, JR.
PAUL G. MACKAY
MATTHEW O. RYAN
MARK B. WILLIAMS

OREGON COUNTY

The Board has scheduled a hearing on a proposed 28.3 million dollar GO bond measure for July 31. However, there has been some discussion of increasing the amount of the measure and expanding the scope of the project funded by the measure. The discussion has triggered some questions about elections law requirements for the September and November elections.

I've summarized the questions and my answers below. In formulating answers, I've conferred with Howard Rankin (bond counsel) and the Elections Director.

QUESTION 1: At the July 31 hearing, can the Board approve a bond measure larger than described in the notice for that hearing?

ANSWER: Probably not. Given the wording of the statutes on bond approval procedure (ORS 287.055 and 287.056), it would be risky to expand the measure at the July 31 hearing. Bond counsel would be concerned that the discrepancy between the description of the measure in the notice of hearing and the actual measure approved (assuming it is for more money and a bigger project) could make the measure vulnerable.

Hank Miggins
July 27, 1990
Page 2

QUESTION 2: If the Board wants to expand the measure, either in the form of a single new proposal or two separate proposals, is there still time to meet legal requirements for the September election?

ANSWER: Probably. The filing deadline for the September election is August 15th. There may be time to publish the required hearing notice (once each week for two successive weeks) describing the revised measure or measures. The deadline for publishing the first hearing notice is August 1. The hearing (and filing with elections) would have to occur before August 16th and no less than seven days after the second published notice.

Note that the county voters' pamphlet ordinance requires the Board to request inclusion of the GO bond measure on or before August 8.

QUESTION 3: If the bond measure(s) placed on the September ballot fails, will there be time after that to place a different measure on the November ballot?

ANSWER: No. The deadline for filing a different GO bond measure for the November election is September 6 (ORS 287.056(2)(a)). State law establishes a later deadline September 24) only if the county wants to resubmit the same measure(s) in November. See ORS 254.103(2).

QUESTION 4: If as a precaution the Board placed a different measure on the November ballot by September 6, and if the measure on the September 18 ballot then passed, could the Board withdraw the precautionary measure from the November ballot?

ANSWER: Yes, provided the filing on September 6th indicated that it was contingent on failure of the bond measure at the September 18 election.

cc Board of Commissioners
Department Managers
Vicki Ervin
David Boyer
Howard Rankin, Esq.



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY
SHARRON KELLEY

M E M O R A N D U M

TO: Hank Miggins
Executive Assistant (101/134)

FROM: Larry Kressel
County Counsel (106/1530)

DATE: July 30, 1990

RE: Resolutions Calling for Public Hearing
on August 15 on GO Bond Measures

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
SANDRA N. DUFFY
J. MICHAEL DOYLE
GERALD H. ITKIN
H. H. LAZENBY, JR.
PAUL G. MACKEY
MATTHEW O. RYAN
MARK B. WILLIAMS

Attached are two resolutions the Board may wish to consider on July 31. One calls for a hearing on a \$7.8 million bond measure on August 15. The other calls for an 8/15 hearing on a \$31.6 million bond measure (combines juvenile detention facility plus downtown courts).

These should be made available for the 7/31 Board hearing.

1ATTY.231/mw
cc: Clerk of the Board

1990 JUL 31 PM 2:13
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

BOARD OF
COUNTY COMMISSIONERS
1990 JUL 23 PM 3:20
MULTNOMAH COUNTY
OREGON

NEWS

CONTACT: Teri Duffy, 248-3308

PHOTO, VIDEO, AUDIO OPPORTUNITY: YES IMMEDIATE RELEASE

DONALD E. LONG FACILITY OPEN TO MEDIA & PUBLIC PRIOR TO
PUBLIC HEARING ON \$23.8 MILLION BOND MEASURE

Recently, the Multnomah County Board of Commissioners adopted a resolution to hold a July 31, 1990 public hearing on a proposed \$23.8 million government obligation bond to build a new Juvenile Justice Facility. The bond will finance construction of a new facility which includes 88 Juvenile detention beds, juvenile justice administration, district attorney and counselors offices and courtroom space.

The Donald E. Long Facility will be open to the media and public to tour the facility and have questions answered by County Juvenile Justice staff on Wednesday, July 25, 1990 and Thursday, July 26, 1990 from 7:00 P.M. until 9:00 P.M. The Juvenile Justice Facility is located at 1401 N.E. 68th. Avenue.

The public hearing will be held on Tuesday, July 31, 1990 at 9:30 A.M. in Room 605 of the Multnomah County Courthouse at 1021 SW Fourth Avenue. At the conclusion of the hearing, the Board is expected to decide whether to submit the question to voters at the September 18, 1990 election.

#

Multnomah County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of Calling for a Public) RESOLUTION
Hearing on a Proposed General)
Obligation Bond Measure (\$7.8 million))

WHEREAS, the county courthouse which houses 40 courts and court referee departments, is 78 years old; and

WHEREAS, the physical condition of the county courthouse has deteriorated due to age and use; and

WHEREAS, the heating and ventilation system, water, electrical, security, fire detection and other building systems need extensive repair and renovation, re-roofing is needed, and extensive asbestos removal is required throughout the courthouse; and

WHEREAS, the county courthouse can be renovated for extended long-term use at a much smaller cost than replacement with a new facility; and

WHEREAS, expansion room for additional courts is also required and can be provided in the courthouse by relocating the District Attorney's offices to permanent quarters in the Portland Building; and

WHEREAS, under state law, the County has the authority to issue and sell general obligation bonds of Multnomah County in the amount and for the purposes above mentioned; upon approval by a majority of legal voters of the County; and

WHEREAS, prior to placing the matter on the ballot, a public hearing is required;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that:

1. It is the Board's intention to submit to the legal voters of Multnomah County at the election to be held on September 18, 1990, the question whether Multnomah County shall issue and sell general obligation bonds of the County in an amount not to exceed 7.8 million dollars, the bonds to mature during a period not to exceed 30 years, and the proceeds to be used to finance the previously described courthouse improvements, and relocation of the offices of the District Attorney to the Portland Building;

EXHIBIT "A"

NOTICE

Notice of hearing on issuance of general obligation bonds of Multnomah County.

On August 15, 1990 at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon, the Board of County Commissioners of Multnomah County will hold a public hearing on the issuance and sale of general obligation bonds of Multnomah County not to exceed 7.8 million dollars. The bonds would mature over a period not to exceed 30 years.

The proceeds would be used to finance improvements to the Multnomah County Courthouse, including repair/renovation of the hearing and electrical, security, fire detection and other building systems, re-roofing, asbestos removal and expansion for needed courtrooms, and for relocation of the offices of the District Attorney in order to allow for construction of additional courtrooms in the courthouse.

At the conclusion of the public hearing the Multnomah County Board of Commissioners will determine whether to submit the question of issuing and selling general obligation bonds for the above stated purposes to the voters at the September 18, 1990 election. All interested persons may attend the hearing and shall be given a reasonable opportunity to be heard.

Gladys McCoy, Chair
Board of County Commissioners
for Multnomah County

1ATTY.229/mw
07/30/90/1

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

3	In the Matter of Calling for a Public)	RESOLUTION
	Hearing on a Proposed General)	
4	Obligation Bond Authorization)	
	Authorization (\$31.6 million))	

6 WHEREAS, the Donald E. Long facility, which houses the
7 Juvenile Justice Division, juvenile detention, juvenile court,
8 district attorneys offices, and counselors' officers, is
9 approximately 40 years old; and

8 WHEREAS, the physical condition of the facility has
9 deteriorated due to age and hard use; and

10 WHEREAS, the detention area is outmoded, with an inadequate
11 heating and ventilation system; and

11 WHEREAS, there also exists a current need for additional
12 courtroom space as well as additional space for the district
13 attorneys who work in the facility; and

13 WHEREAS, it would be in the best interest of the citizens
14 of Multnomah County to construct a new Donald E. Long facility;
15 and

15 WHEREAS, the county courthouse which houses 40 courts and
16 court referee departments, is 78 years old; and

17 WHEREAS, the physical condition of the county courthouse
18 has deteriorated due to age and use; and

18 WHEREAS, the heating and ventilation system, water,
19 electrical, security, fire detection and other building systems
20 need extensive repair and renovation, re-roofing is needed, and
21 extensive asbestos removal is required throughout the
22 courthouse; and

21 WHEREAS, the county courthouse can be renovated for
22 extended long-term use at a much smaller cost than replacement
23 with a new facility; and

23 WHEREAS, expansion room for additional courts is also
24 required and can be provided in the courthouse by relocating
25 the District Attorney's offices to permanent quarters in the
26 Portland Building; and

1 WHEREAS, under state law, the County has the authority to
2 issue and sell general obligation bonds of Multnomah County for
the purposes above mentioned upon approval by a majority of
legal voters of the County; and

3 WHEREAS, prior to placing the matter on the ballot, a
4 public hearing is required;

5 NOW, THEREFORE, BE IT RESOLVED, that:

6 1. It is this Board's intention to submit to the legal
7 voters of Multnomah County at the election to be held on
8 September 18, 1990 the question whether to authorize the
9 issuance and sale of general obligation bonds in an amount not
10 to exceed 31.6 million dollars, the bonds to mature over a
period not to exceed 30 years, in order to finance construction
of a new Donald E. Long facility on the current site as well as
construction of new courtrooms at the downtown courthouse,
renovation of the downtown courthouse, and expansion of office
space for the District Attorney; and

11 2. At 9:30 a.m. on August 15, 1990 at the Multnomah County
12 Courthouse, 1020 SW Fifth Avenue, Portland, Oregon, Room 602,
13 this Board shall hold a public hearing on the proposed bond
issue; and

14 3. The Director of Elections shall publish notice of said
15 hearing in the manner and for the time required by state law
and in substantially the form attached hereto as Exhibit A.

16 Dated this _____ day of August, 1990.

17
18 _____
19 Gladys McCoy
Multnomah County Chair

20 REVIEWED:

21 _____
22 Laurence Kressel, County Counsel
of Multnomah County, Oregon

23 1ATTY.230/mw
24 7/30/90:1
25
26

EXHIBIT "A"

NOTICE

Notice of hearing on issuance of general obligation bonds of Multnomah County.

On August 15, 1990 at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon, the Board of County Commissioners of Multnomah County will hold a public hearing on the issuance and sale of general obligation bonds of Multnomah County not to exceed 31.6 million dollars. The bonds would mature over a period not to exceed 30 years.

The proceeds would be used to finance (1) construction of a new juvenile justice center and detention facility and (2) improvements to the Multnomah County Courthouse and relocation of the offices of the District Attorney in order to allow for construction of additional courtrooms in the courthouse.

At the conclusion of the public hearing the Multnomah County Board of Commissioners will determine whether to submit the above stated purposes to the voters at the September 18, 1990 election. All interested persons may attend the hearing and shall be given a reasonable opportunity to be heard.

Gladys McCoy, Chair
Board of County Commissioners
for Multnomah County

1ATTY.230/mw
7/30/90.1



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

Juvenile Justice Complex Proposed Government Obligation Bond

BACKGROUND

During the past four years, it has become increasingly apparent that early in the 1990s Multnomah County would run out of space to house essential County services and functions. Accordingly, the Board of County Commissioners ordered a comprehensive study to address this facility crisis.

A five-year space needs study was completed in 1989. This study addressed problems related to public access, the efficiency of County operations and the need for major expenditures related to the deterioration of certain facilities. In partial response to this report, the Board of County Commissioners has purchased the downtown J.K. Gill and Mead Buildings, funded the construction of two new community-based health clinics and a 210-bed addition to the Inverness Jail.

The study also included a detailed architectural analysis of the Donald E. Long Juvenile Justice Complex, an analysis of the need for additional courtrooms, and an assessment of the current condition of the historic County Courthouse.

JUVENILE JUSTICE COMPLEX

The current Juvenile Justice Complex at NE 68th Avenue houses all assigned Juvenile Court Judges and Referees, Prosecuting Attorneys, the Juvenile Probation staff, and the tri-county regional Juvenile Detention Center. In 1989, 15,818 cases were heard and decided in this facility.

In 1988, the County Commission appropriated over \$250,000 from Capital Improvements funds to remodel the courtrooms and related spaces at the Juvenile Justice Complex. This project was put on hold following an audit released by then County Auditor Ann Kelley Feeney. That audit, which identified numerous serious deficiencies in the detention facility at the Juvenile Justice Complex, was performed to follow up on findings of earlier Grand Jury Reports which were critical of conditions at this facility.

The Board of Commissioners and the presiding Juvenile Judge agreed that a thorough architectural analysis of the whole complex--especially the detention areas criticized in the Audit and Grand Jury Reports--had to take precedence over interim improvements for the courtrooms.

Using the same architectural firm that designed the highly successful Inverness Jail project, the County made an extensive study of the entire complex including the detention facility, courtrooms and related areas, prosecutor's offices, and juvenile probation space, to determine needs, construction options and associated costs.

While that study was in progress, the Board received a letter from the Juvenile Rights Project (a group of lawyers who successfully sued the State of Oregon on conditions of confinement for juveniles held at the State Training Schools) which also identified numerous deficiencies with our Juvenile Justice facility and strongly requested the Board's cooperation in pursuing appropriate and timely action to rectify the situation.

The architectural study concluded that the most cost effective solution to the many problems that were discovered and documented by the study would be to demolish the present facility and build a new complex on the present site.

FINANCING STRATEGY

The downtown Courthouse as well as the Juvenile Justice Complex are major public investments and enduring public symbols which will be in County ownership for the foreseeable future. As such, it seems most appropriate to pay for the cost of long-term improvements through a long-term financing strategy. Such an approach would allow future generations to participate proportionately in the cost of major public facilities from which they will derive benefit. Various alternative approaches to financing essential improvements have been considered. The Board of County Commissioners has sought input from elected officials, business and community leaders, and citizens before making their decision.

The total financial cost for the replacement of the Juvenile Justice Complex is \$23.8 million dollars. Construction can be funded by General Fund allocation, by Serial Levies, by Certificates of Participation, and General Obligation Bond financing. Of the County's \$135 million annual General Fund budget, approximately \$100 million pays for services that are mandated by the state and federal government. Most County discretionary programs would have to be eliminated to fund this project. While the County has recently used three-year Serial Levies to fund library services, jail expansion and other construction projects, the cost of these projects maintained property taxes at a reasonable level. Financing a \$23.8 million project through this process would cause astronomical increases in

property tax rates. Certificates of Participation would require Multnomah County to put up the real estate title as collateral and pay a higher interest rate than available through General Obligation Bonds. General Obligation Bond financing would involve the lowest overall cost to current and future County taxpayers.

The total financial impact to the citizens of Multnomah County will be reduced by \$157,000 per year due to the cost-sharing agreements for the Juvenile Justice facility with Clackamas and Washington counties. These agreements will result in a lower tax rate to Multnomah County citizens.

The following is a breakdown of the estimated financial impact to the citizens of the County based on a \$23.8 million dollar General Obligation Bond issue over 20 years.

<u>Description</u>	<u>Cost</u>	<u>Tax Rate Per \$1,000</u>	<u>Tax on a \$60,000 Home</u>
GO Bond	\$23,800,000	\$0.130	\$7.38
Washington/Clackamas	(<u>1,600,000</u>)	(<u>0.009</u>)	(<u>0.52</u>)
NET BOND IMPACT	\$22,200,000	\$0.121	\$6.86

The General Obligation Bond Issue must include the full cost of the project even though the actual amount of taxes levied will be reduced by Washington and Clackamas Counties' participation.

JUVENILE JUSTICE COMPLEX BUDGET

1. Juvenile Detention Facility

Administration Areas

Central security control, intake, processing
visiting, medical, food preparation, gym \$ 5,487,000

Detention Areas

Unit security control, cells, education,
eating areas, secure outdoor area 3,068,000

2. Juvenile Court and Support Services

Juvenile Probation Officers Spaces

Probation/counseling areas 1,652,000

Courtrooms

Five courtroom suites including chambers,
secretary offices, separated public waiting
areas, security circulation,
and support services 3,127,000

District Attorney

Juvenile Prosecutors office space 708,000

3. Direct Owner Costs related to Juvenile Justice Complex

Architectural, engineering costs, project management
permits and fees, furnishing and equipment,
telecommunications, moving costs, off-site utilities,
computer system, temporary space leasing, relocate
facilities shops and storage, asbestos abatement,
percent for art, building contingency and
escalation 9,758,000

TOTAL JUVENILE JUSTICE COMPLEX PROJECT COST \$23,800,000

Of the \$8.5 million required for detention facilities and related costs, Washington and Clackamas Counties will pay \$1.6 million - the proportion of these costs attributable to the space occupied by their detainees. In addition, these partners have agreed to pay their share of the overall operating costs, including staffing, food, utilities, over and above their contribution for capital costs. This revenue effectively reduces the cost Multnomah County taxpayers will bear for constructing and operating this facility regardless of which financing strategy is ultimately selected.

These costs include all of the necessary furnishing and equipment and allow for realistic contingencies. If construction proceeds in a timely fashion, the whole package of improvements should be completed at or below this total price.

FINANCING PLAN - LONG TERM SPACE

General Obligation Bond Package

- *Reconstruct J.D.H.
- *Renovate Courthouse
- *Build three new courts
(in D.A. space)
- *Relocate D.A. to permanent
space in Portland Building
(14th, 15th floors)

Certificate of Participation Financing

- *Purchase large office building
(with capacity to serve as
County Government Center)
- *Relocate D.G.S. from Portland
Building (to make room for D.A.)
- *Later relocations: B.C.C.,
County Counsel, A & T, etc.

Mead Building - Certificate of Participation

- *Relocate Auditor, Tax Superv.
from Portland Bldg (to make room
for D.A.)

PROJECTS	COST (in millions)	FUNDING OPTIONS
Reconstruct JDH	23.8	G.O. Bonds, --- , ----
Renovate Court-house	4.5	G.O. Bonds, COP's, Pay-as-you-go
Build 3 new courts	1.8	G.O. Bonds, COP's, ---
Relocate DA to Portland Bldg.	1.5	G.O. Bonds, --- , Pay-as-you-go (minimum remodeling)
Purchase Office Building	17.0	--- , COP's, ---
<ul style="list-style-type: none"> • House DGS • Later, house BCC, Counsel, A&T, etc. 		
Mead Building Improvements	0.5	COP'S ALREADY FUNDED
<ul style="list-style-type: none"> • House Auditor, Tax Supervising • DHS Expansion 		
Other Projects	4.5	G.O. Bonds, COP's , ---
<ul style="list-style-type: none"> • Main Library Improvements • Midland Library Improvements 		

OVERVIEW

Riley Research and Associates, in conjunction with Multnomah County, developed and implemented a survey of Multnomah County voters in order to assess support for a financing bond measure being considered by the County.

The measure being considered involves a 30 million dollar, twenty year general obligation bond to cover the funding for rebuilding the Donald E. Long Juvenile Home, three additional courtrooms to house additional judges assigned by the State, consolidation of the District Attorney's offices to the Portland Building and renovations to the Courthouse.

A copy of the questionnaire is attached.

DRAFT

METHODOLOGY

Interviews were conducted by telephone with a random sample of registered Multnomah County voters. A list of 1,600 voters was provided by Voter Contact Services (VCS), using an "nth" select method. According to VCS, the telephone number list is researched and cross-checked for accuracy and completeness.

Party, age, gender, zip code and voting information was obtained from voter records, except when the individual on the list was not available. In that instance, the demographic information was provide by the available respondent (assuming that individual agreed to participate). Only one respondent per household was interviewed.

Interviews were conducted between July 18th and 26th, 1990, weekdays only, from 5:00 to 9:00 p.m., in order to minimize non-response bias.

Surveyor:
Editor:

Telephone: _____	Gender: Male 1 Female 2	5
Age: 18-24- 1 25-34- 2 35-44- 3 45-54- 4 55-64- 5 65+- 6 N/A- 7		6
Party: Rep- 1 Demo- 2 Other- 3	Zip (3 digits): _____	7 8-10
Voted in November 89: Yes- 1 No- 2		11

Introduction/Background

Hello, my name is _____ of Riley & Associates, a research firm. We've been asked to listen to your thoughts regarding a project being considered by Multnomah County.

This fall, Multnomah County voters may be asked to vote on a 30 million dollar, twenty-year general obligation bond measure. Part 1 of the proposal would be to REBUILD the Donald E. Long Juvenile Home, because of crowding, health and safety concerns.

Part 2 would fund three additional COURTROOMS that the County is required to build, to house additional judges assigned by the State.

Part 3 would pay for consolidating the widely-scattered DISTRICT ATTORNEY's offices in the Portland Building.

And Part 4 would update the Courthouse MECHANICAL SYSTEMS, in order to solve long-term problems with asbestos, elevators, security and the electrical, plumbing, heating and ventilation systems.

The cost of this proposal would be just under ten dollars a year for the owner of a \$60,000 home.

Q1) As a Multnomah County voter, would you FAVOR or OPPOSE the bond measure to pay for the items I just described? (RE-READ DESCRIPTION IF NECESSARY) (IF UNDECIDED) Would you TEND to favor or TEND to oppose such a measure?

- Favor 1
- Tend to Favor 2
- Tend to Oppose 3
- Oppose 4
- Undecided 5

Q2) And why is that?

12

13-18

Program Options

Finally, I'd like you to consider the separate parts of the project, again, based on the cost to the owner of a \$60,000 home. Which of the following parts of the project would you tend to support? Please tell me yes or no.

	<u>Yes</u>	<u>No</u>	<u>D/K</u>		
Q3 Would you support building the Juvenile DETENTION part of the facility at a cost of \$4.46 a year to the owner of a \$60,000 home?	1	2	3	25	
Q4 Would you support building the Juvenile SERVICES portion of the facility, including courtrooms, probation and restitution offices, counseling for drugs and alcohol, employment and other youth problems? This portion would cost the owner of a \$60,000 home \$2.81 a year.	1	2	3	26	
Q5 Would you support the financing for the THREE ADDITIONAL COURTROOMS in the County Courthouse at a cost of 58 cents a year to the owner of a \$60,000 home?	1	2	3	27	
Q6 Would you support that list of MECHANICAL improvements for the COURTHOUSE at a cost of \$1.35 year to the owner of a \$60,000 home?	1	2	3	28	
Q7 Finally, would you support the cost of moving and remodeling to consolidate the DISTRICT ATTORNEY's office at a cost of 48 cents a year to the owner of a \$60,000 home?	1	2	3	29	
Q8 When you get a vote-by-mail ballot do you send it in, always, frequently, sometimes or never?					
Always - 1 Freq - 2 Some- 3 Never - 4 D/K or N/A - 5				35	
Q9 Are you more likely to OPPOSE a property tax measure if there are OTHER tax measures on the same ballot?					
Yes- 1 No- 2 Depends- 3 D/K- 4				36	
Q10 In general, which do you feel is the more productive use of tax dollars: corrections programs for ADULTS or programs for JUVENILES? (IF YOU HAD TO CHOOSE?)					
Adults- 1 Juv- 2 Same- 3 D/K- 4				37	
Q11 Once again: In order to finance the projected needs of Multnomah County's justice system, would you be willing to pay ... (IF NOT) Would you be willing to pay ... (IF "YES" CIRCLE "1" ON ALL OTHERS)					
	<u>Yes</u>	<u>Maybe</u>	<u>No</u>	<u>N/A</u>	
Ten dollars a year?	1	2	3	4	38
Seven dollars and fifty cents a year?	1	2	3	4	39
Five dollars a year?	1	2	3	4	40
Two dollars and fifty cents a year?	1	2	3	4	41
Would you be willing to pay anything?	1	2	3	4	42

(IF NOT FROM LIST, ASK FOR DEMOGRAPHICS)

That will do it. Thank you very much for your assistance.

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 1: Q1) (Abbreviated Text) This fall, voters may be considering a \$30 million GOB measure for DE Long, required Courtrooms, DA & Courthouse repairs at a cost of just under \$10 on a \$60,000 home. How vote?

	TOTAL -----
TOTAL RESPONSES	400
Favor	198 50%
Tend to Favor	51 13%
Tend to Oppose	18 5%
Oppose	95 24%
Undecided	38 10%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 2: Q2) Why (would you vote the way you would)?
(MULTIPLE RESPONSES ALLOWED)

	TOTAL

TOTAL RESPONSES	400
FAVOR	252
-----	63%
Measures Needed / Necessary	113 28%
Juveniles Need Support / Help	73 18%
Crime / Justice System Needs Help	35 9%
Courthouse / Courts	29 7%
Aware of Run-Down Conditions	29 7%
Reasonable Cost	24 6%
Reservations about Cost	14 4%
Reservations: All Needed? / Priorities	12 3%
Do it Now / More \$ Later	9 2%
Reservations: Need More Information	7 2%
Means Construction / Employment	4 1%

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 2: Q2) Why (would you vote the way you would)?
(MULTIPLE RESPONSES ALLOWED)

	TOTAL -----
TOTAL RESPONSES	400
Other	4 1%
Good way to Fund It	3 1%
OPPOSE -----	105 26%
No New Taxes / Taxes Too High	56 14%
Don't Trust Govt. / \$ Mis-managed	25 6%
Not Aware of Need	17 4%
Other Priorities	14 4%
Property Tax Unfair	9 2%
Separate Issues	7 2%
UNDECIDED -----	41 10%
More Info Needed	24 6%
Taxes Too High	10 3%

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 2: Q2) Why (would you vote the way you would)?
(MULTIPLE RESPONSES ALLOWED)

	TOTAL

TOTAL RESPONSES	400
Question the Need	7 2%
Don't Know / Never Considered	3 1%
Separate Issues	3 1%
NO RESPONSE	2

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 3: Q3) Would you support building the Juvenile
DETENTION part of the facility at a cost of \$4.46 a
year to the owner of a \$60,000 home?

	TOTAL

TOTAL RESPONSES	400
Yes	285 71%
No	76 19%
Don't Know / No Ans.	39 10%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 4: Q4) Would you support building the Juvenile SERVICES portion of the facility, including courtrooms, probation and restitution offices, counseling for D&A, employment & other youth problems @ \$2.81 a year?

	TOTAL

TOTAL RESPONSES	400
Yes	291 73%
No	71 18%
Don't Know / No Ans.	38 10%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 5: Q5) Would you support the financing for three additional COURTROOMS in the County Courthouse, at a cost of \$.58 a year to the owner of a \$60K home?

	TOTAL

TOTAL RESPONSES	400
Yes	235 59%
No	120 30%
Don't Know / No Ans.	45 11%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 6: Q6) Would you support that list of MECHANICAL improvements to the Courthouse, at a cost of \$1.35 a year to the owner of a \$60K home?

	TOTAL -----
TOTAL RESPONSES	400
Yes	233 58%
No	115 29%
Don't Know / No Ans.	52 13%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 7: Q7) Would you support the cost of moving and remodeling to consolidate the District Attorney's office at a cost of \$.48 a year to the owner of a \$60,000 home?

	TOTAL

TOTAL RESPONSES	400
Yes	173 43%
No	167 42%
Don't Know / No Ans.	60 15%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 8: Q8) When you get a vote-by-mail ballot, do you send it in Always, Frequently, Sometimes or Never?

	TOTAL

TOTAL RESPONSES	400
Always	252 63%
Frequently	74 19%
Sometimes	49 12%
Never	17 4%
Don't Know / No Ans.	8 2%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 9: Q9) Are you more likely to OPPOSE a property tax measure if there are other tax measure on the same ballot?

	TOTAL

TOTAL RESPONSES	400
Yes	190 48%
No	95 24%
Depends	94 24%
Don't Know / No Ans.	21 5%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 10: Q10) In general, which do you feel is the more productive use of tax dollars, correction programs for adults or programs for juveniles?

	TOTAL

TOTAL RESPONSES	400
Juveniles	294 74%
Adults	42 11%
Same / No Difference	39 10%
Don't Know / No Ans.	24 6%
NO RESPONSE	1

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 11: Q11) Once again: In order to finance the projected needs of Multnomah County's Justice System, would you be willing to pay: Ten dollars a year?

	TOTAL

TOTAL RESPONSES	400
Yes	243 61%
Maybe	34 9%
No	105 26%
No Answer	18 5%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 12: Q11B) Once again: In order to finance the projected needs of Multnomah County's Justice System, would you be willing to pay: Seven dollars and fifty cents a year?

	TOTAL

TOTAL RESPONSES	400
Yes	257 64%
Maybe	28 7%
No	97 24%
No Answer	18 5%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 13: Q11C) Once again: In order to finance the projected needs of Multnomah County's Justice System, would you be willing to pay: Five dollars a year?

	TOTAL

TOTAL RESPONSES	400
Yes	283 71%
Maybe	28 7%
No	71 18%
No Answer	18 5%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 14: Q11D) Once again: In order to finance the projected needs of Multnomah County's Justice System, would you be willing to pay: Two dollars and fifty cents a year?

	TOTAL

TOTAL RESPONSES	400
Yes	296 74%
Maybe	23 6%
No	63 16%
No Answer	18 5%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 15: Q11E) Once again: In order to finance the projected needs of Multnomah County's Justice System, would you be willing to pay: Anything?

	TOTAL

TOTAL RESPONSES	400
Yes	297 74%
Maybe	25 6%
No	60 15%
No Answer	18 5%

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 16: GENDER

	TOTAL -----
TOTAL RESPONSES	400
Male	154 41%
Female	223 59%
NO RESPONSE	23

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 17: AGE

	TOTAL -----
TOTAL RESPONSES	400
18 - 24	19 5%
25 - 34	54 14%
35 - 44	119 30%
45 - 54	72 18%
55 - 64	60 15%
65 +	68 17%
No Answer / Refused	5 1%
NO RESPONSE	3

Chi Square

Riley & Associates - Run Date 7/27/90

MULTNOMAH COUNTY - JUSTICE FACILITIES FINANCING POLL

TABLE 18: PARTY

	TOTAL

TOTAL RESPONSES	400
Democrat	215 54%
Republican	135 34%
Other	45 11%
NO RESPONSE	5

Chi Square

Riley & Associates - Run Date 7/27/90

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

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 12 deteriorated due to age and hard use; and

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 16 courtroom space as well as additional space for the district
 17 attorneys who work in the facility; and

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 19 of Multnomah County to construct a new Donald E. Long facility;
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21 WHEREAS, the county courthouse which houses 40 courts and
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 24 has deteriorated due to age and use; and

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 26 electrical, security, fire detection and other building systems
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7 voters of Multnomah County at the election to be held on
September 18, 1990 the question whether to authorize the
8 issuance and sale of general obligation bonds in an amount not
to exceed 31.6 million dollars, the bonds to mature over a
9 period not to exceed 30 years, in order to finance construction
of a new Donald E. Long facility on the current site as well as
10 construction of new courtrooms at the downtown courthouse,
renovation of the downtown courthouse, and expansion of office
space for the District Attorney; and

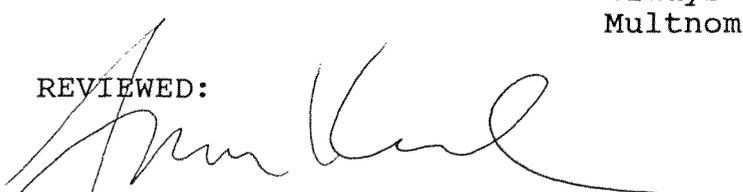
11 2. At 9:30 a.m. on August 15, 1990 at the Multnomah County
12 Courthouse, 1020 SW Fifth Avenue, Portland, Oregon, Room 602,
this Board shall hold a public hearing on the proposed bond
13 issue; and

14 3. The Director of Elections shall publish notice of said
15 hearing in the manner and for the time required by state law
and in substantially the form attached hereto as Exhibit A.

16 Dated this _____ day of August, 1990.

17
18 _____
Gladys McCoy
19 Multnomah County Chair

20 REVIEWED:

21 
22 _____
Laurence Kressel, County Counsel
of Multnomah County, Oregon

23 1/ATTY.230/mw
7/30/90:1
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EXHIBIT "A"

NOTICE

Notice of hearing on issuance of general obligation bonds of Multnomah County.

On August 15, 1990 at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon, the Board of County Commissioners of Multnomah County will hold a public hearing on the issuance and sale of general obligation bonds of Multnomah County not to exceed 31.6 million dollars. The bonds would mature over a period not to exceed 30 years.

The proceeds would be used to finance (1) construction of a new juvenile justice center and detention facility and (2) improvements to the Multnomah County Courthouse, including repair/renovation of the heating and electrical, security, fire detection and other building systems, re-roofing, asbestos removal and expansion for needed courtrooms, and for relocation of the offices of the District Attorney in order to allow for construction of additional courtrooms in the courthouse.

At the conclusion of the public hearing the Multnomah County Board of Commissioners will determine whether to submit the above stated purposes to the voters at the September 18, 1990 election. All interested persons may attend the hearing and shall be given a reasonable opportunity to be heard.

Gladys McCoy, Chair
Board of County Commissioners
for Multnomah County

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

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2		
3	In the matter of Calling an Election) RESOLUTION AND ORDER
4	to Authorize Multnomah County, Oregon) 90-112
5	to Issue and Sell up to 23.8 Million) Dollars (\$23,800,000) in General
6	Obligation Bonds to Finance) Construction of a new Juvenile
7	Justice Center and Detention Facility;) Directing the Publication of
8	Notice of Election; and Adopting a) Ballot Title and Voters' Pamphlet
	Statement)

9 WHEREAS, the Donald E. Long facility, which houses the
10 Juvenile Justice Division, juvenile detention, juvenile court,
11 district attorneys' and counselors' offices, is approximately
40 years old; and

12 WHEREAS, the physical condition of the facility has
deteriorated due to age and hard use; and

13 WHEREAS, the detention area is outmoded, with an inadequate
14 heating and ventilation system; and

15 WHEREAS, there also exists a current need for additional
16 courtroom space as well as additional space for the district
attorneys who work in the facility; and

17 WHEREAS, it is in the best interest of Multnomah County to
18 construct a new Juvenile Justice Center to replace the present
Donald E. Long facility; and

19 WHEREAS, architectural plans call for building the new
20 facility on the current site at a cost not to exceed 23.8
million dollars; and

21 WHEREAS, under state law, the County has the authority to
22 issue and sell general obligation bonds of Multnomah County in
the amount and for the purposes above mentioned; upon approval
by a majority of legal voters of the County; and

23 WHEREAS, on July 12, 1990 the Board declared its intention
24 to seek to finance the construction of the new facility by the
issuance and sale of general obligation bonds of Multnomah
25 County in an amount not to exceed 23.8 million dollars
(\$23,800,000), called for a public hearing on the question of
26 the issuance and sale of bonds and directed the giving of

1 notice thereof in accordance with state law; and

2 WHEREAS, notices of the hearing were properly published,
and the public hearing was held on July 31, 1990; and

3 WHEREAS, the Board finds it would be in the best interest
4 of the people of Multnomah County to proceed immediately to
call for an election;

5 NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that:

6 1. There shall be placed on the September 18, 1990 ballot,
7 the question whether Multnomah County shall issue and sell
8 general obligation bonds of the County in an amount not to
9 exceed 23.8 million dollars, the bonds to mature during a
period not to exceed 20 years, and the proceeds to be used to
finance construction of a new Juvenile Justice Center and
detention facility;

10 2. When and if such bonds are authorized, they shall be
11 issued and sold at such times and in such amounts as the Board
of County Commissioners of Multnomah County shall from time to
12 time order;

13 3. Pursuant to Ordinance No. 657, the Board hereby
14 requests that a County voters' pamphlet be prepared for the
September 18, 1990 election and agrees to pay an apportioned
15 share of the cost. This request shall be promptly filed by the
Clerk of the Board with the Director of Elections;

16 4. The Ballot Title attached hereto as exhibit A and the
17 Voters' Pamphlet statement attached hereto as exhibit B are
adopted; they shall be printed substantially in the form set
forth in the exhibits;

18 5. The Clerk of the Board shall promptly file certified
19 copies of this Resolution and exhibits with the Director of

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Page

1 Elections and the Tax Supervising and Conservation Commission
for their action as provided by law.

2 ADOPTED this 31st day of July, 1990.

3 (SEAL)



4 By Gladys McCoy
5 Gladys McCoy, Chair
6 Multnomah County, Oregon

7 REVIEWED:

8
9 Laurence Kressel
10 Laurence Kressel, County Counsel
of Multnomah County, Oregon

11 07/23/90:1

12 1ATTY.203/mw

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BALLOT TITLE

CAPTION

GENERAL OBLIGATION BONDS FOR REPLACEMENT OF COUNTY JUVENILE
DETENTION FACILITY

QUESTION

Shall County issue General Obligation Bonds Not to
Exceed \$23,800,000 to replace juvenile detention facility?

SUMMARY

Measure allows Multnomah County to issue not more
than \$23,800,000 in general obligation bonds to fund
replacement of Donald E. Long Home, county's juvenile
detention facility. Existing building is 40 years old and
is deteriorated. It will be replaced on same site. New
building will be occupied by juvenile court, prosecutors,
counselors and up to 88 juveniles confined by court order.

Bond would mature over 20 years. Cost to taxpayer
will be about \$.13 per \$1,000 of assessed property value
(\$7.80 per year for \$60,000 home).

VOTERS' PAMPHLET SUMMARY OF MEASURE

The measure allows Multnomah County to issue not more than \$23,800,000 in general obligation bonds to fund replacement of the Donald E. Long Home which currently houses a juvenile detention center, juvenile service programs, juvenile court judges and referees, prosecuting attorneys, and juvenile probation staff. In 1989, 15,818 cases were heard and decided in this facility.

The existing building in northeast Portland has deteriorated and does not have sufficient space to support the functions it is required to perform. The decaying condition of the facility has contributed to concerns about the health and safety of staff and juvenile detainees.

The bonds would mature over a 20 year period. The cost to the taxpayer will be about \$.13 per \$1,000 of assessed property value of \$7.80 per year for a \$60,000 home.

The measure would allow the following:

The housing of up to 88 juvenile offenders by Court order.

Construction of a facility that can be easily expanded to meet future juvenile detention space needs.

Significant improvements in health and safety conditions for staff and detainees.

Significant improvement and expansion of space available for juvenile services.

More courtrooms and expanded District Attorney space to enhance the processing of cases involving abused and neglected children.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

3	In the Matter of Calling for a Public)	RESOLUTION
4	Hearing on a Proposed General)	90-113
5	Obligation Bond Measure (\$7.8 million))	

6 WHEREAS, the county courthouse which houses 40 courts and
7 court referee departments, is 78 years old; and

8 WHEREAS, the physical condition of the county courthouse
9 has deteriorated due to age and use; and

10 WHEREAS, the heating and ventilation system, water,
11 electrical, security, fire detection and other building systems
12 need extensive repair and renovation, re-roofing is needed, and
13 extensive asbestos removal is required throughout the
14 courthouse; and

15 WHEREAS, the county courthouse can be renovated for
16 extended long-term use at a much smaller cost than replacement
17 with a new facility; and

18 WHEREAS, expansion room for additional courts is also
19 required and can be provided in the courthouse by relocating
20 the District Attorney's offices to permanent quarters in the
21 Portland Building; and

22 WHEREAS, under state law, the County has the authority to
23 issue and sell general obligation bonds of Multnomah County in
24 the amount and for the purposes above mentioned; upon approval
25 by a majority of legal voters of the County; and

26 WHEREAS, prior to placing the matter on the ballot, a
public hearing is required;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that:

1. It is the Board's intention to submit to the legal voters of Multnomah County at the election to be held on September 18, 1990, the question whether Multnomah County shall issue and sell general obligation bonds of the County in an amount not to exceed 7.8 million dollars, the bonds to mature during a period not to exceed 30 years, and the proceeds to be used to finance the previously described courthouse improvements, and relocation of the offices of the District Attorney to the Portland Building;

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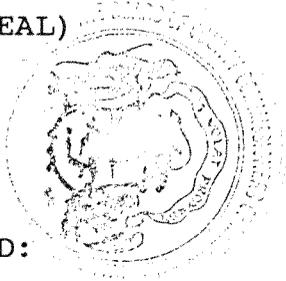
Resolution Calling
Hearing on GO Bonds
(\$7.8 Million)

1 2. At 9:30 a.m. on August 14, 1990, at the Multnomah
2 County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon,
3 Room 602, this Board shall hold a public hearing on the
4 proposed bond issue;

5 3. The Clerk of the Board shall publish notice of said
6 hearing in the Oregonian for the time required by state law and
7 in substantially the form attached hereto as exhibit "A".

8 ADOPTED this 31st day of July
9 1990.

10 (SEAL)



11 By *Gladys McCoy*
12 Gladys McCoy, Chair
13 Multnomah County, Oregon

14 REVIEWED:

15 *Laurence Kressel*
16 Laurence Kressel, County Counsel
17 of Multnomah County, Oregon

18 08/01/90:1

19 1ATTY.229/mw

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EXHIBIT "A"

NOTICE

Notice of hearing on issuance of general obligation bonds of Multnomah County.

On August 14, 1990 at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon, the Board of County Commissioners of Multnomah County will hold a public hearing on the issuance and sale of general obligation bonds of Multnomah County not to exceed 7.8 million dollars. The bonds would mature over a period not to exceed 30 years.

The proceeds would be used to finance improvements to the Multnomah County Courthouse, including repair/renovation of the hearing and electrical, security, fire detection and other building systems, re-roofing, asbestos removal and expansion for needed courtrooms, and for relocation of the offices of the District Attorney in order to allow for construction of additional courtrooms in the courthouse.

At the conclusion of the public hearing the Multnomah County Board of Commissioners will determine whether to submit the question of issuing and selling general obligation bonds for the above stated purposes to the voters at the September 18, 1990 election. All interested persons may attend the hearing and shall be given a reasonable opportunity to be heard.


Gladys McCoy, Chair
Board of County Commissioners
for Multnomah County

1ATTY.229/mw
08/01/90:1

Meeting Date: JUL 31 1990

Agenda No.: Inf. #1

(Above space for Clerk's Office Use)

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AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Update on City of Portland/Multnomah County
Urban Services Program TC 11:30 Am

BCC Informal 7/31/90 BCC Formal _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Fred Neal TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION Steve Bauer, Susan Schneider

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

Update on City of Portland/Multnomah County Urban Services Program

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCay
Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

1990 JUL 26 PM 3:17
CLERK OF COUNTY
OREGON

Summary

The City Council adopted the Urban Services Policy (USP), Resolution 33327 (Appendix 1), on February 23, 1983. This action was preceded by a decade of growth regionwide and a realization on Portland's part that the City needed to coherently address a broad range of issues in a singular fashion. Portland was addressing several disparate elements in its USP.

- <> An *Urban Subsidy* estimated at between \$11 million and \$13 million in FY'82-83
- <> A limited base of developable industrial land within the City proper
- <> A declining population in the City proper
- <> A decreasing proportion of the total regional population
- <> The need to strengthen Portland's visible role as the region's leader, both in Oregon and nationally
- <> The fate of some 130,000 residents living in the urban unincorporated territory of Multnomah County created real uncertainties for the region
- <> A repetitive pattern of budget shortfalls for Multnomah County
- <> Service capabilities of the City adequate to serve a larger area

Multnomah County adopted Resolution "A" (Appendix 2) in March, 1983. The County recognized its responsibility to focus on services in demand countywide. Portland agreed to offer municipal services, through annexation, to developed, unincorporated areas within an Urban Service Boundary (USB) adopted as part of the City's Comprehensive Plan. The policy is being applied within specific geographic areas defined by the boundary. Now, five years after adoption of the two policies, this report is provided as a review of accomplishments to date and to consider the program's future direction.

Since Portland's vigorous annexation program started in 1983, the City has annexed 57,470 people living in a 15.3 square mile area assessed at \$1,861,425,860.00. The program accentuates citizen participation and information, in order to explain the rationale for the changes in services delivered by the two jurisdictions. Public involvement is a key element of the USP and is integral to the program's objective, which is annexation of the area within the USB.

The population of Multnomah County was 557,500 in 1983, of which 66% (365,000) were Portland residents. By the end of 1987, the County population had gone up by about 5,000, while the enumerated City population had grown by 55,144, to 75% (420,000) of the total county population. An estimated population of 47,000 residing in 8.25 square miles of unincorporated territory valued at \$1.28 billion remain to be annexed within Portland's Multnomah County segment of the USB. Approximately 82% (467,000) of Multnomah County's population will reside in Portland when annexations are completed.

Subsequent to annexation, new citizens are intermixed into the City through a variety of programs. These include the neighborhood needs analysis/budget process, neighborhood association organization, and participation in City committees and commissions. Major rearrangement of local government resources has taken place due to the sizeable population, area, and taxable value of real estate coming into Portland during the past five years.

Fiscal analysis of the annexation program shows a slight negative overall impact on revenues and the City's service levels during the past five years. That trend has slowed down due to decreased annexation activity in 1987. A similar pattern is expected as the

program progresses, but the problem will be somewhat lessened by timing the effective date of annexation to correspond to the fiscal calendar. This practice was adopted by Council in 1987, and eliminates the costly extension of services to annexed areas before being assessed a city tax.

Five years into the program's implementation, several results are notable:

- <> Progress in dealing with the urban subsidy
- <> County General Fund now healthy and focused on countywide services
- <> Annexation of substantial tracts of developable industrial land
- <> City population is rising and ratio of regional population is increasing
- <> Portland's role as the regional leader has been strengthened in Oregon and nationally, and its Aaa bond rating has been maintained
- <> Service delivery problems in the urban unincorporated area are being solved

Growth through annexation has led Portland to invest in major capital improvements for newly annexed areas, as well as delivering the basic municipal services. Annexation of the Columbia South Shore area, believed to be the largest vacant industrial tract remaining on the West Coast, has finally opened the door for development of over 1,400 acres of general employment and industrial land. Levels of police protection in newly annexed areas are more than double what the County provides. The Police Bureau has responded to approximately 100,000 calls for service in these areas. Portland has taken title to fifteen annexed County parks. Over \$2.5 million has been spent to restore, maintain and improve these annexed parks since 1983. More than 359 miles of roads have come under Portland's jurisdiction. The City has received \$19.6 million in County road revenues since fiscal year 1984-85, spent an estimated \$17.8 million in transportation services and incurred \$14.5 million in capital for the same period. The Bureau of Planning has completed Community Plan reformatting in three areas and zoning conversions in six areas. New neighborhood associations have formed in Woodland Park, Argay Terrace, Cully, Parkrose Neighborhood, Parkrose Heights, Parkrose Community, Hazelwood Community, Brentwood/Darlington, Gilbert-Powellhurst Community, and Mill Park. The Wilkes Community, Clifgate, and Leach Garden neighborhoods are forming now.

Multnomah County began this program, in part, due to an estimated \$14 million General Fund shortfall in FY '82-'83. Improvements in Multnomah County's budget situation are measurable, and due largely to the lowered demand for municipal services in unincorporated neighborhoods. It is estimated that Multnomah County is now reallocating a minimum of \$3.1 million annually from municipal services to at least 17 different countywide programs, including health and human services, the criminal justice/jail system, assessment and taxation, libraries, and regional park improvements. Annexations have triggered the transfer of sixty deputy sheriffs thus far. Portland and Multnomah County have cooperated in an exemplary manner; their cooperation has included both policy and financial support, as well as extensive participation by public officials.

Joint implementation of Portland and Multnomah County's urban service policies provided for public involvement, and a comprehensive information package in various communication milieus was developed to market the program. Components include a Portland Urban Services Directory, a County Services Directory, tax cost comparison worksheets, issue and service oriented brochures, a slide show narrated by the Mayor, cable television programs, and neighborhood-tailored newsletters.

Several other cities in the metropolitan area have or are in the process of developing their own urban service policies and boundaries. Gresham has had an agreement with Multnomah County and an active annexation program since 1984. In Washington County,

Portland, Beaverton, Tigard, and Hillsboro have or now are developing service boundaries and have done substantial annexations in recent years. Clackamas County and Portland agreed on a services boundary in 1985 and several Clackamas County cities are developing service policies and boundaries.

Oregon's annexation statutes are recognized to be among the most conservative in the United States. In addition, the state's annexation statutes are designed for piecemeal annexation. There simply is no statutory method of large scale annexation that is consistent with state-mandated land use plans and that rationalize government structure and services. This is borne out by the time it has taken to get to this far, the plethora of lawsuits dogging the program, and a finding by the State Appeals Court that the triple majority annexation method is unconstitutional.

The 1987 Legislature created a new double majority method of annexation meant to replace triple majority. The double majority method requires support both from owners of the majority of land area and a majority of the registered voters within designated *intent to annex* areas filed with the Boundary Commission. Double majority appears to satisfy the concern raised by the Court of Appeals regarding the right of voters to have a say in annexation, while maintaining the involvement of property owners and providing certainty to the City for approval once the standards are met.

Recommendations

This report recommends Council ratification of the Urban Services Policy, adopted by an earlier Council. The report also recommends continuation of the program at a measured pace and development of an Urban Services Boundary to the west. The new double majority method of annexation is recommended for use by the City. Island annexation of isolated parcels is also recommended.

BUREAU SERVICE DELIVERY ACCOMPLISHMENTS

ANNEXED AREAS UPDATE

OCTOBER 1989

URBAN SERVICES DIVISION

OFFICE OF FINANCE & ADMINISTRATION

CITY OF PORTLAND

PORTLAND, OREGON

WATER

The four water districts of Rose City, Parkrose, Darlington & Sylvan, have been dissolved and their assets, employees and liabilities transferred to the City.

The Water Bureau has concluded agreements with two additional water districts, Powell and Gilbert, on annexation, withdrawal and service. Discussions are underway with Rockwood on a similar agreement.

Jantzen Beach Water Co. has been purchased and the City is in the process of acquiring Community Water Co..

Water rates have been reduced by up to 40% for those customers who have annexed to the City of Portland. Many customers have experienced a higher quality of service as the City has up-sized or replaced mains, added fire hydrants, completed loops, and responded to questions raised by consumers.

Over \$2 million in improvements have been made that provide service to annexed areas, including 25,100 feet of main on Hayden Island, in NE Portland and SE Portland, regulators, vaults and meters in the same areas, as well as fire hydrants throughout those areas.

Well over \$40 million in improvements are planned or underway including:

Powell Butte Reservoirs 2 &3	22.9 million
Halsey Supply Loop	5.0 million
Parkrose Supply Main	3.7 million
*Columbia South Shore Supply	2.8 million
East Boundary Main	1.2 million
162nd Avenue Pump Station	.3 million
Arnold Street Pump Station	.3 million
Capitol Highway Main	.5 million
*Hayden Island Supply	.5 million
*Sylvan Supply	.4 million
Kelly Butte Outlet	.8 million
PIA East Supply Main	.4 million
Stark Street Main	.3 million
Klickitat Supply Main	.3 million
Neighborhood specific main & hydrant improvements (Clifgate, Gateway, Cherry Park, Old Parkrose, Parkrose Heights, West Powellhurst, Wilkes)	2.7 million
*Underway	

Additionally the following projects are city-wide in nature, and include work in annexed areas:

Distribution Main Program	1.1 million yearly
Fireflow Program	.6 million yearly
Hydrant Program	.08 million yearly

ENVIRONMENTAL SERVICES

The cities of Portland and Gresham in 1984 secured \$14 million in federal grants to provide treatment capacity and truck sewers to the mid-County area, thereby reducing the cost of the Implementation Plan to mid-County residents and businesses. Portland and Gresham have been granted an additional \$14 million from the \$27 million that Oregon received from the Clean Water Act recently passed by Congress. The City will continue to seek ways to reduce the cost of building sewers in mid-County.

A mid-County Customer Service Office was opened in 1986 to provide sewer information and to issue sewer connection permits for the east Portland/mid-County area.

The Bureau of Environmental Services has completed several successful sanitary LID's in mid-County and is in the process of constructing all the sanitary sewer trucks in that same area. The truck sewers will facilitate the continuing construction of new sanitary sewers in the mid-County area.

A safety net proposal has been completed. It is designed to prevent anyone from being forced from their home because of sewer costs. Depending on household income and expenses, it will allow qualified households to defer 20% to 100% of sewer costs and/or the physical connection to the sewer system. Safety net deferrals have been occurring since the end of 1987. Over 200 deferrals have been granted to date.

Portland residents receive comprehensive environmental services through waste reduction programs and water quality protection services.

Portland guarantees the "opportunity to recycle" by regulating solid waste haulers and requiring them to provide curbside recycling.

Annexed areas, as with the rest of the city, receive comprehensive storm water management services such as sewer and culvert repairs (for public facilities), roadside ditch and shoulder maintenance, drainage problem investigation and the potential for storm sewer capital improvements in serious problem areas.

These storm water management services and others contribute to water quality efforts in the city.

Water quality protection also include the availability of grants, low-income financing, and a sewer safety net program to facilitate the construction of sanitary sewers. The mid-County Sewer project is an example of a large project that is allowing residents and businesses to make an investment in the future of their community while making a sound investment in their property.

TRANSPORTATION

The County has transferred 363.1 miles of roads annexed to the City since 1984. This has eliminated the overlapping service that existed where the City and County maintained different roads in the same neighborhoods. These roads are being inspected, tested and added to the City's comprehensive Pavement Management System.

The newly annexed mid-County areas have been added to the City's snow and ice plan to ensure that arterial streets and Tri-Met service can be used during the bad weather.

As of May 1, 1989, the City has purchased the street lights in areas recently annexed to Portland. Of course, the City will continue to pay for energy and maintenance of these lights.

The City has provided traffic management, transportation planning, engineering, street maintenance and street cleaning in the area.

The City has entered into agreements with the County to ensure the smooth transition of road maintenance and traffic management services as annexations proceed.

The City recently concluded negotiations which while ensure that Multnomah County will build at least \$6 million worth of road improvements in or on the borders to the mid-County areas over the next 10 years.

FIRE PROTECTION

The contracts by Multnomah County R.F.P.D.#10 and Clackamas County R.F.P.D.#1 with Portland Fire continues to play an important role in facilitating the smooth transition of mid county areas into the City. Service overlap and duplication has been all but eliminated reducing operating costs for both the City and the Fire Districts.

Probably withdrawal of use of the building by property owners has required the Bureau to look for a new site for Station 17. Because of availability of suitable property Station 17 may have to be relocated off Hayden Island. Consideration for site selection will include routes and response time to the island and the feasibility of marine facilities.

POLICE PROTECTION

East Precinct is the main service provider of police services for the vast majority of newly annexed areas in the mid-county area and has doubled the police protection once serviced by the Multnomah County Sheriff's office. It is often referred to as Oregon's fourth largest police department.

East Precinct has 161 sworn police personnel, with approximately 140 officers providing direct street-level police services. This precinct has three to four officers on the day shift and eight to ten working the evening and night shifts serving the newly annexed areas alone. This precinct has the resources available to address matters of concern. Special details as for dealing with cruising or prostitution can disburse fifty officers at one time. The full complement of the Police Bureau's resources and support services are available to assist East Precinct and the newly annexed citizens.

As with each of the city's three precincts, East has a citizen's advisory committee. Command staff is available for neighborhood meetings and working directly with community and business concerns. The ongoing and driving force behind the recent 150 arrests made on prostitution and the cruising issue was the 82nd Avenue Business Association.

Over the past two and one-half years, the Drug and Vice Division, in addition to serving countless search warrants citywide, specifically notified 30 addresses in the newly annexed areas of violations of the "drug house" ordinance.

In the spring of 1989, the Police Bureau began work towards adopting the concept of "Community Policing" as the foundation of its mission. On July 5, the City Council adopted a resolution defining Community Policing as being a style of policing based on a philosophy which recognizes the interdependence and shared responsibility of the policing and community in making Portland a safer, more livable city. It is a method of policing which encourages a partnership that identifies community safety issues, determines resources, and applies innovative strategies designed to create and sustain healthy, vital neighborhoods.

Community Policing will coordinate with efforts being made by private, non-profit, and public agencies to bring a comprehensive approach to Portland's problems of crime and disorder. Community Policing reflects the values of community participation; problem solving; officer involvement in decision making; police accountability; and deployment of police personnel at a level closer to the neighborhood.

To carry out its mission of identifying issues which adversely affect livability and increase citizen fear of crime and disorder, the Bureau strives to hire individuals who possess attitudes, traits, and personalities compatible with becoming community service agents.

The Telephone Report Unit (TRU), has 13 officers taking 14% of the Bureau's calls and originating 35% of the total Bureau cases. The unit expanded its role by creating a "mail in" report for victims to complete when situations involve thefts from vehicles, minor thefts and minor theft and vandalism. As of September 1989, 7600 forms were mailed and 63% were returned. Citizens were also given the options of either reporting by phone or by a mail-in report; 93% selected the mailing.

Due to impact of enhanced gang influence, the Bureau created and expanded a gang enforcement team. The present team consists of 21 members dealing with Black, Asian and Skin-Head gangs and can be disbursed to any area necessary.

PLANNING

The City has amended its Comprehensive Plan and created three new zones so that the Community Plans can be faithfully implemented by the City. Several areas have received special Plan District designations that implement unusual provisions contained in the Community Plans.

Portland is spending about \$150,000 per year on neighborhood planning, zone change requests, conditional use applications, and development requests in the annexed areas are costing the City about \$120,000 per year in staff time.

Environmental Zone Mapping in 1988-89 established protection for significant wet lands and wildlife habitat areas in the Columbia Corridor including Hayden/Tomahawk Island. The City developed a new "E" Zone to replace Multnomah County's SEC Zone for annexed lands, and also applied the Zone to appropriate areas not currently covered by the SEC Zone.

The Planning Bureau applied Industrial Zone Mapping in 1988-89 to annexed areas of the Columbia Corridor and Hayden/Tomahawk Island under the new industrial performance code adopted by City Council in 1985. The rezoning was coordinated with the Portland Development Commission and Water Bureau to assure protection of water quality in the South Shore District.

City Council adopted the long-range Public Facilities Plan for water, sewer, storm drainage, and transportation for areas inside Portland's Urban Services Boundary. This plan, with major contribution from the service bureaus, provides major project lists for capital projects necessary to correct deficiencies under the 20 year growth forecasts.

The Planning Bureau has a number of studies related to the ongoing requirements to keep its Comprehensive Plan in compliance with Statewide Planning Goals. In 1988-89, studies on historic inventories, scenic views and sites, and mineral and aggregate sites were all completed for annexed areas as well as citywide. Planning Commission and City Council review on these studies will occur in 1989-90.

CODE ENFORCEMENT AND NUISANCE ABATEMENT

Housing and nuisance codes that have received little or no enforcement in unincorporated areas in the past are being enforced. The City has enforced the housing code, inspected adult care homes, abated nuisances, towed abandoned vehicles, enforced the zoning code, and taken violators to the City Code Enforcement Hearings Officer.

The City's nuisance abatement and zoning staff have corrected some neighborhood eyesores and health hazards. For example, several property owners have been dumping garbage in for years; these properties have been cleaned up. In other instances, properties have been used for storage of car and motorcycle parts, and lots of vehicle repair work has been going on for many years. This is a blatant violation of the zoning code and is being rectified. The City has enforced mowing of tall grass and weeds.

The City is also actively pursuing housing code violations. Several burned out structures and dangerous buildings have been demolished. The City has been working with owners of a motel and trailer park to correct multiple electrical and sewage problems. Numerous corrections have been made to motels along NE Sandy Blvd..

PARKS

Below is listed the work that has been done in the parks which came to the City of Portland, from mid-County annexations.

Most of the parks need a One-Time Fix-Up before routine maintenance could begin. The One-Time Fix-Up included: mowing very tall grass (several times to obtain good results); raking up the grass and hauling away; pruned trees; sprayed broadleaf weeds in the turf; stalled concrete garbage cans; cleaned hard-surfaces, i.e. walks, service roads, etc.; applied pre-emergent herbicides in shrub beds and spread barkdust; repaired sprinkler systems; installed signs; replanted dead and/or dying, plants, etc..

All of the parks listed below had the One-Time Fix-Up described above except Beech park which is not a park; Beech is a cabbage field. Additional repairs to some parks are also listed:

Argay	West Powellhurst
Beech	
Brentwood-resurfaced tennis courts	
Cherry	
Earl Boyles	
Floyd Light-extensive shrubbery removal	
John Luby	
Knott-improvements include a rest room, additional play equipment	
Merrified	
Midland	
Mill	
Park 51	
Parkrose Thompson (now known as Thompson Park)	
Sacajawea	
Ventura	

PARK RECREATION

Recreation considers their greatest accomplishment in the newly annexed areas as recreation programming in the Parkrose Community School. Recreational opportunities are offered for youth and adults at 6 Parkrose School sites. They include Parkrose High School, Parkrose Middle School, Russell Elementary School, Sumner Elementary School, Sacramento Elementary School and Shaver Elementary School.

In addition, they have initiated summer playground programs for youth at two locations, Argay Park and Ventura Park/Ventura School.

They have initiated an after-school recreation program for youth at Lane School adjacent to Brentwood Park.

They have also received a request to staff a summer playground program at Knott Park during the summer of 1990 and are currently evaluating the feasibility of this request.

OFFICE OF NEIGHBORHOOD ASSOCIATIONS

The East Portland Neighbors Office, now located at 10700 NE Sandy Blvd., provides staff assistance to the following neighborhood associations, recognized by the City's Office of Neighborhood Associations:

- Argay Neighborhood Association
- Hazelwood Community Group
- Mill Park Neighborhood Association
- Parkrose Community Group
- Parkrose Heights Association of Neighbors
- Parkrose Neighborhood Association
- Powellhurst/Gilbert Neighborhood Association
- Wilkes Community Group

During the past year, representatives from the above neighborhood associations have been working toward a more formal district coalition to bring East Portland into a position of equity with the other district coalitions in the city.

The East Portland District Coalition is now incorporated, has bylaws and is in the process of requesting recognition by the Office of Neighborhood Associations.

An organizing committee, consisting of representatives from the neighborhood associations, has been meeting regularly, to work through the necessary steps in this process. Most of the neighborhood associations have received enabling endorsement from their general memberships. We are hoping for coalition status by the first of January, 1990.

The office moved to its current location in September of 1988 and has benefitted by this closer proximity to the people it serves. We have continued to provide ongoing technical assistance, information and referral, and neighborhood crime prevention training for the people in the area.

During the later part of 1988, the remaining neighborhood zoning plans were reformatted and adopted. The process for smooth transition to City zoning was developed and implemented in cooperating with the Bureau of Planning. This action saw a high level of volunteer assistance from the neighborhood leaders in this area.

The East Portland Neighborhoods participated in the Neighborhood Needs Assessment process again this spring. Argay Neighborhood was able to celebrate the completion of a stop light at 122nd and Shaver. Citizens in the area participated in the development of master plans for Rocky Butte, Powell Butte and Ed Benedict (Mt. Hood) Parks. Parkrose Heights members sponsored a Knott Park Fun Fest. Rocky Butte citizens held a Rocky Butte Concert Series in cooperation with the Park Bureau.

East Portland citizens have contributed their time and expertise to such issues as Resource Management in the Columbia South Shore, cruising on SE 122nd Avenue, and Traffic and Land Development issues on Sandy Blvd.. City wide issues such as Neighborhood Revitalization, Community Policing and Code Rewrite have taken citizens time. In November 1989, citizens are plunging into the Arterial Street Classification Policy Update process.

Probably the most gratifying accomplishment in all of this activity is that people in newly annexed East Portland have become more experienced and more effective in dealing with each other and with governmental bodies and bureaus. They have gained confidence in their ability to make good things happen in their neighborhoods and in their City.

Meeting Date: JUL 31 1990
Agenda No. : Inf. #2

(Above Space for Clerk's Office Use)

.....

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Briefing on Charter Review Committee Report

BCC Informal 7/31/90 BCC Formal _____
(Date) (Date)

DEPARTMENT Non-departmental DIVISION Charter Review Committee

CONTACT Bill Rapp TELEPHONE 248-3525

PERSON(S) MAKING PRESENTATION Ann Porter/Bill Rapp

ACTION REQUESTED

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (Include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Informational briefing on the Charter Review Committee Report which, pursuant to Section 12.60 of the charter, contains the Committee's "findings, conclusions and recommendations" to the people of Multnomah County and the Board of Commissioners.

1990 JUL 28 4 9:59
CLERK OF BOARD OF COMMISSIONERS
MULTNOMAH COUNTY
OREGON

SIGNATURES

ELECTED OFFICIAL _____

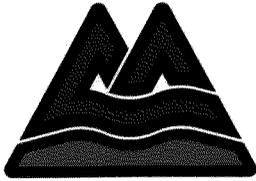
OR

DEPARTMENT MANAGER Bill Rapp

(All accompanying documents must have required signatures)

REPORT OF THE
MULTNOMAH COUNTY
CHARTER REVIEW COMMITTEE

AUGUST 2, 1990



MULTNOMAH COUNTY OREGON

MULTNOMAH COUNTY CHARTER REVIEW COMMITTEE

1120 S.W. Fifth Avenue
Suite 1500
Portland, Oregon 97204
(503) 248-3525

MEMBERS

Ann Porter, *Chair*
Mark Johnson, *Vice-Chair*
Florence Bancroft
Lana Butterfield
David J. Chambers
Liberty Lane
Monica Little
Bruce McCain
Paul Norr
Marcia Pry
Casey Short
Nicholas Teeny
LaVelle VandenBerg

August 2, 1990

Commissioner Gladys McCoy
Multnomah County Chair
1021 S.W. Fourth Avenue
Portland, Oregon 97204

STAFF

William C. Rapp
Administrator
Shirley Winter
Secretary

Dear Chair McCoy and Members of the Board:

Pursuant to Section 12.60 of the Multnomah County Home Rule Charter, the charter review committee hereby submits its report to the people and to the board of county commissioners. The attached report contains the committee's findings, conclusions and recommendations including amendments proposed to the charter.

During a 12 month period beginning in July, 1989, the committee and its subcommittees held 33 public meetings throughout the county in the course of making a comprehensive study of the charter. Its record is contained in the detailed minutes and other materials to be filed with the clerk of the board. The committee's work product includes recommendations for seven ballot measures proposing amendments to the charter and one recommendation for a citizens commission to study regional issues.

The committee has looked to the future of Multnomah County. The committee offers its findings, conclusions and recommendations to the people and to the board of county commissioners with the people's and the county's best interests in mind.

Respectfully submitted,

Ann Porter

Ann Porter, Chair

Mark A. Johnson

Mark A. Johnson, Vice-Chair

TABLE OF CONTENTS

Section	Page
LETTER OF TRANSMITTAL	i
PART I: FINDINGS, CONCLUSIONS AND RECOMMENDATIONS . . .	1 - 15
Chair/County Manager	2 - 3
Advocate/Lobbyist	4 - 5
Salaries	6 - 7
Charter Review Committee	8 - 10
Running for Office Mid-Term	11 - 12
Limitations on Terms	13
Regional Issues	14 - 15
PART II: CHARTER AMENDMENTS	16 - 42
Ordinance	17 - 19
Exhibit A	20 - 42
Chair/County Manager	20 - 24
Advocate/Lobbyist	25 - 27
Sheriff's Salary	28 - 30
Chair and Commissioner Salaries	31 - 33
1997 Charter Review Committee	34 - 36
Running for Office Mid-Term	37 - 39
Limitations on Terms	40 - 42

PART I: FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

CHAIR/COUNTY MANAGER

Findings

The committee finds:

1. The Multnomah County Home Rule Charter provides for the structure of government in Multnomah County.
2. The current structure of government with the chair as the executive and a member of the board of commissioners was adopted by the people in 1984 and is now in its fourth year of existence.
3. The current structure of government causes a conflict because the chair is both a policy-maker and the elected official responsible for putting that policy into effect.
4. County government is not currently as effective as it would be if the legislative functions were separate from the day-to-day administration of the county.
5. Multnomah County has the potential to be run more efficiently with a professional county manager administering the day-to-day operations of the county.
6. The hiring of a county manager will result in the need for fewer administrative personnel in the legislative branch of county government.
7. The potential savings in reducing by 10% the budget for the chair, the board of commissioners and the county manager is approximately \$180,000.

Conclusions:

The committee concludes:

1. The governmental structure of Multnomah County should operate in an efficient, business-like manner.
2. Multnomah County should not continue to allow the conflict of having the chair as both a policy-maker and administrator of the county.
3. A council/manager structure is a compromise between the current structure, with minimal separation of powers, and the elected executive form of government which existed prior to 1987.
4. The chair should continue to be the spokesperson for the county but the chair should not continue to occupy the dual role of policy-maker and administrator for the county.
5. A professional county manager should be hired to administer the county in an efficient, business-like manner.
6. The total budget for fiscal year 1991-92 for the board chair, the board of county commissioners and the county manager should not exceed 90% of funds budgeted for the board chair and the board of county commissioners in fiscal year 1990-91.
7. To allow a reasonable period of transition for this form of county government, these recommended changes should go into effect July 1, 1991.

Recommendations:

The committee recommends the following ballot measure for charter amendments to the people and to the board of county commissioners: Ballot Measure No. 1, Chair, County Manager Responsibilities.

ADVOCATE/LOBBYIST

Findings

The committee finds:

1. Section 6.50(3) of the charter, adopted by the people in 1982 as part of ballot measure #6, provides:

Multnomah County shall not employ or hire a paid lobbyist.
2. Public sector lobbying is the conveying of information of a public policy nature and the advocating of a position.
3. Prior to ballot measure #6, Multnomah County was able to represent the county's interests before other bodies of government at state and national levels in accordance with statutory provisions.
4. Subsequent to the passage of ballot measure #6, Multnomah County has not been able to adequately represent the county's interests before other governmental bodies making decisions affecting Multnomah County and its citizens.
5. By virtue of the lobbyist prohibition, Multnomah County is restricted more than any other government in the state, if not the country, in being able to represent its current interests. Not having a lobbyist drastically reduces the county's ability to represent local interests in the state legislature. Without a lobbyist, the county's citizens have a limited ability to influence state fiscal and statutory changes which may increase costs and reduce the effectiveness of county government.
6. The lobbyist prohibition diminishes the ability of the county to more efficiently and completely perform an essential function already being performed.

7. Neither Multnomah County Commissioners, nor Multnomah County State Legislators, have the time, resources or expertise to serve as lobbyists for the county.
8. As a result of Section 6.50(3) of the charter, Multnomah County's ability to represent the interests of the county and its residents before the Oregon Legislative Assembly is diminished.

Conclusions

The committee concludes:

1. Since the state and federal governments make decisions affecting Multnomah County, it is in the best interests of Multnomah County for the county to be able to represent its interests before other bodies of government.
2. The charter should be amended to repeal the lobbying restriction in Section 6.50(3) of the charter and to permit the county to employ an advocate to represent county interests.

Recommendations

The committee recommends the following ballot measure for a charter amendment to the people and to the board of county commissioners:
Ballot Measure No. 2, Advocate, County Lobbyist.

SALARIES

Findings

The committee finds:

1. Section 4.30 of the charter, amended by the last charter review committee and approved by the voters in 1984, provides for a salary commission appointed by the auditor to recommend salary adjustments which are voted on by the people for all county elected officials, except the auditor.
2. The current structure has not proven successful in that the voters have rejected the salary commission's recommendation three times since 1986. The result is that the commissioners have not had a salary increase since 1981 and the sheriff has not had a salary increase since 1982.
3. Although voters have a demonstrated ability to make policy decisions, they do not have sufficient objective information to make decisions effecting the day-to-day operations of the county; the board of commissioners does have that information.
4. A salary commission's objectivity is a valuable component in the setting of commissioners' salaries.
5. Allowing the board of commissioners to set chair and board salaries based upon the recommendation of a salary commission would comply with state law for counties without charters.
6. Prohibiting the board of commissioners from setting the chair and commissioners' salaries above those recommended by the salary commission provides a reasonable restraint on the board of commissioners.
7. The position of sheriff in Multnomah County is the highest position in the Sheriff's Office and is of a professional nature; it is primarily an administrative or managerial position. The current salary for the sheriff's position is \$15,000 less than the highest paid employee in the Sheriff's

Office. If the board of commissioners sets the sheriff's salary in an amount which is not less than that for any other member of the sheriff's office, that salary would be set in accordance with current procedures for exempt personnel. State law for general law counties (counties without charters) currently requires that the board of commissioners set the salary of the sheriff in an amount not less than any other member of the sheriff's office.

Conclusions

The committee concludes:

1. A salary commission should provide the independent and objective judgement necessary to recommend reasonable salary levels for the county chair and the board of commissioners.
2. The county chair and commissioners should set their own salaries at levels not to exceed those recommended by the salary commission.
3. The sheriff's salary should be set by the board of commissioners at an amount which is not less than that for any other member of the sheriff's office.

Recommendations

The committee recommends the following ballot measures for charter amendments to the people and to the board of county commissioners: Ballot Measure No. 3, Sheriff's Salary and Ballot Measure No. 4, Chair and Commissioner Salaries.

CHARTER REVIEW COMMITTEE

Findings

The committee finds:

1. Sections 12.30 to 12.70 of the charter relate to the charter review committee:

12.30 CHARTER REVIEW COMMITTEE. There shall be convened a Charter Review Committee for the purpose of making a comprehensive study of the Multnomah County Home Rule Charter and, if the committee chooses, submitting to the people of Multnomah County amendments to the Charter.

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voters within Multnomah County. The Committee shall choose their chairperson from among themselves and shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state Senate district located in Multnomah County shall appoint the electors for the district. Appointees shall reside in the district and

Multnomah County. If the three appointers from any Senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.

- (3) If two electors are appointed from a Senate district, they shall not be registered in the same political party.
- (4) The following persons are not eligible for appointment to the Committee: The state senators and representatives who represent districts located in Multnomah county, the members of the Multnomah County Board of Commissioners, and the chair of the board of commissioners, if any, serving at the time of appointment.
- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the senate district from which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than June 30, 1989.

12.50 SCOPE OF COMMITTEE REVIEW.

- (1) The Committee shall commence study of the Charter by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses.
- (2) The Committee shall review the county charter and any issues relating thereto.

12.60 REPORT OF COMMITTEE. At least ninety-five days prior to the primary or general election or both of 1990, the Committee shall report to the people and to the Board of County Commissioners their findings, conclusions, and recommendations including any amendments they propose to the Charter.

12.70 SUBMISSION OF AMENDMENTS TO THE PEOPLE. All amendments proposed by the Committee shall be submitted to the people of

Multnomah County at the 1990 primary or general election, or both.

2. The charter does not provide for a future charter review committee.
3. A charter review is a valuable process ensuring that the charter provides for the most effective governing structure for the county.
4. An eight year interval between charter reviews would provide the optimal balance between necessity for a review and stability in county government.

Conclusions

The charter should be formally reviewed again and a report issued to the people and to the board of county commissioners prior to the 1998 primary or general elections.

Recommendations

The committee recommends the following ballot measure for charter amendments to the people and to the board of county commissioners: Ballot Measure No. 5, 1997 Charter Review Committee.

RUNNING FOR OFFICE MID-TERM

Findings

The committee finds:

1. Section 6.50(5) of the charter prohibits any elected official from running for another office in mid-term:

No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

2. The prohibition against running for office in mid-term has a detrimental effect on attracting qualified and competent political candidates.
3. The prohibition against running for office in mid-term creates a hardship on office-holders and on the county which must fill vacancies in elective county offices.
4. Present charter language prohibits an office-holder from running for another office not only in the middle of a term, but during the first three years of the term.
5. Allowing an elected official to run for another elective office during the last eighteen months of the term would provide a reasonable period of time for that official to prepare for a primary election.
6. Prohibiting an elected official from running for another public office except during the final twelve months of office

puts a sitting elected county official at a disadvantage to a member of the public seeking office.

Conclusions

The charter prohibition against running for office in mid-term should be modified so that elected officials are allowed to file for another elective office during the last eighteen months of their terms.

Recommendations

The committee recommends the following ballot measure for charter amendments to the people and to the board of county commissioners:
Ballot Measure No. 6, Running for Office Mid-Term.

LIMITATIONS ON TERMS

Findings

The committee finds:

1. Section 6.50(4) of the charter speaks to the two-term limit:

Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any twelve year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any twelve-year period.

2. The two-term limit precludes the voters from retaining an elected official whom the voters would otherwise retain.
3. The current provision deprives the public of desirable expertise in county government by forcing elected officials to retire after two terms.

Conclusions

The provision restricting elected officials to two terms should be repealed.

Recommendations

The committee recommends the following ballot measure for a charter amendment to the people and to the board of county commissioners:
Ballot Measure No. 7, Limitations on Terms.

REGIONAL ISSUES

Findings

The committee finds:

1. There is some discontent with delivery of county services including police, roads, planning, parks and human services.
2. Municipal services are currently being delivered in the metropolitan area by three counties, 32 incorporated cities, 137 special districts (not including school districts) and one regional government.
3. There is currently a lack of cooperation among local governments in the tri-county area which hinders the most efficient delivery of services.

Conclusions

The committee concludes:

1. Efficient and orderly delivery of services in the tri-county area is a desirable goal and the means to achieve that goal is cooperation among local governments and a logical local government organizational plan in the tri-county area.
2. In order to facilitate the efficient delivery of services in the tri-county area, the board of county commissioners should initiate a study of service delivery and local government organization in the tri-county area.

Recommendations

The committee recommends that the Multnomah County Board of Commissioners appoint a citizens commission to study the issue of service delivery in the tri-county area, including the study of

local government organization. The commission should encourage the participation of Washington and Clackamas Counties.

The citizens commission should have the authority to study this issue by all appropriate means including open hearings and meetings, the taking of testimony and interviewing witnesses.

The citizens commission should report to the board of county commissioners their findings, conclusions and recommendations at the completion of its study.

PART II: CHARTER AMENDMENTS

This part contains the ordinance presented to the board of county commissioners, the proposed ballot titles, explanatory statements and charter amendments.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON
ORDINANCE NO. _____

An ordinance submitting proposed County Home Rule Charter amendments to the voters at the general election to be held November 6, 1990; and declaring an emergency.

Multnomah County ordains as follows:

Section I. Purposes

A. The Multnomah County Home Rule Charter creates a Charter Review Committee and directs the Committee to make its report to the Board, including any amendments proposed to the charter, at least ninety-five (95) days prior to the 1990 primary or general election.

B. The Committee has concluded its review and has submitted its report to the board. The Committee recommends that seven (7) separate measures containing amendments to the Charter be submitted to the voters at the 1990 general election.

C. The Charter requires that amendments proposed by the Committee be submitted to the voters at the 1990 primary or general election or both.

Section II. Submission of Proposed Charter Amendments to Voters.

A. There shall be submitted to the voters of Multnomah County at the election to be held November 6, 1990, seven (7) measures containing amendments to the Multnomah County Charter. The election shall be held concurrently with the statewide general

election and notice thereof shall be given as required by law.

B. Exhibit A, attached hereto and by this reference incorporated herein, contains the proposed measures, proposed ballot titles and explanatory statements.

C. The Clerk of the Board shall promptly certify the proposed measures, ballot titles and explanatory statements to the Director of the Elections Division who shall publish the notice required by the county code.

D. The Board hereby determines that the aforementioned measures, ballot titles and explanatory statements shall be included in the state voters' pamphlet for the November, 1990 election. The Director of Elections shall file them with the Secretary of State as required by law.

Section III. Emergency Clause.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this _____ day of _____ , 1990 being the date of its
_____ reading before the Board of County Commissioners of
Multnomah County, Oregon.

By _____
GLADYS McCOY, CHAIR
MULTNOMAH COUNTY, OREGON

REVIEWED:

Laurence Kressel, County Counsel
of Multnomah County, Oregon.

EXHIBIT A

BALLOT MEASURE NO. 1

CAPTION:

Multnomah County Charter Review Committee's
Recommendations: Chair, County Manager Responsibilities.

QUESTION:

Shall the Board of County Commissioners appoint a
professional County Manager to perform the administrative functions
of the County?

PURPOSE:

If this measure is approved: The County Charter
will be amended to transfer administrative functions of the Chair
of the Board to a professional County Manager who shall be
appointed by the Board. The Chair of the Board will retain non-
administrative functions and will be the chief spokesperson for
the Board. The Charter will also be amended to reduce by 10% the
total budget for the Chair, Commission and the County Manager for
next fiscal year. The amendment would be effective July 1, 1991.

TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 1

6.10 CHAIR OF THE BOARD. Effective July 1, 1991, t[T]he Chair of the Board of County Commissioners:

- (1) [shall be chief executive officer and personnel office of the County;]
shall be the chief spokesperson for the Board;
- (2) shall preside over meetings of the Board and have a vote on each matter before the Board; and
- [(3) shall have sole authority to appoint, order, direct and discharge administrative officers and employees of the County, except for the personal staff, employees or agents of elective county offices. Appointment of department heads shall be subject to consent of a majority of the board of commissioners;]
- [(4) shall execute the policies of the Board and ordinances of the County;]
- (3)[(5)] shall sign all contracts, bonds and other instruments requiring county consent[;]except as otherwise delegated by the Board.
- [(6) shall prepare the county budget for submission to the Board;]
- [(7) may delegate his or her administrative powers but shall retain full responsibility for the acts of his or her subordinates; and]
- [(8) shall perform all functions assigned in this County Charter to the County Executive. The Chair shall receive the same salary as the County Executive unless changed in accordance with Section 4.30 of this Charter. This Charter may be restated by the office of County Counsel to replace all references to the County Executive with references to the Chair of the Board Commissioners.]

6.15 COUNTY MANAGER.

- (1) The Board of County Commissioners shall, effective July 1, 1991, appoint, and thereafter employ, a County Manager to serve at the pleasure of the Board.
- (2) The Manager shall be the head of the administration of the county government and shall be responsible to the Board for proper administration of the affairs of the County and for carrying out the policies of the Board.

- (3) The Board shall select the Manager on the basis of his or her professional qualifications.
- (4) Except as otherwise specifically provided in this County Charter, the Manager shall:
- (a) Submit an annual report on the affairs of the County and otherwise keep the Board informed about the affairs and needs of the County;
 - (b) Appoint, supervise, transfer and remove all county department heads, administrative officers and employees except for the staff and employees of elected officials and the County Counsel; provided, however, the appointment of department heads shall be subject to confirmation by the Board and county counsel shall be appointed by, and serve at the pleasure of, the Board;
 - (c) See that county ordinances are enforced and that the terms of all county franchises, leases, contracts, permits and licenses are observed;
 - (d) Prepare the annual budget estimates to submit to the Board, including the manager's recommendations as to proposed expenditures and the revenue necessary to balance the budget;
 - (e) Have charge of all county purchases and custody and management of all county property and facilities; and
 - (f) Perform such other duties and exercise such other responsibilities as the Board deems necessary and appropriate to the Manager's function as head of County administration.
- (5) The total budget for the Board Chair, the Board of County Commissioners and the office of the County Manager for FY 1991-92 shall not exceed 90% of funds budgeted for the Board Chair and the Board of County Commissioners for FY 1990-91.

7.10 CLASSIFIED SERVICE. The classified service of the County shall consist of all positions in the government of the County except those of:

- (1) elective officers,
- (2) their personal assistants and secretaries,

(3) department heads, [and]

(4) the County Manager, and

[(4)](5) employees excluded by County Ordinance.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 1

This measure amends the county charter provisions concerning the Multnomah County Chair.

The measure transfers the administrative functions of the chair of the board to a professional county manager who shall be appointed by the board. The chair of the board will retain non-administrative functions and will remain the chief spokesperson for the board.

This measure also reduces the total budget for the chair of the board, the board of county commissioners and the newly created office of the county manager for fiscal year 1991-92 to no more than 90% of funds budgeted for the chair and board of commissioners for fiscal year 1990-91.

The measure provides an effective date of July 1, 1991.

The Charter Review Committee found that county government is not currently as effective as it would be if legislative/policy functions were separate from day-to-day administration of the county.

The Committee also found that the county has the potential to be run more efficiently, and in a more cost-effective manner, if a professional county manager administers the day-to-day operations of the county.

The Committee further found that the current structure of government causes a conflict because the chair is both a policy-maker and the elected official responsible for putting that policy into effect. For example, the chair is the elected official responsible for preparing the county budget and then also presents that budget to the entire board, including the chair, for approval.

Finally, the Committee found that the hiring of a county manager will result in the need for fewer administrative personnel in the legislative branch of county government.

In terms of cost savings, the Committee found that the potential savings in reducing by 10% the budget for the chair, the board of commissioners and the county manager is approximately \$180,000.

The Committee concluded that the conflict of interest should be reduced by eliminating the dual role of the county chair.

The Committee further concluded that county government would be more cost-effective if administrative tasks were performed by a professional county manager together with the imposition of a cap on the budgets of the board chair, the board of county commissioners and the county manager.

BALLOT MEASURE NO. 2

CAPTION:

Multnomah County Charter Review Committee's
Recommendation: Advocate, County Lobbyist.

QUESTION:

Shall the County be permitted to employ an advocate to represent County interests by repealing the prohibition of County lobbyist?

PURPOSE:

If this measure is approved: the County will be permitted to employ an advocate to represent the County's interests before the state legislature and other governmental bodies; and, the County Charter's prohibition on employing or hiring a paid lobbyist will be repealed.

TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 2

6.50 SHERIFF--[PAID LOBBYIST] ADVOCATE. The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
- (2) (This section was repealed in 1984).
- [(3) Multnomah County shall not employ or hire a paid lobbyist.]
- (3) The County may employ an advocate to represent the County's interests before the state legislature and other governmental bodies.
- (4) Effective January 1, 1985, no incumbent or future elected officer of the County shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any twelve-year period. If an officer of the County is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any twelve-year period.
- (5) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 2

This measure amends the county charter provision concerning a lobbyist.

This measure permits the county to employ an advocate to represent the county's interests before the state legislature and other governmental bodies. The measure also repeals the prohibition on employing or hiring a paid lobbyist.

The Charter Review Committee found that lobbying is the conveying of information and the advocating of a position on issues.

The Committee also found that because of the current charter provision, Multnomah County has not been able to adequately represent the county's interests before other governmental bodies making decisions affecting Multnomah County and its citizens.

The Committee also found that the lobbyist prohibition diminishes the ability of the county to more efficiently and completely perform an essential function already being performed.

The Committee further found that without an advocate, the county's citizens are not adequately represented which may increase costs and reduce the effectiveness of county government.

Finally, the Committee found that neither Multnomah County Commissioners, nor Multnomah County State Legislators, have the time, resources or expertise to serve as lobbyists for the county.

The Committee concluded that since the state and federal governments make decisions affecting Multnomah County, it is in the best interests of Multnomah County citizens for the county to be able to have an advocate to represent county citizen interests.

BALLOT MEASURE NO. 3

CAPTION:

Multnomah County Charter Review Committee's
Recommendations: Sheriff's Salary.

QUESTION:

Shall the Sheriff's salary be set at not less than
that of any other member of the Sheriff's Office?

PURPOSE:

If this measure is approved: the County Charter
will be amended to conform with current state law for counties
without charters. The Board of County Commissioners would set the
salary of the Sheriff in an amount which is not less than that for
any other member of the Sheriff's Office.

TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 3

6.50 SHERIFF--PAID LOBBYIST. The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
 - (a) Notwithstanding any other charter provision to the contrary, the salary for the Sheriff shall be fixed by the Board of County Commissioners in an amount which is not less than that for any member of the Sheriff's Office.
- (2) (This section was repealed in 1984).
- (3) Multnomah County shall not employ or hire a paid lobbyist.
- (4) Effective January 1, 1985, no incumbent or future elected officer of the County shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any twelve-year period. If an officer of the County is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any twelve-year period.
- (5) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as a resignation, effective as of date of filing. "Mid-term" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 3

This measure amends the county charter provision concerning setting the Multnomah County Sheriff's salary.

The measure would require the board of commissioners to set the salary of the sheriff in an amount which is not less than the salary of any other member of the sheriff's office.

The Charter Review Committee found that the position of sheriff is the highest position in the sheriff's office and is a professional position.

The Committee also found that the current salary for the sheriff's position is \$15,000 less than the highest paid employee in the Sheriff's Office.

The Committee further found that if the board of commissioners sets the sheriff's salary in an amount which is not less than the salary of any other member of the sheriff's office, that salary would be set in accordance with current procedures for exempt personnel.

Finally, the Committee found that if this measure is approved, the county charter will be amended to comply with current state law for counties without charters.

The Committee concluded that since the position of sheriff is a professional/managerial position, the board of commissioners should be required to set the sheriff's salary in an amount not less than the salary of any other member of the sheriff's office in accordance with state law for counties without charters.

BALLOT MEASURE NO. 4

CAPTION:

Multnomah County Charter Review Committee's
Recommendation: Chair and Commissioner Salaries.

QUESTION:

Shall the Board of County Commissioners establish
Chair and Commissioner salaries not to exceed a salary commission's
recommendation?

PURPOSE:

If this measure is approved: the County Charter
would continue to require the County Auditor to appoint a salary
commission which would be required to report to the Board. The
Board would be allowed to establish salaries of the Board Chair and
Commissioners, but only after receiving a salary commission
recommendation. No salaries could exceed the salaries recommended
by the salary commission.

TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 4

4.30 COMPENSATION[.] OF THE CHAIR AND COMMISSIONERS. [Except as provided in Section 8.10(2), the compensation of all holders of elective office of Multnomah County shall be fixed by the registered voters of Multnomah County at a primary or general election only.] The auditor shall appoint a five member salary commission, composed of qualified people with personnel experience, by January 1, 1986, and by January 1 in each even year thereafter. The commission's salary adjustment recommendations, if any, for [elected officials] the Chair of the Board of County Commissioners and the Commissioners shall be submitted to the [voters at each subsequent primary election.] Board. The Board shall establish salaries for the Chair and the Commissioners, and such salaries shall not exceed the salaries recommended by the salary commission. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 4

This measure amends the county charter concerning the salaries of the chair and commissioners.

The measure would allow the board to establish salaries of the board chair and commissioners, but only after receiving a salary commission report. No salaries could exceed the salaries recommended by the salary commission.

The Charter Review Committee found that the current structure has not proven successful in that the salary commission's recommendations have been rejected three times since 1986. The result is that the chair and the commissioners have not had a salary increase since 1981.

The Committee also found that the salary commission's independent judgment is necessary in establishing salary adjustment recommendations for these elected officials.

The Committee also found that allowing the board of commissioners to set chair and board salaries based upon the recommendation of a salary commission would comply with state law for counties without charters.

The Committee further found that the board of commissioners has sufficient objective information to set chair and commission salaries at an amount not to exceed the salary commission's recommendations.

Finally, the Committee found that prohibiting the board of commissioners from setting the chair and commissioners' salaries above those recommended by the salary commission provides a reasonable restraint on the authority of the board of commissioners.

The Committee concluded that the board of county commissioners should set chair and commission salaries at an amount not to exceed the salary commission's recommendations.

BALLOT MEASURE NO. 5

CAPTION:

Multnomah County Charter Review Committee's
Recommendation: 1997 Charter Review Committee.

QUESTION:

Shall a Charter Review committee be convened to
recommend County Charter changes to the voters at the 1998
elections?

PURPOSE:

If this measure is approved: the County Charter
will be amended to provide for the appointment of another Charter
Review Committee in 1997 which will prepare recommendations to be
submitted to the voters at the 1998 primary or general election.

TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 5

12.40 APPOINTMENT OF COMMITTEE MEMBERS. The Charter Review Committee shall be composed as follows:

- (1) The Committee shall have two electors appointed from each senatorial district having the majority of its voters within Multnomah County, and shall have one elector appointed from each senatorial district having less than a majority of its voter within Multnomah County. The Committee shall choose their chairperson from among themselves and shall have authority to establish their own procedures and organization.
- (2) The state senator and the two state representatives who represent residents in each state Senate district located in Multnomah County shall appoint the electors for the district. Appointees shall reside in the district and Multnomah County. If the three appointers from any Senate district cannot agree upon an appointment, any two of the three appointers may make the appointment.
- (3) If the two electors are appointed from a Senate district, they shall not be registered in the same political party.
- (4) The following persons are not eligible for appointment to the Committee: the state senators and state representatives who represent districts located in Multnomah County, the members of the Multnomah County Board of County Commissioners, and the chair of the Board, if any, serving at the time of appointment.
- (5) Any vacancy in the Committee shall be filled by the senator and representatives from the senate district form which the previous member was appointed, using the same method as used for the original appointment.
- (6) Appointments shall be made not later than June 30, [1989] 1997.

12.60 REPORT OF COMMITTEE. At least ninety-five days prior to the primary or general election or both of [1990] 1998, the Committee shall report to the people and to the Board of County Commissioners their findings, conclusions, and recommendations including any amendments they propose to the County Charter.

12.70 SUBMISSION OF AMENDMENTS TO THE PEOPLE. All amendments proposed by the Committee shall be submitted to the people of Multnomah county at the [1990] 1998 primary or general election, or both.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 5

This measure amends the county charter provision concerning the charter review committee.

The measure provides for the appointment of another charter review committee in 1997 which will prepare recommendations to be submitted to the voters at the 1998 primary or general election.

The Charter Review Committee found that a charter review is a necessary and valuable process ensuring that the charter provides for the most effective governing structure for the county.

The Committee also found that an eight year interval between charter reviews would provide the optimal balance between necessity for a regular review and stability in county government.

The Committee concluded that the charter should be formally reviewed again and a report issued to the people and to the board of commissioners prior to the 1998 primary or general election.

BALLOT MEASURE NO. 6

CAPTION:

Multnomah County Charter Review Committee's
Recommendation: Running for Office Mid-term.

QUESTION:

Shall County elected officials be allowed to file
for another elective office during the last eighteen months of
their terms?

PURPOSE:

If this measure is approved: the County Charter
will be amended to allow elected officials to file for another
elective office in the last eighteen months of their term of
office. The County Charter currently prohibits filing except
during the final twelve months of a term of office. The amendment
is recommended to allow elected officials more time to prepare for
primary elections.

TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 6

6.50 SHERIFF--PAID LOBBYIST. The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
- (2) (This section was repealed in 1984.)
- (3) Multnomah County shall not employ or hire a paid lobbyist.
- (4) Effective January 1, 1985, no incumbent or future elected officer of the County shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any twelve-year period. If an officer of the County is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any twelve-year period.
- (5) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final [year] eighteen months of an elected official's term. Filing for another office in the last [year] eighteen months of an elective term shall not constitute a resignation.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 6

This measure amends the county charter provision concerning running for another elective office in mid-term.

The measure allows elected officials to file for another elective office in the last eighteen months of their term of office. The charter currently prohibits filing for another office except during the final twelve months of a term of office.

The Charter Review Committee found that present charter language prohibits an office-holder from running for another office not only in the middle of a term, but during the first three years of the term.

The Committee also found that allowing an elected official to run for another elective office during the last eighteen months of the term would provide a reasonable period of time for that official to prepare for a primary election.

The Committee further found that prohibiting an elected official from running for another public office except during the final twelve months of office puts a sitting elected county official at a disadvantage to a member of the public seeking office.

The Committee concluded that the current charter provision should be modified so that an elected official is allowed to run for another elective office during the final eighteen months of a term of office.

BALLOT MEASURE NO. 7

CAPTION:

Multnomah County Charter Review Committee's
Recommendations: Limitations on Terms.

QUESTION:

Shall the County Charter limitation on serving two consecutive four-year terms in any one elective County office be repealed?

PURPOSE:

If this measure is approved: the County Charter will be amended to repeal the existing prohibition of elected officials from serving more than two consecutive four-year terms in any one elective County office.

TEXT OF AMENDMENT FOR BALLOT MEASURE NO. 7

6.50 SHERIFF--PAID LOBBYIST. The people of Multnomah County shall elect:

- (1) A County Sheriff for the function of said office as prescribed by State Law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.
- (2) (This section was repealed in 1984).
- (3) Multnomah County shall not employ or hire a paid lobbyist.
- [(4) Effective January 1, 1985, no incumbent or future elected officer of the County shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any twelve-year period. If an officer of the County is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any twelve-year period.]
- [(5)](4) No elected official of Multnomah County may run for another office in mid-term. Filing for another office in mid-term shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

NOTE: Boldface type indicates new language; [bracketed and italicized] words are deletions or comments.

EXPLANATORY STATEMENT FOR BALLOT MEASURE NO. 7

This measure amends the county charter provision concerning limitations on terms of office for elected officials.

The measure repeals the current charter provision which prohibits elected officials of the county from serving more than two consecutive four-year terms in any one elective office within any twelve year period.

The Charter Review Committee found that the two-term limit precludes the voters from retaining an elected official whom the voters would otherwise retain.

The Committee also found that the current provision deprives the public of desirable expertise in county government by forcing elected officials to retire after two terms.

The Committee concluded that the provision restricting elected officials to two terms should be repealed.

Meeting Date: JUL 31 1990

Agenda No.: Imp. #3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Edgefield Marketing Task Force Report

BCC Informal July 31, 1990 BCC Formal _____
(date) (date)

DEPARTMENT DES DIVISION Administration

CONTACT Paul yarborough TELEPHONE 248-5000

PERSON(S) MAKING PRESENTATION Member of the Taskforce

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: _____

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Report to the Board of the findings of the Edgefield Marketing Task Force.

990 JUL 27 11 09 AM '90
CLERK OF COUNTY BOARD OF COMMISSIONERS
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)



MULTNOMAH COUNTY OREGON

Handout #1

DEPARTMENT OF ENVIRONMENTAL SERVICES
2115 S.E. MORRISON
PORTLAND, OREGON 97214
(503) 248-5000

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

July 18, 1990

TO: BOARD OF COUNTY COMMISSIONERS
FROM: EDGEFIELD MARKETING TASK FORCE:

Wayne Atteberry
Kandis Brewer
Don Drake
Marge Ille
Ron Kawamoto
Barbara Walker

REPORT FROM EDGEFIELD MARKETING TASK FORCE

The Task Force met on June 12, 26, and July 3, 1990 with representatives of the Department of Environmental Services, County Counsel Office and Commissioner Anderson's Office. Commissioners McCoy and Kelly were present at the initial meeting to review the Board charge to the Task Force, and the criteria adopted by the Board for development of the property. (Copies of these are attached.)

The Task Force reviewed site characteristics, recent history of the property, city zoning change, and state law restrictions on methods of sale.

The Task Force gave careful thought to the criteria (goals) for future development established by the County Board and took note of both assets and challenges associated with the property that could affect marketing and development.

Assets

- The Edgefield Property is a large area of contiguous parcels, with approximately 240 acres of mainly undeveloped lands available for sale.
- The property has proximity to airport and metropolitan service centers.

Challenges

- Presence of wetlands on Parcel A;
- Separation of Parcels A and C by the Union Pacific Rail Line;
- Separate ownership of the 12.8 acre Edgefield Manor site which divides Parcel E;
- Twelve years remaining on the 6 acre lease within Parcel E by the Children's Center;
- Abutting presence of the Correctional Facility;
- Still undetermined route of the proposed Mt. Hood Parkway through parcels C and E.

General Conclusions

Whole Area Sale vs. Parcelization

While not ruling out the possibility of an outright cash or contract sale to a single entity, parcelization of the site for smaller sales may be the most productive approach to marketing in order for the County and the City of Troutdale to realize the earliest development for tax roll and economic development purposes and for the largest financial return.

Financing Climate

The current financing climate for large scale industrial, retail, office, and hotel development is significantly less favorable than it was even six months ago. There is more current potential for financing housing development for single family residential and multifamily development.

Practicality of a 99 Year Lease

It is very doubtful that development on a 99 year lease-hold could be financed. Therefore, long term leasing is not recommended and would also work against the County goal to set up a Natural Areas Trust Fund from proceeds.

Parcels A and C

These parcels are zoned for light industrial but are not prime industrial sites because of a plethora of other sites in the County and because they are negatively impacted by the existence of wetlands. They are more likely to attract smaller buyers.

Residential Development

Targeted low income housing development, a goal of the County, would require pricing concessions or infrastructure contributions as incentives.

Appropriate Size for Retail Development

The "market" usually dictates, but this site does not appear to have the size, location, access, or terrain characteristics suitable for development of a mall of 300,000 square feet, let alone a regional mall of over 750,000 square feet.

Community Consensus

The lack of community consensus, including formal opposition, compromises the County's ability to move this property. Consensus on type, amount, and timing of development is essential in order to attract qualified buyers.

Property Marketing Recommendations

The Task Force believes the property can be most effectively marketed by a brokerage firm with a strong national or regional sales network to recruit the most productive prospects. Analytical capability to produce economic models of alternative proposals for a pricing and marketing strategy is essential for the County to best weigh trade-offs and is typically a service provided by firms of the magnitude recommended.

Up-front Marketing Cost/Expected Marketing Commission

The County should expect that up-front marketing materials and expenses will be shared with the brokerage house. The County's share could be anticipated to range from \$25,000 to \$50,000. A probable sales commission will range from 6% for the first \$500,000 down to 2 to 3% on a \$10 Million total, and may vary from firm to firm.

Use of an RFP Selection Process

An appropriate selection process for engaging a brokerage firm would consist of a Request For Proposals letter and pre-bid conference to clearly describe the property and the County's expectation. Response proposals should address method of compensation, proposed marketing analysis, pricing methodology, marketing methods and budget, timetable, firm's qualifications, and

up-front marketing costs.

Edgefield Marketing Task Force
Report
Page Four

The Task Force is prepared to extend its work to assist with development of the RFP letter, a list of potential firms, and evaluation of proposals for selection.

Attachments: BCC Charge
BCC Adopted Criteria
Edgefield Map



GLADYS McCOY, Multnomah County Chair

Room 134, County Courthouse
1021 S.W. Fourth Avenue.
Portland, Oregon 97204
(503) 248-3308

CHARGE TO EDGEFIELD TASK FORCE

WHAT:

Advise the Board how to develop a "Solicitation for Offers" document to foster creative development proposals for the property, consistent with criteria adopted by the Board and designed to maximize sale value.

Identify the type and scope of retail development appropriate, considering the nature of the site, its location, and the needs of the region.

Evaluate the desirability and feasibility of a 99 year lease approach (or similar device).

Advise the Board on a process to market the property, i.e. strategies, methods and timelines.

Offer any other guidance, individually or collectively, to the Board leading to the successful disposition of the property, including recommended changes to the adopted criteria.

Recommend standards for evaluating purchase offers.

HOW:

Department of Environmental Services will staff the meetings, make available personnel for technical assistance, and assist in preparing the final report of the Task Force.

ATTACHMENT A

CRITERIA

Overarching goal: Maximize the monetary value of the property consistent with public purposes.

Criteria:

1. Compatibility with adjoining land use including less intensive development adjacent to residential areas.
2. Retention of a minimum of thirteen percent of the property for open space or outdoor recreation, not necessarily located in Parcel G.
3. Preservation of existing creek and wetlands.
4. Maximization of opportunity for use of public transit.
5. Minimization of impact of traffic on surrounding neighborhoods.
6. Encourage development that would provide for a creative and appropriate mix of housing, commercial, and light industrial uses.
7. Encourage a mix of housing densities including affordable rental housing on the property; and encourage "linkage" proposals that would increase accessibility of housing for low income levels, not necessarily on this site.
8. Allow one retail center on the entire property of no more than 300,000 square feet.
9. Maintenance of accessibility to Parcel F (Multnomah County Correctional Facility Site) that protects future marketability.

MULTNOMAH COUNTY ANIMAL CONTROL 6.4

A 21.0

C 46.8

WOOD VILLAGE

TROUTDALE

Eeast 17.99

MULTNOMAH COUNTY CORRECTION FACILITY 28.6

Ewest 52.7

G OPEN SPACE 30.2

H 70.7

J+K 27.55

P Q

ACRES	
...	...
...	...
...	...
...	...
TOTAL	...



COUNTY FARM PROPERTY

①

Date 7/31/90

NAME Julie McFarlane, Senior Attorney

ADDRESS Juvenile Rights Project
2325 E. Burnside

Street
Portland, Or. 97214
City Zip

I wish to speak on Agenda Item # _____

Subject Juvenile Complex Band

X FOR

_____ AGAINST

NAME

JUDGE LINDA BERGMAN

Date

7/31

ADDRESS

1021 SW 4TH AVE

Street

PORTLAND, OR 97204

City

Zip

I wish to speak on Agenda Item #

JUV. HOME

Subject

FOR

AGAINST

PLEASE WRITE LEGIBLY!

15

Date 7/31

NAME STEPHEN B. HERRELL, CIRCUIT JUDGE

ADDRESS 1021 S.W. 4TH AVE

Portland, OR 97204
Street City Zip

I wish to speak on Agenda Item # JUVENILE HOME
Subject _____

X FOR _____ AGAINST _____

(H)

Date 7/31/90

NAME Shayla Waldman

ADDRESS 1288 North Shore

Lake Oswego, OR 97031

City

Zip

I wish to speak on Agenda Item # 1
Subject Budget in Sept.

 FOR

 ✓ AGAINST

PLEASE WRITE LEGIBLY!

(76)

NAME DAVID A. NEWTON Date _____

ADDRESS 1699 N.E. 153 PL.
Street
Fort Lauderdale 97230
City Zip

I wish to speak on Agenda Item # _____
Subject J.P.H.

_____ FOR _____ AGAINST

PLEASE WRITE LEGIBLY!

6

Date 7-31-91

NAME

Bruce Thalhofer

ADDRESS

P.O. Box 177

Street

Trousdale, OR 97060

City

Zip

I wish to speak on Agenda Item #

G.O. Bonds

Subject

FOR

AGAINST

PLEASE WRITE LEGIBLY!

1

Date 7/31/90

NAME PATRICK DONALDSON

ADDRESS _____

Street

City

Zip

JUVENILE JUSTICE COMPLEX

I wish to speak on Agenda Item # _____

Subject _____

_____ FOR

_____ AGAINST

PLEASE WRITE LEGIBLY!

Judge

London

would

like

To Speak

THE NATION

CIA, FBI reject theory on JFK

DALLAS, Texas — An unemployed Texas salesman claimed Monday that his father was one of three people who killed President Kennedy.

Ricky Don White, 29, said at a news conference that his father, Roscoe White, was one of three CIA operatives who fired the shots Nov. 22, 1963.

The CIA issued an unusually strong rebuttal to White's claims.

"These allegations — that this was done on CIA orders, that this guy worked for us and that CIA had any role in the assassination of President Kennedy — are ludicrous," CIA spokesman Mark Mansfield said in Washington.

Roscoe White never worked for the CIA, Mansfield said. "Normally, we never confirm nor deny employment, but these allegations are so outrageous that we felt it necessary and appropriate to respond."

The FBI said in a brief statement that it had received the same information in 1969 but "determined that this information is not credible."

The Warren Commission concluded that Lee Harvey Oswald, acting alone, fired the shots that killed Kennedy and wounded John Connally, then the Texas governor.

White said his father had served in the Marines with Oswald, who he said was part of the conspiracy but fired no shots.

Roscoe White died in 1971 from burns suffered in a fire. White said he drew his conclusions from what he read in his father's diary, which he acquired after his father's death.

Justice out of hospital

WASHINGTON — Supreme Court Justice Thurgood Marshall was released from a hospital Monday, five days after he fell in the lobby of his Chicago hotel, a court spokeswoman said.

Marshall, 82, underwent testing and observation after being admitted to the National Naval Medical Center at Bethesda, Md., spokeswoman Kathy Arberg said.

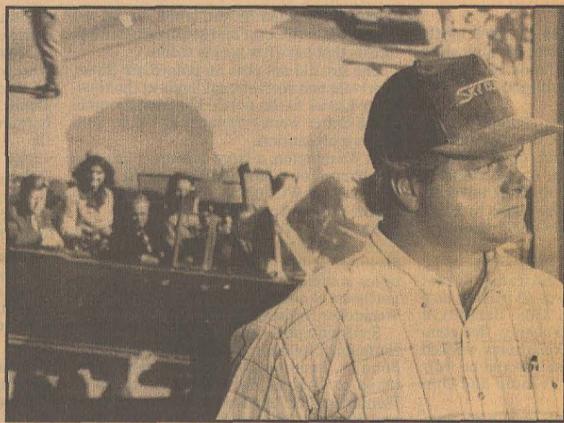
Bush delays trip south

WASHINGTON — President Bush is postponing a South American trip in September under the pressure of budget negotiations with Congress, but he still plans to spend five days stumping for Republican candidates around the country, the White House said Monday.

Presidential press secretary Martin Fitzwater said Bush put off a scheduled Sept. 16-22 trip to Argentina, Brazil, Chile, Uruguay and Venezuela.

NYC to hire more police

NEW YORK — Pressured to respond to a recent string of alarming crimes in New York City, Mayor David N. Dinkins said he would hire 1,058 new



Ricky White stands beside a photo mural in Dallas, Texas, showing President Kennedy and his wife, Jacqueline, just before the president was shot to death. White said Monday his father had fired at Kennedy.

police officers by next spring to increase neighborhood foot patrols and would pay for this by cutting a range of other services.

Speaking at a news conference Monday at the 75th Precinct station house in the East New York section of Brooklyn, where two children have been killed in recent weeks by stray bullets during shootouts, Dinkins acknowledged that public fears about such incidents helped prompt his decision to reverse his recent stance that the city could not afford more police officers.

The new officers would come on top of about 1,000 already scheduled to be hired by April.

But the first of them would not be available for duty until next spring because of time needed for training, while almost \$26 million worth of cuts in programs from highway cleaning to park maintenance workers to aid to libraries and administrative operations at the Board of Education would begin to take effect immediately if the City Council approved them.

Barry jurors persevere

WASHINGTON — Jurors in Marion Barry's cocaine and perjury trial completed their fourth day of deliberations Monday amid signs they were in for a long stay.

Deliberations were to resume Tuesday morning.

During the weekend, the jury asked U.S. District Judge Thomas Penfield Jackson for another look at more than 150 prosecution and defense exhibits from the mayor's six-week trial.

Buckey suit dismissed

LOS ANGELES — A federal judge Monday dismissed Peggy McMartin Buckey's \$1 million civil suit alleging malicious prosecution in the marathon McMartin Pre-School trial that ended with her acquittal.

U.S. District Judge Richard A. Cadbois Jr. said he could understand how Buckey felt about her se-

ven-year ordeal. But "being very, very upset does not state a cause of action," he said. Because Buckey was ultimately acquitted, the civil action "just isn't going to fly," he said.

Buckey filed the civil suit in January, after she and her son, Raymond, had won acquittal on 52 felony charges of child molestation at the now-defunct preschool in Manhattan Beach.

A second trial, with Ray Buckey as the sole defendant, ended in a mistrial last month when jurors deadlocked on eight counts. Los Angeles County District Attorney Ira Reiner said he would not retry Buckey.

Although the judge tossed out the federal suit, Peggy Buckey may still file claims in state court.

Ex-U.S. judge arrested

JACKSON, Miss. — A former federal judge who was impeached by Congress after his perjury conviction was arrested Monday and charged with breaking his parole by carrying a gun, authorities said.

Former U.S. District Judge Walter L. Nixon Jr. 61, was arrested at his home in Ocean Springs on the Gulf Coast, said U.S. Marshal Marvin E. Breazeale.

Nixon, who could be ordered to serve the remaining three years on his five-year prison sentence, was being held at the Cophah County jail in Hazlehurst, about 45 miles south of Jackson, Sheriff Tommy Jackson said.

On July 6, a state jury in Pasca-goula found Nixon guilty of hunting over a field spread with corn to illegally lure wild turkeys and of conspiracy to hunt over a baited field, both misdemeanors.

Nixon was convicted in 1986 of lying to a federal grand jury about discussions he had with a district attorney in Hattiesburg about a pending drug case.

— From wire reports

Bar assembly calls for repeal of policy favoring abortion rights

By JAMES H. RUBIN
The Associated Press

CHICAGO — American Bar Association members by a narrow margin Monday called for repeal of an abortion-rights stand adopted earlier this year by the ABA's policy-making body.

The vote in the ABA Assembly was 885-837.

The House of Delegates, the policy-making body of the nation's largest lawyers' organization, will meet Wednesday to decide whether it should adopt the members' recommendation and rescind its abortion-rights stand.

If the delegates refuse to back down and reaffirm their previous policy, the assembly could reconvene and by a two-thirds vote force a referendum by the ABA's 360,000 members.

Monday's vote was preceded by nearly two hours of debate. Those urging repeal said adoption of the resolution would restore the ABA to neutrality. Opponents of the resolution said backing away now from support of abortion rights would damage the group's credibility.

Anthony R. Palermo of Rochester, N.Y., a leader of the repeal drive, said, "ABA members want the right to decide and speak for themselves individually on abortion matters, and they do not want the ABA to adopt a policy of organization abortion advocacy."

Sally Determan of Washington, D.C., urged the ABA to stand firm behind its policy adopted in February in support of "a woman's right to choose."

"A great organization should never recede from principle because of threats of resignations and financial pressure," she said.

She also said the organization had a duty to speak out on the leading issues of the day, no matter how controversial. The ABA's darkest hour was in the 1950s, when it remained silent over civil rights and discrimination, she said.

The proposal to repeal its abortion-rights stand was debated by the ABA's Assembly, open to any member of the association attending this week's annual convention who had paid \$250 registration fee.

The endorsement of abortion rights was approved in February by the ABA's House of Delegates, its policy-making body.

A lobbying drive within the nation's legal establishment was mounted on both sides. Opponents of the endorsement received help from the Roman Catholic Church and other anti-abortion groups in their drive to repeal the policy.

In February, the House of Delegates approved 238-106 a resolution that said government should not interfere "with the confidential relationship between a pregnant woman and her physician" in deciding on abortions.

On Thursday, the ABA's Board of Governors recommended 21-9 that

the February resolution be replaced by a statement of neutrality on the controversial issue. The board is a leadership group that does not have the power to set policy for the 360,000-member ABA.

More than 11,000 lawyers gathered in Chicago for the annual convention. Many crowded into a ballroom of a downtown hotel to participate and listen to the debate.

ABA members noted that being on record on the abortion issue put the organization in position to express itself formally when legislatures and courts consider abortion laws.

The repeal fight took on new significance with President Bush's nomination of David H. Souter to the Supreme Court.

The ABA plays a key role in evaluating the qualifications of high court nominees, and some opponents of the ABA's stand have said that the organization's role in judicial selection is now suspect. They say that the ABA could appear to be biased against a nominee who opposes abortion.

Souter's views on abortion are largely unknown.

Attorney General Dick Thornburgh, who addressed the ABA on Monday, told a news conference that the organization would be wise to restore its neutrality on abortion.

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Foley hunts for quick way to end budget impasse

By ANDREW J. GLASS
Cox News Service

WASHINGTON — House Speaker Tom Foley, D-Wash., said Monday that in September he wants to strike a quick \$50 billion budget bargain with President Bush that outfoxes anti-compromise House members on the Republican side of the aisle.

The speaker's plan, as he outlined it Monday, would force the lawmakers to vote either for a bipartisan compromise to cut spending and raise taxes or else to vote for deep cuts, to be triggered automatically with the start of the federal government's new fiscal year Oct. 1.

"If I can help it, it's going to be an 'either-or' proposition," Foley said. "We won't allow them to have two 'no' votes" — one against the summit compromise and the other against the deep automatic cuts.

Foley left no doubt that, in his mind, House Republicans posed the biggest obstacle to a top-level accord, especially House Minority Whip Newt Gingrich, R-Ga.

"As the British say, 'with the

greatest respect, I don't know where Newt Gingrich is on this," Foley declared. As he put it:

"He has been on each side of this horse, riding forwards and backwards, sidesaddle and astride, on the horse, off the horse, standing and sitting for as long as I can remember."

"And then he takes offense the other day at the fact that I said ... that I didn't think he was for a budget agreement. If anyone can bring out of his statements strong support for a budget agreement, I'll throw in with you."

Through a spokesman, Gingrich noted that Foley had not attended the sessions and added:

"If the speaker would like to either attend summit meetings or talk with his majority leader, he will learn exactly how many hours I have put into the summit effort and exactly how hard I have tried to find a common ground without the delaying tactics or destructive leaks which seemed to have characterized the Senate Democrat participants."

The new Middle East crisis may serve as spur to a budget agreement, which appeared stalled last month, because it has created a sense of national unity in the face of a major external national threat.

The president "has very strong support from the Congress," Foley said, "and not only from me."

But, the speaker noted, it may prove more difficult to enact a levy on domestic energy consumption than before Iraq invaded Kuwait, since oil prices have since risen dramatically.

Foley said such a tax would still be "justified," because it would both raise revenue and help wean the nation away from increasing dependence on offshore oil. But, he acknowledged, it would be more difficult to achieve "politically."

Foley also feared that growing signs of weakness in the U.S. econ-

omy would serve as "an excuse" to sidetrack the contemplated package of spending cuts and taxes, on the theory that they would further deepen any recession.

"I'm worried about us taking the easy course," he said. "It is tremendously attractive and inherently seductive for members of Congress not to do anything before the elections" in November.

The budget summit, aimed at curbing the long-term federal deficit and easing interest rates, has made little progress since it was convened by the president May 15.

A key driving force behind reaching an agreement is the chance that about \$110 billion in automatic spending cuts will take effect Oct. 1 under provisions of the Gramm-Rudman law if nothing is done to trim the 1991 deficit, estimated at about \$170 billion.

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NOTICE
Notice of hearing on issuance of general obligation bonds of Multnomah County.
On August 14, 1990 at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon, the Board of County Commissioners of Multnomah County will hold a public hearing on the issuance and sale of general obligation bonds of Multnomah County not to exceed 7.8 million dollars. The bonds would mature over a period not to exceed 30 years.
The proceeds would be used to finance improvements to the Multnomah County Courthouse, including repair/renovation of the heating and electrical, security, fire detection and other building systems, re-roofing, asbestos removal and expansion for needed courtrooms, and for relocation of the offices of the District Attorney in order to allow for construction of additional courtrooms in the courthouse.
At the conclusion of the public hearing the Multnomah County Board of Commissioners will determine whether to submit the above stated purposes to the voters at the September 18, 1990 election. All interested persons may attend the hearing and shall be given a reasonable opportunity to be heard.
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'Explosive' fire danger precipitates outdoor burning ban

Compiled from staff, wire reports

Hot temperatures, low humidity and the threat of lightning strikes are keeping fire danger in central and southwestern Oregon "explosive," worried state officials said Monday.

All outdoor burning was banned statewide as five forest fires continued to char parched areas of Oregon.

The burning ban, which the state fire marshal's office said includes agricultural burning, remains in effect until further notice.

Extremely low humidity and temperatures in the 90s have left the forests of fire-ravaged Deschutes County brittle and dry.

Moreover, forecasters expect the chance of thunderstorms — and lightning strikes — to escalate as the week progresses.

"It's going to be a pretty hairy week this week, just sitting around and wondering where these things are going to hit," said Terry Marsha, a spokesman for the National Weather Service.

He said the Medford area, still free of fires, was already under a "red flag" as a

likely spot for dry lightning strikes, which are not accompanied by rain.

"Extreme isn't a good enough word to describe the fire danger," said Doug Decker, a spokesman for the state Department of Forestry. "It's actually explosive."

"Fire officials are especially concerned about the potential for high fire loss when fires are fed by critically dry vegetation," the fire marshal's office said.

"There's nothing friendly about the weather for the next few days for firefighters," said Don Ferguson, a spokesman for the Oregon Forestry Department. "Everybody's pretty edgy. We're only part way into the fire season."

While 1,400 firefighters were concentrating efforts on the 3,300-acre Awbrey Hall fire near Bend, crews also battled four other fires around the state.

Flames from a 30-acre fire licked into yards in Chiloquin, about 100 miles south of Bend, but firefighters contained the blaze just outside of town, Ferguson said.

Crews contained the fire about 6 a.m. and were working to control it, officials said. The fire may have been human-caused and was

under investigation.

In the Rogue River area 13 miles northwest of Grants Pass, two fires burning since Sunday in steep canyon lands covered by thick, dry fuel were contained by 6 a.m. Monday.

The Hells Gate fire was contained at 68 acres, and the Hogs Creek fire was stopped at six acres, Ferguson said. Crews expected to control the blazes by 6 a.m. Tuesday. Because the terrain is so difficult to reach, crews have been fighting the blazes by hand. The causes of the fires were under investigation.

The Finley Butte fire 6 miles east of La Pine in the Deschutes National Forest reached 1,250 acres and was 60 percent contained Monday evening. Mike Barsotti, a spokesman for the multi-agency fire command center, said 572 firefighters worked on the blaze. He estimated it would be fully contained by Thursday evening and controlled by Saturday.

The blaze broke out at 12:20 p.m. Sunday in a heavily timbered area damaged by insects and cumulative droughts and ripe for a fire, he said.

Embers carried by the wind spread the Finley Butte fire east and southeast through forests that have few access roads.

The fire did not pose an immediate threat to private and recreational lands at the Newberry Crater to the north, but campgrounds at the crater were evacuated at 7 p.m. Sunday as a precaution.

In Washington, a large helicopter crashed and burned on a firefighting mission in the Glacier Peak Wilderness area, slightly injuring the pilot and co-pilot, officials said.

The Boeing Vertol, flying low to dip water from a lake into a 2,000-gallon bucket, came down Saturday near Foam Creek, about 6 miles south of Glacier Peak and 70 miles northeast of Seattle, said Melissa Dahl of the Wenatchee National Forest.

Smokejumpers helped evacuate pilot Bill Hoffman of Kellier, Mimm, and co-pilot Carl Schultz, hometown unknown, who were taken to Central Washington Hospital in Wenatchee for treatment of cuts, scrapes and bruises, she said. They were later released.

Dahl said the fire did not spread from the \$4 million helicopter, which was owned

by Columbia Helicopters of Aurora, Ore. The cause of the crash was under investigation.

Meanwhile, a Chelan County fire chief who was severely burned last week when he was overrun by a brush fire near Wenatchee remained in critical condition at Harborview Medical Center's burn unit in Seattle.

Fire Chief Rick West, 38, of Wenatchee suffered second- and third-degree burns over 55 percent of his body as he ran up a hill after checking to make sure other firefighters were clear of the blaze.

Also, about 130 firefighters remained at the biggest fire in the North Cascades, the Canoe Creek fire near the north end of Lake Chelan. The fire, which reached several hundred acres, was near containment Monday night.

A new fire broke out Sunday at Rainy Pass just north of the Lake Chelan National Recreation Area on the Cascade Highway in Okanogan National Forest. About 200 firefighters were nearing containment of the 100-acre fire in a steep, remote area covered with heavy downed timber.

Erratic fire pattern spares some homes, turns others to ashes

By JANET GOETZE
of The Oregonian staff

BEND — Tom and Barbara Cox let out cheers in the rented plane when they saw their nearly finished log house still standing at the edge of a fire line south of Bend.

Dorothy Houston, a retired neighbor across the road in the Deschutes River Woods subdivision, could barely talk as she looked for salvageable belongings in ashes beneath the collapsed roof of her mobile home.

Such were the emotions Monday as residents returned to subdivisions south of Bend to see what the Awbrey Hall forest fire had left them. Fire officials said 20 families no longer had houses.

Houston, a widow who moved to Bend from McMinnville in 1977, found a small metal canister but little else beneath the blackened trees on her property.

She had stuffed clothing in a suitcase and carried her sewing machine to her car before getting out Saturday night. That's all she owns now, she said. She hadn't paid insurance premiums for a couple of years because of a tight budget.

The Coxes rented a plane to see whether the log house they'd worked on for 14 months, paying cash every step of the way, was a fire casualty.

They'd had no word on it since flames jumped the Deschutes River late Saturday. They had crammed what they could into a small travel trailer to escape the roaring red wall advancing toward their property.

Fire crews told them to stay out of their subdivision until past noon Monday because hot spots were still flaring.

Barbara Cox, 37, who helps her 39-year-old husband in his logging business, said that by Monday morning, after two sleepless nights, they could not wait another hour.

"We were in that plane yelling, 'It's there! It's there!'" Barbara Cox said. "I think 'ecstatic' is the right word for what I felt."

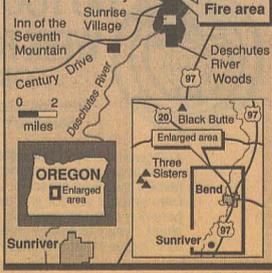
In the Sunrise Village subdivision, across the river and north of the Cox property, Pat and Joan Thomas had friends helping them sift ashes in the cement-lined pit where their home of six years had stood.

Sunrise Village, too, had the hopscotch pattern of destruction that Awbrey Hall visited on Deschutes River Woods. Along the winding roads of the wooded residential area, two houses might stand untouched, while a third was gone in a circle of charred pines, with ashes and twisted metal at the end of a driveway.

The Thomases were at the coast for the weekend when one of their sons called from Bend to tell them about the fire and the evacuation late Saturday.

FIRE UPDATE

Officials said late Monday that the 3,300-acre Awbrey Hall fire was 90 percent contained. If conditions don't change, full containment should come by 6 p.m. Tuesday and control is expected by 6 p.m. Thursday.



The Oregonian

They didn't have a chance to save any of the paintings or jewelry they've collected for 40 years, said Pat Thomas, who owns a car dealership in Bend.

For nearly an hour, after they passed the National Guardsmen at the edge of their subdivision at 10 a.m. Monday, the Thomases threw handfuls of ashes into screened boxes. They hoped to find pieces of jewelry or other valuables. But the tedious work became too discouraging to continue.

"Let's call it quits, folks," Pat Thomas said.

Patty and Bob Craveiro recognized their chimney in a picture on the front page of The Oregonian on Monday morning. Otherwise, little was left of their house. But the flames never touched a tree in the landscaped circle in the middle of the driveway, nor the car and boat parked beneath it.

The Craveiros had been in a downtown Bend restaurant having dinner with friends Saturday night. They were talking in a joking way about what they would save if they had only five minutes to flee. And then, Patty Craveiro said, a neighbor called the restaurant to tell them about the evacuation order.

After they dashed to their house to get their 14-year-old daughter and 9-year-old son, she said, she gathered up family photo albums. And as she dashed for the door, she grabbed other family pictures from the walls.

"I don't have any lipstick," she said. "But we have our kids, we have our friends and we have insurance. We're OK."

Crews fight Bend blaze by the book, and it works

By ROBERT E. SHOTWELL
Correspondent, The Oregonian

BEND — The attack by firefighters on the Awbrey Hall fire that rushed through several subdivisions west and south of Bend this weekend, destroying 20 homes, was a textbook example of how to fight such a blaze.

"In the fire training sessions, using the Central Oregon area as a worst-case scenario, we ask trainees, 'What would you do if you had a fire burning through a major subdivision of wealthy homeowners in Central Oregon?'" Dave Morman, a fire training officer, said Monday.

"From a fire-danger standpoint and the potential for loss, I can't think of a worse situation than we had here. On the other hand, it was a textbook situation for cooperation."

Morman said training sessions use the Central Oregon setting as the worst-case scenario.

He said he had never been on a fire — "and I've been on a lot of them" — so near settlements that

2,000 homes had to be evacuated.

"It used to be a big deal if one or two were evacuated, but this is the biggest situation I've been involved in dealing with evacuation," Morman said. "I have been amazed at the lack of any major complaints about the inconvenience that folks have been put through. I was amazed at the cooperation from that great a number of people."

Morman said no fire in his memory equaled the Awbrey Hall fire in terms of number of structures lost, "although there were a couple of instances in the early '80s at what they called the Hangman's Canyon fire up near Spokane in Washington. That fire consumed several very expensive homes in just a few hours."

In 1936, a timber fire destroyed more than 400 dwellings in the coastal town of Bandon in Coos County.

Morman predicted that with continuing pressure to build houses near forests, Oregon would suffer more fires like Awbrey Hall.



Burned-out hulks of cars, trucks and recreational vehicles line a fence in the Sunrise Village subdivision west of Bend.

Fire: Structures, timber loss put at \$5 million

Continued from Page One

County town of Bandon, a coastal city that now is home to about 2,400 people. That fire burned five blocks of Bandon's business section and more than 400 dwellings. It also killed 11 people.

Losses in the Awbrey Hall fire were confirmed at \$5 million Monday. Officials estimated the structure loss at \$4 million and the timber loss at \$1 million.

Dave Morman, fire information officer, said the fire was 90 percent contained as of 5 p.m. Monday, "and we're still looking at containment at 6 p.m. Tuesday." Control should come by 6 p.m. Thursday.

Morman said the estimated cost of suppressing the fire had been pegged at \$1.4 million. He said the blaze was "very quiet" Monday, with some hot spots, but they were "well inside the perimeter of the fire."

A few temporary traffic jams were created on access roads as the homeowners were allowed back into the areas from which they had been evacuated.

Returning homeowners were required to have identification with them before sheriff's deputies, Oregon State Police troopers and members of the Oregon National Guard would permit passage.

Homeowners who had fled their homes without identification were required to go to the sheriff's office to obtain, proper clearance before they were allowed to return.

Although firefighters seemed to be getting the upper hand on the blaze, a National Weather Service meteorologist warned state and federal agencies Monday that more hot weather was in the forecast.

"It's a very volatile situation as far as the weather goes," Terry Marsha said at the briefing in Salem. "We've got hot and dry conditions, and now we're going to have to sit around and wait for thunderstorms, unfortunately."

"It's going to be a pretty hairy week, just sitting around and wondering when these things are going to hit."

As mop-up crews worked, Morelock surveyed the remains of his home. He said he was sitting on the end of his deck Saturday evening when the fire roared over a ridge and into sight. His bags were packed, but he wasn't ready to go.

"I think you're probably in a state of shock at that point," Morelock said. "The sound is just incredible. I was looking at 150 yards of flames, higher than the trees. It sounds like the thundering of a thousand horses."

With some firm prodding from officials and his wife, Jerrie, Morelock reluctantly left the house for the last



Sally Dybvadi (left), who lost her home in Sunrise Village, is comforted by Beverly O'Reilly, a neighbor whose home was spared by the fire.

time.

The family rented the house while planning to build their own. They expected insurance to cover the loss of their belongings.

Only a few yards away, a neighbor marveled at how the fire shot his pickup's headlight 10 feet ahead into the rubble of his former house.

"These are my skis, right here," added Tom Littlehales, pulling a twisted metal binding from the ash.

Littlehales said his in-laws, who owned the home, would rebuild. The view of Broken Top and South Sister, he noted, was unmarred by the fire.

The fire destroyed 10 structures in Sunrise Village, a subdivision of attractive, modern homes, Saturday night. Some residents were critical of officials for not letting them in until Monday. Others skirted roadblocks and hiked in to rescue pets or dig ditch lines around their houses.

Gov. Neil Goldschmidt, who declared Deschutes County a disaster area about the time the evacuations began Saturday night, may tour the area Tuesday, according to his aides.

Goldschmidt has sought and received help from the Federal Emergency Management Agency, though it's not certain what form that help will take.

Phil Cogan, a FEMA official, said Monday that the agency would probably pay about 40 percent of the costs of fighting the fire.

Major streets in the area were reopened Monday, but Morman said authorities were keeping sightseers out of the charred subdivisions.

"The objective today is to continue mop-up," Morman said. The number of homes destroyed

been really busy this morning with policyholders."

No injuries have been reported in connection with the fire, but Lau said one woman in the area had escaped the blaze by working her way downstream along the Deschutes River. She was picked up by an engine crew, he said. He did not reveal her name.

In other developments:

- Telephone communication between Bend and some other Oregon cities continued to be a problem. While those in Bend seemed able to call out, those trying to call the city from elsewhere often reached a recording saying circuits were busy.

- John Fowler, assistant fire chief for the Black Butte Ranch Rural Fire Protection District, said no special fire precautions were being taken at Black Butte Ranch, since the Awbrey Hall fire was at least 20 miles southeast of the resort.

Residents and visitors were aware of the nearby forest fire, but no restrictions or other specific measures were in place, he said.

- At Sunriver Lodge & Resort, about 12 miles from the fire, only the usual fire precautions, such as no smoking on areas of the golf course, were being followed, said Sheridan Atkinson, president of Sunriver Properties, which operates the resort.

"We feel that we're not in any immediate danger" from any nearby forest fire, he said.

- Smoke permeated Bend and was evident as far away as Madras, 30 miles to the north. The sky was gray and hazy, an occasional air tanker circled overhead preparing to drop retardant on the fire and water-dropping helicopters buzzed through the air.

- The Awbrey Hall fire is the most destructive fire in terms of structures since the Bland Mountain fire in July of 1987. It destroyed nine homes while burning 10,300 acres in Douglas County. It also killed two men who were attempting to save logging equipment.

In terms of acreage, however, the Awbrey Hall fire doesn't come close to Oregon's all-time list. The biggest fire on record took place between Silverton and Salem in 1865. It burned 990,000 acres, including what is now Silver Creek Falls State Park. Another fire, in 1849, burned about 800,000 acres between Newport and Florence.

The largest fire of the 20th century was the Tillamook Burn. It torched 240,000 acres in 1933. It also reincarnated itself every six years until 1951, eventually burning a total of 355,000 acres.

Staff writer Janet Goetze and The Associated Press contributed to this story.