

file

Thursday, December 17, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Ted Wheeler convenes the meeting at 9:30 a.m., with Vice-Chair Judy Shiprack and Commissioners Deborah Kafoury, Jeff Cogen, Diane McKeel and present.

CONSENT CALENDAR

MAY I HAVE A MOTION ON THE CONSENT CALENDAR?

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE CONSENT CALENDAR**

**ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS
OR
THE CONSENT CALENDAR IS APPROVED**

DEPARTMENT OF LIBRARY SERVICES

C-1 BUDGET MODIFICATION LIB-04 Redistributing FTE among Several Library Page and Library Clerk Positions in the Central Library, Systemwide Access, and Neighborhood Libraries Divisions

DEPARTMENT OF COUNTY MANAGEMENT

C-2 BUDGET MODIFICATION DCM-11 Reclassifying One Position in the Division of Assessment, Recording, and Taxation, as Determined by the Class/Comp Unit of Central Human Resources

C-3 Intergovernmental Non-Financial Agreement No. 30000379 with the City of Portland Regarding the Operation and Joint Use of Electronic and Communications Systems

SHERIFF'S OFFICE

C-4 RESOLUTION Authorizing the Annual Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of the Multnomah County Sheriff's Office

REGULAR AGENDA

UNANIMOUS CONSENT ITEM - 9:30 AM

MAY I HAVE A MOTION FOR CONSIDERATION OF A UNANIMOUS CONSENT ITEM?

COMMISSIONER 19 MOVES
COMMISSIONER _____ SECONDS
CONSIDERATION OF A UNANIMOUS CONSENT ITEM

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS
OR
THE CONSIDERATION IS APPROVED

SHERIFF'S OFFICE

~~UC-1~~ Full On Premises Sales Liquor License Renewal for SHIRLEY'S TIRPY CANOE AT 28242 E. Historical Columbia River Hwy., Troutdale

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF UC-1

LATE CONSENT CALENDAR LIQUOR LICENSE RENEWAL SUBMISSION. OWNERS ARE NOW IN COMPLIANCE WITH THE ASSESSMENT AND TAXATION OFFICE OR LAND USE PLANNING CODES AND PERMITS. OREGON LIQUOR CONTROL COMMISSION REQUIRES RENEWAL APPLICATIONS SUBMITTED PRIOR TO DECEMBER 31, 2009

ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS
OR
THE LIQUOR LICENSE RENEWAL IS APPROVED

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

DEB WILL LET YOU KNOW IF THERE ARE FOLKS SIGNED UP.

NON-DEPARTMENTAL - 9:30 AM

R-1 PROCLAMATION Recognizing Multnomah County Sheriff's Office River Patrol Enforcement Program and Officers for their Outstanding Performance and Contributions During the 2009 Boating Season, and for being Honored by the Oregon State Marine Board with Two Life-Saving Awards, an Outstanding Volunteer Award and Program of the Year Award

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-1**

COMMISSIONER (DIANE MCKEEL) AND RIVER PATROL DEPUTIES STEVE DANGLER AND KEVIN McAFEE, DEPUTIES KEN YOHE AND RON OSBORN, AND RIVER PATROL VOLUNTEER JOHN ZEMAN, EXPLANATION, READ PROCLAMATION, RESPONSE TO QUESTIONS

**OPPORTUNITY FOR PUBLIC TESTIMONY
OPPORTUNITY FOR BOARD COMMENTS**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE PROCLAMATION IS ADOPTED**

R-2 Second Annual Report of the Results of the City of Portland Residential Limited Tax Exemption (LTE) Programs. Presented by City of Portland Commissioner Nick Fish and Kate Allen, Housing Policy Manager, Portland Housing Bureau. 20 MINUTES REQUESTED.

WARRIOR ED CLASLET

NON-VOTING ITEM. PORTLAND COMMISSIONER NICK FISH AND PORTLAND

**HOUSING BUREAU HOUSING POLICY
MANAGER KATE ALLEN POWERPOINT
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.**

DEPARTMENT OF COUNTY MANAGEMENT – 10:00 AM

R-3 BUDGET MODIFICATION DCM-10 Approving General Fund
Contingency Transfer of \$392,706 to Pay Assessments to Multnomah
County from the Portland Mall Revitalization Project Local Improvement
District

PSV Army
ISMM

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-3**

**BOB THOMAS, MARK CAMPBELL
EXPLANATION, RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR**

THE BUDGET MODIFICATION IS APPROVED

COUNTY MANAGEMENT/INFORMATION TECHNOLOGY – 10:03 AM

R-4 NOTICE OF INTENT to Apply to the State of Oregon Department of
Energy for an American Recovery and Reinvestment Act Energy Efficiency
and Conservation Block Grant

WAYNE
W. SCOTT

**COMMISSIONER C MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-4**

**WAYNE SCOTT EXPLANATION, RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

THE MOTION FAILS

OR

THE NOTICE OF INTENT IS APPROVED

DEPARTMENT OF HEALTH – 10:06 AM

R-5 NOTICE OF INTENT to Submit a Grant Application for up to \$150,000 to the National Institutes of Health Unique Interactions Between Tobacco Use and HIV/AIDS Research Opportunity

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-5**

CALL ASSIST

**JULIE MAHER AND NICOLE HERMANN'S
EXPLANATION, RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

THE MOTION FAILS

OR

THE NOTICE OF INTENT IS APPROVED

DEPARTMENT OF COUNTY HUMAN SERVICES – 10:09 AM

R-6 BUDGET MODIFICATION DCHS-17 Increasing Aging and Disability Services Division Federal/State Appropriation by \$85,989 in U.S. Administration on Aging Grant Funding and Adding One New .50 FTE Program Coordinator Position

(Handwritten mark)

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-6**

**MARY SHORTALL EXPLANATION, RESPONSE
TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

THE MOTION FAILS

OR

THE BUDGET MODIFICATION IS APPROVED

R-7 BUDGET MODIFICATION DCHS-19 Increasing Aging and Disability Services Division Federal/State Appropriation by \$147,472 in U.S. Administration on Aging Grant Funding and Adding New 2.00 FTE Positions

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-7**

**MARY SHORTALL EXPLANATION, RESPONSE
TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

THE MOTION FAILS

OR

THE BUDGET MODIFICATION IS APPROVED

R-8 BUDGET MODIFICATION DCHS-22 Transferring \$210,000 One Time Only General Fund Contingency to the Department of County Human Services, Program Offer 25133, Housing Stabilization for Vulnerable Population, to Implement the 30 Families in 30 Days Initiative, Mary Li, 20 mins

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-8**

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**COMMISSIONER DEBORAH KAFOURY AND
MARY LI EXPLANATION, RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

THE MOTION FAILS

OR

THE BUDGET MODIFICATION IS APPROVED

(AS MO)

COUNTY ATTORNEY'S OFFICE - 10:30 AM

**R-9 First Reading of a Proposed ORDINANCE Amending Multnomah County
Code Chapters 11.250-11.256 to Provide for a Vehicle Registration Fee for
Construction of a New Sellwood Bridge**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE FIRST READING**

(MOORE)
Signature

**DEPUTY COUNTY ATTORNEY JOHN THOMAS
EXPLANATION, RESPONSE TO QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

THE MOTION FAILS

OR

**THE FIRST READING IS APPROVED, THE
SECOND READING IS THURSDAY, JANUARY 7,
2010**

R-9

*Reschedule
Jan 7th*

DEPARTMENT OF COMMUNITY SERVICES - 10:40 AM

**R-10 RESOLUTION Directing the Department of Community Services to
Investigate the Use of a Construction Manager / General Contractor Method
of Delivery for the Sellwood Bridge Replacement Project**

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-10

IAN CANNON EXPLANATION, RESPONSE TO
QUESTIONS

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

THE MOTION FAILS
OR
THE RESOLUTION IS ADOPTED

CARC -
EXPAND
max 1000
DEED
RESTRICTIONS

R-11 First Reading of a Proposed ORDINANCE Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF THE FIRST READING

KEVIN COOK AND/OR LISA ESTRIN
EXPLANATION, RESPONSE TO QUESTIONS

OPPORTUNITY FOR PUBLIC TESTIMONY
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ___?

THE MOTION FAILS
OR
THE FIRST READING IS APPROVED, THE
SECOND READING IS THURSDAY, JANUARY 7,
2010

Referendum

THERE BEING NO FURTHER BUSINESS, THE MEETING IS
ADJOURNED.

Multnomah County False Alarm Reduction Program

P.O. Box 92153 - Portland OR 97292-2153
Phone (503) 251-2411 - Fax (503) 251-2454 - Email: alarms@mcso.us - Internet: www.mcso.us

ACCOUNT INFORMATION

TIPPY CANOE
28242 E COLUMBIA RIVER HY
TROUTDALE, OR 97060-9344

Date: 11/18/2009
Customer: 507429
Permit Nbr: 401067
Premise: 28242 E COLUMBIA RIVER

The following account information has been created for you:

<u>Date</u>	<u>Reference</u>	<u>Description</u>	<u>Due Date</u>	<u>Amount</u>
04/09/2008	90008828	New Application	05/09/2008	25.00
05/19/2008	700015637		05/19/2008	25.00-
05/19/2008	20000000433	Late Fees Multnomah	05/19/2008	25.00
05/23/2008	700015636	Payment		25.00-
06/13/2008	90010350	False Alarm Fee	07/13/2008	50.00
08/13/2008	200000000670	Late Fees Multnomah	08/13/2008	25.00
09/08/2008	90012460	False Alarm Fee	10/08/2008	75.00
10/16/2008	200000000911	Late Fees Multnomah	10/16/2008	25.00
06/25/2009	100000001746	Write off		50.00-
		TOTAL		125.00

Police Response Revoked

Return this portion of this notice with your check or money order payable to Multnomah County to:
Multnomah County False Alarm Reduction Program, PO Box 92153, Portland, OR 97292

TIPPY CANOE
28242 E COLUMBIA RIVER HY
TROUTDALE, OR 97060-9344

Customer: 507429
Permit Nbr: 401067
Account Balance: 125.00

*\$175
plus new
permit(s)*



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 12/17/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: R-5
Est. Start Time: 10:06 AM
Date Submitted: 12/02/09

NOTICE OF INTENT to Submit a Grant Application for up to \$150,000 to the
Agenda National Institutes of Health *Unique Interactions Between Tobacco Use and*
Title: *HIV/AIDS Research Opportunity*

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: December 17, 2009 **Amount of Time Needed:** 5 minutes
Department: Health **Division:** Health & Social Justice - Program Design & Evaluation Services
Contact(s): Julie Maher, Nicole Hermanns
Phone: 503-988-3663 **Ext.** 26314 **I/O Address:** 160/9
Presenter(s): Julie Maher and Nicole Hermanns

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to submit a grant application for up to \$100,000 in direct costs and additional funding to cover all indirect costs to the National Institutes of Health *Unique Interactions Between Tobacco Use and HIV/AIDS Research Opportunity*.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

People living with HIV/AIDS (PLWH/A) have a high cigarette smoking prevalence that is well-documented in national samples.¹ Smoking among PLWH/A is associated with increased incidence of AIDS-defining illnesses and other poor health outcomes.^{2,3,4,5,6}

In Oregon, the tobacco burden is high among clients in our AIDS Drug Assistance Program, known locally as CAREAssist. CAREAssist serves more than 2,100 low-income PLWH/A by assisting them with health insurance coverage and providing co-pays and prescription drugs. Survey data from 2006 indicate that the smoking prevalence among CAREAssist clients is 42%, compared to 19% in the Oregon population overall. Although smoking prevalence is high, many are ready to quit. Seventy-two percent of these smokers reported that they would like to quit, and 46% indicated they were seriously considering quitting in the next 30 days. Over two-thirds had tried to quit in the past

year. In addition, 83% reported they would use nicotine replacement patches or medicine for stopping smoking if these were available at no cost. Recognizing an opportunity, the CAREAssist Program in 2008 integrated cessation pharmacotherapy (e.g., nicotine replacement therapy) into its drug formulary, making it available at no cost to clients whose insurance plans will not pay for them, and the Program started paying for counseling through the Oregon Tobacco Quit Line. Even though CAREAssist clients have been informed of these free services, preliminary data from the Summer 2009 suggests the smoking prevalence appears virtually unchanged from 2006. Clearly, further interventions are needed to overcome the barriers to utilizing these services and to help clients successfully quit.

The overall goal of the proposed project is to improve understanding of the barriers to CAREAssist clients using free cessation pharmacotherapy and counseling services in order to inform the development of an intervention that would integrate cessation support into the HIV system of care. Specifically, we will gather data to develop content for trainings for HIV medical providers and for Ryan White HIV case managers. We anticipate that these trainings would address the importance of screening for smoking behaviors among PLWH/A, referring clients to available cessation services (e.g., the Quit Line), and conducting brief motivational interviewing when indicated. They would also address how to integrate tobacco cessation pharmacotherapy into patients' existing HIV treatment regimen by building on existing evidence-based adherence and self-management counseling. Last, the information we collect will be used to develop educational messages for PLWH/A encouraging them to talk with their providers about available cessation services and medications to quit smoking.

To our knowledge, there have been no prior studies using this type of approach for increasing smoking cessation among PLWH/A. A successful intervention with the CAREAssist population could be implemented with ADAP populations across the nation, as ADAP programs exist in all states. In addition, CAREAssist clients are low income (200% FPL or less); interventions that meet with success in this population could be adapted for use with other low income populations with chronic diseases.

¹ Hoffman AC, Starks VL, Gritz ER. The impact of cigarette smoking on HIV/AIDS: Urgent need for research and cessation treatment. *AIDS Educ Prev* 2009;21(3 Suppl):1-2.

² Goedert J. The epidemiology of AIDS malignancies. *Sem Oncol* 2000;27:390-401.

³ Palefsky J. Human papilloma virus infection in HIV-infected persons. *Topics in HIV Med* 2007;15:130-133.

⁴ Tirreli U, Spina A, Sandri S, et al. Lung carcinoma in 36 patients with HIV infection. The Italian Cooperative Group on AIDS and Tumors. *Cancer* 2000;88:563-569.

⁵ Feldman J, Minkoff H, Schneider M, et al. Association of cigarette smoking with HIV prognosis among women in the HAART era. *Am J Public Health* 2006;96:1060-1065.

⁶ Furber, Maheswaran R, Newell J, Carroll C. Is smoking tobacco an independent risk factor for HIV progression to AIDS? A systematic review. *Sex Trans Inf* 2007;83:41-46.

3. Explain the fiscal impact (current year and ongoing).

We will request up to \$100,000 in direct costs and additional funding to cover all indirect costs for a two year project period.

4. Explain any legal and/or policy issues involved.

None.

5. Explain any citizen and/or other government participation that has or will take place.

None.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
The National Institutes of Health (NIH).
- **Specify grant (matching, reporting and other) requirements and goals.**
The purpose for this grant is to fund applications from institutions/organizations that propose to stimulate research related to the unique, interactive health effects of cigarette smoking and HIV/AIDS. There is no match requirement. Regular progress and financial reporting is required.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one-time only commitment with an award amount of up to \$100,000 in direct costs, and additional funding for indirect costs for a two-year project period.
- **What are the estimated filing timelines?**
The grant application is due on January 7, 2010.
- **If a grant, what period does the grant cover?**
The grant covers a two year project period from 7/1/2010 – 6/30/2012.
- **When the grant expires, what are funding plans?**
When the grant expires the project will have been completed. If additional research needs are identified, new grant applications will be submitted.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
These costs, and any facilities/internal services costs, will be covered by the grant.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

KaRin Johnson for

Date: 12/02/09

Lillian Shirley

Budget Analyst:

Date: 12/02/09

Debra



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-6 DATE 12/17/09
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>12/17/09</u>
Agenda Item #:	<u>R-6</u>
Est. Start Time:	<u>10:09 AM</u>
Date Submitted:	<u>12/09/10</u>

BUDGET MODIFICATION: DCHS - 17

Agenda Title:	BUDGET MODIFICATION DCHS-17 Increasing Aging and Disability Services Division Federal/State Appropriation by \$85,989 in U.S. Administration on Aging Grant Funding and Adding one new .50 FTE Program Coordinator Position
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>December 17, 2009</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>County Human Services</u>	Division:	<u>Aging & Disability Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>(503) 988-3691</u>	Ext.	<u>26858</u>
Presenter(s):	<u>Mary Shortall</u>	I/O Address:	<u>167/620</u>

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-17. This budget modification increases the budget for Aging and Disability Services Division (ADSD) by \$85,989 in State of Oregon, Department of Human Services (DHS), U.S. Administration on Aging grant funding to implement and administer an Evidence-based Alzheimer's Disease Supportive Services program. This modification also adds one new 0.33 FTE Program Coordinator (.50 FTE annualized) position that will assist case management staff from District Centers to implement training for caregivers whose family members have dementia.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Program Offer #25020A – Access and Early Intervention Services are the first point of contact for the county's 160,000 elderly, people with disabilities and veterans. These services keep people in their home as long as possible and protect them from becoming victims of abuse or neglect. Evidence-based Alzheimer's Disease Supportive Services, STAR-Caregivers or (STAR-C) is a new program

provided under this program offer.

The Department of County Human Services (DCHS) Aging and Disability Services Division (ADSD) is receiving an additional \$85,989 in U.S. Administration on Aging grant funding. Budget modification DCHS-17 increases the Fiscal Year 2010 budget to reflect the U.S. Administration on Aging grant funding and adds one new 0.33 FTE Program Coordinator (.50 FTE annualized) position. The additional funding will be used to increase services provided by Access & Early Intervention Services in the new STAR- Caregivers (STAR-C) program.

ADSD is one of two Area Agencies on Aging (AAA) in the state selected to implement the STAR-Caregivers (STAR-C) program. The goal of the project is to effectively translate and sustain an evidence-based intervention that increases the ability of caregivers to care for family members with dementia. This project will serve at least 168 family caregiver/care recipients state-wide over three years and has three anticipated outcomes: (1) Decreasing the frequency and severity of behavior challenges among care recipients; (2) Decreasing depression and caregiver burden among caregivers; and (3) Successfully translating the STAR-C program into a community-level intervention that maintains fidelity to the core elements of the original research. Additionally, by giving caregivers tools to cope with care recipients' problem behaviors, the STAR-C project helps its participants maintain their current homes. The STAR-C project supports ADS Long Term Care, which has as its priority, meeting the basic needs of older adults to help them live independently in the community and avoid nursing home placement.

3. Explain the fiscal impact (current year and ongoing).

The Fiscal Year 2010 budget for the Access & Early Intervention Services STAR-C program will be increased by \$85,989. This funding will increase the following expenses: personnel costs by \$27,974, contracted pass through and direct client service by \$45,636, material and services by \$7,835 and indirect costs by \$4,544. Service reimbursement from Federal/State to the risk management fund increases by \$6,782. Services reimbursement for the telecommunications fund increases by \$494. The department indirect revenue account will increase by \$2,329 and will increase a like amount in Director's office supplies. The services reimbursement for central indirect to the General Fund will increase by \$2,215 and will increase a like amount in the contingency.

This grant is a one-time only grant that extends for a three year period. The grant period is September 30, 2009 through September 29, 2012. ADSD will look at redirecting existing resources or exploring new grants and other resources to continue the project.

4. Explain any legal and/or policy issues involved.

There are no legal and/or policy issues associated with this grant.

5. Explain any citizen and/or other government participation that has or will take place.

The State Unit on Aging, Rogue Valley Council of Governments Aging & Disability Services (the other AAA selected for the project), Oregon Chapter of the Alzheimer's Association, University of Washington School of Nursing Northwest Research Group on Aging, and four of our senior District Centers are partners in this project. An Advisory Group made up of representatives from the aforementioned organizations and other stakeholders will help oversee implementation of the project.

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

• **What revenue is being changed and why?**

Budget Modification DCHS-17 increases the Aging & Disability Services Division Federal/State appropriation by \$85,989 in ADS Access and Early Intervention Services.

• **What budgets are increased/decreased?**

The Fiscal Year 2010 budget for the Access & Early Intervention Services STAR-C program will be increased by \$85,989. This funding will increase the following expenses: personnel costs by \$27,974, contracted pass through and direct client service by \$45,636, material and services by \$7,835 and indirect costs by \$4,544. Service reimbursement from Federal/State to the risk management fund increases by \$6,782. Services reimbursement for the telecommunications fund increases by \$494. The department indirect revenue account will increase by \$2,329 and will increase a like amount in Director's office supplies. The services reimbursement for central indirect to the General Fund will increase by \$2,215 and will increase a like amount in the contingency.

• **What do the changes accomplish?**

Budget Modification DCHS-17 increases the DCHS Fiscal Year 2010 budget by \$85,989 awarded through State of Oregon Department of Human Services (DHS) U.S. Administration on Aging grant funding. This modification also adds one new 0.33 FTE Program Coordinator (.50 FTE annualized) position that will assist case management staff from District Centers to implement training for caregivers whose family members have dementia. This grant allows Aging and Disability Services Division (ADSD) to implement the STAR-C program. This program will serve at least 168 families of caregivers/care recipients state-wide for the next three years.

• **Do any personnel actions result from this budget modification? Explain.**

Yes, this budget modification adds one .33 FTE Program Coordinator (.50 FTE annualized) position to be hired for the duration of the grant.

• **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

The grant pays indirect charges.

• **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

This grant is a one-time only grant that extends for a three year period. The funding allows implementation of STAR-Caregivers program in Multnomah County for the next three years. ADSD will look at redirecting existing resources from the Older American Act (OAA) grant funds or exploring new grants or other resources to continue the project.

• **If a grant, what period does the grant cover?**

The grant covers the period September 30, 2009 through September 29, 2012.

• **If a grant, when the grant expires, what are funding plans?**

Services will reduce to the level prior to grant awards and ADSD will continue to look for additional grant opportunities to strengthen community support and services for people at high risk of Alzheimer's disease and other forms of dementia.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 17

Required Signatures

Elected Official or
Department/
Agency Director:



Date: 12/07/09

Budget Analyst:



Date: 12/09/09

Department HR:



Date: 12/09/09

Countywide HR:



Date: 12/08/09

Budget Modification ID: **DCHS-17****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	30-45	32375	25020A	41			ADSDIVCS201AOAALZ	50190	0	(41,456)	(41,456)		IG - OP Fed Thru St
2	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60000	0	16,119	16,119		Permanent (Prog Coord)
3	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60130	0	5,073	5,073		Salary Related Exps
4	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60140	0	6,782	6,782		Insurance Benefits
5	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60155	0	3,456	3,456		Direct Client Asst
6	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60180	0	1,500	1,500		Printing
7	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60240	0	3,158	3,158		Supplies
8	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60260	0	2,599	2,599		Travel & Training
9	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60270	0	84	84		Local Travel/Mileage
10	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60370	0	494	494		Intl Service Telephone
11	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60350	0	1,068	1,068		Central Indirect 2.72%
12	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60355	0	1,123	1,123		Dept Indirect 2.86%
13													
14	30-45	32375	25020A	41			ADSDIVCS201AOAALZ	50190	0	(44,533)	(44,533)		IG - OP Fed Thru St
15	30-45	32375	25020A	40			ADSDIV37AOAALZ	60160	0	42,180	42,180		Pass-Through & Prog Supp
16	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60350	0	1,147	1,147		Central Indirect 2.72%
17	30-45	32375	25020A	40			ADSDIVCS201AOAALZ	60355	0	1,206	1,206		Dept Indirect 2.86%
18													
19	72-10	3500		20		705210		50316		(6,782)	(6,782)		Svc. Reim F/S to Risk
20	72-10	3500		20		705210		60330		6,782	6,782		Claims Paid
21													
22	72-60	3503		20		709525		50310		(494)	(494)		Svc Reimb Telecom
23	72-60	3503		20		709525		60200		494	494		Telecom Fund
24													
25	19	1000		20		9500001000		50310		(2,215)	(2,215)		Svc Reimb F/S to General
26	19	1000		20		9500001000		60470		2,215	2,215		Contingency
27													
28	26-00	1000	25000	40			CHSDO.IND1000	50370		(2,329)	(2,329)		Dept Indirect Revenue
29	26-00	1000	25000	40			CHSDO.IND1000	60240		2,329	2,329		Supplies
										0	0		Total - Page 1
										0	0		GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32375	6022	65183	ADSDIVCS201AOAALZ	Program Coordinator	New	0.50	24,179	7,609	10,173	41,961
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
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										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.50	24,179	7,609	10,173	41,961

CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

Effective Date = 11/01/09

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32375	6022	65183	ADSDIVCS201AOAALZ	Program Coordinator	New	0.33	16,119	5,073	6,782	27,974
										0
										0
										0
										0
										0
										0
										0
										0
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										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.33	16,119	5,073	6,782	27,974



Department of County Management

MULTNOMAH COUNTY OREGON

Human Resources – Multnomah Building
501 SE Hawthorne, Suite 400
Portland, Oregon 97214
(503) 988-5015 Phone

To: Paul Iarrobino, Program Supervisor – ADS, DCHS Date: October 1, 2009

From: Joi Doi, Class/Comp Unit

Subject: Reclassification Request #1324 – New vacant .5FTE position

We have completed our review of your request and the decision is outlined below.

Request Information:

Date Request Received: September 11, 2009

Position Numbers: TBD

Current Classification: NA

Requested Classification: Program Coordinator

Job Class Number: NA

Job Class Number: 6022

Pay Grade: NA

Pay Grade: 25

Request is: Approved as Requested

Effective Date: October 1, 2009

Approved - Revised

Denied

Allocated Class: Program Coordinator

Job Class Number: 6022

Pay Range: \$48,358.08 - \$59,445.36annually

Pay Grade: 25

Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.

Position Information:

Vacant - see New/Vacant Section

Filled & incumbent reclassified

Filled & incumbent not reclassified with position

New/Vacant Position Information:

This is a new limited duration (LD), one-year assignment .5FTE working with the State of Oregon, Jackson County, and the U of Washington School of Nursing NW Research Group on Aging to implement aging services to caregivers who care for people with dementia. ADS has received a \$500,000 grant to provide evidence-based intervention care in urban and rural areas of the state.

Reason for Classification Decision:

The primary focus of this new position is to recruit case management staff from District Centers; to help develop, implement specialized training for caregivers whose clients/family members have dementia; and then evaluate the overall effectiveness of the intervention/training. This new part-time, LD position will help ensure grant guidelines are properly applied; assist in the development of program evaluation activities; conduct public information/community education functions; and perform significant outreach, 'marketing' communications functions. Additionally, this new position will provide technical/clinical assistance to case management staff and work broadly with other jurisdictions, the U of W and the State of OR to coordinate the broad functions of this grant and its goals.

Assignments require significant knowledge of and experience in social/human services, program development, assessment and outreach. Program Coordinator plans and manages a moderately sized ongoing program or grant and is responsible for monitoring and evaluating results and deliverables against stated goals and objectives and this new position as described meets the overall definition of this job class.

If you have any questions, please feel free to contact Joi Doi at 503-988-3241.

cc: Carolyn Edgett, Kim Pasquinelli, DCHS HR
Pauline Reed-Van Brocklin, HR Maintainer
Class Comp File Copy
Local 88



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

Board Clerk Use Only

Meeting Date: _____
Agenda Item #: _____
Est. Start Time: _____
Date Submitted: _____

BUDGET MODIFICATION: -

Agenda Title: **Acceptance of SW Scholls Ferry Road Street Design Concept Plan**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date:	<u>December 17, 2009</u>	Amount of Time Needed:	<u>20 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use &Trans Program</u>
Contact(s):	<u>Jane McFarland</u>		
Phone:	<u>(503) 988-5050</u>	Ext.	<u>29620</u>
Presenter(s):	<u>Jane McFarland</u>	I/O Address:	<u>455</u>

General Information

1. What action are you requesting from the Board?

Acceptance of the Scholls Ferry Road Street Design Concept Plan. The Department recommends approval.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Due to the topographical constraints, SW Scholls Ferry Road cannot be built to typical design standards and does not currently have facilities for walking and bicycling. Using a state-awarded planning grant, transportation staff worked with neighbors and other transportation agencies to evaluate alternative designs that provide safer bicycling and walking and improve stormwater management. Attached is a diagram showing the recommended cross-section(s) for Scholls Ferry Road between the county line and the interchange at US 26. The design concept provides direction to the next steps of project development – environmental impact assessment, surveying, preliminary and final engineering, and construction.

The project supports a Thriving Economy by providing transportation choices, making the region an attractive place to live by coupling a safe and efficient multi-modal transportation

system and land use.

3. Explain the fiscal impact (current year and ongoing).

The County currently does not have funding for project development. However, with a completed concept design, we are in a better position to compete for state and regional funding to advance the project.

4. Explain any legal and/or policy issues involved.

The concept plan recommends modifying the current traffic operations on Scholls Ferry Road in order to provide bicycle and pedestrian facilities, and alignment with traffic operations at the south end of the project.

5. Explain any citizen and/or other government participation that has or will take place.

The recommended concept planning process included 2 public meetings, meetings with neighborhood associations, and continual input from an advisory committee that included neighborhood and bicycling community representatives. Public communication has been maintained through a project website. Staff from the City of Portland, Washington County, Metro and Clean Water Services staff participated on the advisory committee. This committee, along with Multnomah County's Bicycle/Pedestrian Advisory Committee, has endorsed the recommended concept plan.

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- Who is the granting agency?
- Specify grant (matching, reporting and other) requirements and goals.
- Explain grant funding detail – is this a one time only or long term commitment?
- What are the estimated filing timelines?
- If a grant, what period does the grant cover?
- When the grant expires, what are funding plans?
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

Required Signatures

Elected Official or
Department/
Agency Director:

18 M. Cecilia Johnson

Date: _____

Budget Analyst:

Date:

Department HR:

Date:

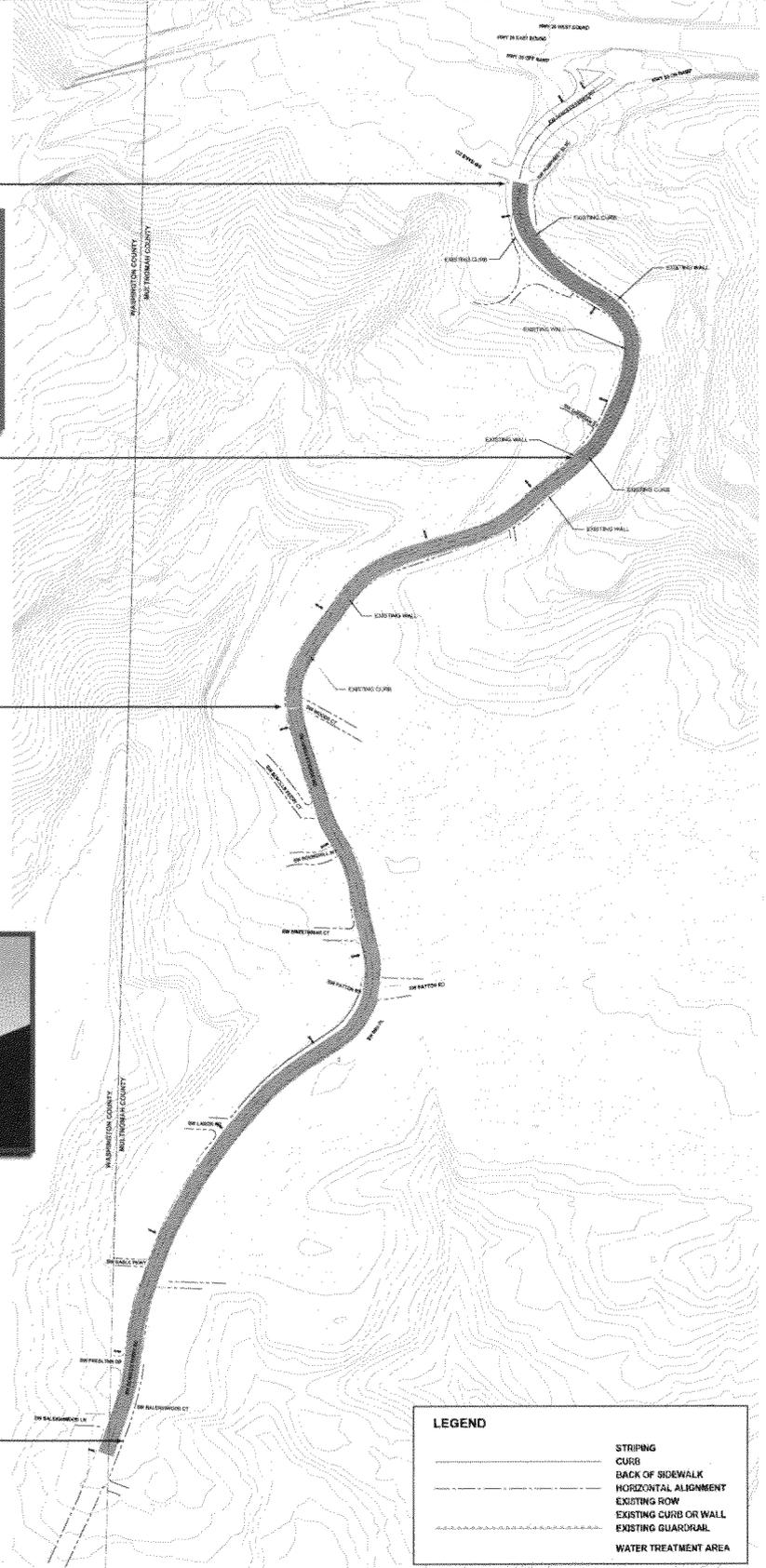
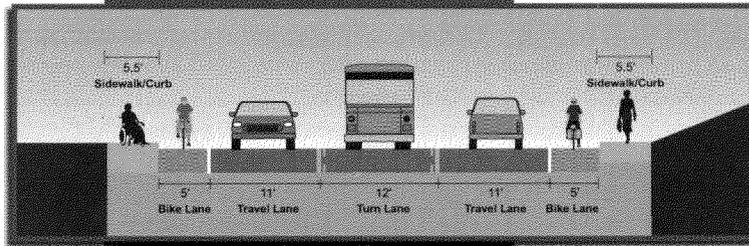
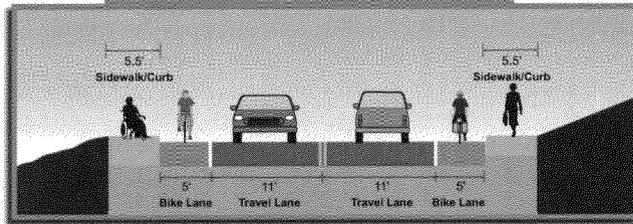
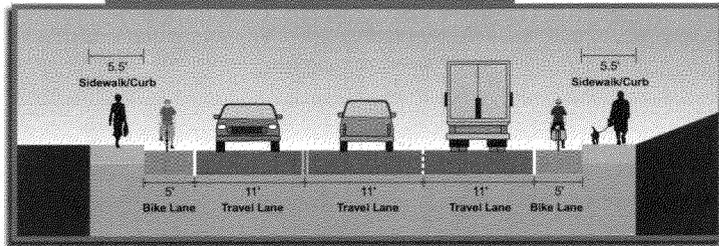
Countywide HR:

Date:

Scholls Ferry Road Conceptual Design Plan

Street Design Options

Typical Cross Sections





MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: _____
 Agenda Item #: _____
 Est. Start Time: _____
 Date Submitted: _____

Agenda Title: AMENDING MCC CHAPTERS 33, 35, 11.15, MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN AND THE MULTNOMAH COUNTY SECTIONAL ZONING MAPS TO IMPLEMENT METRO TITLE 13, NATURE IN NEIGHBORHOODS.

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>December 17, 2009</u>	Amount of Time Needed:	<u>30 minutes</u>
Department:	<u>Community Service</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Kevin Cook, Lisa Estrin</u>		
Phone:	<u>503.988.3043</u>	Ext.	<u>26782</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Kevin Cook</u>		

General Information

1. What action are you requesting from the Board?

Land Use Planning is requesting the Board approve the proposed amendments recommended by Multnomah County Planning Commission to bring Multnomah County's Comprehensive Plan and zoning ordinances into compliance with Metro's Title 13 Nature in Neighborhoods program (see Planning Commission Resolution attached). These changes will modify or add fish and wildlife habitat protection to various areas within the Metro jurisdictional boundary and will improve water quality. The proposed ordinance:

- a. Amends Comprehensive Plan Policy 16-D (A) to allow the use of Metro's habitat inventory when considering additional habitat protection areas.
- b. Adopts new Significant Environmental Concern overlay zones in the West Hills, East of Sandy River and Pleasant Valley areas to protect class I and II riparian wildlife habitat identified on Metro's habitat inventory maps that are not currently protected by existing Multnomah County SEC-s or SEC-wr overlay zones.
- c. Amends the Urban (Chapter 11.15) Significant Environmental Concern to include the regulations currently found in the West of Sandy River Significant Environmental Concern for water resource (SEC - wr) code for areas identified as water resource areas within the

Pleasant Valley area.

- d. Amends the West Hills (Chapter 33) and East of Sandy River (Chapter 35) Significant Environmental Concern (SEC) overlay zones to add exceptions for septic system repairs, utility poles, right-of-way expansions, and certain habitat enhancement projects. Modify the definition of the width of the Significant Environmental Concern - stream (SEC-s) overlay to allow for variable buffer widths. Expand the nuisance plant list to include all species identified by Metro.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Metro regional government established the Nature in Neighborhoods (Title 13) program as a regional approach for fish and wildlife habitat protection and water quality improvement in 2005. The program includes voluntary, incentive-based, educational, and regulatory elements. Multnomah County is required to implement the regulatory element of Title 13 for its rural areas within the Metro jurisdictional boundary. The regulations include limitations on how and where development can occur within the riparian resource areas mapped by Metro. Many of the areas identified by Metro as upland habitat are already protected under the County's Significant Environmental Concern for wildlife habitat (SEC-h) overlay zone. The County's existing overlay zones will not be modified by these amendments.

Title 13 is authorized by state administrative rules that implement Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources. State rules designate Metro as the review authority for determining compliance with this program. Metro has reviewed the proposed plan and ordinance amendments and found them to be in substantial compliance with Title 13.

This action contributes to the Land Use Planning program offer that is part of Vibrant Communities. This proposal coordinates with our regional partner, Metro to plan for the protection of wildlife habitat and water quality.

3. Explain the fiscal impact (current year and ongoing).

None.

4. Explain any legal and/or policy issues involved.

During the planning process, the Planning Commission provided direction on various policy and planning issues relating to options to comply with Title 13. These included:

- Whether to adopt Metro's Model Ordinance or demonstrate to Metro that the County's existing regulatory framework met the purpose and intent of Title 13.

Metro's Model Ordinance was crafted for urban sized lots and severely limited the total amount of land that could be developed. The County's Significant Environmental Concern (SEC) regulations have been in effect since mid-1995 and protect wildlife habitat and water resources. Both the Planning Commission and planning staff felt it was appropriate to put forth that our current regulations are in compliance with Title 13. Land use planning audited its regulations and received concurrence from Metro that the County's existing SEC regulations generally met the goals of Title 13 and with a few minor changes would be made consistent with them.

- What level of protection to provide riparian and wildlife habitat within Metro jurisdictional boundaries.

Metro's resource study categorized six different levels of significant habitat that can be protected. These categories include three riparian wildlife habitat classes and three upland wildlife habitat classes. Planning staff discussed this issue with property owners at various open houses and with the Planning Commission. Input from the public and Planning Commission was to adopt the minimum necessary to achieve compliance and maintain exemptions for personal use of forest

products and farm uses.

- Determine whether the personal use exemption for timber in existing County ordinances could be maintained.

Metro agreed that property owners in the rural area should be allowed to cut timber on their property for personal use without first obtaining a resource related permit.

- Determine whether the Right to Farm Law (ORS 30.930 through ORS 30.947) would prohibit the County from regulating agricultural buildings.

Staff found that the Right to Farm Law prohibits counties from regulating or prohibiting farm practices on agricultural lands as a "nuisance". However, the law does preserve local governments' right to regulate structures based on the protection of health, safety and welfare. While farm practices are regulated by the Oregon Department of Agriculture, development on farm land is subject to County zoning regulations. For Chapters 33, 35 & 11.15, agricultural buildings (fences will remain exempt) that encroach within the riparian buffers within Metro's boundaries are proposed to be subject to the SEC rules. This provision already is in effect in Chapter 36, West of Sandy River.

- The changes to the West Hills and East of Sandy River codes add exceptions for septic system repairs, utility poles, right-of-way expansions, timber harvests, removal of hazardous trees, personal use of timber, agricultural fences, and certain habitat enhancement projects within Metro's boundary. Additional amendments relate to the definition of the width of the SEC-s overlay allowing for the variation in the buffer widths found in the Metro maps. The nuisance plant list would also be expanded to include species identified by Metro that are not already found in the current SEC code. Changes to the nuisance plant list will apply both inside and outside the Metro boundary.
- Changes to the urban code include the addition of language currently found in the West of Sandy River SEC code for areas identified as water resource areas. The urban code section is applicable to the Pleasant Valley area. Eventually the Pleasant Valley area will annex chiefly to Gresham. Gresham's Pleasant Valley Concept Plan is recognized by Metro as Title 13 compliant. During the interim period prior to annexation, Multnomah County will administer riparian habitat areas under the SEC-water resources code.

5. Explain any citizen and/or other government participation that has or will take place.

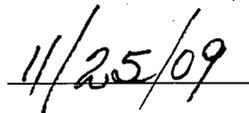
Land Use Planning conducted four Planning Commission work sessions between September 2008 and April 2009 and held two open house sessions with affected property owners in March 2009. Measure 56 notice was mailed April 13, 2009 to all affected property owners. Three public hearings were held before the Planning Commission on May 4th, June 1st and August 3, 2009 to develop the plan and ordinance amendments now before the Board of County Commissioners. Staff conducted several site visits to properties that would be affected by new overlays. Staff recommended changes to some of the proposed overlays where appropriate based on observations made at specific sites (these recommended changes are now included as part of the proposed overlay maps).

Required Signature

Elected Official or
Department/
Agency Director:



Date:



BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 07-006

Recommends to the Board of County Commissioners the adoption of an ordinance amending Comprehensive Plan Policy 16D and MCC Chapters 11.15, 33, 35 & 36 to bring these sections into compliance with Metro's Title 13 Nature in Neighborhoods program.

The Planning Commission Finds:

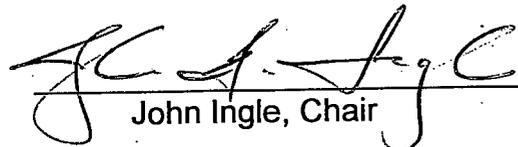
- (a). The Planning Commission is authorized by Multnomah County Code Chapter subsection 37.0710 to recommend to the Board of County Commissioners the adoption of Ordinances to amend County's Comprehensive Plan Policies and land use regulations.
- (b). The changes result from Metro's adoption of the Nature in Neighborhood (Metro's Title 13) program in 2005 to established a regional approach for fish and wildlife habitat protection and water quality enhancement.
- (c). Multnomah County is legally bound to demonstrate compliance with Metro's Title 13 for those areas of the County within Metro's jurisdiction.
- (d). Regulations are being proposed that further restrict the use of property and mailed notice to individual property owners was sent on April 13, 2009 ("Ballot Measure 56" notice). Notice of the Planning Commission hearings was published in the "Oregonian" newspaper and on the Land Use Planning web site on April 13, 2009, May 11, 2009, and July 13, 2009.
- (e). The Planning Commission held public hearings on May 4, 2009, June 1, 2009 & August 3, 2009 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

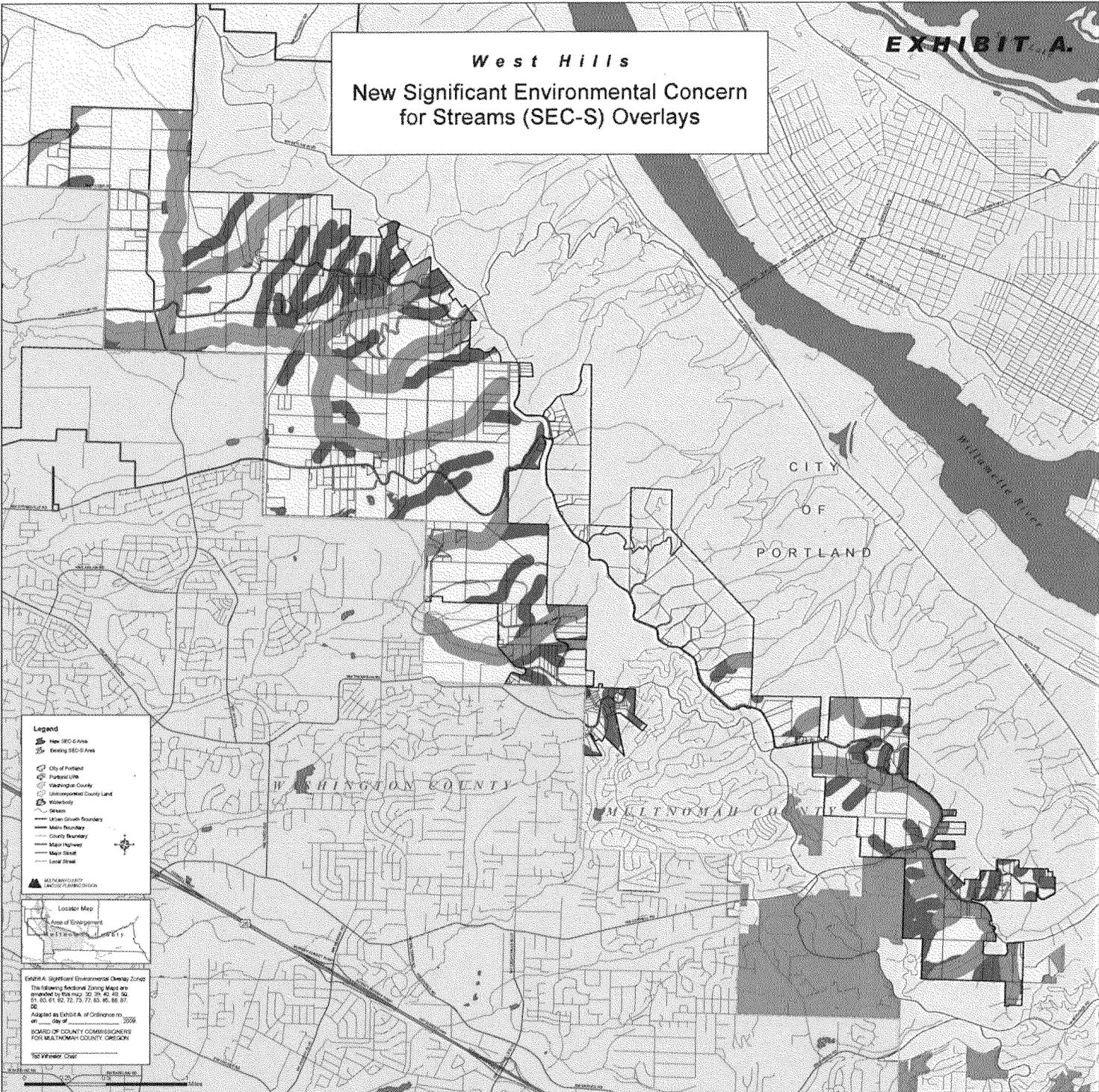
The proposed Ordinance amending Comprehensive Plan Policy 16D and MCC Chapter 11.15, 33, 35 & 36 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 3rd day of August, 2009.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

West Hills
New Significant Environmental Concern
for Streams (SEC-S) Overlays



Legend

- New SEC-S Area
- Existing SEC-S Area
- City of Portland
- Portland Line
- Washington County
- Unincorporated County Land
- Waterbody
- Wetlands
- Urban Growth Boundary
- Metro Boundary
- County Boundary
- Major Highway
- Major Street
- Local Street

Locator Map

Area of Emphasis
of the Willamette Valley

EXHIBIT A: Significant Environmental Overlay Zones
The following Significant Overlay Maps are
provided by this map: 32, 33, 42, 43, 44,
45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,
58, 59, 60, 61, 62, 63, 64, 65, 66, 67,
68, 69, 70, 71, 72, 73, 74, 75, 76, 77,
78, 79, 80, 81, 82, 83, 84, 85, 86, 87,
88, 89, 90, 91, 92, 93, 94, 95, 96, 97,
98, 99, 100.

Adopted as EXHIBIT A. of Ordinance No. 2009-0009
of the
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

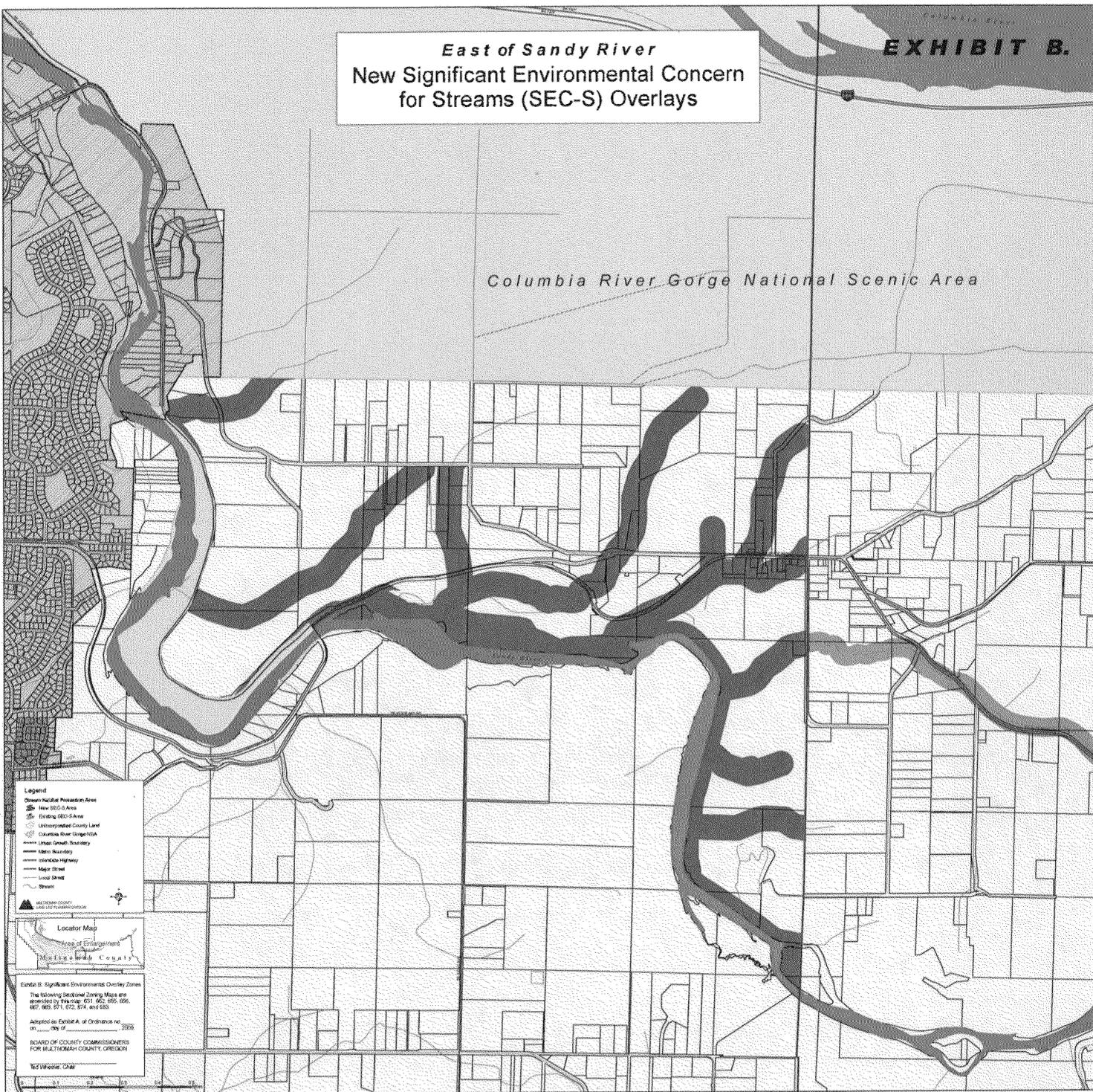
2009

Tom Vanderschuer

East of Sandy River
**New Significant Environmental Concern
 for Streams (SEC-S) Overlays**

EXHIBIT B.

Columbia River Gorge National Scenic Area



Legend

- Stream/Nocturnal Protection Area
- SEC-S New SEC-S Area
- Existing SEC-S Area
- Unincorporated County Limit
- Columbia River Gorge Area
- Local Council Boundary
- Water Boundary
- Interstate Highway
- Main Street
- Loop Street
- Stream

LOCUMBER COUNTY
 1000 1/2 KUMBER AVENUE
 ASTORIA, OREGON 97103

Locator Map

Area of Emphasis
 Multnomah County

Exhibit B: Significant Environmental Overlay Zones
 The following Significant Overlay Zones are
 amended by this order: 031, 062, 065, 066,
 067, 068, 071, 072, 074, and 083.

Adopted as Exhibit A, of Ordinance no. _____, 2009,
 of _____ day of _____, 2009.

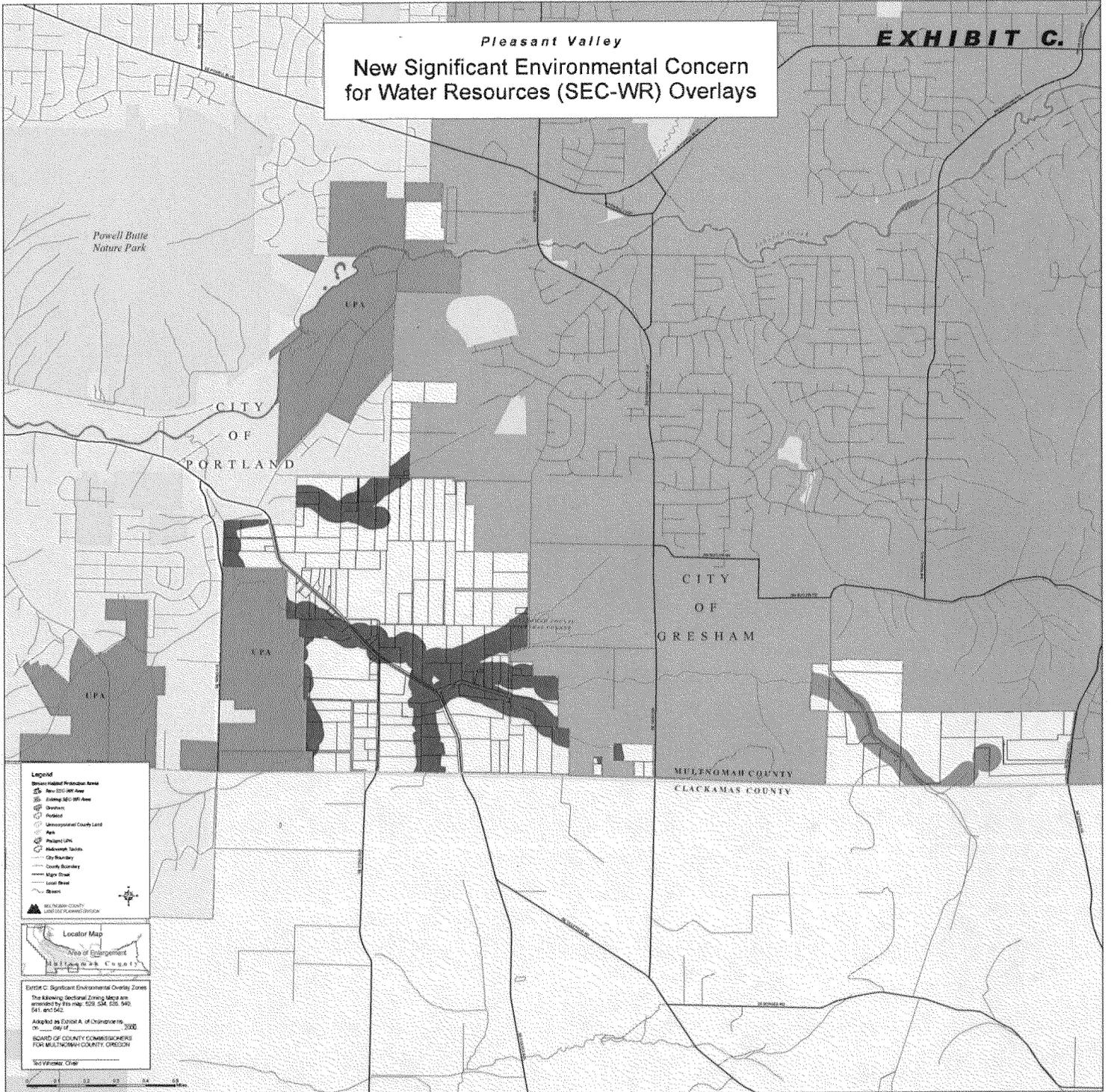
**BOARD OF COUNTY COMMISSIONERS
 FOR MULTNOMAH COUNTY, OREGON**

Not Validated: Chair



EXHIBIT C.

Pleasant Valley
**New Significant Environmental Concern
for Water Resources (SEC-WR) Overlays**



- Legend**
- Shaded/Patterned Protection Area
 - Rev. 2010 MAP Area
 - Existing SEC-WR Area
 - Urban
 - Project Link
 - Unincorporated County Land
 - Plan
 - Project Link
 - Alternative Taxing
 - City Boundary
 - County Boundary
 - Major Road
 - Local Road
 - River

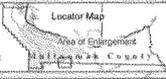


EXHIBIT C: Significant Environmental Overlay Zones
The following Sectional Zoning Maps are
approved by this map: 029, 034, 035, 040,
(S) & (S)C.

Adopted as EXHIBIT A, of Ordinance 15,
On _____ day of _____, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

360 Wheeler Circle



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods.

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Planning Commission, as authorized by Multnomah County Code Chapter subsection 37.0710 has recommended to the Board of County Commissioners the adoption of Ordinances to amend County's Comprehensive Plan Policies and land use regulations.
- b. The Planning Commission held public hearings on May 4, 2009, June 1, 2009 & August 3, 2009 where all interested persons were given an opportunity to appear and be heard.
- c. The changes result from Metro's adoption of the Nature in Neighborhoods (Metro Title 13) program in 2005 to establish a regional approach for fish and wildlife habitat protection and water quality enhancement.
- d. Multnomah County is legally bound to demonstrate compliance with Metro's Title 13 for those areas of the County within the Metro jurisdictional boundary.
- e. The Multnomah County nuisance plant list needs to be expanded to include species that have been identified by Metro as invasive species.
- f. Regulations are being proposed that further restrict the use of property and mailed notice to individual property owners was sent on April 13, 2009 ("Ballot Measure 56" notice). Notice of the hearings was published in the "Oregonian" newspaper and on the Land Use Planning web site on April 13, 2009, May 11, 2009, and July 13, 2009.

Multnomah County Ordains as follows:

Section 1. § 33.4515 is amended as follows:

33.4515 Exceptions

(A) Except as specified in (B) below, a~~an~~ SEC permit shall not be required for the following:

(A₁) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

(B₂) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(~~C~~3) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

(~~D~~4) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(~~E~~5) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

(~~F~~6) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

(~~G~~7) The maintenance and repair of existing flood control facilities;

(~~H~~8) Uses legally existing on ~~November 17, 1994~~ January X, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure ~~that which: [-1]~~ for the SEC, SEC-w, and SEC-v overlays, do not require any modification to the exterior of the structure, and [2]) for the SEC-h and SEC-s overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;

(~~I~~9) All type A Home Occupations;

(~~J~~10) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;

(11) Alteration, repair, or replacement of septic system drainfields due to system failure;

(12) Single utility poles necessary to provide service to the local area;

(13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and

~~(K)~~ (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;

(15) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.

(B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses, except that agricultural fences shall not require an SEC-s permit.

Section 2. § 33.4525 is amended as follows:

33.4525 Applicable Approval Criteria

(A) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	33.4560
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	33.4575

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro's riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending 300 feet from the nearest point on the centerline on both sides of the protected stream.~~ In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

(BC) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

~~(C) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

(D) ~~For Goal 5 protected stream resources designated "3C", the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.~~

Section 3. § 33.4575 is amended as follows:

33.4575 Criteria for Approval of SEC-s Permit -Streams

(A) Definitions:

(1) Protected Streams ~~consist of~~ those streams which have been found through a Goal 5 ESEE analysis and protected by Ordinance 830 to be either "2 A", "3 A", or "3 C", are identified as protected in the Comprehensive Framework Plan, and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County ~~Sectional~~ Zoning Maps.

(2) *Development* – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.

(3) *Stream Conservation Area* – For the protected streams originally designated by Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area which extends 300 feet from the centerline on both sides of the protected stream. An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Within Metro's jurisdictional boundaries, the Stream Conservation Area protected by Ordinance XXX, adopted January XX, 2010, varies and shall be as depicted on the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 33.4575 (B) through (E).

(4) *Nuisance or Invasive Non-Native Plants*: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.

(B) Except for the following exempt uses listed in MCC 33.4515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 33.4575 (C) through (E).

~~(1) Forest practices conducted under the Forest Practices Act~~

~~(2) Planting of native vegetation~~

~~(3) Agricultural uses~~

~~(4) Maintenance, but not expansion, of existing developments~~

~~(5) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width~~

~~(6) Single utility poles necessary to provide service to the local area~~

* * * * *

(D) For the protected stream resources, designated "3-C" the applicant shall demonstrate that the proposal:

(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

(a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C);

(b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 33.4575 (D) (1);

(d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

* * * * *

(F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

(1) The planting of any invasive non-native or noxious vegetation as listed in MCC 33.4570(B)(7) and MCC 33.4570(A)(4) is prohibited. A list of native plants can be found in the latest edition of the Metro Native Plant List.

(2) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

(FG) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

Section 4. § 35.4515 is amended as follows:

35.4515 Exceptions

(A) Except as specified in (B) below, A an SEC permit shall not be required for the following:

(A1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

(B2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(C3) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

(D4) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E5) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

(F6) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

(G7) The maintenance and repair of existing flood control facilities;

(H8) Uses legally existing on ~~November 17, 1994~~ January X, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure ~~which that [1]~~) for the SEC, ~~SEC-w, and SEC-v~~ overlays, do not require any modification to the exterior of the structure, and [2] for the ~~SEC-h and SEC-s~~ overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein.

(J9) All type A Home Occupations;

(J10) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;

(11) Alteration, repair, or replacement of septic system drainfields due to system failure;

(12) Single utility poles necessary to provide service to the local area;

(13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and

(K) (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List.

(15) In addition to the exemptions listed in (A) above, within Metro's 2009 jurisdictional boundary an SEC permit shall not be required for the enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.

(B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses; except that agricultural fences shall not require an SEC-s permit.

Section 5. § 35.4525 is amended as follows:

35.4525 Applicable Approval Criteria

(A) ~~The approval criteria in MCC 35.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

(BA) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	3335.4560 4555
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	3335.4575

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro's riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the Stream Conservation Area.

(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.

(E) For Goal 5 resources designated "3C" protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

Section 6. §§ 35.4560, 35.4565 and 35.4570 are deleted as follows:

35.4560 Criteria for Approval of SEC-w Permit – Significant Wetlands

~~Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1-inch = 200 feet made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:~~

(A) ~~In addition to other SEC Permit submittal requirements, the application shall also include:~~

~~(1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;~~

~~(2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;~~

(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;

(5) Detailed Mitigation Plans as described in subsection (D), if required;

(6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

(B) The applicant shall demonstrate that the proposal:

(1) Is water dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;

(2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

(3) Will not cause significant degradation of groundwater or surface water quality;

(4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;

(5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

(1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

(2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(4) This section is only applicable for wetland resources designated "3-C".

~~(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:~~

- ~~(1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC 35.4560 (A);~~
- ~~(2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;~~
- ~~(3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC 35.4560 (B) (2);~~
- ~~(4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:
 - ~~(a) On the site of the impacted wetland, with the same kind of resource;~~
 - ~~(b) Off-site, with the same kind of resource;~~
 - ~~(c) On-site, with a different kind of resource;~~
 - ~~(d) Off-site, with a different kind of resource.~~~~

35.4565 Criteria for Approval of SEC-v Permit - Significant Scenic Views

~~(A) Definitions:~~

- ~~(1) Significant scenic resources consist of those areas designated SEC-v on Multnomah County sectional zoning maps.~~
- ~~(2) Identified Viewing Areas are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:

Bybee Howell House
Virginia Lakes
Sauvie Island Wildlife Refuge
Kelley Point Park
Smith and Bybee Lakes
Highway 30
The Multnomah Channel
The Willamette River
Public roads on Sauvie Island~~
- ~~(3) Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.~~

~~(B) In addition to the information required by MCC 35.4520, an application for development in an area designated SEC-v shall include:~~

(1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;

(2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;

(3) A list of identified viewing areas from which the proposed use would be visible; and,

(4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be *visually subordinate*. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.

(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

(3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.

(4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

(6) Limiting structure height to remain below the surrounding forest canopy level.

(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:

(a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;

2. The facility is necessary for public service; and

3. The break in the skyline is the minimum necessary to provide the service.

~~(D) Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.~~

~~(E) The approval authority may impose conditions of approval on an SEC v permit in accordance with MCC 35.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.~~

35.4570 Criteria for Approval of SEC h Permit - Wildlife Habitat

~~(A) In addition to the information required by MCC 35.4520 (A), an application for development in an area designated SEC h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:~~

~~(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;~~

~~For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A *non-forested "cleared"* area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.~~

~~(2) Location of existing and proposed structures;~~

~~(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;~~

~~(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.~~

~~(B) Development standards:~~

~~(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.~~

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

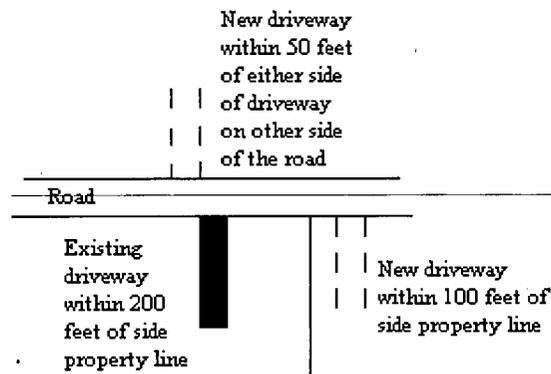
(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

1. The modification shall be the minimum necessary to allow safe access onto the public road.

2. The County Road Official shall provide written findings supporting the modification.

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

(6) Fencing within a required setback from a public road shall meet the following criteria:

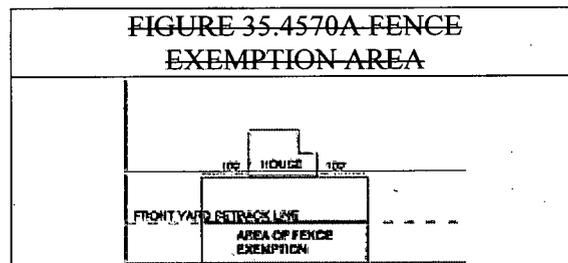
(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.



(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lessercelandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning glory
<i>Convolvulus seppium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed

Scientific Name	Common Name
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telmateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium robertianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquifolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water-Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese-Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinea major</i>	Periwinkle (large leaf)
<i>Vinea minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
various genera	Bamboo sp.

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist:

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

(3) ~~The wildlife conservation plan must demonstrate the following:~~

~~(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.~~

~~(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.~~

~~(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.~~

~~(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.~~

~~(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.~~

~~(4) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.~~

Section 7. § 35.4575 is amended as follows:

35.4575 Criteria for Approval of SEC-s Permit -Streams

(A) Definitions:

(1) Protected Streams ~~consist of~~ Those streams which have been found through a Goal 5 ESEE analysis and protected by Ordinance 830 to be either "2 A", "3 A", or "3 C", are identified as protected in the Comprehensive Framework Plan, and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County Sectional Zoning Maps.

(2) Development – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.

(3) Stream Conservation Area – For the protected streams originally designated by Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designed on the zoning maps as SEC-s is an area which extends 300 feet from the centerline on both sides of the protected stream. An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Within Metro's jurisdictional boundaries, the Stream Conservation Area protected by Ordinance XXX, adopted January XX, 2010, varies and shall be as depicted of the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area

shall be required to demonstrate that the development satisfies the standards of MCC 35.4575 (B) through (E):

(4) Nuisance or Invasive Non-Native Plants: Nuisance and invasive non-native plants include those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.

(B) Except for the following exempt uses listed in MCC 35.4515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 35.4575 (C) through (E).

~~(1) Forest practices conducted under the Forest Practices Act~~

~~(2) Planting of native vegetation~~

~~(3) Agricultural uses~~

~~(4) Maintenance, but not expansion, of existing developments~~

~~(5) Right of way widening for existing rights of way when additional right of way is necessary to ensure continuous width~~

~~(6) Single utility poles necessary to provide service to the local area~~

* * * * *

(D) For the protected stream resources, designated "3-C" the applicant shall demonstrate that the proposal:

(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

(a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 35.4575 (C);

(b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 35.4575 (D) (1);

(d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

* * * * *

(F) For those Stream Conservation Areas located within Metro’s jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

(1) The planting of any invasive non-native or noxious vegetation as listed in MCC 35.4575(A)(4) is prohibited. In addition, the following nuisance plant species shall not be planted:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Chelidonium majus</u>	<u>Lesser celandine</u>
<u>Cirsium arvense</u>	<u>Canada Thistle</u>
<u>Cirsium vulgare</u>	<u>Common Thistle</u>
<u>Clematis ligusticifolia</u>	<u>Western Clematis</u>
<u>Clematis vitalba</u>	<u>Traveler’s Joy</u>
<u>Conium maculatum</u>	<u>Poison hemlock</u>
<u>Convolvulus arvensis</u>	<u>Field Morning-glory</u>
<u>Convolvulus nyctagineus</u>	<u>Night-blooming Morning-glory</u>
<u>Convolvulus seppium</u>	<u>Lady’s nightcap</u>
<u>Cortaderia selloana</u>	<u>Pampas grass</u>
<u>Crataegus sp. except C. douglasii</u>	<u>hawthorn, _____ except native species</u>
<u>Cytisus scoparius</u>	<u>Scotch broom</u>
<u>Daucus carota</u>	<u>Queen Ann’s Lace</u>
<u>Elodea densa</u>	<u>South _____ American Water-weed</u>
<u>Equisetum arvense</u>	<u>Common Horsetail</u>
<u>Equisetum telemateia</u>	<u>Giant Horsetail</u>
<u>Erodium cicutarium</u>	<u>Crane’s Bill</u>
<u>Geranium roberianum</u>	<u>Robert Geranium</u>
<u>Hedera helix</u>	<u>English Ivy</u>
<u>Hypericum perforatum</u>	<u>St. John’s Wort</u>
<u>Ilex aquafolium</u>	<u>English Holly</u>
<u>Laburnum watereri</u>	<u>Golden Chain Tree</u>
<u>Lemna minor</u>	<u>Duckweed, _____ Water Lentil</u>

<u>Scientific Name</u>	<u>Common Name</u>
<u>Loentodon autumnalis</u>	<u>Fall Dandelion</u>
<u>Lythrum salicaria</u>	<u>Purple Loosestrife</u>
<u>Myriophyllum spicatum</u>	<u>Eurasian Watermilfoil</u>
<u>Phalaris arundinacea</u>	<u>Reed Canary grass</u>
<u>Poa annua</u>	<u>Annual Bluegrass</u>
<u>Polygonum coccineum</u>	<u>Swamp Smartweed</u>
<u>Polygonum convolvulus</u>	<u>Climbing Binaweed</u>
<u>Polygonum sachalinense</u>	<u>Giant Knotweed</u>
<u>Prunus laurocerasus</u>	<u>English, Portugese Laurel</u>
<u>Rhus diversiloba</u>	<u>Poison Oak</u>
<u>Rubus discolor</u>	<u>Himalayan Blackberry</u>
<u>Rubus laciniatus</u>	<u>Evergreen Blackberry</u>
<u>Senecio jacobaea</u>	<u>Tansy Ragwort</u>
<u>Solanum dulcamara</u>	<u>Blue Bindweed</u>
<u>Solanum nigrum</u>	<u>Garden Nightshade</u>
<u>Solanum sarrachoides</u>	<u>Hairy Nightshade</u>
<u>Taraxacum officinale</u>	<u>Common Dandelion</u>
<u>Urtica dioica</u>	<u>Stinging Nettle</u>
<u>Vinca major</u>	<u>Periwinkle (large leaf)</u>
<u>Vinca minor</u>	<u>Periwinkle (small leaf)</u>
<u>Xanthium spinosum</u>	<u>Spiny Cocklebur</u>
<u>various genera</u>	<u>Bamboo sp.</u>

(2) The revegetation of disturbed areas shall primarily use native plants. A list of native plants can be found in the latest edition of the Metro Native Plant List.

(3) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

(FG) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

Section 8. § 11.15.6400 is amended as follows:

11.15.6400 Purposes

The purposes of the Significant Environmental Concern (SEC) subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

Section 9. § 11.15.6401 is added as follows:

11.15.6401 Definitions.

(A) Development: Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetative cover in the Water Resource Area or Habitat Area on a lot or parcel.

(B) Nuisance, invasive non-native and native plants: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List. Native plants are those listed in the latest edition of the Metro Native Plant List.

(C) Practicable, Practical: As in No Practicable Alternative. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

(D) Top of Bank: The same as "bankfull stage" which means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Section 10. § 11.15.6406 is amended as follows:

11.15.6406 Exceptions

An SEC permit shall not be required for the following:

(A) ~~_____ Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695(9) or on upland areas;~~

(A) Farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010, except that buildings and other development associated with farm practices and agricultural uses are subject to the requirements of this district except that agricultural fences shall not require an SEC-wr permit;

(B) ~~_____ The propagation of timber or the cutting of timber for public safety or personal use or the~~

cutting of timber in accordance with the State Forest Practices Act;

(C) ~~Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);~~

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

(F) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

(G) The maintenance and repair of existing flood control facilities;

~~(H) Uses legally existing on November 17, 1994; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure which 1) for the SEC, SEC-w, and SEC-v overlays do not require any modification to the exterior of the structure, and 2) for the SEC-h and SEC-s overlays require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;~~

(H) Routine repair and maintenance of structures, roadways, driveways, utility facilities, and lawns that were in existence prior to the effective date of this ordinance;

(I) All type A Home Occupations.

(J) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

(K) Alteration, repair, or replacement of septic system drainfields due to system failure;

(L) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;

(M) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County;

(N) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and

(O) Single utility poles necessary to provide service to the local area.

(P) Work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC .2282 Responses to and Emergency/Disaster Event, provided that after the emergency has passed, adverse impacts are mitigated.

Section 11. § 11.15.6408 is amended as follows:

11.15.6408 Application for SEC Permit

~~An application for an SEC permit for a use or for the change or alteration of an existing use on land~~

designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428, and shall be filed as follows:

(A) — For a Permitted Use, an Accessory Use, or a Use Under Prescribed Conditions, in the manner provided in MCC .8210(B); and

(B) — For a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service Use as specified in MCC .7005 through .7030, or for a change of zone classification or for any other action as specified in MCC .8205, the SEC permit application shall be combined with the required application for the proposed action and filed in the manner provided in MCC .8210 and .8215.

(C) — An application for an SEC permit shall include the following:

(1) — A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.

(2) — A map of the property showing:

(a) — Boundaries, dimensions, and size of the subject parcel;

(b) — Location and size of existing and proposed structures;

(c) — Contour lines and topographic features such as ravines or ridges;

(d) — Proposed fill, grading, site contouring or other landform changes;

(e) — Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) — Location and width of existing and proposed roads, driveways, and service corridors.

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420 through .6428. An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(A) General SEC (SEC): All applications for SEC permits shall include the information listed in this section in sufficient detail for County staff to evaluate the impacts of the proposal. The applicant is responsible for providing all of the required information. In addition to the information listed in this section, the application shall contain the supplemental information that is listed for the resource area in which the development is proposed.

(1) A written description of the proposed development and how it complies with the requirements applicable to the resource area in which development is proposed as listed in SEC, SEC-wr, and SEC-h.

(2) A map of the property drawn to scale showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Location of natural drainageways, springs, seeps, and wetlands on the site. The

Planning Director may require the applicant to provide the location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;

(e) Proposed fill, grading, site contouring or other landform changes;

(f) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas; and

(g) Location and width of existing and proposed roads, driveways, parking and maneuvering areas, and service corridors and utilities.

(3) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.

(4) Application for a flood hazard permit, erosion control permit, and/or other required natural hazards permit for the proposed development.

(C) SEC-Water Resource (SEC-wr): In addition to the information requirements listed in MCC .6408(A) above, the following information shall be submitted for applications within the SEC-wr overlay.

(1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a de-lination of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, and utility installations;

(2) The location of wetlands;

(3) Preparation of plans and surveys - Inventories, assessment of existing conditions, and mitigation or restoration plans shall be prepared by a qualified professional such as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual;

(4) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;

(5) An assessment of the existing condition of the Water Resource Area in accordance with Table 2 Riparian/Vegetated Corridor Standards;

(6) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in Table 1;

(7) A detailed Mitigation Plan as described in MCC .6428(E), if required;

(8) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH); and

(9) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods.

Section 12. § 11.15.6409 is amended as follows:

11.15.6409 Applicable Approval Criteria

(A) ~~The approval criteria in MCC .6420 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

(B) The approval criteria that apply to uses in areas designated SEC ~~SEC-w, SEC-v, SEC-h and SEC-s~~ wr on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria
<u>SEC</u>	<u>MCC .6420</u>
<u>SEC-w</u> (wetlands)	<u>MCC .6422</u>
<u>SEC-v</u> (scenic views)	<u>MCC .6424</u>
<u>SEC-h</u> (wildlife habitat)	<u>MCC .6426</u>
<u>SEC-s</u> (streams)	<u>MCC .6428</u>
<u>SEC-wr</u> (water resources)	

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s wr zoning subdistricts) were created digitally by interpreting various data sources, ~~including the hand drawn maps contained in the Goal 5 ESEE report.~~ Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area which extends extending 300 feet from the nearest point on the centerline on both sides of the protected stream.~~ In the event of a mapping inconsistency, the SEC-swr zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(D) ~~For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

(ED) ~~For Goal 5 resources designated "3C" protected stream resources,~~ the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

Section 13. § 11.15.6410 is amended as follows:

11.15.6410 SEC Permit – Required Findings

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .64206 through .6428.

Section 14. §§ 11.15.6412, 11.15.6414, and 11.15.6416 are deleted as follows:

11.15.6412 — Decision by Planning Director

- (A) — A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director.
- (B) — The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with applicable criteria of MCC .6420 through .6428.
- (C) — Within thirty business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.
- (D) — A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.

11.15.6414 — Decision by a Hearings Officer

- (A) — A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service use as specified in MCC .7005 through .7030, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.
- (B) — Action by the Hearings Officer on an SEC permit application shall be taken pursuant to MCC .8205 through .8250.
- (C) — The findings and conclusions made by the Hearings Officer and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.

11.15.6416 — Appeals

- (A) — A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Officer in the manner provided in MCC .8290 and .8295.
- (B) — A decision by the Hearings Officer on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in MCC .8255.

Section 15. § 11.15.6413 is added as follows:

11.15.6413 — Existing Uses.

Uses that legally existed on January XX, 2010, that are not included as Exceptions in section MCC .6406, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

(A) Change, expansion, or alteration of existing uses shall require an SEC permit as provided in MCC .6400 through .6428, except for changes to a structure as described in Sections (1) or (2) below;

(1) In areas subject to the provisions of the SEC, change, or alteration of existing uses which do not require any modification to the exterior of the structure;

(2) Within the SEC-wr and SEC-h - addition of less than 400 square feet of ground coverage to the structure. This provision is intended to allow a maximum of 400 square feet of additional coverage to the structure that existed on the effective date of this ordinance.

(B) Replacement or restoration of existing structures that were unintentionally destroyed by fire or other casualty, or natural disaster within the same foundation lines shall not require an SEC permit. The redevelopment must be commenced within one year from the date of the loss, and may include addition of a maximum 400 square feet of ground coverage. Structures which are expanded up to 400 square feet under this provision, may not subsequently expand under the provision in (A)(2) above.

(C) Within the SEC-wr, lawfully established structures that do not meet the casualty loss provisions of (B) above may be replaced within the same foundation lines or area of ground coverage when the entire remaining vegetated corridor on the project site, or the first 50 feet closest to the stream, or an area equal to the ground coverage of the building and attached structures and paved areas, whichever is less, is enhanced to "good" condition pursuant to Table 2. Replacement shall be processed as a Type II review.

(D) If development under this section is proposed to be located closer to a protected water feature, approval of a permit under the provisions of MCC .6408, .6422 & .6428 shall be obtained.

Section 16. §§ 11.15.6422 and 11.15.6424 are deleted as follows:

11.15.6422 — Criteria for Approval of SEC-w Permit — Significant Wetlands

~~Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:~~

~~(A) — In addition to other SEC Permit submittal requirements, the application shall also include:~~

~~(1) — A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;~~

~~(2) — A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;~~

~~(3) — A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;~~

~~(4) — A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;~~

(5) — Detailed Mitigation Plans as described in subsection (D), if required;

(6) — Description of how the proposal meets the approval criteria listed in subsection (B) below.

(B) — The applicant shall demonstrate that the proposal: [Amended 1994, Ord. 801 § 3]

(1) — Is water dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;

(2) — Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

(3) — Will not cause significant degradation of groundwater or surface water quality;

(4) — Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;

(5) — Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) — A finding of no practicable alternative is to be made only after demonstration by the applicant that:

(1) — The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An alternative site is to be considered practicable if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

(2) — The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

(3) — In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(4) — This section is only applicable for wetland resources designated "3-C".

(D) — A Mitigation Plan and monitoring program may be approved upon submission of the following:

(1) — A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC .6372 and .6376 (A);

(2) — A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(3) — A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);

(4) — Documentation that replacement wetlands were considered and rejected according to the

following order of locational preferences:

- (a) — On the site of the impacted wetland, with the same kind of resource;
- (b) — Off site, with the same kind of resource;
- (c) — On site, with a different kind of resource;
- (d) — Off site, with a different kind of resource.

11.15.6424 — Criteria for Approval of SEC v Permit Significant Scenic Views

~~Significant scenic resources consist of those areas designated SEC v on Multnomah County sectional zoning maps.~~

~~Identified Viewing Areas are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:~~

- ~~Bybee-Howell House~~
- ~~Virginia Lakes~~
- ~~Sauvie Island Wildlife Refuge~~
- ~~Kelley Point Park~~
- ~~Smith and Bybee Lakes~~
- ~~Highway 30~~
- ~~The Multnomah Channel~~
- ~~The Willamette River~~
- ~~Public roads on Sauvie Island~~

~~Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.~~

~~(A) — In addition to the information required by MCC .6408(C), an application for development in an area designated SEC v shall include:~~

- ~~(1) — Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;~~
- ~~(2) — Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;~~
- ~~(3) — A list of identified viewing areas from which the proposed use would be visible; and~~
- ~~(4) — A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (B) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.~~

~~(B) — Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:~~

- ~~(1) — Siting on portions of the property where topography and existing vegetation will screen the~~

development from the view of identified viewing areas.

(2) — Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

(3) — No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.

(4) — Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

(5) — Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

(6) — Limiting structure height to remain below the surrounding forest canopy level.

(7) — Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:

(a) — New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

(i) — The new facility could not be located in an existing transmission corridor or built upon an existing facility;

(ii) — The facility is necessary for public service; and

(iii) — The break in the skyline is the minimum necessary to provide the service.

(C) — Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.

(D) — The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC .6418, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.

Section 17. § 11.15.6423 is added as follows:

11.15.6423 General Requirements for Approval in Areas Designated as SEC-wr.

The requirements in this section shall be satisfied for development in the SEC-h and SEC-wr areas in addition to the provisions of MCC .6426 or MCC .6428 as applicable.

(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means.

Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water re-source or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.

(C) The following nuisance plants, in addition to the nuisance plants defined in MCC .6401, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:

Table 1
Nuisance Plant List

Common Name	Scientific	Common Name	Scientific
Lesser celandine	Chelidonium majus	Fall Dandelion	Loentodon autumnalis
Canada Thistle	Cirsium arvense	Purple Loosestrife	Lythrum salicaria
Common Thistle	Cirsium vulgare	Eurasian Watermilfoil	Myriophyllum spicatum
Western Clematis	Clematis ligusticifolia	Reed Canary grass	Phalaris arundinacea
Traveler' s Joy	Clematis vitalba	Annual Bluegrass	Poa annua
Poison hemlock	Conium maculatum	Swamp Smartweed	Polygonum coccineum
Field Morning-glory	Convolvulus arvensis	Climbing Binaweed	Polygonum convolvulus
Night-blooming Morningglory	Convolvulus nyctagineus	Giant Knotweed	Polygonum sachalinense
Lady' s nightcap	Convolvulus seppium	English, Portuguese/ Laurel	Prunus laurocerasus
Pampas grass	Cortaderia selloana	Poison Oak	Rhus diversiloba
Hawthorn, except native species	Crataegus sp. except C. douglasii	Himalayan Blackberry	Rubus discolor
Scotch broom	Cytisus scoparius	Evergreen Blackberry	Rubus laciniatus
Queen Ann' s Lace	Daucus carota	Tansy Ragwort	Senecio jacobaea
South American Waterweed	Elodea densa	Blue Bindweed	Solanum dulcamara
Common Horsetail	Equisetum arvense	Garden Nightshade	Solanum nigrum
Giant Horsetail	Equisetum telemateia	Hairy Nightshade	Solanum sarrachoides
Crane' s Bill	Erodium cicutarium	Common Dandelion	Taraxacum officinale
Robert Geranium	Geranium roberianum	Common Bladderwort	Ultricularia vulgaris

Common Name	Scientific	Common Name	Scientific
English Ivy	Hedera helix	Stinging Nettle	Urtica dioica
St. John's Wort	Hypericum perforatum	Periwinkle (large leaf)	Vinca major
English Holly	Ilex aquafolium	Periwinkle (small leaf)	Vinca minor
Duckweed, Water Lentil	Lemna minor	Spiny Cocklebur	Xanthium spinosum
Fall Dandelion	Loentodon autumnalis	Bamboo sp.	various genera
Purple Loosestrife	Lythrum salicaria		

Section 18. § 11.15.6426 is amended ~~deleted~~ as follows:

~~11.15.6426~~ — Criteria for Approval of SEC h Permit Wildlife Habitat

~~(A) — In addition to the information required by MCC .6408(C), an application for development in an area designated SEC h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:~~

~~(1) — Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;~~

~~For the purposes of this section, a forested area is defined as an area that has at least 75% crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.~~

~~(2) — Location of existing and proposed structures;~~

~~(3) — Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;~~

~~(4) — Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.~~

~~(B) — Development standards:~~

~~(1) — Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.~~

~~(2) — Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.~~

~~(3) — The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.~~

~~(4) — The access road/driveway shall be located within 100 feet of the property boundary if~~

adjacent property has an access road or driveway within 200 feet of the property boundary.

(5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.

(6) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

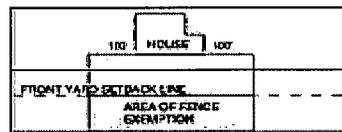
(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE .6400A 1



FENCE EXEMPTION AREA

(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

(CB) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist:

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section B and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section B.

(3) The wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of

areas cleared for the site development except for existing cleared areas used for agricultural purposes.

(d) — That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

(e) — That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

(4) — For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

Section 19. § 11.15.6428 is deleted as follows:

11.15.6428 — Criteria for Approval of SEC s Permit Streams

Protected Streams consist of those streams which have been found through a Goal 5 ESEE analysis to be either "2 A", "3 A", or "3 C", are identified as protected in the Comprehensive Framework Plan, and are designated SEC s on the Multnomah County Sectional Zoning Maps.

Development — Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.

Stream Conservation Area — An area extending 300' upslope from and perpendicular to the centerline of a protected stream. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 11.15.6428(A) through (D).

(A) — Except for the following exempt uses, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 11.15.6428(B) through (D):

- (1) — Forest practices conducted under the Forest Practices Act
- (2) — Planting of native vegetation
- (3) — Agricultural uses [Amended 1995, Ord. 832 § 2]
- (4) — Maintenance, but not expansion, of existing developments
- (5) — Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width
- (6) — Single utility poles necessary to provide service to the local area

(B) — In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:

- (1) — A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;
- (2) — A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream-

Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(3) — A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) — A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by (D)(5) below;

(5) — A detailed Mitigation Plan as described in subsection (C), if required; and

(6) — A description of how the proposal meets the approval criteria listed in subsection (C) below.

(C) — For stream resources designated "3-C" the applicant shall demonstrate that the proposal:

(1) — Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

(a) — A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC .6428(B);

(b) — A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(c) — A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC .6428(C)(1);

(d) — An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

(D) — Design Specifications

The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

(1) — A bridge or arched culvert which does not disturb the bed or banks of the stream and which maintains the existing flood-carrying capacity for the altered portion of the stream shall be utilized for any crossing of a protected stream. [Amended 1999, Ord. 931 § IV]

(2) — All storm water generated by a development shall be collected and disposed of on-site into dry-wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.

(3) — Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area

(4) — Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.

(5) — Satisfaction of the erosion control standards of MCC .6730.

(6) — Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.

(7) — Demonstration of compliance with all applicable state and federal permit requirements.

(E) — For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

Section 20. § 11.15.6429 is added as follows:

11.15.6429 CRITERIA FOR APPROVAL OF SEC-WR PERMIT -WATER RESOURCE

Except for the exempt uses listed in MCC .6406 and the existing uses pursuant to MCC .6412, no development shall be allowed within a Water Resource Area unless the provisions of section (A) or (B) or (C) below are satisfied. An application shall not be approved unless it contains the site analysis information required in MCC .6408(A) and (C), and meets the general requirements in MCC .6422.

(A) Development on Low Impact Sites - Development on parcels in locations that would have low impacts on Water Resource Areas may be exempt from the Alternatives Analysis in (B) below. Development on sites that meet the following criterion may be allowed pursuant to the other applicable requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E):

(1) The development site is at least one hundred (100) feet from top of bank or top of ravine, which ever results in a greater distance from the Protected Water Feature.

Top of ravine is the break in the > 25% slope. Slope should be measured in 25-foot increments away from the water feature until the slope is less than 25% (top of ravine), up to a maximum distance of 200' from the water feature. Where multiple resources are present (e.g., stream with wetlands along banks), the starting point for measurement should be whichever offers greatest re-source protection.

(B) Alternatives Analysis - Development pro-posed within a Water Resource Area may be al-owed if there is no alternative, when the other requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E) are met. The applicant shall prepare an alternative analysis which demonstrates that:

(1) No practicable alternatives to the re-quested development exist that will not disturb the Water Resource Area; and

(2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;

(3) Development shall occur as far as practically possible from the stream; and

(4) The Water Resource Area can be re-stored to an equal or better condition; or

(5) Any net loss on the property of resource area, function and/or value can be mitigated.

(C) Buffer Averaging - Development may be al-owed to encroach into the 200' SEC-wr over-lay zone or "buffer" when the provisions of (1) through (6) below are satisfied. These provisions are intended to allow development to extend a specific amount into the edges of the overlay zone without an alternatives analysis in exchange for increasing the area of vegetated corridor on the property that is in good condition.

(1) Site assessment information pursuant to MCC .6408(A) and (C) has been submitted.

(2) The riparian/vegetated corridor is certified to be in a marginal or degraded condition pursuant to Table 2. Buffer averaging is not allowed to encroach in areas certified to be in good condition.

(3) The maximum encroachment does not exceed 20% of the frontage length of the vegetated corridor by 20% of the required width.

(4) The entire remaining vegetated corridor on the project site or the first 50 feet closest to the stream (whichever is less) will be enhanced to "good" condition pursuant to Table 2.

(5) The area of encroachment will be re-placed with added buffer area at a 1:1 ratio.

(6) The replacement area will be incorporated into the remaining vegetated corridor on the project site and meet the "good" condition pursuant to Table 2, regardless of its distance from the resource area.

(D) Development Standards- Development within the Water Resource Area shall comply with the following standards:

(1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.

(2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater) shall be removed with-out a one-for-one replacement with comparable species. The site plan for the pro-posed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.

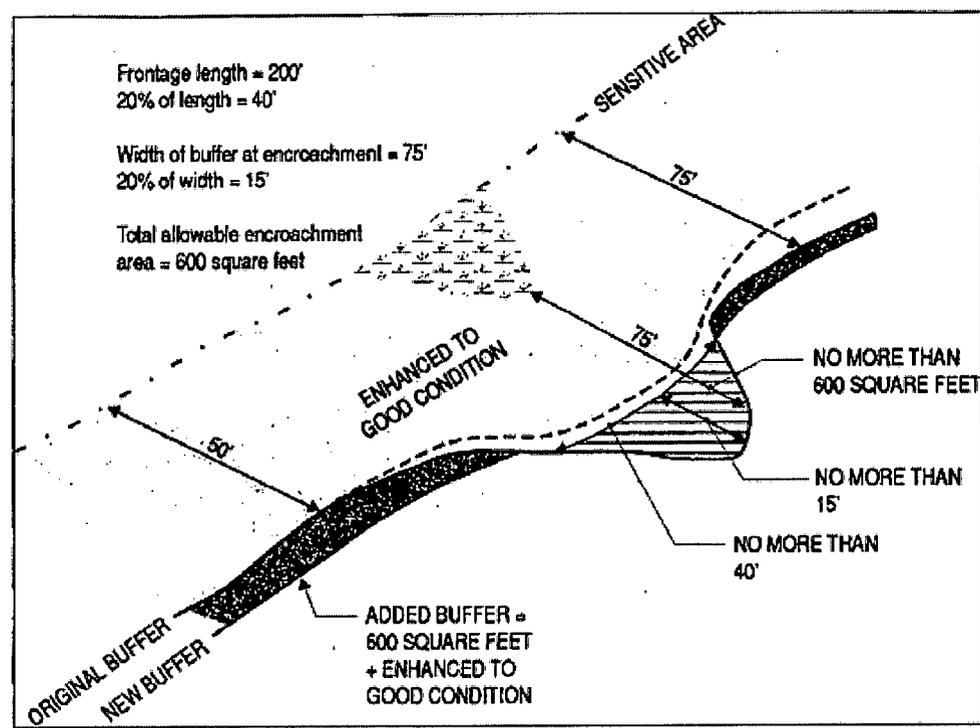
(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drain-age courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.

(4) The Water Resource Area shall be re-stored to "good condition" and maintained in accordance with the mitigation plan pursuant to (E) below and the specifications in Table 2.

(5) To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment.

(6) Where existing vegetation has been re-moved, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.

Figure 2



(7) Prior to construction, the Water Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise allowed by this district. Such markings shall be maintained until construction is complete.

(8) Stormwater quantity control and quality control facilities:

(a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.

(b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and

(c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

(E) Mitigation - Mitigation shall be required to offset the impacts of development within the SEC-wr. This section establishes how mitigation can occur.

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas.

(a) When a proposed use or development activity could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1. through 5. below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;

4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.

5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.

(b) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit, given:

1. The extent of the public need for the proposed development;

2. The functional values of the Water Resource Area that may be affected by the proposed development;

3. The extent and permanence of the adverse effects of the development on the Water Resource Area, either directly or indirectly;

4. The cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and

5. The uniqueness or scarcity of the Water Resource Area that may be affected.

(2) Compensatory Mitigation: General Requirements. As a condition of any permit or other approval allowing development which results in the loss or degradation of regulated natural resource areas, or as an enforcement action, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or violator.

(a) Any person who alters or proposes to alter regulated natural resource areas shall restore or create natural resource areas equivalent to or larger than those altered in order to compensate for re-source losses.

(b) The following ratios apply to the creation or restoration of natural re-source areas. The first number specifies the amount of natural resource area to be created and the second specifies the amount of natural resource area to be altered or lost.

Creation (off-site) 2:1

Restoration (off-site) 1.5:1

Creation (on-site) 1.5:1

(Restoration (on-site) 1:1

(c) Only marginal or degraded water re-source areas as described in Table 2 may be the subject of a restoration project proposed as part of a Mitigation Plan.

(d) Highest priority sites for mitigation are marginal or degraded corridors that are closest to a natural drainage, and areas which will increase contiguous areas of standing trees, shrubs, and natural vegetation along drainages.

(e) The off-site mitigation shall be as close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable, within the watershed where the development will take place or as otherwise specified by the County.

(f) Compensation shall be completed prior to initiation of development where possible.

(g) In order to ensure that on-site mitigation areas are established and maintained, the property owner shall record the mitigation plan approval in the deed records of Multnomah County. In order to ensure that off-site mitigation areas will be protected in perpetuity, the owner shall cause a deed restriction to be placed on the property where the mitigation is required. The deed restriction shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.

(3) Mitigation Plan Standards - Natural re-source mitigation plans shall contain the following information:

(a) A description of adverse impacts that could be caused as a result of development.

(b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

(c) A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.

(d) A map drawn to scale, showing where the specific mitigation activities will occur.

(e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

Table 2

Riparian/Vegetated Corridor Standards

<u>Existing Riparian/Vegetated Corridor Condition</u>	<u>Requirements of Riparian/Vegetated Corridor Protection, Enhancement, and/or Mitigation</u>
<u>Good Corridor</u> <u>Combination of native trees, shrubs, and groundcover covering greater than 80% of the area</u> <u>and</u> <u>Greater than 50% tree canopy exists (aerial measure)</u>	<u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u> <u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand.</u> <u>Provide the County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore condition and mitigate any habitat or water quality impacts related to development.</u> <u>Revegetate impacted area per approved plan to reestablish "good" corridor conditions</u>

<p><u>Marginal Corridor</u></p> <p><u>Combination of native trees, shrubs, and groundcovers covering 50% - 80% of the area and/or</u></p> <p><u>26-50% tree canopy exists (aerial measure)</u></p> <p><u>(Restoration up to “good” corridor required)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation.</u></p> <p><u>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition.</u></p> <p><u>Vegetate corridor to establish “good” corridor conditions</u></p>
<p><u>Degraded Corridor</u></p> <p><u>Combination of native trees, shrubs, and groundcovers covering is less than 50% of the area</u></p> <p><u>and/or</u></p> <p><u>Less than 25% tree canopy exists (aerial measure)</u></p> <p><u>and/or</u></p> <p><u>Greater than 10% of the area is covered by invasive, non-native species</u></p> <p><u>(Restoration up to “good” corridor required)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically as appropriate.</u></p> <p><u>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition.</u></p> <p><u>Vegetate corridor to establish “good” corridor conditions</u></p>

Section 21. Comprehensive Framework Plan Policy 16-D: Fish and Wildlife Habitat is amended to read as follows:

POLICY 16-D: FISH AND WILDLIFE HABITAT

It is the County’s policy to protect significant fish and wildlife habitat and to specifically limit conflicting uses within natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

STRATEGIES

- A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant habitat areas and to delineate sensitive big game winter habitat areas. If necessary, supplement this information with additional professional analysis to identify additional significant habitat areas and natural ecosystems within rural portions of the County.

1. In 2001, the Metropolitan Service District (Metro) inventoried the riparian and wildlife habitat within its jurisdiction for riparian and wildlife habitat quality. Within Metro's boundaries, the County may rely upon Metro's riparian and wildlife habitat inventories and mapping to identify and protect fish and wildlife habitat.

- B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River Greenway.
- C. Include provisions within the Zoning Ordinance to review development proposals which may affect natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

Section 22. The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Streams (SEC-s) overlay zone as shown on Exhibits A and B: 30, 39, 40, 49, 50, 51, 60, 61, 62, 72, 73, 77, 83, 85, 86, 87, 88, 651, 652, 655, 656, 667, 668, 671, 672, 674, and 683.

Section 23. The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Water Resources (SEC-wr) overlay zone as shown on Exhibit C: 529, 534, 535, 540, 541, and 542.

FIRST READING:

December 17, 2009

SECOND READING AND ADOPTION:

December 31, 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Department of Community Services



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 12/09/09

Agenda Title: **Intergovernmental Non-Financial Agreement No. 30000379 with the City of Portland Regarding the Operation and Joint Use of Electronic and Communications Systems**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: December 17, 2009 **Amount of Time:** N/A
Department: DCM **Division:** Fleet, Records, Electronics, Distribution & Stores
Contact(s): Richard Swift or Matthew O. Ryan, Assistant County Attorney
Phone: 503.988.5353 **Ext.** 85353 **I/O Address:** 425/2/FREDS
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Review and approval of Intergovernmental Non-Financial Agreement No. 30000379 with the City of Portland Regarding the Operation and Joint Use of Electronic and Communications Systems.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

On or about July 22, 1993, the County Board of Commissioners approved the execution of a City-County Electronic Services Intergovernmental Agreement (IGA) for the shared usage of electronic equipment and related sites (City IGA No. 50150 and County Contract No. 302363). This IGA replaces and supersedes the Parties' 1993 Electronic Services IGA.

By entering into this IGA, the City and County intend to continue mutual use, maintenance and other agreements relating to electronic equipment and sites including the City's digital microwave system for non-trunked radio systems; the County's right to purchase equipment using the City's contract (41105) with Motorola; and the City's use of the Rocky Butte tower site under the County's 2007 lease amendment with the communications tower owner.

3. Explain the fiscal impact (current year and ongoing).

N/A

4. Explain any legal and/or policy issues involved.

N/A

5. Explain any citizen and/or other government participation that has or will take place.

N/A

Required Signature

Elected Official
or Department/
Agency Director:

Diane McKeel

Date: 12/09/09

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 30000379

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached

Amendment #: _____

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input checked="" type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: County Management Division/ Program: FREDS Division Date: 12/09/09
 Originator: Richard Swift Phone: 503.988.5050 X. 85353 Bldg/Room: 425/2
 Contact: Richard Swift Phone: _____ Bldg/Room: _____

Description of Contract: Electronics services IGA between Multnomah County and City of Portland regarding the operation and joint use of electronic and communications systems.

RENEWAL: PREVIOUS CONTRACT #(S) _____ EEO Exhibit 5 required if amount over \$75k _____

PROCUREMENT _____ ISSUE _____ EFFECTIVE _____ END _____
 EXEMPTION OR _____ DATE: _____ DATE: _____ DATE: _____
 CITATION # _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	City Of Portland Bureau of Technology Services			Remittance address (if different)	_____
Address	3732 SE 99 th Ave.			Payment Schedule / Terms:	_____
City/State	Portland, Oregon				<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
ZIP Code	97266-2505				<input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30
Phone	503-823-4348				<input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other
Employer ID# or SS#	_____			<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	_____
Contract Effective Date	Term	Term Date	_____		_____
Amendment Effect Date	1/01/2009	New Term Date	N/A	_____	_____
Original Contract Amount	\$	Original PA/Requirements Amount	\$	_____	_____
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$	_____	_____
Amount of Amendment	\$	Amount of Amendment	\$	_____	_____
Total Amount of Agreement	\$	Total PA/Requirements Amount	\$	_____	_____

REQUIRED SIGNATURES:

Department Manager _____ DATE _____
 County Attorney _____ DATE _____
 CPCA Manager _____ DATE _____
 County Chair _____ DATE _____
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

COMMENTS:

**INTERGOVERNMENTAL AGREEMENT
For Site Usage and Electronic Services**

This Intergovernmental Agreement (IGA) is between the City of Portland (CITY) and Multnomah County (COUNTY) and is entered into under the authority granted by Oregon Revised Statutes Chapter 190. The CITY and COUNTY may be referred to individually as a Party or jointly as the Parties.

1.0 Recitals.

1.1 The CITY Bureau of Emergency Communications (BOEC) operates the primary Public Safety Answering Point (PSAP) for all police and emergency medical services dispatch in Multnomah County at the CITY's current 911 dispatch site located at 9911 SE Bush, Portland OR 97266.

1.2 The CITY Bureau of Technology Services, Infrastructure and Engineering Division (BTS) maintains all BOEC owned and other CITY owned radio systems related equipment.

1.3 The COUNTY Department of County Management (DCM), Electronic Services Section, maintains all COUNTY-owned, City of Fairview-owned, City of Gresham-owned, City of Troutdale-owned, and City of Wood Village-owned radio system related equipment.

1.4 The CITY BTS and COUNTY DCM Electronic Services organizations have maintained, and desire to continue to maintain, a high level of cooperation and efficiency in maintaining the existing and future systems to promote cost-effectiveness and public safety.

1.5 The CITY and COUNTY have installed and maintained equipment at each other's radio sites and desire to continue this arrangement.

1.6 On or about July 22, 1993, the County Board of Commissioners approved the execution of a City-County Electronic Services Intergovernmental Agreement for the shared usage of electronic equipment and related sites. The COUNTY executed the Electronic Services IGA on July 22, 1993. By and through Portland City Ordinance 167020, passed on September 29, 1993, the Portland City Council authorized the execution of the Electronic Services IGA. The CITY executed the Electronic Services IGA on October 6, 1993. The 1993 Electronic Services IGA is referenced as City IGA No. 50150 and County Contract No. 302363.

1.7 On or about September 27, 1993, Multnomah County, by and through Betsy Williams, the COUNTY's Dept. of Environmental Services Director, issued a memorandum in clarification of the Parties' responsibilities and cooperation pertaining to the 1993 Electronic Services IGA.

1.8 On or about June 5, 1992, the CITY entered into a contract with Motorola, Inc. for the CITY to acquire services and equipment for an 800 MHz Simulcast Trunking Radio Services.

1.9 On or about August 13, 2007, the CITY and Motorola Inc. entered into a Software Licenses, Maintenance, Parts & Services Master Agreement (No. 41105). Section 5.1 of the CITY's Agreement No. 41105 permits certain governmental agencies, including the COUNTY, the option to purchase any equipment covered by Agreement No. 41105 at the same prices offered to the CITY. The COUNTY desires to take advantage of the CITY's price agreement with Motorola Inc. and to purchase certain radio equipment. The COUNTY will give notice to Motorola as may be required.

- 1.10 By entering into this IGA, the CITY and COUNTY intend to continue:
- 1.10.1 Mutual use of electronic equipment and sites owned respectively by the CITY and COUNTY;
 - 1.10.2 Shared utilization of the CITY's digital microwave system for non-trunked radio systems;
 - 1.10.3 The COUNTY's right to purchase equipment utilizing the CITY's Motorola contract through written notice as required;
 - 1.10.4 Authorization for COUNTY staff to maintain COUNTY-owned and other governmental-owned electronic equipment which will utilize the 800 MHz trunked radio system;
 - 1.10.5 Maintaining the excellent cooperation and effectiveness of the CITY BTS and COUNTY DCM Electronic Services organizations;
 - 1.10.6 Enter into separate agreements for the COUNTY use of the 800 MHz trunked radio system and,
- 1.11 Through this IGA, the Parties further desire to address changes to the CITY's use of the Rocky Butte tower site due to the COUNTY's lease amendment with communications tower owner Tower Acquisition LLC in Attachment C.

NOW THEREFORE, THE PARTIES AGREE:

2.0 Term.

2.1 This IGA is effective on January 1, 2009 and shall remain in effect indefinitely, unless otherwise terminated, renewed or amended in accordance with other provisions herein. This IGA replaces and supersedes the Parties' 1993 Electronic Services IGA.

2.2 Continuation of services shall be conditioned upon: (1) the Parties' continued use of the Motorola 800 MHz System; and (2) the Parties' continued ability to fund the services listed hereunder. However, nothing binds or requires the Parties to continue to supply such services, or to continue to utilize such.

3.0 Statement of Work.

3.1 The CITY and COUNTY will continue to share radio sites at no cost to either Party with the exception of the Rocky Butte Tower Communication Facility (Rocky Butte).

3.2 The CITY and COUNTY technicians will have access to, and be responsible for the maintenance of their respective equipment. Both Parties will comply with the technical and engineering site standards in Attachment "A" – Site Standards for Communications Facility.

3.3 The CITY will provide microwave channels for other COUNTY non-trunked radio systems, in accordance with Attachment "B" – Non Trunked Radio System.

3.4 The COUNTY will comply with all CITY specifications on interfacing to the microwave.

3.5 The CITY acknowledges the COUNTY's option to purchase equipment under Section 5.1 of Agreement no. 41105 between Motorola and CITY. The COUNTY is responsible for giving notice of its exercise of the option as required by Agreement no. 41105 and issuing its required procurement documents.

3.6 The CITY will permit COUNTY technicians to attend the Motorola on site training for mobiles, portables, and MDT's as provided for in the Motorola agreement, Section 3. The COUNTY will pay for any additional cost for training COUNTY personnel.

3.7 The CITY will permit electronic equipment maintained by COUNTY staff to utilize the 800 MHz trunked radio system. Equipment maintained by the COUNTY and owned by the COUNTY or other governments utilizing the 800 MHz trunked radio system will be maintained at acceptable standards.

3.8 The CITY will be the sole controller of the Trunking Code Management System (TCMS) software. However, the CITY will provide the COUNTY with files on a computer disk that will allow the COUNTY to program their spare radios with any of the COUNTY's formats. The CITY will also provide the COUNTY with similar files for non-County agencies that have an agreement with the COUNTY for radio maintenance. The COUNTY will comply with CITY requirements to ensure the integrity of the database.

3.9 The COUNTY designates its Director of County Management or their designee to represent the COUNTY in all matters pertaining to administration of this Agreement.

3.10 The CITY designates the Chief Technology Officer to represent the CITY in all matters pertaining to the administration of this Agreement.

3.11 The CITY and COUNTY will comply with additional provisions for Rocky Butte identified in Attachment "C" Rocky Butte Tower Facility.

4.0 Consideration/Rates/Payments. The consideration for the CITY's allowed use of COUNTY's radio sites and the COUNTY's consideration for the CITY's allowed use of their radio sites shall be the mutual use of each Parties' sites, for mutual aid only, and at no cost to either Party or its users for the term of this Agreement.

4.1 Reciprocal Charges. The Parties reserve the right to charge each other at their then respective current rate for any mutual aid radio that uses the 800 MHz system for the others primary communications. This includes using a logical patch talkgroup to bypass the use of the other Party's 800 MHz systems by any user(s) to avoid monthly 800 MHz access fee charges.

4.1.1 The Parties reserve the right to charge each other at the then respective current rate for any mutual aid radio that uses the 800 MHz system for non-mutual aid monitoring and/or transmitting on any talkgroup on the system.

4.1.2 The Parties reserve the right to charge for any non-mutual aid communication does not imply a right to use the radio systems for any use other than mutual aid communication. The rights to use the radio systems created by this Agreement is limited to mutual aid communication.

4.2 Invoicing. The Parties will invoice each other upon the occurrences described above at the Parties then current respective rates. Invoice shall be sent to:

If to COUNTY:

Aaron Wilson
Multnomah County Electronic Services
1620 SE 190th Ave
Portland OR 97233
(503) 988-5191

If to the CITY: Radio System Manager
 Bureau of Technology Services
 City of Portland
 3732 S.E. 99th Avenue
 Portland, OR 97266-2505
 (503) 823-4348

4.3 Payment. The Parties shall pay such invoices Net thirty (30) days of invoice date.

5.0 Amendments. Except as authorized in Section 2.1.3 of this Agreement, the provisions of this Agreement shall not be, altered, modified, supplemented or otherwise amended, in any manner whatsoever, except by written mutual agreement signed by authorized representatives of the Parties. Upon approval as to form by the City Attorney's Office, the Chief Technology Officer may authorize any amendment of this Agreement on behalf of the CITY.

6.0 Termination.

6.1 This Agreement may be terminated by mutual consent of the Parties and shall not result in any penalty to either Party. Termination by mutual consent shall be in written form stating the effective date of termination. Either Party may terminate this Agreement upon giving written notice of termination to the other Party not less than six (6) months prior to the termination date which shall be set forth in the notice.

6.2 Either Party may terminate this Agreement in the event that the other Party fails to comply with all applicable federal, state (including but not limited to those of the Oregon Public Utility Commission) and local laws and regulations. In the event that either Party wishes to terminate under this provision, written notice to cure shall be given to the other Party at least ninety days (90) in advance to allow time for the Parties to comply with the applicable regulations, statutes or laws. In the event that either Party has failed to comply with the applicable regulations, statutes, or laws by the end of the ninety (90) day notification periods, the non-breaching Party may terminate this Agreement immediately and no additional advance notice shall be required.

6.3 Except as otherwise provided by this section either Party may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination, however, the Party seeking termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach, or offered a plan to cure, within fifteen (15) days of the notice, then the Party giving the notice may terminate this Agreement at any time thereafter by giving a written notice of termination.

6.4 If either Party makes an unauthorized disclosure of confidential information, the other Party may terminate this Agreement upon giving ten (10) days written notice of its intent to terminate.

7.0 Indemnification. Subject to the conditions and limitations of the Oregon Constitution, Article XI, section 9, and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the Parties shall indemnify, defend and hold officers, agents, employees and volunteers of the other Party harmless against all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the other Party.

8.0 Insurance. COUNTY and the CITY shall each be responsible for providing workers compensation insurance as required by law. Both Parties are self-insured. The parties shall not be required to provide or show proof of insurance coverage.

9.0 Access to Records. The Parties shall maintain all records pertaining to this Agreement according to the public records laws in each party's jurisdiction: For the CITY and COUNTY, Oregon Public Records Law as set forth in ORS 192. Upon reasonable written notice, each Party shall have access to the books, documents and other records of the other Party, which are related to this Agreement, for the purpose of examination, copying, and audit. This Section does not impair the rights of each Party to assert or claim exemption or privilege from public records disclosure as the circumstance may require.

10.0 Compliance with Law. In connection with each Party's activities under this Agreement, COUNTY and the CITY shall comply with all applicable federal, state and local laws and regulations.

11.0 Venue. This Agreement shall be construed according to the laws of the State of Oregon. Any litigation between the CITY and COUNTY arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon. However, in hopes of preserving and continuing the long standing and mutually beneficial relationship of the Parties, each Party agrees to strive in good faith to resolve any disputes related to this IGA through discussion, negotiation or other alternative dispute resolution option if possible.

12.0 Notice. Any notice provided for under this Agreement shall be sufficient if in writing and delivered personally to the following addressee or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving Party hereafter shall specify in writing.

If to COUNTY: Aaron Wilson
 Multnomah County Electronic Services
 1620 SE 190th Ave
 Portland OR 97233
 (503) 988-5191

If to the CITY: Radio System Manager
 Bureau of Technology Services
 City of Portland
 3732 S.E. 99th Avenue
 Portland, OR 97266-2505
 (503) 823-4348

With a copy to:

Technology Procurement Supervisor
Bureau of Purchases
City of Portland
1120 SW Fifth Avenue, Rm 750
Portland, OR 97204

13.0 Severability. If any provision of this Agreement is declared by a court of law to be illegal or in conflict with any law, the validity of the remaining terms, conditions and provisions shall not be affected; and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be illegal or invalid.

14.0 Subcontracting and Assignment. The Parties shall not subcontract or assign any part of this Agreement without the prior written consent of the other Party, which shall not be unreasonably withheld. In the event an assignment or subcontracting arrangement is approved, the Party assigning or subcontracting shall remain obligated for full performance of its obligation under this Agreement, and the other Party shall incur no obligation other than its obligations under this Agreement. Any approved assignee or subcontractor shall be required to agree to fulfill all the assigned or subcontracted obligations of the assigning or subcontracting Party, and shall be required to provide insurance in amounts mutually acceptable to the Parties.

15.0 Force Majeure. The Parties shall not have breached this Agreement by failure to perform a substantial obligation under this Agreement if the failure to perform arises out of causes beyond their control and without their fault or neglect, including without limitation: fire; flood; epidemic; volcanic eruption; quarantine restrictions; strike; freight embargo; unusually severe weather; riot; acts of God, sovereign or public enemy; acts of terrorism or war. In the event delay or default arising from these causes reasonably prevents successful performance of this Agreement, the Parties may terminate this Agreement, without penalty, upon written agreement, or the Parties may make mutually acceptable revisions to this Agreement to allow it to continue as modified.

16.0 Non-Waiver. The Parties shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

17.0 Independent Contractors. The Parties shall each be responsible for any of their own federal, state and local taxes applicable to payments under this Agreement. The Parties, and their employees and subcontractors agree that their employees and subcontractors are not employees of the other Party and that their employees and subcontractors are not eligible for any benefits from the other Party, including without limitation, federal social security, health benefits, and workers' compensation, unemployment compensation and retirement benefits.

18.0 Survival. All obligations relating to confidentiality; indemnification; representations and warranties; proprietary rights; limitation of liability; and obligations to make payments of amounts that become due under this Agreement prior to termination (except that payments for services not

performed by the date of termination shall be prorated) shall survive the termination or expiration of this Agreement and shall, to the extent applicable, remain binding and in full force and effect for the purposes of the ongoing business relationship by and between COUNTY and CITY. Nothing in this Agreement shall alter, modify, or supersede the content and survival of such provisions, except as otherwise expressly agreed to in writing by the Parties and with the prior approval of City's legal or contract review departments.

This IGA, together with all Exhibits, Attachments and those documents which by their reference have been incorporated herein, constitutes the entire Agreement between the CITY and COUNTY and supersedes the Intergovernmental Agreement between the CITY (IGA no. 50150) and COUNTY (Contract no. 302363) regarding the operation and joint use of the electronic and emergency communications systems of the Parties, the 1993 written agreement, between the Parties on this subject. This IGA contains the entire agreement between the Parties and supersedes all prior written or oral discussions or agreements.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed as of the Effective Date.

CITY OF PORTLAND:

APPROVED AS TO FORM:

By: _____
Deputy City Attorney

Date: _____

CITY OF PORTLAND, by and through its Elected Officials:

By: _____
Chief Technology Officer

Date: _____

MULTNOMAH COUNTY (COUNTY):

APPROVED AS TO FORM:

By: _____

Title: _____

Date: _____

By: _____

Title: _____
Director

Date: _____

Attachment A
Site Standards for Communications Facility

The following engineering standards apply to all CITY and COUNTY radio sites. The CITY will be the Site Manager for CITY sites and the COUNTY will be the Site Manager for COUNTY sites. Site Managers have the final authority over their respective radio sites.

1.0 Equipment, Installation and Operation Requirements.

1.1 All transmitting and receiver equipment shall be type accepted by FCC and shall comply with applicable FCC rules and regulations. The Parties shall install only transmitters designed for use in high-RF multi-user environment and that have Certification or a Declaration of Conformity to the FCC.

1.2 All systems shall have provision for an external monitor speaker to allow the CITY to check for interference.

1.3 All cables and/or jumpers entering and leaving the Communication Facility building shall have identification labels describing equipment use and owner.

1.4 All cabinets and equipment shall be identified by user name, call letters, transmit and receive frequency assignment and a 24-hour telephone number of the person responsible for the operation of the transmitter. A copy of a valid FCC license must be attached to the cabinet or equipment at all times. Additional harmonic filters, isolators and other protection may be required to solve specific site interference problems, at Parties' expense. Receive Isolation must meet or exceed the figures in Table 1.

TABLE 1

Frequency Band	Isolator Reverse Attenuation
25-50 MHz	15 dB
66-88 MHz	25 dB
130-175 MHz	50 dB
400-470 MHz	50 dB
806-960 MHz	50 dB

1.5 The transmitters/receivers shall be combined with the CITY's master antenna systems. Tests will be performed to ensure all non-CITY installation will not affect performance of any other equipment at the Communications Facility. If additional equipment is required for the COUNTY to combine its equipment to the CITY's master antenna systems, it will be provided and installed by the CITY. COUNTY will be billed for all labor and material costs. Systems not compatible with the combining network due to specific requirements, directivity or FCC requirements will be handled on a case by case basis.

1.6 If at anytime a COUNTY receiver experiences interference, COUNTY shall equip it with cavities and/or crystal filters (as applicable) to attempt to resolve the interference. Where requested by COUNTY, or when determined necessary by CITY, the CITY may troubleshoot such interference. COUNTY will be billed separately, in addition to any other fee(s) required under this agreement, for any interference troubleshooting by the CITY as the CITY's then current rates, which may include labor and materials.

1.7 Transmitter power shall be no more than is necessary to provide coverage in the COUNTY's service areas, as determined by field tests. Transmit power as measured at the transmitter output shall not exceed 150 watts, without specific written approval by the CITY's BTS.

1.8 COUNTY equipment causing interference to any equipment at the site, shall be immediately disconnected by COUNTY. COUNTY shall not reconnect the equipment until the interference is eliminated and the CITY's BTS has given COUNTY approval to reconnect the equipment.

1.9 COUNTY shall not use control stations or inverted pairs on FCC designated repeater channel frequencies.

1.10 Hard-line (Super Flex / Heliac types) of transmission line must be used from equipment to multiplexing and or lightning protection panels.

1.11 All installations shall be done to Motorola communications R56 standard.

These site standards are in addition to, and shall not be construed to in any way modify, alter or amend, in whole or in part, the terms, covenants, agreements and conditions of this Agreement. The CITY reserves the right to make such other and reasonable site standards as in its sole judgment from time to time as may be needed for safety and security, for adherence to and compliance with applicable rules and standards for equipment/systems use and operation, and the operability, functionality and non-interference of equipment/systems at the Communication Facility. COUNTY agrees to adhere to site standards during the term of this Agreement.

Attachment B
Non Trunked Radio Systems

In addition to the Sheriff radio equipment, the COUNTY currently has radio base stations installed at both CITY and COUNTY site. The voting equipment is no longer on the COUNTY analog microwave system and has been relocated to Rocky Butte. The COUNTY is also interested in adding VHF receivers at Council Crest, Biddle Butte and Wallatin Tank for the Office of Emergency Management (OEM) repeater. The COUNTY anticipates keeping these systems in service indefinitely and requests long term access to these facilities and the needed digital microwave channels.

A block diagram of this system is identified in Attachment "B-1" - Multnomah County's VHF System Microwave Interconnect. The COUNTY will need the following channels on the CITY's microwave system for this service.

- 3 two wire circuit from Council Crest to Rocky Butte
- 3 two wire circuit from Biddle Butte to Rocky Butte
- 3 two wire circuit from Wallatin Tank to Rocky Butte
- 3 two wire circuit from Lookout to Rocky Butte (possible future)

The COUNTY may requests and upon CITY approval add or subtract circuits in the future as needed for this or other communications needs. COUNTY and CITY agree that COUNTY connectivity to CITY'S Microwave Loop needs to be maintained, and to that end the CITY shall upon exiting Rocky Butte make available to the COUNTY the existing Microwave system; including but not limited to the antenna at Rocky Butte at minimal (\$1.00) or no cost.

In the event that the COUNTY adds circuits in the future the CITY may assess an Additional Equipment Fee payable to the CITY on or before the first day of each month thereafter.

Attachment C
Rocky Butte Tower Facility

Background

The 1993 Electronic Services IGA between COUNTY and CITY regarding the operation and joint use of the electronic and emergency communications systems of the two jurisdictions permitted the CITY to utilize Rocky Butte as one of the shared site for placement of telecommunications equipment.

The Rocky Butte telecommunication site is owned by the County. The COUNTY through its 1985 Rocky Butte Lease Agreement (Master Lease) permitted its Lessee Western Tele-Communications, Inc. (WTCI) certain rights to construct a telecommunication tower on the COUNTY's property. That 1985 Lease Agreement (Master Lease) has been amended on or about December 21, 2007 with the First Amendment to Lease Agreement (Lease Amendment). The new Lessee is Tower Acquisitions LLC (TAL). The Lease Amendment altered the rights and obligations of the COUNTY and its Lessee under the Master Lease with respect to the use and operation of Rocky Butte, including requiring the COUNTY and its governmental partners to pay certain fees to the Lessee for equipment placed on the Rocky Butte tower. Copies of the COUNTY's 1995 Rocky Butte Master Lease and First Amendment to Lease Agreement have been previously provided to the CITY and are incorporated by reference.

TAL completed in November 2009, an assignment of their leasehold and a sale of their equipment on the Rocky Butte site to a new entity; the new Assignee/Lessee on the Master Lease is:

SBA Towers II LLC
5900 Broken Sound Parkway NW
Boca Raton, FL 33487

The County learned of this completed assignment on or about November 19, 2009; and is still working out the operation of the Master Lease with the new Lessee, SBA Towers II LLC. The County will timely advise the City of any changes in those operations that affect the City's obligations with respect to the Rocky Butte facility; and the County will provide the City a copy of any amended or revised Master Lease approved by the County.

For purposes of this Attachment C, the reference to "TAL" will refer to either TAL or its successor in interest, SBA Towers II LLC.

Prior to the Lease Amendment, no rent or fees were assessed to the CITY for the use of the Rocky Butte site. This Attachment of the IGA will address the changes made through the COUNTY-TAL Lease Amendment.

The COUNTY acknowledges that the CITY does not plan to remain on Rocky Butte beyond the time required to establish a new facility in Southwest Washington State, but the definitive date of that new facility being operational is not yet determined.

Rocky Butte Provisions

The COUNTY and CITY incorporate the following provisions with respect to Rocky Butte:

- a. The CITY will comply with all obligations and duties imposed on the COUNTY as Lessor under the COUNTY's Rocky Butte Master Lease and the COUNTY-TAL Lease Amendment as well as the specific obligations imposed on the CITY under Section 5 of Exhibit A to the Lease Amendment, pertaining to the CITY's right to install and operate equipment on the tower as further provided herein.
- b. Notwithstanding any provision of the IGA, the CITY's use of Rocky Butte tower shall subject to the fee payment requirements of Sections 3 and 4 of Exhibit A to the Lease Amendment, as pertaining to "Additional Equipment" related to CITY owned equipment.
- c. The CITY agrees to pay directly to the COUNTY a proportionate share of the total Additional Equipment Fee required to be paid to TAL under the Lease Amendment. The CITY will be responsible for the monthly sum of Two Hundred Fifty dollar (\$250.00) retroactive from January 1, 2008 through December 31, 2008. The City will be responsible for the monthly Additional Equipment Fee sum of Two Hundred Fifty-Seven dollars and Fifty cents (\$257.50) retroactive from January 1, 2009 through December 31, 2009. The CITY will pay its 50% share of the Additional Equipment Fee the COUNTY has paid to date to TAL no later than forty-five (45) days after mutual execution of the IGA.
- d. The CITY acknowledges that the requirements relating to the Additional Equipment on the Rocky Butte Tower will change on January 1, 2010; nonetheless the CITY intends to remain on the Rocky Butte tower beyond that date but no later than December 31, 2010. The CITY shall be responsible for 100% of the Additional Equipment Fee as of January 1, 2010 and any period it remains on the Rocky Butte Tower thereafter and shall either pay the COUNTY or pay TAL. If the CITY pays TAL directly the COUNTY will be copied the confirmation of payment.
- e. Upon the CITY's removal of its equipment from the Rocky Butte tower on or before December 31, 2010, the CITY shall have no further obligation for payment of the Additional Equipment Fee. The CITY shall promptly and timely advise the COUNTY at least 90 days in advance of the designated date the CITY plans to remove its remaining equipment from the Tower such that both CITY and COUNTY can execute the appropriate written notice to TAL under the Lease Amendment Exhibit A, Section 4; which requires 60 days written notice of the decision to remove the Additional Equipment.
- f. In the event that the COUNTY desires to terminate its lessor-lessee relationship with TAL prior to the CITY having removed all CITY equipment from the Rocky Butte tower, the COUNTY agrees to give the CITY at least ninety (90) days prior written notice of the COUNTY's intent to terminate the Master Lease or Lease Amendment with TAL.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 30000379

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached

Amendment #: _____

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
<input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input checked="" type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: County Management Division/ Program: FREDS Division Date: 12/09/09
 Originator: Richard Swift Phone: 503.988.5050 X. 85353 Bldg/Room: 425/2
 Contact: Richard Swift Phone: _____ Bldg/Room: _____

Description of Contract: Electronics services IGA between Multnomah County and City of Portland regarding the operation and joint use of electronic and communications systems.

RENEWAL: PREVIOUS CONTRACT #(S) _____ EEO Exhibit 5 required if amount over \$75k _____

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 EXEMPTION OR _____ DATE: _____ DATE: _____ DATE: _____
 CITATION # _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	City Of Portland Bureau of Technology Services			Remittance address (if different)	_____
Address	3732 SE 99 th Ave.				
City/State	Portland, Oregon			Payment Schedule / Terms:	
ZIP Code	97266-2505			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	503-823-4348			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	_____			<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	Term	Term Date	_____	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date	1/01/2009	New Term Date	N/A		
Original Contract Amount	\$	_____	Original PA/Requirements Amount	\$	_____
Total Amt of Previous Amendments	\$	_____	Total Amt of Previous Amendments	\$	_____
Amount of Amendment	\$	_____	Amount of Amendment	\$	_____
Total Amount of Agreement	\$	_____	Total PA/Requirements Amount	\$	_____

REQUIRED SIGNATURES:

Department Manager _____ DATE _____
 County Attorney Matthew C. Ryan _____ DATE 1/4/2010
 CPCA Manager _____ DATE _____
 County Chair [Signature] _____ DATE 01/05/2010
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

COMMENTS:

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-3 DATE 12/17/09
DEBORAH L. BOGSTAD, BOARD CLERK

**INTERGOVERNMENTAL AGREEMENT
For Site Usage and Electronic Services**

This Intergovernmental Agreement (IGA) is between the City of Portland (CITY) and Multnomah County (COUNTY) and is entered into under the authority granted by Oregon Revised Statutes Chapter 190. The CITY and COUNTY may be referred to individually as a Party or jointly as the Parties.

1.0 Recitals.

1.1 The CITY Bureau of Emergency Communications (BOEC) operates the primary Public Safety Answering Point (PSAP) for all police and emergency medical services dispatch in Multnomah County at the CITY's current 911 dispatch site located at 9911 SE Bush, Portland OR 97266.

1.2 The CITY Bureau of Technology Services, Infrastructure and Engineering Division (BTS) maintains all BOEC owned and other CITY owned radio systems related equipment.

1.3 The COUNTY Department of County Management (DCM), Electronic Services Section, maintains all COUNTY-owned, City of Fairview-owned, City of Gresham-owned, City of Troutdale-owned, and City of Wood Village-owned radio system related equipment.

1.4 The CITY BTS and COUNTY DCM Electronic Services organizations have maintained, and desire to continue to maintain, a high level of cooperation and efficiency in maintaining the existing and future systems to promote cost-effectiveness and public safety.

1.5 The CITY and COUNTY have installed and maintained equipment at each other's radio sites and desire to continue this arrangement.

1.6 On or about July 22, 1993, the County Board of Commissioners approved the execution of a City-County Electronic Services Intergovernmental Agreement for the shared usage of electronic equipment and related sites. The COUNTY executed the Electronic Services IGA on July 22, 1993. By and through Portland City Ordinance 167020, passed on September 29, 1993, the Portland City Council authorized the execution of the Electronic Services IGA. The CITY executed the Electronic Services IGA on October 6, 1993. The 1993 Electronic Services IGA is referenced as City IGA No. 50150 and County Contract No. 302363.

1.7 On or about September 27, 1993, Multnomah County, by and through Betsy Williams, the COUNTY's Dept. of Environmental Services Director, issued a memorandum in clarification of the Parties' responsibilities and cooperation pertaining to the 1993 Electronic Services IGA.

1.8 On or about June 5, 1992, the CITY entered into a contract with Motorola, Inc. for the CITY to acquire services and equipment for an 800 MHz Simulcast Trunking Radio Services.

1.9 On or about August 13, 2007, the CITY and Motorola Inc. entered into a Software Licenses, Maintenance, Parts & Services Master Agreement (No. 41105). Section 5.1 of the CITY's Agreement No. 41105 permits certain governmental agencies, including the COUNTY, the option to purchase any equipment covered by Agreement No. 41105 at the same prices offered to the CITY. The COUNTY desires to take advantage of the CITY's price agreement with Motorola Inc. and to purchase certain radio equipment. The COUNTY will give notice to Motorola as may be required.

- 1.10 By entering into this IGA, the CITY and COUNTY intend to continue:
- 1.10.1 Mutual use of electronic equipment and sites owned respectively by the CITY and COUNTY;
 - 1.10.2 Shared utilization of the CITY's digital microwave system for non-trunked radio systems;
 - 1.10.3 The COUNTY's right to purchase equipment utilizing the CITY's Motorola contract through written notice as required;
 - 1.10.4 Authorization for COUNTY staff to maintain COUNTY-owned and other governmental-owned electronic equipment which will utilize the 800 MHz trunked radio system;
 - 1.10.5 Maintaining the excellent cooperation and effectiveness of the CITY BTS and COUNTY DCM Electronic Services organizations;
 - 1.10.6 Enter into separate agreements for the COUNTY use of the 800 MHz trunked radio system and,
- 1.11 Through this IGA, the Parties further desire to address changes to the CITY's use of the Rocky Butte tower site due to the COUNTY's lease amendment with communications tower owner Tower Acquisition LLC in Attachment C.

NOW THEREFORE, THE PARTIES AGREE:

2.0 Term.

2.1 This IGA is effective on January 1, 2009 and shall remain in effect indefinitely, unless otherwise terminated, renewed or amended in accordance with other provisions herein. This IGA replaces and supersedes the Parties' 1993 Electronic Services IGA.

2.2 Continuation of services shall be conditioned upon: (1) the Parties' continued use of the Motorola 800 MHz System; and (2) the Parties' continued ability to fund the services listed hereunder. However, nothing binds or requires the Parties to continue to supply such services, or to continue to utilize such.

3.0 Statement of Work.

3.1 The CITY and COUNTY will continue to share radio sites at no cost to either Party with the exception of the Rocky Butte Tower Communication Facility (Rocky Butte).

3.2 The CITY and COUNTY technicians will have access to, and be responsible for the maintenance of their respective equipment. Both Parties will comply with the technical and engineering site standards in Attachment "A" – Site Standards for Communications Facility.

3.3 The CITY will provide microwave channels for other COUNTY non-trunked radio systems, in accordance with Attachment "B" – Non Trunked Radio System.

3.4 The COUNTY will comply with all CITY specifications on interfacing to the microwave.

3.5 The CITY acknowledges the COUNTY's option to purchase equipment under Section 5.1 of Agreement no. 41105 between Motorola and CITY. The COUNTY is responsible for giving notice of its exercise of the option as required by Agreement no. 41105 and issuing its required procurement documents.

3.6 The CITY will permit COUNTY technicians to attend the Motorola on site training for mobiles, portables, and MDT's as provided for in the Motorola agreement, Section 3. The COUNTY will pay for any additional cost for training COUNTY personnel.

3.7 The CITY will permit electronic equipment maintained by COUNTY staff to utilize the 800 MHz trunked radio system. Equipment maintained by the COUNTY and owned by the COUNTY or other governments utilizing the 800 MHz trunked radio system will be maintained at acceptable standards.

3.8 The CITY will be the sole controller of the Trunking Code Management System (TCMS) software. However, the CITY will provide the COUNTY with files on a computer disk that will allow the COUNTY to program their spare radios with any of the COUNTY's formats. The CITY will also provide the COUNTY with similar files for non-County agencies that have an agreement with the COUNTY for radio maintenance. The COUNTY will comply with CITY requirements to ensure the integrity of the database.

3.9 The COUNTY designates its Director of County Management or their designee to represent the COUNTY in all matters pertaining to administration of this Agreement.

3.10 The CITY designates the Chief Technology Officer to represent the CITY in all matters pertaining to the administration of this Agreement.

3.11 The CITY and COUNTY will comply with additional provisions for Rocky Butte identified in Attachment "C" Rocky Butte Tower Facility.

4.0 Consideration/Rates/Payments. The consideration for the CITY's allowed use of COUNTY's radio sites and the COUNTY's consideration for the CITY's allowed use of their radio sites shall be the mutual use of each Parties' sites, for mutual aid only, and at no cost to either Party or its users for the term of this Agreement.

4.1 Reciprocal Charges. The Parties reserve the right to charge each other at their then respective current rate for any mutual aid radio that uses the 800 MHz system for the others primary communications. This includes using a logical patch talkgroup to bypass the use of the other Party's 800 MHz systems by any user(s) to avoid monthly 800 MHz access fee charges.

4.1.1 The Parties reserve the right to charge each other at the then respective current rate for any mutual aid radio that uses the 800 MHz system for non-mutual aid monitoring and/or transmitting on any talkgroup on the system.

4.1.2 The Parties reserve the right to charge for any non-mutual aid communication does not imply a right to use the radio systems for any use other than mutual aid communication. The rights to use the radio systems created by this Agreement is limited to mutual aid communication.

4.2 Invoicing. The Parties will invoice each other upon the occurrences described above at the Parties then current respective rates. Invoice shall be sent to:

If to COUNTY:

Aaron Wilson
Multnomah County Electronic Services
1620 SE 190th Ave
Portland OR 97233
(503) 988-5191

If to the CITY: Radio System Manager
 Bureau of Technology Services
 City of Portland
 3732 S.E. 99th Avenue
 Portland, OR 97266-2505
 (503) 823-4348

4.3 **Payment.** The Parties shall pay such invoices Net thirty (30) days of invoice date.

5.0 Amendments. Except as authorized in Section 2.1.3 of this Agreement, the provisions of this Agreement shall not be, altered, modified, supplemented or otherwise amended, in any manner whatsoever, except by written mutual agreement signed by authorized representatives of the Parties. Upon approval as to form by the City Attorney's Office, the Chief Technology Officer may authorize any amendment of this Agreement on behalf of the CITY.

6.0 Termination.

6.1 This Agreement may be terminated by mutual consent of the Parties and shall not result in any penalty to either Party. Termination by mutual consent shall be in written form stating the effective date of termination. Either Party may terminate this Agreement upon giving written notice of termination to the other Party not less than six (6) months prior to the termination date which shall be set forth in the notice.

6.2 Either Party may terminate this Agreement in the event that the other Party fails to comply with all applicable federal, state (including but not limited to those of the Oregon Public Utility Commission) and local laws and regulations. In the event that either Party wishes to terminate under this provision, written notice to cure shall be given to the other Party at least ninety days (90) in advance to allow time for the Parties to comply with the applicable regulations, statutes or laws. In the event that either Party has failed to comply with the applicable regulations, statutes, or laws by the end of the ninety (90) day notification periods, the non-breaching Party may terminate this Agreement immediately and no additional advance notice shall be required.

6.3 Except as otherwise provided by this section either Party may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination, however, the Party seeking termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach, or offered a plan to cure, within fifteen (15) days of the notice, then the Party giving the notice may terminate this Agreement at any time thereafter by giving a written notice of termination.

6.4 If either Party makes an unauthorized disclosure of confidential information, the other Party may terminate this Agreement upon giving ten (10) days written notice of its intent to terminate.

7.0 Indemnification. Subject to the conditions and limitations of the Oregon Constitution, Article XI, section 9, and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the Parties shall indemnify, defend and hold officers, agents, employees and volunteers of the other Party harmless against all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the other Party.

8.0 Insurance. COUNTY and the CITY shall each be responsible for providing workers compensation insurance as required by law. Both Parties are self-insured. The parties shall not be required to provide or show proof of insurance coverage.

9.0 Access to Records. The Parties shall maintain all records pertaining to this Agreement according to the public records laws in each party's jurisdiction: For the CITY and COUNTY, Oregon Public Records Law as set forth in ORS 192. Upon reasonable written notice, each Party shall have access to the books, documents and other records of the other Party, which are related to this Agreement, for the purpose of examination, copying, and audit. This Section does not impair the rights of each Party to assert or claim exemption or privilege from public records disclosure as the circumstance may require.

10.0 Compliance with Law. In connection with each Party's activities under this Agreement, COUNTY and the CITY shall comply with all applicable federal, state and local laws and regulations.

11.0 Venue. This Agreement shall be construed according to the laws of the State of Oregon. Any litigation between the CITY and COUNTY arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon. However, in hopes of preserving and continuing the long standing and mutually beneficial relationship of the Parties, each Party agrees to strive in good faith to resolve any disputes related to this IGA through discussion, negotiation or other alternative dispute resolution option if possible.

12.0 Notice. Any notice provided for under this Agreement shall be sufficient if in writing and delivered personally to the following addressee or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving Party hereafter shall specify in writing.

If to COUNTY: Aaron Wilson
 Multnomah County Electronic Services
 1620 SE 190th Ave
 Portland OR 97233
 (503) 988-5191

If to the CITY: Radio System Manager
 Bureau of Technology Services
 City of Portland
 3732 S.E. 99th Avenue
 Portland, OR 97266-2505
 (503) 823-4348

With a copy to:

Technology Procurement Supervisor
Bureau of Purchases
City of Portland
1120 SW Fifth Avenue, Rm 750
Portland, OR 97204

13.0 Severability. If any provision of this Agreement is declared by a court of law to be illegal or in conflict with any law, the validity of the remaining terms, conditions and provisions shall not be affected; and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be illegal or invalid.

14.0 Subcontracting and Assignment. The Parties shall not subcontract or assign any part of this Agreement without the prior written consent of the other Party, which shall not be unreasonably withheld. In the event an assignment or subcontracting arrangement is approved, the Party assigning or subcontracting shall remain obligated for full performance of its obligation under this Agreement, and the other Party shall incur no obligation other than its obligations under this Agreement. Any approved assignee or subcontractor shall be required to agree to fulfill all the assigned or subcontracted obligations of the assigning or subcontracting Party, and shall be required to provide insurance in amounts mutually acceptable to the Parties.

15.0 Force Majeure. The Parties shall not have breached this Agreement by failure to perform a substantial obligation under this Agreement if the failure to perform arises out of causes beyond their control and without their fault or neglect, including without limitation: fire; flood; epidemic; volcanic eruption; quarantine restrictions; strike; freight embargo; unusually severe weather; riot; acts of God, sovereign or public enemy; acts of terrorism or war. In the event delay or default arising from these causes reasonably prevents successful performance of this Agreement, the Parties may terminate this Agreement, without penalty, upon written agreement, or the Parties may make mutually acceptable revisions to this Agreement to allow it to continue as modified.

16.0 Non-Waiver. The Parties shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

17.0 Independent Contractors. The Parties shall each be responsible for any of their own federal, state and local taxes applicable to payments under this Agreement. The Parties, and their employees and subcontractors agree that their employees and subcontractors are not employees of the other Party and that their employees and subcontractors are not eligible for any benefits from the other Party, including without limitation, federal social security, health benefits, and workers' compensation, unemployment compensation and retirement benefits.

18.0 Survival. All obligations relating to confidentiality; indemnification; representations and warranties; proprietary rights; limitation of liability; and obligations to make payments of amounts that become due under this Agreement prior to termination (except that payments for services not

performed by the date of termination shall be prorated) shall survive the termination or expiration of this Agreement and shall, to the extent applicable, remain binding and in full force and effect for the purposes of the ongoing business relationship by and between COUNTY and CITY. Nothing in this Agreement shall alter, modify, or supersede the content and survival of such provisions, except as otherwise expressly agreed to in writing by the Parties and with the prior approval of City's legal or contract review departments.

This IGA, together with all Exhibits, Attachments and those documents which by their reference have been incorporated herein, constitutes the entire Agreement between the CITY and COUNTY and supersedes the Intergovernmental Agreement between the CITY (IGA no. 50150) and COUNTY (Contract no. 302363) regarding the operation and joint use of the electronic and emergency communications systems of the Parties, the 1993 written agreement, between the Parties on this subject. This IGA contains the entire agreement between the Parties and supersedes all prior written or oral discussions or agreements.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed as of the Effective Date.

CITY OF PORTLAND:

APPROVED AS TO FORM:

By: _____
Deputy City Attorney

Date: _____

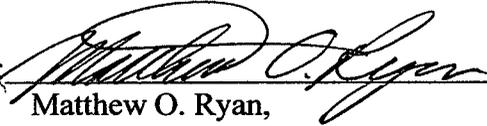
CITY OF PORTLAND, by and through its Elected Officials:

By: _____
Chief Technology Officer

Date: _____

MULTNOMAH COUNTY (COUNTY):

REVIEWED:

By:  _____
Matthew O. Ryan,
Assistant County Attorney

Date: January 4, 2010

BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

By:  _____
Ted Wheeler, Chair

Date: January 5, 2010

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-3 DATE 12/17/09
DEBORAH L. BOGSTAD, BOARD CLERK

Attachment A
Site Standards for Communications Facility

The following engineering standards apply to all CITY and COUNTY radio sites. The CITY will be the Site Manager for CITY sites and the COUNTY will be the Site Manager for COUNTY sites. Site Managers have the final authority over their respective radio sites.

1.0 Equipment, Installation and Operation Requirements.

1.1 All transmitting and receiver equipment shall be type accepted by FCC and shall comply with applicable FCC rules and regulations. The Parties shall install only transmitters designed for use in high-RF multi-user environment and that have Certification or a Declaration of Conformity to the FCC.

1.2 All systems shall have provision for an external monitor speaker to allow the CITY to check for interference.

1.3 All cables and/or jumpers entering and leaving the Communication Facility building shall have identification labels describing equipment use and owner.

1.4 All cabinets and equipment shall be identified by user name, call letters, transmit and receive frequency assignment and a 24-hour telephone number of the person responsible for the operation of the transmitter. A copy of a valid FCC license must be attached to the cabinet or equipment at all times. Additional harmonic filters, isolators and other protection may be required to solve specific site interference problems, at Parties' expense. Receive Isolation must meet or exceed the figures in Table 1.

TABLE 1

Frequency Band	Isolator Reverse Attenuation
25-50 MHz	15 dB
66-88 MHz	25 dB
130-175 MHz	50 dB
400-470 MHz	50 dB
806-960 MHz	50 dB

1.5 The transmitters/receivers shall be combined with the CITY's master antenna systems. Tests will be performed to ensure all non-CITY installation will not affect performance of any other equipment at the Communications Facility. If additional equipment is required for the COUNTY to combine its equipment to the CITY's master antenna systems, it will be provided and installed by the CITY. COUNTY will be billed for all labor and material costs. Systems not compatible with the combining network due to specific requirements, directivity or FCC requirements will be handled on a case by case basis.

1.6 If at anytime a COUNTY receiver experiences interference, COUNTY shall equip it with cavities and/or crystal filters (as applicable) to attempt to resolve the interference. Where requested by COUNTY, or when determined necessary by CITY, the CITY may troubleshoot such interference. COUNTY will be billed separately, in addition to any other fee(s) required under this agreement, for any interference troubleshooting by the CITY as the CITY's then current rates, which may include labor and materials.

1.7 Transmitter power shall be no more than is necessary to provide coverage in the COUNTY's service areas, as determined by field tests. Transmit power as measured at the transmitter output shall not exceed 150 watts, without specific written approval by the CITY's BTS.

1.8 COUNTY equipment causing interference to any equipment at the site, shall be immediately disconnected by COUNTY. COUNTY shall not reconnect the equipment until the interference is eliminated and the CITY's BTS has given COUNTY approval to reconnect the equipment.

1.9 COUNTY shall not use control stations or inverted pairs on FCC designated repeater channel frequencies.

1.10 Hard-line (Super Flex / Heliac types) of transmission line must be used from equipment to multiplexing and or lightning protection panels.

1.11 All installations shall be done to Motorola communications R56 standard.

These site standards are in addition to, and shall not be construed to in any way modify, alter or amend, in whole or in part, the terms, covenants, agreements and conditions of this Agreement. The CITY reserves the right to make such other and reasonable site standards as in its sole judgment from time to time as may be needed for safety and security, for adherence to and compliance with applicable rules and standards for equipment/systems use and operation, and the operability, functionality and non-interference of equipment/systems at the Communication Facility. COUNTY agrees to adhere to site standards during the term of this Agreement.

Attachment B
Non Trunked Radio Systems

In addition to the Sheriff radio equipment, the COUNTY currently has radio base stations installed at both CITY and COUNTY site. The voting equipment is no longer on the COUNTY analog microwave system and has been relocated to Rocky Butte. The COUNTY is also interested in adding VHF receivers at Council Crest, Biddle Butte and Wallatin Tank for the Office of Emergency Management (OEM) repeater. The COUNTY anticipates keeping these systems in service indefinitely and requests long term access to these facilities and the needed digital microwave channels.

A block diagram of this system is identified in Attachment "B-1" - Multnomah County's VHF System Microwave Interconnect. The COUNTY will need the following channels on the CITY's microwave system for this service.

- 3 two wire circuit from Council Crest to Rocky Butte
- 3 two wire circuit from Biddle Butte to Rocky Butte
- 3 two wire circuit from Wallatin Tank to Rocky Butte
- 3 two wire circuit from Lookout to Rocky Butte (possible future)

The COUNTY may requests and upon CITY approval add or subtract circuits in the future as needed for this or other communications needs. COUNTY and CITY agree that COUNTY connectivity to CITY'S Microwave Loop needs to be maintained, and to that end the CITY shall upon exiting Rocky Butte make available to the COUNTY the existing Microwave system; including but not limited to the antenna at Rocky Butte at minimal (\$1.00) or no cost.

In the event that the COUNTY adds circuits in the future the CITY may assess an Additional Equipment Fee payable to the CITY on or before the first day of each month thereafter.

Attachment C
Rocky Butte Tower Facility

Background

The 1993 Electronic Services IGA between COUNTY and CITY regarding the operation and joint use of the electronic and emergency communications systems of the two jurisdictions permitted the CITY to utilize Rocky Butte as one of the shared site for placement of telecommunications equipment.

The Rocky Butte telecommunication site is owned by the County. The COUNTY through its 1985 Rocky Butte Lease Agreement (Master Lease) permitted its Lessee Western Tele-Communications, Inc. (WTCI) certain rights to construct a telecommunication tower on the COUNTY's property. That 1985 Lease Agreement (Master Lease) has been amended on or about December 21, 2007 with the First Amendment to Lease Agreement (Lease Amendment). The new Lessee is Tower Acquisitions LLC (TAL). The Lease Amendment altered the rights and obligations of the COUNTY and its Lessee under the Master Lease with respect to the use and operation of Rocky Butte, including requiring the COUNTY and its governmental partners to pay certain fees to the Lessee for equipment placed on the Rocky Butte tower. Copies of the COUNTY's 1995 Rocky Butte Master Lease and First Amendment to Lease Agreement have been previously provided to the CITY and are incorporated by reference.

TAL completed in November 2009, an assignment of their leasehold and a sale of their equipment on the Rocky Butte site to a new entity; the new Assignee/Lessee on the Master Lease is:

SBA Towers II LLC
5900 Broken Sound Parkway NW
Boca Raton, FL 33487

The County learned of this completed assignment on or about November 19, 2009; and is still working out the operation of the Master Lease with the new Lessee, SBA Towers II LLC. The County will timely advise the City of any changes in those operations that affect the City's obligations with respect to the Rocky Butte facility; and the County will provide the City a copy of any amended or revised Master Lease approved by the County.

For purposes of this Attachment C, the reference to "TAL" will refer to either TAL or its successor in interest, SBA Towers II LLC.

Prior to the Lease Amendment, no rent or fees were assessed to the CITY for the use of the Rocky Butte site. This Attachment of the IGA will address the changes made through the COUNTY-TAL Lease Amendment.

The COUNTY acknowledges that the CITY does not plan to remain on Rocky Butte beyond the time required to establish a new facility in Southwest Washington State, but the definitive date of that new facility being operational is not yet determined.

Rocky Butte Provisions

The COUNTY and CITY incorporate the following provisions with respect to Rocky Butte:

- a. The CITY will comply with all obligations and duties imposed on the COUNTY as Lessor under the COUNTY's Rocky Butte Master Lease and the COUNTY-TAL Lease Amendment as well as the specific obligations imposed on the CITY under Section 5 of Exhibit A to the Lease Amendment, pertaining to the CITY's right to install and operate equipment on the tower as further provided herein.
- b. Notwithstanding any provision of the IGA, the CITY's use of Rocky Butte tower shall subject to the fee payment requirements of Sections 3 and 4 of Exhibit A to the Lease Amendment, as pertaining to "Additional Equipment" related to CITY owned equipment.
- c. The CITY agrees to pay directly to the COUNTY a proportionate share of the total Additional Equipment Fee required to be paid to TAL under the Lease Amendment. The CITY will be responsible for the monthly sum of Two Hundred Fifty dollar (\$250.00) retroactive from January 1, 2008 through December 31, 2008. The City will be responsible for the monthly Additional Equipment Fee sum of Two Hundred Fifty-Seven dollars and Fifty cents (\$257.50) retroactive from January 1, 2009 through December 31, 2009. The CITY will pay its 50% share of the Additional Equipment Fee the COUNTY has paid to date to TAL no later than forty-five (45) days after mutual execution of the IGA.
- d. The CITY acknowledges that the requirements relating to the Additional Equipment on the Rocky Butte Tower will change on January 1, 2010; nonetheless the CITY intends to remain on the Rocky Butte tower beyond that date but no later than December 31, 2010. The CITY shall be responsible for 100% of the Additional Equipment Fee as of January 1, 2010 and any period it remains on the Rocky Butte Tower thereafter and shall either pay the COUNTY or pay TAL. If the CITY pays TAL directly the COUNTY will be copied the confirmation of payment.
- e. Upon the CITY's removal of its equipment from the Rocky Butte tower on or before December 31, 2010, the CITY shall have no further obligation for payment of the Additional Equipment Fee. The CITY shall promptly and timely advise the COUNTY at least 90 days in advance of the designated date the CITY plans to remove its remaining equipment from the Tower such that both CITY and COUNTY can execute the appropriate written notice to TAL under the Lease Amendment Exhibit A, Section 4; which requires 60 days written notice of the decision to remove the Additional Equipment.
- f. In the event that the COUNTY desires to terminate its lessor-lessee relationship with TAL prior to the CITY having removed all CITY equipment from the Rocky Butte tower, the COUNTY agrees to give the CITY at least ninety (90) days prior written notice of the COUNTY's intent to terminate the Master Lease or Lease Amendment with TAL.

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/17/09

SUBJECT: DEATH BY MEDICINE
LEGALEY BLIND + INTURED

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: PAUL ADOLPH PHILLIPS

ADDRESS: 1212 S.W. CLAY APT 217

CITY/STATE/ZIP: PORTLAND OREGON

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: WALLA WALLA
CLINIC

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

RECEIVED APR 14 1999



walla
walla
clinic

55 WEST HEIAN • (509) 525-3720
WALLA WALLA, WASHINGTON 99362

April 6, 1999

Walter Hales, M.D.
821 Swift Boulevard
Richland, WA 99352

RE: PAUL A. PHILLIPS
DOB: 3/10/54

Dear Walter:

Paul Phillips is a 45-year-old originally right-handed male, but now left-handed with impaired vision, considered legally blind. He was injured on 7 October 1981 while working in the laundry in St. Joseph's Hospital, Lewiston, Idaho. He is not sure how he injured his hand, but he is concerned about his persisting pain. He has seen a host of different physicians but has not yet seen a hand surgeon.

I think his right hand is quite normal but I cannot convince him of that because he thinks I am biased. I would appreciate your evaluation and recommendations for Paul. I thank you very much for your cooperation.

Sincerely,

RWR

ROBERT W. RUGGERI, M.D.
Department of Orthopaedic Surgery

RWR/kgb

1936 60 YEARS OF SERVICE 1996

1. RIGHT
2. RESPONS
3. PRIVILEGE

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-146

Authorizing Cancellation of Uncollectible Personal Property Taxes for Tax Years
1993/1994 through 2008/2009

The Multnomah County Board of Commissioners Finds:

- a. Certain personal property taxes have been delinquent and the Multnomah County Tax Collector and County Attorney have determined that said taxes are wholly uncollectible and have requested the Board for an order directing that the taxes be cancelled pursuant to ORS 311.790.

The Multnomah County Board of Commissioners Resolves:

1. That the Multnomah County Tax Collector is directed to cancel those certain personal property taxes which are listed and appended hereto and incorporated herein, for tax years 1993/1994 through 2008/2009 for the reason that the same are found to be uncollectible.

ADOPTED this 10th day of December, 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Deputy County Attorney

*FILES/BOARD PER
SS-*

SUBMITTED BY:
Mindy Harris, Director, Department of County Management

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

Property	Sic Desc.	Situs Zip	Unpaid Warrants	Report Cd	Tax Due	Amt Due
P546088	TRANSPORTATION	97217	040035	B11 CORP WRO	\$1,481.20	\$2,634.16
P592172	RESTAURANT	97220		B11 WRO	\$64.78	\$69.10
P515481	RESTAURANT	97230	071377	B11 WRO	984.71	\$1,376.07
P587966	SALES - MISC.	97204	080987	B11 WRO CORP	\$1,299.29	\$1,498.10
P501447	TRANSPORTATION	97217	033160	B11 WRO CORP	\$6,955.89	\$13,171.51
M355418	MFG STRUCTURE	97080	041561	B13 WRO	124.86	\$281.76
P442416	SERVICE - MISC.	97209		B7 WRO	\$7,994.64	\$16,541.68
P589432	SALES - MISC.	97209	060874	B7 WRO CORP	\$783.44	\$1,088.72
P547313	SERVICE - MISC.	97204	080805 081421 ;071086	WOP	\$536.69	\$656.15
M355669	MFG STRUCTURE	97218	;061127 ;050682	WRO	347.21	\$721.88
M357108	MFG STRUCTURE	97266	071440	WRO	\$19.60	\$71.82
P480961	FLOATING PROP	97211	010080	WRO	\$517.44	\$1,242.65
P558354	SALES - MISC.	97213	061290	WRO	\$47.00	\$65.17
M355198	MFG STRUCTURE	97266	071451	WRO	\$19.02	\$71.08
M355735	MFG STRUCTURE	97211		WRO	\$118.57	\$131.23
M356715	MFG STRUCTURE	97211		WRO	\$73.18	\$80.99
M356443	MFG STRUCTURE	97211		WRO	\$17.01	\$18.41
P516509	SERVICE - MISC.	97217	050158 ;040127	WRO	\$1,998.29	\$3,448.46

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

M354806	MFG STRUCTURE	97060	071099		WRO	\$121.37	\$200.74
P501751	FLOATING PROP	97217	010301		WRO	\$259.17	\$566.72
M355471	MFG STRUCTURE	97236	071105 ;050092 ;032826	;061021 ;041314	WRO	\$508.02	\$982.31
M361528	MFG STRUCTURE	97236			WRO	\$941.10	\$1,239.06
M354153	MFG STRUCTURE	97217			WRO	\$102.54	\$113.47
M357308	MFG STRUCTURE	97218	071494 953329	;941592	WRO	\$69.99	\$130.51
P444161	SERVICE - MISC.	97205	;932245		WRO	\$367.68	\$1,277.78
M356559	MFG STRUCTURE	97266			WRO	\$615.35	\$696.00
P349616	FLOATING PROP	97231	050579	;040541	WRO	\$1,507.77	\$2,447.05
M354027	MFG STRUCTURE	97217			WRO	\$150.10	\$190.13
M358177	MFG STRUCTURE	97024			WRO	\$97.65	\$155.06
M356688	MFG STRUCTURE	97220	071548		WRO	\$72.43	\$133.10
M503914	MFG STRUCTURE	97024	032015		WRO	\$745.07	\$1,467.59
M359710	MFG STRUCTURE	97266	071565		WRO	\$37.60	\$94.63
M353043	MFG STRUCTURE	97060			WRO	\$82.09	\$97.58
M356485	MFG STRUCTURE	97220	071574		WRO	\$58.40	\$120.97
M359647	MFG STRUCTURE	97230	070620		WRO	\$106.23	\$130.31
M353669	MFG STRUCTURE	97233			WRO	\$154.63	\$171.12

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

M357349	MFG STRUCTURE	97218		WRO	\$74.45	\$82.39
P374131	BED & BREAKFAST	97205	011451	WRO	\$47.00	\$102.77
M352930	MFG STRUCTURE	97024	071301	WRO	\$81.46	\$150.19
M359522	MFG STRUCTURE	97217		WRO	\$227.08	\$251.29
M356226	MFG STRUCTURE	97211		WRO	\$57.68	\$73.06
M355088	MFG STRUCTURE	97233	081838 ;071627 ;061457 ;051240	WRO	\$162.36	\$407.32
P350600	FLOATING PROP	97217	070902 071418 ;001204 ;051482 ;041911 ;033537 ;021440 ;012220 ;002485 ;995268 ;981425	WRO	\$15.01	\$18.41
M356043	MFG STRUCTURE	97233	;970830 ;960899	WRO	\$847.00	\$2,373.35
M357231	MFG STRUCTURE	97080	071660	WRO	\$266.00	\$364.60
M353495	MFG STRUCTURE	97218		WRO	\$6.69	\$7.93
M527295	MFG STRUCTURE	97218	081418 ;071083 ;061008 ;050113	WRO	318.11	\$681.92
M357692	MFG STRUCTURE	97266		WRO	28.41	\$46.82
M355431	MFG STRUCTURE		981374	WRO	114.04	\$361.20
M355412	MFG STRUCTURE	97218	071453 ;061305 ;050116 ;041661 ;033290 ;021416 ;010164 ;001906	WRO	262.67	\$975.38
M356010	MFG STRUCTURE	97218	041794 ;033433 ;021438 ;011346 ;002215 ;994322 ;982467	WRO	334.34	\$1,182.14

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

M356549	MFG STRUCTURE	97211	081487 ;071147 ;061346 ;050370 ;041377	WRO	367.51	\$678.10
M353100	MFG STRUCTURE	97266	061204 ;051130 ;041541 ;033084 ;021313 ;011689	WRO	596.68	\$1,511.81
M352655	MFG STRUCTURE	97024	041027 ;033116 ;021303 ;011807	WRO	456.48	\$955.37
M358076	MFG STRUCTURE	97060	070210 070577 ;060521	WRO	196.58	\$313.62
M352604	MFG STRUCTURE	97218	;050843 ;031540 ;020718 ;011323 ;001050	WRO	1,487.09	\$3,048.66
P407032	VIDEO STORE	97266	995116	WRO	\$6.33	\$15.86
M353166	MFG STRUCTURE	97266	071286 ;061172 ;050906 ;041495	WRO	\$344.10	\$600.63
M354428	MFG STRUCTURE	97233	080346 ;070169 ;060152 ;050255 ;040189 ;032861 ;021375 ;010371 ;000289 ;993372 ;981284 ;970724 ;960762 ;951117	WRO	\$2,247.79	\$5,423.74
M355159	MFG STRUCTURE	97266	081662 ;071553 ;061398 ;051691 ;041754 ;033380	WRO	\$97.66	\$214.53
M353871	MFG STRUCTURE	97236	071645 ;061481	WRO	\$44.38	\$48.01
M353160	MFG STRUCTURE	97218	;050707	WRO	114.28	\$241.45
M361415	MFG STRUCTURE	97236	071594 ;061432 ;050626 ;041764 ;033393	WRO	291.05	\$789.63

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

M356705	MFG STRUCTURE	97218	081654 ;061395	;071550 ;050407	WRO	126.23	\$317.07
M356307	MFG STRUCTURE	97217	071540 ;051444 ;033153	;061387 ;041901	WRO	330.6	\$735.32
M358886	MFG STRUCTURE	97218	081409 ;061301 ;041921	;071449 ;051533	WRO	314.39	\$622.32
M354676	MFG STRUCTURE	97233	081988	;071647	WRO	139.6	\$259.71
P517171	PROF - MISC. AUTOMOTIVE	97216	051761	;032535	WRO CORP	\$2,219.09	\$4,321.54
P549305	REPAIR	97220	040012		WRO CORP	\$345.28	\$650.08
P563037	SERVICE - MISC.	97209	070011 060013	;050026	WRO CORP	\$869.45	\$1,163.50
P537267	TRANSPORTATION	97217	;040019		WRO CORP	\$644.54	\$1,071.33
P484727	PROF - MISC.	97219	040022		WRO CORP	\$287.45	\$549.07
P554589	LEASING COMPANY	97230	041305		WRO CORP	\$135.56	\$283.77
R571341	M&E - PRINTING	97213	061502		WRO CORP	\$8,124.07	\$11,786.01
P488847	RESTAURANT	97212	060082		WRO CORP	\$2,453.25	\$3,576.83
U589387	UTILITY - AIRLINE	97218	060200		WRO CORP	\$1,115.16	\$1,546.35
P388813	SERVICE - MISC.	97217	032192		WRO CORP	\$699.53	\$1,380.77
P519100	MISC. SPORTING	97212	060218		WRO CORP	\$8.15	\$11.30
P608160	SALES - MISC.	97209	080276		WRO CORP	\$932.56	\$1,079.04
P608161	SALES - MISC.	97205	080277		WRO CORP	\$297.64	\$376.39
P608162	RESTAURANT	97204	080278		WRO CORP	\$297.64	\$376.39

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

P608163	RESTAURANT	97204	080279		WRO CORP	\$396.84	\$486.17
P388571	WAREHOUSE	97203	080285		WRO CORP	\$1,881.65	\$2,144.56
P470467	LEASING COMPANY	97201	010700		WRO CORP	\$281.65	\$674.15
P561453	RESTAURANT	97202	050409		WRO CORP	\$605.33	\$1,022.11
P504839	PRINTING	97202	032484	;020370	WRO CORP	\$10,493.45	\$20,734.20
P580637	SERVICE - MISC.	97204	070284		WRO CORP	\$358.50	\$531.52
R540892	M&E - PRINTING GROCERY/FOOD	97210			WRO CORP	\$686.95	\$995.69
P416575	STORE	97210	070400 080486	;070460	WRO CORP	602.25	\$840.27
P562639	SERVICE - MISC.	97230	;060407		WRO CORP	\$2,768.22	\$3,710.50
P613955	PROF - MEDICAL	97210	080492		WRO CORP	\$1,734.35	\$1,966.35
P573672	PROF - MISC.	97239	051585		WRO CORP	\$3,324.70	\$5,178.98
P564204	HARDWARE STORE	97220	081649		WRO CORP	\$541.85	\$651.13
P405005	PROF - MISC.	97266	994160		WRO CORP	\$181.74	\$556.70
P516283	PRINTING	97030	011233		WRO CORP	\$453.78	\$997.24
P395949	SALES - MISC.	97232			WRO CORP	\$552.23	\$1,229.64
P596131	SERVICE - MISC.	97239			WRO CORP	\$18.16	\$22.28
P580055	PROF - SERVICE MISC. SMALL	97201	080630		WRO CORP	\$303.89	\$343.41
P558332	BUSINESS	97201			WRO CORP	\$677.40	\$764.66
P524243	BUILDER - SMALL	97060	020801		WRO CORP	\$9.47	\$19.19
P547300	BUILDER - SMALL	97080	040805		WRO CORP	\$461.45	\$797.73

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

P559273	BUILDER - SMALL	97030	050947		WRO CORP	\$288.30	\$504.44
P520671	RESTAURANT	97204	070668		WRO CORP	\$2,731.94	\$3,522.67
P377869	PROF - MISC.	97239			WRO CORP	\$20.96	\$25.72
P370757	SALES - MISC. SERV.-	97239			WRO CORP	\$578.28	\$1,102.59
P540895	COMMUNICATION AUTOMOTIVE	97030	071314		WRO CORP	\$7,017.02	\$8,794.88
P600793	REPAIR	97236	070712		WRO CORP	\$14.65	\$17.97
P383437	SERVICE - MISC.	97211	011639		WRO CORP	\$706.56	\$1,620.28
P442688	PROF - MISC.	97205	032346		WRO CORP	\$160.93	\$300.40
P403864	PROF - MISC. BAR/TAVERN/NIGHT	97202			WRO CORP	222.76	\$496.01
P529863	CLUB	97236	032643		WRO CORP	\$379.14	\$769.90
P590356	RESTAURANT AUTOMOTIVE	97212	070889		WRO CORP	\$3,473.04	\$4,446.19
P397535	REPAIR	97214	060800		WRO CORP	\$383.03	\$608.10
P530895	RESTAURANT	97204	041117		WRO CORP	\$1,007.01	\$1,805.90
P537389	LEASING COMPANY	97232	041933	;032737	WRO CORP	\$1,619.74	\$3,150.31
P537390	LEASING COMPANY GROCERY/FOOD	97232	041932	;032738	WRO CORP	\$949.51	\$1,872.40
P533787	STORE	97214	070943		WRO CORP	\$1,691.58	\$2,189.66
P530849	SALES - MISC.	97232			WRO CORP	\$17.21	\$21.12
P365606	SALES - MISC.	97209	070957	;060879	WRO CORP	\$1,873.23	\$2,601.35
P589841	RESTAURANT	97204	070955		WRO CORP	\$358.50	\$501.10
P589849	RESTAURANT	97204	070956		WRO CORP	\$478.01	\$652.48

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

P573673	COMPUTERS UTILITY -	97201	061489		WRO CORP	\$202.05	\$329.13
U533817	COMMUNICATION UTILITY -	97233	033552		WRO CORP	\$40.65	\$81.69
U533818	COMMUNICATION UTILITY -	97233	033553		WRO CORP	\$27.09	\$70.11
U533820	COMMUNICATION	97233	033554		WRO CORP	\$13.55	\$58.91
U540841	UTILITY - AIRLINE	97218	070285	;060259	WRO, CORP	\$42,938.86	\$60,456.21
P575854	PROF - MISC.	97214			WRO, CORP	\$994.92	\$1,322.45
P561509	SALES - MISC.	97202	070034	;060023	WRO, CORP	\$941.68	\$1,361.87
P531797	MACHINE SHOP	97030	060118		WRO, CORP	\$1,410.64	\$2,037.86
P388944	SERVICE - MISC.	97211	071121		WRO, CORP	\$2,962.12	\$3,754.99
P365410	RESTAURANT GROCERY/FOOD	97209	080305		WRO, CORP	\$354.61	\$439.43
P374274	STORE	97210	060355		WRO, CORP	485.26	\$687.63
P378254	SALES - MISC. MISC.	97239	060377		WRO, CORP	\$255.16	\$411.03
P542569	ENTERTAINMENT RESTAURANT -	97233	070446		WRO, CORP	\$1,534.19	\$1,926.84
P543726	MISC.	97209	050698		WRO, CORP	\$410.01	\$711.98
P532064	SALES - MISC. BAR/TAVERN/NIGHT	97214	060474		WRO, CORP	\$1,500.60	\$2,248.13
P406165	CLUB	97206	060480		WRO, CORP	\$172.38	\$256.40
P601403	CONTRACTOR-MISC MISC.	97024	070552		WRO, CORP	\$1,617.02	\$2,110.44
P397939	ENTERTAINMENT	97232	032218	;020851	WRO, CORP	\$8,603.49	\$17,013.41
P573147	SERVICE STATION	97030			WRO, CORP	\$327.39	\$377.32
P582248	RESTAURANT	97209	070728		WRO, CORP	\$955.98	\$1,257.91

UNCOLLECTIBLE PERSONAL PROPERTY TAXES, NOVEMBER 2009

P579107	RESTAURANT	97205	080874	WRO,CORP	\$32.00	\$34.13
P515470	PROF - MISC.	97209	071337	WRO,CORP	\$451.70	\$659.37
P370069	PROF - MISC.	97209	060683	WRO,CORP	\$5,817.64	\$8,206.15
P572987	SALES - MISC.	97214	060685	WRO,CORP	\$660.70	\$994.24
P364578	PROF - ARCHITECT	97204	080991	WRO,CORP	\$1,147.02	\$1,309.63
P508227	PROF - MISC. SERV.-	97221	070970	WRO,CORP	\$296.77	\$384.90
P520610	COMMUNICATION SERV.-	97201	060901	WRO,CORP	\$854.82	\$1,266.53
P536772	COMMUNICATION	97201	060902	WRO,CORP	\$587.37	\$884.97
P504671	PROF - MISC.	97205	032481	WRO,CORP	\$5,158.85	\$9,823.93
P403283	SMALL MFG. - MISC.	97202	060229	WRO,CORP	1,646.52	\$2,425.89
P501373	PROF - MISC.	97216	070697	WRO,CORP	288.93	\$428.39
P493513	SMALL MFG. - MISC.	97211	070055	WRO,CORP	5647.41	\$7,305.89
					\$196,455.07	

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 09-149

Authorizing a Designee of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) The designee listed below has been specifically recommended by the Mental Health Program Director and meets the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

1. The individual listed below is authorized as a designee of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

Caryn Pinard	Danielle Taylor	Ryan Hollister	Jennie Vernier
Casey Harmon	Amanda Siegal	Ryan Bair	Jennifer Duncan
Anne Clark	Shauna Hahn	Briant Nierstedt	Kenneth West
Devin Vaughn	Jessica Hallwyler	Meghan Lake	Marsha Campbell
Traci Chenette			

ADOPTED this 10th day of December, 2009.



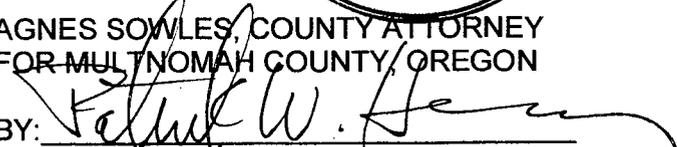
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

BY: 
Patrick Henry, Assistant County Attorney

SUBMITTED BY:
Joanne Fuller, Director, Dept. of County Human Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-151

Authorizing the Annual Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of the Multnomah County Sheriff's Office

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as chaplains serving inmates and employees of Multnomah County Sheriff's Office.
- b. The Sheriff's Office does not provide housing to either chaplain.
- c. 26 USC §107(2) allows clergy to exclude from the calculation of their gross income the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

The Multnomah County Board of Commissioners Resolves:

The following chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2009, subject to the requirements and limitations of internal revenue law:

<u>Chaplain</u>	<u>Housing Allowance Amount Per Annum</u>
Edward Stelle	\$10,000
Lewis Kyle	\$24,000

ADOPTED this 17th day of December, 2009.



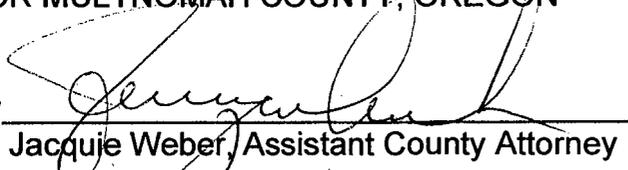
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES A. SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Jacquie Weber, Assistant County Attorney

SUBMITTED BY:
Daniel Staton, Multnomah County Sheriff



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/17/09
 Agenda Item #: C-4
 Est. Start Time: 9:30 AM
 Date Submitted: 12/09/09

Agenda Title: RESOLUTION Authorizing the Annual Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of the Multnomah County Sheriff's Office

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>December 17, 2009</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Business Services</u>
Contact(s):	<u>Wanda Yantis</u>		
Phone:	<u>503 988-4455</u>	Ext.	<u>84455</u>
		I/O Address:	<u>503/350</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

MCSO recommends the adoption of a resolution designating a portion of the compensation received by two of its Chaplains to be used as a Housing Allowance.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as Chaplains serving inmates and employees of Multnomah County Sheriff's Office. The Sheriff's Office does not provide housing to either Chaplain. Based on 26 USC § 107(2) allows clergy to exclude from the calculation of their gross income, the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

3. Explain the fiscal impact (current year and ongoing).

The following Chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2010, subject to the requirements and limitations of internal revenue law:

Housing Allowance

Chaplain	Amount Per Annum
Edward Stelle	\$10,000
Lewis Kyle	\$24,000

4. Explain any legal and/or policy issues involved.

Allowance is in accordance with (US Code) 26 USC § 107(2).

5. Explain any citizen and/or other government participation that has or will take place.

None

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 12/04/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Annual Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of the Multnomah County Sheriff's Office

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as chaplains serving inmates and employees of Multnomah County Sheriff's Office.
- b. The Sheriff's Office does not provide housing to either chaplain.
- c. 26 USC §107(2) allows clergy to exclude from the calculation of their gross income the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

The Multnomah County Board of Commissioners Resolves:

The following chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2009, subject to the requirements and limitations of internal revenue law:

<u>Chaplain</u>	<u>Housing Allowance Amount Per Annum</u>
Edward Stelle	\$10,000
Lewis Kyle	\$24,000

ADOPTED this 17th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES A. SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacquie Weber, Assistant County Attorney

SUBMITTED BY:
Daniel Staton, Multnomah County Sheriff

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 09-152

Recognizing Multnomah County Sheriff's Office River Patrol Enforcement Program and Officers for their Outstanding Performance and Contributions During the 2009 Boating Season, and for being honored by the Oregon State Marine Board with Two Life-Saving Awards, an Outstanding Volunteer Award and Program of the Year Award

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County River Patrol has recognized marine law enforcement officers and offices across the state, and specifically awarded the Multnomah County River Patrol with its highest honor;
- b. The Oregon State Marine Board has named the Multnomah County River Patrol as Program of the Year in the State of Oregon;
- c. Deputies Ken Yohe and Ron Osborn have been given Life-Saving Awards for rescuing a person who jumped from the I-205 Bridge into the Columbia River;
- d. Deputies Kevin McAfee and Steve Dangler have been given Life-Saving Awards for rescuing a person from difficult terrain at Shepperd's Dell in the Columbia River Gorge;
- e. Volunteer John Zelman has been given an Outstanding Volunteer Award for the 910 hours he donated to work with the River Patrol;
- f. The officers of the Multnomah County River Patrol have approached their jobs with honor and dignity;
- g. The rivers in Multnomah County continue to be safer because of their hard work,
- h. The work of the River Patrol is an integral part of providing the safety-net services that Multnomah County provides;
- i. The contribution of these individuals has improved the lives of countless Multnomah County citizens and visitors;

j. Multnomah County is a better place because of them; now therefore

The Multnomah County Board of Commissioners Proclaims:

That it recognizes Multnomah County Sheriff's Office River Patrol Enforcement Program and Officers for their Outstanding Performance and Contributions During the 2009 Boating Season, and for being honored by the Oregon State Marine Board with Two Life-Saving Awards, an Outstanding Volunteer Award and Program of the Year Award.

ADOPTED this 17th day of December, 2009.

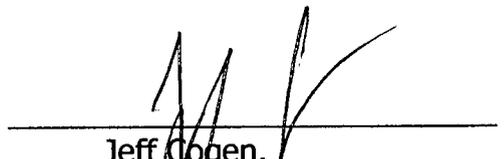
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



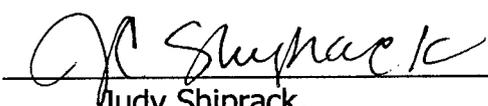
Ted Wheeler, County Chair



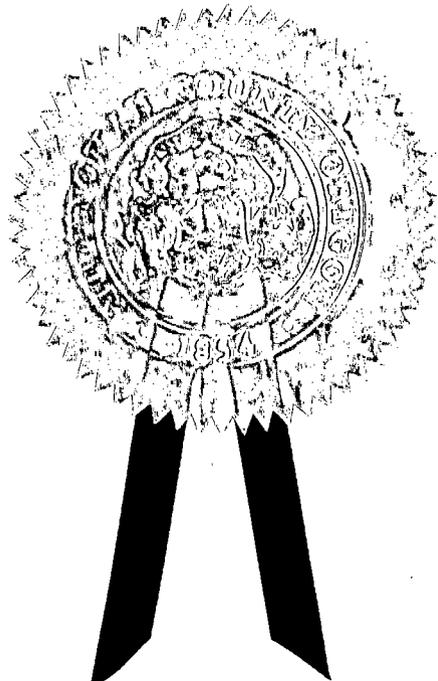
Deborah Kafoury,
Commissioner District 1



Jeff Cogen,
Commissioner District 2



Judy Shiprack,
Commissioner District 3





Diane McKeel,
Commissioner District 4

SUBMITTED BY:
Diane McKeel, Commissioner, District 4



City of Portland Bureau of
Planning & Sustainability
Sam Adams, Mayor | Susan Anderson, Director

*Investing in
Portland's Future*

PDC
PORTLAND
DEVELOPMENT
COMMISSION

2008-09 Annual Report Residential Tax Exemption Programs

Portland Housing Bureau
Portland Development Commission
Bureau of Planning and Sustainability

December 16, 2009



Photo of Shaver Green Apartments, a transit oriented development project, on Martin Luther King Jr. Boulevard. The photo by Michael Mathers is provided courtesy of Deca Architecture Incorporated.



Commissioner Nick Fish
City of Portland

Date: December 16, 2009
To: Portland City Council
From: Nick Fish, Housing Commissioner
Margaret Van Vliet, Director, Portland Housing Bureau
RE: 2009 Residential Limited Tax Exemption Annual Report

We are pleased to present Portland City Council with the 2009 Annual Report on Residential Limited Tax Exemptions.

Background

This second Annual Report continues the City's commitment to greater transparency and accountability in the use of the exemption programs. These programs serve as a tool to spur housing development and achieve local and regional housing, growth management, and urban development goals.

The Portland Housing Bureau works with the City's Bureau of Planning and Sustainability, the Portland Development Commission and Multnomah County to prepare the annual report and implement the programs.

This Annual Report displays cumulative program results from 2007-08 and 2008-09, and includes properties which will be receiving tax exemptions for the 2009-10 tax year.

Key Findings

- Estimated foregone revenue for tax year 2009-10 decreased while the number of units served remains consistent. The estimated foregone revenue for tax year 2009-10 decreased 9% from the prior year.
- Accountability efforts and compliance monitoring resulted in the termination of 115 tax abatements in 2008-09 and 2009-10. Together with expirations, nearly \$2 million in revenue was returned to the tax rolls.
- The tax exemption programs have supported 9,813 affordable housing units serving people below 60% of the median family income. These units make up 84% of the total rental units receiving exemptions.

Next Steps

We are planning for a thorough program and policy review of the LTE Program in 2010.

Respectfully submitted,



Commissioner Nick Fish
City of Portland



Margaret Van Vliet
Director
Portland Housing Bureau

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Executive Summary

This Report satisfies commitments to Portland City Council and the Multnomah County Board of Commissioners to provide an annual report on the City's use of residential limited tax exemptions to achieve local and regional housing, transportation, urban development and growth management goals. This Report is released every fall, after the closing of the tax rolls in October. The report issued in October 2008 focused on an analysis of property tax exemptions City Staff approved for Tax Year (TY) 2007-08. This Report analyzes property tax exemptions City Staff approved for TY 2008-09. In addition, it provides information about the tax exemption applications and approvals City staff processed during FY 2008-09, and estimates how that activity may affect property tax revenues for TY 2009-10. This table is provided as a helpful reference.

Table 1. Relationship of Fiscal Year, Tax Year, and Report Date

When City Staff Process Exemption Applications	When Exemptions are Reflected in the Tax Rolls	When Annual Report Describing Activity is Issued
FY 2006-07	TY 2007-08	October 2008
FY 2007-08	TY 2008-09	December 2009
FY 2008-09	TY 2009-10	December 2010
FY 2009-10	TY 2010-11	<i>To be issued December 2011</i>

There are five types of limited-term tax exemption (LTE) programs:

1. Non-profit Low Income Housing (rental)
2. New Multiple Unit Housing (rental and condominium)
3. Single Family New Construction (home ownership)
4. Transit Oriented Development (rental and condominium)
5. Residential Rehabilitation (for rental property owners and home ownership)

Generally, LTE programs exempt the value of improvement(s) from property taxation for a ten-year period. The land remains taxable. At the end of the ten-year period, the improvements are assessed and taxes collected. Rental housing projects subject to long-term affordability agreements that restrict tenant incomes and rents may apply for a longer period of exemption; such requests are handled on a case by case basis. The non-profit program requires an annual application, but allows Non-profit owners to apply for exemptions on the value of the land and the residential improvements.

City Policies and Program Outcomes

The City of Portland's residential LTE programs are financial and policy tools designed to carry out housing goals, especially those that call for assisting low- and moderate-income households through the preservation or construction of housing or through programs which boost homeownership. The summary tables below provide information on housing production (Table 2) and the affordability levels of the housing assisted under these programs (Table 6).

The programs also advance important urban development, transportation, and growth management goals by directing new housing development to certain locations. The **NMUH** and **TOD** programs provide an incentive for the construction of new higher-

density, mixed-income housing near transit facilities such as the MAX light rail system and in Centers and Corridors designated by Metro's 2040 Growth Concept. The Single Family New Construction and Rehabilitation Programs support neighborhood revitalization. They concentrate single family development in designated "homebuyer opportunity" areas of the City, thus promoting new investments in economically distressed areas. See summary Tables 8 and 9.

Summary Tables

OVERALL PROGRAM USAGE

Table 2 compares utilization and growth of all the exemption programs over the last three taxing years (TY 2007-08, TY 2008-09, and TY 2009-10).

Table 2: Exemption Programs: Utilization and Growth by Program for Three Year Period

Exemption Programs	Number of units receiving exemptions TY 2007-08	Percentage of all units receiving exemptions TY 2007-08	Number of units receiving exemptions TY 2008-09	Percentage of all units receiving exemptions TY 2008-09	Number of units receiving exemptions TY 2009-10	Percentage of all units receiving exemptions TY 2009-10
Non-profit	7,790	56%	8,237	57%	8,579	60%
NMUH	2,856	21%	2,596	18%	2,341	17%
TOD	972	7%	965	7%	895	6%
SFNC	2,056	15%	2,412	17%	2,230	16%
Rehab*	150	1%	139	1%	133	1%
Totals	13,824	100%	14,349	100%	14,178	100%

Programs by Tenure

Tenure refers to whether a program assists homeownership units or rental units.

Table 3: Tenure of housing promoted by each exemption program in TY 2009-10

Exemption Programs	Rental Housing	Homeownership
Non-profit	8,579	
NMUH	2,274	67 (condominiums)
TOD	795	100(condominiums)
SFNC	0	2,230
Rehab*	60	73

The majority of the housing units (an average of 82%) assisted by the tax exemption programs, as a group, are rentals. Tables 4 and 5 show the number and percentage of rental and homeownership units assisted by program for TY 2008-09 and 2009-10.

Table 4: Comparison of Number and Percentage of Units Exempted, by Program and Tenure TY 2008-09

Exemption Program	Total Number of Units Receiving Exemptions	TENURE			
		Number of Rental Units receiving Exemptions	Rental Units as a Percentage of Total Units	Number of Ownership Units receiving exemptions	Ownership Units as a Percentage of Total Units
Non-profit	8,237	8,237	100%	0	0%
NMUH	2,596	2,511	97%	85	3%
TOD	965	846	88%	119	12%
SFNC	2,412	0	0%	2,412	100%
Rehab*	139	60	43%	79	57%
Totals	14,349	11,654	81%	2,695	19%

Table 5: Comparison of Number and Percentage of Units Exempted, by Program and Tenure TY 2009-10

Exemption Program	Total Number of Units Receiving Exemptions	TENURE			
		Number of Rental Units receiving exemptions	Rental Units as a Percentage of Total Units	Number of Ownership Units receiving exemptions	Ownership Units as a Percentage of Total Units
Non-profit	8,579	8,579	100%	0	0%
NMUH	2,341	2,274	97%	67	3%
TOD	895	795	89%	100	11%
SFNC	2,230	0	0%	2,230	100%
Rehab*	133	60	45%	73	55%
Totals	14,178	11,708	83%	2,470	17%

PROGRAMS BY INCOME GROUP SERVED

In order to expand the supply of affordable housing in the City, all of the City's rental property tax exemption programs currently impose rent-restrictions on at least a portion of the units, and require that tenants be income-qualified to reside in those units.

Table 6 shows the number of rent-restricted units, and the incomes served, by program, for TY 2008-09. Table 7 provides the same information for TY 2009-10.

Table 6: Number of Rent Restricted Rental Units, By Program TY 2008-09

Program	Total Rental Units Receiving Exemption	Number of Market /Unrestricted Units	Number of Rent Restricted Units*	Restricted to 61-80 % MFI household income	Restricted to < 60% MFI household income
Non-profit	8,237	0	8,237	0	8,237
NMUH*	2,511	1,573	938	77	861
TOD	846	567	279	78	201
Residential Rehab	60	NA	60	NA	60
Total Units*	11,654	2,140	9,514	155	9,299
Percentages		18%	82%	1%	81%

* Total is adjusted because 158 low income units are double counted in the NMUH and Non-profit programs

Table 7: Number of Rent Restricted Rental Units, By Program TY 2009-10

Program	Total Rental Units Receiving Exemption	Number of Market /Unrestricted Units	Number of Rent Restricted Units*	Restricted to 61-80 % MFI household income	Restricted to < 60% MFI household income
Non-profit	8,579	0	8,579	0	8,579
NMUH*	2,274	1,374	900	77	823
TOD	795	388	407	56	351
Residential Rehab	60	0	60	0	60
Total Units*	11,708	1,762	9,946	133	9,813
Percentage of Total Units	100%	15%	85%	1%	84%

* Total is adjusted because 158 low income units are double counted in the NMUH and Non-profit programs

PROGRAMS PROMOTING TRANSIT-ORIENTED DEVELOPMENT

The City plans for population growth with Metro. The direction provided by the Metro 2040 Growth Concept is to provide the greatest number of housing opportunities in multifamily housing in areas well served by transit such as MAX light rail station areas, regional and town centers, and Main Streets with frequent transit service. This development is generally known as transit-oriented development or TOD. Table 8 lists:

- The number in units within one-quarter mile (walking distance) of MAX, the streetcar, and all frequent transit service.
- The number of units in projects with mixed residential and commercial use. A recent national study has shown that the presence of mixed use in a transit-oriented area is associated with decreased automobile use and increased use of other travel modes such as transit, biking, and walking.
- The number of projects in the TOD program that have densities of at least 80 percent of maximum.
- TOD projects that receive assistance from Metro to address development challenges.

Table 8: Multifamily units by Transit-Oriented Development characteristics, by program, TY 2008-09 and 2009-10

Program	HOUSING UNITS IN MULTIFAMILY PROJECTS					
	Within 1/4 mile of MAX	Within 1/4 mile of Streetcar	Within all frequent service transit	In Mixed Use Development*	At least 80% of Maximum Density**	Receiving Assistance from Metro TOD Program
NMUH TY08-09	1,545	1,394	2,596	1,887	NA	178
NMUH TY09-10	1,364	1,188	2,341	1,799	NA	178
TOD TY08-09	802	0	965	505	207	343
TOD TY09-10	759	0	895	505	207	343
Totals TY08-09	2,347	1,394	3,561	2,392	207	521
TY09-10	2,123	1,188	3,236	2,304	207	521

* Ground floor commercial can be in a different ownership than the housing.

** These are the number of units in projects claiming density as a public benefit. Other projects may be at 80 percent of maximum density.

DEVELOPMENT IN DISTRESSED AREAS

Single Family by Geography

The majority of the new homeownership units assisted by this program are located in low and moderate income Portland neighborhoods. 2,333 out of 2,412 exemptions granted for TY 2008-09, and 2,104 of 2,230 exemptions granted in TY 2009-10, were in low- and moderate-income neighborhoods. Over the years, revitalized areas of inner Northeast and Southeast neighborhoods have been taken out of the program.

Table 9: New homeownership units in low- and moderate-income neighborhoods

Low/Moderate Income Neighborhoods	TY 08/09	TY 09/10
North Portland	815	791
Northeast Portland	433	329
Southeast Portland	560	505
East Portland	525	559
Southwest Portland	0	0
Total	2,333	2,184

MONITORING AND COMPLIANCE

This section of the Report details the compliance monitoring efforts for exemptions active in the Tax Year 2009-10. Compliance monitoring is the practice of ensuring that, after the exemption has been granted, the recipient continues to comply with whatever conditions the City Council placed on the exemption. If a recipient fails to meet a material condition of an exemption, the City may terminate the exemption. Table 10 shows what agencies now have compliance monitoring responsibility for the various exemption programs.

Table 10: City Bureaus with monitoring and compliance responsibility for exemption programs, by program

Program	PDC Housing: Asset Management Department	Bureau of Planning & Sustainability
Non-profit		All units in the program are rent-restricted. Staff monitors non-profit status of owner. Owner certifies income-eligibility of tenants.
NMUH	Monitors occupancy of rent restricted units only, unless project also received direct financial assistance from PDC.	Monitors that property, at initial occupancy, complies with public benefit requirements.
TOD	Monitors occupancy of rent restricted units only, unless project also received direct financial assistance from PDC.	Monitors that property, at initial occupancy, complies with public benefit requirements.
SFNC	Monitors buyer income and owner-occupancy. ²	
Rehab	Monitors owner-occupancy.	

In 2008-2009 there were 1161 active exemptions in the SFNC, NMUH, and TOD programs subject to City Code requirements. Upon review of these exemptions 68 ownership units were terminated. In addition 13 ownership exemption applications were denied.

Ownership Monitoring and Compliance

The City's programs that offer exemptions to homeowners [NMUH, TOD, SFNC and Rehab] now require the home-owning household to meet certain income requirements in order to qualify for the exemption; there is no on-going restriction on household income. In order to maintain the exemption, the owner must continue to occupy the premises.

The City's monitoring efforts focus on initial qualification, and on continued owner-occupancy. Tables 11 and 12 summarize the results of compliance monitoring for the ownership programs that took place in FY 2007-08 and FY 2008-09. Table 13 shows the number of units in each program that will be monitored in FY 2009-10. For a

² In 2002, City Code was changed to place buyer income and owner-occupancy requirements on the Single Family program. This applied to new applications. Since that time, 957 exemptions have been authorized with these new code provisions in place and only these require compliance monitoring.

discussion of the revenue returned to the taxing jurisdictions as a result of terminations, please see the new revenue and foregone revenue section.

Table 11: Compliance Monitoring for Ownership Programs, by Program FY 2007-08

	NMUH	TOD	SFNC	Rehab	Total
Number of units monitored	123	126	419	90	758
Owner eligibility investigated	13	21	97	11	142
Exemptions terminated	6	4	37	0	47

Table 12: Compliance Monitoring for Ownership Programs, by Program FY 2008-09

	NMUH	TOD	SFNC	Rehab	Total
Number of units monitored	85	119	878	79	1161
Owner eligibility investigated	19	13	98	11	141
Exemptions terminated	12	3	52	1	68

Table 13: Compliance Monitoring to be Performed for Ownership Programs, by Program FY 2009-10

	NMUH	TOD	SFNC	Rehab	Total
Number of units monitored	67	100	957	73	1,197
Owner eligibility investigated	NA	NA	NA	NA	NA
Exemptions terminated	NA	NA	NA	NA	NA

RENTAL MONITORING AND COMPLIANCE

Table 14: Compliance Monitoring Rental Units FY 2008-09

Programs	Exemptions Audited	Exemptions Terminated
Non-profit	8,237	0
NMUH	2,274	0
TOD	795	0
Residential Rehab	60	0
Total	11,366	0

REVENUE IMPACT OF EXEMPTION PROGRAM

Foregone Revenue

The costs of tax exemption programs are generally measured by calculating foregone revenue to the taxing jurisdictions during the term of the exemption. At the end of the exemption period (typically ten years), the improvement value is placed on the tax rolls and property tax begins to accrue from that point forward. Generally, if an exemption is

terminated for non-compliance or any other reason, the improvement value is placed on the tax rolls and property tax begins to accrue from that point forward.

Table 15 shows the additional revenue foregone by all taxing jurisdictions for TY 2008-09 as a result of exemptions granted in FY 2007-08, by program. Table 16 shows estimated additional foregone revenue for FY 2009-10 as a result of exemptions granted in FY 2008-09, by program. Net foregone revenue will be less than additional foregone revenue, because the exemptions on some properties will expire or be terminated, and the value of the improvements will be added to the tax rolls. Net foregone revenue is described in Tables 23 and 24.

Table 15: Estimated Net Additional Foregone Revenue for TY 2008-09, by Program

Program	Units granted new exemptions during FY 2007-08	Estimated Net Additional Foregone Revenue for TY 2008-09
TOD	11	\$11,481
SFNC	463	\$745,540
Rehab	1	\$586
Totals	475	\$757,606

Table 16: Estimated Net Additional Foregone Revenue for TY 2009-10, by Program

Program	Units granted new exemptions during FY 2008-09	Estimated Net Additional Foregone Revenue for TY 2009-10
TOD	2	\$2,642
SFNC	182	\$304,438
Rehab	0	0
Totals	184	\$307,080

Foregone Revenue Program Totals

In TY 2008-09, the taxing jurisdictions collectively made an estimated \$15.4 million indirect investment in these exemption programs, measured in foregone revenue. In TY 2009-10, the taxing jurisdictions will collectively make an estimated \$14 million indirect investment. Table 17 presents the estimated revenue foregone by each taxing jurisdiction for TY 2007-08 by program; Tables 18 and 19 provide the same information for TY 2008-09 and TY 2009-10. Separate figures are given for the two largest taxing jurisdictions; aggregate figures are presented for the education districts ("Education Districts"), and the smaller taxing jurisdictions, such as the Port of Portland, Metro, and Tri-Met ("All Other Tax Districts"). Tables 20, 21, and 22 break out the estimated foregone revenue for each education district.

Table 17: Estimated Revenue Foregone by Taxing Jurisdictions, by Program for TY 2007-08

Program	Total Estimated Revenue Foregone	% of Total	City of Portland	Multnomah County	Education Districts	All other Tax Districts	Units	Average Foregone Revenue per Unit
Non-profit	\$6,810,009	41%	\$2,270,518	\$1,556,386	\$2,152,912	\$830,192	7,790	\$874
NMUH	\$4,598,890	27%	\$1,537,095	\$1,053,642	\$1,446,009	\$562,144	2,856	\$1,610
TOD	\$1,376,988	8%	\$456,352	\$312,818	\$442,466	\$165,352	972	\$1,417
SFNC	\$3,748,236	22%	\$1,249,369	\$856,412	\$1,181,553	\$460,902	2,056	\$1,823
Rehab	\$199,112	1%	\$66,443	\$45,545	\$62,563	\$24,561	150	\$1,327
Totals	\$16,733,235	100%	\$5,579,777	\$3,824,803	\$5,285,504	\$2,043,151	13,824	\$1,210

Table 18: Estimated Revenue Foregone by Taxing Jurisdictions, by Program for TY 2008-09

Program	Total Estimated Revenue Foregone	% of Total	City of Portland	County	Education Districts	All other Tax Districts	Units	Average Foregone Revenue per Unit
Non-profit	\$6,883,951	45%	\$2,187,985	\$1,597,798	\$2,218,965	\$879,203	8,237	\$836
NMUH	\$4,002,952	26%	\$1,276,134	\$931,910	\$1,283,388	\$511,519	2,596	\$1,542
TOD	\$1,219,377	8%	\$385,231	\$281,319	\$399,330	\$153,496	965	\$1,264
SFNC	\$3,174,267	21%	\$1,008,145	\$736,208	\$1,021,319	\$408,596	2,412	\$1,316
Rehab	\$144,982	1%	\$46,111	\$33,673	\$46,418	\$18,779	139	\$1,043
Totals	\$15,425,528	100%	\$4,903,607	\$3,580,909	\$4,969,420	\$1,971,593	14,349	\$1,075

Table 19: Estimated Revenue Foregone by Taxing Jurisdictions, by Program for TY 2009-10

Program	Total Estimated Revenue Foregone	% of Total	City of Portland	County	Education Districts	All other Tax Districts	Units	Average Foregone Revenue per Unit
Non-profit	\$6,853,066	49%	\$2,227,249	\$1,538,883	\$2,152,517	\$934,416	8,579	\$799
NMUH	\$2,880,497	20%	\$936,453	\$647,027	\$904,102	\$392,915	2,341	\$1,230
TOD	\$903,937	6%	\$294,984	\$203,815	\$282,759	\$122,379	895	\$1,010
SFNC	\$3,309,321	23%	\$1,075,106	\$742,828	\$1,037,867	\$453,519	2,230	\$1,484
Rehab	\$147,189	1%	\$47,748	\$32,991	\$46,090	\$20,360	133	\$1,107
Totals	\$14,094,009	100%	\$4,581,540	\$3,165,544	\$4,423,336	\$1,923,589	14,178	\$994

Table 20: Estimated Revenue Foregone by Education District, by Program for TY 2007-08

Program	Total Education	Education Service Districts (E.S.D.)	Community College	PPS	David Douglas	Other School Districts
Non-profit	\$2,152,912	\$131,459	\$144,496	\$1,580,780	\$223,142	\$73,036
NMUH	\$1,446,009	\$88,995	\$97,548	\$1,259,466	\$0	\$0
TOD	\$442,466	\$26,422	\$29,334	\$115,238	\$251,461	\$20,010
SFNC	\$1,181,553	\$72,336	\$79,449	\$912,064	\$111,512	\$6,192
Rehab	\$62,563	\$3,847	\$4,218	\$53,380	\$1,050	\$68
Total	\$5,285,504	\$323,059	\$355,046	\$3,920,929	\$587,165	\$99,305

Table 21: Estimated Revenue Foregone by Education District, by Program for TY 2008-09

Program	Total Education	Education Service Districts (E.S.D.)	Community College	PPS	David Douglas	Other School Districts
Non-profit	\$2,218,965	\$135,547	\$148,468	\$1,624,310	\$233,974	\$76,667
NMUH	\$1,283,388	\$79,057	\$86,236	\$1,118,096	\$0	\$0
TOD	\$399,330	\$23,865	\$26,508	\$110,342	\$218,612	\$20,003
SFNC	\$1,021,319	\$62,455	\$68,415	\$745,195	\$128,185	\$17,069
Rehab	\$46,418	\$2,857	\$3,118	\$39,596	\$796	\$52
Total	\$4,969,420	\$303,781	\$332,744	\$3,637,539	\$581,566	\$113,791

Table 22: Estimated Revenue Foregone by Education District, by Program for FY 2009-10

Program	Total Education	Education Service Districts (E.S.D.)	Community College	PPS	David Douglas	Other School Districts
Non-profit	\$2,152,517	\$130,249	\$173,843	\$1,544,705	\$227,957	\$75,763
NMUH	\$904,102	\$54,764	\$75,260	\$774,078	\$0	\$0
TOD	\$282,759	\$17,251	\$21,170	\$97,967	\$141,998	\$4,374
SFNC	\$1,037,867	\$62,872	\$83,523	\$723,135	\$139,198	\$29,139
Rehab	\$46,090	\$2,792	\$3,825	\$38,737	\$692	\$44
Total	\$4,423,336	\$267,928	\$357,621	\$3,178,622	\$509,845	\$109,321

Trends in Foregone Revenue

Tables 17-19 also provide information about the average foregone revenue per unit for each program. The Non-profit program consistently has the lowest amount of foregone

revenue per unit because most of the units are in older multi-family rental properties.⁴ The highest foregone revenue per unit is for the SFNC program. This is attributable to the higher assessed value for a new private single-family dwelling, as compared with rental or condominium units.

The total estimated foregone revenue for the NMUH program is trending down, because Council has placed a moratorium on use of this program except for affordable multi-family rental developments. TOD foregone revenues are down due to project expirations (and possibly terminations). Program activity is up however and foregone revenue may increase when the three TOD projects approved activate their exemptions. Foregone revenue attributable to the Rehab program is declining because the program has not been used since 2007, and outstanding exemptions are expiring.

New Tax revenue

Tables 23 and 24 describe the amount total tax revenue has changed year over year. Increased revenue results from (a) scheduled expirations of exemptions, which places assessed value on the tax rolls; and (b) terminations of exemptions resulting from the City's compliance monitoring efforts, also placing assessed value on the tax rolls. These increases are offset by new exemptions resulting from program activity during the year.

Table 23: Net change to total tax revenue, by program, for TY 2008-09

Programs TY 2008-09	Units	Net change to total tax revenue
Non-profit	NA	0
NMUH	153	\$195,476
TOD	18	\$19,811
SFNC	121	\$201,204
Rehab	13	\$21,818
Total	305	\$438,309

Table 24: Net change to total tax revenue, by program, for TY 2009-10

Programs TY 2009-10	Units	Net change to total tax revenue
Non-profit	NA	0
NMUH	351	\$446,884
TOD	198	\$201,563
SFNC	366	\$906,615
Total	915	\$1,555,062

⁴ Note these figures include tax exempted properties built in urban renewal areas (URAs). These developments might not have generated property taxes for other jurisdictions. In these cases, most property tax would go to the urban renewal agency for investment/to pay off debt.

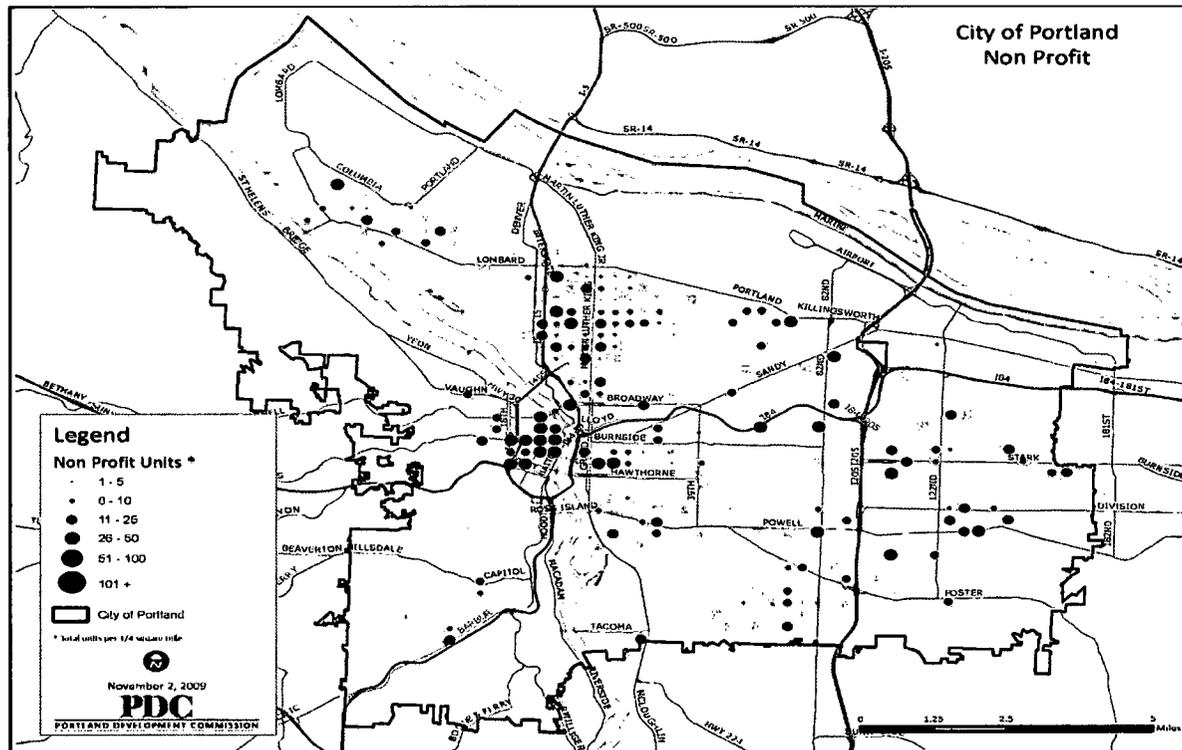
Trends in tax revenue

The Non-profit program drops some units and adds others each year, resulting in a negligible net change to tax revenue. The moratorium on NMUH development (other than 100% affordable projects) and the expiration of the exemptions for some TOD projects has decreased the amount of revenue foregone due to projects approved under these programs. In the last several years, several new TOD projects have been approved but the exemptions are yet active.

Non-profit Program Activities and Outcomes

PROGRAM OVERVIEW

The Non-profit tax exemption program is authorized by **State Statutes ORS 307.540-.547**. The regulations of the City's non-profit program are in **City Code Chapter 3.101**, Property Tax Exemption for Low Income Housing Held by Charitable Non-Profit Organizations. The City adopted this tax exemption program in 1985, after advocating at the State Legislature for the adoption of legislation authorizing it. They sponsored the legislation at the request of the local non-profits. About this time, federal funding had been substantially reduced for low income housing and rehabilitation. The City felt that many charitable non-profit organizations were equipped to meet the specific housing needs of Portland's low income residents. Unlike the other exemption programs included in this Report, the non-profit program provides an exemption on both the value of the land and residential improvements that are dedicated to housing low income households and the exemption must be renewed annually. This tax exemption program complements City-funded housing strategies administered by PHB to maintain and preserve the City's housing stock for low-income residents.



*Map shows the boundaries of the Non-profit program and locations of projects. See Appendix Five: Non-profit Participants for more details.

NON-PROFIT SUMMARY FOR FISCAL YEARS 2007-08 AND 2008-09

Table 25: Non-profit Activity Summary, 7/1/2007 – 6/30/2009

Tax Year	New projects	Non-renewals	Net # units added	Total Program units	Tenure			
					Rental	%	Owner	%
2008-09	Westshore	Rich Hotel Martha Washington Fairfield	447	8,237	8,237	100%	0	0
2009-10	Roselyn Upshur Walnut Park Admiral Grove Patton Square Stadium Village	Rich Hotel Martha Washington Fairfield	342	8,579	8,579	100%	0	0

NON-PROFIT PROGRAM ACTIVITIES

New Project Approvals

The Non-profit program added 447 units in TY 2008-09.⁵ The Westshore (113 units) had previously been in the NMUH program. When its NMUH exemption expired in TY 2007-08, the Westshore was conveyed to an non-profit organization that applied for the Non-profit Tax Exemption Program.

In TY 2009-10, the Non-profit program added 342 units.⁶ 136 of these units were in Preservation projects: buildings that had been in private ownership with expiring federal Section 8 contracts to provide low income housing. These buildings were transferred, with City financial assistance, to non-profit owners that agreed to renew the federal subsidy agreements, preserving the affordability of the units for the long term. These include the Roselyn Apartments (31 units), The Upshur House (30 units), Walnut Park Apartments (38 units) and the Admiral Apartments (37 units). The Housing Authority of Portland (HAP) acquired The Grove Hotel (70 units), to be managed by Central City Concern. REACH added the newly constructed Patton Place (54 units) to the program. Stadium Place apartments (115 units) had previously been in the NMUH program. When its NMUH exemption expired in TY 2007-08, it returned to the tax rolls. The building's owner added a non-profit partner, and thus was eligible for the Nonprofit program for TY 2009-10.

⁵

⁵ The total does not include 23 properties owned by the non-profit PCRI and rented to households with incomes below 60% of median. Although these properties are eligible for the Non-profit exemption, applications for the exemption were not filed on schedule with Multnomah County, and Multnomah County has denied all of them. PCRI has notified the City that it will appeal the denials.

Project Extensions

A non-profit organization can apply every year for the tax exemption as long as its properties are rented to income-eligible households.

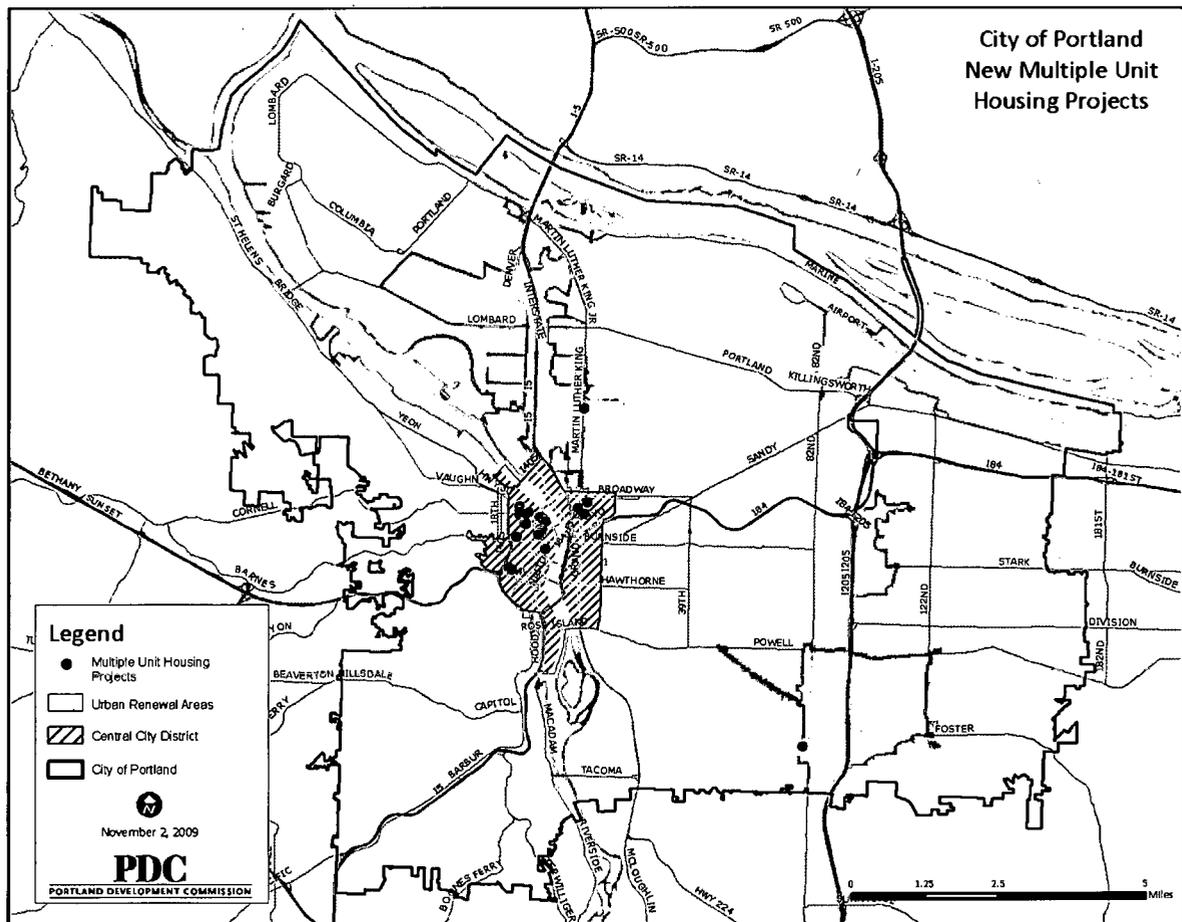
Expirations

Two non-profit multifamily properties with a significant number of units did not renew their tax exemption for TY 2009-10: the Rich Hotel (43 units), and the Martha Washington (80 units). The latter property is now in HAP's portfolio. Multnomah County withdrew the non-profit exemption for the Fairfield Hotel (72 units), a 100% affordable apartment building owned by PDC.

New Multi-Unit Housing Program Activities and Outcomes (NMUH)

PROGRAM OVERVIEW

In accordance with **State Statute ORS 307.600-307.637**, the purpose of this program is to encourage housing in core areas. The program is available in the Central City where the price of land is prohibitively expensive for new housing production and in designated urban renewal districts where, as a matter of City policy, the City is trying to encourage opportunities for city residents to live close to work and create a complete community in the Central City. Currently, City Council is only considering projects that are 100 percent affordable to families at or below 60 percent of area median income for approval. The regulations of the City's NMUH program are in **City Code Chapter 3.104**, property tax exemptions for New, Multi-Unit Housing. This map shows the location of each NMUH project and the program area. The dots represent each project within the programs.



NMUH PROGRAM SUMMARY FOR FISCAL YEARS 2007-08 AND 2008-09

New Project Approvals

City Council approved the Pearl Family Housing Apartments on July 23, 2009. This was the first approval issued under the NMUH program since 2004. This exemption will be implemented by the County the year after construction is complete, currently estimated for FY 2010-11.

Table 26: New NMUH Projects, 7/1/2007 - present

Program Fiscal Year	Project Name	Council Approval Date	Estimated Completion: LTE Activation year	Number of total units	Tenure			
					Rental	%	Owner	%
2009-10	Pearl Family Housing	7-23-09	2010-11	138	138	100%	0	0%

*No projects were added to the NMUH program in FY 2007-08 or FY 2008-09.

Pearl Family Housing

This project meets a number of growth management and transportation goals. The Pearl Family Housing Project is located on the block bounded by NW Raleigh and Quimby Streets and NW 13th and 14th Avenues. It includes 138 rental units, restricted at or below 60 percent of area median income for the duration of a 60-year affordability agreement. Most of the units are family-sized, with 20 percent 3-bedroom or larger. It will receive LEED Silver Certification.

Project Extensions

Two project extensions were approved during the reporting period. In 2006, the Oregon Legislature removed the 10-year limit on NMUH exemptions for properties contractually obligated under an affordability agreement to provide low-income housing. The tax exemptions can last until June 30 of the year that the affordability agreement expires. Several projects that had previously received 10-year NMUH exemptions applied for extensions under the new law.

Table 27: NMUH Extensions Granted Over FYs 2007-08 and 2008-09

Project Name	Expiration Date	Extended To	Total Units	Units Below 60% MFI
MLK Wygant	6-30-2007	6-30-2027	38	38
Fifth Avenue Commons	6-30-2009	6-30-2029	70	70

MLK Wygant

MLK Wygant is subject to three affordability agreements. The owner has agreed to keep the 38 units affordable to households at or below 60% MFI until 6/30/2027. The project is located in an area that has experienced some gentrification and the units

would be likely to command market-rate rents much higher than the current rents if the affordability agreement were not in place.

Fifth Avenue Commons

Fifth Avenue Commons is a six story, mixed-use project, includes ground floor commercial space and 70 housing units. The owner has agreed to keep all 70 units affordable to households at or below 60% MFI until June 30, 2029.

Expirations

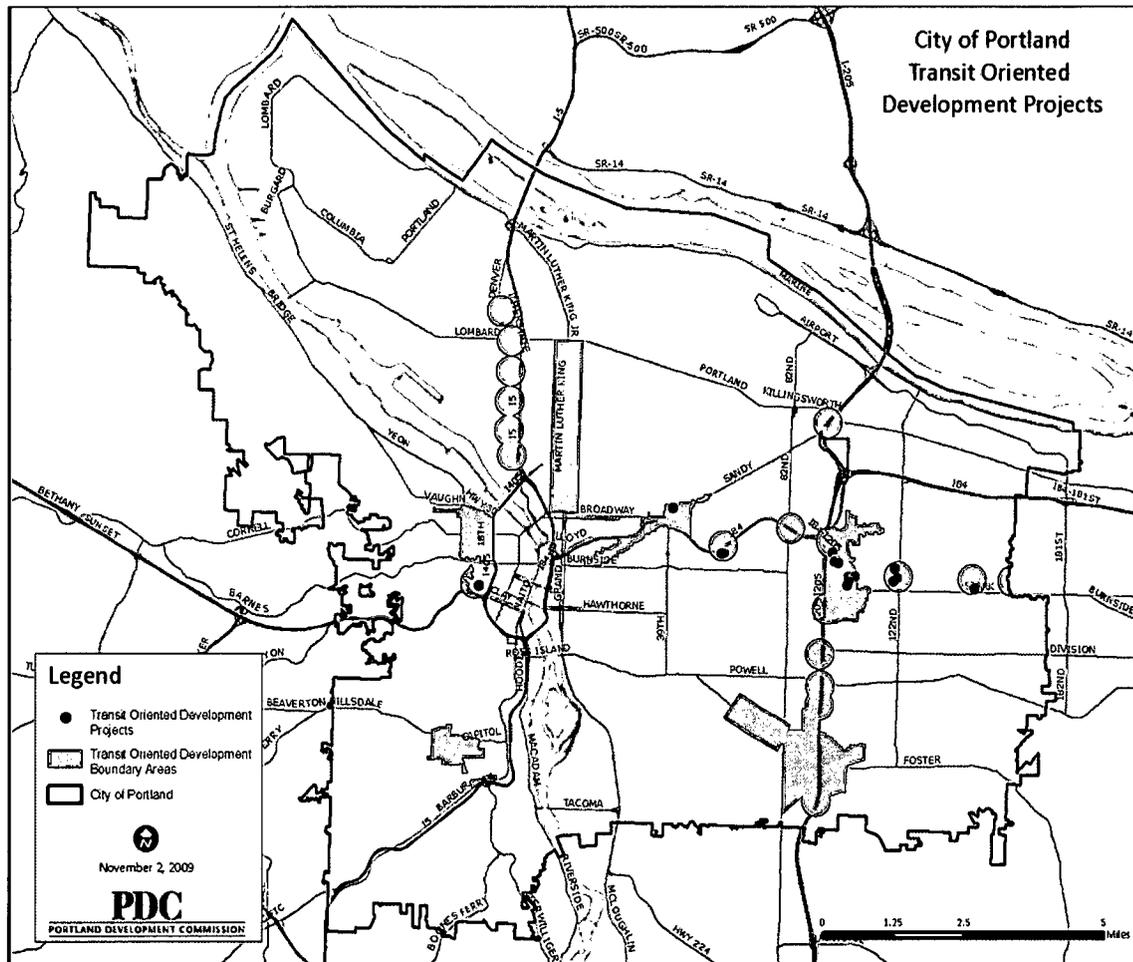
Table 28: NMUH Exemptions Expired During Fiscal Years 2007-08 and 2008-09

Project Name	Expired	Total Units	Units Monitored	Notes
Village at Lovejoy Fountain (rental)	6-30-2009	198	40	Units will be taxed in TY 2009-10
Westshore (rental)	6-30-2009	113	113	Project expired from the NMUH program, added to Non-profit Program in TY 2008-09
Stadium Place (rental)	6-30-2008	115	115	Project expired from the NMUH program, added to Non-profit Program in TY 2009-10

Transit Oriented Development Program Activities and Outcomes

PROGRAM OVERVIEW

The Transit Oriented Development (TOD) Property Tax Exemption was authorized per **State Statute ORS 307.600-307.691** and then adopted by the City of Portland per **City Code 3.103** to support high density housing and mixed-use development on vacant or underutilized sites along transit corridors that are affordable to a broad range of the general public and with designs and features that encourage building occupants to use public transit. This program is also intended to provide an incentive for high-density residential and mixed-use development in Portland's Town Centers and other transit-oriented areas so that the City can accommodate new population growth, improve the housing-jobs balance, and support public transit, particularly the regional light rail system. This map shows the areas where projects are currently eligible to receive TOD abatements. The dots represent each project within the program.



TOD PROGRAM SUMMARY FOR FISCAL YEARS 2007-08 AND 2008-09

New Project Approvals

Table 29: New TOD Projects, 7/1/2007-Present

TOD Program Fiscal Year	Project Name	Council approval Date	Estimated Completion: LTE Activation year	Number of total units	Tenure of exempt units			
					Rental	%	Owner	%
2007-08	Ash Court Condos	6/13/07 Ord. # 181055	2008-09	8	0	0%	8	100%
2008-09	Shaver Green	10/22/08 Ord # 182283	2010-11	85	85	100%	0	0
2008-09	One Nineteen	4/8/09 Ord # 182645	Not yet in construction	40	40	100%	0	0
2009-10	The Albert	09/09/2009 Ord # 183171	Not yet in construction	72	72	100%	0	0
Totals				205	197	96%	8	4%

Shaver Green

On October 22, 2008 the City Council approved a 30-year tax exemption for Shaver Green Apartments, (Ordinance #182283.) The property is a quarter block located on the west side of NE Martin Luther King Jr. Boulevard just north of Shaver Street. The project will include 85 units of rental housing and no ground floor commercial space. The property is in an eligible location for the TOD program because it is located on a transit oriented area along NE Martin Luther King Jr. Blvd. Main Street. The 85 units will be affordable to low income households at or below 60 percent MFI, except one unit will be occupied by the manager. Four units will be affordable to very low income households at or below 30 percent MFI. The tax exemption has been approved to last for the length of the State regulatory agreement of 30 years.

The Albert

On September 9, 2009 the City Council approved a 10-year tax exemption for the Albert Mixed Use Apartments (Ordinance # 183171.) The project is expected to activate the exemption starting TY11/12. The Albert, located south of the intersection of N Williams and NE Beech, will be a four-story building that will have three stories of "workforce" housing over 5,429 square feet of ground floor commercial space, a residential lobby and residential parking. The project will have 72 rental housing units. The planned unit mix is 3 studios, 45 one-bedrooms and 24 two-bedrooms. Of these units, 25 percent will be kept affordable for low income household at or below 60 percent the area median family income (MFI.) This mixed use project is eligible because is it located within one quarter mile of NE Martin Luther King Jr. Boulevard.

The One 19

On April 8 2009 City Council approved a 10-year tax exemption for the One-19 Tower Apartments (Resolution # 182645). One-19 Tower Apartments located at 119th and E.

Burnside will be a five-story building that includes 40 units of rental housing, 31 ground floor parking spaces and ground floor commercial space. The rental unit mix is 28 one-bedroom and 12 two-bedroom apartments. The project is eligible because it is within one ¼ mile of the 122nd light rail station and because it provides 40 rental units reserved for, low income households at or below 60 percent of median area income for the duration of the exemption.

Project Extensions – Preservation of Low Income Housing

Table 30: TOD Extensions Granted

Fiscal Year	Project Name	Extended to	Total Units	Units Below 60% MFI	Units Below 75% MFI	Market
2008-09	Hazelwood Retirement Community	6-30-2011	120	40	56	24

Hazelwood Retirement Apartments

The exemption for Hazelwood Retirement Apartments, a mixed-use development in east Portland, was originally scheduled to expire in June 30, 2008. The exemption period was extended for a total of three years, until 6/30/2011. 96 of the 120 units serve households below 80% MFI.

Expirations

No rental units expired in FY 2007-08. Fifty-one in the Brentwood project expired FY 2008-09 leaving 795 rental units with exemptions citywide for TY 2009-10.

Table 31: TOD Exemptions Expired, FYs 2007-08 and 2008-09

Tax Year	Project Name	Expiration Date	Monitored Units	Total Units	Expired Units
2009-10	Brentwood (rental)	6-30-2009	11	51	51
2009-10	Gateway Condos (ownership)	6-30-2009	24	24	24

Projects TY 2008-09: 16

Active Monitored Transit Oriented Rental Exemptions Prior to TY 2008/09: 418

Active Monitored Exemptions for TY 2009/10: 407

Table 32: TOD Rental Units Monitored, by Income, FYs 2007-08 and 2008-09

MFI Level	Number of Monitored Rental Units	All units
30% and below	0	0
50% and below	36	36
60% and below	326	326
75% and below	56	56
80% and below	0	0
100% and below		
100% and above (market rate)		Unmonitored 388
TY 08/09	418	846
Number expired	11	51
TOTAL remaining exemptions TY 09/10	407	795

Table 33: TOD Owner Units Monitored, Fiscal Years 2007-08 and 2008-09

Monitored TOD Owner Units			
	FY 2007-08	FY 2008-09	Total Ownership Units Monitored
Active TOD Ownership Exemptions as of 6-30-09	126	118	100
Number identified for possible termination	22	13	
Documentation satisfied	18	10	
TOD Ownership Exemptions Terminated	4	3	

See *Appendix Three: Monitoring and Compliance* for more specific information.

SFNC PROGRAM ACTIVITY SUMMARY OF FISCAL YEARS 2007-08 AND 2008-09

New Project Approvals

In TY 2008-09, 463 units were added to the SFNC tax exemption program. In TY 2009-10, 182 additional units were added.

Project Extensions

Properties approved for the SFNC exemption program are not eligible for extension.

Expirations

In TY 2007-08, 105 SFNC exemptions expired. In TY 2008-09, a total of 442 SFNC exemptions expired.

MONITORING AND COMPLIANCE

Rental Units Compliance

Only owner occupied properties are currently eligible for the program. Properties enrolled under the former City Code provision allowed rental properties, but did not impose affordability requirements. As a result, no on-going monitoring of these properties is necessary.

Ownership Units Compliance

Since 2005, PDC Neighborhood Housing Program has monitored new SFNC units for continued owner occupancy throughout the term of the 10 year exemption. If the home is sold during the term of the exemption, it must be sold to an eligible buyer.

Table 34: Results of Monitoring Activities for SFNC Program, Fiscal Years 2007-08 and 2008-09

Monitored Pool SFNC	Fiscal Year 2007-08	Fiscal Year 2008-09
Active SFNC Ownership Exemptions as of 6-30-09	419	878
Number of units added	463	182
Number identified for possible termination	97	98
Documentation satisfied	60	46
Expirations	0	190
SFNC Exemptions Terminated	37	52

DEMOGRAPHIC AND GEOGRAPHIC REACH OF SFNC

Table 35: Demographics of Applicants to SFNC for FYs 2007-08 and 2008-09

	FY2007-08		FY 2008-09	
	Number	%	Number	%
American Indian	2	.7%	3	1.8%
Asian	78	26.4%	61	36.3%
Black	33	11.1%	9	5.4%
Hispanic	29	9.8%	10	6.0%
Not will to furnish info	19	6.4%	12	7.1%
Native Hawaiian/Pacific Island	1	.3%	1	0.6%
Other	8	2.7%	2	1.2%
White	126	42.6%	70	41.7%
Total	296	100%	168	10%
<i>Women Head of Household</i>	31	10.5%	22	13.1%

Geographic Distribution

Because this is a geographically-based program, no applications for exemptions on homes located outside the boundaries of "Homebuyer Opportunity Areas" are accepted. City Council approved code changes in 2002 that limited program participation to households below the area median income that intend to occupy the home they purchased as their primary principal residence.

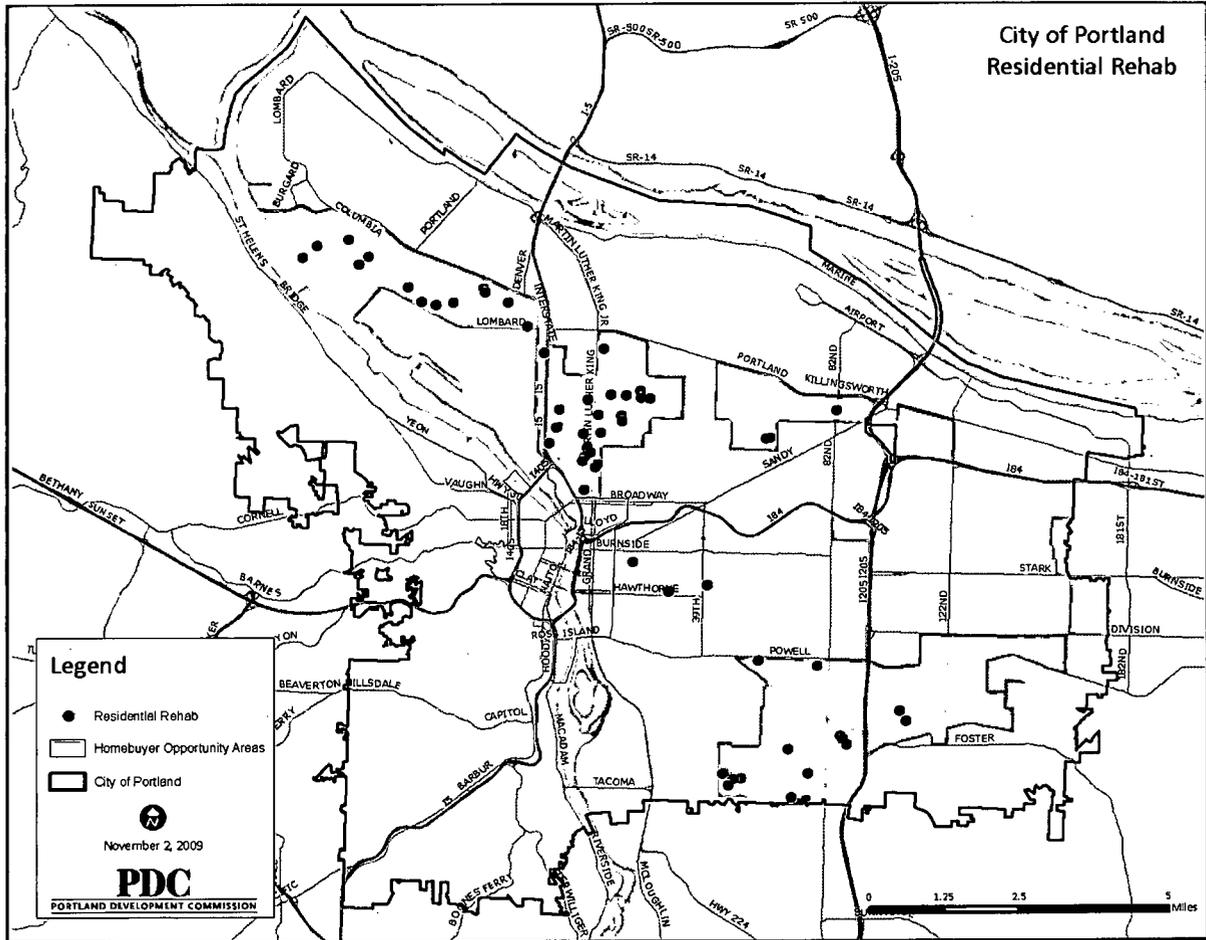
Table 36: Geographic Distribution of Units Added to SFNC for FYs 2007-08 and 2008-09

Location	FY2007-08		FY 2008-09	
	Number of Units	%	Number of Units	%
Southeast	158	53.4%	122	72.6
Southwest	0	0	0	0
Northeast	17	5.7%	18	10.7%
Northwest	0	0	0	0
North	121	40.9%	28	16.7%
Total	296	100%	168	100%0

Residential Rehabilitation Program Activities and Outcomes

PROGRAM OVERVIEW

State Statute ORS 308.450 to 308.481 authorized cities and counties to establish and design programs to encourage the rehabilitation of existing units in substandard condition, the conversion of transient accommodation to permanent residential units and the conversion of nonresidential structures to permanent residential units in order to make these units sound additions to the housing stock of the state by providing a limited tax exemption on the increased value of the rehabilitation property. The Statute authorizes programs for the rehabilitation of both owner-occupied property in homebuyer opportunity areas and for the rehabilitation of rental properties City wide. The regulations of the Rehab program are in **City Code 3.102**, Property Tax Exemption for Residential Rehabilitation.



REHAB PROGRAM SUMMARY FOR FISCAL YEARS 2007-08 AND 2008-09

This program has had very limited new activity this reporting period. Units that remain active in the program are summarized below.

Tax Year	Total # of Projects (units)	New Activity in fiscal year prior to tax year		Total New Units	Tenure at End of Fiscal Year			
		Units Added	Units Removed		Rental	%	Owner	%
2007-08	150	1	12	1	60	40%	90	60%
2008-09	139	0	6	0	60	40%	79	57%
2009-10	133	0	0	0	60	43%	73	55%

NEW PROGRAM ACTIVITIES AND RENEWALS

New Project Approvals

One residential rehabilitation project was added in TY 2007-08.

Extensions

Program does not allow for extensions.

Expirations

No rental Residential Rehabilitation units expired in 2007-2008 and 2008-2009. There are 60 units with Residential Rehabilitation exemptions citywide.

A total of 12 Residential Rehabilitation ownership units reached the end of their exemption period in FY 2007-08. Five units expired in June 2009.

Fiscal Year	Project or units expired	Monitor	Expire	Total Units Remaining
2007-08	Various residential rental rehab	90	12	79
2008-09	Various residential rental rehab	79	5	73

MONITORING AND COMPLIANCE

Rental Terminations

Sixty rental rehabilitation projects were monitored for compliance in FY 08/09 and all remained eligible for the program.

Ownership Terminations

Seventy-nine single family ownership rehabilitation projects were monitored for compliance in FY 08-09. Eleven were investigated and one was recommended for termination.

Demographic Data 7/01/07 through 6/30/08

Table 35: Demographics of Applicants to Rehab Program 7/1/2007-6/30/2009

	FY 2007-08	Percent of FY 2007-08	FY 2008-09
	Number of Applicants		No Applicants
Woman Head of Household	0		
American Indian			
Asian			
Black			
Hispanic			
Not will to furnish info			
Native Hawaiian/Pacific Island			
Other	2	66.7%	
White	1	33.3%	
Total	3	100%	

Geographic Distribution

Table 36: Geographic Distribution of Applicants to Rehab Program 7/1/2007-6/30/2009

Location	FY 2007-08	Percent of FY 2008-09	FY 2008-09
	Number of Applicants	Percent	No applicants
Southeast	0	0%	0
Southwest	0	0%	0
Northeast	2	66.7%	0
Northwest	0	0%	0
North	1	33.3%	0
Total	3	100%	0

Appendix One: Recent Policy and Program Boundary Shifts

As housing prices and rents have risen over the last decade, Portland's City Council has amended the tax exemption programs regulations to provide incentives for developers to provide housing for low- and moderate-income households. Since 2002, mandatory affordability requirements have been added to the single family new construction and the NMUH and TOD multi-family programs. The City has also acted to preserve the existing supply of affordable housing. In 1999, at the City's request, State Statutes were changed to support preservation of existing affordable housing by allowing projects that provided low-income housing subject to a low-income housing assistance contract to receive exemptions that extended for the length of that assistance contract. Previously, exemptions could not extend beyond ten years.

Changes to Exemption Programs on the Horizon

- The taxing jurisdictions will engage in discussions about the processes and policy goals of the City's tax exemption programs early next year. Program changes may result from this joint review.
- The City, along with Multnomah County and other key partners, is engaged in the Portland Plan process to update Portland's Comprehensive Plan and the Central Portland Plan. This process is expected to be complete in 2011 or 2012. Housing, transportation, and urban development policies may change in this planning process. The City or other stakeholders may seek changes in the tax exemption programs to implement these policy revisions.
- In October 2009, County terminated exemptions on the commercial portions of previously approved NMUH, and TOD projects. The City and County have agreed to propose legislation to restore these exemptions. New commercial exemptions are suspended pending policy review in 2010.

CHANGES TO THE NON-PROFIT PROGRAM

- The Department of Revenue issued a rule establishing dates certain when the City must notify the County of the list of properties eligible for this exemption. The City will be amending its administrative practices to comply.

CHANGES TO THE NEW MULTIPLE UNIT HOUSING PROGRAM

- In 2006 City Council placed a moratorium on approval of new projects under this program unless they were 100 percent affordable to households at or below 60 percent MFI.
- In 1999, State law was changed to allow a tax exemption to be granted to projects that provided low-income housing subject to a low-income housing assistance contract for the length of that assistance contract. By contributing to the financial viability of the project, the tax exemption furthers the goal of preserving the affordability of the housing. Several extensions of existing 10-year exemptions have since been granted to local projects that are subject to contractual rent restrictions.

CHANGES TO THE TOD PROGRAM

- In 2006, a mandatory affordability requirement was added to this program.
- In 1999, State law was changed to allow a tax exemption to be granted to projects that provided low income housing subject to a low income housing assistance contract for the length of that assistance contract. In 2006 the City changed TOD regulations to allow for extensions.
- In 2006, City Council modified the City Code to include a limit on the Internal Rate of Return on project receiving TOD exemptions, commonly referred to as the "claw back" provision.

CHANGES TO THE SINGLE-FAMILY NEW CONSTRUCTION PROGRAM

- In 2002, City Council restricted the single-family tax exemption program to households at or below the area median family income (MFI), for a family of four.
- Every three years, the Planning Commission reviews and can adjust boundaries of the "Homebuyer Opportunity Areas." Boundaries are adjusted to take out areas where household incomes and home values have risen and add in areas with low household incomes and home values. Since 2000, the only areas added to the program have been east of 82nd Avenue. Areas in inner Southeast Portland and some in inner Northeast Portland have been taken out of the program.

CHANGES TO THE RESIDENTIAL REHABILITATION PROGRAM

- In 2007, the County modified its interpretation of the state law that authorized this exemption program. As a result, the program now provides little or no incentive to owners that rehabilitate properties in "Homebuyer Opportunity Areas." The program is not used.

Appendix Two: How LTEs Support State and Local Policies and Plans

NON-PROFIT TAX EXEMPTION PROGRAM POLICIES:

Program Purpose According to State Statute (ORS 307.600-307.637, ORS 307.540-548):

The City adopted this tax exemption program in 1985 after urging the State Legislature to adopt legislation authorizing it. About this time, federal funding had been substantially reduced for low income housing and rehabilitation and the City felt that many charitable Non-profits organizations were equipped to meet the specific housing needs of Portland's low income residents. A tax exemption program supporting Non-profit low income housing provider's complemented City supported housing finance and strategies administered by PDC and PHB designed to maintain and preserve the City's housing stock for low income residents. This program was enacted to provide an incentive for charitable Non-profits to continue their efforts and to pass along property tax savings to their low income tenants in the form of lower rents, improved housing conditions, and greater services.

City Comprehensive Plan Housing Goals:

- Protect, preserve and restore the City's single-room occupancy (SRO) and low income housing. (*Comprehensive Plan* Housing Policy, 4.14 C Neighborhood Stability)
- Promote the preservation and development of a sufficient supply of transitional and permanent housing affordable to extremely low-income individuals and households with children in order to reduce or prevent homelessness. (*Comprehensive Plan* Housing Policy, 4.12 B Housing Continuum)
- Encourage housing opportunities for extremely low- and very low-income households (below 50 %MFI) in all neighborhoods to avoid concentrating poverty in any one area. (*Comprehensive Plan* Housing Policy, 4.7 D Balanced Communities)

NEW MULTI-UNIT HOUSING PROGRAM POLICY:

Program Purpose According to State Statute (ORS 307.600-307.637): "The Legislative Assembly finds that it is in the public interest to stimulate the construction of transit supportive multiple-unit housing in the core areas of Oregon's urban centers to improve the balance between the residential and commercial nature of those areas, and to ensure full-time use of the areas as places where citizens of the community have an opportunity to live as well as work." (ORS 307.600 1.)

City Comprehensive Plan Housing Goals:

- Achieve a distribution of household incomes similar to the distribution of household income found citywide in the Central City. (*Comprehensive Plan* Housing Policy, 4.7 A Balanced Communities)
- Place new residential developments at locations that increase potential ridership on the regional transit system and support the Central City as the region's employment and cultural center. (*Comprehensive Plan* Housing Policy, 4.3 D Sustainable Housing)

- Encourage the retention of existing rental housing at rent levels affordable to area residents. ... (Comprehensive Plan Housing Policy, 4.14 D Neighborhood Stability)

City Comprehensive Plan Transportation and Growth Management Planning Goals

- Living Closer to Work: Locate greater residential densities near major employment centers, including Metro-designated regional and town centers, to reduce vehicle miles traveled per capita and maintain air quality. (From Comprehensive Plan Urban Development Policy, 2.15)
- Transit-Oriented Development: Reinforce the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers. (From Comprehensive Plan Transportation Policy)

Central City Plan Goals:

- Maintain the Central City's status as Oregon's principal high density housing area by keeping housing production in pace with new job creation. (Central City Plan, Policy 3: Housing)
- Encourage the development of housing in a wide range of types and prices and rent levels. (Central City Plan, Policy 3: Housing, Objective D.)

TRANSIT ORIENTED DEVELOPMENT (TOD) POLICY;

Program Purpose in State Statute (ORS 307.600-307.637): "The Legislative Assembly further finds that it is in the public interest to promote private investment in transit supportive multiple-unit housing in light rail station areas and transit oriented areas in order to maximize Oregon's transit investment to the fullest extent possible and that the cities and counties of this state should be enabled to establish and design programs to attract new development of multiple-unit housing, and commercial and retail property, in areas located within a light rail station area or transit oriented area" (ORS 307.600 2.)

City Comprehensive Plan Housing Goals:

- Encourage the development and preservation of housing that serves a range of household incomes levels at locations near public transit and employment opportunities. (Comprehensive Plan Housing Policy, 4.7 G. Balanced Communities)
- Encourage the retention of existing rental housing at rent levels affordable to area residents. (Comprehensive Plan Housing Policy, 4.14 D Neighborhood Stability)

City Comprehensive Plan Transportation Goals:

- Living Closer to Work: Locate greater residential densities near major employment centers, including Metro-designated regional and town centers, to reduce vehicle miles traveled per capita and maintain air quality. (From Comprehensive Plan Urban Development Policy, 2.15)
- Transit-Oriented Development: Reinforce the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit

stations, and at other major activity centers. (From Comprehensive Plan Transportation Policy 6.19)

Area Plan Goals and Actions:

Hollywood and Sandy Plan (2000)

- Provide incentives for new housing projects to ensure that housing is an attractive option and to encourage housing above commercial spaces along Sandy Boulevard and in Hollywood. (Policy 2 Housing, Objective 2)
- Consider applying the transit-oriented tax exemption to properties along Sandy Boulevard. (Housing Action Item Hsb3)

Northwest District Plan (2003)

- Support land use strategies and developments that increase the amount of housing in the district. (Land Use Policy Objective A)
- Support the development of new housing in the district that meets the needs of employees, especially those who work for large employers like Legacy Good Samaritan Hospital and Medical Center and CNF. (Housing Policy Action H14)
- Apply the transit-oriented development (TOD) property tax exemption within the Northwest Plan District. Encourage developers of affordable housing to take advantage of this tax exemption. . (Housing Policy Action H21)

Hollywood and Sandy Plan (2000)

- Concentrate a mix of higher intensity residential and commercial development along main streets and the Portland Streetcar line. (Hollywood and Sandy Plan Land Use Policy Objective C.)

Regional Transportation and Growth Management Goals

- Metro 2040 Growth Concept See map on the opposite page. The NMUH and TOD projects are primarily located in areas designated by the Concept for accommodation of population growth.

SINGLE FAMILY NEW CONSTRUCTION PROGRAM RELATED POLICY:

Program Purpose in State Statutes (ORS 307.651 to 307.687) “The Legislative Assembly finds it to be in the public interest to stimulate the construction of new single-unit housing in distressed urban areas in this state in order to improve in those areas the general life quality, to promote residential infill development on vacant or underutilized lots, to encourage homeownership and to reverse declining property values (ORS 307.654.)”

City Comprehensive Plan Housing Goals:

- Support public and private actions that improve the physical and social environment of areas that have experienced disinvestment in housing, that have a concentration of low income households, or that lack infrastructure. ...(Comprehensive Plan Housing Policy, 4.7 F Balanced Communities)
- Expand opportunities for first-time homebuyers. (Comprehensive Plan Housing Policy, 4.12 E. Housing Continuum)

- Promote and maintain homeownership options within neighborhoods. (Comprehensive Plan Housing Policy, 4.12 E. Housing Continuum)

Support of Area Plan Objectives and Actions:

Albina Community Plan (1993)

- Provide opportunities for homeownership for Albina Residents. Emphasize infill development that accommodates owner-occupancy and is compatible with the surrounding neighborhood. (Policy V, Housing, Objective 3)
- Publicize the availability of the ten-year property tax exemption for new construction and housing rehabilitation under the distressed area program. (Policy V, Housing, Housing Action H15)

Outer Southeast Community Plan (1996)

- Increase opportunity for building more single-family housing in outer southeast neighborhoods. (Housing Policy, Objective 3).
- Promote construction of attached housing designed to be owner-occupied housing to accommodate smaller households. (Housing Policy, Objective 4)
- Designate Foster [Powell, Mt. Scott-Arleta and the northern 2/3 of Lents as "distressed areas" so that new single-family housing construction and rehabilitation are eligible for a limited tax exemption. Retain the "distressed area" designation for Brentwood-Darlington.(Housing Policy Housing Action

RESIDENTIAL REHAB PROGRAM RELATED POLICY:

Program Purpose in State Statutes (ORS 308.450 to 307.481): "The Legislative Assembly finds that it is in the public interest to encourage the rehabilitation of existing units in substandard condition and the conversion of transient accommodation to permanent residential units and the conversion of nonresidential structures to permanent residential units in order to make these units sound additions to the housing stock of the state. The Legislative Assembly further finds that cities and counties of this state should be enabled to establish and design programs to stimulate such rehabilitation and or conversion based on the incentive of a local property tax exemption, which is authorized under ORS 308.450 to 308.481."

City Comprehensive Plan Housing Goals:

- Restore, rehabilitate, and conserve existing sound housing as one method of maintaining housing as a physical asset that contributes to an area's desired character. (Comprehensive Plan Housing Policy Objective 4.5 Housing Conservation)
- Ensure that owners, managers, and residents of rental property improve the safety, durability, and livability of rental housing. (Comprehensive Plan Housing Policy Objective 4.5 Housing Conservation)

Area Plan Objective and Actions:

Albina Community Plan (1993)

- Preserve and encourage the rehabilitation of existing sound housing, especially rental housing. (Albina Community Plan Policy V, Objective 4)
- Publicize the availability of the ten-year property tax exemption for new construction and housing rehabilitation under the distressed area program. (Policy V, Housing, Housing Action H15)

Outer Southeast Community Plan (1996)

- Encourage Property owners to maintain and improve their homes so that established neighborhoods remain stable and attractive. (Housing Policy Objective 6.)
- Designate Foster [Powell, Mt. Scott-Arleta and the northern 2/3 of Lents as "distressed areas" so that new single-family housing construction and rehabilitation are eligible for a limited tax exemption. Retain the "distressed area" designation for Brentwood-Darlington. (Housing Policy Housing Action H1)

Appendix Three: Monitoring and Compliance Processes

SAFEGUARDS AND MONITORING METHODS: NON-PROFIT PROGRAM

Bureau of Planning and Sustainability (BPS) staff administers the Non-profit program.

- BPS staff reviews the initial applications from Non-profit organizations and determines if the organizations applying for the program are qualified. Those that are not qualified have their applications denied and are sent a letter explaining the reasons for denial.

- Annually, BPS staff reviews the applications from the qualified Non-profit organizations that include the properties for which they are applying for tax exemption. The application must include a notarized statement that all the units for which they are applying for a tax exemption are occupied by low income households. BPS staff sends draft lists of properties back to the Non-profits to insure that the correct information is included before sending the information on to Multnomah County.

- BPS staff works with Multnomah County staff to ensure that the information sent them is accurate and complete.

SAFEGUARDS AND MONITORING METHODS: TOD AND NMUH RENTAL UNITS

Procedures for monitoring and tracking compliance for rental projects with TOD or NMUH tax exemptions:

- Upon receipt of new TOD or NMUH tax exemption, Asset Management staff enters relevant data into database for report tracking.
- Asset Management staff issue request for reporting to property manager once a year based upon the fiscal year end of the project (June 30 or December 31).
- Owner is required to submit an Asset Management reporting form and may be required to submit additional materials 90 days after fiscal year ends (September 1 or March 1).
- Electronic Tenant Survey (ETS) used to determine tenant income and rent level compliance.
- Asset Management staff reviews and evaluates reporting materials per City Ordinance or PDC Regulatory Agreement. Staff requests clarification from Owner, as needed.
- When review is complete, Staff issues Annual Report to owner, with compliance results. Annual Report also advises owner of expiration date of exemption.

Procedures for modification, expiration, termination of exemptions on TOD and NMUH projects:

- An Owner must file a written request for modification or extension of exemption with Asset Management staff six months prior to the expiration date.
- Asset Management will review the request and coordinate with City Bureau of Planning and Sustainability to process the request.
- If modification or extension is permitted by Code, Staff will present the request to City Council with a recommendation based on statutory criteria.

- For full detail of established Multi-Family Rental Tax Exemption Process and Procedure see Asset Management guide.

SAFEGUARDS AND MONITORING METHODS: OWNER OCCUPIED PROPERTIES/UNITS

Procedures for monitoring of owner-occupied properties or units:

- Tax assessor determines ownership for property tax purposes on July 1 each year
- Asset management staff reviews the July 1 ownership tax rolls for occupancy or ownership changes. Identify owners with a legal address other than exempt property address.
- Verify new deed holder income/residency (if property has changed ownership)
- Compare property tax address with property address
- Send notification letters to questionable units
- Contact exemption holder and request proof of primary residence in exempt property. Staff review owner's tax return (is property described on tax return as a rental asset?), driver's license, or other proof of address.
- Issue approval letters on appropriate units, or notify owners (and lenders if required) of intent to terminate and their appeals rights
- Draft resolutions to terminate exemptions
- Make presentation to City Council
- Process final terminations
- Notify County Tax Assessor of the results
- If builder applied for the exemption, property/unit must meet the following criteria
 - currently on the market and vacant, or
 - sold to an income-qualified homebuyer for less than \$275,000, who intends to occupy the property as primary residence

Appendix Four: Studies of Transit Oriented Development

Studies of Transit-Oriented Development (TOD)

Including local NMUH and TOD projects

A. Findings of *Effects of TODs on Housing, Parking and Travel*, Final Draft 8/01/2008 by the Transit Cooperative Research Program

The *Effects of TODs* study helped confirm that in the four metro areas studied, TOD development generates less traffic than conventional development. The metro areas studied are Philadelphia, NJ, San Francisco, Washington DC and Portland, Oregon. Information on three projects that have a TOD tax exemption and one that has a NMUH tax exemption is provided in the Report.

Higher Use of Transit and Other Alternative Transit Modes in Mixed-Use TODs

In the *Effects of TODs*, the authors cited the results of a local Metro 1994 Travel Behavior Survey that illustrates the higher share of transit use and trips by other alternative modes in neighborhoods with TOD development. The reduction in automobile travel measured in vehicle miles traveled (VMT) is greater in TOD areas with a mixture of residential and commercial uses.

Table 10: Metro Travel Behavior Survey Results, all Trip Purposes (Portland OR)

Land Use Type	Mode share					Daily VMT* per capita
	% Auto	% Walk	% Transit	% Bike	% Other	
Good Transit and Mixed Use	58.1%	27%	11.5%	1.9%	1.5%	9.80
Good Transit Only	74.4%	15.2%	7.9%	1.4%	1.1%	13.28
Rest of Multnomah Co.	81.5%	9.7%	3.5%	1.6%	3.7%	17.34
Rest of Region	87.3%	6.1%	1.2%	0.8%	4.6%	21.79

Source *Effects of TODs on Housing, Parking and Travel*, Final Draft 8/01/2008 by the Transit Cooperative Research Program

* VMT-Vehicle Miles Traveled

Reduced Auto Trips

A comparison between trip generation rates for TOD units and the average for apartments as determined by the Institute of Transportation Engineers (ITE) indicates that the units in three Portland TOD projects generate far fewer trips per day per household than the ITE standard for apartments. Center Commons is located near the NE 60th and Gilson Street MAX stop. Collins Circle is located in Goose Hollow at SW 18th and Jefferson near the Goose Hollow MAX stop. The Merrick is located near the Convention Center MAX light rail stop. Below is

an excerpt from a larger chart in the study that includes the information on these three projects.

Excerpt from Table 2: Comparison of Portland TOD-Housing and ITE Vehicle Trip Generation Rates: 24 Hour Estimates.

Project	TOD Vehicle Trip Rate	ITE Standard Vehicle Trip Rate	TOD rate as a % of ITE Rate	% point difference from ITE Rate
Center Commons	4.79	6.72	71.30%	-28.70%
Collins Circle	0.88	6.72	13.08%	-86.92%
The Merrick	2.01	6.72	29.84%	-70.16%

Source: *The Effects of TODs on Housing, Parking and Travel*

Reduced Auto Ownership:

Two local studies cited in *The Effects of TODs on Housing, Parking and Travel* note the effect of living in a TOD on auto ownership.

1. Jennifer Dill of the Center for Transportation Studies at Portland State University found that 73 percent of households said moving to The Merrick had no impact on the number of vehicles owned. Seventeen percent of households, however, said that they got rid of a vehicle because of characteristics of the neighborhood.

Table 17: Auto Ownership at Merrick TOD

# of Vehicles	% of Households
No Car	8%
One Car	75%
Two Cars	14%
Three Cars	3%

Source: Dill, 2005

2. A study cited in the *Effects of TODs on Housing, Parking and Travel* by C. Switzer (2002) found that at the Center Commons TOD, 30% of respondents owned fewer cars than they did at their previous residence, and that 37% of respondents did not own any car.

# of Vehicles	Previously	Currently	Change
No Car	21	36	42%
One Car	60	54	-10%
Two Cars	11	4	-64%
Three Cars	3-	2	33%
Five Cars	1	0	100%

Source: Switzer, 2002 *The Center Commons Transit Oriented Development: A Case Study*, MURP thesis, PSU

B. Summary of Research on the Merrick Apartments

PSU Center for Urban Studies
Center for Transportation Studies
**Transit-Oriented Development Survey:
The Merrick**



PI: Jennifer Dill, Ph.D.

Background

The Merrick is a mixed-use, transit-oriented development (TOD) located at 1231 NE Martin Luther King Jr. Blvd in Portland, in the Lloyd Center/Rose Quarter area.



- 185 rental apartments, ground floor commercial and underground parking.
- One block away from a MAX station
- On a frequent service bus route

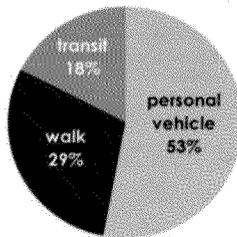
The primary purpose of a TOD is to create higher density, mixed-use near transit to increase transit riders.

Our Research

The purpose of our research was to document the way residents travel before and after living at The Merrick, their attitudes towards travel, and factors influencing their choice to live at The Merrick.

In February 2005, we delivered surveys to every occupied apartment. A letter of support from The Merrick manager and a Starbucks gift card of \$3 dollars (an upfront thank you) were included. Reminder postcards and a second set of surveys were distributed to residents who had not responded. Over 40% of the residents responded, 76 total.

How do Merrick residents travel?



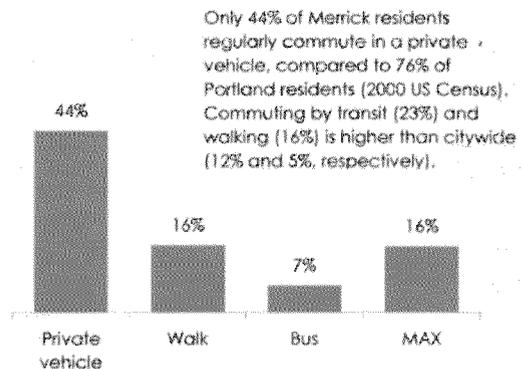
Just under half (47%) of all trips from The Merrick the previous week were by transit or walking, and 53% were made in private vehicles. Only 8% of the households had no vehicle available. This indicates that people are choosing not to drive.

Did moving to The Merrick change the way residents travel?

Merrick residents claim to be driving less and using transit and walking more compared to where they used to live.

- 68% claim to drive a lot to a little less now
- 70% claim to use transit a little to a lot more now
- 47% claim to walk a little to a lot more now

How do residents get to work/school?



Only 44% of Merrick residents regularly commute in a private vehicle, compared to 76% of Portland residents (2000 US Census). Commuting by transit (23%) and walking (16%) is higher than citywide (12% and 5%, respectively).

Why do residents live at The Merrick?

These were the top ten factors for Merrick residents when they looked for their current home:

- High quality living unit
- Easy access to downtown
- Good public transit service
- Relatively new living unit
- Affordable living unit
- Close to where I worked
- Shopping areas within walking distance
- High level of upkeep in neighborhood
- Attractive appearance of neighborhood
- Safe neighborhood for walking

Who lives at The Merrick?

The survey respondents were evenly split between men and women. In addition, the respondents:

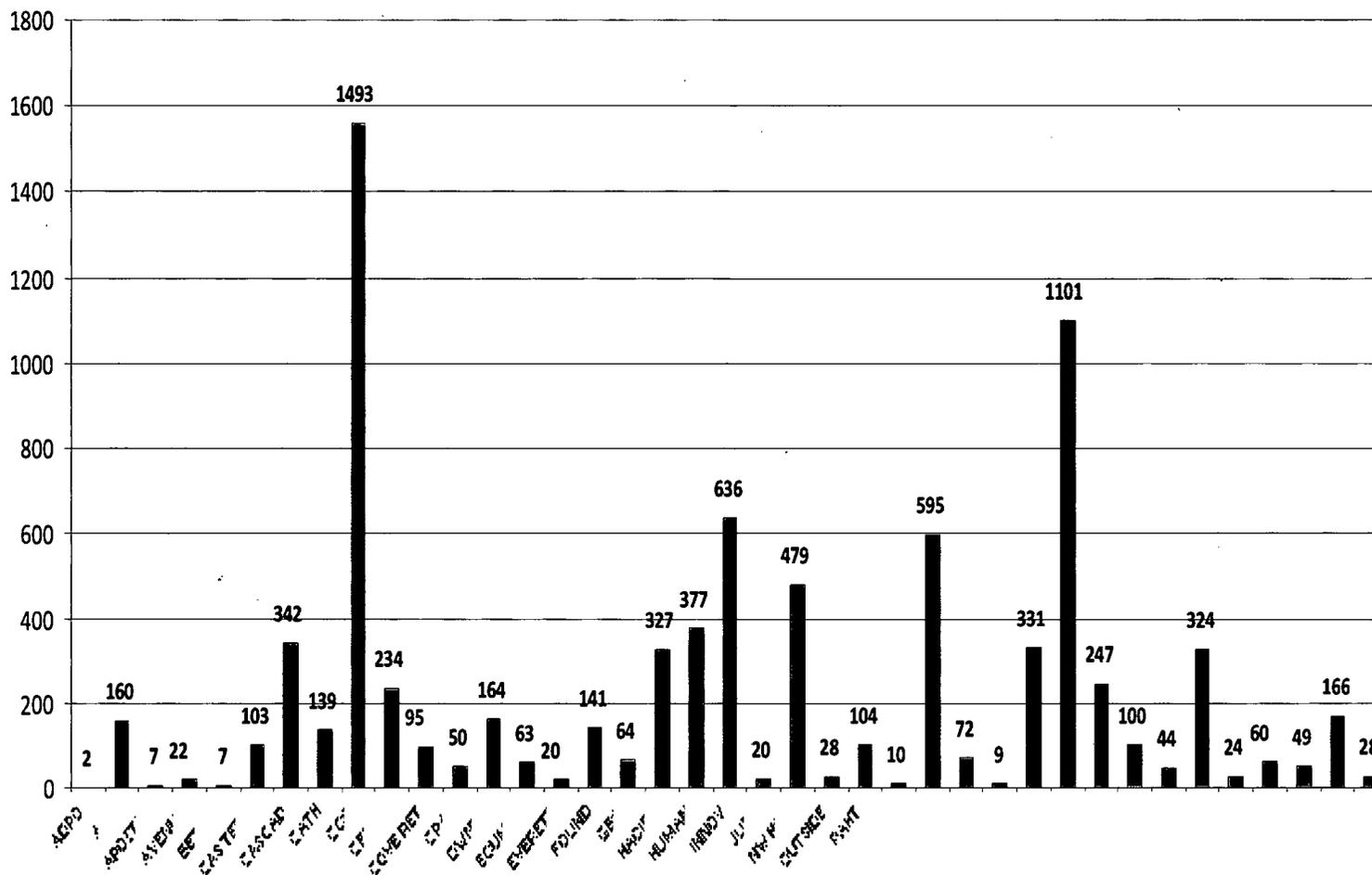
- Are primarily single-person households (73%)
- Range in age from 20 to 87 (median age is 33 years)
- Have driver's licenses (92%)
- Largely have college degrees (68%)
- Work full time (75%)
- Have a range of income levels, with 41% earning \$50,000 or greater

This research was sponsored, in part, by Metro.

Contact Information

Jennifer Dill, PhD
PSU Center for Urban Studies
P.O. Box 751 Portland, OR 97207-0751
jdill@pdx.edu • 503-725-5173 • www.pdx.edu/~jdill

Number of Housing Units by Non-profit Organization for Tax Year 08-09



*This chart shows the major program participants and the number of units they manage. A list of the Non-profit program participating agencies is listed below.

Abbreviation	Non-profit Name
ADPO (St. Andrews)	St. Andrews (Roman Catholic Archbishop of Portland Oregon)
AFFORD	Affordable Housing Access
AOF	AOF/Pacific Affordable Housing Corp.
APOSTOL	Apostolic Faith Mission of Portland, OR
AVENUE	Avenue Plaza Affordable Housing, Inc
BETH IS	Congregation Beth Israel
CAS TERR	Cascadian Terrace Apartments Limited Partnership
CASCAD	Cascadia Housing Inc
CATH	Catholic Charities
CCC	Central City Concern
CEDAR	Cedar-Sinai
COVE RET	Covenant Retirement Communities of Oregon, LLC
CPAH	Community Partners for Affordable Housing
DWNTN	Downtown Community Housing
ECUMEN	Ecumenical Ministries (Patton Home LTD)
EVERETT	Everett Station Lofts (Art space)
FOUND	Foundation for Social Resources, Inc.
GBC	GBC Inc (Allen Building LTD)
HACIEN	Hacienda CDC
HEART	Heartstone Housing Foundation
HUMAN	Human Solutions
INNOV	Innovative Housing, Inc.
JUBIL	Jubilee Fellowship Ministries
MACD	Macdonald Center
MCAT	Multnomah County Assessment and Taxation
NW HOUS	Northwest Housing Alternatives, Inc.
OUTSIDE	Outside In
PAHT	Portland Affordable Housing Preservation Trust
PAL	Pioneer Abodes Ltd
PCRI	Portland Community Reinvestment Initiatives, Inc.
PDC	Portland Development Commission for The Fairfield*
PENIN	Peninsula Community Development Corporation
PHC	Portland Habilitation Center, Inc.
REACH	Reach Community Development Inc
ROSE	ROSE community Development Corporation
SABIN	Sabin CDC
SAWASH	Sawash Housing LLC c/o NAYA
SHELT	Shelter America Group
SPEC HOU	Specialized Housing Inc

Abbreviation	Non-profit Name
<i>SPEC VII</i>	<i>Specialized Housing VII, Inc</i>
<i>STJAM</i>	<i>St. James Housing, Inc.</i>
<i>VILLAGE</i>	<i>Village Enterprises</i>
<i>WORLD</i>	<i>World Spark</i>

* CCC formerly managed The Fairfield for PDC.

2008-09 ANNUAL REPORT Residential Tax Exemption Programs

Portland Housing Bureau

Portland Development
Commission

Bureau of Planning and
Sustainability



December 16, 2009

Purpose

- Tax Exemption Programs
- Program Overview
- Accountability
- Housing Affordability Outcomes
- Response to Recommendations
- Issues
- Next Steps

Tax Exemption Programs

- NON-PROFIT HOUSING - Non-profit** Supports preservation of current supply of low- income rental housing, and prevents homelessness
- NEW MULTIPLE UNIT HOUSING - NMUH** Supports development of rental residential community in the Central City, close to work, and accommodates population growth
- TRANSIT ORIENTED DEVELOPMENT- TOD** Supports public investment in transit and accommodates population growth
- SINGLE FAMILY NEW CONSTRUCTION - SFNC** Supports neighborhood revitalization and creates affordable homeownership opportunities
- REHABILITATION - Rehab** Supports preservation of housing stock and encourages neighborhood revitalization

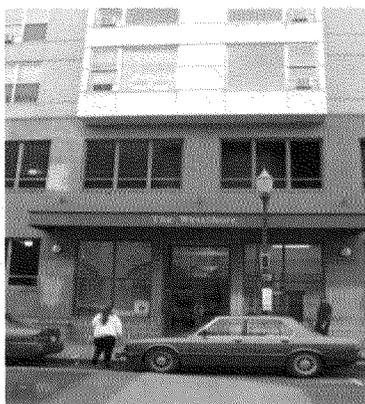
Rent	Ownership
X	
X	X
X	X
	X
X	X

Non-Profit Low Income Housing - (rental)
 supports an adequate supply of low income housing and prevention of homelessness



The Admiral

New Multiple Unit Housing - NMUH (rental & ownership)
supports living close to work, a residential community in the
Central City and accommodation of population growth



The Westshore

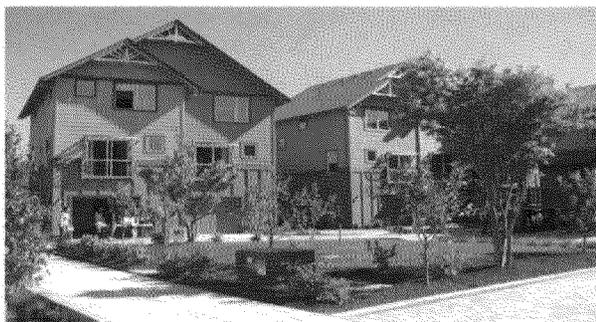
Transit Oriented Development - TOD (rental & ownership)
supports public investment in transit and
accommodation of population growth



Bookmark Apartments

Single Family New Construction - SFNC (ownership)
 supports neighborhood revitalization and affordable homeownership

Rehabilitation - Rehab (rental properties & homeowners)
 supports the preservation of the housing stock and neighborhood revitalization



Pardee Commons

Program Overview

Program Name	TY 2007-08		TY 2008-09		TY 2009-10	
	Units	Actual Foregone Revenue	Units	Actual Foregone Revenue	Units	Estimated Foregone Revenue
Non-Profit Low Income Housing (rental)	7,790	\$6,810,009	8,237	\$6,883,951	8,579	\$6,853,066
New Multiple Unit Housing (rental & ownership)	2,856	\$4,598,890	2,596	\$4,002,952	2,341	\$2,880,497
Transit Oriented Dev. (rental & ownership)	972	\$1,376,988	965	\$1,219,377	895	\$903,937
Single Family New Construction (ownership)	2,056	\$3,748,236	2,412	\$3,174,267	2,230	\$3,309,321
Rehabilitation (rental properties & homeowners)	150	\$199,112	139	\$144,982	133	\$147,189
Total	13,646	\$16,733,235	14,349	\$15,425,528	14,178	\$14,094,009

Accountability

Compliance Monitoring TV 2008-09

Program Name	Units	Expirations	Terminations	Returned Revenue
Nonprofit	8,237	NA	NA	NA
NMUH	2,596	255	6	\$195,476
TOD	965	0	4	\$19,811
SFNC	2412	105	37	\$201,204
Rehab	139	12	0	\$21,818
Total	14,349	372	47	\$438,309

Accountability

Compliance Monitoring TV 2009-10

Program Name:	Units	Expirations	Terminations	Returned Revenue
Nonprofit	8,579	NA	NA	\$0
NMUH	2,341	204	12	\$446,884
TOD	895	75	3	\$201,563
SFNC	2,230	442	52	\$906,615
Rehab	133	5	1	\$0
Total	14,178	726	68	\$1,555,062

Housing Affordability Outcomes 2009-10

Program Name	Total Rental Units Receiving Exemption	Number of Market/ Unrestricted Units	Number of Rent Restricted Units	Restricted to 61-80% MFI household income	Restricted to <60% MFI household income
Nonprofit	8,579	0	8,579	0	8,579
NMUH	2,274	1,374	900	77	823
TOD	795	388	407	56	351
Residential Rehab	60	0	60	0	60
Total Units	11,708	1,762	9,946	133	9,813
Percentage of Total Units	100%	15%	85%	1%	84%

Response to Recommendations

from 2008 City Audit Report, Council, County Board

Recommendation	Status	Next Steps	Timeline
Submit annual report to Council	✓	Annual report produced by PHB/PDC/BPS	Annual
Create and implement multi-family regulatory agreement	✓	PDC Extended Use Agreement for all new TOD/ NMUH projects	On-going
Review income verification process to ensure rent restricted units are occupied by qualified residents	✓	<ul style="list-style-type: none"> •Income data reported annually for all multi-family rent restricted units •PDC audits reports & terminates for non-compliance 	On-going
Clarify goals & objectives of programs, assign responsibility for oversight, evaluation and reporting	In Process	<ul style="list-style-type: none"> •Economic Analysis – EcoNW •Portland Plan •Consolidated Plan •Fish/Wheeler Policy Review Committee 	Spring 2010
Review Method for assessing financial need for multi-family condo – recommend code revision	In Process	Staff recommendation to Policy Review Committee	Spring 2010

Issues

- Commercial Exemptions – City & County partnering on legislation
- Regulatory/Administrative process concerns – City staff communicating with County Assessor staff
- The Economy – immediate need for stimulus/growth vs. on-going need for tax revenue to fund safety net programs

Next Steps

- Commercial Exemption Legislation – 2010 Session (February)
- LTE Programs Review – Spring 2010
- LTE Policy/Program Recommendations – Summer 2010
- LTE Policy/Program Legislation – 2011 Session



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/17/2009
 Agenda Item #: R-11
 Est. Start Time: 11:00 AM
 Date Submitted: 11/25/2009

Agenda Title: First Reading of a Proposed ORDINANCE Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: December 17, 2009 Amount of Time Needed: 25 minutes
 Department: Community Service Division: Land Use & Transportation
 Contact(s): Kevin Cook, Lisa Estrin
 Phone: 503.988.3043 Ext. 26782 I/O Address: 455/116
 Presenter(s): Kevin Cook

General Information

1. What action are you requesting from the Board?

Land Use Planning is requesting the Board approve the proposed amendments recommended by Multnomah County Planning Commission to bring Multnomah County's Comprehensive Plan and zoning ordinances into compliance with Metro's Title 13 Nature in Neighborhoods program (see Planning Commission Resolution attached). These changes will modify or add fish and wildlife habitat protection to various areas within the Metro jurisdictional boundary and will improve water quality. The proposed ordinance:

- a. Amends Comprehensive Plan Policy 16-D (A) to allow the use of Metro's habitat inventory when considering additional habitat protection areas.
- b. Adopts new Significant Environmental Concern overlay zones in the West Hills, East of Sandy River and Pleasant Valley areas to protect class I and II riparian wildlife habitat identified on Metro's habitat inventory maps that are not currently protected by existing Multnomah County SEC-s or SEC-wr overlay zones.
- c. Amends the Urban (Chapter 11.15) Significant Environmental Concern to include the regulations currently found in the West of Sandy River Significant Environmental Concern for water resource (SEC - wr) code for areas identified as water resource areas within the Pleasant Valley area.
- d. Amends the West Hills (Chapter 33) and East of Sandy River (Chapter 35) Significant

Environmental Concern (SEC) overlay zones to add exceptions for septic system repairs, utility poles, right-of-way expansions, and certain habitat enhancement projects. Modify the definition of the width of the Significant Environmental Concern - stream (SEC-s) overlay to allow for variable buffer widths. Expand the nuisance plant list to include all species identified by Metro.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Metro regional government established the Nature in Neighborhoods (Title 13) program as a regional approach for fish and wildlife habitat protection and water quality improvement in 2005. The program includes voluntary, incentive-based, educational, and regulatory elements. Multnomah County is required to implement the regulatory element of Title 13 for its rural areas within the Metro jurisdictional boundary. The regulations include limitations on how and where development can occur within the riparian resource areas mapped by Metro. Many of the areas identified by Metro as upland habitat are already protected under the County's Significant Environmental Concern for wildlife habitat (SEC-h) overlay zone. The County's existing overlay zones will not be modified by these amendments.

Title 13 is authorized by state administrative rules that implement Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources. State rules designate Metro as the review authority for determining compliance with this program. Metro has reviewed the proposed plan and ordinance amendments and found them to be in substantial compliance with Title 13.

This action contributes to the Land Use Planning program offer that is part of Vibrant Communities. This proposal coordinates with our regional partner, Metro to plan for the protection of wildlife habitat and water quality.

3. Explain the fiscal impact (current year and ongoing).

None.

4. Explain any legal and/or policy issues involved.

During the planning process, the Planning Commission provided direction on various policy and planning issues relating to options to comply with Title 13. These included:

- Whether to adopt Metro's Model Ordinance or demonstrate to Metro that the County's existing regulatory framework met the purpose and intent of Title 13.

Metro's Model Ordinance was crafted for urban sized lots and severely limited the total amount of land that could be developed. The County's Significant Environmental Concern (SEC) regulations have been in effect since mid-1995 and protect wildlife habitat and water resources. Both the Planning Commission and planning staff felt it was appropriate to put forth that our current regulations are in compliance with Title 13. Land use planning audited its regulations and received concurrence from Metro that the County's existing SEC regulations generally met the goals of Title 13 and with a few minor changes would be made consistent with them.

- What level of protection to provide riparian and wildlife habitat within Metro jurisdictional boundaries.

Metro's resource study categorized six different levels of significant habitat that can be protected. These categories include three riparian wildlife habitat classes and three upland wildlife habitat classes. Planning staff discussed this issue with property owners at various open houses and with the Planning Commission. Input from the public and Planning Commission was to adopt the minimum necessary to achieve compliance and maintain exemptions for personal use of forest products and farm uses.

- Determine whether the personal use exemption for timber in existing County ordinances could be maintained.

Metro agreed that property owners in the rural area should be allowed to cut timber on their

property for personal use without first obtaining a resource related permit.

- Determine whether the Right to Farm Law (ORS 30.930 through ORS 30.947) would prohibit the County from regulating agricultural buildings.

Staff found that the Right to Farm Law prohibits counties from regulating or prohibiting farm practices on agricultural lands as a "nuisance". However, the law does preserve local governments' right to regulate structures based on the protection of health, safety and welfare. While farm practices are regulated by the Oregon Department of Agriculture, development on farm land is subject to County zoning regulations. For Chapters 33, 35 & 11.15, agricultural buildings (fences will remain exempt) that encroach within the riparian buffers within Metro's boundaries are proposed to be subject to the SEC rules. This provision already is in effect in Chapter 36, West of Sandy River.

- The changes to the West Hills and East of Sandy River codes add exceptions for septic system repairs, utility poles, right-of-way expansions, timber harvests, removal of hazardous trees, personal use of timber, agricultural fences, and certain habitat enhancement projects within Metro's boundary. Additional amendments relate to the definition of the width of the SEC-s overlay allowing for the variation in the buffer widths found in the Metro maps. The nuisance plant list would also be expanded to include species identified by Metro that are not already found in the current SEC code. Changes to the nuisance plant list will apply both inside and outside the Metro boundary.
- Changes to the urban code include the addition of language currently found in the West of Sandy River SEC code for areas identified as water resource areas. The urban code section is applicable to the Pleasant Valley area. Eventually the Pleasant Valley area will annex chiefly to Gresham. Gresham's Pleasant Valley Concept Plan is recognized by Metro as Title 13 compliant. During the interim period prior to annexation, Multnomah County will administer riparian habitat areas under the SEC-water resources code.

5. Explain any citizen and/or other government participation that has or will take place.

Land Use Planning conducted four Planning Commission work sessions between September 2008 and April 2009 and held two open house sessions with affected property owners in March 2009. Measure 56 notice was mailed April 13, 2009 to all affected property owners. Three public hearings were held before the Planning Commission on May 4th, June 1st and August 3, 2009 to develop the plan and ordinance amendments now before the Board of County Commissioners. Staff conducted several site visits to properties that would be affected by new overlays. Staff recommended changes to some of the proposed overlays where appropriate based on observations made at specific sites (these recommended changes are now included as part of the proposed overlay maps).

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 11/25/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Planning Commission, as authorized by Multnomah County Code Chapter subsection 37.0710 has recommended to the Board of County Commissioners the adoption of Ordinances to amend County's Comprehensive Plan Policies and land use regulations.
- b. The Planning Commission held public hearings on May 4, 2009, June 1, 2009 & August 3, 2009 where all interested persons were given an opportunity to appear and be heard.
- c. The changes result from Metro's adoption of the Nature in Neighborhoods (Metro Title 13) program in 2005 to establish a regional approach for fish and wildlife habitat protection and water quality enhancement.
- d. Multnomah County is legally bound to demonstrate compliance with Metro's Title 13 for those areas of the County within the Metro jurisdictional boundary.
- e. The Multnomah County nuisance plant list needs to be expanded to include species that have been identified by Metro as invasive species.
- f. Regulations are being proposed that further restrict the use of property and mailed notice to individual property owners was sent on April 13, 2009 ("Ballot Measure 56" notice). Notice of the hearings was published in the "Oregonian" newspaper and on the Land Use Planning web site on April 13, 2009, May 11, 2009, and July 13, 2009.

Multnomah County Ordains as follows:

Section 1. § 33.4515 is amended as follows:

33.4515 Exceptions

(A) Except as specified in (B) below, a~~an~~ SEC permit shall not be required for the following:

(A1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

- ~~(B2)~~ The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;
- ~~(C3)~~ Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);
- ~~(D4)~~ The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- ~~(E5)~~ Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
- ~~(F6)~~ The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- ~~(G7)~~ The maintenance and repair of existing flood control facilities;
- ~~(H8)~~ Uses legally existing on ~~November 17, 1994~~ January X, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure ~~that which:~~ [1]) for the SEC, SEC-w, and SEC-v overlays, do not require any modification to the exterior of the structure, and [2] for the SEC-h and SEC-s overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;
- ~~(I9)~~ All type A Home Occupations;
- ~~(J10)~~ Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;
- (11) Alteration, repair, or replacement of septic system drainfields due to system failure;
- (12) Single utility poles necessary to provide service to the local area;
- (13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and
- ~~(K)~~ (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;
- (15) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.
- (B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses, except

that agricultural fences shall not require an SEC-s permit.

Section 2. § 33.4525 is amended as follows:

33.4525 Applicable Approval Criteria

(A) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	33.4560
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	33.4575

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro's riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending 300 feet from the nearest point on the centerline on both sides of the protected stream.~~ In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

(BC) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

~~(C) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

(D) ~~For Goal 5 protected stream resources designated "3C",~~ the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

Section 3. § 33.4575 is amended as follows:

33.4575 Criteria for Approval of SEC-s Permit -Streams

(A) Definitions:

(1) Protected Streams ~~— consist of~~ Those streams which have been found through a Goal 5 ESEE analysis and protected by Ordinance 830 to be either "2 A", "3 A", or "3 C", are identified as

protected in the Comprehensive Framework Plan, and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County Sectional Zoning Maps.

(2) *Development* – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.

(3) *Stream Conservation Area* – For the protected streams originally designated by Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area which extends 300 feet from the centerline on both sides of the protected stream. An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Within Metro's jurisdictional boundaries, the Stream Conservation Area protected by Ordinance XXX, adopted January XX, 2010, varies and shall be as depicted on the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 33.4575 (B) through (E).

(4) *Nuisance or Invasive Non-Native Plants*: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.

(B) Except for the following exempt uses listed in MCC 33.4515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 33.4575 (C) through (EF).

~~(1) Forest practices conducted under the Forest Practices Act~~

~~(2) Planting of native vegetation~~

~~(3) Agricultural uses~~

~~(4) Maintenance, but not expansion, of existing developments~~

~~(5) Right of way widening for existing rights of way when additional right of way is necessary to ensure continuous width~~

~~(6) Single utility poles necessary to provide service to the local area~~

* * * * *

(D) For the protected stream resources, designated "3-C" the applicant shall demonstrate that the proposal:

(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a

Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

- (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C);
- (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
- (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 33.4575 (D) (1);
- (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

* * * * *

(F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

(1) The planting of any invasive non-native or noxious vegetation as listed in MCC 33.4570(B)(7) and MCC 33.4570(A)(4) is prohibited. A list of native plants can be found in the latest edition of the Metro Native Plant List.

(2) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

(FG) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

Section 4. **§ 35.4515 is amended as follows:**

35.4515 Exceptions

(A) Except as specified in (B) below, A an SEC permit shall not be required for the following:

(A1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

(B2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(E3) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

- (D4) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- (E5) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
- (F6) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- (G7) The maintenance and repair of existing flood control facilities;
- (H8) Uses legally existing on ~~November 17, 1994~~ January X, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure ~~which that [1]~~) for the SEC, ~~SEC-w, and SEC-v~~ overlays, do not require any modification to the exterior of the structure, and [2]) for the ~~SEC-h and SEC-s~~ overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein.
- (I9) All type A Home Occupations;
- (J10) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.;
- (11) Alteration, repair, or replacement of septic system drainfields due to system failure;
- (12) Single utility poles necessary to provide service to the local area;
- (13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and
- ~~(K)~~ (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List.
- (15) In addition to the exemptions listed in (A) above, within Metro's 2009 jurisdictional boundary an SEC permit shall not be required for the enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.
- (B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses; except that agricultural fences shall not require an SEC-s permit.

Section 5. § 35.4525 is amended as follows:

35.4525 Applicable Approval Criteria

~~(A) The approval criteria in MCC 35.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

~~(B) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:~~

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	3335.45604555
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	3335.4575

~~(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro's riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the Stream Conservation Area.~~

~~(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.~~

~~(D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

~~(E) For Goal 5 resources designated "3C" protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.~~

Section 6. §§ 35.4560, 35.4565 and 35.4570 are deleted as follows:

~~35.4560 Criteria for Approval of SEC-w Permit – Significant Wetlands~~

~~Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1-inch = 200 feet made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:~~

~~(A) In addition to other SEC Permit submittal requirements, the application shall also include:~~

~~(1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;~~

~~(2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;~~

~~(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;~~

~~(4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;~~

~~(5) Detailed Mitigation Plans as described in subsection (D), if required;~~

~~(6) Description of how the proposal meets the approval criteria listed in subsection (B) below.~~

~~(B) The applicant shall demonstrate that the proposal:~~

~~(1) Is water dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;~~

~~(2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;~~

~~(3) Will not cause significant degradation of groundwater or surface water quality;~~

~~(4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;~~

~~(5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).~~

~~(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:~~

~~(1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse~~

impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

(2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(4) This section is only applicable for wetland resources designated "3-C".

(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

(1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC 35.4560 (A);

(2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC 35.4560 (B) (2);

(4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:

(a) On the site of the impacted wetland, with the same kind of resource;

(b) Off site, with the same kind of resource;

(c) On site, with a different kind of resource;

(d) Off site, with a different kind of resource.

35.4565 Criteria for Approval of SEC-v Permit Significant Scenic Views

(A) Definitions:

(1) *Significant scenic resources* consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

(2) *Identified Viewing Areas* are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:

Bybee Howell House
Virginia Lakes

Sauvie Island Wildlife Refuge
Kelley Point Park
Smith and Bybee Lakes
Highway 30
The Multnomah Channel
The Willamette River
Public roads on Sauvie Island

~~(3) Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.~~

~~(B) In addition to the information required by MCC 35.4520, an application for development in an area designated SEC v shall include:~~

~~(1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;~~

~~(2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;~~

~~(3) A list of identified viewing areas from which the proposed use would be visible; and,~~

~~(4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.~~

~~(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:~~

~~(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.~~

~~(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.~~

~~(3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.~~

~~(4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.~~

~~(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.~~

~~(6) Limiting structure height to remain below the surrounding forest canopy level.~~

~~(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:~~

~~(a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:~~

- ~~1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;~~
- ~~2. The facility is necessary for public service; and~~
- ~~3. The break in the skyline is the minimum necessary to provide the service.~~

~~(D) Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.~~

~~(E) The approval authority may impose conditions of approval on an SEC v permit in accordance with MCC 35.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.~~

~~35.4570 Criteria for Approval of SEC h Permit Wildlife Habitat~~

~~(A) In addition to the information required by MCC 35.4520 (A), an application for development in an area designated SEC h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:~~

~~(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;~~

~~For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an~~

~~area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.~~

~~(2) Location of existing and proposed structures;~~

~~(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;~~

~~(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.~~

~~(B) Development standards:~~

~~(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.~~

~~(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.~~

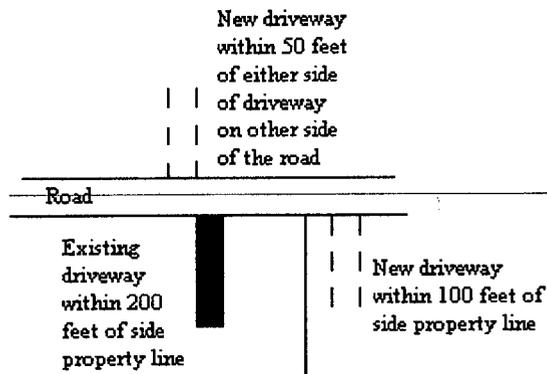
~~(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.~~

~~(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:~~

~~(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or~~

~~(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.~~

~~(c) Diagram showing the standards in (a) and (b) above.~~



For illustrative purposes only.

~~(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).~~

~~1. The modification shall be the minimum necessary to allow safe access onto the public road.~~

~~2. The County Road Official shall provide written findings supporting the modification.~~

~~(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.~~

~~(6) Fencing within a required setback from a public road shall meet the following criteria:~~

~~(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.~~

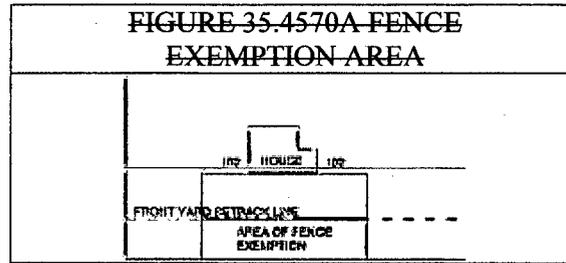
~~(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.~~

~~(c) Cyclone, woven wire, and chain link fences are prohibited.~~

~~(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.~~

~~(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and~~

meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.



(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning glory
<i>Convolvulus nyctagineus</i>	Night blooming Morning glory
<i>Convolvulus sepium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium robertianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water-Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife

Scientific Name	Common Name
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coecineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
various genera	Bamboo sp.

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist:

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B):

(3) The wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes:

~~(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.~~

~~(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.~~

~~(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.~~

~~(4) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.~~

Section 7. § 35.4575 is amended as follows:

35.4575 Criteria for Approval of SEC-s Permit -Streams

(A) Definitions:

~~(1) *Protected Streams* - consist of those streams which have been found through a Goal 5 ESEE analysis and protected by Ordinance 830 to be either "2 - A", "3 - A", or "3 - C", are identified as protected in the Comprehensive Framework Plan, and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County Sectional Zoning Maps.~~

~~(2) *Development* - Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.~~

~~(3) *Stream Conservation Area* - For the protected streams originally designated by Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designed on the zoning maps as SEC-s is an area which extends 300 feet from the centerline on both sides of the protected stream. An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Within Metro's jurisdictional boundaries, the Stream Conservation Area protected by Ordinance XXX, adopted January XX, 2010, varies and shall be as depicted of the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 35.4575 (B) through (E).~~

~~(4) *Nuisance or Invasive Non-Native Plants*: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.~~

(B) Except for the following exempt uses listed in MCC 35.4515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 35.4575 (C) through (E).

- ~~(1) Forest practices conducted under the Forest Practices Act~~
- ~~(2) Planting of native vegetation~~
- ~~(3) Agricultural uses~~
- ~~(4) Maintenance, but not expansion, of existing developments~~
- ~~(5) Right of way widening for existing rights of way when additional right of way is necessary to ensure continuous width~~
- ~~(6) Single utility poles necessary to provide service to the local area~~

* * * * *

(D) For the protected stream resources, designated "3-C" the applicant shall demonstrate that the proposal:

- (1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:
 - (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 35.4575 (C);
 - (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
 - (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 35.4575 (D) (1);
 - (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

* * * * *

(F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

- (1) The planting of any invasive non-native or noxious vegetation as listed in MCC 35.4575(A)(4) is prohibited. In addition, the following nuisance plant species shall not be planted:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Chelidonium majus</u>	<u>Lesser celandine</u>
<u>Cirsium arvense</u>	<u>Canada Thistle</u>
<u>Cirsium vulgare</u>	<u>Common Thistle</u>
<u>Clematis ligusticifolia</u>	<u>Western Clematis</u>
<u>Clematis vitalba</u>	<u>Traveler's Joy</u>
<u>Conium maculatum</u>	<u>Poison hemlock</u>
<u>Convolvulus arvensis</u>	<u>Field Morning-glory</u>
<u>Convolvulus nyctagineus</u>	<u>Night-blooming Morning-glory</u>
<u>Convolvulus seppium</u>	<u>Lady's nightcap</u>
<u>Cortaderia seloana</u>	<u>Pampas grass</u>
<u>Crataegus sp. except C. douglasii</u>	<u>hawthorn, except native species</u>
<u>Cytisus scoparius</u>	<u>Scotch broom</u>
<u>Daucus carota</u>	<u>Queen Ann's Lace</u>
<u>Elodea densa</u>	<u>South American Water-weed</u>
<u>Equisetum arvense</u>	<u>Common Horsetail</u>
<u>Equisetum telemateaia</u>	<u>Giant Horsetail</u>
<u>Erodium cicutarium</u>	<u>Crane's Bill</u>
<u>Geranium roberianum</u>	<u>Robert Geranium</u>
<u>Hedera helix</u>	<u>English Ivy</u>
<u>Hypericum perforatum</u>	<u>St. John's Wort</u>
<u>Ilex aquafolium</u>	<u>English Holly</u>
<u>Laburnum watereri</u>	<u>Golden Chain Tree</u>
<u>Lemna minor</u>	<u>Duckweed, Water Lentil</u>

<u>Scientific Name</u>	<u>Common Name</u>
<u>Loentodon autumnalis</u>	<u>Fall Dandelion</u>
<u>Lythrum salicaria</u>	<u>Purple Loosestrife</u>
<u>Myriophyllum spicatum</u>	<u>Eurasian Watermilfoil</u>
<u>Phalaris arundinacea</u>	<u>Reed Canary grass</u>
<u>Poa annua</u>	<u>Annual Bluegrass</u>
<u>Polygonum coccineum</u>	<u>Swamp Smartweed</u>
<u>Polygonum convolvulus</u>	<u>Climbing Binaweed</u>
<u>Polygonum sachalinense</u>	<u>Giant Knotweed</u>
<u>Prunus laurocerasus</u>	<u>English, Portugese Laurel</u>
<u>Rhus diversiloba</u>	<u>Poison Oak</u>
<u>Rubus discolor</u>	<u>Himalayan Blackberry</u>
<u>Rubus laciniatus</u>	<u>Evergreen Blackberry</u>
<u>Senecio jacobaea</u>	<u>Tansy Ragwort</u>
<u>Solanum dulcamara</u>	<u>Blue Bindweed</u>
<u>Solanum nigrum</u>	<u>Garden Nightshade</u>
<u>Solanum sarrachoides</u>	<u>Hairy Nightshade</u>
<u>Taraxacum officinale</u>	<u>Common Dandelion</u>
<u>Urtica dioica</u>	<u>Stinging Nettle</u>
<u>Vinca major</u>	<u>Periwinkle (large leaf)</u>
<u>Vinca minor</u>	<u>Periwinkle (small leaf)</u>
<u>Xanthium spinosum</u>	<u>Spiny Cocklebur</u>
<u>various genera</u>	<u>Bamboo sp.</u>

(2) The revegetation of disturbed areas shall primarily use native plants. A list of native plants can be found in the latest edition of the Metro Native Plant List.

(3) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

(FG) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

Section 8. § 11.15.6400 is amended as follows:

11.15.6400 Purposes

The purposes of the Significant Environmental Concern (SEC) subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

Section 9. § 11.15.6401 is added as follows:

11.15.6401 Definitions.

(A) Development: Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetative cover in the Water Resource Area or Habitat Area on a lot or parcel.

(B) Nuisance, invasive non-native and native plants: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List. Native plants are those listed in the latest edition of the Metro Native Plant List.

(C) Practicable, Practical: As in No Practicable Alternative. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

(D) Top of Bank: The same as "bankfull stage" which means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Section 10. § 11.15.6406 is amended as follows:

11.15.6406 Exceptions

An SEC permit shall not be required for the following:

~~(A) Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695(9) or on upland areas;~~

(A) Farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010, except that buildings and other development associated with farm practices and agricultural uses are subject to the requirements of this district except that agricultural fences shall not require an SEC-wr permit;

~~(B) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;~~

~~(C) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);~~

~~(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;~~

~~(E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;~~

~~(F) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;~~

~~(G) The maintenance and repair of existing flood control facilities;~~

~~(H) Uses legally existing on November 17, 1994; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure which 1) for the SEC, SEC-w, and SEC-v overlays do not require any modification to the exterior of the structure, and 2) for the SEC-h and SEC-s overlays require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;~~

(H) Routine repair and maintenance of structures, roadways, driveways, utility facilities, and lawns that were in existence prior to the effective date of this ordinance;

(I) All type A Home Occupations.

(J) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

(K) Alteration, repair, or replacement of septic system drainfields due to system failure;

(L) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;

(M) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County;

(N) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and

(O) Single utility poles necessary to provide service to the local area.

(P) Work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC .2282 Responses to and Emergency/Disaster Event, provided that after the emergency has passed, adverse impacts are mitigated.

Section 11. § 11.15.6408 is amended as follows:

11.15.6408 Application for SEC Permit

~~An application for an SEC permit for a use or for the change or alteration of an existing use on land~~

designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428, and shall be filed as follows:

(A) — For a Permitted Use, an Accessory Use, or a Use Under Prescribed Conditions, in the manner provided in MCC .8210(B); and

(B) — For a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service Use as specified in MCC .7005 through .7030, or for a change of zone classification or for any other action as specified in MCC .8205, the SEC permit application shall be combined with the required application for the proposed action and filed in the manner provided in MCC .8210 and .8215.

(C) — An application for an SEC permit shall include the following:

(1) — A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.

(2) — A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Proposed fill, grading, site contouring or other landform changes;

(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) Location and width of existing and proposed roads, driveways, and service corridors.

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420 through .6428. An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(A) General SEC (SEC): All applications for SEC permits shall include the information listed in this section in sufficient detail for County staff to evaluate the impacts of the proposal. The applicant is responsible for providing all of the required information. In addition to the information listed in this section, the application shall contain the supplemental information that is listed for the resource area in which the development is proposed.

(1) A written description of the proposed development and how it complies with the requirements applicable to the resource area in which development is proposed as listed in SEC, SEC-wr, and SEC-h.

(2) A map of the property drawn to scale showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Location of natural drainageways, springs, seeps, and wetlands on the site. The Planning Director may require the applicant to provide the location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;

(e) Proposed fill, grading, site contouring or other landform changes;

(f) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas; and

(g) Location and width of existing and proposed roads, driveways, parking and maneuvering areas, and service corridors and utilities.

(3) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.

(4) Application for a flood hazard permit, erosion control permit, and/or other required natural hazards permit for the proposed development.

(C) SEC-Water Resource (SEC-wr): In addition to the information requirements listed in MCC .6408(A) above, the following information shall be submitted for applications within the SEC-wr overlay.

(1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a de-lineation of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, and utility installations;

(2) The location of wetlands;

(3) Preparation of plans and surveys - Inventories, assessment of existing conditions, and mitigation or restoration plans shall be prepared by a qualified professional such as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual;

(4) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;

(5) An assessment of the existing condition of the Water Resource Area in accordance with Table 2 Riparian/Vegetated Corridor Standards;

(6) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in Table 1;

(7) A detailed Mitigation Plan as described in MCC .6428(E), if required;

(8) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH); and

(9) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal.

including the amounts and methods.

Section 12. § 11.15.6409 is amended as follows:

11.15.6409 Applicable Approval Criteria

(A) ~~The approval criteria in MCC .6420 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

(B) The approval criteria that apply to uses in areas designated SEC ~~SEC-w, SEC-v, SEC-h and SEC-s~~ wr on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria
<u>SEC</u>	<u>MCC .6420</u>
<u>SEC-w</u> (wetlands)	<u>MCC .6422</u>
<u>SEC-v</u> (scenic views)	<u>MCC .6424</u>
<u>SEC-h</u> (wildlife habitat)	<u>MCC .6426</u>
<u>SEC-s</u> (streams)	<u>MCC .6428</u>
<u>SEC-wr</u> (water resources)	

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s wr zoning subdistricts) were created digitally by interpreting various data sources, ~~including the hand-drawn maps contained in the Goal 5 ESEE report.~~ Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area which extends extending 300 feet from the nearest point on the centerline on both sides of the protected stream.~~ In the event of a mapping inconsistency, the SEC-swr zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

~~(D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

~~(ED)~~ For Goal 5 resources designated "3C" protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

Section 13. § 11.15.6410 is amended as follows:

11.15.6410 SEC Permit – Required Findings

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420~~6~~ through .6428.

Section 14. §§ 11.15.6412, 11.15.6414, and 11.15.6416 are deleted as follows:

~~11.15.6412 — Decision by Planning Director~~

~~(A) — A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director.~~

~~(B) — The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with applicable criteria of MCC .6420 through .6428.~~

~~(C) — Within thirty business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.~~

~~(D) — A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.~~

~~11.15.6414 — Decision by a Hearings Officer~~

~~(A) — A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service use as specified in MCC .7005 through .7030, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.~~

~~(B) — Action by the Hearings Officer on an SEC permit application shall be taken pursuant to MCC .8205 through .8250.~~

~~(C) — The findings and conclusions made by the Hearings Officer and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.~~

~~11.15.6416 — Appeals~~

~~(A) — A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Officer in the manner provided in MCC .8290 and .8295.~~

~~(B) — A decision by the Hearings Officer on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in MCC .8255.~~

Section 15. § 11.15.6413 is added as follows:

11.15.6413 Existing Uses.

Uses that legally existed on January XX, 2010, that are not included as Exceptions in section MCC .6406, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

(A) Change, expansion, or alteration of existing uses shall require an SEC permit as provided in MCC .6400 through .6428, except for changes to a structure as described in Sections (1) or (2) below;

(1) In areas subject to the provisions of the SEC, change, or alteration of existing uses which do not require any modification to the exterior of the structure;

(2) Within the SEC-wr and SEC-h - addition of less than 400 square feet of ground coverage to the structure. This provision is intended to allow a maximum of 400 square feet of additional coverage to the structure that existed on the effective date of this ordinance.

(B) Replacement or restoration of existing structures that were unintentionally destroyed by fire or other casualty, or natural disaster within the same foundation lines shall not require an SEC permit. The redevelopment must be commenced within one year from the date of the loss, and may include addition of a maximum 400 square feet of ground coverage. Structures which are expanded up to 400 square feet under this provision, may not subsequently expand under the provision in (A)(2) above.

(C) Within the SEC-wr, lawfully established structures that do not meet the casualty loss provisions of (B) above may be replaced within the same foundation lines or area of ground coverage when the entire remaining vegetated corridor on the project site, or the first 50 feet closest to the stream, or an area equal to the ground coverage of the building and attached structures and paved areas, whichever is less, is enhanced to "good" condition pursuant to Table 2. Replacement shall be processed as a Type II review.

(D) If development under this section is proposed to be located closer to a protected water feature, approval of a permit under the provisions of MCC .6408, .6422 & .6428 shall be obtained.

Section 16. §§ 11.15.6422 and 11.15.6424 are deleted as follows:

~~11.15.6422 — Criteria for Approval of SEC-w Permit—Significant Wetlands~~

~~Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:~~

~~(A) — In addition to other SEC Permit submittal requirements, the application shall also include:~~

~~(1) — A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;~~

~~(2) — A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;~~

~~(3) — A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;~~

~~(4) — A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;~~

~~(5) — Detailed Mitigation Plans as described in subsection (D), if required;~~

~~(6) — Description of how the proposal meets the approval criteria listed in subsection (B) below.~~

~~(B) — The applicant shall demonstrate that the proposal: [Amended 1994, Ord. 801 § 3]~~

~~(1) — Is water dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;~~

~~(2) — Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;~~

~~(3) — Will not cause significant degradation of groundwater or surface water quality;~~

~~(4) — Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;~~

~~(5) — Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).~~

~~(C) — A finding of no practicable alternative is to be made only after demonstration by the applicant that:~~

~~(1) — The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An alternative site is to be considered practicable if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;~~

~~(2) — The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and~~

~~(3) — In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.~~

~~(4) This section is only applicable for wetland resources designated "3-C".~~

~~(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:~~

~~(1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC .6372 and .6376 (A);~~

~~(2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;~~

~~(3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);~~

~~(4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:~~

~~(a) On the site of the impacted wetland, with the same kind of resource;~~

~~(b) Off site, with the same kind of resource;~~

~~(c) On site, with a different kind of resource;~~

~~(d) Off site, with a different kind of resource.~~

11.15.6424 Criteria for Approval of SEC-v Permit Significant Scenic Views

Significant scenic resources consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

Identified Viewing Areas are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:

Bybee-Howell House

Virginia Lakes

Sauvie Island Wildlife Refuge

Kelley Point Park

Smith and Bybee Lakes

Highway 30

The Multnomah Channel

The Willamette River

Public roads on Sauvie Island

Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.

~~(A) In addition to the information required by MCC .6408(C), an application for development in an area designated SEC-v shall include:~~

~~(1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;~~

- (2) — ~~Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;~~
- (3) — ~~A list of identified viewing areas from which the proposed use would be visible; and~~
- (4) — ~~A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (B) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.~~
- (B) — ~~Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:~~
- (1) — ~~Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.~~
- (2) — ~~Use of nonreflective or low reflective building materials and dark natural or earthtone colors.~~
- (3) — ~~No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.~~
- (4) — ~~Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.~~
- (5) — ~~Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.~~
- (6) — ~~Limiting structure height to remain below the surrounding forest canopy level.~~
- (7) — ~~Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:~~
- (a) — ~~New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:~~
- (i) — ~~The new facility could not be located in an existing transmission corridor or built upon an existing facility;~~
- (ii) — ~~The facility is necessary for public service; and~~
- (iii) — ~~The break in the skyline is the minimum necessary to provide the service.~~
- (C) — ~~Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.~~
- (D) — ~~The approval authority may impose conditions of approval on an SEC v permit in accordance with MCC 6418, in order to make the development visually subordinate. The extent and type of~~

conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.

Section 17. § 11.15.6423 is added as follows:

11.15.6423 General Requirements for Approval in Areas Designated as SEC-wr.

The requirements in this section shall be satisfied for development in the SEC-h and SEC-wr areas in addition to the provisions of MCC .6426 or MCC .6428 as applicable.

(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water re-source or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.

(C) The following nuisance plants, in addition to the nuisance plants defined in MCC .6401, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:

Table 1
Nuisance Plant List

Common Name	Scientific	Common Name	Scientific
Lesser celandine	Chelidonium majus	Fall Dandelion	Loentodon autumnalis
Canada Thistle	Cirsium arvense	Purple Loosestrife	Lythrum salicaria
Common Thistle	Cirsium vulgare	Eurasian Watermilfoil	Myriophyllum spicatum
Western Clematis	Clematis ligusticifolia	Reed Canary grass	Phalaris arundinacea
Traveler' s Joy	Clematis vitalba	Annual Bluegrass	Poa annua
Poison hemlock	Conium maculatum	Swamp Smartweed	Polygonum coccineum
Field Morning-glory	Convolvulus arvensis	Climbing Binaweed	Polygonum convolvulus
Night-blooming Morningglory	Convolvulus nyctagineus	Giant Knotweed	Polygonum sachalinense

Common Name	Scientific	Common Name	Scientific
Lady' s nightcap	Convolvulus seppium	English, Portuguese/ Laurel	Prunus laurocerasus
Pampas grass	Cortaderia selloana	Poison Oak	Rhus diversiloba
Hawthorn, except native species	Crataegus sp. except C. douglasii	Himalayan Blackberry	Rubus discolor
Scotch broom	Cytisus scoparius	Evergreen Blackberry	Rubus laciniatus
Queen Ann' s Lace	Daucus carota	Tansy Ragwort	Senecio jacobaea
South American Waterweed	Elodea densa	Blue Bindweed	Solanum dulcamara
Common Horsetail	Equisetum arvense	Garden Nightshade	Solanum nigrum
Giant Horsetail	Equisetum telemateia	Hairy Nightshade	Solanum sarrachoides
Crane' s Bill	Erodium cicutarium	Common Dandelion	Taraxacum officinale
Robert Geranium	Geranium roberianum	Common Bladderwort	Utricularia vulgaris
English Ivy	Hedera helix	Stinging Nettle	Urtica dioica
St. John' s Wort	Hypericum perforatum	Periwinkle (large leaf)	Vinca major
English Holly	Ilex aquafolium	Periwinkle (small leaf)	Vinca minor
Duckweed, Water Lentil	Lemna minor	Spiny Cocklebur	Xanthium spinosum
Fall Dandelion	Loentodon autumnalis	Bamboo sp.	various genera
Purple Loosestrife	Lythrum salicaria		

Section 18. § 11.15.6426 is ~~amended~~ ~~deleted~~ as follows:

~~11.15.6426 — Criteria for Approval of SEC h Permit Wildlife Habitat~~

~~(A) — In addition to the information required by MCC .6408(C), an application for development in an area designated SEC h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:~~

- ~~(1) — Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non forested "cleared" areas;~~

~~For the purposes of this section, a forested area is defined as an area that has at least 75% crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A~~

non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

(2) Location of existing and proposed structures;

(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.

(5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.

(6) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

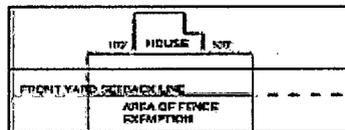
(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE .6400A 1



FENCE EXEMPTION AREA

(7) The following nuisance plants shall not be planted on the subject property and shall be

removed and kept removed from cleared areas of the subject property:

~~(CB) — Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.~~

~~(1) — The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or~~

~~(2) — The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section B and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section B.~~

~~(3) — The wildlife conservation plan must demonstrate the following:~~

~~(a) — That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.~~

~~(b) — That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.~~

~~(c) — That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.~~

~~(d) — That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.~~

~~(e) — That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.~~

~~(4) — For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.~~

Section 19. § 11.15.6428 is deleted as follows:

11.15.6428 — Criteria for Approval of SEC-s Permit Streams

~~Protected Streams consist of those streams which have been found through a Goal 5 ESEE analysis to be either “2-A”, “3-A”, or “3-C”, are identified as protected in the Comprehensive Framework Plan, and are designated SEC-s on the Multnomah County Sectional Zoning Maps.~~

~~Development — Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.~~

~~Stream Conservation Area — An area extending 300’ upslope from and perpendicular to the centerline of a protected stream. Any development proposed within a Stream Conservation Area shall be required to~~

demonstrate that the development satisfies the standards of MCC 11.15.6428(A) through (D).

~~(A) — Except for the following exempt uses, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 11.15.6428(B) through (D):~~

~~(1) — Forest practices conducted under the Forest Practices Act~~

~~(2) — Planting of native vegetation~~

~~(3) — Agricultural uses [Amended 1995, Ord. 832 § 2]~~

~~(4) — Maintenance, but not expansion, of existing developments~~

~~(5) — Right of way widening for existing rights of way when additional right of way is necessary to ensure continuous width~~

~~(6) — Single utility poles necessary to provide service to the local area~~

~~(B) — In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:~~

~~(1) — A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;~~

~~(2) — A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;~~

~~(3) — A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;~~

~~(4) — A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by (D)(5) below;~~

~~(5) — A detailed Mitigation Plan as described in subsection (C), if required; and~~

~~(6) — A description of how the proposal meets the approval criteria listed in subsection (C) below.~~

~~(C) — For stream resources designated "3-C" the applicant shall demonstrate that the proposal:~~

~~(1) — Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:~~

~~(a) — A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC .6428(B);~~

~~(b) — A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;~~

~~(c) — A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC .6428(C)(1);~~

~~(d) — An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.~~

~~(D) — Design Specifications~~

~~The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:~~

~~(1) — A bridge or arched culvert which does not disturb the bed or banks of the stream and which maintains the existing flood carrying capacity for the altered portion of the stream shall be utilized for any crossing of a protected stream. [Amended 1999, Ord. 931 § IV]~~

~~(2) — All storm water generated by a development shall be collected and disposed of on-site into dry-wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.~~

~~(3) — Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area~~

~~(4) — Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.~~

~~(5) — Satisfaction of the erosion control standards of MCC .6730.~~

~~(6) — Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.~~

~~(7) — Demonstration of compliance with all applicable state and federal permit requirements.~~

~~(E) — For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.~~

Section 20. § 11.15.6429 is added as follows:

11.15.6429 CRITERIA FOR APPROVAL OF SEC-WR PERMIT -WATER RESOURCE

Except for the exempt uses listed in MCC .6406 and the existing uses pursuant to MCC .6412, no development shall be allowed within a Water Resource Area unless the provisions of section (A) or (B) or (C) below are satisfied. An application shall not be approved unless it contains the site analysis information required in MCC .6408(A) and (C), and meets the general requirements in MCC .6422.

(A) Development on Low Impact Sites - Development on parcels in locations that would have low impacts on Water Resource Areas may be exempt from the Alternatives Analysis in (B) below. Development on sites that meet the following criterion may be allowed pursuant to the other applicable requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E):

(1) The development site is at least one hundred (100) feet from top of bank or top of ravine, which ever results in a greater distance from the Protected Water Feature.

Top of ravine is the break in the > 25% slope. Slope should be measured in 25-foot increments.

away from the water feature until the slope is less than 25% (top of ravine), up to a maximum distance of 200' from the water feature. Where multiple resources are present (e.g., stream with wetlands along banks), the starting point for measurement should be whichever offers greatest re-source protection.

(B) Alternatives Analysis - Development pro-posed within a Water Resource Area may be al-lowed if there is no alternative, when the other requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E) are met. The applicant shall prepare an alternative analysis which demonstrates that:

- (1) No practicable alternatives to the re-quested development exist that will not disturb the Water Resource Area; and
- (2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;
- (3) Development shall occur as far as practically possible from the stream; and
- (4) The Water Resource Area can be re-stored to an equal or better condition; or
- (5) Any net loss on the property of resource area, function and/or value can be mitigated.

(C) Buffer Averaging - Development may be al-lowed to encroach into the 200' SEC-wr over-lay zone or "buffer" when the provisions of (1) through (6) below are satisfied. These provisions are intended to allow development to extend a specific amount into the edges of the overlay zone without an alternatives analysis in exchange for increasing the area of vegetated corridor on the property that is in good condition.

- (1) Site assessment information pursuant to MCC .6408(A) and (C) has been submitted.
- (2) The riparian/vegetated corridor is certified to be in a marginal or degraded condition pursuant to Table 2. Buffer averaging is not allowed to encroach in areas certified to be in good condition.
- (3) The maximum encroachment does not exceed 20% of the frontage length of the vegetated corridor by 20% of the required width.
- (4) The entire remaining vegetated corridor on the project site or the first 50 feet closest to the stream (whichever is less) will be enhanced to "good" condition pursuant to Table 2.
- (5) The area of encroachment will be re-placed with added buffer area at a 1:1 ratio.
- (6) The replacement area will be incorporated into the remaining vegetated corridor on the project site and meet the "good" condition pursuant to Table 2, regardless of its distance from the resource area.

(D) Development Standards- Development within the Water Resource Area shall comply with the following standards:

- (1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.
- (2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater) shall be removed with-out a one-for-one replacement with comparable species. The site plan for the

(a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.

(b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and

(c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

(E) Mitigation - Mitigation shall be required to offset the impacts of development within the SEC-wr. This section establishes how mitigation can occur.

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas.

(a) When a proposed use or development activity could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1. through 5. below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;

4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.

5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.

(b) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit, given:

1. The extent of the public need for the proposed development;

2. The functional values of the Water Resource Area that may be affected by the proposed development;

3. The extent and permanence of the adverse effects of the development on the Water Resource Area, either directly or indirectly;

4. The cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and

5. The uniqueness or scarcity of the Water Resource Area that may be affected.

(2) Compensatory Mitigation: General Requirements. As a condition of any permit or other approval allowing development which results in the loss or degradation of regulated natural resource areas, or as an enforcement action, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or violator.

(a) Any person who alters or proposes to alter regulated natural resource areas shall restore or create natural resource areas equivalent to or larger than those altered in order to compensate for re-source losses.

(b) The following ratios apply to the creation or restoration of natural re-source areas. The first number specifies the amount of natural resource area to be created and the second specifies the amount of natural resource area to be altered or lost.

Creation (off-site) 2:1

Restoration (off-site) 1.5:1

Creation (on-site) 1.5:1

(Restoration (on-site) 1:1

(c) Only marginal or degraded water re-source areas as described in Table 2 may be the subject of a restoration project proposed as part of a Mitigation Plan.

(d) Highest priority sites for mitigation are marginal or degraded corridors that are closest to a natural drainage, and areas which will increase contiguous areas of standing trees, shrubs, and natural vegetation along drainages.

(e) The off-site mitigation shall be as close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable, within the watershed where the development will take place or as otherwise specified by the County.

(f) Compensation shall be completed prior to initiation of development where possible.

(g) In order to ensure that on-site mitigation areas are established and maintained, the property owner shall record the mitigation plan approval in the deed records of Multnomah County. In order to ensure that off-site mitigation areas will be protected in perpetuity, the owner shall cause a deed restriction to be placed on the property where the mitigation is required. The deed restriction shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.

(3) Mitigation Plan Standards - Natural re-source mitigation plans shall contain the following information:

(a) A description of adverse impacts that could be caused as a result of development.

(b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

(c) A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.

(d) A map drawn to scale, showing where the specific mitigation activities will occur.

(e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

Table 2

Riparian/Vegetated Corridor Standards

<u>Existing Riparian/Vegetated Corridor Condition</u>	<u>Requirements of Riparian/Vegetated Corridor Protection, Enhancement, and/or Mitigation</u>
<p><u>Good Corridor</u></p> <p><u>Combination of native trees, shrubs, and groundcover covering greater than 80% of the area</u></p> <p><u>and</u></p> <p><u>Greater than 50% tree canopy exists (aerial measure)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand.</u></p> <p><u>Provide the County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore condition and mitigate any habitat or water quality impacts related to development.</u></p> <p><u>Revegetate impacted area per approved plan to reestablish “good” corridor conditions</u></p>
<p><u>Marginal Corridor</u></p> <p><u>Combination of native trees, shrubs, and groundcovers covering 50% - 80% of the area</u></p> <p><u>and/or</u></p> <p><u>26-50% tree canopy exists (aerial measure)</u></p> <p><u>(Restoration up to “good” corridor required)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation.</u></p> <p><u>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition.</u></p> <p><u>Vegetate corridor to establish “good” corridor conditions</u></p>

<p><u>Degraded Corridor</u></p> <p><u>Combination of native trees, shrubs, and groundcovers covering is less than 50% of the area</u></p> <p><u>and/or</u></p> <p><u>Less than 25% tree canopy exists (aerial measure)</u></p> <p><u>and/or</u></p> <p><u>Greater than 10% of the area is covered by invasive, non-native species</u></p> <p><u>(Restoration up to “good” corridor required)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically as appropriate.</u></p> <p><u>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition.</u></p> <p><u>Vegetate corridor to establish “good” corridor conditions</u></p>
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Section 21. Comprehensive Framework Plan Policy 16-D: Fish and Wildlife Habitat is amended to read as follows:

POLICY 16-D: FISH AND WILDLIFE HABITAT

It is the County’s policy to protect significant fish and wildlife habitat and to specifically limit conflicting uses within natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

STRATEGIES

A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant habitat areas and to delineate sensitive big game winter habitat areas. If necessary, supplement this information with additional professional analysis to identify additional significant habitat areas and natural ecosystems within rural portions of the County.

1. In 2001, the Metropolitan Service District (Metro) inventoried the riparian and wildlife habitat within its jurisdiction for riparian and wildlife habitat quality. Within Metro’s boundaries, the County may rely upon Metro’s riparian and wildlife habitat inventories and mapping to identify and protect fish and wildlife habitat.

B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River Greenway.

C. Include provisions within the Zoning Ordinance to review development proposals which may affect natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

Section 22. The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Streams (SEC-s) overlay zone as shown on Exhibits A and B: 30, 39, 40, 49, 50, 51, 60, 61, 62, 72, 73, 77, 83, 85, 86, 87, 88, 651, 652, 655, 656, 667, 668, 671, 672, 674, and 683.

Section 23. The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Water Resources (SEC-wr) overlay zone as shown on Exhibit C: 529, 534, 535, 540, 541, and 542.

FIRST READING:

December 17, 2009

SECOND READING AND ADOPTION:

January 7, 2010

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

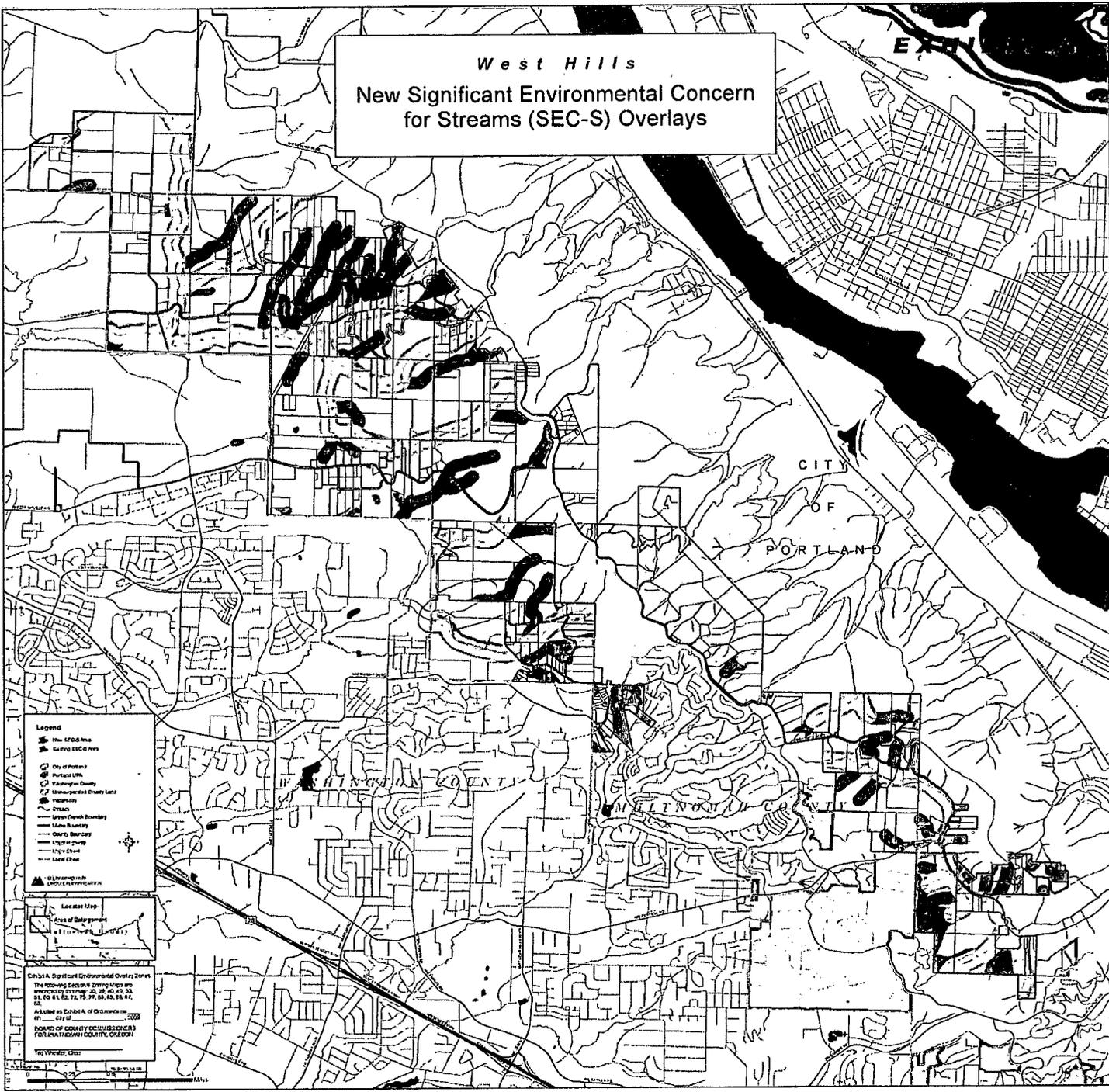
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

West Hills
**New Significant Environmental Concern
 for Streams (SEC-S) Overlays**



- Legend**
- The SEC-S Area
 - Existing SEC-S Areas
 - City of Portland
 - Multnomah County
 - Unincorporated County Land
 - Vacant Land
 - Stream
 - Urban Growth Boundary
 - State Boundary
 - County Boundary
 - Local District
 - Local Drain
 - Sewerage Treatment Plant

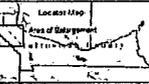
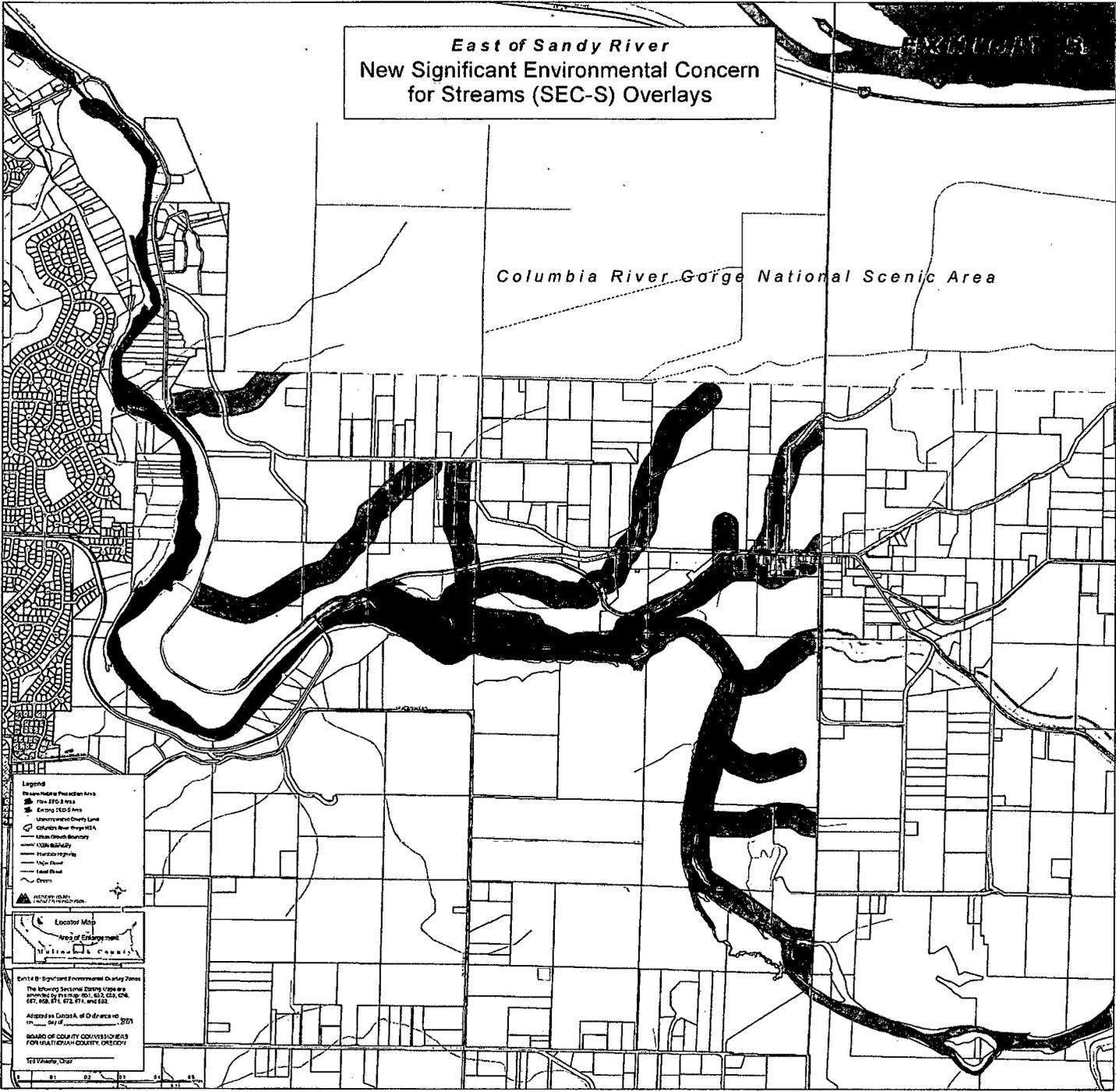


Exhibit A. Significant Environmental Overlay Zones
 The following Significant Environmental Overlay Zones are overlaid on the maps of the City of Portland, Oregon, and Multnomah County, Oregon, as shown on the map.
 Adopted as Exhibit A, of Ordinance No. 30223
 by the
**BOARD OF COUNTY COMMISSIONERS
 FOR MULTNOMAH COUNTY, OREGON**
 MAY 12, 2003

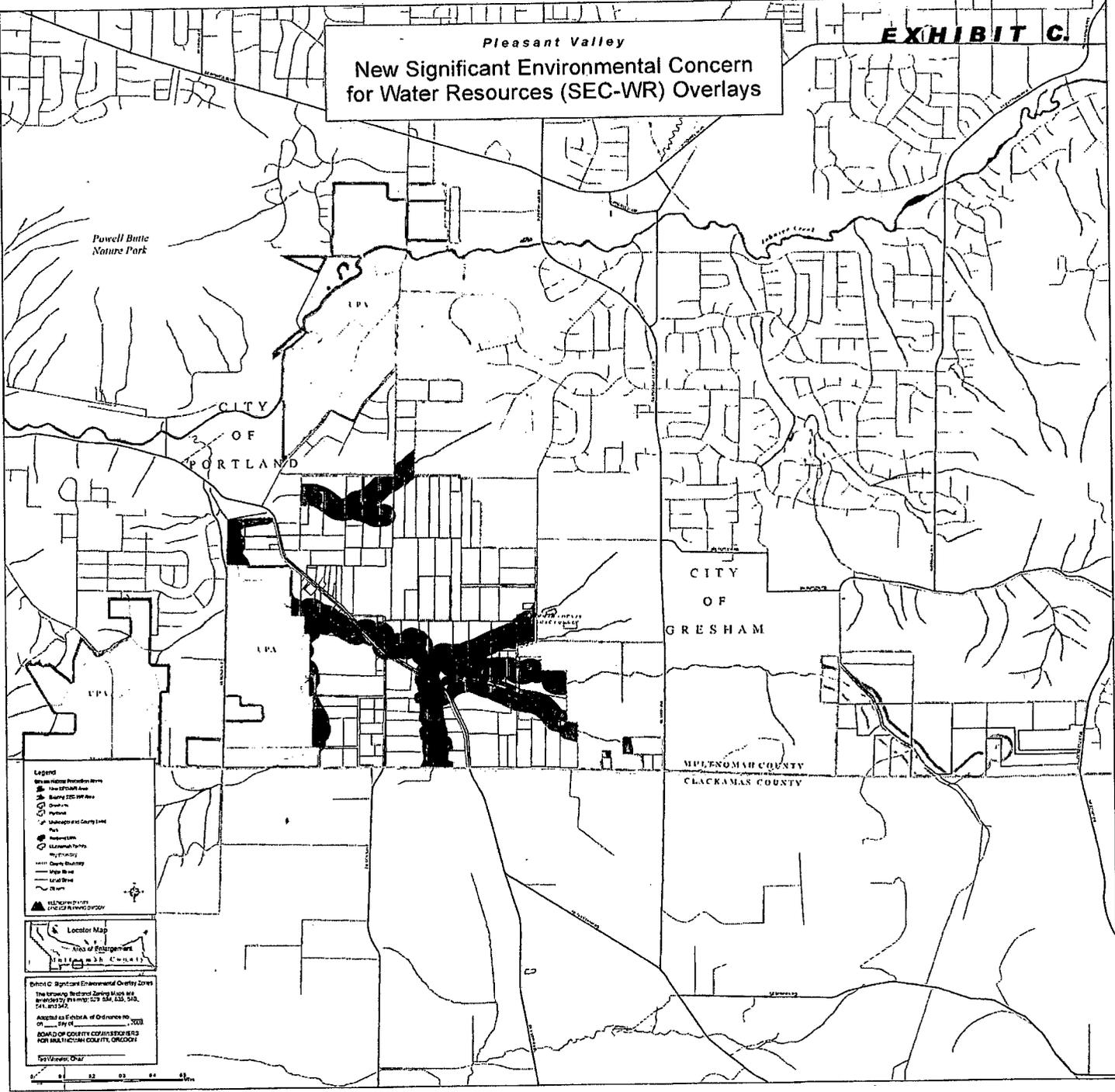


East of Sandy River
New Significant Environmental Concern
for Streams (SEC-S) Overlays

Columbia River Gorge National Scenic Area



Pleasant Valley
New Significant Environmental Concern
for Water Resources (SEC-WR) Overlays



Powell Butte
Nature Park

CITY
OF
PORTLAND

CITY
OF
GRESHAM

MULTNOMAH COUNTY
CLATSOP COUNTY

- Legend**
- Water Resource Protection Area
 - New SEC-WR Area
 - Existing SEC-WR Area
 - City Boundary
 - County Boundary
 - Highway
 - Local Street
 - Stream
 - Water Resource Protection Area
 - SEC-WR Overlay

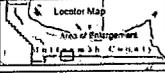
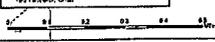


Exhibit C Significant Environmental Overlay Zones
The following Resolution Zoning Map was
approved by the Board of Commissioners on
11/11/03.

Adopted as an Ordinance of the
BOARD OF COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

11/11/03





MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: R-10
Est. Start Time: 10:40 AM
Date Submitted: 12/11/09

Agenda Title:	RESOLUTION Directing the Department of Community Services to Investigate the Use of a Construction Manager / General Contractor Method of Delivery for the Sellwood Bridge Replacement Project
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>December 17, 2009</u>	Amount of Time Needed:	<u>25 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Michael Eaton</u>		
Phone:	<u>503-988-3757</u>	Ext.	<u>247</u>
Presenter(s):	<u>Ian Cannon</u>	I/O Address:	<u>446</u>

General Information

1. What action are you requesting from the Board?

The Bridge Section is seeking direction from the Board to pursue the potential to employ the Construction Management/General Contractor (CM/GC) method of project delivery for the Sellwood Bridge Replacement Project (the Project). The Bridge Section believes the CMGC method of delivery provides several distinct advantages for the award and management of the Project than would the standard Design-Bid-Build method. More specifically, the CM/GC method:

- Allows a robust public involvement process;
- Allows flexibility to work with other agencies on evolving design elements;
- Lets the County retain significant control over the project design;
- Incorporates construction contractor input and knowledge into the project design;
- Provides opportunities to understand risk issues and to explicitly manage risk issues;
- Frequently results in fewer disputes and claims at the end of a project;
- Provides good cost certainty at the time that the contractor provides a Guaranteed Maximum Price;
- And provides opportunities to maximize contractor diversity.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Sellwood Bridge is deteriorated after approximately 80 years of service, and the bridge has a vehicle weight limit of 10 tons maximum. TriMet buses and most trucks are excluded from using the bridge. Approximately 30,000 vehicles cross the narrow two-lane bridge each day.

Multnomah County has conducted a planning process for replacement of the bridge. An Environmental Impact Statement will be submitted shortly to the Federal Highway Administration for their approval. After the Record of Decision is given, the County may proceed with design of the bridge.

The CM/GC project delivery system is unlike the low-bid project delivery method. In a low-bid, the project is designed, and then contractors compete by trying to bid the lowest price. In the CM/GC method, a contractor is hired based on qualifications and lowest percent profit margin. The contractor has beneficial input during design. At an agreed upon point, the contractor gives a quote for a Guaranteed Maximum Price (GMP). This price is analyzed and may be negotiated. However, the County has the right to let the construction contract low-bid if the County and the CM/GC do not agree on a GMP.

In the Low-Bid method, contractors often increase the price of the project by finding errors or misunderstandings in the design documents. In the CM/GC method, the contractor is part of the design and therefore cannot claim against the design as easily. The CM/GC method also allows for design and construction to occur simultaneously, decreasing the duration of the overall project.

3. Explain the fiscal impact (current year and ongoing).

The resolution has no direct cost implication.

4. Explain any legal and/or policy issues involved.

State law permits alternative project delivery methods other than low-bid, including CM/GC. ORS 279C.335 requires that the Board (acting as the Public Contract Review Board) issue an exemption from the public improvement contracting procedures. In addition, the Federal Government through the FHWA must authorize any Federal Aid project to use any alternative delivery methodology. Further, the County is seeking but does not yet have certification to directly administer federal-aid projects. The certification is required before the County can proceed with consideration of use of the CM/GC process for the Project.

5. Explain any citizen and/or other government participation that has or will take place.

In compliance with ORS 279C.335, the Bridge Section will prepare findings relating to the exemption request and publish notice of the hearing on the exemption. A public hearing is required before the Public Contract Review Board may authorize use of the CM/GC process. The Bridge Section will comply with any Federal notice or other requirements with respect to the exemption request.

The Project has had an extensive public involvement process that will continue into the Design and Construction Phases. The Public Involvement work began with an outreach program that contacted over 100 civic organizations. A Community Task Force has included 20 stakeholders representing a broad range of interest groups. In addition, the process has involved our partners, the City of Portland, Metro, ODOT and FHWA, as well as other impacted jurisdictions, Clackamas County, the Cities of Clackamas County, TriMet and the Oregon Legislature.

The Policy Advisory Group (PAG), comprised of elected officials from 10 local jurisdictions, discussed and eventually approved 6 key decision points in the course of arriving at the Preferred

Alternative. Public engagement such as open houses, surveys and public hearings were held prior to these milestones. As a result, the project has enjoyed widespread public support and consensus.

Future decisions that will consider public participation are: bridge type, architectural treatment, railings, lighting, surface textures and others.

Required Signature

**Elected Official or
Department/
Agency Director:**



A handwritten signature in cursive script that reads "M. Cecilia Johnson". The signature is written in black ink and is positioned above a horizontal line.

Date: 12/10/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Directing the Department of Community Services to Investigate the Use of a Construction Manager / General Contractor Method of Delivery for the Sellwood Bridge Replacement Project

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County owns and maintains the Sellwood Bridge in the City of Portland which is nearing the end of its service life and in the long-term requires replacement.
- b. The County secured federal and state funding for the public planning and decision-making process which included development of an environmental impact statement in compliance with federal regulations of the National Environmental Policy Act.
- c. On October 22, 2009 the Board enacted a vehicle registration fee that will generate approximately \$127 million for the Sellwood Bridge Replacement Project
- d. By Resolution 09-022 the Board approved a Locally Preferred Alternative with Conditions on February 19, 2009.
- e. The County, through its Department of Community Services, is preparing to move forward with the design and construction of the Sellwood Bridge Replacement Project (Project) pending receipt of Record of Decision.
- f. That the Construction Manager / General Contractor (CM/GC) method of project delivery offers advantages that may make it appropriate for the Project. ORS Chapter 279C provides for a process for the Board (acting as the Public Contract Review Board) to consider use of a CM/GC method for construction of public projects. It is in the best interests of the County for the County to consider use of this method for construction of the project utilizing the statutory process.

The Multnomah County Board of Commissioners Resolves:

That the Department of Community Services is directed to investigate the use of a Construction Manager / General Contractor method to deliver the Sellwood Bridge Replacement Project and, in compliance with ORS Chapter 279C, to report to the Board its proposed findings for the Board's consideration at a future meeting.

ADOPTED this 17th day of December 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John Thomas, Deputy County Attorney

SUBMITTED BY:
Ted Wheeler, Chair



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 12/17/09
 Agenda Item #: UC-1
 Est. Start Time: 9:30 AM
 Date Submitted: 12/16/09

Agenda Title: Full On- Premises Sales Liquor License Renewal for Shirley's Tippy Canoe, 28242 E Historical Columbia River Hwy, Troutdale, Oregon 97060

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>December 17, 2009</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Kimberly Walker-Norton</u>		
Phone:	<u>(503) 251-2520</u>	Ext.:	<u>I/O Address: 313/122</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Board approval of liquor license application

2. Please provide sufficient background information for the Board and the public to understand this issue.

The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal.

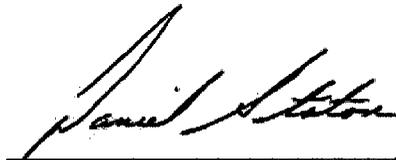
- Assessment and Taxation reported that the address of **28242 E Historical Columbia River Hwy Troutdale, Oregon 97060**, is now in compliance with the Assessment and Taxation Office.
- The Land Use Planning Division has now reported compliance with all codes and permits, and has no objection to renewal of the liquor license.
- The MCSO Alarms Unit reports all rears for outstanding false alarms have been paid in full.
- Nothing in the background check of owner/s raised any questions or concerns.

With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Renewal.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

Elected Official /
Department/
Agency Director:



Date: 12/10/2009

Oregon Liquor Control Commission
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

YOUR DUE DATE FOR RENEWAL IS December 11, 2009.

License Type: FULL ON-PREMISES SALES	District: 1	License: 117694	Premises: 43018	Code: 225
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BRIAR PATCH ENTERPRISES INC
 28242 E HSTRC COL RVR HWY
 TROUTDALE, OR 97060

Licensee(s) BRIAR PATCH ENTERPRISES INC

Server Education Designee(s)
 WELTON-RICE, SHIRLEY 05/03/2011

Tradename SHIRLEY'S TIPPY CANOE
 28242 E HSTRC COL RVR HWY
 TROUTDALE OR 97060

Instructions:

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Submit annual processing fee to your local governing body.
4. Return completed renewal application along with the appropriate license fee by December 11, 2009 to avoid late fees.

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. **YOUR LICENSE EXPIRES ON 12/31/2009.** If you do not renew before this date, you must stop selling or serving alcohol immediately. **NO EXCEPTIONS!** Selling or serving alcohol with an expired license is a crime.

Operational Questions:	Responses:										
(1) Is there a change in your Server Education Designee? If yes, please list their name and date of birth.	Name _____ DOB _____										
(2) Please list a daytime phone number.	Phone Number: <u>503 492 2220</u>										
(3) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last 18 months even if they are <u>not liquor related</u> for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result					
Name	Offense	Date	City/State	Result							
(4) Under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of NO LESS THAN \$300,000. Please list Insurance/Bonding Company, Policy/ID # and Insurance agent's phone number.	Insurance/Bonding Company <u>Oregon Mutual</u> Policy # _____ Insurance Agent's Phone # _____										
(5) Will anyone share in the profits that is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:										
(6) Were there any changes of ownership (i.e.: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:										
(7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:										



Please proceed to back side.

License Fees - Please make check or money order to OLCC. Do not mail cash. Send payment to OLCC.	Dollar Amount (\$)
If completed renewal application is postmarked by 12/11/2009 please pay this amount.	\$402.60
If completed renewal application is postmarked after 12/11/2009 but on or before 12/31/2009 please pay this amount.	\$502.60
If completed renewal application is postmarked after 12/31/2009 please pay this amount.	\$562.60

Local Government- Send Payment to local government listed below.

Local government Multnomah County located at 12240 NE Glisan ; Portland, OR 97230 requires a \$35.00 processing fee. Have you paid this processing fee? NO YES

We will not process your application until this has been paid.

MANDATORY DISCLOSURE OF YOUR SOCIAL SECURITY NUMBER

Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) on the license renewal application. The OLCC will refuse a renewal if an applicant signing the renewal fails to provide his/her Social Security Number. The Social Security Number will be used only for Child Support Enforcement purposes, unless you authorize the use of your Social Security Number for the additional administrative purposes listed below (42 USC § 666(a)(13) & ORS 25.785).

The OLCC also asks for your authorization to use your Social Security Number(s) for additional administrative purposes, to make our application process more efficient and accurate. We use your Social Security Number to:

1. Help us keep accurate records about your identity because applicants often have the same last name and birth date.
2. Ensure your identity when we run a criminal background check through law enforcement agencies.
3. Match your license application to your Alcohol Server Education class and test score (applies only to applicants who are required by law to take and pass an alcohol server education program.)

Our authority to request this use is ORS 471.311 and OAR 845-005-0312(6). Please check the box next to your signature to authorize our use of your Social Security Number for the additional administrative purposes listed above.

You will not be denied a right, benefit or privilege if you do not authorize the OLCC to use your Social Security Number for these additional administrative purposes (5 US § C 552(a)).

Signature -- Please have each licensee sign below. An authorized officer with a corporation, a member of an LLC, or a partner of a limited partnership must sign for a legal entity.

Print Name	Social Security Number	Date of Birth	Sex M/F	Today's date	Signature	SSN Authorization
Shirley Tippy	540303716	6/14/37	F	12-11-09	<i>Shirley Tippy</i>	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES



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MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 12/09/09

Agenda Title: **PROCLAMATION Recognizing Multnomah County Sheriff's Office River Patrol Enforcement Program and Officers for their Outstanding Performance and Contributions During the 2009 Boating Season, and for being honored by the Oregon State Marine Board with Two Life-Saving Awards, an Outstanding Volunteer Award and Program of the Year Award**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: December 17, 2009 **Amount of Time Needed:** 10 minutes
Department: Non-Departmental **Division:** Commissioner Diane McKeel
Contact(s): Andrew Olsen
Phone: 503 988-5213 **Ext.** 85213 **I/O Address:** 503/600
Commissioner Diane McKeel and Multnomah County River Patrol Deputies Steve Dangler and Kevin McAfee, Deputies Ken Yohe and Ron Osborn and River Patrol
Presenter(s): Volunteer John Zeman

General Information

1. What action are you requesting from the Board?

Adoption of Proclamation recognizing the Multnomah County River Patrol for winning the Oregon State Marine Board's highest honor, and Deputies Yohe, Osborn, Dangler and McAfee for winning Life-Saving Awards.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Deputies Yohe and Osborn won a Life-Saving Award for rescuing a person who had jumped off of the I-205 bridge, and Deputies Dangler and McAfee were awarded a Life-Saving Award for rescuing an uncooperative person from dangerous terrain at Shepperds Dell in the Columbia River Gorge.

3. Explain the fiscal impact (current year and ongoing).

None.

4. Explain any legal and/or policy issues involved.

None.

5. Explain any citizen and/or other government participation that has or will take place.

The Oregon State Marine Board has recognized the Multnomah County River Patrol for its excellent service of duty, and these individuals for their incredible execution of their jobs, under extreme and difficult circumstances.

Required Signature

**Elected Official or
department/
Agency Director:**

Diane McKeel

Date: 12/09/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Recognizing Multnomah County Sheriff's Office River Patrol Enforcement Program and Officers for their Outstanding Performance and Contributions During the 2009 Boating Season, and for being honored by the Oregon State Marine Board with Two Life-Saving Awards, an Outstanding Volunteer Award and Program of the Year Award

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County River Patrol has recognized marine law enforcement officers and offices across the state, and specifically awarded the Multnomah County River Patrol with its highest honor;
- b. The Oregon State Marine Board has named the Multnomah County River Patrol as Program of the Year in the State of Oregon;
- c. Deputies Ken Yohe and Ron Osborn have been given Life-Saving Awards for rescuing a person who jumped from the I-205 Bridge into the Columbia River;
- d. Deputies Kevin McAfee and Steve Dangler have been given Life-Saving Awards for rescuing a person from difficult terrain at Shepperd's Dell in the Columbia River Gorge;
- e. Volunteer John Zelman has been given an Outstanding Volunteer Award for the 910 hours he donated to work with the River Patrol;
- f. The officers of the Multnomah County River Patrol have approached their jobs with honor and dignity;
- g. The rivers in Multnomah County continue to be safer because of their hard work,
- h. The work of the River Patrol is an integral part of providing the safety-net services that Multnomah County provides;
- i. The contribution of these individuals has improved the lives of countless Multnomah County citizens and visitors;

j. Multnomah County is a better place because of them; now therefore

The Multnomah County Board of Commissioners Proclaims:

That it recognizes Multnomah County Sheriff's Office River Patrol Enforcement Program and Officers for their Outstanding Performance and Contributions During the 2009 Boating Season, and for being honored by the Oregon State Marine Board with Two Life-Saving Awards, an Outstanding Volunteer Award and Program of the Year Award.

ADOPTED this 17th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, County Chair

Deborah Kafoury,
Commissioner District 1

Jeff Cogen,
Commissioner District 2

Judy Shiprack,
Commissioner District 3

Diane McKeel,
Commissioner District 4

SUBMITTED BY:
Diane McKeel, Commissioner, District 4



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: R-2
Est. Start Time: 9:40 AM
Date Submitted: 12/07/09

Agenda Title: **Second Annual Report of the Results of the City of Portland Residential Limited Tax Exemption (LTE) Programs**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: December 17, 2009 **Amount of Time Needed:** 20 minutes
Department: Non-Departmental **Division:** Chair Ted Wheeler
Contact(s): Kate Allen
Phone: 503-823-3606 **Ext.** n/a **I/O Address:** 157/11
Presenter(s): City of Portland Commissioner Nick Fish and Kate Allen, Housing Policy Manager, Portland Housing Bureau

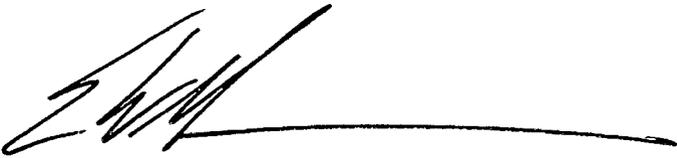
General Information

1. **What action are you requesting from the Board?**
None, informational presentation only.
2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**
This is the second Annual report of the results of the City of Portland Residential Limited Tax Exemption (LTE) programs.
3. **Explain the fiscal impact (current year and ongoing).**
None
4. **Explain any legal and/or policy issues involved.**
None
5. **Explain any citizen and/or other government participation that has or will take place.**
Portland Housing Bureau, Bureau of Planning and Sustainability and the Portland Development Commission participated in the preparation of the report.

Required Signature

**Elected Official
or Department/
Agency
Director:**

Date: 12/08/09





MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/17/09
 Agenda Item #: R-9
 Est. Start Time: 10:30 AM
 Date Submitted: 12/08/09

Agenda Title: First Reading of a Proposed ORDINANCE Amending Multnomah County Code Chapters 11.250-11.256 to Provide for a Vehicle Registration Fee for Construction of a New Sellwood Bridge

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: December 17, 2009 Amount of Time Needed: 10 minutes
 Department: Non-Departmental Division: County Attorney
 Contact(s): John Thomas
 Phone: (503) 988-3138 Ext. 83138 I/O Address: 503/500
 Presenter(s): John Thomas

General Information

- 1. What action are you requesting from the Board?**
 Approve first Reading of an Ordinance Amending Vehicle Registration Fees for Construction of a New Sellwood Bridge.
- 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**
 On October 22, 2009, the Board of Commissioners passed an Ordinance establishing Vehicle Registration Fees for construction of a new Sellwood Bridge. After discussions with ODOT, it was determined that these changes were necessary to bring the Ordinance into conformity with state law.
- 3. Explain the fiscal impact (current year and ongoing).**
- 4. Explain any legal and/or policy issues involved.**
- 5. Explain any citizen and/or other government participation that has or will take place.**
 A hearing will be held in conjunction with the first and second reading of the ordinance.

Required Signature

Elected Official or
 Department/
 Agency Director:

Date: 11/19/2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Ordinance Amending MCC §§ 11.250-11.256 to Provide for a Vehicle Registration Fee for Construction of a New Sellwood Bridge

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. On October 22, 2009 the Board adopted Ordinance 1148 establishing a vehicle registration fee to provide a dedicated revenue source for replacement of the Sellwood Bridge in Multnomah County
- b. Oregon Laws Chapter 865 (2009), effective September 28, 2009, grants to counties with a population of 350,000 or more the authority to enact an ordinance establishing vehicle registration fees for the purpose of designing, replacing and acquiring necessary property for engineering and constructing a bridge and its approach that crosses the Willamette River in the City of Portland.
- c. On October 22, 2009 by Ordinance 1148 the Board approved MCC §§ 11.250-11.256 establishing vehicle registration fees for the purpose of funding replacement of the Sellwood Bridge.
- d. It is necessary to amend MCC §§ 11.250-11.256 to conform to state law.

Multnomah County Ordains as follows:

Section 1. MCC §§ 11.250-11.256 are amended as follows:

~~MOTOR-VEHICLE REGISTRATION FEE~~

§ 11.250 AUTHORITY.

This ordinance is adopted pursuant to the authority granted by Oregon Laws Chapter 865 (2009).

§ 11.251 PURPOSE.

The purpose of this ordinance is to provide funds for the designing, replacing, acquiring necessary property for, engineering and constructing a new Sellwood Bridge and approaches. Except for motor vehicles registered as government-owned vehicles under ORS 805.040, the Sellwood Bridge will be restricted to motor vehicles with a gross vehicle weight rating of 26,000 pounds or less.

§ 11.252 DEFINITIONS.

(A) "~~Motor v~~Vehicle" shall have the meaning given in ORS ~~801.360~~801.590.

(B) "Registration" or "register" shall have the meaning given in ORS 801.410.

§ 11.253 FEE IMPOSED; EXEMPTIONS.

(A) Subject to the exceptions in paragraph B, a vehicle registration fee is imposed on every ~~motor~~-vehicle registered with the State of Oregon Department of Transportation where the address on the application for registration or the renewal of registration is in Multnomah County.

(B) The following ~~motor~~-vehicles are exempt from the vehicle registration fee:

- (1) Snowmobiles and Class I all-terrain vehicles;
- (2) Fixed load vehicles;
- (3) Vehicles registered under ORS 805.100 to disabled veterans;
- (4) Vehicles registered as antique vehicles under ORS 805.010;
- (5) Vehicles registered as vehicles of special interest under ORS 805.020;
- (6) Government-owned or operated vehicles registered under ORS 805.040 or 805.045;
- (7) School buses or school activity vehicles registered under ORS 805.050;
- (8) Law enforcement undercover vehicles registered under ORS 805.060;
- (9) Vehicles registered on a proportional basis for interstate operation;
- (10) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (10) or (11);
- (11) Vehicles registered as farm vehicles under the provisions of ORS 805.300;
- (12) Travel trailers, campers and motor homes.

§ 11.254 AMOUNT OF THE FEE.

With the exception of a trailer issued permanent registration as described in ORS 803.415(1)(c), ~~At the time a motor-vehicle is first registered or at the time of registration renewal, the applicant shall pay a county vehicle registration fee of \$38~~19.00 for each ~~two-year of the registration period.~~ At the time a trailer issued permanent registration is first issued, the applicant shall pay a county vehicle registration fee of \$10.00. This fee is in addition to other fees required to be paid to that State of Oregon under ORS 803.420. The fee shall be collected by the Oregon Department of Transportation on behalf of the Multnomah County.

§ 11.255 AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION.

Pursuant to ORS ~~801.401~~801.041, the County shall enter into an intergovernmental agreement with the Oregon Department of Transportation ~~ODOT~~ for collection of the fees.

§ 11.256 USE OF PROCEEDS

The net proceeds of the fees collected under this subchapter shall be used exclusively to pay the cost of designing, engineering, acquiring necessary property for, and constructing the new Sellwood Bridge.

Section 2. The Board Clerk is directed to file a copy of this Ordinance with the Oregon Department of Transportation.

Section 3. The effective date of this ordinance is September 1, 2010.

FIRST READING: December 17, 2009

SECOND READING AND ADOPTION: January 7, 2010

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Agnes Sowle, Multnomah County Attorney



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-1 DATE 12/17/09
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 12/02/09

BUDGET MODIFICATION: LIB-04

BUDGET MODIFICATION LIB-04 Redistributing FTE Among Several
Agenda Library Page and Library Clerk Positions in the Central Library, Systemwide
Title: Access, and Neighborhood Libraries Divisions

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date:	<u>December 17, 2009</u>	Amount of Time Needed:	<u>Not applicable</u>
Department:	<u>Library</u>	Division:	<u>Department Administration</u>
Contact(s):	<u>Becky Cobb</u>		
Phone:	<u>503-988-5499</u>	Ext.	<u>85499</u>
Presenter(s):	<u>Consent Agenda</u>		
	I/O Address:	<u>317/ADM/BUS SVC</u>	

General Information

1. What action are you requesting from the Board?

Requesting board approval to move FTE from a Library Page position at the Central Library and add FTE to two Library Page and Library Clerk positions in the Systemwide Access and Neighborhood Libraries Divisions.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Redistribution of personnel resources provides more adequate staffing level at the Sort Center (program offer 80017) and Albina Library (program offer 80002) to better serve the public.

3. Explain the fiscal impact (current year and ongoing).

There is no fiscal impact in the Library Fund for the current or future fiscal years.
 There is \$442 decrease in Fund 3500 for Insurance Reimbursement.

4. Explain any legal and/or policy issues involved.

Not applicable.

5. Explain any citizen and/or other government participation that has or will take place.

Not applicable.

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

- **What revenue is being changed and why?**

There is no revenue change in the Library Fund.

- **What budgets are increased/decreased?**

There is no net expenditure change in the Library Fund.

Central Library-Stack Services (802120) personnel decreases by \$9,901;

Systemwide Access-Sort Center (803420) personnel increases by \$3,913;

Neighborhood Libraries-Albina (805210) personnel increases by \$5,988.

- **What do the changes accomplish?**

Redistribution of personnel resources provides more adequate staffing level at the Sort Center) and Albina Library to better serve the public.

- **Do any personnel actions result from this budget modification? Explain.**

1. Reduces Library Page position 703913 from 1.0 FTE to 0.5 FTE in Central Library-Stack Services (HR org 65226);

2. Increases Library Page position 707209 from 0.50 FTE to 0.75 FTE in Systemwide Access-Sort Center (HR org 65212);

3. Increases Library Clerk position 706587 from 0.50 FTE to 0.75 FTE in Neighborhood libraries-Albina (HR org 61742).

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

There is no net change to indirect costs.

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

Not applicable.

- **If a grant, what period does the grant cover?**

Not applicable.

- **If a grant, when the grant expires, what are funding plans?**

Not applicable.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: LIB-04

Required Signatures

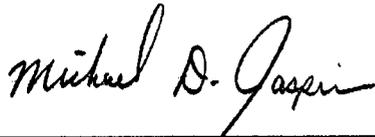
**Elected Official or
Department/
Agency Director:**



Date: _____

Vailey Oehlke

Budget Analyst:



Date: 12/02/09

Mike Jaspin

Department HR:

Shelly Kent

Date: _____

Countywide HR:

Date: _____

Budget Modification ID: **BM-LIB-04****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	80-20	1510	80000	70		802120		60000	1,476,584	1,468,983	(7,601)		Permanent
2	80-20	1510	80000	70		802120		60100	10,000	12,526	2,526		Temporary
3	80-20	1510	80000	70		802120		60130	438,991	436,787	(2,204)		Salary Related Expenses
4	80-20	1510	80000	70		802120		60135	0	210	210		Non-Base Fringe
5	80-20	1510	80000	70		802120		60140	670,799	667,885	(2,914)		Insurance Benefits
6	80-20	1510	80000	70		802120		60145	0	82	82		Non-Base Insurance
7	80-20	1510	80000	70		802120		60350	78,705	78,436	(269)	(10,170)	Central Indirect
8										0			
9	80-80	1510	80017	70		803420		60000	480,318	482,424	2,106		Permanent
10	80-80	1510	80017	70		803420		60130	141,318	141,981	663		Salary Related Expenses
11	80-80	1510	80017	70		803420		60140	172,183	173,327	1,144		Insurance Benefits
12	80-80	1510	80017	70		803420		60350	36,894	37,000	106	4,019	Central Indirect
13										0			
14	80-50	1510	80002	70		805210		60000	399,965	403,641	3,676		Permanent
15	80-50	1510	80002	70		805210		60130	118,397	119,463	1,066		Salary Related Expenses
16	80-50	1510	80002	70		805210		60140	146,101	147,347	1,246		Insurance Benefits
17	80-50	1510	80002	70		805210		60350	22,423	22,586	163	6,151	Central Indirect
18										0			
19		3500		20		705210		50316		442	442		Insurance Revenue
20		3500		20		705210		60330		(442)	(442)	0	Offsetting Expenditure
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28	72-10									0			
29	72-10									0			
										0		0	Total - Page 1
										0		0	GRAND TOTAL

FM Side			PS/CO Side			Cost Element/ Commitment Item	Notes
FM Fund Center	FM Fund Code	Functional Area	Internal Order	Cost Center	WBS Element		
General Fund Contingency							
19	1000	0020		9500001000		60470	Reduce available General Fund Contingency
xx-xx	xxxxx	0020		xxx	xxx	xxxxx	Increase Expenditure
Indirect Central							
xx-xx	xxxxx				xxx	60350	Indirect Expenditure
19	1000	0020		9500001000		50310	Indirect reimbursement revenue in General Fund
19	1000	0020		9500001000		60470	CGF Contingency expenditure
Departmental							
xx-xx	xxxxx				xxx	60355	Indirect Department Expenditure
xx-xx	1000			xxx	xxx	50370	Indirect Dept reimbursement revenue in General Fund
xx-xx	1000			xxx	xxx	xxx	Off setting Dept expenditure in General Fund
Telecommunications							
xx-xx	xxxxx				xxx	60370	Departmental telecommunication expenditure
10-10	3503	0020		709525		50310	Budgets receipt of reimbursement
10-10	3503	0020		709525		60200	Budgets offsetting expenditure in telecommunications fund
Data Processing							
xx-xx	xxxxx				xxx	60380	Departmental data processing expenditures
10-10	3503	0020		709000		50310	Budgets receipt of Data Processing reimbursement
10-10	3503	0020		709000		60240	Budgets offsetting expenditures
PC Flat Fee (Flat Fee is no longer in effect for most Departments beginning in FY 2007)							
xx-xx	xxxxx				xxx	60390	Departmental PC Flat Fee expenditure
10-10	3503	0020		709617		50310	Budgets receipt of PC Flat Fee
10-10	3503	0020		709617		60240	Budgets offsetting expenditure
Electronic Service Reimbursement							
xx-xx	xxxxx					60420	Departmental Electronics expenditure
72-55	3501	0020		904200		50310	Receipt of Electronics service reimbursement
72-55	3501	0020		904200		60240	Budgets offsetting expenditure
Motor Pool: Use this cost center if you are adding funds for motor pool use.							
xx-xx	xxxxx				xxx	60410	Departmental Motor Pool expenditure
72-55	3501	0020		904150		50310	Budgets receipt of Motor Pool service reimbursement
72-55	3501	0020		904150		60240	Budgets offsetting expenditure
Fleet: Use this cost center if you are adding funds for dedicated program cars.							
xx-xx	xxxxx				xxx	60410	Departmental Fleet expenditure
72-55	3501	0020		904100		50310	Budgets receipt of Fleet service reimbursement
72-55	3501	0020		904100		60240	Budgets offsetting expenditure
Building Management							
xx-xx	xxxxx				xxx	60430	Departmental Building Management expenditure
72-50	3505	0020		902575		50310	Budgets receipt of Building Management service reimbursement
72-50	3505	0020		902575		60170	Budgets offsetting expenditure
Insurance Service Reimbursement							
xx-xx	xxxxx					60140 or 60145	Departmental Insurance expenditure
72-10	3500	0020		705210		50316	Insurance Revenue
72-10	3500	0020		705210		60330	Offsetting expenditure
Lease Payments to Capital Lease Retirement Fund							
xx-xx	xxxxx					60450	Departmental Capital Lease Retirement expenditure Contact your Budget Analyst to complete this.
Mail & Distribution							
xx-xx	xxxxx				xxx	60460	Mail & Distribution expenditure
72-55	3504	0020		904400		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904400		60230	Budgets offsetting expenditure
Records							
xx-xx	xxxxx				xxx	60460	Records expenditure
72-55	3504	0020		904500		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904500		60240	Budgets offsetting expenditure
Stores							
xx-xx	xxxxx				xxx	60460	Stores expenditure
72-55	3504	0020		904600		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904600		60240	Budgets offsetting expenditure

On ExpRev sheet: Salary Savings as a result of a Budget Analyst position being vacant will absorb the net difference. No transactions are needed

How are functional areas assigned to cost objects?

For the most part, functional area is related to what department has recorded the revenue or expenditure (i.e. the District Attorney is reported in Public Safety and Justice). There are some exceptions to this rule that require certain funds to be assigned to a particular functional area, regardless of what department the revenues or expenditures are recorded in.

Functional Area Assignments ~ Based on Fund		
1501 – Road Fund	Roads and Bridges	80
1502 – Emergency Communications Fund	Community Services	60
1503 – Bike Path Fund	Community Services	60
1504 – Recreation Fund	Community Services	60
1506 – County School Fund	Community Services	60
1509 – Willamette River Bridges Fund	Roads and Bridges	80
1510 – Library Fund	Library	70
1512 – Land Corner Preservation Fund	Roads and Bridges	80
2500 – Justice Bond Project Fund	Public Safety and Justice	50
2501 – Revenue Bond Project Fund	Community Services	60
2502 – SB 1145 Fund	Public Safety and Justice	50
2504 – Building Project Fund	Community Services	60
2505 – Deferred Maintenance Fund	Community Services	60
2506 – Library Construction / 1996 Bonds Fund	Library	70
2507 – Capital Improvement Fund	Community Services	60
2509 – Asset Preservation Fund	Community Services	60
2510 – Library Property Fund	Library	70
3000 – Dunthorpe-Riverdale Service Dist #14 Fund	Dunthorpe-Riverdale Service Dist #14	500
3001 – Mid County Service District #1 Fund	Mid County Service District #1	510
3002 – Behavioral Health Managed Care Fund	Behavioral Health Managed Care	520

If a cost object is not in one of the funds listed above, then the functional area should be assigned based on the department that the cost object is in.

Functional Area Assignments ~ Based on Department (Fund Center)		
Non-Departmental (10, except 10-50)	General Government	20
Non-Departmental – CCFC (10-50)	Social Services	40
District Attorney (15)	Public Safety and Justice	50
Countywide (18 & 19)	General Government	20
Human Services (20, 25, 26, 30 & 31)	Social Services	40
School and Community Partnerships (21)	Social Services	40
Health (40)	Health Services	30
Community Justice (50)	Public Safety and Justice	50
Sheriff's Office (60)	Public Safety and Justice	50
County Management (72)	General Government	20
Community Services (91)	General Government	20
Library (80)	Library	70

If you have any questions or comments, please contact Susan Luce in General Ledger at ext. 22138.



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)**

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 12/17/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 12/08/09

BUDGET MODIFICATION: DCM - 11

Agenda Title: **BUDGET MODIFICATION DCM-11 Reclassifying One Position in the Division of Assessment, Recording, and Taxation, as Determined by the Class/Comp Unit of Central Human Resources**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: December 17, 2009 **Amount of Time Needed:** Consent Calendar
Department: County Management **Division:** Assessment & Taxation
Contact(s): Debra Anderson
Phone: 503-988-6355 **Ext.** 86355 **I/O Address:** 503/1
Presenter(s): N/A (Consent)

General Information

1. What action are you requesting from the Board?

The department is requesting Board approval of a budget modification authorizing the reclassification of one position in the Division of Assessment, Recording, and Taxation (DART).

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Department of County Management requests Board approval of a reclassification for the following position that was approved by the Central Class Comp Unit:

<u>Position Title (Old)</u>	<u>Position Title (New)</u>	<u>Position Number</u>	<u>FTE</u>
A&T Technician 2	Industrial Appraiser	705056	No FTE Change

DART asked the Central Class Comp Unit to examine the duties of this position. After review of the duties, Class Comp has reclassified the position identified above. DART requested establishment of a new Industrial Appraiser classification with subject matter expertise in industrial

appraisals. The new classification provides expert consultant-level appraisals, technical expertise and training to assess and value a complex and diverse range of the most difficult industrial properties. The position will define criteria and develop methodologies for appraising complex commercial and industrial properties, appraise the most complex industrial operations, and take lead responsibility for unique or high-value properties. The new classification of Industrial Appraiser (6044) was officially established October 26, 2009. Pursuant to Article 15, Section VI.(A.) of the Local 88 Agreement, notice has been given to Local 88.

Because a vacant position is being reclassified for this work, this is not considered reorganization, but a reclassification due to changes in business need.

The vacant position was originally budgeted for FY 2010 in Program Offer 72043-DCM-DART-Property Assessment -Special Programs. This budget modification transfers the vacant position to Program Offer 72045- DCM- DART Property Assessment- Industrial. No immediate changes in performance measures on the current program offers are anticipated by this reclassification.

3. Explain the fiscal impact (current year and ongoing).

Budget modification detail is attached. The reclassification request is being accomplished within current resources for FY 2010. Permanent salary and fringe/benefits cost increases for this position for the current year are \$10,138, and are offset by a decrease to Temporary and related non-base fringe and insurance. Ongoing expenses for this position will be absorbed within the DART budget.

4. Explain any legal and/or policy issues involved.

This position has been reviewed by the Classification/Compensation Unit and has been re-classified.

5. Explain any citizen and/or other government participation that has or will take place.

None required.

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

- **What revenue is being changed and why?**
No revenues change.
- **What budgets are increased/decreased?**
The DART budget is adjusted to increase personnel expenses and reduce materials and supplies in the same amount, for no net change.
- **What do the changes accomplish?**
The changes allow DART to recruit for and hire a newly classified Industrial Appraiser position in the Industrial Property Appraisal Program, to provide resources to complete mandated commercial industrial property appraisals.
- **Do any personnel actions result from this budget modification? Explain.**
Yes. An A&T Technician 2 position is reclassified to an Industrial Appraiser position.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
No changes.
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
N/A
- **If a grant, what period does the grant cover?**

- **If a grant, when the grant expires, what are funding plans?**

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCM - 11

Required Signatures

**Elected Official or
Department/
Agency Director:**

Mindy Harris

Date: 12/02/09

Budget Analyst:

Debra

Date: 12/07/09

Department HR:

Karen Lambert

Date: 12/7/2009

Countywide HR:

A. Busby

Date: 11/12/09



Department of County Management
MULTNOMAH COUNTY OREGON
 Human Resources

Multnomah Building
 501 SE Hawthorne, Suite 400
 Portland, Oregon 97214
 (503) 988-5015 Phone
 (503) 988-3009 Fax

To: Randy Walruff, DART
 From: Candace Busby, Classification and Compensation Unit (503/4) *ABusby*
 Date: November 12, 2009
 Subject: Reclassification Request #1354 (Vacant)

This reclass notices replaces the notice for request #1282 which used a different vacant position and classification. We will mark request #1282 as withdrawn. We have completed our review of your request and the decision is outlined below.

Request Information:

Date Request Received: November 12, 2009	Position Number: 705056
Current Classification: A&T Technician 2	Requested Classification: Principal Industrial Appraiser (to be established)
Job Class Number: 6451	Job Class Number: TBD
Pay Grade: 17	Pay Grade: TBD

Request is:	<input checked="" type="checkbox"/> Approved as Requested	Effective Date: November 6, 2009
	<input type="checkbox"/> Approved - Revised	
	<input type="checkbox"/> Denied	

Allocated Classification: Industrial Appraiser	Job Class Number: 6044
Pay Range: \$52,805.52 to \$64,957.68 annually	Pay Grade: 28

Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.

Position Information:

Vacant - see New/Vacant Section

New/Vacant Position Information:

If the position is vacant or incumbent not reclassified with position, position must be filled in accordance with the normal appointment procedures. If position is reclassified due to reorganization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

Reason for Classification Decision:

The department requested establishment of a new Industrial Appraiser classification with subject matter expertise in industrial appraisals. This new classification provides expert consultant-level appraisals, technical expertise and training to assess and value a complex and diverse range of the most difficult industrial properties. This classification performs the most difficult industrial appraisals in the county such as bulk storage terminals, high tech manufacturing operations, construction material manufacturers, ship repair yards, and petroleum and chemical processing facilities. This position will define criteria and develop methodologies for appraising complex commercial and industrial properties; appraise the most complex industrial operations (buildings, structures, machinery, equipment, personal property); and take lead responsibility for unique or high-value properties. These responsibilities are consistent with the new classification of Industrial Appraiser (6044) which was officially established October 26, 2009.

If you have any questions, please feel free to contact me at 503-988-5015 ext. 24422.

cc: Karin Lambertson, HR Manager	Leola Warner, HR Maintainer
Bryan Lally, Local 88	Class Comp File Copy

Budget Modification ID: **DCM- 11**

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	72-30	1000	72043	20		706402		60000	431,206	401,173	(30,033)		Permanent
2	72-30	1000	72043	20		706402		60130	125,990	116,518	(9,472)		Salary Related
3	72-30	1000	72043	20		706402		60140	129,029	119,428	(9,601)	(49,106)	Insurance
4	72-30	1000	72045	20		706407		60000	236,438	273,780	37,342		Permanent
5	72-30	1000	72045	20		706407		60130	72,706	84,458	11,752		Salary Related
6	72-30	1000	72045	20		706407		60140	64,652	74,802	10,150	59,244	Insurance
7	72-30	1000	72037	20		706209		60100	44,594	35,580	(9,014)		Temporary
8	72-30	1000	72037	20		706209		60135	3,710	2,960	(750)		Non base fringe
9	72-30	1000	72037	20		706209		60145	1,851	1,477	(374)	(10,138)	Non base insurance
10													
11	72-10	3500		20		705210		50316		(175)	(175)		Svc Reim GF to Risk Fund
12	72-10	3500		20		705210		60330		175	175		Claims Paid
13													
14													
15													
16													
17													
18													
19													
20													
21													
22													
23													
24													
25													
26													
27													
28													
29													
											0	0	Total - Page 1
											0	0	GRAND TOTAL

Budget Modification ID: DCM- 11

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
30										0			
31										0			
32										0			
33										0			
34										0			
35										0			
36										0			
37										0			
38										0			
39										0			
40										0			
41										0			
42										0			
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46										0			
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48										0			
49										0			
50										0			
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52										0			
53										0			
54										0			
55										0			
56										0			
57										0			
58										0			
											0	0	Total - Page 2
											0	0	GRAND TOTAL

Budget Modification ID: DCM- 11

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
59										0			
60										0			
61										0			
62										0			
63										0			
64										0			
65										0			
66										0			
67										0			
68										0			
69										0			
70										0			
71										0			
72										0			
73										0			
74										0			
75										0			
76										0			
77										0			
78										0			
79										0			
80										0			
81										0			
82										0			
83										0			
84										0			
85										0			
86										0			
87										0			
											0	0	Total - Page 3
											0	0	GRAND TOTAL

Budget Modification ID: DCM- 11

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
88									0				
89									0				
90									0				
91									0				
92									0				
93									0				
94									0				
95									0				
96									0				
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105									0				
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107									0				
108									0				
109									0				
110									0				
111									0				
112									0				
113									0				
114									0				
115									0				
116									0				
											0	0	Total - Page 4
											0	0	GRAND TOTAL



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-3 DATE 12/17/09
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: R-3
Est. Start Time: 10:00 am
Date Submitted: 12/02/09

BUDGET MODIFICATION: DCM-10

BUDGET MODIFICATION DCM-10 Approving General Fund Contingency
Agenda Title: Transfer of \$392,706 to Pay Assessments to Multnomah County from the
Title: Portland Mall Revitalization Project Local Improvement District

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: December 17, 2009 **Amount of Time Needed:** 5 minutes
Department: County Management **Division:** Facilities & Property Mgmt
Contact(s): Bob Thomas, Facilities & Property Management Director
Phone: (503) 988-6294 **Ext.** 86294 **I/O Address:** 274
Presenter(s): Bob Thomas, Mark Campbell

General Information

1. What action are you requesting from the Board?

The Department of County Management is requesting Board approval for General Fund Contingency to pay the County's obligation for its share of the downtown Portland Mall Revitalization Local Improvement District Assessments.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

On October 14, 2009, the City Council of Portland voted to assess benefited properties for street and other improvements in the Portland Mall Revitalization Project Local Improvement District (LID). The total amount of the LID is just over \$22 million. Portland State University contributed \$7 million into the LID for the project and remaining property owners have now been assessed just over \$15 million on a prorated basis among all properties in the LID. Multnomah County originally received initial estimates of cost responsibility for the LID in November 2006. Until very recently the County believed it would not have this obligation, but was not able to get a formal agreement with the City to not assess its properties. Fourteen properties and buildings have now been assessed

by the LID. Payments are due this month.

3. Explain the fiscal impact (current year and ongoing).

The General Fund Contingency is reduced by \$392,706 and the appropriations for the Facilities Management Fund are increased by the same amount. This action is a one time only action.

4. Explain any legal and/or policy issues involved.

Multnomah County is obligated by the Local Improvement District to pay its share of the costs associated with the reconstruction of the downtown Portland Mall and Streetcar Extension.

5. Explain any citizen and/or other government participation that has or will take place.

The LID was formed to provide local financing sources for the addition of light rail to the Portland Mall and for the downtown Portland Streetcar. Multnomah County is property tax exempt for its properties but is not exempt for assessments due to formations of local improvement districts.

ATTACHMENT A

Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- **What revenue is being changed and why?**

Facilities Management Fund revenue is being increased by \$392,706 by this transfer of General Fund Contingency.
- **What budgets are increased/decreased?**

The General Fund Contingency is reduced by \$392,706 and the appropriation for the Facilities Management Fund is increased by \$392,706.
- **What do the changes accomplish?**

The changes will allow Facilities & Property Management to pay LID assessments for County owned properties.
- **Do any personnel actions result from this budget modification? Explain.**

No
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

The contingency request is one time only for a one time only expense.
- **If a grant, what period does the grant cover?**

N/A
- **If a grant, when the grant expires, what are funding plans?**

N/A

Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- **Why was the expenditure not included in the annual budget process?**

This expenditure was not anticipated as being an obligation to the County until final notification from the City of Portland in September.
- **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**

The properties being assessed largely house General Fund programs of the County and would ultimately be the obligation of the General Fund as program tenants of these buildings if paid over time.
- **Why are no other department/agency fund sources available?**

This large total assessment was unexpected and not available from the Facilities Management Fund or other sources.

- **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?**

This expenditure produces no new revenue or cost savings.

- **Has this request been made before? When? What was the outcome?**

This request has not been made before.

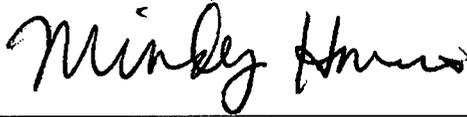
NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCM - 10

Required Signatures

Elected Official or
Department/
Agency Director:



Date: 12/02/09

Budget Analyst:



Date: 12/02/09



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

**501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-5758 fax
(503) 988-5170 TDD**

TO: Board of County Commissioners
FROM: Julie Neburka, Principal Budget Analyst
DATE: December 2, 2009
SUBJECT: General Fund Contingency Request of \$392,706 to pay for street and other improvements in the Portland Mall Revitalization Project Local Improvement District (LID).

The Department of County Management (DCM) requests \$392,706 from the General Fund Contingency to pay in full an assessment from the City of Portland for the Portland Mall Revitalization Project Local Improvement District (LID). This LID was formed by City of Portland ordinance in November of 2004, and assesses a total of just more than \$22 million from property owners that are expected to benefit from the downtown Portland Mall improvements. A great number of our services are located in County-owned buildings downtown, and while our properties are exempt from property taxes, they are not exempt from assessments by local improvement districts. If granted, this request will be a one-time payment that will satisfy our obligation for this particular local improvement district.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency.

- Criteria 1 states contingency requests should be for one-time-only purposes. *This payment will be one-time-only.*
- Criteria 2 Addresses emergencies and unanticipated situations. *While the County was aware of this local improvement district, it had been our understanding until recently that our obligation might be waived. After negotiation with the City of Portland, that turned out not to be the case.*
- Criteria 3 addresses items identified in Board Budget Notes. *This request was not identified in the FY 2010 Board Budget Notes.*

Budget Modification ID: **DCM-10****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	19	1000		20		9500001000		60470	7,331,609	6,938,903	(392,706)		Decrease GF Contingency
2	19	1000		20	8			60560	1,100,000	1,492,706	392,706		Increase GF Cash Transfer
3	72-50	3505		20		902575		50320	(1,100,000)	(1,492,706)	(392,706)		Increase Cash Transfer Rev, LID Tax Assessments
4	72-50	3505		20			B601 Base	60160	0	19,075	19,075		Increase PassThru_Central Lib_R246570
5	72-50	3505		20		902575		60160	20,128	20,682	554		Increase PassThru_Hawthorne Bridgehead_R245923
6	72-50	3505		20		902575		60160	20,682	21,457	775		Increase PassThru_Hawthorne Bridgehead_R245920
7	72-50	3505		20		902575		60160	21,457	22,564	1,107		Increase PassThru_Hawthorne Bridgehead_R245926
8	72-50	3505		20			B155 Base	60160	0	2,061	2,061		Increase PassThru_Martha Washington_R246628
9	72-50	3505		20		902575		60160	22,564	25,446	2,882		Increase PassThru_Hawthorne Bridgehead_R245919
10	72-50	3505		20		902575		60160	25,446	30,625	5,179		Increase PassThru_Morrison Bridgehead_R245946
11	72-50	3505		20		902575		60160	30,625	37,892	7,267		Increase PassThru_Morrison Bridgehead_R245899
12	72-50	3505		20			B161 Base	60160	0	23,862	23,862		Increase PassThru_Mead_R246294
13	72-50	3505		20			B101 Base	60160	0	97,751	97,751		Increase PassThru_Courthouse_R246104
14	72-50	3505		20			B119 Base	60160	0	2,081	2,081		Increase PassThru_JC_R504898
15	72-50	3505		20			B119 Base	60160	2,081	200,527	198,446		Increase PassThru_JC_R286121
16	72-50	3505		20			B160 Base	60160	0	31,480	31,480		Increase PassThru_McCoy_R246124
17	72-50	3505		20		902575		60160	37,892	38,078	186		Increase PassThru_Burnside Bridge
18										0			
19										0			
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
									7,512,484		0	0	Total - Page 1
											0	0	GRAND TOTAL

FM Side			PS/CO Side			Cost Element/ Commitment Item	Notes
FM Fund Center	FM Fund Code	Functional Area	Internal Order	Cost Center	WBS Element		
General Fund Contingency				9500001000		60470	Reduce available General Fund Contingency
	19	1000	0020			xxxxx	Increase Expenditure
	xx-xx	xxxxx	0020	xxx	xxx		
Indirect							
Central							
	xx-xx	xxxxx			xxx	60350	Indirect Expenditure
	19	1000	0020	9500001000		50310	Indirect reimbursement revenue in General Fund
	19	1000	0020	9500001000		60470	CGF Contingency expenditure
Departmental							
	xxx	xxxxx			xxx	60355	Indirect Department Expenditure
	xx-xx	1000		xxx	xxx	50370	Indirect Dept reimbursement revenue in General Fund
	xx-xx	1000		xxx	xxx	xxx	Off setting Dept expenditure in General Fund
Telecommunications							
	xx-xx	xxxxx			xxx	60370	Departmental telecommunication expenditure
	10-10	3503	0020	709525		50310	Budgets receipt of reimbursement
	10-10	3503	0020	709525		60200	Budgets offsetting expenditure in telecommunications fund
Data Processing							
	xx-xx	xxxxx			xxx	60380	Departmental data processing expenditures
	10-10	3503	0020	709000		50310	Budgets receipt of Data Processing reimbursement
	10-10	3503	0020	709000		60240	Budgets offsetting expenditures
PC Flat Fee (Flat Fee is no longer in effect for most Departments beginning in FY 2007)							
	xx-xx	xxxxx			xxx	60390	Departmental PC Flat Fee expenditure
	10-10	3503	0020	709617		50310	Budgets receipt of PC Flat Fee
	10-10	3503	0020	709617		60240	Budgets offsetting expenditure
Electronic Service Reimbursement							
	xx-xx	xxxxx				60420	Departmental Electronics expenditure
	72-55	3501	0020	904200		50310	Receipt of Electronics service reimbursement
	72-55	3501	0020	904200		60240	Budgets offsetting expenditure
Motor Pool: Use this cost center if you are adding funds for motor pool use.							
	xx-xx	xxxxx			xxx	60410	Departmental Motor Pool expenditure
	72-55	3501	0020	904150		50310	Budgets receipt of Motor Pool service reimbursement
	72-55	3501	0020	904150		60240	Budgets offsetting expenditure
Fleet: Use this cost center if you are adding funds for dedicated program cars.							
	xx-xx	xxxxx			xxx	60410	Departmental Fleet expenditure
	72-55	3501	0020	904100		50310	Budgets receipt of Fleet service reimbursement
	72-55	3501	0020	904100		60240	Budgets offsetting expenditure
Building Management							
	xx-xx	xxxxx			xxx	60430	Departmental Building Management expenditure
	72-50	3505	0020	902575		50310	Budgets receipt of Building Management service reimbursement
	72-50	3505	0020	902575		60170	Budgets offsetting expenditure
Insurance Service Reimbursement							
	xx-xx	xxxxx				60140 or 60145	Departmental Insurance expenditure
	72-10	3500	0020	705210		50316	Insurance Revenue
	72-10	3500	0020	705210		60330	Offsetting expenditure
Lease Payments to Capital Lease Retirement Fund							
	xx-xx	xxxxx				60450	Departmental Capital Lease Retirement expenditure Contact your Budget Analyst to complete this.
Mail & Distribution							
	xx-xx	xxxxx			xxx	60460	Mail & Distribution expenditure
	72-55	3504	0020	904400		50310	Budgets receipt of service reimbursement
	72-55	3504	0020	904400		60230	Budgets offsetting expenditure
Records							
	xx-xx	xxxxx			xxx	60460	Records expenditure
	72-55	3504	0020	904500		50310	Budgets receipt of service reimbursement
	72-55	3504	0020	904500		60240	Budgets offsetting expenditure
Stores							
	xx-xx	xxxxx			xxx	60460	Stores expenditure
	72-55	3504	0020	904600		50310	Budgets receipt of service reimbursement
	72-55	3504	0020	904600		60240	Budgets offsetting expenditure

How are functional areas assigned to cost objects?

For the most part, functional area is related to what department has recorded the revenue or expenditure (i.e. the District Attorney is reported in Public Safety and Justice). There are some exceptions to this rule that require certain funds to be assigned to a particular functional area, regardless of what department the revenues or expenditures are recorded in.

Functional Area Assignments ~ Based on Fund		
1501 – Road Fund	Roads and Bridges	80
1502 – Emergency Communications Fund	Community Services	60
1503 – Bike Path Fund	Community Services	60
1504 – Recreation Fund	Community Services	60
1506 – County School Fund	Community Services	60
1509 – Willamette River Bridges Fund	Roads and Bridges	80
1510 – Library Fund	Library	70
1512 – Land Corner Preservation Fund	Roads and Bridges	80
2500 – Justice Bond Project Fund	Public Safety and Justice	50
2501 – Revenue Bond Project Fund	Community Services	60
2502 – SB 1145 Fund	Public Safety and Justice	50
2504 – Building Project Fund	Community Services	60
2505 – Deferred Maintenance Fund	Community Services	60
2506 – Library Construction / 1996 Bonds Fund	Library	70
2507 – Capital Improvement Fund	Community Services	60
2509 – Asset Preservation Fund	Community Services	60
2510 – Library Property Fund	Library	70
3000 – Dunthorpe-Riverdale Service Dist #14 Fund	Dunthorpe-Riverdale Service Dist #14	500
3001 – Mid County Service District #1 Fund	Mid County Service District #1	510
3002 – Behavioral Health Managed Care Fund	Behavioral Health Managed Care	520

If a cost object is not in one of the funds listed above, then the functional area should be assigned based on the department that the cost object is in.

Functional Area Assignments ~ Based on Department (Fund Center)		
Non-Departmental (10, except 10-50)	General Government	20
Non-Departmental – CCFC (10-50)	Social Services	40
District Attorney (15)	Public Safety and Justice	50
Countywide (18 & 19)	General Government	20
Human Services (20, 25, 26, 30 & 31)	Social Services	40
School and Community Partnerships (21)	Social Services	40
Health (40)	Health Services	30
Community Justice (50)	Public Safety and Justice	50
Sheriff's Office (60)	Public Safety and Justice	50
County Management (72)	General Government	20
Community Services (91)	General Government	20
Library (80)	Library	70

If you have any questions or comments, please contact Susan Luce in General Ledger at ext. 22138.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-4 DATE 12/17/09
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: R-4
Est. Start Time: 10:03 AM
Date Submitted: 12/03/09

NOTICE OF INTENT to Apply to the State of Oregon Department of Energy
Agenda Title: for an American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: December 17, 2009 **Amount of Time Needed:** 5 minutes
Department: DCM/IT **Division:** Central HR
Contact(s): Travis Graves, Wayne Scott, Sherry Swackhamer
Phone: 503 988-6134 **Ext.** 86134 **I/O Address:** 503/4
Presenter(s): Wayne Scott

General Information

1. What action are you requesting from the Board?

Approval to submit a proposal for an Energy Conservation Block Grant proposed under the American Recovery and Reinvestment Act.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Business-as-usual for Multnomah County is costly and damaging to the environment. Nowadays, with the exorbitant cost of gasoline and the damaging impact of car travel on the environment, commuting between the 88 county sites for 4,500 employees is increasingly costly and less and less sustainable. How can we maintain our ability to collaborate with colleagues in other buildings – even increase the ability to meet face-to-face at a moment’s notice – without worsening these problems. How can staff attend trainings critically important to the County’s mission without off-site care travel?

These questions have been explored at length by a cross-functional team of professionals from HR, Information Technology, Risk Management, Department of Community Justice and the Library.

Their proposal for Web Conferencing is for a limited pilot group and funding is available for that. Grant funding is sought to enable us to expand the use of Web Conferencing throughout the County for meetings, conferences and e-learning.

Funding is sought for \$300,000 one time only to replace 13 of 20 obsolete video conferencing units for judicial purposes. Multnomah County judges, attorneys, and county staff at the Justice Center, Mead Probation, Juvenile Detention Housing, Public Metropolitan Defenders, Rose City Defenders and Squires & Barnett, currently utilize traditional video conferencing methods to communicate and hold arraignments or hearings with inmates at Inverness Jail and in other counties and cities across the United States on a regular basis. Video Conferencing was instituted several years ago utilizing older technology that is now obsolete.

Additionally, Central HR is piloting E-learning as a strategy to efficiently meet training needs and reduce our carbon footprint. Classroom training still makes up the majority of learning hours delivered and has a significant impact on the environment in the areas of travel, facilities, and materials. By reducing the need to travel for training, Multnomah County could see a dramatic reduction in our carbon emissions.

3. Explain the fiscal impact (current year and ongoing).

There will be no fiscal impact this current year (FY 10-11). There could be an ongoing fiscal impact for FY 11-12 of approximately \$76,000 for a hosted system; due to the rapidly changing IT environment, there is the possibility of open source solutions by that time.

4. Explain any legal and/or policy issues involved.

NA

5. Explain any citizen and/or other government participation that has or will take place.

NA

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
Oregon Department of Energy
- **Specify grant (matching, reporting and other) requirements and goals.**
NA
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one time only commitment.
- **What are the estimated filing timelines?**
December 15, 2009
- **If a grant, what period does the grant cover?**
Successful applicant funding will start happening after approximately February 1, 2010.
- **When the grant expires, what are funding plans?**
Either absorbs the \$76,000 into Central HR budget or the possibility of using an open source application at that time.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
There will be limited impact on county indirect – the majority of the funds are one-time-only.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:



Date: 12/03/09

Budget Analyst:

Date:



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-7 DATE 12/17/09
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/17/09
 Agenda Item #: R-7
 Est. Start Time: 10:12 AM
 Date Submitted: 12/09/09

BUDGET MODIFICATION: DCHS - 19

BUDGET MODIFICATION DCHS-19 Increasing Aging and Disability Services
Agenda Division Federal/State Appropriation by \$147,472 in U.S. Administration on
Title: Aging Grant Funding and Adding New 2.00 FTE Positions

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>December 17, 2009</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>County Human Services</u>	Division:	<u>Aging & Disability Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26858</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Mary Shortall</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-19. This budget modification increases Aging and Disability Services Division (ADSD) Fiscal Year 2010 budget by \$147,472 in U.S. Administration on Aging grant funding to implement the Community Living Program (CLP). This modification also adds two new positions – one .67 FTE Program Development Specialist Senior (1.00 FTE annualized) and one .25 FTE Community Information Specialist (1.00 FTE annualized).

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Program Offer #25020A – Access and Early Intervention Services is the first point of contact for the county's 160,000 elderly, people with disabilities and veterans. These services keep people in their home as long as possible and protect them from becoming victims of abuse or neglect. The Community Living Program is a new program provided under this program offer.

The Department of County Human Services (DCHS) Aging and Disability Services (ADS) is

receiving an additional \$147,472 in U.S. Administration on Aging grant funding. Budget modification DCHS-19 increases the Fiscal Year 2010 budget to reflect the U.S. Administration on Aging grant and adds new 2.00 FTE positions – Program Development Specialist Senior and Community Information Specialist. The additional funding will be used to increase services provided by Access & Early Intervention Services in the new Community Living Program (CLP).

The State of Oregon, Department of Human Services (DHS), has been awarded funding from the U.S. Administration on Aging to implement Community Living Program (CLP) in two communities in Oregon, including Multnomah County. The CLP grant has two programmatic focuses that will be implemented over the next two years: (1) Reduce the number of older adults, not yet eligible for Medicaid, from unnecessarily entering nursing facilities and (2) Implement a new U.S. Veterans Administration (VA) program entitled “Veteran’s Directed Home and Community-Based Services” (VDHCBS). Multnomah County will be responsible for implementing both programs in Multnomah County, providing project-wide coordination for both Multnomah County and Washington County, and providing project-wide evaluation of the outcomes of the grant.

ADSD and Washington County Disability, Aging & Veterans Services (DAVS) will partner with Providence Health Systems to develop and implement criteria and protocols for identifying and assisting high-risk older adults being discharged from the hospital. This risk group will receive rapid-response counseling regarding care and service options that will assist them in their transition home. ADSD will be contracting with Independent Living Resources and Portland State University to provide project related skills training and technical support for Helpline, District Senior Centers and Community Partner staff. ADSD will also be contracting with District Senior Centers for the provision of long-term care options counseling in Multnomah County.

Multnomah and Washington Counties will be partnering with the Veterans Administration to implement the VDHCBS program for veterans in our regions who require and are eligible for VA funded long-term care services. The program will focus on providing veterans with supports so that they can direct their own long-term care services in the setting of their choice (home, adult care home, assisted living, etc.).

3. Explain the fiscal impact (current year and ongoing).

The Fiscal Year 2010 budget for the Access & Early Intervention Services Community Living Program will increase by \$147,472. This funding will increase the following expenses: personnel services by \$76,807 (adding one 0.67 FTE Program Development Specialist Senior and 0.25 FTE Community Information Specialist), pass through & program support by \$57,581, material & services by \$5,290 and indirect costs by \$7,794. Service reimbursement from Federal/State to the risk management fund increases by \$13,723. Service reimbursement from Federal/State to the telecommunications fund increases by \$1,359. The department indirect revenue account will increase by \$3,995 and will increase a like amount in Director’s office supplies. The services reimbursement for central indirect to the General Fund will increase by \$3,799 and will increase a like amount in the contingency.

This grant is a one-time only grant that extends for a two year period. The grant period is September 30, 2009 through September 29, 2011. The funding allows implementation of Community Living Program (CLP) in Multnomah County over the next two years. Positions and other program costs will be terminated at the end of the contract.

4. Explain any legal and/or policy issues involved.

There is no legal and/or policy issues associated with this grant.

5. Explain any citizen and/or other government participation that has or will take place.

Aging and Disability Services Division will forge new relationship and strengthen partnership with Washington County, Providence Health System, Portland State University, Independent Living Resources and Oregon Department of Veterans Affairs to develop and deliver these services.

ATTACHMENT A

Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- **What revenue is being changed and why?**

Budget Modification DCHS-19 increases Fiscal Year 2010 Federal/State Fund for U.S. Administration on Aging grant funding by \$147,472 in the Aging and Disability Services Division Access and Early Intervention Services.

- **What budgets are increased/decreased?**

The Fiscal Year 2010 budget for the Access & Early Intervention Services Community Living Program will increase by \$147,472. This funding will increase the following expenses: personnel services by \$76,807 (adding one 0.67 FTE Program Development Specialist Senior and 0.25 FTE Community Information Specialist), pass through & program support by \$57,581, material & services by \$5,290 and indirect costs by \$7,794. Service reimbursement from Federal/State to the risk management fund increases by \$13,723. Services reimbursement from Federal/State to the telecommunications fund increases by \$1,359. The department indirect revenue account will increase by \$3,995 and will increase a like amount in Director's office supplies. The services reimbursement for central indirect to the General Fund will increase by \$3,799 and will increase a like amount in the contingency.

- **What do the changes accomplish?**

Budget Modification DCHS-19 increases the DCHS Fiscal Year 2010 budget by \$147,472 awarded through State of Oregon Department of Human Services (DHS) U.S. Administration on Aging grant funding. This modification also adds two new positions – one .67 FTE Program Development Specialist Senior (1.00 FTE annualized) and one .25 FTE Community Information Specialist (1.00 FTE annualized). This grant allows Aging and Disability Services Division (ADSD) to implement the Community Living Program (CLP) in Multnomah County. The Community Living Program will be implemented over the next two years to reduce the number of older adults not yet eligible for Medicaid from unnecessarily entering nursing facilities. The grant will also allow implementation of a new U.S. Veterans Administration (VA) program entitled "Veteran's Directed Home and Community-Based Services" (VDHCBS).

- **Do any personnel actions result from this budget modification? Explain.**

Yes, this budget modification adds two new positions - one .67 FTE Program Development Specialist Senior (1.00 FTE annualized) and one .25 FTE Community Information Specialist (1.00 FTE annualized) to be hired for the duration of the grant.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

The grant pays indirect charges.

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

This grant is one-time only in nature. The funding allows implementation of the Community Living Program (CLP) in Multnomah County over the next two years. Positions and other program costs will be terminated at the end of the contract. However, the skills and partnership integrated into the

existing system will help prepare Aging and Disability Services for additional future grants and builds capacity as an Aging and Disability Resource Center (ADRC).

- **If a grant, what period does the grant cover?**

This grant is a one-time only grant that extends for a two year period. The grant period is September 30, 2009 through September 29, 2011.

- **If a grant, when the grant expires, what are funding plans?**

ADS will continue to look for additional grant opportunities to strengthen community supports and services for people at high risk for nursing home placement.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 19

Required Signatures

**Elected Official or
Department/
Agency Director:**

Kathy Linker for Joanne Fuller

Date: 12/07/09

Budget Analyst:

Debra

Date: 12/09/09

Department HR:

Carolyn L. Edgett

Date: 12/09/09

Countywide HR:

Joi E. Dor

Date: 12/08/09



MULTNOMAH COUNTY OREGON

Human Resources – Dept. of County Management
Multnomah Building, 501 SE Hawthorne, Suite 400
Portland, Oregon 97214

To: Lee Girard, Aging Services Division – DCHS Date: October 9, 2009

From: Joi Doi, Class/Comp Unit

Subject: Reclassification Request #1330 – new vacant position

We have completed our review of your request and the decision is outlined below.

Request Information:

Date Request Received: September 16, 2009

Current Classification: NA

Job Class Number: NA

Pay Grade: NA

Request is: Approved as Requested
 Approved - Revised
 Denied

Position Numbers: TBD

Requested Classification: Program Coordinator

Job Class Number: 6022

Pay Grade: 25

Effective Date: October 8, 2009

Allocated Classification: Program Development

Specialist Senior

Pay Range: \$57,670.56 - \$70,992.00 Annually

Job Class Number: 6088

Pay Grade: 31

Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.

Position Information:

Filled & incumbent reclassified
 Filled & incumbent not reclassified with position
 Vacant new position

New Classification/Position Information:

When the position is vacant or the incumbent is not reclassified with position, the position must be filled in accordance with the normal appointment and recruiting procedures. If position is reclassified due to reorganization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

Reason for Classification Decision:

This is a new position designed to provide administrative grant management and oversight for two AAAs in Multnomah and Washington Counties, as well as report functionally to the State of Oregon. Functions will include program analysis, planning and development, assessing and developing supplemental training needs, and coordination of program activities with Independent Living Resources, District senior centers, and the Providence Health Systems.

PDS Senior provides high level organizational, policy, program analysis, planning, evaluation, and development efforts at the department level or coordinates major, highly complex interdivisional and interagency strategic programs and projects. Programs and budgets assigned to PDS Senior are significant in size, complex in nature, and this new position which is critical to a new multi-County pilot program fits within the realm/scope of a Program Development Specialist, Senior.

If you have any questions, please feel free to contact Joi Doi at 503-988-3241.

cc: Carolyn Edgett/Kim Pasquinelli DCHS HR
Local 88

Class Comp File Copy
Pauline Reed, DCHS HR

ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32376	6088	65183	ADSDIVCS201AOACL	Prog Dev Spec Sr	New	1.00	57,671	18,149	15,343	91,163
32376	6013	65183	ADSDIVCS201AOACL	Comm Info Spec	New	1.00	38,148	12,005	13,976	64,129
										0
										0
										0
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										0
TOTAL ANNUALIZED CHANGES						2.00	95,819	30,154	29,319	155,292

CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32376	6088	65183	ADSDIVCS201AOACL	Prog Dev Spec Sr	New	0.67	38,447	12,099	10,229	60,775
32376	6013	65183	ADSDIVCS201AOACL	Comm Info Spec	New	0.25	9,537	3,001	3,494	16,032
										0
										0
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										0
TOTAL CURRENT FY CHANGES						0.92	47,984	15,100	13,723	76,807



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-8 DATE 12/17/09
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/17/09
Agenda Item #: R-8
Est. Start Time: 10:15 AM
Date Submitted: 12/09/09

BUDGET MODIFICATION: DCHS - 22

**BUDGET MODIFICATION DCHS-22 Transferring \$210,000 One Time Only
 General Fund Contingency to the Department of County Human Services,
 Agenda Program Offer 25133, Housing Stabilization for Vulnerable Population, to
 Title: Implement the 30 Families in 30 Days Initiative**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: December 17, 2009 **Amount of Time Needed:** 20 mins
Department: Non-Departmental **Division:** Commissioner Deborah Kafoury
Contact(s): Beckie Lee (86796), Mary Li (26787), County Human Services, Community Services
Phone: 503 988-6298 **Ext.** 26787 **I/O Address:** 167/2/200
Presenter(s): Mary Li

General Information

1. What action are you requesting from the Board?

Increase Program Offer # 25133-Housing Stabilization for Vulnerable Populations County General Fund with one-time-only funding from Contingency of \$210,000 to house thirty (30) homeless families. \$60,000 will go to support initiative and volunteer management and \$150,000 will provide cash assistance to families (\$5000 each) in order for them to locate housing, pay deposits, and have at least six months of rent assistance.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Multnomah County's six school districts reported 3133 homeless children attending school during the 2008/2009 school year. This represents a 14% increase over the previous school year. Using an emergency management response model, similar to the Katrina Welcome Center, DCHS proposes engaging in a time-limited housing placement program for homeless families and their children.

DCHS will work with community providers serving homeless families to identify homeless families whose children attend school and who would benefit from rapid housing placement assistance, rental assistance for up to six months, and up to six months of supportive services.

Services will be provided by up to 15 community volunteers recruited through Hands On Portland, the Red Cross, and local faith based groups. The volunteers will be asked to make a six month commitment, receive "Just in Time" training in order to provide outreach, housing placement assistance, and supportive services to the families, and be assigned a "caseload" of families with whom to be in relationship.

Most of the housing placement will take place in January. The goal, again playing out the emergency management model, is to house as many families as possible, as quickly as possible. Follow up with families will be a part of our work with families in order to evaluate the effectiveness of the approach. In the first 30 days the program will:

- Identify project partners;
- Recruit and train volunteers;
- Identify families to be served; and,
- Recruit landlords, identifying potential units.

3. Explain the fiscal impact (current year and ongoing).

\$210,000 one time only expense.

4. Explain any legal and/or policy issues involved.

N/A

5. Explain any citizen and/or other government participation that has or will take place.

The program coordinator will work with community based and faith based groups to recruit landlords and volunteers to assist the families in the move from homelessness to housing. This will increase citizen opportunity to assist our efforts to end family homelessness and allow the county funds to provide rent assistance to more families.

ATTACHMENT A

Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- **What revenue is being changed and why?**

Risk Fund service reimbursement revenue increases by \$12,872.
- **What budgets are increased/decreased?**

The Fiscal Year 2010 County General Fund Budget for DCHS Program Offer # 25133-Housing Stabilization for Vulnerable Populations, will increase by a total of \$210,000. This will increase the following expenses: Temporary personnel will increase by \$60,000 and Direct Client Assistance (60155) will increase by \$150,000.
- **What do the changes accomplish?**

DCHS Program Offer # 25133-Housing Stabilization for Vulnerable Populations County General Fund Budget will increase for Fiscal Year 2010 by \$210,000 in one time only funding through Multnomah County's Contingency Fund.
- **Do any personnel actions result from this budget modification? Explain.**

No
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

This funding is one-time only County General Fund-Contingency.
- **If a grant, what period does the grant cover?**

N/A
- **If a grant, when the grant expires, what are funding plans?**

N/A

Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- **Why was the expenditure not included in the annual budget process?**

The increase in the number of homeless families as a result of the recession, nor the impact on the existing service system could not have been anticipated.
- **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**

The Department is planning to use existing resources for program planning, supervision, and all other support costs related to the initiative.
- **Why are no other department/agency fund sources available?**

The size of the initiative does not allow for funding to have been found from within the Department's current budget.

- **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?**

This is a one-time-only request. There is no expectation for on-going funding or payback to Contingency. Cost savings will be realized in the existing service system if families housed through the initiative remain stably housed and no longer utilizing expensive emergency services.

- **Has this request been made before? When? What was the outcome?**

The request has not been made before.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 22

Required Signatures

**Elected Official or
Department/
Agency Director:**

Deborah Koffmy

Date: 12/09/09

Budget Analyst:

Debra

Date: 12/09/09

Department HR:

Date: _____

Countywide HR:

Date: _____



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-5758 fax
(503) 988-5170 TDD

TO: Board of County Commissioners
FROM: Julie Neburka, Principal Budget Analyst
DATE: December 8, 2009
SUBJECT: General Fund Contingency Request of \$210,000 by Department of County Human Services to house 30 homeless families within 30 days (DCHS-22)

The Department of County Human Services requests \$210,000 in one-time-only General Fund Contingency funding to house thirty (30) homeless families. DCHS will work with community providers serving homeless families to identify clients who would benefit from rapid housing placement assistance, rental assistance for up to six months, and up to six months of supportive services. Of this request, \$60,000 will go to support initiative and volunteer management and \$150,000 will provide cash assistance to families (up to \$5,000 each) in order for them to locate housing, pay deposits, and provide at least six months of rental assistance. If granted, this request will be a one-time request that will respond to the needs of the County's homeless families.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency.

- Criteria 1 states contingency requests should be for one-time-only purposes. *This request is a one-time only expense.*
- Criteria 2 Addresses emergencies and unanticipated situations. *This request does not represent an emergency and could have been anticipated in the FY 2010 Budget process.*
- Criteria 3 addresses items identified in Board Budget Notes. *This request was not identified in the FY 2010 Board Budget Notes.*

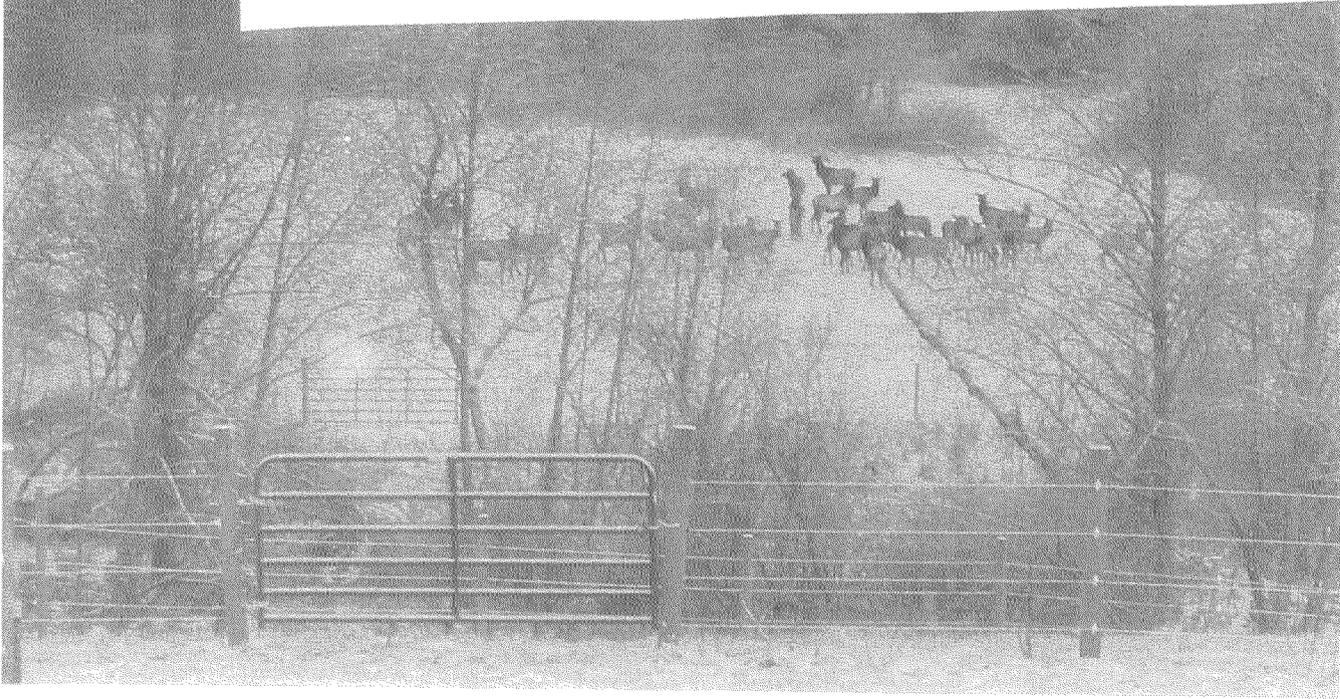
Budget Modification ID: DCHS-22

EXPENDITURES & REVENUES

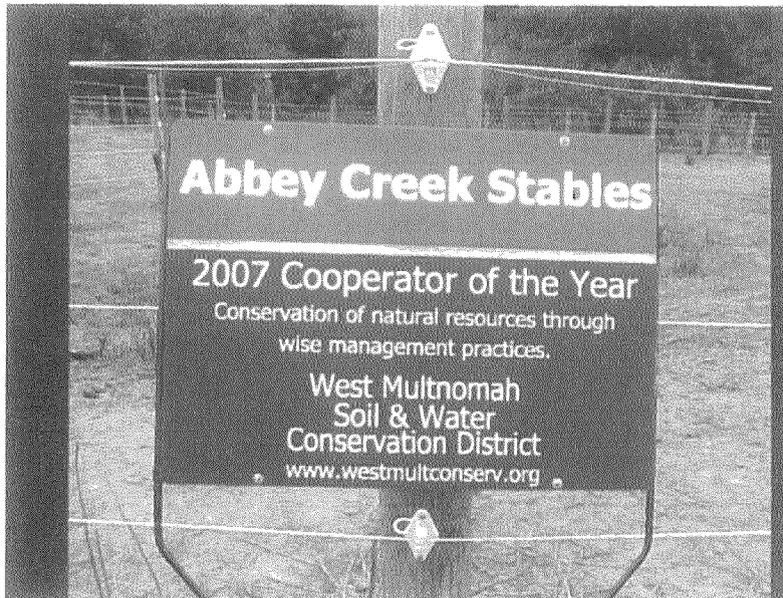
Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	19	1000	95000	20			9500001000	60470		(210,000)	(210,000)		General Fund Contingency
2	22-10	1000	25133	40			SCPCHHHS.CGF	60155	0	150,000	150,000		Direct Client Assistance
3	22-10	1000	25133	40			SCPCHHHS.CGF	60100	0	43,508	43,508		Temporary
4	22-10	1000	25133	40			SCPCHHHS.CGF	60135	0	3,620	3,620		Non Base Fringe
5	22-10	1000	25133	40			SCPCHHHS.CGF	60145	0	12,872	12,872	0	Non Base Insurance
6										0			
7	72-10	3500	0020	20		705210		50316		(12,872)	(12,872)		Insurance Reimbursement
8	72-10	3500	0020	20		705210		60330		12,872	12,872		Insurance Reimbursement
9										0			
10										0			
11										0			
12										0			
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24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
										0	0		Total - Page 1
										0	0		GRAND TOTAL



RAYHAWK FARM DECEMBER 2008



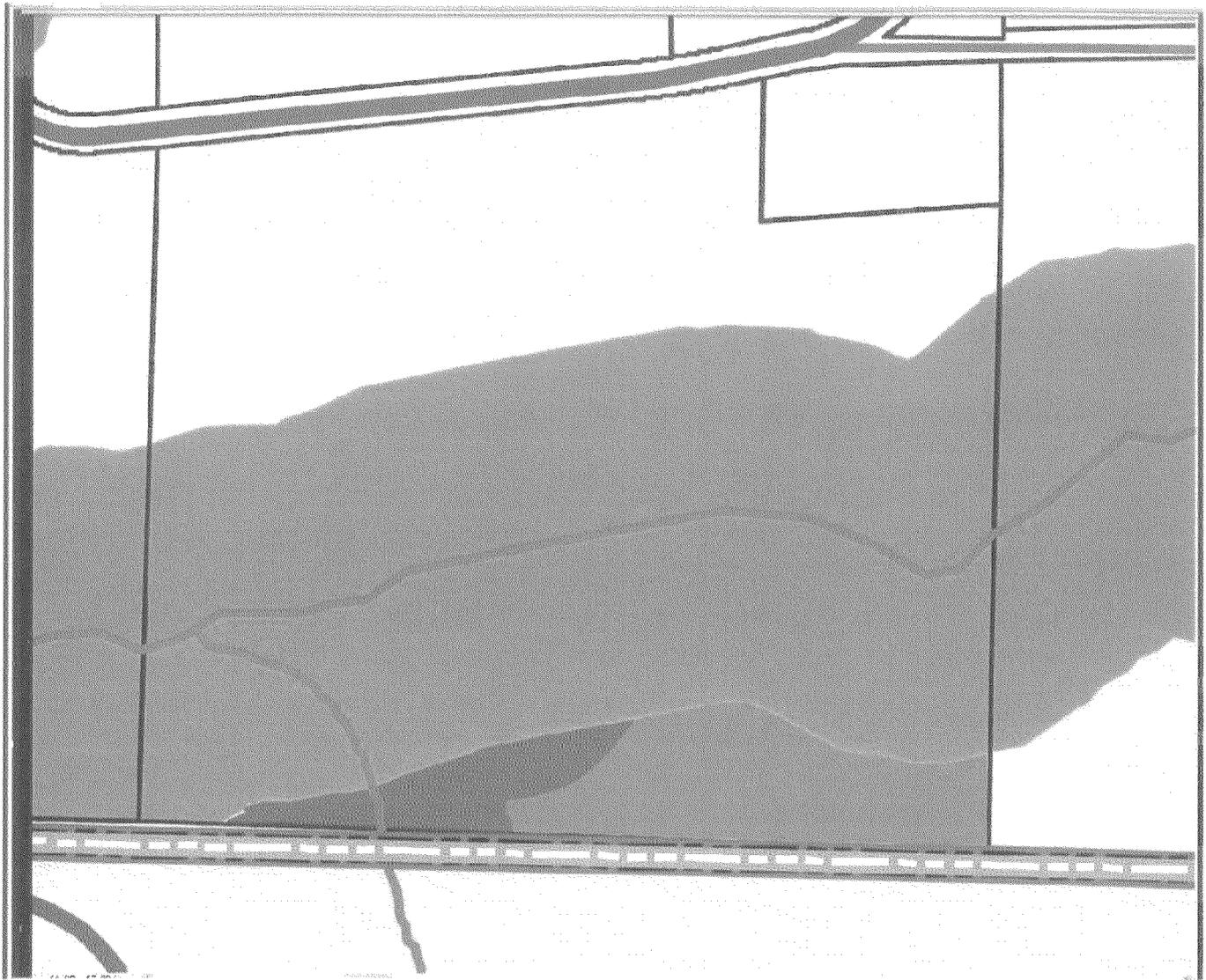
Abbey Creek runs into Rock Creek which runs into Tualatin River.

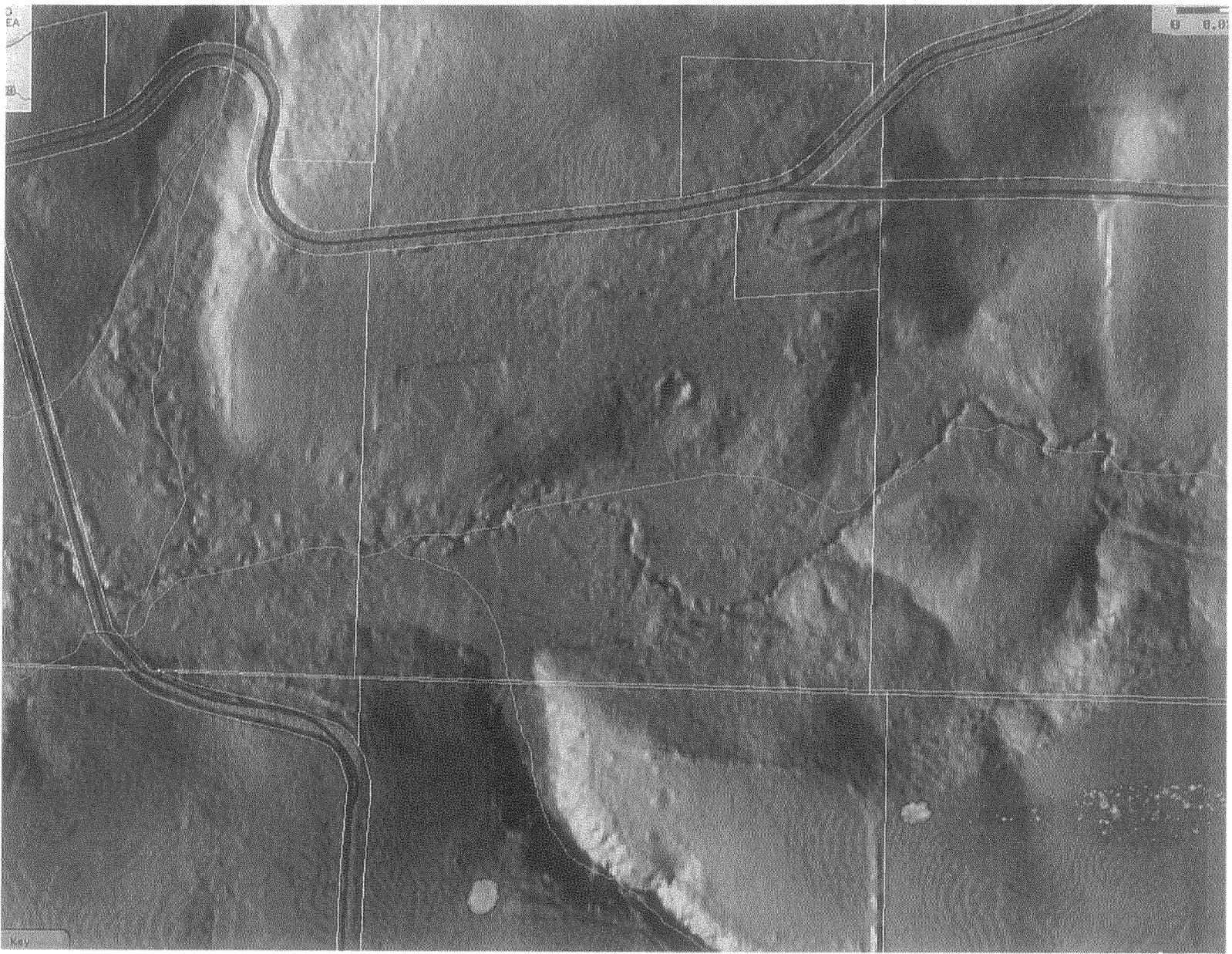
The whole system is ecologically challenged due to irrational exuberance of development in Washington County.

Yes, the phrase is meant to invoke a visceral response about the oncoming disaster of that effectively unregulated development.

West Multnomah Soil and Water District the 2007 Cooperator of the Year is for federally and state funded ECREP project which required fencing off 50 feet on both sides of the creek, clearing invasive species and planting 7000 native plants.

My wife and I felt that sacrifice of the use of the land was morally necessary as responsible stewards





Page 3 LIDAR Map from Metro Planners with old stream paths indicated

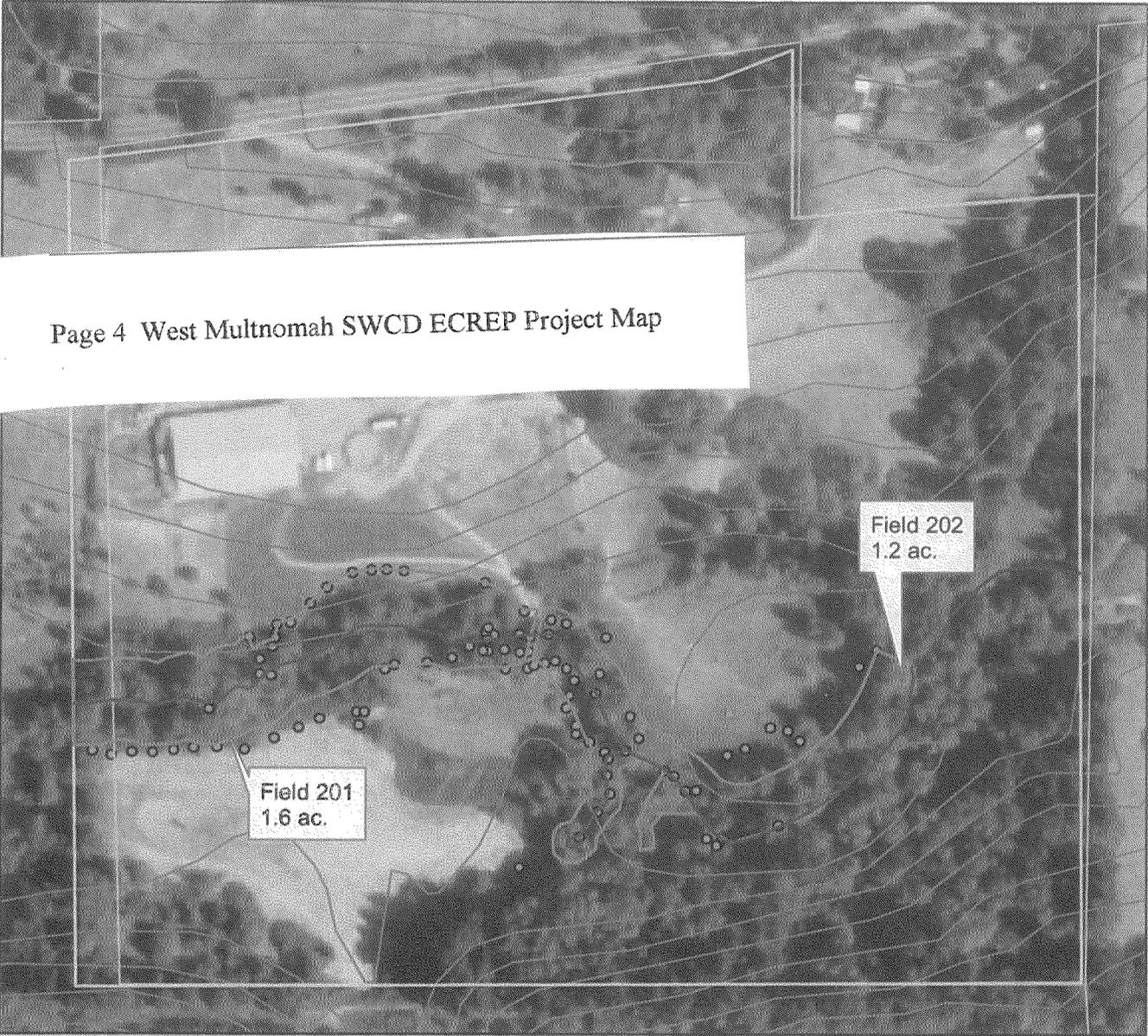
CREP Buffer Boundaries

Date: 8/14/2006

Customer(s): SHELLEY E RAYHAWK
District: W. Multnomah SWCD
Approximate Acres: 2.8 of 34
Legal Description: T1N R1W Section 8d

Field Office: PORTLAND SERVICE CENTER

Assisted By: Kammy Kern-Korot



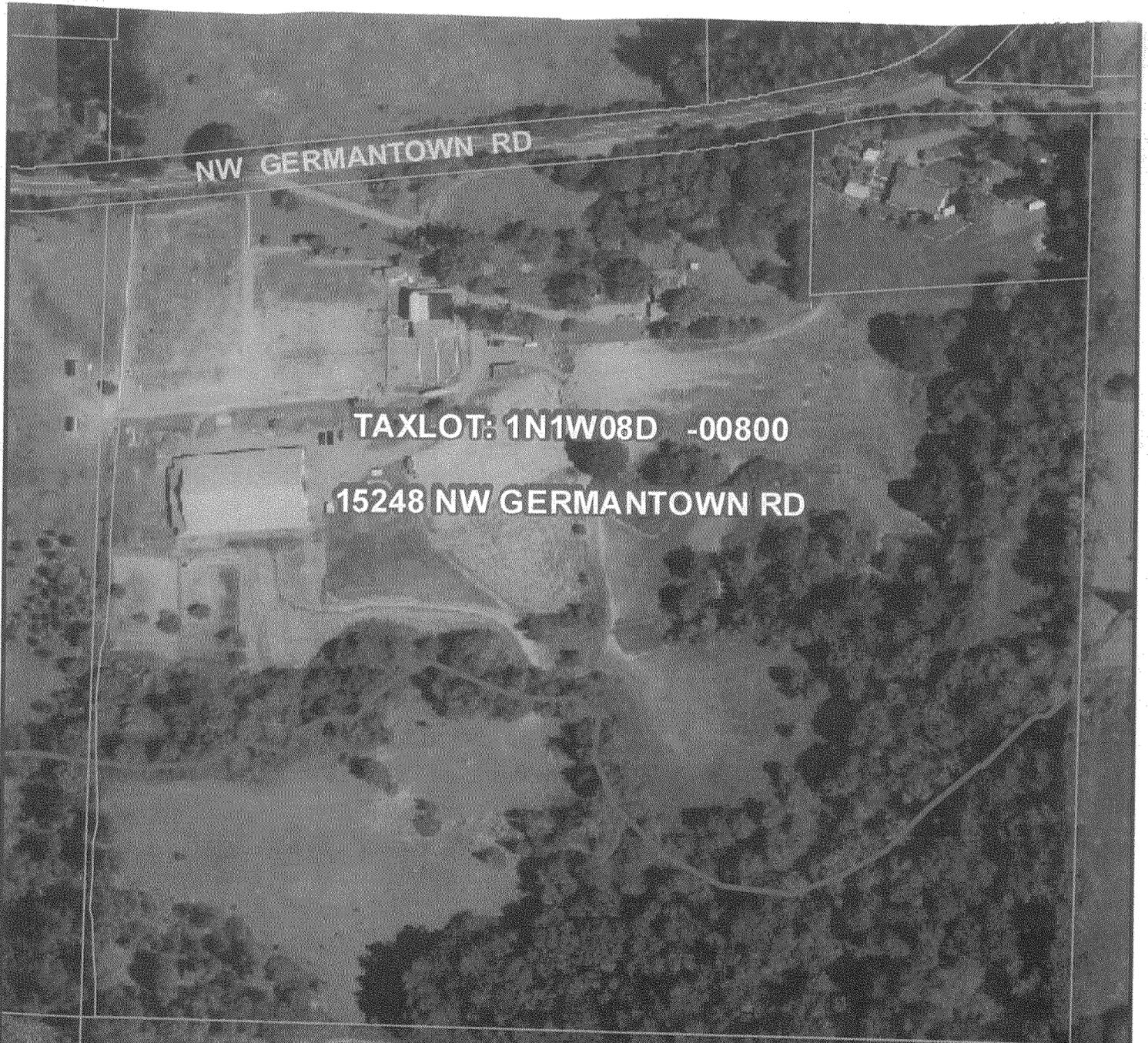
Legend

-  Riparian Buffer
-  Re-drawn Stream
-  GPS points
-  Approx. boundary
-  FSA boundary



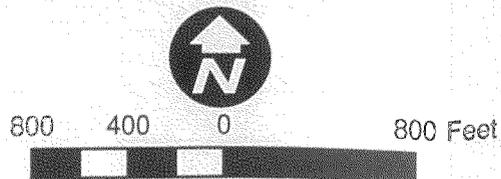
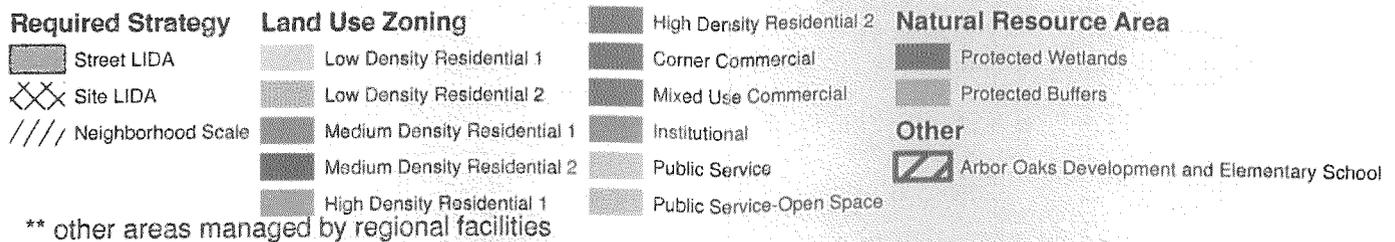
Image: naip_1-1_1n_s_or051_2005_1.sid





Updated stream location across property at:
15248 NW GERMANTOWN RD
(TLID 1N1W08D -00800)
November 2009

Figure 2 - North Bethany Stormwater Management Strategy



Produced: October 19, 2009

Aerial photography taken in 2003, provided by Aerials Express. Data on this map is derived from Washington County and Metro's RLIS database. This information was developed at multiple scales and accuracies. No warranty is made with this map.

Title: Support of New SEC Regulations
Author: Joe Rayhawk
Date: Dec 17, 2009

My name is Joe Rayhawk. I live on a 30+ acre farm at 15248 NW Germantown Road, Portland OR 97231

- 1) Endorse the proposed changes as good for the community even though they limit some of my possible uses of my land.
I want to commend the staff, especially Kevin Cook, for their excellent work and initiative.
- 2) I expect most of the contentious issues today are about SEC-Stream.
 - 1) Part of this has to do with whether the streams are where the maps show them to be.
There is language about how to correct such errors, but, the process still seems more painful for landowners than it should be.
 - 2) Kevin Cook, via personal initiative, has corrected some of these. Good job, Sir!
 - 3) Almost all of the land to be newly covered by SEC-Stream is already covered by SEC-Habitat.
 - a) SEC-Habitat, since 1995, is actually quite limiting. You are not losing much more today.
 - b) SEC-Habitat changes today are further limiting.
- 3) New regulations discuss "legally existing uses as of June, 2009".
It is not clear from the regulations how one determines what was legal as of that date.
In particular, there is no reference to the 1995 SEC-Habitat rules.
- 4) The existence of these overlays should be recorded in property deeds so that prospective buyers are made aware of them.
This should be done because it is only fair and because it could be argued in court that there was not proper notice given and hence the new buyer could argue that the county does not have the right to enforce the rules.
Giving proper notice should let
BTW: There was some notice of stream easements by the county on my deeds before 1990.
I think these were lost when the 1995 SEC_Habitat was enacted.
- 5) It may be useful to know there are sources of Aerial Photographs of the entire county
 - Army Corps of Engineers - Back to 1936
 - Bergman Photgraphics Services (and others) back to 1961
 - University of Oregon - Every 3-5 years from 1936 on.Some of these are quite remarkable.

#2

3rd

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 12-17-09

SUBJECT: ~~R-11~~ SEC zoning maps, Title 13

AGENDA NUMBER OR TOPIC: R-11

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Carol Chesarek

ADDRESS: 13300 NW Germantown Road

CITY/STATE/ZIP: Portland, OR 97231

PHONE: DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#3

Final

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 12-17-09

SUBJECT: EXTENDING REGULATION OF STORMWATER
DITCHES LEADING TO CREEKS

AGENDA NUMBER OR TOPIC: R-11

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: RICHARD CRAMPTON

ADDRESS: 8217 SE 267TH AVE.

CITY/STATE/ZIP: ORESTHAM OR

PHONE: DAYS: 503-663-5300 EVES: _____

EMAIL: richard@softknees.com FAX: _____

SPECIFIC ISSUE: R-11

WRITTEN TESTIMONY: R-11 PROPOSAL IS EXTENDING
REGULATIONS AND CONTROL OF PROPERTIES THAT
DUMP STORM WATER INTO CREEKS. THE REGULATIONS
HAVE DESTROYED PROPERTY VALUES AND IT'S
RELENTLESS SPREAD NEEDS TO BE STOPPED

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#4

#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 12-17-09

SUBJECT: R 11 zoning overlays

AGENDA NUMBER OR TOPIC: R 11

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Eddy C. Day

ADDRESS: 28715 SE Powell Vlg Rd.

CITY/STATE/ZIP: Gresham OR 97080

PHONE: _____ DAYS: 503 663-3649 EVES: _____

EMAIL: send it to eddy@msw.com FAX: _____

SPECIFIC ISSUE: General

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/17/2009

SUBJECT: REQUEST TO ENLARGE SEC-STREAM

COVERAGE ON MY PROPERTY TO

AGENDA NUMBER OR TOPIC: R11

FOR: [check] AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: JOSEPH RAYHAWK

ADDRESS: 15248 NW GERMANTOWN ROAD

CITY/STATE/ZIP: PORTLAND OR 97231

PHONE: DAYS: 503 289 0744 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: METRO IS IN PROCESS OF CORRECTING

MAP. NEW MAPS SHOW ACTUAL LOCATION

MC SEC-STREAM COVERAGE JUSTIFIED
WRITTEN TESTIMONY: ON LARGER AREA

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

BOGSTAD Deborah L

From: JOHNSON Cecilia
Sent: Thursday, December 10, 2009 5:03 AM
To: #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4
Subject: Sellwood Bridge Project Methodology Recommendation

Due to State Law requirements regarding procurement, DCS has been advised that making a recommendation regarding the methodology to be used for design and construction of the Sellwood Bridge would be in violation. Today at the end of our briefing, we will be informing the Board that we will be returning on December 17th with a resolution to INVESTIGATE the appropriateness of the CM/GC methodology for design and construction of the Bridge. This action will allow us to comply with the process required by State procurement law to proceed with a methodology other than "Low Bid". I wanted to make sure you were aware of this issue prior to the Board meeting today.

Cecilia

BOGSTAD Deborah L

From: JOHNSON Cecilia

Sent: Wednesday, December 16, 2009 11:28 AM

To: CANNON Ian B; PEOPLES Kim E; ELLIOTT Gerald T; SCHILLING Karen C; PULLEN Mike J; MCFARLAND Jane; VINCENT Brian S; HENRICHSEN Jon P; HANSELL Tom J; WOLF Jill A

Cc: ISLEY Sheila L; BOGSTAD Deborah L

Subject: Investigation of Sellwood Bridge Construction Methodology

Tom Rinehart called me this morning to let me know that the Resolution concerning investigation of CM/GC would be pulled from the Board Agenda tomorrow due to concerns Commissioner Shiprack has expressed regarding naming a particular methodology rather than investigating "alternative methods." We will change the language in both the APR and the Resolution and schedule it for sometime in January.

Cecilia

Title: Request to Multnomah County to Extend SEC-Stream Protection on Our Property
Author: Joe Rayhawk
Date: Dec 17, 2009

My name is Joe Rayhawk. I live on a 30+ acre farm at 15248 NW Germantown Road, Portland OR 97231

I have provided a packet with pictures and maps for your reference.

I request that you increase the area on my farm that is covered by SEC-Stream beyond what is on today's map.

We operate Abbey Creek Stables for 30 horses. We have 5 trainers that use our facilities. They typically have about 20 students. We have gross income of about \$100,000 and have been profitable since we started.

As you can see from Page 1, we are visited by the little old Elk Herd.

In 2007, we dedicated part of our land near Abbey Creek to a conservation project with West Multnomah Soil and Water Conservation District. We were nice enough about it to get their Cooperator of the Year Award.

There are three important issues today

- 1) The maps that your planners used are inaccurate for our property and do not show the actual path of the main stem of Abbey Creek or of a significant tributary that comes down from the North Bethany area.
- 2) The south part of our farm is the narrowest part of the habitat path that Elk and Deer and other animals use in migrating between Forest Park and the areas to the west and northwest. Our request today is primarily to try to make sure that this path does not get choked off.
- 3) The southeast section of our property is a woods on a 25%+ slope that goes all the way down to the actual path of Abbey Creek.

Page 2 is an extract from today's maps.
I am requesting that you add SEC-Stream to the orange area

Metro is using LIDAR to redo their base maps. LIDAR is about 100 times more accurate than the old methods. Page 3 is a LIDAR map from Metro showing the actual lay of the land and the misplaced streams. Even before we contacted them, they had noticed that their old maps were wrong based on easy visual inspection of this image. The main stem obviously bends south. They had already changed this in their database.

They could see that the tributary coming down the hill from North Bethany did not extend NW across the field. They were not sure where the heck it went. We explained that the water turned at the bottom of the hill and followed the edge of the woods. And, had done so for at least 70 years based on aerial photography back to 1936.

WM SWCD provided them a picture/map of the ECREP project. This is Page 4 This shows the northern part of the tributary entering the main stem. Based on the LIDAR data and this on-the-ground delineation by another government agency, Metro deleted the errant location of the tributary as well.

Page 5 is the current Metro base map, It shows the actual location of the main stem and a stub where the North end of the tributary as shown on Page 4. Kevin Cook received verification of this from Metro planner Tim O'Brien this week.

Tim in an email explained that he expects Clean Water Services in doing their required on-the-ground delineation for North Bethany will provide an official map of the part of the tributary along the west side of the woods. At that point, Metro will extend the stub you see south to the county line.

Tim explained further that they will be updating their classifications of areas. Currently the woods area is listed by Metro as Class A Habitat. The area around the mislocated main stem is classified as Class A Riparian. Because of the steepness of the slopes and the correct location of the two streams, the Class A Riparian will be moved south and will cover both our woods and the woods now standing in North Bethany. Class A Riparian is a more protected class than Class A Habitat.

We have met with CWS and Washington County staff.

They could not commit until they do the ground work, but they indicated that there was a strong case for making the area south of our property off-limits to development.

They said that the case would be stronger if the land was fully protected by our county.

Page 6 is from CWS Drainage Master Plan for North Bethany. The current plan actually keeps development off of the slope above our property near Kaiser Road. This is because they can see the land here and can see that the slopes are 25%+. Just south of our woods, the plans show a street nearby on their side. The current Concept Plan suggests that this street will be one-sided with houses only on the south side. It is a little ambiguous and therefore worrisome.

My request is motivated by three factors

- 1) Destruction of the woods south of the line will lead to damage to my woods and to Abbey Creek.
- 2) Development too close to the county line will discourage the animals from using the habitat trail.
- 3) The damage to the woods and to the stream would have a negative impact on our agriculture activity.

My wife, who has a degree from Caltech in Civil Engineering and I have been working with CWS and with WMSWCD to understand how the development of North Bethany is going to impact Abbey and Rock Creek. We are very impressed with CWS's Drainage Master Plan.

If it can be implemented, it should almost protect both us and the Creeks.

To the extent it falls short, we and WMSWCD are trying to figure out what we can do to offset the damage.

This may include further conservation projects where two tributaries flow from North Bethany into Abbey Creek.

Today's proposed regulations include language that will allow these projects if SWCD says they are in the public interest.

All of our farm near and south of the creek is already covered by SEC-Habitat.

The new language before you today strengthens that protection .

Adding SEC-Stream further strengthens the protection and is consistent with the Class A Riparian classification that is coming

Please add an SEC-Stream overlay to the southeast section of my property.

Finally, I endorse the new proposed regulations as good for the community as a whole.

Thank you.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-2 DATE 12-17-09
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/17/09
 Agenda Item #: C-2
 Est. Start Time: 9:30 AM
 Date Submitted: 12/08/09

BUDGET MODIFICATION: DCM - 11

Agenda Title: BUDGET MODIFICATION DCM-11 Reclassifying One Position in the Division of Assessment, Recording, and Taxation, as Determined by the Class/Comp Unit of Central Human Resources

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: December 17, 2009 **Amount of Time Needed:** Consent Calendar
Department: County Management **Division:** Assessment & Taxation
Contact(s): Debra Anderson
Phone: 503-988-6355 **Ext.** 86355 **I/O Address:** 503/1
Presenter(s): N/A (Consent)

General Information

1. What action are you requesting from the Board?

The department is requesting Board approval of a budget modification authorizing the reclassification of one position in the Division of Assessment, Recording, and Taxation (DART).

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Department of County Management requests Board approval of a reclassification for the following position that was approved by the Central Class Comp Unit:

<u>Position Title (Old)</u>	<u>Position Title (New)</u>	<u>Position Number</u>	<u>FTE</u>
A&T Technician 2	Industrial Appraiser	705056	No FTE Change

DART asked the Central Class Comp Unit to examine the duties of this position. After review of the duties, Class Comp has reclassified the position identified above. DART requested establishment of a new Industrial Appraiser classification with subject matter expertise in industrial

appraisals. The new classification provides expert consultant-level appraisals, technical expertise and training to assess and value a complex and diverse range of the most difficult industrial properties. The position will define criteria and develop methodologies for appraising complex commercial and industrial properties, appraise the most complex industrial operations, and take lead responsibility for unique or high-value properties. The new classification of Industrial Appraiser (6044) was officially established October 26, 2009. Pursuant to Article 15, Section VI.(A.) of the Local 88 Agreement, notice has been given to Local 88.

Because a vacant position is being reclassified for this work, this is not considered reorganization, but a reclassification due to changes in business need.

The vacant position was originally budgeted for FY 2010 in Program Offer 72043-DCM-DART-Property Assessment -Special Programs. This budget modification transfers the vacant position to Program Offer 72045- DCM- DART Property Assessment- Industrial. No immediate changes in performance measures on the current program offers are anticipated by this reclassification.

3. Explain the fiscal impact (current year and ongoing).

Budget modification detail is attached. The reclassification request is being accomplished within current resources for FY 2010. Permanent salary and fringe/benefits cost increases for this position for the current year are \$10,138, and are offset by a decrease to Temporary and related non-base fringe and insurance. Ongoing expenses for this position will be absorbed within the DART budget.

4. Explain any legal and/or policy issues involved.

This position has been reviewed by the Classification/Compensation Unit and has been re-classified.

5. Explain any citizen and/or other government participation that has or will take place.

None required.

ATTACHMENT A

Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- **What revenue is being changed and why?**
No revenues change.
- **What budgets are increased/decreased?**
The DART budget is adjusted to increase personnel expenses and reduce materials and supplies in the same amount, for no net change.
- **What do the changes accomplish?**
The changes allow DART to recruit for and hire a newly classified Industrial Appraiser position in the Industrial Property Appraisal Program, to provide resources to complete mandated commercial industrial property appraisals.
- **Do any personnel actions result from this budget modification? Explain.**
Yes. An A&T Technician 2 position is reclassified to an Industrial Appraiser position.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
No changes.
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
N/A
- **If a grant, what period does the grant cover?**
- **If a grant, when the grant expires, what are funding plans?**

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCM - 11

Required Signatures

**Elected Official or
Department/
Agency Director:**

Mindy Harris

Date: 12/02/09

Budget Analyst:

Debra

Date: 12/07/09

Department HR:

Karen Lambert

Date: 12/7/2009

Countywide HR:

A. Busby

Date: 11/12/09

Budget Modification ID: **DCM- 11**

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	72-30	1000	72043	20		706402		60000	431,206	401,173	(30,033)		Permanent
2	72-30	1000	72043	20		706402		60130	125,990	116,518	(9,472)		Salary Related
3	72-30	1000	72043	20		706402		60140	129,029	119,428	(9,601)	(49,106)	Insurance
4	72-30	1000	72045	20		706407		60000	236,438	273,780	37,342		Permanent
5	72-30	1000	72045	20		706407		60130	72,706	84,458	11,752		Salary Related
6	72-30	1000	72045	20		706407		60140	64,652	74,802	10,150	59,244	Insurance
7	72-30	1000	72037	20		706209		60100	44,594	35,580	(9,014)		Temporary
8	72-30	1000	72037	20		706209		60135	3,710	2,960	(750)		Non base fringe
9	72-30	1000	72037	20		706209		60145	1,851	1,477	(374)	(10,138)	Non base insurance
10													
11	72-10	3500		20		705210		50316		(175)	(175)		Svc Reim GF to Risk Fund
12	72-10	3500		20		705210		60330		175	175		Claims Paid
13													
14													
15													
16													
17													
18													
19													
20													
21													
22													
23													
24													
25													
26													
27													
28													
29													
											0	0	Total - Page 1
											0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6451	62739	706402	A&T Technician 2	705056	(1.00)	(46,205)	(14,573)	(14,771)	(75,549)
1000	6044	65305	706407	Industrial Appraiser	705056	1.00	57,671	18,149	15,631	91,451
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	11,466	3,576	860	15,902

CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6451	62739	706402	A&T Technician 2	705056	(0.65)	(30,033)	(9,472)	(9,601)	(49,106)
1000	6044	65305	706407	Industrial Appraiser	705056	0.65	37,342	11,752	10,150	59,244
										0
										0
										0
										0
										0
										0
										0
										0
										0
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										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	7,309	2,280	549	10,138



Department of County Management
MULTNOMAH COUNTY OREGON
 Human Resources

Multnomah Building
 501 SE Hawthorne, Suite 400
 Portland, Oregon 97214
 (503) 988-5015 Phone
 (503) 988-3009 Fax

To: Randy Walruff, DART
 From: Candace Busby, Classification and Compensation Unit (503/4) *ABusby*
 Date: November 12, 2009
 Subject: Reclassification Request #1354 (Vacant)

This reclass notices replaces the notice for request #1282 which used a different vacant position and classification. We will mark request #1282 as withdrawn. We have completed our review of your request and the decision is outlined below.

Request Information:

Date Request Received: November 12, 2009	Position Number: 705056
Current Classification: A&T Technician 2	Requested Classification: Principal Industrial Appraiser (to be established)
Job Class Number: 6451	Job Class Number: TBD
Pay Grade: 17	Pay Grade: TBD

Request is:	<input checked="" type="checkbox"/> Approved as Requested	Effective Date: November 6, 2009
	<input type="checkbox"/> Approved - Revised	
	<input type="checkbox"/> Denied	

Allocated Classification: Industrial Appraiser	Job Class Number: 6044
Pay Range: \$52,805.52 to \$64,957.68 annually	Pay Grade: 28

Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.

Position Information:

Vacant - see New/Vacant Section

New/Vacant Position Information:

If the position is vacant or incumbent not reclassified with position, position must be filled in accordance with the normal appointment procedures. If position is reclassified due to reorganization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

Reason for Classification Decision:

The department requested establishment of a new Industrial Appraiser classification with subject matter expertise in industrial appraisals. This new classification provides expert consultant-level appraisals, technical expertise and training to assess and value a complex and diverse range of the most difficult industrial properties. This classification performs the most difficult industrial appraisals in the county such as bulk storage terminals, high tech manufacturing operations, construction material manufacturers, ship repair yards, and petroleum and chemical processing facilities. This position will define criteria and develop methodologies for appraising complex commercial and industrial properties; appraise the most complex industrial operations (buildings, structures, machinery, equipment, personal property); and take lead responsibility for unique or high-value properties. These responsibilities are consistent with the new classification of Industrial Appraiser (6044) which was officially established October 26, 2009.

If you have any questions, please feel free to contact me at 503-988-5015 ext. 24422.

cc: Karin Lamberton, HR Manager	Leola Warner, HR Maintainer
Bryan Lally, Local 88	Class Comp File Copy