

ANNOTATED MINUTES

Tuesday, May 2, 1995 - 9:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

- B-1 Update on 1995 Oregon Legislative Session. Presented by Rhys Scholes, Gina Mattioda, Laurie Beth English and Other Invited Guests.

COMMISSIONER GARY HANSEN INTRODUCTION AND COMMENTS IN SUPPORT OF SENATE BILL 686. GEORGE McSHEA, ALLEN WILLIS AND DAVID LOHMAN PRESENTATION ON BEHALF OF THE PORT OF PORTLAND AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. HANK MIGGINS REPORTED ON REPRESENTATIVE MIKE FAHEY'S CONCERNS AND PROPOSED AMENDMENT. SANDRA DUFFY, JANICE DRUIAN AND ROBERT ELLIS COMMENTS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD CONSENSUS ON PROPOSED AMENDMENTS AND DIRECTION TO LAURIE BETH ENGLISH REGARDING COUNTY POSITION ON SENATE BILL 686. GINA MATTIODA PRESENTATION REGARDING CO-CHAIR'S BUDGET. MS. MATTIODA, RHYS SCHOLES AND BILLI ODEGAARD PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING HOUSE BILL 2165. BOARD CONSENSUS TO SUPPORT ASSOCIATION OF OREGON COUNTIES' POSITION. MS. MATTIODA RESPONSE TO QUESTIONS REGARDING STATUS OF PROPOSED PUBLIC SAFETY BUDGET, SENATE BILL 1 AND SENATE BILL 1145.

Tuesday, May 2, 1995 - 10:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

WORK SESSION

- WS-1 Review and Discuss the Work-in-Progress by the County's Strategic Planning for Information Technology Team; to Solicit Board Input into the Work to Date and Describe the Work Plan for the Remainder of the Project. Presented by Betsy Williams and Members of the Planning Team.

BETSY WILLIAMS ACKNOWLEDGED AND INTRODUCED TEAM MEMBERS TOM SIMPSON, KATHY TINKLE, SHARON OWEN, SUSAN KAESER, JEANNE GOODRICH, KERI HARDWICK, MEGANNE STEELE, TOM FRONK, JANICE DRUIAN, JIM MUNZ, LANCE DUNCAN, JOHN HAMLIN, KEN PHILLIPS, KATHY GILLETTE, JANN BROWN, JOAN PASCO AND BILLI ODEGAARD. MS. WILLIAMS, MR. SIMPSON, MS. KAESER, MS. HARDWICK, MS. DRUIAN, MR. FRONK AND MS. STEELE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

Tuesday, May 2, 1995 - 1:30 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BUDGET SESSION

Chair Beverly Stein convened the meeting at 1:30 p.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen and Tanya Collier present, and Commissioner Dan Saltzman arriving at 1:35 p.m.

WS-2 Central Citizen Budget Advisory Committee Report and Recommendations on the Proposed 1995-96 Multnomah County Budget. County Auditor Review of Financial Trends Over the Past Ten Years. Budget and Quality Office Discussion on the 1995-96 Revenues and the Five Year Forecast. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget.

JACK PESSIA PRESENTATION OF CBAC REPORT AND RECOMMENDATIONS. GARY BLACKMER AND JUDITH DeVILLIERS FINANCIAL TRENDS PRESENTATION AND RESPONSE TO BOARD QUESTIONS, COMMENTS AND DISCUSSION. BARRY CROOK, DAVE BOYER, MARK CAMPBELL AND DAVE WARREN REVENUES AND FORECAST PRESENTATION AND RESPONSE TO BOARD QUESTIONS, COMMENTS AND DISCUSSION. BOARD IDENTIFIED FOLLOW UP ISSUES FOR FURTHER STAFF ELABORATION DURING BUDGET DELIBERATIONS.

There being no further business, the meeting was adjourned at 3:00 p.m.

OFFICE OF THE BOARD CLERK
MULTNOMAH COUNTY, OREGON

Wednesday, May 3, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BUDGET SESSION

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Sharron Kelley, Commissioners Tanya Collier and Dan Saltzman present, and Commissioner Gary Hansen arriving at 9:36 a.m.

WS-3 Department of Library Services Budget Overview, Highlights and Action Plans. DLS Citizen Budget Advisory Committee Presentation. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. Issues and Opportunities. Board Questions and Answers.

GINNIE COOPER INTRODUCTIONS, BUDGET OVERVIEW PRESENTATION AND RESPONSE TO BOARD QUESTIONS. ANGEL LOPEZ AND SUSAN HATHAWAY-MARXER CBAC PRESENTATION AND COMMENTS IN SUPPORT OF CHAIR'S PROPOSED BUDGET AND ADD PACKAGE. BILL NAITO, TERRENCE O'DONNELL, MARTHA ULLMAN-WEST AND PAUL BRAGDON TESTIMONY IN SUPPORT OF LIBRARY, CHAIR'S PROPOSED BUDGET AND ADD PACKAGE. MS. COOPER UPDATE ON MIDLAND BRANCH AND RESPONSE TO BOARD QUESTIONS. DAVE WARREN RESPONSE TO BOARD QUESTIONS. CINDY GIBBON, JEANNE GOODRICH AND LEO MacLEOD HIGHLIGHTS AND ACTION PLANS PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. MIDLAND BRANCH UPDATE AND ENTREPRENEURIAL ACTIVITIES BRIEFINGS TO BE PRESENTED WITHIN THE NEXT FEW MONTHS. BOARD IDENTIFIED FOLLOW UP ISSUES FOR FURTHER STAFF ELABORATION DURING BUDGET DELIBERATIONS.

There being no further business, the meeting was adjourned at 11:16 a.m.

OFFICE OF THE BOARD CLERK
MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad

Thursday, May 4, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:34 a.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen, Tanya Collier and Dan Saltzman present.

NON-DEPARTMENTAL

- R-1 Rob Brading of Multnomah Community Television Presentation on the Board of County Commissioners Live Cablecast Programming

ROB BRADING, TODD LOGGAN AND CABLE CREW INTRODUCTION.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-5) WAS UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- C-1 Retail Malt Beverage OLCC License Renewal Application Submitted by Sheriff's Office with Recommendation for Approval, for HAGAR'S AT VIKING PARK, 29311 STARK STREET, TROUTDALE

COMMUNITY AND FAMILY SERVICES DIVISION

- C-2 Ratification of Intergovernmental Agreement Contract 104505 Between Multnomah County, Developmental Disabilities Program and the University of Oregon's Specialized Training Program, Providing \$11,000 in Revenue to Assist in Data Collection and Development of the Oregon Natural Supports Project to Transition Persons with Severe Disabilities to Unsubsidized Employment, for the Period January 1, 1995 through June 30, 1995

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 ORDER in the Matter of the Execution of Deed D951177 Upon Complete Performance of a Contract to Donald E. Pollack

ORDER 95-94.

- C-4 ORDER in the Matter of the Execution of Deed D951186 Upon Complete

Performance of a Contract to Joan E. Jasper and Stephen J. Henneberg

ORDER 95-95.

- C-5 ORDER in the Matter of the Execution of Deed D951187 Upon Complete Performance of a Contract to Neil O. Marks and Evonne A. Marks

ORDER 95-96.

REGULAR AGENDA

PUBLIC COMMENT

- R-2 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

SHERIFF'S OFFICE

- R-3 Budget Modification MCSO 16 Requesting Authorization for the Establishment of an Appropriation for the Beginning Working Capital in the Concealed Weapons Unit, and Requesting an Increase in the Equipment Appropriation to Pay for a Fingerprint and Video Image System

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-3. LARRY AAB AND DAVE WARREN EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

AGING SERVICES DIVISION

- R-4 Budget Modification ASD 3 Requesting Authorization to Move a Case Manager Senior Position from the Long Term Care Program to the Adult Care Home Licensing Program, Using On-Going Funding

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-4. KATHY GILLETTE EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-5 Budget Modification ASD 4 Requesting Authorization to Handle Several Personnel Changes Using Salary Savings Within the Aging Services Division Budget, With No Net Fiscal Impact

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. MS. GILLETTE EXPLANATION. CHAIR STEIN ACKNOWLEDGEMENT OF STAFF EFFORTS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-6 Budget Modification DES 9 Requesting Authorization to Transfer \$306,288 from the Data Processing Fund Contingency to the Correct Expenditure Categories to Fund Phase I of the Development of Multnomah County's Wide Area Network

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-6. JIM MUNZ EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

R-7 Request for Approval of FINAL ORDER MC 1-94/LD 13-94 Findings in Support of Decision to Uphold the Decisions of the Hearings Officer and Transportation Division Staff and Approve a Land Partition, Access by Easement and Variance to the Street Standards Code, for Property Located at 01400 SW MILITARY ROAD (Continued from April 25, 1995)

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. GARY CLIFFORD EXPLANATION REGARDING SUBMITTED OBJECTIONS TO PROPOSED FINAL ORDER. JOHN DuBAY EXPLANATION REGARDING PROPOSED AMENDMENT. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER COLLIER, IT WAS UNANIMOUSLY APPROVED TO AMEND PAGE 2 OF THE FINDINGS BY DELETING THE SENTENCE "THE APPLICANTS UNDISPUTED TESTIMONY ESTABLISHED THAT THE PROPERTY SUBJECT TO AGREEMENT LIMITS DEVELOPMENT TO A TOTAL OF THREE HOUSES INCLUDING EXISTING HOUSE." RESOLUTION 95-97 UNANIMOUSLY APPROVED, AS AMENDED.

R-8 ORDER in the Matter of the Grant of a Right-of-Way and Easement on County Land at the County Farm Property in the NW 1/4 of Sections 26 and 35, T1N, R3E, WM, Multnomah County, Oregon

AT THE REQUEST OF CHAIR STEIN AND UPON

MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, R-8 WAS UNANIMOUSLY POSTPONED INDEFINITELY.

R-9 Ratification of Intergovernmental Agreement Contract 302015 Between Multnomah County and Metro, Providing Records Management Services to Metro on an As-Needed Project Basis Over a Three Year Period for an Amount Not to Exceed \$14,000

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. TOM GUINEY EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

R-10 ORDER in the Matter of Exempting from Public Bidding the Purchase of Oracle Version 7 Data Base System

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-10. ROGER BRUNO AND JIM MUNZ EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 95-98 UNANIMOUSLY APPROVED.

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

NON-DEPARTMENTAL

R-11 RESOLUTION in the Matter of Constructing Additional Beds for the Multnomah County Juvenile Justice Complex and Examining the Feasibility of Using a Portion of that Facility for a Mental Health Crisis Triage Center (Continued from April 27, 1995)

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-11. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF A SUBSTITUTE RESOLUTION. COMMISSIONER SALTZMAN COMMENTS IN SUPPORT OF R-11. COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED,

APPROVAL OF THE COLLIER AMENDMENT DATED APRIL 27, 1995. COMMISSIONER COLLIER CLARIFICATION IN RESPONSE TO QUESTION OF LAURENCE KRESSEL. COMMISSIONER COLLIER EXPLANATION AND COMMENTS IN SUPPORT OF AMENDMENT. ELYSE CLAWSON RESPONSE TO BOARD QUESTIONS AND DISCUSSION. NORMAN RUPP, PAUL LORENZINI AND PATRICK WHITCOMB TESTIMONY IN SUPPORT OF ADDITIONAL BEDS. SONNY CONDER TESTIMONY REGARDING METRO POPULATION GROWTH PROJECTIONS AND RESPONSE TO BOARD QUESTIONS. BOB NILSEN AND D.A. HILDERBRAD OF HOFFMAN CONSTRUCTION RESPONSE TO BOARD QUESTIONS AND DISCUSSION. MS. CLAWSON RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, TO WITHDRAW PREVIOUS MOTION TO APPROVE R-11 AND TO CONTINUE ITEM UNTIL MAY 18, 1995. BOARD COMMENTS AND DISCUSSION REGARDING R-11 AND SUBSTITUTE RESOLUTION. FOLLOWING DISCUSSION AND AT THE SUGGESTION OF MR. KRESSEL, COMMISSIONER SALTZMAN WITHDREW HIS MOTION AND ADVISED HE INTENDS TO BRING THE ITEM BACK ON MAY 18, 1995. FOLLOWING BOARD DISCUSSION, COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, AN AMENDMENT TO COMMISSIONER COLLIER'S 4/27/95 AMENDMENT BY CHANGING THE WORD "WILL" TO "MAY" IN THE SENTENCE "THE BOARD WILL INCORPORATE THE MEASURE WITH OTHER BOND MEASURES AND BEGIN THE PROCESS OF ASKING THE VOTERS FOR APPROVAL TO ADVANCE REFUND THE CERTIFICATES OF PARTICIPATION." COMMISSIONER COLLIER'S 4/27/95 AMENDMENT UNANIMOUSLY APPROVED, AS AMENDED (RESOLUTION 95-99A). SUBSTITUTE RESOLUTION 95-99 UNANIMOUSLY APPROVED.

R-12 RESOLUTION in the Matter of Constructing 32 Additional Beds at the Multnomah County Juvenile Justice Complex and Exploring the Feasibility of Constructing a Triage Center on that Site (Continued from April 27, 1995)

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, R-12 WAS UNANIMOUSLY POSTPONED INDEFINITELY.

R-13 RESOLUTION in the Matter of Approving the Chair's Proposed 1995-96 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by Law (Continued from April 27, 1995)

CHAIR STEIN AND DAVE WARREN EXPLANATION. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, RESOLUTION 95-100 WAS UNANIMOUSLY APPROVED.

The regular meeting was adjourned at 11:15 a.m. and the briefing convened at 11:20 a.m.

Thursday, May 4, 1995
IMMEDIATELY FOLLOWING REGULAR MEETING
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

B-2 Update on Multnomah County Sheriff's Office School Resource Officer Programs and Activities. Presented by Monique Barnhart, Sue Gates, Dan Staton and Keith Krafve.

LARRY MOLLAHAN, DAN STATON, EMILY ADAMS, SUE GATES AND MONIQUE BARNHART PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

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

OFFICE OF THE BOARD CLERK
MULTNOMAH COUNTY, OREGON



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

MAY 1, 1995 - MAY 5, 1995

Tuesday, May 2, 1995 - 9:00 AM - Board Briefing Page 2

Tuesday, May 2, 1995 - 10:00 AM - Work Session Page 2

Tuesday, May 2, 1995 - 1:30 PM - Budget Session Page 2

Wednesday, May 3, 1995 - 9:30 AM - Budget Session Page 2

Thursday, May 4, 1995 - 9:30 AM - Regular Meeting Page 3

Thursday, May 4, 1995 - Board Briefing Page 5
(IMMEDIATELY FOLLOWING REGULAR MEETING)

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

Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 10:00 PM, Channel 30
Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, May 2, 1995 - 9:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

- B-1 *Update on 1995 Oregon Legislative Session. Presented by Rhys Scholes, Gina Mattioda, Laurie Beth English and Other Invited Guests. 1 HOUR REQUESTED.*
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Tuesday, May 2, 1995 - 10:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

WORK SESSION

- WS-1 *Review and Discuss the Work-in-Progress by the County's Strategic Planning for Information Technology Team; to Solicit Board Input into the Work to Date and Describe the Work Plan for the Remainder of the Project. Presented by Betsy Williams and Members of the Planning Team. 2 HOURS REQUESTED.*
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Tuesday, May 2, 1995 - 1:30 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BUDGET SESSION

- WS-2 *Central Citizen Budget Advisory Committee Report and Recommendations on the Proposed 1995-96 Multnomah County Budget. County Auditor Review of Financial Trends Over the Past Ten Years. Budget and Quality Office Discussion on the 1995-96 Revenues and the Five Year Forecast. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. 1.5 HOURS REQUESTED.*
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Wednesday, May 3, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BUDGET SESSION

- WS-3 *Department of Library Services Budget Overview, Highlights and Action Plans. DLS Citizen Budget Advisory Committee Presentation. Opportunity for Public Testimony on the Proposed 1995-96 Multnomah County Budget. Issues and Opportunities. Board Questions and Answers. 2.5 HOURS REQUESTED.*
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Thursday, May 4, 1995 - 9:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

SHERIFF'S OFFICE

- C-1 *Retail Malt Beverage OLCC License Renewal Application Submitted by Sheriff's Office with Recommendation for Approval, for HAGAR'S AT VIKING PARK, 29311 STARK STREET, TROUTDALE*

COMMUNITY AND FAMILY SERVICES DIVISION

- C-2 *Ratification of Intergovernmental Agreement Contract 104505 Between Multnomah County, Developmental Disabilities Program and the University of Oregon's Specialized Training Program, Providing \$11,000 in Revenue to Assist in Data Collection and Development of the Oregon Natural Supports Project to Transition Persons with Severe Disabilities to Unsubsidized Employment, for the Period January 1, 1995 through June 30, 1995*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 *ORDER in the Matter of the Execution of Deed D951177 Upon Complete Performance of a Contract to Donald E. Pollack*
- C-4 *ORDER in the Matter of the Execution of Deed D951186 Upon Complete Performance of a Contract to Joan E. Jasper and Stephen J. Henneberg*
- C-5 *ORDER in the Matter of the Execution of Deed D951187 Upon Complete Performance of a Contract to Neil O. Marks and Evonne A. Marks*

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 *Rob Brading of Multnomah Community Television Presentation on the Board of County Commissioners Live Cablecast Programming*

PUBLIC COMMENT

- R-2 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

SHERIFF'S OFFICE

- R-3 *Budget Modification MCSO 16 Requesting Authorization for the Establishment of an Appropriation for the Beginning Working Capital in the Concealed Weapons Unit, and Requesting an Increase in the Equipment Appropriation to Pay for a Fingerprint and Video Image System*

AGING SERVICES DIVISION

- R-4 *Budget Modification ASD 3 Requesting Authorization to Move a Case Manager Senior Position from the Long Term Care Program to the Adult Care Home Licensing Program, Using On-Going Funding*
- R-5 *Budget Modification ASD 4 Requesting Authorization to Handle Several Personnel Changes Using Salary Savings Within the Aging Services Division Budget, With No Net Fiscal Impact*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 *Budget Modification DES 9 Requesting Authorization to Transfer \$306,288 from the Data Processing Fund Contingency to the Correct Expenditure Categories to Fund Phase I of the Development of Multnomah County's Wide Area Network*
- R-7 *Request for Approval of FINAL ORDER MC 1-94/LD 13-94 Findings in Support of Decision to Uphold the Decisions of the Hearings Officer and Transportation Division Staff and Approve a Land Partition, Access by Easement and Variance to the Street Standards Code, for Property Located at 01400 SW MILITARY ROAD (Continued from April 25, 1995)*
- R-8 *ORDER in the Matter of the Grant of a Right-of-Way and Easement on County Land at the County Farm Property in the NW 1/4 of Sections 26 and 35, TIN, R3E, WM, Multnomah County, Oregon*
- R-9 *Ratification of Intergovernmental Agreement Contract 302015 Between Multnomah County and Metro, Providing Records Management Services to Metro on an As-Needed Project Basis Over a Three Year Period for an Amount Not to Exceed \$14,000*

PUBLIC CONTRACT REVIEW BOARD

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

- R-10 *ORDER in the Matter of Exempting from Public Bidding the Purchase of Oracle Version 7 Data Base System*

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

NON-DEPARTMENTAL

- R-11 *RESOLUTION in the Matter of Constructing Additional Beds for the Multnomah County Juvenile Justice Complex and Examining the Feasibility of Using a Portion of that Facility for a Mental Health Crisis Triage Center (Continued from April 27, 1995)*
- R-12 *RESOLUTION in the Matter of Constructing 32 Additional Beds at the Multnomah County Juvenile Justice Complex and Exploring the Feasibility of Constructing a Triage Center on that Site (Continued from April 27, 1995)*
- R-13 *RESOLUTION in the Matter of Approving the Chair's Proposed 1995-96 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by Law (Continued from April 27, 1995)*
-

Thursday, May 4, 1995

IMMEDIATELY FOLLOWING REGULAR MEETING

*Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFING

- B-2 *Update on Multnomah County Sheriff's Office School Resource Officer Programs and Activities. Presented by Monique Barnhart, Sue Gates, Dan Staton and Keith Krafve. 30 MINUTES REQUESTED.*

MEETING DATE

MAY 04 1995

AGENDA NO.

C-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Subject: OLCC RENEWAL

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Bob Barnhart TELEPHONE 251-2431

BLDG/ROOM # 313/115

PERSON(S) MAKING PRESENTATION: Sergeant Barnhart

ACTION REQUESTED:

() INFORMATIONAL ONLY () POLICY DIRECTION () APPROVAL () OTHER

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

This is an OLCC Retail Malt Beverage license renewal application for Hagars At Viking Park, 29311 Stark street, Troutdale Oregon 97060. The applicant, Kurt Jensons' background check has been completed and no criminal history was found.

5/4/95 ORIGINAL to Sgt. BOB BARNHART

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Jl Bunnell*

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions call the Office of the Board Clerk, 248-3277/248-5222

MULTNOMAH COUNTY OREGON 1995 APR 21 PM 3:34

LICENSE RENEWAL APPLICATION

DUPLICATE

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600		RI0437A

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES

JENSON KURT A
HAGARS AT VIKING PARK
29311 STARK ST
TROUTDALE OR 97060

WAVE LATE FEE *Amir from*

* Is there a designee(s) for Server Education? Yes No
 ** Server Education designee KURT JENSON SS# 295-66-7848

1. Please list a daytime phone number in case we need more information: 695-5605 / 667-9494
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
 YES NO IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
3. Will anyone share in the profits who is not a licensee? YES NO
 If yes, please give name(s) and explain: _____
4. 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?
 YES NO IF YES, EXPLAIN: _____

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL. CASH ENCLOSE A CHECK OR MONEY ORDER FOR _____ MADE PAYABLE TO OLCC

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12/12/94, indicated by a legible postmark, there is no late charge. From 12/13 to 12/31/94, you will have to pay a late fee of \$50.00. After 12/31, the late fee is \$80.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH recommends that this license be GRANTED REFUSED
 DATE OF ENDORSEMENT: MAY 4, 1995
 SIGNED: Beverly Stein TITLE OF SIGNER: MULTNOMAH COUNTY CHAIR
BEVERLY STEIN

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

<p><u>Kurt A Jenson</u> PRINT YOUR NAME <u>Kurt A Jenson</u> SIGNATURE <u>295-66-7848</u> SOCIAL SECURITY NUMBER</p>	<p><u>7/30/95</u> DATE <u>12/9/59</u> D.O.B.</p>	<p>PRINT YOUR NAME SIGNATURE DATE SOCIAL SECURITY NUMBER D.O.B.</p>
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NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

MEETING DATE: MAY 0 4 1995

AGENDA NO: C-2

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Ratification of a Revenue Agreement with the University of Oregon

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: 5 Minutes

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: _____ DIVISION Community and Family Services

CONTACT: Carolynne Webber TELEPHONE #: 248-3691 x2583
BLDG/ROOM #: 161/200

PERSON(S) MAKING PRESENTATION: Lorenzo Poe/Dennis Adams

ACTION REQUESTED:

INFORMATION ONLY POLICY DIRECTION APPROVAL OTHER

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

Approval of the attached Intergovernmental Revenue Agreement between the Multnomah County Community and Family Services Division's Developmental Disabilities Program and the University of Oregon's Specialized Training Program (STP) for the period January 1, through ~~November~~ ^{JUNE} 30, 1995. This agreement provides \$11,000 in revenue to assist in the data collection and development of the Oregon Natural Supports Project for persons with developmental disabilities.

5/8/95 ORIGINALS TO CAROLYNNE WEBBER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER/DIVISION DIRECTOR: Lorenzo Poe

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Question: Call the Office of the Board Clerk 248-5222

(WPDOC)

6/93
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS
1995 APR 24 PM 4:48



MULTNOMAH COUNTY OREGON

COMMUNITY AND FAMILY SERVICES DIVISION
ADMINISTRATIVE OFFICES
421 S.W. FIFTH AVENUE, 2ND FLOOR
PORTLAND, OREGON 97204
(503) 248-3691 / FAX (503) 248-3379
TDD (503) 248-3598

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

MEMORANDUM

TO: Board of County Commissioners

FROM: Lorenzo T. Poe, Jr., Director *Lorenzo T. Poe, Jr.*
Children and Families Services Division

DATE: April 11, 1995

REQUESTED PLACEMENT DATE:

RE: Approval of Revenue Agreement University of Oregon-Specialized Training Program

I. Action Requested:

Approval of an Intergovernmental Revenue Agreement with University of Oregon-Specialized Training Program (STP) effective January 1, 1995 through June 30, 1995.

II. Background/Analysis:

The provides \$11,000 in revenue for the Multnomah County Community and Family Services Division's Developmental Disabilities Program. This grant is part of the Oregon Natural Supports Project which seeks to develop the least intrusive approach to the transition of people with severe disabilities to unsubsidized employment. Multnomah County staff from the Developmental Disabilities Program office will assist the Specialized Training Program in collecting information that will answer specific questions which will assist in this project.

IV. Legal Issues:

N/A

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

The agreement is in line with the goal to maintain or enhance the lives of persons with developmental disabilities and whenever possible, aid in achieving independence.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

N/A

**MULTNOMAH COUNTY
CONTRACT APPROVAL FORM**
(See Administrative Procedures CON-1)

Contract # 104505

Amendment # _____

<p align="center">CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p>	<p align="center">CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p align="center">CLASS III</p> <p><input type="checkbox"/> Intergovernmental Agreement</p> <p><input checked="" type="checkbox"/> Intergovernmental Revenue Agreement</p> <p align="center">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-2</u> DATE <u>5/4/95</u></p> <p align="center"><u>DEB BOGSTAD</u> BOARD CLERK</p>
---	---	---

Department: _____ Division: COMMUNITY & FAMILY SERVICES Date: APRIL 11, 1995

Contract Originator: _____ Phone: _____ Bldg/Room: _____

Administrative Contact: CAROLYNNE WEBBER Phone: 248-3691 X2583 Bldg/Room: 161/200

Description of Contract: A Revenue Agreement with the University of Oregon-Specialized Training Program to develop an approach to the transition of people with severe disabilities to unsubsidized employment.

RFP/BID #: N/A Revenue IGA Date of RFP/BID: _____ Exemption Expiration Date: _____

ORS/AR # _____ Contractor is JMBE JWBE JQRF

<p>Contractor Name: <u>UNIV. OF OREGON-STP</u></p> <p>Mailing Address: <u>1235 UNIVERSITY OF OREGON</u> <u>EUGENE, OR 97403-1235</u></p> <p>Phone: <u>503-346-5517 (FAX 346-2461)</u></p> <p>Employer ID# or SS#: <u>N/A</u></p> <p>Effective Date: <u>JANUARY 1, 1995</u></p> <p>Termination Date: <u>JUNE 30, 1995</u></p> <p>Original Contract Amount: \$ _____</p> <p>Total Amt of Previous Amendments: \$ _____</p> <p>Amount of Amendment: \$ _____</p> <p>Total Amount of Agreement: \$ <u>11,000</u></p>	<p>ATTN: <u>CAROL FERNLUND, BUSINESS MANAGER</u></p> <p>Remittance Address (if different) _____</p> <table style="width:100%;"> <tr> <td style="width:50%;">Payment Schedule</td> <td style="width:50%;">Terms</td> </tr> <tr> <td><input type="checkbox"/> Lump Sum \$ _____</td> <td><input type="checkbox"/> Due on Receipt</td> </tr> <tr> <td><input type="checkbox"/> Monthly \$ _____</td> <td><input type="checkbox"/> Net 30</td> </tr> <tr> <td><input type="checkbox"/> Other \$ _____</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Requirements contract - Requisition Required</td> </tr> <tr> <td colspan="2">Purchase Order No. _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Requirements Not to Exceed \$ _____</td> </tr> <tr> <td colspan="2">Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> </table>	Payment Schedule	Terms	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other	<input type="checkbox"/> Requirements contract - Requisition Required		Purchase Order No. _____		<input type="checkbox"/> Requirements Not to Exceed \$ _____		Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>	
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Purchase Order No. _____																	
<input type="checkbox"/> Requirements Not to Exceed \$ _____																	
Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>																	

REQUIRED SIGNATURES:

Department Manager: *Lois Palmer* Date: 4/14/95

Purchasing Director: _____ Date: _____
(Class II Contracts Only)

County Counsel: *Laticia Daulton* Date: 4/24/95

County Chair/Sheriff: *Marilyn Stein* Date: May 4, 1995

Contract Administration: _____ Date: _____
(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPT	AMOUNT	INC DEC IND
01.	156	010	1500						REVENUE-	11,000	

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

DISTRIBUTION: Contracts Administration, Initiator, Finance

INTERAGENCY AGREEMENT

This agreement is between the Multnomah County Developmental Disabilities Program, hereafter called Multnomah County, and the University of Oregon, Specialized Training Program, hereafter called STP.

I. PURPOSE

The Oregon Natural Supports Project seeks to develop the least intrusive approach to the transition of people with severe disabilities to unsubsidized employment. This occurs in part by assisting people in creating rich and diverse social networks that are capable of supporting their needs. One goal of the project is to study the effects of both individual success and community participation in natural supports. This Interagency Agreement with Multnomah County is intended to assist in measuring the presence of natural supports. Specifically, Multnomah County Developmental Disabilities Program staff will assist the Specialized Training Program in collecting information that will answer the following questions:

1. What are the employment outcomes for people in naturally-supported jobs?
2. What natural supports are provided?
3. Who are providing supports?
4. What are the social networks of those being naturally supported?

II. AUTHORITY TO TAKE ACTION

This Interagency Agreement is undertaken to accomplish the goals established in the Administration on Developmental Disabilities Projects of National Significance Program, "The Oregon Natural Supports Project" (Grant #90DN0010). This grant award was made pursuant to the legislative authorization under Part E Section 162 of the Developmental Disabilities Amendments of 1994, Public Law 103-230, and is subject to federal legislation and to DHHS and ACF regulations and policies.

The term of this agreement is for the period from January 1, 1995 through June 30, 1995.



III. SERVICES TO BE PERFORMED

Multnomah County Developmental Disabilities Program shall provide the following services:

1. Identify persons employed in naturally supported jobs who are willing to participate;
2. Assist STP project staff in designing a questionnaire to track social networks;
3. Collect data on the social networks of all persons participating;
4. Meet regularly with STP project staff to coordinate all activities;
5. Provide other Qualitative data on individual service outcomes, as collected already within the Multnomah County tracking system.

IV. COMMITMENT OF RESOURCES

STP will provide a total of up to \$11,000.00 to Multnomah County. It is estimated that the workscope will require approximately .50 FTE of Multnomah County staff over a six month period (\$10,000.00) and funds to reimburse travel expense (\$1,000.00).

V. PAYMENT METHOD

Funds may be invoiced monthly based upon actual costs for services provided. The Final Invoice shall be submitted no later than sixty (60) days from June 30, 1995. Invoices are to be submitted to:

Carol Fernlund, Business Manager
Specialized Training Program
1235 University of Oregon
Eugene, OR 97403-1235

FAX (503) 346-5517
Phone (503) 346-2461

VI. CIVIL RIGHTS AND AFFIRMATIVE ACTION

STP and Multnomah County agree to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. In addition, both STP and Multnomah County fully support the principles of Affirmative Action and non-discrimination.

VII. CLIENT RIGHTS AND CONFIDENTIALITY

STP and Multnomah County agree to provide for the free exchange of information between the agencies as relates to the individual clients and/or service providers. It is necessary for sound management decisions. Both agencies will respect and comply with the confidentiality procedures of each agency.

VIII. TERMINATION CLAUSE

This agreement may be terminated upon the mutual consent of STP and Multnomah County.

IX. FUNDS AVAILABLE AND AUTHORIZED

STP certifies at the time this agreement is written that sufficient funds are available and authorized for expenditures to finance costs of this agreement.

X. AMENDMENT CLAUSE

The terms of this agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by the parties.

XI. INDEMNITY

STP agrees to defend, save, and hold harmless Multnomah County, its officers, agents, employees, and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of STP or its subcontractors, agents, or employees under this agreement.

Multnomah County agrees to defend, save, and hold harmless STP, its officers, agents, employees, and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of Multnomah County or its subcontractors, agents, or employees under this agreement.

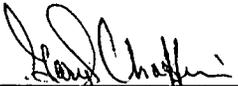
XII. ATTORNEY FEES

Any and all fees resulting from a dispute between the parties shall be equally shared between the parties.

XIII. MERGER CLAUSE

THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION, OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION, OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. THE [AGENCY] BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS AGREEMENT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS.

UNIVERSITY OF OREGON



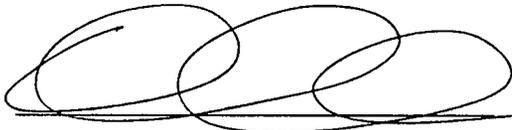
Gary L. Chaffins, Director and Contract
Administrator, Office of Grants and
Contracts

March 8, 1995

Date

Federal Tax I.D. Number: 1-93-6001786-A8

MULTNOMAH COUNTY DEVELOPMENTAL DISABILITIES PROGRAM



Date 3-21-95

Federal Tax I.D. Number:

University of Oregon-Specialized Training Program Agreement

BY Lorenzo T. Poe, Jr. 4/14/95
Lorenzo T. Poe, Jr., Director Date
Community & Family Services Division

BY Beverly Stein 5/4/95
Beverly Stein, Date
Multnomah County Chair

REVIEWED:

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

BY Katie Duff
Assistant County Counsel

Date 4/24/95

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 5/4/95
DEB BOGSTAD
BOARD CLERK

MEETING DATE: MAY 0 4 1995

AGENDA NO: C-3

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

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

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/200/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

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

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

Request approval of deed to contract purchaser for completion of Contract #15639 (Property originally repurchased by former contract purchaser.)

Deed D95117⁷ and Board Order attached.

5/4/95 ORIGINAL DEED & COPIES OF ORDER &
DEED TO VANESSA VIA MATTHEW RYAN
TAX TITLE

MULTI-COUNTY
CLERK OF
OREGON
MAY 24 1995
CLERK OF
MULTI-COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *[Signature]* *[Signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of)
Deed D951177 Upon Complete Performance of) ORDER
a Contract to) 95-94
DONALD E. POLLOCK)

It appearing that heretofore on March 30, 1990, Multnomah County entered into a contract with DONALD E. POLLOCK for the sale of the real property hereinafter described; and

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

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

WEST PORTLAND PARK
LOTS 21-23, BLOCK 27

Dated at Portland, Oregon this 4th day of May, 1995.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Deputy

DEED D951177

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

WEST PORTLAND PARK
LOTS 21-23, BLOCK 27

The true and actual consideration paid for this transfer, stated in terms of dollars is \$7,600.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

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

1834 SW 58TH AV, SUITE 202
PORTLAND OR 97221

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 4th day of May, 1995, by authority of an Order of the Board of County Commissioners heretofore entered of record.

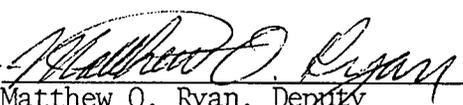


BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

By 
Matthew O. Ryan, Deputy

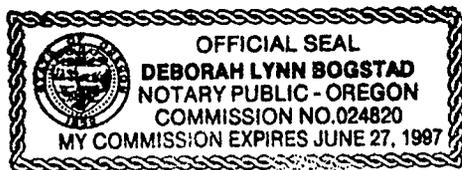
By 
K. A. Tuneberg

After recording, return to Multnomah County Tax Title, 166/200

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 4th day of May, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97

MEETING DATE: MAY 0 4 1995

AGENDA NO: C-4

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

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

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/200/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

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

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

Request approval of deed to contract purchaser for completion of Contract #15692 (Property originally repurchased by former contract purchaser.)

Deed D951186 and Board Order attached.

5/4/95 ORIGINAL DEED & COPIES OF ORDER AND DEED TO VANESSA @ TAX TITLE VIA MATTHEW RYAN

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 APR 24 PM 4:48

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *[Signature]* *[Signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of)
Deed D951186 Upon Complete Performance of) ORDER
a Contract to) 95-95
)
JOAN E. JASPER)
STEPHEN J. HENNEBERG)

It appearing that heretofore, on August 17, 1992, Multnomah County entered into a contract with JOAN E. JASPER and STEPHEN J. HENNEBERG for the sale of the real property hereinafter described; and

That the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchasers;

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

LOOKAWAY HILL
TL #2 OF LOT 6
AS DESCRIBED ON ATTACHED EXHIBIT A

Dated at Portland, Oregon this 4th day of May, 1995.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Deputy

R50850-0260

EXHIBIT A

Lot 6 of LOOKAWAY HILL in the City of Portland excluding that part of Lot 6, according to the duly filed plat of LOOKAWAY HILL, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

BEGINNING at the Southeast corner of Lot 5; thence North along the Easterly line of Lot 5, to the Southerly line of S.W. Fairmount Lane; thence Easterly along the Southerly line of S.W. Fairmount Lane, 19.33 feet to a point; thence Southerly, in a straight line, to the point of beginning.

DEED D951186

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOAN E. JASPER and STEPHEN J. HENNEBERG, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

LOOKAWAY HILL
TL #2 OF LOT 6
AS DESCRIBED ON ATTACHED EXHIBIT A

The true and actual consideration paid for this transfer, stated in terms of dollars is \$43,500.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

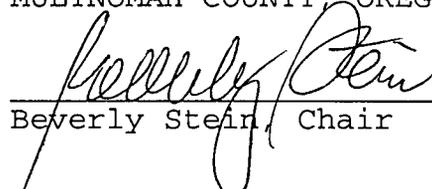
Until a change is requested, all tax statements shall be sent to the following address:

3808 SW MARTINS LANE
PORTLAND, OR 97201

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 4th day of May, 1995, by authority of an Order of the Board of County Commissioners hereunto entered of record.



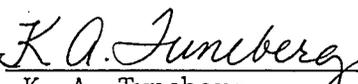
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

BY 
Matthew O. Ryan, Deputy

BY 
K. A. Tuneberg

After recording, return to Multnomah County Tax Title (166/200)

R50850-0260

EXHIBIT A

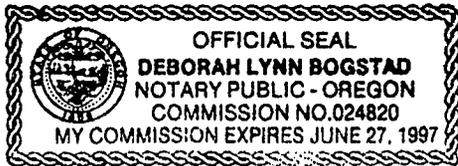
Lot 6 of LOOKAWAY HILL in the City of Portland excluding that part of Lot 6, according to the duly filed plat of LOOKAWAY HILL, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

BEGINNING at the Southeast corner of Lot 5; thence North along the Easterly line of Lot 5, to the Southerly line of S.W. Fairmount Lane; thence Easterly along the Southerly line of S.W. Fairmount Lane, 19.33 feet to a point; thence Southerly, in a straight line, to the point of beginning.

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 4th day of May, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97

MEETING DATE: MAY 0 4 1995

AGENDA NO: C-5

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

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

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/200/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

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

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

Request approval of deed to contract purchaser for completion of Contract #15473 (Property originally repurchased by former contract purchaser.)

Deed D951187 and Board Order attached.

5/4/95 ORIGINAL DEED & COPIES OF ORDER & DEED TO VANESSA @ TAX TITLE VIA MATTHEW RYAN

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 APR 24 PM 4:48

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *[Signature]* *[Signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of)
Deed D951187 Upon Complete Performance of) ORDER
a Contract to) 95-96
)
NEIL O. MARKS)
EVONNE A. MARKS)

It appearing that heretofore, on July 10, 1989, Multnomah County entered into a contract with NEIL O. MARKS and EVONNE A. MARKS for the sale of the real property hereinafter described; and

That the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchasers;

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

ARLETA PARK 2
LOT 27, BLOCK 2

Dated at Portland, Oregon this 4th day of May, 1995.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Deputy

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to NEIL O. MARKS and EVONNE A. MARKS, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

ARLETA PARK 2
LOT 27, BLOCK 2

The true and actual consideration paid for this transfer, stated in terms of dollars is \$8,604.79.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

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

1525 SE 52ND AVE
PORTLAND, OR 97215

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 4th day of May, 1995, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

By *Matthew O. Ryan*
Matthew O. Ryan, Deputy

By *K. A. Tuneberg*
K. A. Tuneberg

After recording, return to Multnomah County Tax Title (166/200)

STATE OF OREGON

)

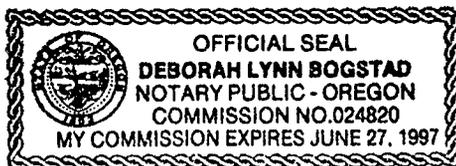
) ss

COUNTY OF MULTNOMAH

)

On this 4th day of May, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/97

Meeting Date: MAY 04 1995

Agenda No.: R-1

(Above Space for Board Clerk's Use *ONLY*)

AGENDA PLACEMENT FORM

SUBJECT: Board of County Commissioners Live Cablecast

BOARD BRIEFING: Date Requested:
Amount of Time Needed:

REGULAR MEETING: Date Requested: May 4, 1995
Amount of Time Needed: 5 Minutes

DEPARTMENT: Chair's Office DIVISION:

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

PERSON(S) MAKING PRESENTATION: Todd Logan, Multnomah Community Television

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

Presentation on the Board of County Commissioners live cablecast programming.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Beverly Stein *MR*

OR

MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
1995 APR 24 PM 4:48
MULTNOMAH COUNTY
OREGON

Any Questions? Call the Office of the Board Clerk at 248-3277 or 248-5222.

BUDGET MODIFICATION NO.

MCSO #16

(For Clerk's Use) Meeting Date MAY 04 1995
Agenda No. R-3

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Sheriff's Office
CONTACT Larry Aab

DIVISION _____
TELEPHONE 251-2489

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD _____

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget modification requesting the establishment of an appropriation for the beginning working capital in the Concealed Weapons unit, and requesting an increase in the Equipment appropriation to pay for a fingerprint and video image system.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

This modification will add \$124,300 to the Sheriff's Concealed Handgun Licensing Unit Equipment line item to pay for a fingerprint/video image system. The "beginning working capital" revenue line item will be increased by a like amount. This revenue is carryover revenue from the 1993-94 fiscal year.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Increase Beginning Working Capital \$124,300 in fund 180.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 APR 27 PM 12:43

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____) \$ _____

Date

After this modification \$ _____

Originated By _____ Date _____

Department Director _____ Date _____

Plan/Budget Analyst _____ Date _____

Employee Services _____ Date _____

Board Approval _____ Date _____

W. BORDH + C. BOGASTO 5/4/95

BUDGET MODIFICATION NO

MCSO #16

Expenditure

Transaction EB [] TRANSACTION DATE: _____

ACCOUNTING PERIOD: _____

BUDGET FY: _____

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
180	025	3318			8400			124,304		Equipment
								124,304	Total Expenditure Change	

Revenue

Transaction RB [] TRANSACTION DATE: _____

ACCOUNTING PERIOD: _____

BUDGET FY: _____

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
180	025	3318			0500			124,304		Beginning Working Capital
								124,304	Total Revenue Change	

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JOHN BUNNELL
Sheriff

TODAY'S DATE: March 28, 1995

REQUESTED PLACEMENT DATE:

RE: BUDGET MODIFICATION FOR PURCHASE OF CONCEALED HANDGUN
LICENSE PROCESSING EQUIPMENT

I. Recommendation/Action Requested:

Request approval of budget modification recognizing \$124,304 in unappropriated revenue in the Concealed Handgun Unit dedicated budget for the purchase of computer hardware, software, and related services for the automation of the concealed handgun operation.

II. Background/Analysis:

In the 1994-95 fiscal year, revenue exceeded expenditures by \$126,537 in the Concealed Handgun Licensing Unit. Only \$2,233 of this revenue was appropriated, leaving \$124,304 unappropriated.

We would like to budget these funds, and use them to purchase a system to automate the processing of concealed handgun permits. This database creates, maintains, searches, selects, and reports information, including images. This database will produce ID cards, letters, receipts, and digital signatures. It will allow for the single entry of demographics. In a prior Board meeting, the Commissioners approved a contract exemption in order to sole source the purchase of this system.

Currently, the Concealed Handgun Unit processes licenses manually, and maintains over 12,000 paper files. In addition, on January 12, 1995, the Sheriff's Office entered into a contract with the Children Services Division to provide fingerprinting services to applicants for adoptive parents and foster parents programs. Currently, there is little automation.

This system expansion capabilities for use by the Detectives and Special Investigations Units, Property Control, Fleet Management and Personnel for ID cards.

III. Financial Impact:

There would be no general fund impact. Funds for the purchases would come from dedicated handgun license revenue.

IV. Legal Issues:

None known.

V. Controversial Issues:

None known

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

County DPMC has reviewed the equipment purchase as has the Information Services Division. County purchasing assisted in developing the sole source contract exemption.

Concealed Weapons/Intelligence Computer Purchases

04/14/95

SHERIFF'S OFFICE SERVICES BRANCH P.02

5032512439

04-14-1995 10:37

	Qty	Unit Price	Total Cost	Capital Subtotal	Supplies Subtotal	Mainten. Subtotal	Prof. Svc. Subtotal
Fingerprint Printer							
DBI TenPrinter base unit with 1 GB disk storage, diagnostics and maintenance modem (Model#: 1133R-500)	1	\$30,500.00	\$30,500.00	\$30,500.00			
Cabinet for TenPrinter with finger-blowing dryer (Model#: 12000)	1	\$1,450.00	\$1,450.00	\$1,450.00			
Multi-processing & communications software includes initial application & card formats (Model#: M-50)	1	\$4,000.00	\$4,000.00		\$4,000.00		
Double-sided, 500 dpi, gray-scale printer with controller and (2) 240-card trays (Model#: 5801 LD-3)	1	\$11,500.00	\$11,500.00	\$11,500.00			
Printer Cabinet (Model#: 55000)	1	\$400.00	\$400.00		\$400.00		
Maintenance program - 7 days/wk 24 hr coverage for one year	12	\$370.00	\$4,440.00			\$4,440.00	

Concealed Weapons/Intelligence Computer Purchases

04/14/95

SHERIFF'S OFFICE SERVICES BRANCH P.03

5032512439

04-14-1995 10:39

	Qty	Unit Price	Total Cost	Capital Subtotal	Supplies Subtotal	Mainten. Subtotal	Prof. Svc. Subtotal
GRIP System Software							
GRIP Server software	1	\$11,500.00	\$11,500.00		\$11,500.00		
GRIP user software 5-user license	5	\$1,000.00	\$5,000.00		\$5,000.00		
Imaging program interface for DataEase	1	\$2,500.00	\$2,500.00		\$2,500.00		
DataEase (DOS) server software	1	\$680.00	\$680.00		\$680.00		
DataEase (DOS) 5-user software license	5	\$200.00	\$1,000.00		\$1,000.00		
PCAnywhere - communications s/w	1	\$130.00	\$130.00		\$130.00		
QEMM - memory manager s/w	1	\$100.00	\$100.00		\$100.00		
Installation & training for Concealed Weapons & GRIP programs *(must be done at the same time)	1	\$2,500.00	\$2,500.00				\$2,500.00
Travel & lodging - approx. cost	1	\$2,000.00	\$2,000.00				\$2,000.00

Concealed Weapons/Intelligence Computer Purchases

04/14/95

SHERIFF'S OFFICE SERVICES BRANCH P.04

		Qty	Unit Price	Total Cost	Capital Subtotal	Supplies Subtotal	Mainten. Subtotal	Prof. Svc. Subtotal
GRIP Hardware								
	Mitsubishi color video printer	1	\$3,100.00	\$3,100.00	\$3,100.00			
	Mitsubishi printer kits	2	\$75.00	\$150.00		\$150.00		
	Epson ActionScanner w/software, cables & controller card	1	\$1,350.00	\$1,350.00	\$1,350.00			
	Screen machine video capture card	1	\$1,600.00	\$1,600.00		\$1,600.00		
	HP Laserjet 4 printer	1	\$1,600.00	\$1,600.00	\$1,600.00			
	XLI Laserpix board for PC and for HP Laserjet 4 printer	1	\$1,600.00	\$1,600.00		\$1,600.00		

5032512439

04-14-1995 10:40

Concealed Weapons/Intelligence Computer Purchases

04/14/95

SHERIFF'S OFFICE SERVICES BRANCH P.05

			Qty	Unit Price	Total Cost	Capital Subtotal	Supplies Subtotal	Mainten. Subtotal	Prof. Svc. Subtotal
Concealed Weapons Permit Server Software									
	Concealed Weapons Permit server software		1	\$7,500.00	\$7,500.00				\$7,500.00
	DataEase for Windows server software		1	\$680.00	\$680.00		\$680.00		
	DataEase for Windows 5-user software license		5	\$200.00	\$1,000.00		\$1,000.00		
	Concealed Weapons Permit programming interface to TenPrinter		1	\$8,000.00	\$8,000.00				\$8,000.00

5032512439

04-14-1995 10:41

Concealed Weapons/Intelligence Computer Purchases

04/14/95

04-14-1995 10:41 5032512439 SHERIFF'S OFFICE SERVICES BRANCH P.06

	Qty	Unit Price	Total Cost	Capital Subtotal	Supplies Subtotal	Mainten. Subtotal	Prof. Svc. Subtotal
Concealed Weapons Permit Hardware							
Persona ID Printer	1	\$3,995.00	\$3,995.00	\$3,995.00			
InfoRite Signature Pad	1	\$399.00	\$399.00		\$399.00		
JVC C1 1/2 - CCD Color Camera Model#: TK 127OU	1	\$1,150.00	\$1,150.00	\$1,150.00			
Rainbow motorized zoom lens Model#: M6X8M11	1	\$645.00	\$645.00		\$645.00		
Pelco Pan/Tilt Model#: PT2802HP	1	\$765.00	\$765.00		\$765.00		
Pelco Pan/Tilt Control Model#: MPT24DT	1	\$225.00	\$225.00		\$225.00		
Pelco Lens Control Model#: MC26DT	1	\$225.00	\$225.00		\$225.00		
Pelco Mounting Bracket Model#: PM14	1	\$35.00	\$35.00		\$35.00		
Acme transformer (Class 2)	1	\$25.00	\$25.00		\$25.00		
Lighting pod	1	\$300.00	\$300.00		\$300.00		
Heat seal unit	1	\$500.00	\$500.00		\$500.00		



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN, CHAIR
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

PLANNING & BUDGET
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners
FROM: Barry Crook, Budget & Quality Manager *BC*
DATE: April 26, 1995
SUBJECT: BUDGET MODIFICATION MCSO #16

Attached is budget modification MCSO #16, which will modify the Sheriff's Concealed Weapons program budget in the Justice Services Special Operations fund.

The revenues generated in the Concealed Weapons program are dedicated by Ordinance 646 exclusively to

“...covering the costs of firearms regulation. Funds in the account shall be expended for the following: (1) background checks required by state law; (2) concealed weapons license investigations; and (3) gun safety and education and enforcement of gun laws.”

In preparing the 1994-95 budget request, the Sheriff's Office estimated that revenues in fund 180 would exceed expenditures in that fund for 1993-94 in the Concealed Weapons Unit by \$2,233. After the auditors prepared their annual report, it was determined that the revenues actually exceeded expenditures by \$126,537 in that program, thus increasing the ending balance for FY 1993-94 and the actual beginning fund balance for FY 1994-95.

The Sheriff's Office has proposed using this additional fund balance for the purchase of computer hardware, software and related services for the automation of the concealed weapons operations. Since the funds are dedicated for those purposes, I recommend approval of this budget modification.

cc: Sheriff John Bunnell
Larry Aab
Shaun Coldwell

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR May 4, 1995 (Date)

DEPARTMENT: AGING SERVICES DIVISION

CONTACT: Kathy Gillette TELEPHONE: 248-3620

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: Jim McConnell/Kathy Gillette

SUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)

ASD Budget Modification #ASD-~~9503~~ moves a Case Manager Sr. position from Long Term Care to the Adult Care Home Program.

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

ASD Budget Modification #ASD-~~9503~~ transfers a Case Manager Sr. position to the Adult Care Home Program. This position handles Protective Service investigations, primarily in Adult Foster Care Homes, and will enable ACHP to better investigate allegations of abuse. This Budget Modification moves on-going funding from one organization to another within ASD's programs.

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

- o Increase Org. 1980, Adult Care Home Program, by \$14,651 of Title XIX funds
- o Increase Org. 1706, Accounting Transactions, by \$15,442 as a result of passing Title XIX funds from the Federal/State fund to the General Fund
- o Decrease Org 1900, Long Term Care, by \$15,442 in Title XIX and County General Funds.

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

Contingency before this modification (as of _____) (Date)

(Specify Fund) _____

After this modification _____

MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS
 1995 APR 24 PM 4:49
 OREGON

Originated By <i>Kathy Gillette</i>	Date <i>4/17/95</i>	Department Manager <i>James McConnell</i>	Date <i>4-19-95</i>
Finance/Budget <i>Christie Tele</i>	Date <i>4/24/95</i>	Employee Relations <i>Susan Samuel</i>	Date <i>4/24/95</i>
Board Approval <i>Robert Boersta</i>	Date <i>5/4/95</i>		

PERSONNEL DETAIL FOR BUD MOD NO: ASD # ~~9503~~ 3

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of a year.)

A N N U A L I Z E D					
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	FRINGE Increase	INSURANCE (Decrease)	TOTAL Increase (Decrease)
<p>Moves permanent, full-time Case Manager Senior from East Branch in the Long Term Care program, to the Adult Care Home Licensing Program. There is no net change in personnel to Aging Services Division.</p>					
TOTAL CHANGE (ANNUALIZED)					

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

C U R R E N T F Y					
Full Time Position Part Time, Overtime or Premium	Explanation of Change	BASE PAY Increase (Decrease)	FRINGE/INSURANCE Increase (Decrease)		TOTAL Increase (Decrease)
Nursing Facility: Full Time Permanent	(.30 FTE)	(\$ 10,160)	(\$ 2,628)	(\$ 1,615)	(\$14,403)
Adult Care Home: Full Time Permanent	.30 FTE	\$ 10,160	\$ 2,628	\$ 1,615	\$14,403
TOTAL CHANGE		<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>

EXPENDITURE

BUDGET MODIFICATION ASD 9503

Move Protective Services CMSR to Adult Care Home Program

TRANSACTION EB [] GM [] TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1994-95

Document Number	Action	Fund	Agen.	Org.	Activity	Rept Cat.	Object	Current Amount	Revised Amount	Increase (Decrease)	Subtotal	Description
		156	010	1910			5100			(10,160)		Permanent
		156	010	1910			5500			(2,628)		Fringe
		156	010	1910			5550			(1,615)		Insurance
		156	010	1910			6330			(248)		Local Travel
											(14,651)	TOTAL, ORG 1910
		156	010	1905			6050			(245)		County Supplement
		156	010	1905			7100			(546)		Indirect
											(791)	TOTAL, ORG 1905
		156	010	1706			6050			245		County Supplement
		156	010	1706			7100			546		Indirect
		156	010	1706			7500			14,651		Other Internal Services
											15,442	TOTAL, ORG 1706
		100	010	1980			5100			10,160		Permanent
		100	010	1980			5500			2,628		Fringe
		100	010	1980			5550			1,615		Insurance
		100	010	1980			6330			248		Local Travel
											14,651	TOTAL, ORG 1980
TOTAL EXPENDITURE CHANGE										14,651	TOTAL EXPENDITURE CHANGE	

REVENUE

Move Protective Services CMSR to Adult Care Home Program

TRANSACTION EB [] GM [] TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1994-95

Document Number	Action	Fund	Agen.	Org.	Activity	Rept. Cat.	Rev. Code	Current Amount	Revised Amount	Increase (Decrease)	Subtotal	Description
		156	010	1910			2609			(14,651)	(14,651)	Title XIX TOTAL, ORG 1910
		156	010	1905			2609			(544)		Title XIX
		156	010	1905			7601			(245)		County General Fund - Match
		156	010	1905			7601			(2)		County General Fund - Indirect
											(791)	TOTAL, ORG 1905
		156	010	1706			2609			15,195		Title XIX
		156	010	1706			7601			245		County General Fund - Match
		156	010	1706			7601			2		County General Fund - Indirect
											15,442	TOTAL, ORG 1706
		100	010	1980			6602			14,651		Fed/State Service Reimbursement
											14,651	TOTAL, ORG 1980
TOTAL REVENUE CHANGE										14,651		TOTAL REVENUE CHANGE



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION
AREA AGENCY ON AGING
421 S.W. 5TH, 3RD FLOOR
PORTLAND, OREGON 97204
SENIOR HELPLINE: (503) 248-3646 ADMINISTRATION: 248-3620
TDD: 248-3683 FAX: 248-3656

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

MEMORANDUM

TO: Beverly Stein, County Chair

FROM: Jim McConnell, Director *Jim McConnell*
Aging Services Division

DATE: April 13, 1994

SUBJECT: ASD Budget Modification #ASD-~~9503~~: Transfer of Protective Services Position from East Branch to the Adult Care Home Program

Recommendation: The Aging Services Division recommends Board of County Commissioners' approval of the attached Budget Modification #ASD-~~9503~~.

Background/Analysis: Budget Modification #ASD-~~9503~~ transfers a Case Manager Sr. position to the Adult Care Home Program. This position handles Protective Service investigations, primarily in Adult Foster Care Homes. This will enable ACHP to better investigate allegations of abuse in Adult Foster Care Homes.

Financial Impact:

Budget Modification ASD~~9503~~ moves on-going funding of \$14,651 from Community Based Care of the Long Term Care Program to Org. 1980, Adult Care Home Program. Personnel costs of \$14,403 and Local Travel costs for mileage of \$248 are moved between the two programs. Indirect and Supplement costs of are also moved from Long Term Care to Org. 1706, used to show accounting transactions. Because Title XIX funds pass from the Federal/State fund to the General Fund, Org. 1706, also shows an increase of \$15,442.

Legal Issues: NA

Controversial Issues: NA

Link to Current County Policies: This position transfer will assist the Adult Foster Care Program implement recommendations from the Audit report.

Citizen Participation: NA

Other Government Participation: NA

ASD-9503z

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR May 4, 1995 (Date)

DEPARTMENT: AGING SERVICES DIVISION

CONTACT: Kathy Gillette TELEPHONE: 248-3620

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: Jim McConnell/Kathy Gillette

SUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)

ASD Budget Modification #ASD-~~9504~~ handles several personnel changes within the Aging Services Division budget, with no net fiscal impact.

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

ASD Budget Modification #ASD-~~9504~~ upgrades a Case Manager 2 position to a Case Manager Sr. An Office Assistant 2 is upgraded to an Administrative Secretary. One-time only salary savings in East Branch are moved to Professional Services in order to provide Results training. One-time only salary savings in West Branch are moved to Professional Savings to provide for temporary staff from a temporary agency. There is no net change to the ASD budget.

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)

- Move \$14,100 in salary savings to Professional Services in Org. 1910
- Move \$2,000 in salary savings to Professional Services in Org. 1920

BOARD OF
 COUNTY COMMISSIONERS
 MULTNOMAH COUNTY,
 OREGON
 1995 APR 24 PM 4:48

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

Contingency before this modification (as of _____) (Date)

(Specify Fund) _____

After this modification \$ _____

Originated By <i>Kathy Gillette</i>	Date <i>April 19, 1995</i>	Department Manager <i>James W. Powell</i>	Date <i>4-19-95</i>
Finance/Budget <i>Muriel T. Rice</i>	Date <i>April 24, 1995</i>	Employee Relations <i>Susan Daniel</i>	Date <i>4/24/95</i>
Board Approval <i>K. McConnell</i>	Date <i>5/4/95</i>		

PERSONNEL DETAIL FOR BUD MOD NO: ASD #9504

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of a year.)

A N N U A L I Z E D				
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	FRINGE INSURANCE Increase (Decrease)	TOTAL Increase (Decrease)
<p>Upgrade Case Manager 2 to Case Manager Sr. at Nursing Facility - Position is vacant - was budgeted near top of scale - upgrade will have no fiscal impact in FY1995.</p> <p>Upgrade Office Assistant 2 to Administrative Secretary in Central Admin., Org. 1710 - there will be no fiscal impact in FY1995.</p> <p>Personnel Savings are moved to Professional Services on a one-time only basis, for Results Training in FY1995, and for coverage of vacancies via Temporary Agencies.</p>				

TOTAL CHANGE (ANNUALIZED)

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

C U R R E N T F Y				
Full Time Position Part Time, Overtime or Premium	Explanation of Change	BASE PAY Increase (Decrease)	FRINGE/INSURANCE Increase (Decrease)	TOTAL Increase (Decrease)
East Branch: One-time Only Salary Savings		\$ 14,100	\$ \$	\$ 14,100
West Branch: One-time Only Salary Savings		\$ 2,000	\$ \$	\$ 2,000
TOTAL CHANGE		<u>\$ 16,100</u>	<u>\$ \$</u>	<u>\$ 16,100</u>

EXPENDITURE

BUDGET MODIFICATION - ASD9504

**Upgrade Two Positions - No Net Fiscal Impact
Move Personnel savings to Professional Services (One-time only)**

TRANSACTION EB [] GM [] TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1994-95

Document Number	Action	Fund	Agen.	Org.	Activity	Rept. Cat.	Object	Current Amount	Revised Amount	Increase (Decrease)	Subtotal	Description
		156	010	1910			5100			(14,100)	(14,100)	Permanent Total Personnel Org. 1910
		156	010	1910			6110			14,100	14,100	Total, Materials and Services
		156	010	1920			5100			(2,000)	(2,000)	Permanent Total Personnel Org. 1920
		156	010	1920			6110			2,000	2,000	Total, Materials and Services
											0	Net Change
TOTAL EXPENDITURE CHANGE										0	TOTAL EXPENDITURE CHANGE	

REVENUE

**Upgrade Two Positions
Move Personnel savings to Professional Services (One-time only)**

TRANSACTION EB [] GM [] TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1994-95

Document Number	Action	Fund	Agen.	Org.	Activity	Rept. Cat.	Rev. Code	Current Amount	Revised Amount	Increase (Decrease)	Subtotal	Description
No Fiscal Impact												
TOTAL REVENUE CHANGE										0	TOTAL REVENUE CHANGE	



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
AGING SERVICES DIVISION
AREA AGENCY ON AGING
421 S.W. 5TH, 3RD FLOOR
PORTLAND, OREGON 97204
SENIOR HELPLINE: (503) 248-3646 ADMINISTRATION: 248-3620
TDD: 248-3683 FAX: 248-3656

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

MEMORANDUM

TO: Beverly Stein, County Chair

FROM: Jim McConnell, Director
Aging Services Division *Jim McConnell*

DATE: April 17, 1994

SUBJECT: ASD Budget Modification #ASD-~~9504~~9504: Upgrade ASD positions with no fiscal impact; Move one-time only salary savings to Professional Services

Recommendation: The Aging Services Division recommends Board of County Commissioners' approval of the attached Budget Modification #ASD-~~9504~~9504.

Background/Analysis: Budget Modification #ASD-~~9504~~9504 deals with several personnel matters. A Case Manager 2 position is upgraded to a Case Manager Sr. in order to provide additional staff for Protective Services. An Office Assistant 2 position in Central Administration is upgraded to an Administrative Secretary in order to better match the actual responsibilities of clerical support to the Director and Administration of Aging Services Division. In East Branch, one-time only salary savings are moved to Professional Services in order to provide consultant support to the branch as it undergoes a major training effort related to the Results campaign. In West branch one-time only savings are moved to Professional Services in order to provide temporary staff support through a temporary agency.

Financial Impact:

Budget Modification ASD~~9504~~9504 moves one-time only salary savings of \$14,100 to Professional Services for East Branch, and \$2,000 from West Branch. The staff position upgrades are done with no fiscal impact. There is no net change to the ASD budget by any of the above changes.

Legal Issues: NA

Controversial Issues: NA

Link to Current County Policies: Upgrading the Case Manager 2 position provides additional support for Protective Services in dealing with Elder Abuse, which is a County Benchmark. Training around quality and team dynamics in East Branch is identified as a Results project.

Citizen Participation: NA

Other Government Participation: NA

AN EQUAL OPPORTUNITY EMPLOYER

ASD-9504z

BUDGET MODIFICATION NO.

DES - 9

(For Clerk's Use) Meeting Date **MAY 04 1995**

Agenda No. **R-60**

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT Environmental Services

DIVISION Information Services

CONTACT Jim Munz

TELEPHONE 3749

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Jim Munz x3749

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification to Fund Multnomah County Wide Area Network

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

This budget modification moves \$306,288 from the Data Processing Fund contingency to the correct expenditure categories to fund Stage 1 of the development of Multnomah County's Wide Area Network.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

This budget modification increases revenue in the insurance fund; it is otherwise revenue neutral.

MULTNOMAH COUNTY
OREGON
1995 APR 25 AM 10:39
CLERK OF COUNTY COMMISSIONERS

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____) \$ _____

Date _____
After this modification: \$ _____

Originated By <u>Lance Duncan</u>	Date <u>24-Apr-95</u>	Department Director <u>Betsy Willis</u>	Date <u>24-Apr-95</u>
Plan/Budget Analyst <u>Jim Handwick</u>	Date <u>4-24-95</u>	Employee Services <u>Donald Hunkley</u>	Date <u>4-24-95</u>
Board Approval <u>Deborah Bogstad</u>	Date <u>5/4/95</u>		

BUDGET MODIFICATION NO

DES - 9

EXPENDITURE

TRANSACTION EB GM []

TRANSACTION DATE

ACCOUNTING PERIOD

BUDGET FY

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		403	030	7939			5100	0	13,197	13,197		Permanent
		403	030	7939			5500	0	2,311	2,311		Fringe
		403	030	7939			5550	0	1,336	1,336		Insurance
		403	030	7939			6140	0	137,964	137,964		Data Communications
		403	030	7939			6190	0	10,269	10,269		Maintenance
		403	030	7939			6230	0	3,500	3,500		Supplies
		403	030	7939			6530	0	32,685	32,685		External DP
		403	030	7939			8400	0	103,690	103,690		Equipment
		403	030	7090			7700	457,045	150,757	(306,288)		DP Fund Contingency
		400	050	7531			7700	5,688,425	5,689,761	1,336		Insurance Fund Contingency
TOTAL EXPENDITURE CHANGE										0		

REVENUE

TRANSACTION EB GM []

TRANSACTION DATE

ACCOUNTING PERIOD

BUDGET FY

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Revenue	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		400	050	7040			6606	188,106	189,442	1,336		DP Fund Service Reimbursement
TOTAL REVENUE CHANGE										1,336		

REQUEST TO CREATE/RECLASSIFY A POSITION

1. **List the proposed duties of the position (please do not copy from the class specification):**

See attached position description.

2. **State the proposed classification title:**
Wide Area Network Integration Coordinator

3. **Is this a new position?**
Yes

4. **If this is an existing position, state the name of the incumbent:**

5. **Proposed effective date of change:**
May 1, 1995

Hiring Manager: Jim Munz

Date: April 20, 1995 Dept/Div: DES - Information Services

EMPLOYEE RELATIONS DIVISION USE ONLY

Action: Approved as submitted
 Approved for classification title

Denied (for Reclassification Requests only)

Analyst Name: Donald H. Whiskey Date: 4/24/95



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
2115 S.E. MORRISON
PORTLAND, OREGON 97214
(503) 248-5000

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

Staff Report Supplement

To: Board of County Commissioners
From: Lance Duncan, DES Administration
Date: April 20, 1995
Subject: Budget Modification to Fund Wide Area Network Phase I

I. Recommendation/Action Requested

Approval of request to move funds from the Data Processing Fund contingency into appropriate object codes to add two WAN Integration Coordinator positions plus other materials and services and capital items to fund Phase I of the County's Wide Area Network.

II. Background/Analysis

At their March 22 meeting, the Data Processing Management Committee approved a plan developed by the Data Processing Operating Committee and ISD Staff to accelerate implementation of a Wide Area Network (WAN) for Multnomah County. The County's ability to deliver services to the public, and the public's appraisal of our performance, is largely tied to how effectively we share information. Recent advances in computers and the networks that connect them, have provided us with an opportunity to rethink the way we look at customers. It will allow us to serve the new client's or "information consumer's" many complex needs from a single location, located in the community or in the home. A single Wide Area Network, which serves all County agencies, means that departments and divisions who want to take advantage of these technological advances do not need to install multiple, disparate lines to different agencies or customers. A central shared WAN will reduce complexity, provide for a single point of contact and offer opportunities to leverage economy of scale purchases of network equipment and circuits.

The new technology to be implemented as part of the County's Wide Area Data Network, along with the size and scope of the project, require more technical and administrative expertise than current ISD staff can accommodate. Therefore, the proposed implementation plan includes two positions to implement and administer the

Staff Report
Wide Area Network Implementation Phase I

WAN, which are included in this budget modification. This action also moves budget appropriations into the correct object codes to reflect the necessary purchase of contractor support, materials and services, and capital items to fund the first phase of Wide Area Network implementation.

The Data Processing Management Committee has appointed a subcommittee for infrastructure development which will determine (beyond the Chair's direct reports) the areas and agencies within the County to be brought onto the Wide Area Network during this phase, and the appropriate sequencing of this activity.

III. Financial Impact

All funds necessary for Phase I of implementation of the WAN are currently available within the Data Processing Fund; and the Data Processing Management Committee recommends that these funds be used for this purpose. This action changes the allocation from fund contingency into the correct object codes. No net impact on the Data Processing Fund results from this action.

IV. Legal Issues

None.

V. Controversial Issues

None.

VI. Link to Current County Policy

This action supports the County's Urgent Benchmark to Increase County Government Accountability and Responsiveness. In addition, the County is currently in the process of developing a strategic plan for information technology. Although the plan is not yet complete, some clear themes emerging from that process include the importance of information sharing and interconnectivity. The WAN supports these strategic goals.

VII Citizen Participation

No citizen participation is anticipated in this phase of Wide Area Network development, as the first phases address internal County connectivity. However, in the future this technology will allow better access by the public to County information; and applications are budgeted for FY 95-96 which will address the issues of citizen participation in the County's information network.

Staff Report
Wide Area Network Implementation Phase I

VIII Other Government Participation.

An initial connection made with the Wide Area Network will be with the State of Oregon. This implementation is made consistent with mutually-adopted standards relevant to sharing information between these agencies. Further inter-governmental participation is expected as a result of developing applications designed to make use of this technology.

Meeting Date: APR 25 1995 MAY 04 1995

Agenda No: P-3 R-7

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Final Order for MC 1-94/LD 13-94

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING Date Requested: April 25, 1995

Amount of Time Needed: 15 minutes

DEPARTMENT: DES

DIVISION: Planning

CONTACT: Sarah Ewing

TELEPHONE: 248-3043

BLDG /ROOM: 412/109

PERSON(S) MAKING PRESENTATION: Gary Clifford - 6782

ACTION REQUESTED

Informational Only Policy Direction Approval Other

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

Findings in support of decision to uphold the decisions of the Hearings Officer and Transportation Division staff and approve a land partition, access by easement and variance to the Street Standards Code.

5/8/95 copies to GARY CLIFFORD, SARAH EWING,
JOHN NELSON & TIMOTHY RAMIS

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 APR 18 AM 10:19

SIGNATURES REQUIRED:

Elected Official: _____

OR

Department Manager:  Betsy Williams



P-3
4/25/95

PRESTON GATES & ELLIS
ATTORNEYS

JOHN H. NELSON

April 20, 1995

Ms. Debbie Bogstad
Office of Board Clerk
Multnomah County Board of Commissioners
1510 Portland Building
1120 S.W. Fifth Avenue
Portland, OR 97204

Re: *Proposed findings and final order*
MC 1-94/LD 13-94

Dear Ms. Bogstad:

I received the proposed final order and findings prepared by Gran Marque's lawyer, Timothy V. Ramis, for adoption by the Board of Commissioners in the above matter. I represent the appellant, Don Feldman, and offer the following comments on behalf of my client:

1. At Section II.A.3, the findings address appellant Feldman's point that the applicant intends to place another dwelling on Parcel 1, but did not include such a request in this application in order to avoid the more stringent subdivision regulations. In response, the findings refer to an "agreement" (to which Gran Marque is presumably a party) that limits development of this property to a total of three houses. This agreement has not been entered into the record, nor has the appellant had an opportunity to review this agreement. If the Board intends to adopt findings relying on this agreement, appellant respectfully requests an opportunity to review the agreement and further requests that it be entered into the record.

2. Appellant raised throughout the proceedings the failure of the applicant to demonstrate that Parcel 3 is suitable for development. In Section I (Introduction) the findings adopt by reference a memorandum drafted by Robert W. Price of David Evans & Associates, in which Mr. Price opines on the suitability of Parcel 3's soils, slopes and geologic characteristics. The findings also refer to Mr. Price several times regarding this issue. See Final Order at 5, 9, 10 and 24. Mr. Price, however, is a planner. He did not offer any credentials establishing his expertise in the geotechnical field. These findings, therefore, cannot rely on Mr. Price's "expert" opinion to support conclusions about geotechnical issues.

BOARD OF
COUNTY COMMISSIONERS
1995 APR 20 PM 2:29
MULTNOMAH COUNTY
OREGON

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ANCHORAGE • COEUR D'ALENE • LOS ANGELES • SEATTLE • SPOKANE • TACOMA • WASHINGTON, D.C.

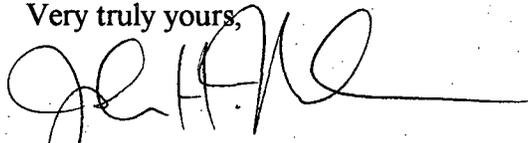
3200 U.S. BANCORP TOWER 111 S.W. FIFTH AVE. PORTLAND, OREGON 97204-3688 PHONE: (503) 228-3200 FACSIMILE: (503) 248-9085

April 20, 1995

Page 2

Appellant appreciates the opportunity to comment on the proposed final order and findings. By providing these comments, however, appellant does not waive any right to further raise or challenge any finding, conclusion or issue, including the deficiencies noted in this correspondence.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Nelson", with a long horizontal flourish extending to the right.

John H. Nelson

N/A:jhn

cc: client

Timothy V. Ramis, Esq.

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH

JEFF H. BACHRACH
THEODORE W. BAIRD
PAMELA J. BEERY
MARK L. BUSCH
DOMINIC G. COLLETTA**
CHARLES E. CORRIGAN*
STEPHEN F. CREW
GARY F. FIRESTONE*
WILLIAM E. GAAR
G. FRANK HAMMOND*
MALCOLM JOHNSON*
MARK P. O'DONNELL
TIMOTHY V. RAMIS
WILLIAM J. STALNAKER
TY K. WYMAN

ATTORNEYS AT LAW
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

PLEASE REPLY TO PORTLAND OFFICE

April 25, 1995

CLACKAMAS COUNTY OFFICE
181 N. Grant, Suite 202
Canby, Oregon 97013
TELEPHONE: (503) 266-1149

VANCOUVER, WASHINGTON OFFICE
First Independent Place
1220 Main Street, Suite 570
Vancouver, Washington 98660-2964
TELEPHONE: (360) 699-7287
FAX: (360) 696-2051

JAMES M. COLEMAN
SUSAN J. WIDDER
SPECIAL COUNSEL

* ALSO ADMITTED TO PRACTICE IN WASHINGTON
** ADMITTED TO PRACTICE IN CALIFORNIA ONLY

Ms. Deborah L. Bogstad
Staff Assistant
Office of the Board Clerk
1120 S.W. Fifth, Suite 1510
Portland, OR 97204

Re: Proposed findings and final order
MC 1-94/LD 13-94

Dear Ms. Bogstad:

I am writing in response to comments made in a letter from John H. Nelson to you, dated April 20, 1995.

1. Nelson requests an opportunity to review the agreement not to build another dwelling on Parcel 1.

There is evidence in the record in the form of testimony that there is an agreement that limits the development of this property to a total of three houses. The testimony was not rebutted or challenged by the appellant's attorney, and the hearing is now closed. Moreover, there is agreement among the experts on both sides that steep areas of the site are not suitable for another house. Since the record is closed, this request for further evidentiary debate should not be granted.

CLACKAMAS COUNTY
1995 APR 25 AM 11:24
COUNTY CLERK'S OFFICE
VANCOUVER, WASHINGTON

Ms. Deborah L. Bogstad
April 25, 1995
Page 2

2. Nelson states that Robert W. Price is not an expert geotechnician, and cannot be the basis relied upon for a finding the suitability of Parcel 3.

As clearly stated in the Final Order, the basis for finding that Parcel 3 is suitable is the applicant's written geotechnical evidence. Mr. Price is a development expert who has the ability to understand, describe, interpret and answer questions about the applicant's written geotechnical reports in the record. In fact, there is evidence in the record that the geotechnical reports were sent to Price as the key consultant on the project. It was his role to interpret the geotechnical evidence and other information in light of the approval criteria. The citation in the findings to Mr. Price's remarks, as well as those of the geotech, are perfectly appropriate.

Conclusion

For these reasons, I urge the Board to adopt the Final Order as written.

Very truly yours,

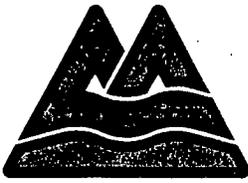


Timothy V. Ramis

TVR/gws

cc: John Nelson
Gran Marque, Inc.

MAY 2 1995



MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN, CHAIR
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

M E M O R A N D U M

TO: Board of County Commissioners
Beverly Stein, Chair
Tanya Collier
Gary Hansen
Sharron Kelley
Dan Saltzman

FROM: John L. DuBay

DATE: May 2, 1995

RE: Objections to proposed order in MC 1-94/LD 13-94.

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
J. MICHAEL DOYLE
SANDRA N. DUFFY
KATIE GAETJENS
GERALD H. ITKIN
STEVEN J. NEMIROW
HELLE RODE
MATTHEW O. RYAN
JACQUELINE A. WEBB

MULTNOMAH COUNTY
OREGON
1995 MAY - 3 PM 2:41
COUNTY COMMISSIONERS

Agenda Item R-7 for the May 4, 1995, Board meeting carries over consideration of a proposed land use appeal order. The Board requested County Counsel review of two objections to the order.

I believe the first objection has merit. The second does not.

FIRST OBJECTION

The appellant objects to the following sentence in the proposed order:

"The applicant's undisputed testimony established that the property is subject to an agreement that limits development to a total of three houses, including the existing house."

The applicant says the testimony referred to is in the record but provides no information about the location in the record, the identity of the parties to the agreement or the precise terms. In the absence of a citation or transcript of the testimony, the challenged sentence should not be included as a statement of facts relied upon by the decisionmakers.

Deleting the sentence need not affect the conclusion in finding II.A.3. The two sentences following the challenged sentence state the location of the existing residence, centered on Parcel 1, and setback standards in the R-30 zone make further residential construction unlikely. This should be sufficient rationale to support the finding in II.A.3.

SECOND OBJECTION

The appellant's second objection aims at the credibility of evidence supporting findings that the property is suitable for development. Specifically, the appellant challenges the testimony and submittals of Robert W. Price. A memorandum by Price, a planner, was adopted as findings by the Hearings Officer and also would be adopted by the proposed order. The proposed order also refers to Price's testimony as a basis for concluding relevant criteria are met.

Appellants contend Price is not a qualified geotechnical expert, and for this reason alone the Board cannot rely upon his opinions about geotechnical issues.

This objection is subject to three additional considerations. First, the Board may adopt suggested findings of non-experts which are based on substantial evidence in the record. Second, a planner can present expert opinion on matters within the planner's field of expertise. Third, the Board may select the evidence in the record upon which it chooses to base its decision if a reasonable person could rely on such evidence. For these reasons, I believe appellant's objection to the Price memorandum is not valid.

Appellants also contend references to Price in the proposed order at pages 5, 9 and 10, suggest reliance on Price's geotechnical expertise.

On page five, the proposed order states:

"The applicant also produced a hearing witness from the engineering company (Robert Price) whom we could examine."

While this finding could be read to imply Price is an engineer, the next to last sentence of the preceding paragraph clearly identifies Price as a planner at Evans & Associates.

At page nine, the proposed order states:

Board of County Commissioners
May 2, 1995
Page 3

"In addition, the applicant provided a representative of Evans & Associates (Price) to testify and answer questions before the Hearings Officer and the Board."

On page ten, the proposed order states:

"Based on the building envelopes suggested by Rankin and the topography shown on the tentative plan, Price testified that there is plenty of buildable land under 20% slope on parcel 3."

Neither finding shows reliance on Price's geotechnical expertise. Therefore, the Board may include the findings as an explanation of the factors deemed relevant in their decision.

CC: Scott Pemble
John H. Nelson
Timothy Ramis

II. SUPPLEMENTAL FINDINGS FROM THE FEBRUARY 14
DE NOVO HEARING

A. GENERAL FINDINGS

1. The appellant's representative raised broad questions about county policy regarding access and land division. This decision and these findings reflect the Board's interpretation and application of the code in this particular application.
2. This project will add only two dwellings, and in this low density neighborhood, a full width urban street is not necessary. There was testimony from the applicant's representatives that there are no sidewalks in this area, including none on the public street, S.W. Military Road. The applicant's traffic expert testified that the project would create only two additional vehicle trips during the peak hour traffic on the access road. This fact was not disputed. This evidence is not sufficient to show that a condition imposing a wide street with improvements would be roughly proportional to the impact of the development.
3. The appellant's representative argued that because Parcel 1 is large enough for two lots in the R-30 district, there is the potential for a third new house on this property in the future. The appellant claimed that the applicant was "hiding" this additional house to avoid meeting more stringent subdivision regulations. The applicant's undisputed testimony established that the property is subject to an agreement that limits development to a total of three houses, including the existing house. The site plan shows the existing dwelling is nearly centered on Parcel 1. We do not believe it is practical or likely that another dwelling comparable to those in the area will meet required setbacks and other standards in the R-30 district. For these reasons, the Board finds that further division of this property is unlikely, and that only two additional dwellings will result from this approval.
4. The appellant testified that the rights and wishes of the neighboring property owners should be considered, and that the benefits to the existing neighborhood should control whether this application is approved. The Board understands these comments, but finds

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Findings in support of decision to uphold)
the Decisions of the Hearings Officer)
and Transportation Div. staff and approve)
a land partition, access by easement and)
variance to the Street Standards Code)

FINAL ORDER
MC 1-94 / LD 13-94
95-97

1. INTRODUCTION

These applications were approved by the Multnomah County Hearings Officer December 23, 1994. The decision was appealed, and the Board took testimony in a de novo hearing February 14, 1995. The Division of Transportation variance to the Street Standards Code was also appealed and reviewed at this hearing. The Board also reviewed the record below. During the hearing, the Board considered the arguments and evidence of the appellant and attorney, and the response from the applicant's attorney, traffic engineer and planning consultant. There was no other testimony. The Board voted 4-0 to deny the appeal and uphold the Hearings Officer approval of the partition and the access to the partition, and to uphold the Division of Transportation variance to the Street Standards Code requirements for the private street that provides the access.

The Board adopts by this reference the findings of the December 23 Hearings Officer Final Order, including all conditions of approval, and exhibits #1 (staff report findings), #2 (memorandum from Robert W. Price) and #3 (Division of Transportation access variance), excepting those portions of the variance decision that are inconsistent with the Hearing Officer's decision. As the county's governing body, the Board adopts the specific interpretations of the code decided by the Hearings Officer. In addition, the Board adopts the following supplemental findings based on the testimony and evidence presented at the February 14 hearing.

II. SUPPLEMENTAL FINDINGS FROM THE FEBRUARY 14
DE NOVO HEARING

A. GENERAL FINDINGS

1. The appellant's representative raised broad questions about county policy regarding access and land division. This decision and these findings reflect the Board's interpretation and application of the code in this particular application.
2. This project will add only two dwellings, and in this low density neighborhood, a full width urban street is not necessary. There was testimony from the applicant's representatives that there are no sidewalks in this area, including none on the public street, S.W. Military Road. The applicant's traffic expert testified that the project would create only two additional vehicle trips during the peak hour traffic on the access road. This fact was not disputed. This evidence is not sufficient to show that a condition imposing a wide street with improvements would be roughly proportional to the impact of the development.
3. The appellant's representative argued that because Parcel 1 is large enough for two lots in the R-30 district, there is the potential for a third new house on this property in the future. The appellant claimed that the applicant was "hiding" this additional house to avoid meeting more stringent subdivision regulations. The site plan shows the existing dwelling is nearly centered on Parcel 1. We do not believe it is practical or likely that another dwelling comparable to those in the area will meet required setbacks and other standards in the R-30 district. For these reasons, the Board finds that further division of this property is unlikely, and that only two additional dwellings will result from this approval.
4. The appellant testified that the rights and wishes of the neighboring property owners should be considered, and that the benefits to the existing neighborhood should control whether this application is approved. The Board understands these comments, but finds

that the application was properly reviewed under the County's land use and land division regulations and the Comprehensive Plan. The Board also notes that the narrow street approved through administrative variance is in keeping with the appellant's stated wish to avoid a wide street in this neighborhood.

5. The validity of the access easements used to support this application has been questioned by the appellant. We interpret our code to mean that the requirement for suitable access to the subject property (Section 11.15.2844(G)) can be satisfied when an applicant submits documentation that on its face shows the subject property is served by an easement. The applicant's attorney submitted two memoranda and real estate documents concerning the legal right to use the road easements serving this parcel. (See August 3 memorandum from Timothy V. Ramis.) The Hearings Officer held that "the legality of the easement was not within the Hearings Officer's jurisdiction to decide, and that this issue could be argued in an appropriate forum if it was in dispute." (Final Order, page 8) The easements are currently in use for access to the subject property and to neighboring properties. Arguments that the easement is not valid or that someone is exceeding the scope of the easement are beyond the scope of the governing body's land use authority.

B. SPECIFIC FINDINGS FOR MC 1-94/LD 13-94

1. COMPREHENSIVE PLAN POLICIES

The Notice of Review alleged that the Hearings Officer decision did not comply with Plan Policies 14, 24 and 33a. Based on review of the record, and the testimony February 14, the Board finds that these applications comply with the policies described in the November 17 Staff Report (pages 10-14), and with the following policies:

a. Policy 14 Development Limitations¹

The notice of review alleged a failure to comply with this policy. At the hearing, the appellant's attorney cited two areas of concern on the site, steep slopes and potential soil movement.

As it applies here, Policy 14 identifies slopes exceeding 20% (Subsection A) and land subject to movement (Subsection F) as development limitations that must be mitigated prior to development. The policy also suggests that development be directed away from these areas. The record shows that a portion of the subject property (the westernmost area of proposed Parcel 3) contains slopes in excess of 20% and has some land that may be subject to movement. In such circumstances, Policy 14 requires either that development be directed away from the problem areas or a showing that design and construction techniques can mitigate any public harm and mitigate adverse effects to surrounding persons or properties.

The record includes the written testimony of experts from each party on the issues of slope and stability. Both experts, David Rankin for the applicant and Roger Redfern for the appellant, are well qualified. Both visited the site, and both agreed that there are steep slopes and potentially unstable conditions on the western portion of the site. Rankin's original report (March 25, 1994) concluded that the proposed parcels are suitable for residential structures, and recommended several design and construction techniques to mitigate any adverse effects. The list of techniques included placing the footprint of the dwellings away from the steeper slopes as close to the east line of the parcels as possible, minimizing tree removal, limiting site grading to minimize cuts and fills, and hydro-seeding all newly graded areas. Rankin suggested techniques to stabilize the building foundations, and suggested a method of drainage to remove runoff from the site. In his response (July 20, 1994), Redfern generally agreed with Rankin's assessment of

¹ *The County's policy is to direct development and land from alterations away from areas with development limitations except upon a showing that design and constructions techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties." The policy lists six areas of development limitations. Only two were addressed by the appellant: slopes exceeding 20% (subsection A) and land subject to slumping, earth slides or movement (subsection F).*

the geology and soils, but felt the soils on the steeper portions of the site may be less stable and more attention should be given to vegetation and drainage. Rankin issued a rebuttal to Redfern's report, on August 3, 1994. Rankin included a map showing the possible building areas on Parcels 2 and 3. Rankin pointed out that there are no plans to remove any trees on the steepest portion of the property, as suggested by Redfern. Rankin agreed with Redfern's point that on-site drainage collection disposal does not appear feasible and proposed a system for removing water runoff for off-site disposal. Subsequently, an engineer at David Evans & Associates (David Bick) wrote a letter that certifies the feasibility of the drainage system described by Rankin. All of the points raised the Redfern were addressed convincingly by Rankin and Bick, and summarized by a planner at Evans & Associates (Robert Price memorandum of August 3). In addition, the applicant submitted a survey by an arborist who concluded that the proposed access drive on the subject property could be constructed with minimal loss of mature trees on the site.

The applicant also produced a hearing witness from the engineering company (Robert Price) whom we could cross examine. The appellant did not produce an expert witness who could be questioned, not at the Hearings Officer level or before the Board, and therefore appellant's evidence is less persuasive.

In sum, the applicant has done a more complete and thorough analysis of the site problems, and found ways to mitigate impacts. We are persuaded by this evidence. In response to this standard, the applicant has presented expert testimony that explains how development of the site can be directed away from the steeper slopes, and how the potential public harm and potential adverse impacts on surrounding persons or properties can be mitigated. This satisfies the standard.

We do not interpret the standard to require complete elimination of all possible impacts. Rather, it requires, first, that development be directed away from problem areas as this application does. Second, the reference to mitigation requires reasonable engineering measures to assure that impacts will be minimal. This is also done in this case.

At the hearing the appellant's attorney repeated that Parcel 3 contains slopes in excess of 30 degrees, and that Parcel 3 is unsuitable for development. We are convinced by the applicant's rebuttal and expert testimony in the record that only a portion of Parcel 3 has steep slopes, and that the northeast portion of the parcel is suitable for housing development. We specifically agree with the Hearings Officer's findings on Page 5 of the decision.

b. Policy 22 Energy Conservation²

This policy promotes the conservation of energy, through efficient development. The applicant proposes development of two additional houses in an existing residential area that will improve and use an existing private street for access. This is in keeping with Subsection B of this policy, which calls for "increased density and intensity of development in urban areas." We find that infill development such as this is also energy efficient because the project will reduce new construction energy use by making use of the existing transportation facilities, with minimal operational impact on those facilities. The street layout and lot pattern will require minimal tree removal, in keeping with maintaining the existing natural environment on the property. There is persuasive testimony from the applicant's traffic engineer that the proposed private street will continue to be safe and useable for pedestrians and bicyclists. For these reasons, the Board finds that all of the factors listed in the policy have been considered.

This is one of the policies identified by the applicant as the foundation of the county's infill policy. Another, Policy 35, calls for a safe, efficient public transportation system by increasing overall density in the urban area. (See subsection (e) below for further findings on Policy 35.) The Board agrees with the applicant's attorney that the proposed partition and development of two additional houses in this neighborhood complies with the County's infill policy embodied in Policies 22 and 35.

² *The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In quasi-judicial cases such as this, the policy requires a finding that several factors have been considered, including (A) the development of energy-efficient land uses; (B) increased density and intensity of development in urban areas; (C) an energy efficient transportation system; (D) street layouts that utilize natural environmental conditions to advantage; and (E) allow greater flexibility in the development and use of renewable energy resources.*

c. Policy 24 Housing Location³

The notice of review alleged a failure to comply with this policy, but the appellant did not explain why at the hearing.

The policy has several elements regarding housing location. We interpret the basic policy to accommodate housing, in accordance with the applicable policies of the plan, and with the locational criteria detailed in Policy 24, not to prevent infill development. As described elsewhere in these findings (Section II.B.1) and in the appealed decisions, we find that these applications do comply with applicable plan policies. We also find the proposal satisfies the locational criteria under Policy 24, for reasons that follow.

First, under Subsection B, this is a minor residential project because it will serve fewer than 50 people. The housing type is single family, and the proposed density of approximately one dwelling per acre is well within the maximum allowed of 6.5 dwellings per acre.

The proposed development satisfies the locational criteria under Subsection B.2, which are underlined in the outline below, for the following reasons:

24.B.2.A. Access.

(1) "Site access will not cause dangerous intersections or traffic congestion, considering the roadway capacity, existing and projected traffic counts, speed limits, and number of turning movements."

The appellant argued that the proposed narrow street and additional traffic would be unsafe, especially for children who play in the street. However, the applicant's traffic engineer effectively countered this claim. She testified that there is very good sight distance for safety and operation of this private street, considering the low volume and low speeds of traffic. The engineer testified that the two additional dwellings would produce an additional 20 vehicle trips a day, for a total of 80 vehicle trips a day. During the busiest hour, she said, the new dwellings

³ *The county's policy is to accommodate the location of a broad range of housing types in accordance with the applicable policies of this plan, and with the locational criteria applicable to the project scale and standards. The proposed development of two dwellings is a minor residential project. The locational criteria for this use include access, site characteristics and impact on adjacent lands.*

would increase traffic from one vehicle every fifteen minutes to one vehicle every ten minutes, for a new total of 6 trips in the peak hour. The engineer testified that the design capacity of a 20-foot wide two-lane street such as this is more than 400-500 trips per day. Thus the 80 trips per day expected on this street is well below the capacity. As shown on the tentative plan, only four dwellings are served by the existing street, which minimizes the number of turning movements. For these reasons, we find that the proposed access will not cause dangerous intersections or traffic congestion, in compliance with this subsection.

(2) "There is direct access from the project to a public street."

The Board adopts the interpretation of the Hearings Officer on this standard. The Hearings Officer held that "[t]he proposed lots have direct access to Military Road, a public street, by way of a set of private easements which burden three underlying tax lots. From these existing easements, the applicants are proposing the extension of an additional easement to serve parcels 2 and 3. The Hearings Officer finds that the project has direct access to a public street (Military Road) via the private easements described." The Board agrees, with the additional finding that the existence of the present driveway over these easements supports continued reliance on these easements for the proposed access street. The proposed access will not change the direct access afforded the other properties served by the existing private access road over a set of private easements. For these reasons, the Board finds that this subsection of Policy 24 is satisfied by this project.

24.B.2.B. Site Characteristics.

"(1) The site is of the size and shape which can reasonably accommodate the proposed and future allowable uses in a manner which emphasizes user convenience and energy conservation."

As shown on the tentative plan, the size and shape of the site suit the proposed development. The access drive on the subject property uses the shortest and most convenient route to Parcels 2 and 3, with minimal disruption of the existing housing on Parcel 1. This policy emphasizes energy efficiency. As discussed above under Policy 22, this project promotes energy

conservation by using the existing transportation infrastructure where possible. The proposed parcels exceed the minimum sizes for the R-30 district, and are large enough to allow construction of a dwelling suitable to this neighborhood while avoiding the steep slopes on the west end of the site. For these reasons, the Board finds that this subsection of Policy 24 is satisfied by this project.

"(2) The unique natural features, if any, can be incorporated into the design of the facilities or arrangement of land uses."

The appellant testified of his concern that large fir trees on the subject property will be cut down to make way for the driveway to Parcels 2 and 3. The applicant has submitted expert testimony that describes how the natural features of the site can be maintained. A tree expert testified that the proposed street can be improved with minimal removal of large trees, which means these unique features will be incorporated into the development. The building envelopes submitted by the applicant's geotechnical engineer avoid development on the steep slopes on the west end of the property, thus preserving that natural feature as well. For these reasons, the Board finds that this subsection of Policy 24 is satisfied by this project.

"(3) The land intended for development has an average site topography of less than 20% grade, or it can be demonstrated that through engineering techniques, all limitations to development and the provision of services can be mitigated."

The appellant's attorney and soil expert (Redfern) alleged that the proposed Parcel 3 is unbuildable because of steep slopes and soil instability. The applicant's geotechnical engineer (Rankin) responded to these allegations point by point, and identified design and construction techniques that will mitigate potential impacts caused by the steep slopes. Rankin submitted potential housing sites on the proposed parcels that avoid the steep areas of the site entirely. Another engineer, David Bick from Evans and Associates, certified that the drainage system proposed by Rankin would be feasible to remove runoff from the property when it is developed. In addition, the applicant provided a representative of Evans & Associates (Price) to testify and answer questions before the Hearings Officer and the Board. Redfern's expert testimony was in writing only, and it came early in the approval process. Redfern did not rebut the Rankin

response, including the building envelopes, or the drainage plan certified by Bick. Based on the building envelopes suggested by Rankin and the topography shown on the tentative plan, Price testified that there is plenty of buildable land under 20% slope on parcel 3. The applicant's engineering testimony was more complete and on point than the appellant's. (See discussion under Policy 14 for further findings on this point, Section II.B.1.a)

For these reasons, we find that the applicant has demonstrated through expert testimony that all development limitations can be mitigated through engineering techniques. Regarding limitations on services, the record includes evidence that services are not limited. The Hearings Officer's conditions satisfy the access requirements of the Lake Oswego fire marshal for fire fighting services, and the record includes evidence that adequate police, water and sewer services can be provided.

For all of these reasons, the Board finds that this subsection of Policy 24 is satisfied by this project.

24.B.2.C. Impact of the Proposed Change on Adjacent Lands.

"(1) The scale is compatible with surrounding uses."

The scale of the proposed development matches the character and quality of this low density residential neighborhood. The three parcels resulting from this decision all exceed the minimum lot size required in the R-30 zoning for this area. The tentative plan shows that most of the parcels in this neighborhood are similar to the proposed parcels or larger. All of the buildings indicated on the plan are large. The variance to the street standards width and improvement requirements means the development will be relatively unobtrusive with only minor modifications to the existing driveway. In addition, the fact that the street improvements will be made within the existing 20-foot wide easement will mean a minimal change in the character of the neighborhood.

The appellant argued that the proposed narrow street and additional traffic would be unsafe, especially for children who play in the street. The applicant's traffic engineer has testified

convincingly that existing access road will still be safe and adequate with the proposed development. At peak hour of traffic, the engineer said that traffic will only increase from four to six trips, or from one trip every fifteen minutes to one trip every ten minutes. The engineer said the street has very good sight distance and the narrow width of the street will hold vehicle speeds to 15 to 20 miles an hour. For these reasons, she said, the street will be safe for pedestrians, for children and for bicyclists, at a width of twenty feet, without sidewalks. The applicant's witnesses also pointed out that there are no sidewalks in this neighborhood now, not even on Military Road. The appellant testified that he does not desire a wider street.

The applicant submitted testimony from an arborist that the proposed access street can be constructed without removing the large trees, thus maintaining that aspect of the neighborhood character.

For these reasons, the Board finds that this subsection of Policy 24 is satisfied by this project.

"(2) It will reinforce orderly and timely development and delivery of urban services."

The improvements to the access street will benefit all the properties served by the street by meeting the fire marshall's access requirements. The applicant has submitted evidence that existing urban services can be extended to serve the proposed development, including water, sewer, police and fire. Clearly infill development will reinforce orderly provision of services because of its use of facilities already in place. For these reasons, the Board finds that this subsection of Policy 24 is satisfied by this project.

"(3) Privacy of adjacent residential developments can be protected."

The tentative plan shows that the partition is designed to minimize the impact on adjacent properties. The access point for the two new dwellings is at the extreme northeastern corner of the subject property, following the existing access route. The driveway for the new dwellings will turn in front of only a corner of the appellant's property, which is located directly on the easement. In addition, as demonstrated by the staff's slide presentation February 14, the appellant's property

is buffered from the new development by the existing house on the subject property. The new housing will be further separated from the appellant's house by Parcel 1, which contains more than an acre, and by the trees on Parcel 1. For these reasons, the Board finds that this subsection of Policy 24 is satisfied by this project.

"(4) The project can be integrated into the existing community."

The project will provide two additional residences but will use the existing access road with minimal improvements. As discussed under (2) above, the increase in motor vehicle traffic will also be minimal, with an increase of only two vehicle trips during the peak hour of the day, according to the applicant's traffic engineer.

The Board recognizes that this is a high quality residential area. The proposed lots are large enough to support this type of residence. For these reasons, the Board finds that this subsection of Policy 24 is satisfied by this project.

For these reasons, the Board finds that the development satisfies the locational criteria, and therefore complies with Policy 24.

d. Policy 33a Transportation System⁴

The appellant alleged failure to comply with this policy in the notice of review, but did not explain why at the hearing.

This policy calls for a balanced, safe and efficient transportation system. The policy requires us to support proposals which implement the comprehensive plan (Subsection A), best achieve the objectives of a specific project (Subsection B), protect the quality of neighborhoods (Subsection D), and provide a safe, functional and convenient system (Subsection F).

Based on review of the record, and testimony at the hearing, we do not find a failure to comply with this policy. The applications implement the comprehensive plan, as detailed in these

⁴ *The County's policy is to implement a balanced, safe and efficient transportation system. In evaluating parts of the system, the County will support proposals which implement the comprehensive plan (A), best achieve the objectives of the specific project (B), protect social values and the quality of neighborhoods and communities (D), and provide a safe, functional and convenient system (F), among other reasons.*

findings (Section II.B.1) and in the appealed decisions. The Hearings Officer has noted that this property could not be developed without the proposed access. We agree with the applicant's attorney that it is unlikely that a wider easement could be obtained crossing the several private properties already developed along the long-standing 20-foot easement. Thus this access street is necessary to achieve the objectives of this proposal. The continued use of a "skinny" street will help to maintain the quality of this low-density neighborhood despite the addition of two new homes.

The appellant stated his concern that the proposed narrow street and additional traffic would be unsafe, especially for children who play in the street. The applicant's traffic engineer has provided persuasive testimony that the proposed street will be safe, functional and convenient, because there is good sight distance, low traffic volumes and speeds, and the existing system will continue to be used. The streets surrounding the site are similar to the proposed street, without sidewalks or on-street parking. The upper branch of this access off Military Road (developed under LD 10-93) was improved to a width of 20 feet or less, without sidewalks.

We agree with the findings of the Transportation staff that a narrow street is appropriate here, because of the low traffic volume, low traffic speeds, adequate sight distance and the fact that there are no sidewalks in the surrounding streets.

For these reasons, the Board finds that these applications comply with Policy 33a.

e. Policy 35 Public Transportation⁵

This policy supports a safe, efficient and convenient public transportation system by increasing overall density levels in the urban area. (Subsection A) The applicant's team of experts has testified that the proposed street can safely handle the additional traffic generated by the two proposed dwellings. It would be inefficient to require additional width or street improvements when they are not needed for safety. For these reasons, the proposed density

⁵ "The County's policy is to support a safe, efficient and convenient public transportation system by:
A. Increasing overall density levels in the urban area...."

increase of two new dwellings satisfies this policy.

f. Policy 37 Utilities⁶

The applicant submitted comments from the water and sewer districts serving this area the area that there is adequate capacity to serve the proposed development, and that the services can be extended to connect with the subject property, thus satisfying subsection A.

The appellant's geologist (Redfern) stated that the subject property site cannot adequately handle runoff on site. The applicant's engineers have certified a drainage plan that will remove runoff from the development without damage to the site itself or to adjacent properties. We believe this report, and it has not been disputed by Mr. Redfern.

The appellant raised concern about a spring located to the west of the subject property. The drainage plan certified by David Bick would discharge runoff from the site below the spring. For these reasons, the Board finds that adequate provisions can be made to remove water run-off from the site, in compliance with subsection F. The Board also finds that the run-off from the site will not adversely affect water quality on adjacent lands, in compliance with subsection G, based on Bick's report. The other findings under Policy 37 are found in the November 17 Staff Report, pages 12-13. (Exhibit 2 of the Hearings Officer Final Order.)

⁶ "The county's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:
* * *

A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity;

* * *

F. The water run-off can be handled on the site or adequate provisions can be made; and

G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.

* * *

g. Policy 38 Facilities⁷

The appellant alleged a failure to comply with this policy prior to the initial July 20 hearing. The policy requires findings prior to approval. The Board makes the following findings in compliance with this policy. The applicant has submitted comments from the Riverdale School District 51JT, as required by Subsection A. The applicant has submitted testimony from the Lake Oswego Fire Marshall that there is adequate water pressure and flow for fire fighting purposes, as required by Subsection B. The applicant has submitted a letter from the fire marshall commenting on the proposal, as required by Subsection C. Finally, the applicant has submitted comments from the Multnomah County Sheriff that the level of police service is adequate to serve the proposed project, as required by Subsection D. (See also the November 17 staff report, page 13.)

Conclusions on Comprehensive Plan Policies

In our interpretation of Comprehensive Plan policies, we consider them individually and then balance them against each other. Under the above findings, each policy is satisfied. Taken as a whole, we also find that in balance the application satisfies the Comprehensive Plan.

2. MCC 11.15.2844(G)⁸

The primary approval standard for the access decision (MC 1-94) is found in MCC 11.15.2844(G). Under that section, the Hearings Officer must find the access to the subject property is "suitable." In determining suitability, the Hearings Officer reviewed the subdivision standards and plan policies that affect the street system. The Hearings Officer did not rule on

⁷ *"The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:*

- A. The appropriate school district has had an opportunity to review and comment on the proposal.*
- B. There is adequate water pressure and flow for fire fighting purposes; and*
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.*
- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection."*

⁸ *"All lots in this district shall abut a street, or shall have such other access held suitable by the Hearings Officer."*

the merits of the Street Standards Variance, but held that if the variance were granted, then the partition access would be suitable. The Board finds that there is evidence to support the finding of suitable access, for the reasons that follow.

The appellant's representative argued that the Street Standards Code requires a full width street for this development, including a 50-foot right-of-way, 28-32 foot pavement width, parking on both sides, curbs, and sidewalks.

The Hearings Officer agreed that these standards would apply unless a variance to the street standards code were granted. The applicant was granted a variance in a Division of Transportation administrative decision. We affirm the administrative variance on appeal, and find that the variance supports a findings that the access to the proposed partition is suitable under MCC 11.15.2844(G).

We have adopted those findings of the administrative variance that are consistent with the Hearings Officer's decision. The Transportation staff found that this is not a typical urban setting with normal residential densities that would need on-street parking and sidewalks. Rather, it is a unique area of the county developed with homes located on very large lots. The low density means low traffic volumes and minimal pedestrian/auto conflicts.

The applicant's traffic engineer testified at the hearing and in the record that the proposed 20-foot wide street will be safe because of low traffic volume and low vehicle speeds, and the minimal impact of two additional homes in this neighborhood. The traffic engineer testified that the additional traffic caused by the development would be two vehicle trips in the peak hour, for a total of six trips in the peak hour. The Lake Oswego Fire Marshall has approved a 20-width for this street. The county Division of Transportation found that the street qualifies for a variance to the width, curb and sidewalk improvements that would be required in a more urban setting.

The appellant, on the other hand, offered no expert testimony to deflect the applicant's arguments. The appellant argued that the proposed narrow street would be unsafe, primarily because children play in the street. While the Board appreciates his concern for the safety of

children in this area, we find the expert testimony overwhelmingly supports the conclusion of the Hearings Officer that the street will provide adequate access and will remain safe when this property is developed with two new dwellings as planned.

3. TRANSPORTATION PLANNING RULE (OAR CHAPTER 660 DIVISION 12)

a. The appellant's attorney alleged that sidewalks, bike paths and parking on this street would be demanded by new development in this area in the future. The attorney claimed that the state's Transportation Planning Rule (TPR) requires the County to consider future needs up front in the development process. The appellant offered no explanation or analysis of this claim.

OAR 660-12-055(3)⁹ requires that this County must adopt land use and subdivision ordinances or amendments required by OAR 660-12-045(3), (4)(a)-(e) and 5 (d), by May 1994. If not, the county must apply those TPR rules directly to all land use decisions and limited land use decisions. The County has not adopted the required amendments, so the rules apply directly to this decision.

⁹ (3) ..."By May 8, 1994 affected cities and counties within MPO areas shall adopt land use and subdivision ordinances or amendments required by OAR 660-12-045(3), (4)(a)-(e) and (5)(d). Affected cities and counties which do not have acknowledged ordinances addressing the requirements of this section by the deadlines listed above shall apply OAR 660-12-045(3), (4)(a)-(e) and (5)(d) directly to all land use decisions and limited land use decisions."

I. OAR 660-12-045(3)¹⁰

Under this subsection, the County must require the following improvements for new residential projects:

(a) Bicycle parking facilities as part of new multi-family residential developments of four units....

(b) Facilities providing safe and convenient pedestrian and bicycle access within and from new subdivisions, planned developments.... This shall include:

(A) Sidewalks along arterials and collectors in urban areas;

(B) Bikeways along arterials and major collectors;

(C) Where appropriate, separate bike and pedestrian ways to minimize travel distance...."

None of these subsections apply to this application because it is a partition, not a subdivision; it is not multi-family; and it is not located on an arterial or major collector. Furthermore, it is not appropriate under subsection (C) to provide separate facilities for the reasons discussed in the staff variance decision: the area was developed as a rural area with

¹⁰ "(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities to require:

(a) Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office or institutional developments, and all transit transfer stations and park and ride lots;

(b) Facilities providing safe and convenient pedestrian and bicycle access within and from new subdivisions, planned developments, shopping centers and industrial parks to nearby residential areas, transit stops, and neighborhood activity centers, such as schools, parks and shopping. This shall include:

(A) Sidewalks along arterials and collectors in urban areas;

(B) Bikeways along arterials and major collectors;

(C) Where appropriate, separate bike or pedestrian ways to minimize travel distances within and between the areas and developments listed above.

(c) For purposes of subsection(b) of this section, "safe, convenient and adequate" means bicycle and pedestrian routes, facilities and improvements which:

(A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;

(B) Provide a direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet the travel needs of cyclists and pedestrians considering the destination and length of trip.

large lots with narrow access roads and no sidewalks. Because density is low, pedestrian/auto conflicts are low.

Subsection 045(3)(c) explains the detail requirements for implementing (b); subsection 045(3)(d) addresses internal circulation in office and commercial developments. Neither apply to this application.

Even if subsection (b) did apply, the proposed access meets the definition of "safe, convenient and adequate" pedestrian and bicycle access in subsection (c), because the applicant's traffic engineer has shown that it is safe to use this private street for pedestrians and bikes, due to continued low traffic volumes, low traffic speeds, good sight distance and the historic use of this quiet rural lane by pedestrians and bicyclists. Therefore, the street is reasonably free from hazards and should continue to meet the same travel needs of pedestrians and cyclists as the existing street. As noted by the applicant's traffic engineer, sidewalks and bikeways are not required private local streets such as this. The TPR only requires sidewalks along arterials and collectors.

For these reasons, it is clear that the rules required under this subsection do not have any effect on the narrow private access street in this application. Therefore, we find that OAR 660-12-045(3) does not apply in this case.

II. OAR 660-12-045(4)(a)-(e)¹¹

OAR 660-12-045(4) requires the County to adopt regulations to support transit in urban areas. Subsection (a) concerns the design of transit routes and transit facilities, "as appropriate." It is not appropriate to require such facilities in this case because this proposal adds only two single-family residence in a low density residential area, with access over an existing dead end, narrow private street. In addition the record shows that there is no bus service on Military Road and that the site is at least 1/2 mile from the nearest transit route. This is a low density residential area application will add two new single family dwellings to an existing private street. For these reasons, it is not appropriate to require transit related facilities, and this subsection is not violated by this approval.

Subsection (b) deals with building orientation of new retail, office and institutional buildings. Because this application concerns two new single-family residential buildings, not retail, office or institutional buildings, this subsection is not violated by this development.

Subsection (c) requires preferential parking for van pools in new industrial and commercial developments. Because this development proposes two new single-family dwellings, and not industrial or commercial development, this subsection is not violated by this approval.

Subsection (d) deals with redeveloping existing parking areas into pedestrian access for transit routes "where appropriate." It is not appropriate to redevelop existing parking areas in this

¹¹ *To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations to require:*

- (a) Design of transit routes and facilities to support transit use through provisions of bus stops, pullouts...as appropriate;*
- (b) New retail, office and institutional buildings at or near existing or planned transit stops to provide preferential access to transit...*
- (c) New industrial and commercial development to provide preferential parking..*
- (d) An opportunity for existing development to redevelop a portion of existing parking areas for transit oriented uses...*
- (e) Road systems for new development which can be adequately served by transit, including provision of pedestrian access to existing and future transit routes. This shall include, where appropriate, separate bicycle and pedestrian ways to minimize travel distances."*

residential neighborhood because there are no parking areas on the narrow private access street (and none will be added), only private parking for the individual dwellings. There is no bus line in the immediate vicinity. For these reasons, this subsection is not violated by this approval.

Subsection (e) concerns road systems for new development which can be adequately served by transit, including pedestrian access to existing and future bus routes. The applicant's traffic engineer testified convincingly that the private access street will remain accessible and safe for pedestrians and bicyclists because of low motor vehicle traffic volumes and low speeds, with good sight distance. Parking will not be allowed along the private street, as required by the fire marshal. For these reasons, this subsection is not violated by this approval.

Based on the discussion above, we find that OAR 660-12-045(4) is not violated by approval of this project.

III. OAR 660-12-045(5)(d)¹²

This subsection requires installation of transit stops at major non-residential developments. Subsection (d) does not apply to this partition, because it proposes two new single-family dwellings, and does not include retail, office or institutional buildings.

IV. Other findings under the TPR

The appellant also suggested, as a reason for requiring a fully improved street now, that the TPR required it because it imposed the requirement to provide infrastructure to handle possible future changes in zoning. We do not see this requirement in the TPR.

Appellant's reasoning is also flawed because requiring improvements now for uncertain future development is unconstitutional, under the U.S. Supreme Court decision in Dolan v. City of Tigard.¹³ The applicant would be building improvements that are not in rough proportion to

¹² "In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:

(d) Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a major transit trunk route..."

¹³ Dolan v. City of Tigard, 114 S. Ct. 2309 (1994)

the impacts of the requested development.

The Board also finds that infill development is encouraged by the TPR, because the rule aims to reduce air pollution and traffic and livability problems by reducing reliance on the automobile. Infill supports this goal by adding density within the existing urban area and therefore reducing the pressure to develop non-urban areas.

For all the reasons stated above, contrary to the comments of appellant's attorney, we find that the application complies with the Transportation Planning Rule.

4. MCC Chapter 11.45 MULTNOMAH COUNTY LAND DIVISION ORDINANCE

The Notice of Review alleges that the Hearings Officer decision does not comply with seven subsections of Chapter 11.45. The presentation at the February 14 hearing by the appellant's attorney addressed broad issues, not specific code sections. In general, the appellant claimed that the proposed access is inadequate and unsafe, and that the terrain is not suitable for a dwelling on Parcel 3. These findings will list the challenged code sections, and address compliance with supplemental findings or by reference to the Hearings Officer's decision.

a. MCC 11.45.230 Criteria for Approval of Tentative Plan

The Hearings Officer adopted the findings of fact in the November 17 Staff Report (pages 9-17) for the basic approval criteria, and by this reference, we do the same. The appellant raised specific concerns about subsection .230(G) below, and continued to assert that the application fails to meet certain Plan policies, which is contrary to subsection .230(A). In addition to the Staff Report findings, we add the following:

- i. **11.45.230(A)¹⁴** This subsection requires compliance with applicable elements of the comprehensive plan. At the de novo hearing, the appellant's attorney offered argument concerning Policy 14. Compliance with specific comprehensive plan policies is addressed on pages 10-14 of the November 17

¹⁴ *In granting approval of a tentative plan, the approval authority shall find that:
"(A) The tentative plan...is in accordance with the applicable elements of the Comprehensive Plan."*

staff report (Exhibit 1 of the Hearings Officer decision.) The supplemental findings of compliance with specific policies are found in Section II.B.1 of these findings.

- ii. **MCC 11.45.230(G)**¹⁵ The appellant's attorney alleged below that this subsection was not met because the applicant had not addresses MCC 11.45.490 and 11.45.500. In subsequent testimony, the applicant has adequately addressed these subsections. (See findings on MCC 11.45.490 at II.B.4.d and findings on MCC 11.45.500 at II.B.4.e.)

As far as the Board could tell without specific references, the appellant did not testify regarding the remainder of MCC 11.45.230 at the hearing. After reviewing the record, we agree with the previous findings for the remaining subsections in 11.45.230 found in the Hearings Officer's decision and the November 17 staff report. (See pages 14-17 of the November 17 staff report, Exhibit #1 of the Hearings Officer's decision.) For these reasons, we find that the application satisfies MCC 11.45.230.

- b. **MCC 11.45.460 Land Suitability**¹⁶

This code section implements Policy 14, and addresses the necessary response to certain development limitations. The Board's findings of compliance with Policy 14 are also relevant under this section. (See Section II.B.1.a.)

The appellant's attorney testified that there are slopes of 30-75% and weak foundation soils on Parcel 3, and that it is therefore unsuitable for development. The attorney said that

¹⁵ *In granting approval of a tentative plan, the approval authority shall find that:*

** * **

"(G) Streets held for private use are laid out and designed so as to conform with MCC 11.45.490 and 11.45.500 and the Street Standards Ordinance...."

¹⁶ *A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:*

- (A) Slopes exceeding 20%;*
- (B) Severe erosion potential;*
- (C) Within the 100-year flood plain;*
- (D) A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;*
- (E) A fragipan or other impervious layer less than 30 inches from the soil;*
- (F) Subject to slumping, earth slides or movement."*

drainage would be harmful, and that there is no suitable provision for handling runoff from the property.

The record includes testimony from geotechnical experts on both sides of the case, concerned mainly with the suitability of the site for home construction. Both experts, David Rankin for the applicant and Roger Redfern for the appellant, are well qualified. Both visited the site, and both agreed that there are steep slopes and potentially unstable conditions on the western portion of the site. As described under our Policy 14 findings, we found Rankin's testimony more persuasive because he described the engineering techniques that could be used to develop the site despite the slope problems. Rankin addressed Redfern's comments satisfactorily, and neither Redfern nor any other expert was heard from again in the record. Rankin's drainage plan was certified by another engineer (Bick). Rankin included a map showing the possible building areas on Parcels 2 and 3 that avoid the steep areas of the site. All of the points raised the Redfern were addressed convincingly by Rankin and Bick, and summarized by a planner at Evans & Associates (Robert Price) in writing and in oral testimony before the Board February 14.

The applicant produced a witness of the engineering company (Robert Price) whom we could cross examine. The appellant never did produce an engineering witness, not at the Hearings Officer level or before the Board, and this makes his evidence less persuasive than the applicant's evidence.

In sum, the applicant has done a more complete and thorough analysis of the site problems, and found ways to mitigate impacts. In response to this standard, the applicant has presented expert testimony that explains how development of the site can be directed away from the steeper slopes, and how the potential public harm and potential adverse impacts on surrounding persons or properties can be mitigated. At the hearing the appellant's attorney alleged that Parcel 3 contains slopes in excess of 30 degrees, and that Parcel 3 is unsuitable for development. We are convinced by the applicant's rebuttal and expert testimony in the record

that only a portion of Parcel 3 has steep slopes, and that the northeast portion of the parcel is suitable for housing development. We specifically agree with the Hearings Officer's findings on Page 5 of the decision.

The applicant's planning consultant referred to the expert testimony in the record that refutes the appellant's claims. He stated that there is plenty of buildable land on Parcel 3 with less than 20% slope, and referred the Board to the Rankin's map showing possible building envelopes on the site.

As with Policy 14, this standard does not prohibit development on sites with development limitations. Rather, it prohibits approval of a land division where the site is both unsuitable and incapable of being made suitable for the intended uses. To the extent that portions of this site may be unsuitable (the steepest areas of Parcel 3), we find that the applicant has provided expert testimony by qualified engineers to support our finding that the site can be made suitable for the intended housing development, in compliance with this standard.

c. **MCC 11.45.470 Lots and Parcels**¹⁷

This subsection limits the design of parcels. The record includes appellant challenges to portions of this code section. The Board agrees with the Hearings Officer's findings on this subsection. (See Final Order, page 5 and Exhibit 2 (R. Price memorandum).) In addition, the

¹⁷ *"The design of lots and parcels shall comply with the following:*

(A) The size, shape, width, orientation and access shall be appropriate:

(1) To the types of development and uses contemplated;

(2) To the nature of existing or potential development on adjacent tracts;

(3) For the maximum preservation of existing slopes, vegetation and natural drainage;

(4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens;

(5) To the climactic conditions including solar orientation and winter wind and rain.

(B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practical;

(C) Double frontage or reverse frontage lots...;

(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:

(1) When a flag lot does not adjoin another flag lot...the portion of the flag lot shall be at least 16 feet wide."

Board makes the following interpretation and findings.

MCC 11.45.470(A)(3) requires the maximum preservation of existing slopes, vegetation and natural drainage in the design of parcels. We interpret "maximum" to mean "maximum feasible." No residential development can leave the entire slope, vegetation and natural drainage in place. In this case, the parcels are laid out so they will be developed away from the steepest portion of the property. The applicant's engineers have proposed homesites and a drainage system on Parcels 2 and 3 that will minimize impact on the slope, vegetation and drainage. The tentative plan shows a shared driveway serving the two parcels. The applicant's arborist has testified that the driveway can be built with minimal loss of trees. We are persuaded by the applicant's engineers, in response to the criticisms of the appellant's engineer, that the property can be developed while preserving to the maximum extent feasible the slope, vegetation and natural drainage. (The same interpretation of "maximum" applies to MCC 11.45.490(A)(3), discussed in the next section of these findings.)

The appellant's attorney alleged that the applicant did not adequately address the impact of the project on a spring located west of the subject property. The spring was pointed out by the applicant's geotechnical engineer (Rankin). Rankin's proposed drainage plan to remove runoff from the proposed development was certified by another engineer (Bick). The applicant's plan is to avoid construction on the steep slopes of Parcel 3. Rankin located proposed building envelopes that place a dwelling on the far northeast corner of Parcel 3, well away from the steep slopes on the western end of the parcel.

The appellant's attorney also claimed that Policy 16C (energy resources), Policy 13B (support plans that reduce pollution), and Policy 37 (effect of runoff from the site) require examination of the impact on the spring. The Board finds that neither 13B nor 16C apply to this issue, because Policy 16C concerns energy resources, not water supply, and Policy 13B requires the county to support state and regional plans, and is not related to specific developments. Policy 37 is addressed in Section II.B.1.f of these findings.

d. **MCC 11.45.490 Street Layout**

The Board agrees with the extensive findings on Subsection .490(A) in Pages 2-4 of the Hearings Officer's decision, which includes the text of the code provisions. The appellant's attorney alleged that the proposal cannot meet the standard of Subsection .490(A)(3)¹⁸. The issue is the meaning of the word "maximum" in this context. We interpret "maximum possible" to mean "maximum extent feasible." No residential development can leave the entire slope, vegetation and natural drainage in place. This provision concerns refinement of a street system in a land division, which assumes that a street will be constructed to serve the land division. To the maximum extent feasible, the street layout should preserve existing slopes, vegetation and natural drainage. The applicant has submitted expert evidence from an arborist that the minimal number of trees need be taken to construct the proposed private street. The applicant's engineers have testified that a drainage system can be built that will remove runoff from the new development, thus preserving the natural drainage to the maximum extent feasible.

The remaining subsections do not apply to this application, except subsection (C)¹⁹. The application complies with (C) because the driveway in the partition conforms to the existing private street layout, which is part of the future streets plan adopted under LD 10-93, and is part of the record in this case. For these reasons, the Board finds that the decision is in compliance with MCC 11.45.490.

¹⁸ (A)...[T]he arrangement of streets in a land division shall be designed to:

* * *

(3) *To assure the maximum possible preservation of slopes, vegetation and natural drainage."*

¹⁹ "(C) *Where a street layout affecting the proposed land division has been established by the Comprehensive Plan, a future street plan under MCC 11.45.160...the arrangement of streets in the land division shall conform to the established layout."*

e. **MCC 11.45.500 Street Design** ²⁰

Subsection (B) requires that the width, design and configuration of private streets in or abutting the land division comply with the Street Standards Ordinance. MCC 11.60.080 provides for a variance from the standards of Chapter MCC 11.60 (the Street Standards Ordinance) and its adopted rules. The Division of Transportation staff granted a variance to the applicant to the minimum development standards of street width and design (sidewalks and curbs), and the Board has affirmed that decision. Therefore, the Board finds that the proposal has complied with the Street Standards Ordinance, and this section has been satisfied.

f. **MCC 11.45.540 Sidewalks, Pedestrian Paths and Bikeways**²¹

Subsection (B) requires sidewalks on any private street that serves more than six dwellings. The street at issue is one of two access roads which branch off after a shared connection with S.W. Military Road. The lower branch serving the subject property heads south into the subject neighborhood. The tentative plan map shows that the upper branch heads west parallel to Military Road. The record shows it serves a subdivision approved in late 1994 (LD 10-93).

There is evidence in the record that this lower branch serves only four dwellings, on Tax Lots 14 (existing residence on subject property), 15 (the appellant's residence), 36 and 38. Residents on this branch do not use the other branch for access, and vice versa. During the February 14 hearing before the Board, the appellant himself stated that only four dwellings currently use the subject easements. This accounting is consistent the Hearings Officer's decision in LD 10-93, which did not require sidewalks on the upper branch of the access road because these four dwellings were not counted as served by the upper branch.

²⁰ *The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:*

* * *

(B) For a private street -- in accordance with the Street Standards Ordinance...."

²¹ *"(B) A sidewalk shall be required along any private street serving more than six dwelling units."*

For these reasons, the Board agrees with the applicant and the Hearings Officer that this private street currently serves four dwellings. The proposed partition would add two more dwellings, for a total of six. Because the standard does not require sidewalks until more than six dwellings are served, the Board finds that sidewalks are not required under this subsection, and that the application satisfies MCC 11.45.540.

g. **MCC 11.45.630 Streets, Sidewalks, Pedestrian Paths and Bikeways²²**

Under subsection (B), the code requires that any private street shall be improved in accordance with the Street Standards Ordinance. The Board agrees with the Hearings Officer's interpretation that this access is a private street. (See Final Order, Pages 5-6.) The Board also upholds the administrative variance of the SSC. (See discussion under the next section II.C of these findings.) Therefore, because the applicant has been granted a variance to street standards under Section 11.60.080 of that ordinance, the Board finds that the applicant has met this code provision.

MC 1-94/LD 13-94 CONCLUSIONS

For all of the reasons stated above, the Board finds that the applicant has satisfied the approval standards for these applications under Chapters 11.15 and 11.45 of the Multnomah County Zoning Ordinance, as detailed above and in the Hearings Officer's Final Order. The applications are hereby approved.

C. SPECIFIC FINDINGS FOR STREET STANDARDS VARIANCE

The Board has the authority to review the administrative variance to the standards and requirements of the Street Standards Code, under Section 04.100.d of the Street Standards Rules, which requires that we follow the applicable procedures of MCC 11.15.8260 through .8280. These are the normal procedures for land use appeals. Under MCC.11.15.8280, the Board may affirm, reverse or modify the

²² *"Any street, pedestrian path or bikeway shall be improved as follows:*

** * **

(B) In a private street -- in accordance with the Street Standards Ordinance."

appealed decisions.

The appellant did not raise the basic approval standard for the variance decision (SSC § 11.60.080.A²³) Nonetheless, the Board finds it important to set forth the standard and explain how the variance decision complies. The standard required for such a variance is that the variance is 1) in keeping with the intent and purpose of the SSC, and 2) that the variance will not adversely affect the fire access or the function of the street. The intent of the Street Standards Code is to implement and enforce the Comprehensive Plan. (MCC 11.60.020)

1. INTENT AND PURPOSE OF THE STREET STANDARDS CODE AND RULES

The Notice of Review alleges failure to comply with the intent and purpose of the Street Standards Code (SSC) and Rules. However, the appellant did not explain the reasoning in detail at the hearing. As described in Section 11.60.020, the intent of the SSC is "to implement and enforce" the Comprehensive Plan. That section also directs that interpretation of the code "shall be liberally construed to effectuate" the purpose, which is to implement and enforce the Plan. The Board finds that the intent of the Street Standards Code is met by compliance with the Comprehensive Plan, for the reasons discussed in the following section II.C.2.

2. COMPREHENSIVE PLAN POLICIES

The Notice of Review alleged that the variance decision did not comply with Plan Policies 24 and 34. Based on review of the record, and the testimony February 14, the Board finds that these applications comply with the following policies:

a. Policy 24 Housing Location

The Notice of Review alleges failure to comply with this policy in the street standards variance. However, the appellant did not explain the allegation in relation to the detailed standards found in this policy. The Board's findings on compliance with Policy 24 are found in

²³ "The requirements of this chapter or rules adopted under it may be varied by the director when written information substantiates that such requested variance is in keeping with the intent and purpose of the chapter and adopted rules, and the requested variance will not adversely affect the intended function of the street or other related facility."

Section II.B.c of these findings. Because the variance concerns only the street access to the subject property, we find that the variance decision must comply with only the access provisions of Policy 24, Section 2.A²⁴.

Under the Street Standards Rules, without the variance the private access street would require a 50-foot right-of-way, paving 24-32 feet wide, parking, sidewalks and curbs. The variance grants approval to a 20-foot wide street, without curbs, parking or sidewalks. The only reasonable way to address this issue is to examine whether the private street allowed under the variance can comply with Policy 24.

The appellant argued that the proposed narrow street and additional traffic would be unsafe, especially for children who play in the street. The applicant's traffic engineer has convincingly explained why this narrow street will be safe and adequate to serve the total of six dwellings. Her analysis parallels the considerations required under Section 2.A of Policy 24. Approval of the variance allows approval of the partition and the basic approval for two new dwellings. The traffic engineer testified that the two new dwellings will add of two vehicle trips during peak hour, for a total of six vehicle trips in peak hour. That is strong evidence that there will not be any traffic congestion on this private street. The engineer testified that vehicles on this street can be expected to travel at 15-20 miles an hour, and that there is adequate sight distance for safe driving decisions. This testimony convinced us that the street will continue to be safe for pedestrians, including children playing in the street, which was the appellant's main traffic concern.

As discussed in Section II.B.c of these findings, the Board agrees with the Hearings Officer's interpretation of "direct access." We find that the use of the existing private easements along with a new easement to serve the proposed parcels 2 and 3 provide the property with direct

²⁴ "A. Access

- (1) *Site access will not cause dangerous intersections or traffic congestion, considering the roadway capacity, existing and projected traffic counts, speed limits, and number of turning movements.*
- (2) *There is direct access from the project to a public street."*

access to a public road, S.W. Military Road. Thus the private street will connect directly to S.W. Military Road, a public street, in compliance with Section 2.A(2)

For these reasons, the Board finds that the administrative variance complies with Policy 24.

b. Policy 34 Trafficways²⁵

The Notice of Review alleges failure to comply with this policy in the street standards variance. However, the appellant did not explain the reasoning at the hearing. The basic tenant of this policy is to develop a safe and efficient traffic system using the existing road network. As discussed above, the variance allows minimal improvements to the existing street, to a total width of 20 feet.

The appellant testified that he is concerned that any additional traffic will make the street less safe than it is now. The applicant's traffic engineer testified that, even with the additional traffic from the two proposed dwellings, the street will be safe and adequate in terms of sight distance, capacity and operation. The engineer said that the narrow width of the street will keep traffic speeds low, and the two houses will generate only 2 additional vehicle trips during the peak hour. We understand the appellant's concern, but find that the proposed street will remain safe and efficient for neighborhood use, as required by this policy.

We also find that the street improvements that would otherwise be required for a private street are not necessary, under subsection (B) of this policy, for all the reasons discussed in granting this variance to the Street Standards Code. (See Section II.C of these findings.)

Subsection H of the policy authorizes a procedure for allowing variances from that

²⁵ *"The County's policy is to develop a safe and efficient trafficway system using the existing road network, and by:*

** * **

B. Improving streets to the standards established by the classification system, where necessary, and/or appropriate to identified transportation problems.

** * **

H. Implementing the Street Standards Chapter 11.60 and Ordinance 162, including adherence to access control and intersection design guideline criteria, and establishing a procedure for allowing variances from that ordinance."

ordinance. The applicant pursued such a variance to the street standards, in keeping with the intent of this policy. The administrative approval of the variance is also in keeping with this policy.

For these reasons, the Board finds that the variance decision complies with Policy 34.

3. THE VARIANCE WILL NOT ADVERSELY AFFECT THE FIRE ACCESS OR THE FUNCTION OF THE STREET.

The applicant provided a letter from the Lake Oswego Fire Marshall explaining that the proposed 20-foot wide street would be adequate for fire fighting if certain development standards are met. The conditions outlined by the fire marshal have been included word for word in the Hearings Officer's decision. The appellant's attorney alleged without detail that it is "not clear" whether the fire marshal's requirements are met by the conditions of approval in the Hearings Officer's decision. The only item mentioned in the letter that is not a condition of approval is the water flow testing. The record includes a subsequent communication from the Fire Marshall stating that there is adequate water flow for fire fighting. The Hearings Officer, the staff, the applicant and the Board have no problem understanding the fire marshal's requirements reflected in the conditions of approval. The Board finds that the fire marshal's concerns have been met with the conditions of approval in the Hearings Officer's decision.

The applicant has provided substantial evidence that the function of the street will not be harmed by the addition of two dwellings. The appellant did not offer any expert testimony to the contrary. We are persuaded that the street will continue to function as it does now, based particularly on the statement of the applicant's traffic engineer that the peak hour traffic on the street would increase from one vehicle every 15 minutes to one every ten minutes -- an increase of only two vehicles in the peak traffic hour.

At the February 14 hearing the appellant alleged that the variance should not be granted in this situation because more than a single property is involved in the access street. That issue is not related to the approval standard cited above because it does not relate to the function of the street.

For these reasons, we find that the staff decision to grant a variance to the street

standards satisfies the approval standard of Section 11.60.080, including the intent and purpose of the street standards code.

4. STREET STANDARDS RULES SUBSECTION 04.100 (VARIANCE PROCEDURES).

Section 04 authorizes variances from the standards and requirements of MCC 11.60 and the adopted rules. Subsection 04.100 requires that the request for a variance be made in writing (a), requires the applicant to supply data describing the situation that needs a variance (b), and requires the administration to respond with a written decision within 10 days receipt of the necessary data (c). The record includes a written request from the applicant (October 20, 1994), as required by (a), submitted with the necessary data required by (b). The administrative decision on the variance is not dated, but was issued prior to the November 17, 1994 hearing. Finally, under subsection 04.100(d), the Board is authorized to hear appeals from the Division of Transportation variance decision. Subsection (d) requires that an appeal must follow the applicable appeals procedure of MCC 11.15.8260 through .8280.

The appellant's attorney objected below that the appellant did not have enough time to respond to the administrative variance. The record shows that the Hearings Officer granted extra time for the appellant to respond to the variance decision, and the appellant subsequently filed an appeal with the Board pursuant to MCC 11.15.8260 through .8280, which was heard February 14. For these reasons, the Board finds that the appellant had adequate opportunity to respond to the Division's variance decision, and the appellant's objections were heard at a public hearing before the this Board. The Board finds that the appellant was therefore not prejudiced by the alleged procedural errors.

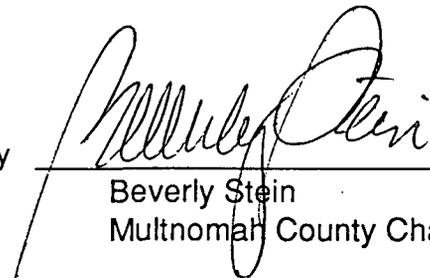
For these reasons, the Board finds that the variance decision complies with Section 04.100.

VARIANCE CONCLUSION

For the reasons stated above, the Board finds that the variance decision by the Division of Transportation satisfies the approval standards of SSC § 11.60.080.A, and is hereby affirmed.

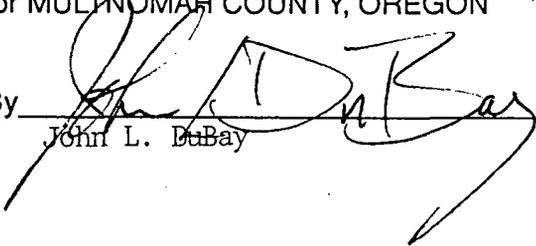
ADOPTED THIS 4th day of May, 1995,



By 
Beverly Stein
Multnomah County Chair

REVIEWED:

JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By 
John L. Dubay

BEFORE THE LAND USE HEARINGS OFFICER
FOR MULTNOMAH COUNTY, OREGON

Regarding an application by Gran)
Marque, Inc. for a 3 lot partition)
and use of a private easement for)
access to the partition, located at)
01400 S.W. Military Road, in)
unincorporated Multnomah)
County, Oregon)

FINAL ORDER
MC 1-94/LD 13-94

I. SUMMARY OF THE REQUEST

A. LAND DIVISION

The applicant seeks to partition the site into three parcels. The existing site contains approximately 3.60 acres. Proposed Parcel 1 has an existing single family dwelling and will contain approximately 62,460 square feet. Parcels 2 and 3 are currently vacant and contain approximately 37,280 and 44,238 square feet, respectively.

B. ACCESS BY EASEMENT

The site does not currently abut a public road. The existing house on Parcel 1 has access to S.W. Military Road via a set of existing private easements. Access to Parcels 2 and 3 is proposed via an easement along the northern edge of the site that would connect to the existing private easements previously mentioned.

II. HEARING AND RECORD

The initial public hearing on these applications was held on July 20, 1994. At that hearing, testimony was presented by the applicant and by neighboring property owners concerning the application. At the close of the hearing, the Hearings Officer kept the record open until August 24, 1994, to allow the applicant to respond to testimony from the opponents and to allow for written rebuttal testimony. Subsequently, the applicant requested a continuance in order to initiate a variance from certain provisions of the County Street Standards Code. The Hearings Officer issued an Intermediate Ruling granting the applicant's request. The Intermediate Ruling also re-opened the hearing to allow for further public testimony concerning the relevance of the variance request, and to allow the Hearings Officer

to pose questions to the parties based upon the additional information that had been submitted since the last hearing in July.

A hearing was held on November 17, 1994 where the parties presented additional testimony concerning the relevance of the variance, and responded to questions raised by the Hearings Officer. The written record was left open until November 30, 1994 in order for the parties to submit final rebuttal memorandums.

III. FINDINGS

The Hearings Officer adopts and incorporates by reference the findings of fact as contained in the November 17, 1994 staff report, beginning on page 8 of that report and concluding on page 19 of that report (attached as Exhibit 1), except to the extent expressly modified or supplemented below.

IV. DISCUSSION

A. LAND DIVISION

1. Conformance With Comprehensive Plan Policies

Policy 24 (Housing Location) § 2(A)(2) requires that minor residential projects have "direct access from the project to a public street." The proposed lots have direct access to Military Road, a public street, by way of a set of private easements which burden three underlying tax lots. From these existing easements, the applicants are proposing the extension of an additional easement to serve parcels 2 and 3. Therefore, the Hearings Officer finds that the project has direct access to a public street (Military Road) via the private easements described.

2. Conformance With MCC 11.45.490 (Street Layout)

This section requires the arrangement of streets in a land division to be designed as follows:

- "1. To conform to the arrangement established or approved in adjoining land divisions."

Findings. The Hearings Officer finds that the parent parcel, and other adjoining parcels in the area, were laid out in such a manner so as to be served by the private easements which currently serve these parcels. The existing private easements are the only viable access to the parent parcel and to the other parcels they currently serve. The

applicant's proposal to create additional parcels that would be served off the existing easements reasonably conforms to the arrangement established by adjoining land divisions. Therefore, this criteria is met.

"2. To continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land."

Findings. The Hearings Officer finds that in this case, it is not necessary to continue the easement (private street) to the boundary of adjoining land, because additional development to the west is not contemplated. Therefore, there is no need to extend the private street easement beyond where it is proposed to be located.

"3. To assure the maximum possible preservation of existing slopes, vegetation and natural drainage."

Findings. The Hearings Officer finds that the path of the new easement can be built so as to maintain reasonable distances from significant slopes, vegetation or natural drainage patterns. The Hearings Officer agrees with the conclusions set forth in the May 17, 1994 letter from the applicant's arborist which indicated that the large trees and row of Poplars along the northern portion of the property can be avoided by meandering the easement. Therefore, the proposed access and site layout can assure the maximum possible preservation of existing vegetation.

Proposed Parcel 2 contains a small pond and some slopes and Parcel 3 contains more significant slopes. A report from geologist David Rankin adequately addresses the suitability of Parcels 2 and 3 for residential construction and discusses how erosion and drainage issues can be dealt with in the future development of these parcels. Additional review by the County will be required prior to development to consider specific proposals for erosion control for any hillside development. Therefore, the Hearings Officer concludes that this criteria can and will be met subject to further review by the County, as required in the conditions of approval.

"4. To limit unnecessary through traffic in residential areas."

Findings. The Hearings Officer finds that the additional traffic that will be attracted and generated by the proposed development will not be "through traffic", because the local roadway system (i.e. the private easements) do not create an opportunity for through traffic. Therefore, this criteria is met, to the extent it applies.

"5. To permit surveillance of street areas by residents and users for maximum safety."

Findings. The Hearings Officer finds that the lay of the land and the nature of surrounding development permits adequate surveillance of the street area by residents and users. Therefore, this criteria is met.

"6. To assure building sites with appropriate solar orientation and protection from winter wind and rain."

Findings. The proposed land division satisfies the solar access provisions of the zoning ordinance as detailed in the staff report. The size of the building sites and the relatively protected nature of the area provide reasonable assurances that the site will be protected from winter wind and rain.

"7. To assure stormwater drainage to an approved means of disposal."

Findings. The Hearings Officer finds that there is substantial evidence in the record that it is technically feasible to provide hardline drainage as called for in the geotechnical report prepared by Applied Geotechnical, Inc. The August 23, 1994 letter from David Bick of DEA confirms this technical feasibility and suggests additional temporary erosion control measures that may be required. Therefore, this criteria is met, because the evidence in the record demonstrates that it is technically feasible to assure adequate stormwater drainage to an approved means of disposal. The off-site disposal location of the stormwater will be reviewed and approved by the County Engineer.

"8. To provide safe and convenient access."

Findings. The issue of safe and convenient access has been the subject of considerable testimony in this case. The Hearings Officer finds that the relatively low traffic volumes on the local street system, plus the traffic from this additional development (approximately 20 vehicle trips per day) will not jeopardize the safety or convenience of the roadways in this area. Furthermore, the evidence indicates that the narrowness of the street effectively slows vehicle speeds. Evidence in the record indicates that vehicle speeds of 30 miles per hour can be expected. The Hearings Officer also finds that there is adequate sight distance along these easements so long as vehicle speeds do not exceed 30 miles per hour.

Given the above mentioned conditions (low volumes, low speeds and adequate sight distances), the Hearings Officer finds that pedestrian and vehicular access will be safe and convenient. Therefore, MCC 11.45.490(8) can be met.

3. MCC 11.45.540(B) (Sidewalks, Pedestrian Paths and Bikeways)

This section of the code requires that sidewalks shall be required in urban area public streets in accordance with provisions of the Street Standards ordinance. Subsection (B) requires that:

"A sidewalk shall be required along any private street serving more than six dwelling units."

The Hearings Officer finds that the proposed access will only serve six dwellings, namely one dwelling each on Tax Lots 36, 15, 38, and the three proposed dwellings on Lot 14. The opponent has argued that access to Lot 9 is also provided by this set of easements. As the applicant points out, Lot 9 is served by a different branch of the easements as authorized in LD 10-93. MCC 11.45.540(B) was not triggered by the four dwellings on the south branch of the easement even though MCC 11.45.540(B) was in effect at that time. Sidewalks were not required in that case. The Hearings Officer finds that the main branch of the easement serving Lot 14 will serve only six dwellings and therefore that the sidewalk requirement contained in MCC 11.45.540(B), does not apply. However, as noted below, the Street Standards Code applies in this case and it requires sidewalks, unless a variance from those Standards are granted. Therefore, sidewalks would be required, unless or until a variance is obtained.

4. Site Suitability (MCC 11.45.460, MCC 11.45.470 and MCCP Policy 14)

The applicant has responded to these criteria with expert testimony from a registered geologist and engineer, and with testimony from a planner. The Hearings Officer has reviewed this evidence and has considered all contrary evidence and testimony submitted by the opponent. The Hearings Officer finds that the conclusions reached by the applicant's engineer as supplemented by the planner's analysis adequately establish that the site is not unsuitable nor incapable of being made suitable for the intended residential uses due to any of the characteristics set forth in the various provisions of the ordinance. Geologist David Rankin specifically addressed the suitability of Parcels 2 and 3. Mr. Rankin detailed how the erosion and drainage issues can be dealt with in developing these parcels. The report concludes that Parcels 2 and 3 are suitable for residential structures. Mr. Rankin's August 3rd letter further details his site suitability review and specifically responds to Mr. Redfern's report which was previously submitted by the opponent. With regard to the specific criteria in § 11.45.460 and § 11.45.470, the Hearings Officer incorporates and adopts by reference the statements of Robert W. Price as contained in his 3-19-94 rebuttal memorandum (attached as Exhibit 2).

B. ACCESS BY EASEMENT

There has been considerable evidence and testimony submitted concerning the applicability of various standards and requirements in the Street Standards Code (SSC) and how those requirements apply to the subject application. As Mr. Nelson correctly notes in

his November 23 memorandum, the standards and requirements in the Street Standards Code apply to this application. The Hearings Officer agrees with Mr. Nelson's conclusion that the requested private access must be considered to be a "private street" for purposes of this subdivision application, pursuant to the SSC. This private access does not qualify as "private driveway" because it provides access to more than one lot or parcel. (See MCC 11.45.010(Z).) Furthermore, the private access does not qualify as a "accessway" as defined in MCC 11.45.010(A) because it is part of a lot or parcel and it provides access to more than one lot or parcel. Rather, the proposed private access meets the definition of a "private street" in § 11.45.010(AA). That section defines "private street" to mean "a street which is either a private driveway or an accessway which is under private ownership and which passes through or along side the full length or width of a separate lot or parcel either existing or proposed." Since the proposed easement and the existing easement pass along side the sides of the relevant lots, the easement is a "private street" for purposes of § 11.45.

This private street as proposed by the applicant also meets the definition of a "local street," as set forth in the Street Standards Code. The definition of "local street" as set forth in § 3.100(a) indicates that local streets "provide access to abutting property and do not serve to move through traffic. They may be further classified by adjacent land use such as residential, commercial and industrial, and widths will reflect the needs of the adjacent uses." In this case, Table 5.1 (from the Street Standards Code and MCC Chapter 11.60) indicates that local residential streets require a right of way width of 50 feet, a pavement width of between 28 and 32 feet and requires curbs and sidewalks. Therefore, the Hearings Officer concludes that the Street Standards Code will require this private local street to comply with the County's right of way width, pavement width and other requirements, unless a variance from those standards is lawfully granted.

The applicant has requested a variance from the County Street Standards requirements. As part of the County's decision on the variance (attached as Exhibit A to the November 17, 1994 staff report and attached as Exhibit 3 for reference here), Mr. John Dorst, with the County's Transportation Department, concluded that based upon his interpretation of the code, the applicant is not required to comply with street standards that were written only to control "typical local street(s)." The Hearings Officer disagrees with staff's analysis in this regard. As noted by Mr. Nelson, the Board of Commissioners has recently amended the Land Division Ordinance to make the Street Standards Ordinance applicable to private streets. Also, § 11.60.030 of the SSC indicates that the Street Standards Code is applicable not only to all public roads, but also to "all easements or accessways which may be required by (sic) Multnomah County Code. Finally, the proposed access by easement clearly falls within the definition of a "private street" found in § 11.45.010(AA). Therefore, in order to subdivide and develop the site, the applicant's proposed private easement and the existing private easements that will be used to access the site, will be required to meet the requirements of the County Street Standards Code as set forth in Table 5.1, unless or until the applicant obtains a variance from those provisions.

C. EFFECT OF THE COUNTY'S VARIANCE DECISION

The merits of the variance decision issued by Mr. John Dorst are not before the Hearings Officer. One of the primary purposes for reopening the hearing in this case was to discuss the relevance of the County's variance decision. As noted by Mr. Dorst on page 3 of his decision, Table 5.1 of the Street Standards Code calls for a 50 foot right of way width, 28 to 32 foot pavement width, parking on both sides, curbs and sidewalks for local residential streets. Since the applicant is not proposing any of these improvements, the applicant must seek and receive a variance from all of these standards, in order for his proposed access to be acceptable. Mr. Dorst's decision, at page 10, concluded that the criteria for granting a variance were met. Mr. Dorst therefore granted the applicant a variance, by reducing the amount of right of way width from 50 to 20 feet, deleting the requirement for curbs, sidewalks and parking, and adjusting the required pavement width to 20 feet, as approved by the Fire Marshall.

The Hearings Officer concludes that to the extent this variance decision becomes final, it would allow the applicant to develop the property using the access he is currently proposing. Therefore, the Hearings Officer concludes that since the applicant has sought the required variance and has received tentative approval for the variance, it is reasonable to condition approval of these actions on obtaining a final decision granting that variance. In the alternative, the SSC requirements will apply.

If the SSC requirements apply, development of the site may not be possible. In any event, the applicant has not demonstrated whether it is able to meet the requirements of the SSC, and if so, whether it will still be able to meet the other approval criteria.

For instance, if the easement required by the SSC is to be 50 feet wide, and the required improved is 28 feet wide, plus curbs and sidewalks, these improvements may well impact the applicant's ability to meet various partition approval criteria.

Therefore, unless the applicant receives a final decision approving the requested variance, the partition and request for alternative access must be denied. However, since applicant has received administrative approval of the necessary variance, the decision can be conditioned upon final approval of that variance. If the variance is ultimately denied, the applicant will not be able to proceed to final plat approval, because the condition requiring final variance approval would not be met.

D. PROCEDURAL ISSUES

In Mr. Nelson's November 23 memorandum, he alleges that his client was entitled to a continuance of the November 17 hearing because he did not receive the supplemental staff report and the accompanying variance decision until November 15, 1994, two days prior to the hearing. Mr. Nelson cites the Hearings Officer to ORS 197.763(4) for the proposition

that the failure of his client to receive the staff report in a timely way entitled his client to a continuance of the hearing. The Hearings Officer denied Mr. Nelson's request for continuance, but allowed him to submit additional written rebuttal, by November 30.

The Hearings Officer finds that by its terms, ORS 197.763(4)(b) requires the staff report used at the hearing to "be made available at least 7 days prior to the hearing." The fact that Mr. Nelson did not receive the staff report until November 15, 1994 is irrelevant. The statute only requires that the staff report "be made available at least 7 days prior to the hearing."

Even if a procedural violation of ORS 197.763 occurred, the opponent has not alleged any substantial prejudice as a result of the Hearings Officer's alleged failure to grant a continuance. The opponent was provided with an opportunity to submit additional written testimony concerning issues that the Hearings Officer determined to be relevant to the proceeding. Therefore, since the opponent was afforded an opportunity to review the staff report for at least 7 days, and was given an opportunity to submit written rebuttal, no prejudice has occurred.

Finally, at the November 17 hearing, the opponent reraised an issue concerning the validity of the applicant's right to use the easement on Tax Lot 9 for the benefit of all three proposed parcels. The Hearings Officer determined that this issue was beyond the scope of the hearing. As noted in the Hearings Officer's Intermediate Ruling of September 19, 1994, the hearing was re-opened solely for the purpose of receiving evidence concerning the variance requested by the applicant. In addition, the Hearings Officer indicated that he intended to ask questions regarding other information contained within the record. The Hearings Officer indicated at the hearing that the legality of the easement was not within the Hearings Officer's jurisdiction to decide, and that this issue could be argued in an appropriate forum if it was in dispute. Therefore, the Hearings Officer declined the opponent's request to offer rebuttal testimony or evidence on that issue, because it had been determined that the issue was beyond the scope of the hearing.

IV. CONCLUSIONS

The Hearings Officer finds that LD 13-94 and MC 1-94 should be approved because the requests can do or comply with the applicable approval criteria, provided that the conditions of approval set out below are complied with.

V. DECISION

MC 1-94 and LD 13-94 are approved, subject to the following conditions:

1. Approval of this Tentative Plan shall expire one year of the effective date of this decision unless either the partition plat and other required attachments are delivered to the Planning and Development Division of the Department of Environmental Services or an extension is obtained from the Planning Director pursuant to MCC 11.45.420. The partition plat shall comply with ORS Chapter 92 as amended. Please obtain applicant's and surveyor's *Instructions for Finishing a Type I Land Division*. Make the following revision to the partition plat:

2. The applicant shall obtain a final decision from the County granting a variance from the street standards set forth in table 5.1 of the SSC. So long as the variance is granted, the following street standards shall apply, unless otherwise amended or supplemented by the County's variance decision:

A. Existing Street Running South from Military Road

Provide improvement of the private local street south of Military Road to a minimum of 20 foot wide unobstructed paved surface. The extent of the improvement shall include the street to the beginning of driveway turnaround at 01404 S.W. Military Road.

B. Proposed Street Serving Parcels 2 and 3

The proposed street shall have a 20-foot wide unobstructed paved surface to a point where the furthest wall of the furthest structure on the property is not more than 150 feet to the proposed street. The street shall be reduced to a width of 12 feet with the furthest wall of the furthest structure is less than 150 feet from the street.

C. Turnarounds

A turnaround shall be provided for the access road/driveway to Parcels #2 and #3. Turnaround requirements shall comply with items #5 and #6 of the Multnomah County minimum design standards. Where cul-de-sacs with unpaved areas or islands are used, the following minimum turning radii shall be provided:

Outside front wheel radius of fifty (50) feet; inside rear wheel radius of twenty-five (25) feet.

D. Grades

Maximum grade shall not exceed 15 percent and maximum cross slope not to exceed 8 percent.

E. **Curvature**

Approach turns to the street serving Parcels 2 and 3 from the existing street shall be designed to accommodate standard fire apparatus.

F. **Parking**

Where parking of vehicles would diminish the minimum 20 foot wide fire access, no parking signs shall be required or additional widening of the street shall be required to accommodate the parking.

G. **Fire Lane Declaration**

The portion of the proposed street from the existing street that is required to be a fire lane should be so noted as a legal declaration of "Fire Lane" on the plat or other recorded documents.

H. **Hydrants**

Hydrants shall be located at intersections and at intervals of no more than 500 feet from intersections in major development. For major or minor partitions which create a new lot or lots, a hydrant shall be no further than 1,000 feet from any of the lots, nor more than 300 feet to the face of the structure. A new hydrant is recommended on the proposed access road/driveway approximately 250 feet from the intersection at Aventine Circus.

I. **Water Lines**

An 8 inch water line is recommended to serve the proposed new hydrant near the intersection of Aventine Circus on the proposed new access road/driveway. Extent of new 8 inch water line would be approximately 250 feet.

J. **Addressing**

Addressing will comply with the Uniform Building Code.

K. **Final Note**

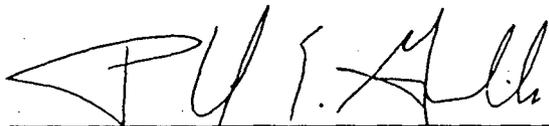
When completed, hydrant flows will determine the number, spacing of fire hydrants required for this project.

Requirements involving Multnomah County Design Standards, the Uniform Fire Code, and the Uniform Building Code (i.e. addressing) are mandatory. All other requirements listed in this document are highly recommended to provide optimum safety in access and fire fighting/rescue/emergency medical capability for responding fire, medical units.

3. Before the Planning Director signs the partition plat, the applicant shall comply with MCC 11.45.680 by executing and filing with the County Engineer an agreement with the County, which shall include:
 - A. A schedule for the completion of required road improvements described in Condition 2 or 3 above, as the case may be;
 - B. Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and workmanship in the improvements required by this Chapter against defects for a period of 12 months following the acceptance by the County Engineer of the engineer's report described in Condition 6 below; and
 - C. A surety bond, executed by a surety company authorized to transact business in the State of Oregon, or a certified check or other assurance approved by the County Counsel, guaranteeing complete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the improvements as estimated by the County Engineer.
4. Before any construction, site clearing, road building, or grading, obtain a Hillside Development or Grading and Erosion Control Permit pursuant to MCC 11.15.6700-.6730 if applicable. Compliance with the hillside development/grading and erosion control requirements shall be determined by the Planning Director. The decision by the Director shall include notice and opportunity for a hearing before a Hearings Officer as provided in ORS 215.416(11). Contact the Planning Division at 248-3043 for information.
5. Before the issuance of occupancy permits for dwellings on either Parcel 2 or Parcel 3, provide the Planning Director and the County Engineer with an engineer's report certifying that the private access road that will serve Parcels 2 and 3 has been constructed to the specifications shown in the plans prepared for said road.

6. In conjunction with issuance of building permits for either parcel construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600. Plans for the retention and/or control facilities shall be subject to approval by the County Engineer with respect to potential surface runoff on the adjoining public right-of-way.
7. Before submitting the partition plat, demonstrate approval of a Property Line Adjustment to recognize the 1973 acquisition of the westerly .38 acre of Parcel 3 by the former owner of the subject site.
8. Before the Planning Director signs the final partition plat, provide a copy of the final plat that shows the location of the existing buildings on Parcel 1. Show the surveyed distance from the north and west lines of Parcel 1 to the closest building. To avoid delays, submit this item when you submit the partition plat.
9. Before the Planning Director signs the partition plat, provide a copy of the partition plat that shows the building setback lines (building envelopes) for each new vacant lot. The correct setbacks are 30 feet front, 10 feet side and 30 feet rear. To avoid delays, submit this item when you submit the partition plat. NOTE: The building envelope can be drawn on the same copy of the plat as the setback information required in Condition #7.

It is so Ordered this 23rd day of December, 1994.



Phillip E. Grillo
Hearings Officer

Findings Of Fact (LD 13-94)

1. Applicant's Proposal:

The Land Division Request: Applicant proposes to divide a land containing 3.60 acres into three parcels. Parcel 1 has an existing single-family dwelling and would contain 62,460 Square feet. Parcels 2 and 3 are vacant and would contain 37,280 and 44,238 square feet, respectively,

The Access by Easement Request: The site does not abut a public road. The existing house on Parcel 1 has access to SW Military Road over an existing easement that serves nine other parcels in addition to the subject site. Access to Parcels 2 and 3 is proposed by way of an easement that the applicant would provide along the north edge of the site as shown on the Tentative Plan Map.

Previous Hearing: The first public hearing for the subject application was held on July 20, 1994. At that hearing, testimony was presented by the applicant and by neighboring propriety owners. At the close of the hearing, the Hearings Officer kept the record open to August 24, 1994 to allow for the applicant to respond to testimony from opponents, and to allow for opponents to rebuts that testimony. Subsequently, the applicant applied to the Transportation Division for a variance from the provisions of the County Street Standards Ordinance (MCC 11.60) with respect to right-of-way width, pavement width and provision of curbs and sidewalks for the easement road. The Hearings Officer advised that the public hearing should be re-opened to allow for public testimony concerning the Transportation Division decision on the variance request. The decision of the Transportation Division staff is attached to this Staff Report as Exhibit A and incorporated by reference hereto.

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

- A. The site is on the south side of SW Military Road and east of SW Terwilliger Boulevard. The northeast corner of the site is about 300 feet south of Military Road. The west edge of the site is about 400 feet east of Terwilliger Boulevard. Land to the west and south consists of a 6.5-acre parcel that fronts on Terwilliger. The 5-lot Tryon Vista subdivision adjoins the site on the north. The H. L. Corbett Estates subdivision adjoins the site to the south. To the east are two parcels containing .5 and .69 acre respectively. In addition to the subject site, the easement road immediately east of the site provides access from Military Road to nine lots and parcels. The easement road intersects Military Road generally opposite the point where SW Avenine Circus intersects Military Road
- B. **Future Street Plan:** The subject site is within an area for which a Future Street Plan was adopted in 1993 as part of the approval of the Tryon Vista subdivision (Land Division case LD 10-93).
- C. **Slope:** Portions of Parcel 3 contain slopes exceeding 40 percent. However, there are areas of Parcel 3 with slopes under 20 percent where a residence could be located. A letter from Engineer David K. Rankin dated March 25, 1994 outlines a preliminary geotechnical reconnaissance of the site and concludes that Parcels 2 and 3 are "suitable for residential structures" but cautions that development "must be sensitive to the delicate state of the slope equilibrium that apparently exists." A condition of approval requires that a Hillside Development and Grading and Erosion Control Permit be obtained before building permit issuance pursuant to MCC 11.15.6700..

EXHIBIT # 1

3. Land Division Ordinance Considerations (MCC 11.45)

- A. The proposed land division is classified as a Type I because it is "[A] . . . *partition associated with an application affecting the same property for any action proceeding requiring a public hearing . . .*" [MCC 11.45.080(D)]. The proposed land division is associated with an application to use an easement as a means of access to a proposed lot that will not have any frontage on a dedicated public road. This staff report addresses the application for access by easement under Decision # 2 (MC 1-94).
- B. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:
- (1) *The Tentative Plan is in accordance with the applicable elements of the Comprehensive Plan; [MCC 11.45.230(A)]*
 - (2) *Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances; [MCC 11.45.230(B)]*
 - (3) *The Tentative Plan or Future Street Plan complies with the applicable provisions, including the purposes and intent of this Chapter; [MCC 11.45.230(C)]*
 - (4) *The Tentative Plan or Future Street Plan complies with the Zoning Ordinance or a proposed change thereto associated with the Tentative Plan proposal; [MCC 11.45.230(D)]*
 - (5) *If a subdivision, the proposed name has been approved by the County Surveyor and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "Town", "City", "Place", "Court", "Addition" or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed; [MCC 11.45.230(E)]*
 - (6) *The streets are laid out and designed so as to conform, within the limits of MCC 11.45.490 and 11.45.500 and the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; [MCC 11.45.230(F)] and*
 - (7) *Streets held for private use are laid out and designed so as to conform with MCC 11.45.490 and 11.45.500 and the Street Standards Ordinance are and are clearly indicated on the Tentative Plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon. [MCC 11.45.230(G)]*

(8) *Approval will permit development to be safe from flooding and known flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood water into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:*

(a) *The infiltration of floodwater into the system; and*

(b) *The discharge of matter from the system into flood waters [MCC 11.45.230(H)]*

4. Response to Type I Land Division Approval Criteria

A. Applicable Elements of the Comprehensive Plan: The following Comprehensive Plan Policies are applicable to the proposed land division.:

(1) Policy No. 13, Air, Water, and Noise Quality:

Applicant's Response: "It is expected that the three parcels will support three single-family dwellings. There is currently one single-family dwelling on the property. The three parcels are large, vegetated, and capable of handling stormwater run-off through surface percolation or dry well construction. Sanitary sewer laterals are present in the easements + accessing the site from S.W. Military Road. Water will be provided by the Palatine Hills Water District, and the partition will pose no threat to water quality. Air and noise quality will be unaffected by the addition of two dwellings to this residential area."

Staff Comment: No significant impact on air pollution will result from the two additional dwellings allowed by the proposed land division. The County Sanitarian has verified that public sewer is available to the site. For these reasons and those stated by the applicant, the proposal satisfies Policy 13.

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

Applicant's Response: "The site is characterized by slight to severe slopes, ranging from five to over 40 per cent. The steepest portion of the site is on Parcel 3, where the grounds slopes steeply to the west. However, there is an adequate building site on much flatter ground in the in northeast corner of Parcel 3. The remaining parcels are relatively flat in comparison and will not pose any geologic threat. The site is not located in the 100-year flood zone and is not in an earth movement area. Surface run-off can be handled by dry wells unless otherwise indicated by the County Engineer."

Staff Comment: Surface run-off will be handled by on-site water retention and/or control facilities to be approved by the County Engineer. Part of the site is in a hazard area as identified on the County's Slope Hazard Map. Development on the site will be subject to compliance with the

Hillside Development and Grading and Erosion Control requirements in MCC 11.15.6700. For these reasons and those stated by the applicant, the proposal satisfies Policy 14.

(3) Policy No. 16, Natural Resources:

Applicant's Response: "The applicant's response to this policy is found in the attached letter from Lawrence Devroy, Natural Resources Manager for David Evans & Associates. Devroy concludes that 'policy 16 of Multnomah County does not apply to this parcel since there are no significant natural resources found upon it.'"

Staff Comment: Mr. Devroy's letter is part of the case file and is incorporated in this staff report by reference. Staff concurs with Mr. Devroy's statement and concludes that Policy 16 is not applicable.

(4) Policy No. 22, Energy Conservation: This policy requires a finding that the following factors have been considered:

- (a) *The development of energy-efficient land uses and practices;*
- (b) *Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers.*
- (c) *An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;*
- (d) *Street layouts, lotting patterns and designs that utilize natural environmental and climate conditions to advantage.*
- (e) *Finally, the county will allow greater flexibility in the development and use of renewable energy resources.*

Applicant's Response: "Structures erected on the created parcels will be oriented, to the extent feasible, to take full advantage of solar radiation. The terrain and the shape of the parcels will limit somewhat the placement and orientation of the buildings. The partition will lead to construction of two new dwellings; the third parcel already supports a dwelling."

Staff Comment: Staff concurs with the applicant's statement. The proposal satisfies Policy 22.

(5) Policy No. 35, Public Transportation:

Applicant's Response: "The applicant has reviewed this policy and has found that it is primarily not applicable to this application."

Staff Comment: While staff agrees with the applicant's statement the Policy 35 is not "primarily" applicable to the proposed land division, Tri-Met Line #39 does provide service between Lewis & Clark College and downtown Portland on SW Palatine Hill Road about .5 mile north of the

site. Line #35 provides service between Oregon City, Lake Oswego and downtown Portland on SW Macadam Avenue about .75 mile east of the site.

- (6) Policy No. 37, Utilities: This policy requires a finding that water, sanitation, drainage and communication facilities are available:

Water And Disposal System

A. *The proposed use can be connected to a public sewer and water system, both or which have adequate capacity; or*

B. *The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or*

C. *There is an adequate private water system, and the DEQ will approve a subsurface sewage disposal system on the site; or*

D. *There is an adequate private water system, and a public sewer with adequate capacity.*

Drainage

E. *There is adequate capacity in the storm water system to handle the run-off; or*

F. *The water run-off can be handled on the site or adequate provisions can be made; and*

G. *The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.*

Energy and Communications

H. *There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and*

I. *Communications facilities are available.*

The proposal satisfies Policy 37 for the following reasons:

Water and Sanitation:

Applicant's Response: *"The Palatine Hill Water District has verified that water service is available to the property from a six-inch line in the 30-foot right-of-way serving the current residence. The County Sanitarian has identified sanitary sewer laterals in the 30-foot easement serving the parcels from S.W. Military Road. According to Rod Dildhouse of Multnomah County, the lateral can adequately serve the parcel without creating capacity*

problems. The existing residence has been connected to the sanitary lateral since 1969."

Staff Comment: For the reasons stated by the applicant, the proposal complies with Item A of Policy #37.

Drainage:

Applicant's Response: "Surface run-off can be handled by dry wells unless otherwise indicated by the County Engineer."

As a condition of approval, the applicant will be responsible for constructing storm water retention facilities that will maintain pre-development flows for off site runoff. The applicant will perform a limited hydrology study to consider how the retention system will affect peak runoff for the immediate watershed. The applicant plans to provide storm water quality by the installing sump style storm water inlets and manholes to allow for settling of suspended material. Subject to that condition, the proposal is consistent with Items E through G above

Energy and Communication:

Staff Comment: Portland General Electric provides electric power, Northwest Natural Gas Co. provides gas service and US West Communications provides telephone service. The proposal satisfies Items H and I above.

- (7) **Policy No. 38, Facilities:** The property is located in the Riverdale School District. Comments by the district do not indicate any inability to accommodate student enrollment from houses located on the subject property. Multnomah County Fire District #11 provides fire protection through a contract with the Lake Oswego Department of Fire Services. At the July 20, 1994 hearing, the applicant provided the Hearings Officer with written comment from the Department of Fire Services confirming that there is adequate water pressure and flow for fire-fighting purposes. The department has provided comments setting forth its requirements for the design of the easement road serving the site. The Multnomah County Sheriff's Office provides police protection and has stated that there is an adequate level of police service available for the area

- (8) **Policy No. 40, Development Requirements:**

Applicant's Response: "Policy 40.A requires a finding pedestrian and bicycle path connections will be dedicated where appropriate and where designated in the county program and map. The site is not located in an area which is so designated, and there is no existing pedestrian and bicycle pathway connecting to recreation areas or community facilities. The dedication should not be required in this case.

Policy 40.B requires a finding that landscaped areas with benches will be provided in commercial, industrial and multiple family developments. This is a single family development, and the landscaped areas should not be required.

Policy 40.C requires a finding that areas for bicycle parking be required in development proposals, where appropriate. The proposal will lead to the construction of two new single family dwellings. It is not necessary or appropriate to require bicycle parking facilities in such development."

Staff Comment: Staff concurs with the applicant's statement. The proposal satisfies Policy 40.

B. Development of Site or Adjoining Land [MCC 11.45.230(B)]:

Applicant's Response: "Approval of this partition will not restrict access to or development of adjoining property. Access to the proposed parcels is via private easements in accordance with MCC 11.15.2844(G). The proposed partition is in compliance with the future street plan approved in LD 10-93. For these reasons, the proposal complies with this approval standard."

Staff Comment: Staff concurs with the applicant's statement. Approval of the current proposal will not affect access to or development of adjacent properties. Adjacent land to the west has access to SW Terwilliger Boulevard and can be developed in accordance with the Future Street Plan adopted in 1993 as part of the approval of the Tryon Vista subdivision (LD 10-93). Other adjacent land has been divided to the extent possible under current zoning. For these reasons, the proposal satisfies MCC 11.45.230(B).

C. Applicable Provisions of Land Division Ordinance [MCC 11.45.230(C)]

Applicant's Response: "The purpose of Chapter 11.45 is to protect property values and further the public health, safety and welfare of county residents. The intent of the chapter is to minimize street congestion, secure safety from fire and geologic hazards, provide for adequate air and light, prevent overcrowding of land and to facilitate the provision of adequate public services. This proposal will enhance property values by creating infill opportunity on large residential parcels. The addition of two single-family dwellings will have little impact on the use or value of neighboring properties in the Dunthorpe area. The development would secure the large parcel low density and minimize the impact on crowding on streets or land.

The applicant's property has been approved by the County Sanitarian as having available sanitary sewer service. The water provider has indicated that service is readily available. Slopes on Parcel 3 are severe, but pose no geologic threat, as the preferred building site is in the northeast corner of Parcel 3 on flatter ground. Steeper slopes will remain undisturbed. (See statement of applicant's engineer.) Two additional homes on large parcels will have little impact on existing services and facilities to this low-density residential area. The new parcels can be served without utility extensions or creation of new streets or overloading current facilities. The availability of light and air will not be significantly changed by the addition of two single family residences. Much of the property will remain wooded.

For these reasons, the proposed partition complies with the intent and purpose of the Land Division Ordinance. For reasons stated throughout this application, the proposal complies with other applicable provisions of Chapter 45."

Staff Comment:

- (1) The size and shape of the proposed parcels meet the area and dimensional requirements of the R-30 zoning designation. The lots are adequate to accommodate single-family residences that satisfy yard setback, height, lot coverage and solar access requirements in the R-30 zone without the need for variances from those setback, height, lot coverage and solar access requirements. Under these circumstances, overcrowding will not occur.
- (2) The finding for Plan Policies 37 and 38 address water supply and sewage disposal, and education, fire protection and police protection, respectively. For the reasons stated in those findings, the proposal furthers the health, safety, and general welfare of the people of Multnomah County.
- (3) The proposal minimizes street congestion by requiring improvements for the existing private easement road that runs from the subject site north to Military Road.
- (4) The findings for Plan Policies 37, 14 and 13 address fire protection, flood and geologic hazards, and pollution, respectively. For the reasons stated in those findings, the proposal would secure safety from fire, flood, geologic hazard, and pollution.
- (5) The proposal meets the area and dimensional standards of the requested R-30 zoning district as explained in Finding 4.D below. Residential development on newly created lots will be required to comply with applicable R-30 setback, height, lot coverage and solar access requirements. In meeting those requirements, new development will provide for adequate light and air and prevents the overcrowding of land.
- (6) The finding for Decision #2 (MC 1-94) and for Plan Policies 35 and 36 address streets and public transportation. The finding for Policies 37, 14 and 38 address water supply and sewage disposal, storm drainage, and education, fire protection and police service. For the reasons stated in those findings, the proposed land division facilitates adequate provision for public transportation, water supply, sewage disposal, drainage, education, and other public services and facilities. The proposal satisfies MCC 11.45.230(C)

D. Zoning Compliance [MCC 11.45.390(D)]:

Area and Dimensional Standards

Applicant's Response: "The proposal is the division of one 3.36 acre lot into three parcels in the R-30 zoning district. The proposed use of the land for single family dwellings is a permitted use in the R-30 district (MCC § 11.15.2842(A)) As shown on the tentative plan map, all three parcels will comply with the minimum lot area and dimension requirements of the R-30 zoning (§ 11.15.2844(A))."

Staff Comment: Staff concurs with the applicants statement. The proposed land division meets applicable area and dimensional standards.

Solar Access Standards

Applicant's Response: "The application complies with the solar access provisions of 11.15.6815 -.6822, for the following reasons. Structures erected on the created parcels will be oriented, to the extent feasible, to take full advantage of solar radiation. The terrain and the shape of the parcels will limit somewhat the placement and orientation of the buildings. The partition will lead to construction of two new dwellings; the third parcel already supports a dwelling."

Staff Comment: The proposed land division satisfies the solar access provisions of the Zoning Ordinance even though Parcels 1 and 2 do not have a front lot lines that are within 30 degrees of a true east-west orientation as required by MCC 11.15.6815(A). Parcels 1 and 2 do not meet the basic design standard of MCC 11.15.6815(A) because the existing road pattern for the area prevents the parcels from being oriented for solar access. Therefore, pursuant to MCC 11.15.6815(A)(3), the percentage of lots that must comply with MCC 11.15.6815 is reduced from 80 percent to 33 percent.

Property Line Adjustment to Correct Old Zoning Violation

Staff Comment: In 1973, a former owner of the subject site acquired land containing .38 acre from the owner of Tax Lot 51 to the west. The acquisition resulted in the creation of a separate cube-shaped parcel containing 16,553 square feet. Creation of the parcel constituted a zoning violation because the parcel contained less than the minimum 30,000 square feet required under the R-30 zoning standards. Although the the "cube" is now part of the subject site, completion of a property line adjustment is the appropriate method of correcting the original zoning violation.

Access by Easement See Findings for MC 1-94.

- E. Subdivision Name [MCC 11.45.230(E)]: The proposed land division is not a subdivision because it does not result in four lots. Therefore, it will not have a name and MCC 11.45.230(E) is not applicable.
- F. Street Layout [MCC 11.45.230(F)]: No new streets are necessary or proposed. Therefore, MCC 11.45.230(F) is not applicable.
- G. Private Streets [MCC 11.45.230(G)]

Applicant's Response: "The proposed access for the two new single family residences are restricted by the access easement [requested for approval] by the Hearings Officer. The access is clearly indicated on the tentative plan map.

The two additional parcels will use the same driveway currently in use by the existing residence. As shown on the tentative plan map, Parcel 2 will have a "flag strip" driveway extending west from the existing driveway. Access to Parcel 3 will be provided by an access easement across Parcel 2, guaranteed as part of the deed creating the two parcels. Maintenance responsibilities for the new driveway/easement will be shared by Parcels 2 and 3, and will be set out in the deeds."

Staff Comment: Access to the site is by way of an existing private driveway in a private easement running from SW Military Road to the site. At the July 20, 1994 hearing, opponents of the proposed land division argued that the driveway should comply with the Street Standards Ordinance with respect to right-of-way width, pavement width and provision of curbs and sidewalks. Following the July 20 hearing, the applicant applied to the County Transportation Division for a variance from the provisions of the Street Standards Ordinance with respect to the private driveway. In a document titled "Decision on Requested Variance," attached to this Staff Report as Exhibit A and incorporated by reference hereto, the Transportation Division staff concludes that no variance is necessary because (1) the Street Standards Ordinance does not apply to access gained by private easement and (2) the design of the proposed access can satisfy all structural requirements, and its width is not regulated by the Transportation Division. In the alternative, the Transportation Division staff concludes that if the Hearings Officer finds that a variance is in fact appropriate, the proposed access meets the Transportation Division criteria for such a variance. Staff concurs with the Transportation Division's findings and concludes that MCC 11.45.230(G) is satisfied.

- H. Flooding and Flood Hazards [MCC 11.45.230(H)]: The criterion is not applicable because the site is not in a flood plain.

Conclusions (LD 13-94)

1. The land division satisfies applicable elements of the Comprehensive Plan.
2. The proposed land division satisfies the approval criteria for Type I land divisions.
3. Subject to Decision #2, the proposed land division complies with the Zoning Ordinance.

Findings of Fact (MC 1-94)

1. Applicant's Proposal: See Finding 1 for LD 13-94. A detailed description of the existing and proposed easements for the site appears below in finding 4.
2. Site and Vicinity Information: See Finding 2 for LD 13-94.
3. Zoning Ordinance Considerations (MCC 11.15): MCC 11.15.2844(G) states that all lots in the R-30, Single-Family Residential District "shall about a street or shall have such other access held suitable by the Hearings Officer."
4. Response To Approval Criteria

Applicant's Response: "The applicant is requesting permission from the Hearings Officer for access by easement to Parcels 2 and 3, pursuant to § 11.15.2844(G). The existing dwelling on Parcel 1 will continue to use the existing driveway. Access will be accommodated through the 30-foot and 20-foot wide easements serving the existing home on Tax Lot 14, and by creation of a flag lot and driveway easement on Parcel 2, to allow for extension of a private drive across Parcels 1 and 2 to reach Parcel 3. The applicant has secured agreements with the landowners of the land over which the easements are required. The first 20-foot wide easement extends from S.W. Military Road across the property owned by Gretchen Corbett Trommald. The subject partition has the right to that easement by agreement dated 1/18/94. The second 20-foot wide easement continues south from the end of the Trommald easement, across the property owned by John and Helen Mather. The

subject partition has the right to that easement by agreement dated 9/12/91. The third easement is appurtenant to the subject property by deed, an easement "for road purposes." The easement is included in the legal description of "Parcel I" in Exhibit "A" of both the Turnpane deed (Book 2328, Page 605, Multnomah County Records) and in the Lease and Option to Buy granted to Gran Marque, dated July 27, 1990. Parcel I will be divided among all three of the proposed parcels; thus, all three parcels will benefit from the easement. In other words, the easement runs with the property described as Parcel I in the deed. Access to the new Parcels 2 and 3 will require the use of only the northernmost few feet of this easement."

Staff Comment: In reviewing the request for access by easement, staff has considered a letter dated June 6, 1994 from Tom Carman, Acting Fire Marshal for the Lake Oswego Department of Fire Services, which provides fire protection to the subject site. Below are portions of the letter that detail the department's requirements for improvement of *both* the existing easement road from Military Road to the subject site *and* the new road serving Parcels 2 and 3:

"Access: Provide improvement of Aventine Circus south of Military Road to a minimum of 20 foot wide unobstructed all weather surface. Extent of fire lane improvement to include road to where property line of 0140() S.W. Military Road intersects Aventine Circus. Further extension desirable to beginning of driveway turnaround at ()1404 S.W. Military Road.

Access Road/Driveway to parcels #2 and #3 shall be 20 foot wide unobstructed all weather surface to a point where the furthest wall of the furthest structure on the property is not more than 150 feet to the access road/driveway. Access road/driveways within 15() feet of the furthest wall of the furthest structure shall be a minimum 12 foot wide all weather surface.

Turnarounds: A turnaround shall be provided for the access road/driveway to parcels #2 and #3. Turnaround requirements will comply with items #5 and #6 of the Multnomah County minimum design standards. Where cul-de-sacs with unpaved areas or islands are used, the following minimum turning radii shall be provided:

Outside front wheel radius of fifty (5()) feet; inside rear wheel radius of twenty-five (25) feet.

Grades: Maximum grade shall not exceed 15 percent and maximum cross slope not to exceed 8 percent.

Curvature: Approach turns to access road/driveway from Aventine Circus shall be such to accommodate standard fire apparatus.

Parking: Where parking of vehicles would diminish the minimum 20 foot wide fire lane access, "No Parking Signs" will be required, or additional widening of the road/driveway will be required to accommodate the parking.

Fire Lane Declaration: The extent of the access road/driveway from Aventine Circus that is required to be a fire lane should be so noted as a legal declaration of "Fire Lane" on the plat or other recorded documents."

Hydrants: Hydrants shall be located at intersections and at intervals of no more than 500 feet from intersections in major development. For major or minor partitions which create a new lot or lots, a hydrant shall be no further than 1,000

feet from any of the lots, nor more than 30() feet to the face of the structure. A new hydrant is recommended on the proposed access road/driveway approximately 250 feet from the intersection at Aventine Circus.

Water Lines: An 8 inch water line is recommended to serve the proposed new hydrant near the intersection of Aventine Circus on the proposed new access road/driveway. Extent of new 8 inch water line would be approximately 250 feet.

Fire Flow: [please see Finding 4.A(7)]

Addressing: Addressing will comply with the Uniform Building Code.

Final Note :When completed, hydrant flows will determine the number, spacing of fire hydrants required for this project.

Requirements involving Multnomah County Design Standards, the Uniform Fire Code, and The Uniform Building Code (i.e. addressing) are mandatory. All other requirements listed in this document are highly recommended to provide optimum safety in access and fire fighting/rescue/emergency medical capability for responding fire, medical units.

Staff generally concurs with the comments of the Lake Oswego Department of Fire Services and recommends that roads serving the subject site and proposed parcels be improved in accordance with June 6, 1994 letter, as modified by Condition #3.

Conclusions (MC 1-94)

1. The use of easements as the means of access to the proposed new parcels satisfies MCC 11.15.2844(G) subject to the stated approval conditions.
2. Approval of an easement for access instead of requiring frontage on a public road is appropriate because the landlocked nature of the subject site makes creation of a lots fronting on a public road impossible.

O'DONNELL RAMIS CREW
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DATE: August 3, 1994
TO: Philip E. Grillo, Multnomah County Hearings Officer
FROM: Robert W. Price, Planner/Project Manager
Mitchell Nelson Welborn Reimann Partnership
RE: Rebuttal on MCC §§ 11.45.460 and 11.45.470

11.45.460

- A. The site does contain slopes of more than 20%, but only on the westerly portion of Parcel 3, including the "cube" area. Neither Mr. Rankin in his letter reports, nor Mr. Redfern in his letter, suggest the parcels to be created are not buildable. Only the issues of concerns for managing drainage and runoff are discussed. The steeper slopes on Parcel 3, located on the westerly portion, leave enough buildable area to permit development of a single family dwelling without adverse impact on slopes.
- B. Soil erosion can be minimized through proper management of drainage and runoff, as recommended by Mr. Rankin. Even Mr. Redfern's letter agrees with comments by Mr. Rankin and raises no new issues or concerns. Taking the input by both Mr. Rankin and Mr. Redfern relative to soil erosion issues, the site can be suitably developed.
- C. The site is not within any identified 100 year flood-plain, and no comments to the contrary were made by any interested party.
- D. No evidence has been provided to indicate a problem with a seasonally high water table.
- E. No evidence has been provided to indicate a problem with a fragipan or other impervious layer on the site.
- F. The issue of movement on the site was raised by Mr. Redfern, but only on a small area of the westerly portion of the site where slopes exceed 20% and which does not include a possible building envelope. Mr. Redfern notes in his letter that it may be important to retain vegetation in an undisturbed manner

Memo re: Rebuttal on MCC §§ 11.45.460 and 11.45.470
August 3, 1994
Page 2

on the westerly portion of the site to retain as much slope stability as possible. This would address the issue of slope stability and management of the previous movement on Parcel 3.

11.45.470

- A. 1. Only single family development is proposed for the two new parcels to be created through this partition. One dwelling will be developed on each new parcel. Each parcel will significantly exceed the minimum standards for the R-30 zoning district for size, shape, width and orientation. Access will be provided through approval easements which will meet all five safety access requirements as set forth by the Fire Marshall.
2. The vicinity contains large lots with most exceeding the county's minimum development standards for size, shape and width. Adjacent tracts are either developed or available for development without adverse impact resulting from the proposed partitioning and single family development. Access, views and retention of vegetation on the subject parcel will not impact, or be impacted by, proposed development.
3. Only Parcel 3 contains slopes or vegetation which would be impacted by proposed development. Yet the parcel contains suitable building area to permit retention of slopes and vegetation as recommended by both Mr. Rankin and Mr. Redfern. Drainage and runoff can also be managed in accordance with recommendation of Mr. Rankin and Mr. Redfern. It is feasible on this site to handle runoff by the means described by Mr. Rankin without adverse effects on slopes, vegetation or natural drainage.
4. The size of the parcels and the retention of existing vegetation including many of the existing trees on Parcels 1 and 2 will provide suitable distances, barriers or screens to preserve privacy and individuality. The character of the Dunthorpe area is such that privacy and individuality are important considerations for new development. The proposed partition and development of two new single family dwellings will be consistent with the existing character of the area.

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5. The new parcels are oriented to the greatest extent possible to solar requirements, given the orientation of the parent parcel and nature of other parcels in the immediate vicinity and their existing or future development. The proposed new dwellings will be no more nor less subject to winter wind and rain than other existing dwellings in the vicinity.

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Multnomah County
Zoning Division

DECISION ON REQUESTED VARIANCE
MC 1-94/LD 13-94

Summary of Decision:

The applicant has requested that the Division of Transportation initiate a variance to certain street standards for the proposed access road in this project. This is a difficult request, because as I interpret the language of the code and the plan, this Division has no jurisdiction to regulate the access by private easement proposed in this case. Under this interpretation, there is no applicable requirement or restriction in the Street Standards Ordinance or Street Standards Rules from which the application needs a variance.

There is a contrary contention, however, that the Code, as recently amended, makes private easements subject to the 50 foot wide right-of-way requirement found in Table 5.1 of the Street Standards Rules.

I, therefore, enter a decision on two alternative grounds. First, I find no need for a variance. Second, in the event that a 50 foot standard is applicable, I find that the criteria for a variance are met and grant a variance.

Facts:

The subject of this decision is the access to a proposed three lot partition in the Dunthorpe area. One dwelling is currently located on the site. The access would serve two additional homes off the existing access easement. The proposed private access is over a 20 foot wide easement extending South from SW Military Road. The Lake Oswego Fire Marshall has approved the access paved to a 20 foot width. The proposed access shares the entry/exit point at Military Road with the private access approved for the Tryon Vista subdivision (County File No. LD-10-93). There are no sidewalks or on-street parking in this area of Military Road.

Findings and Conclusions:

1. NO VARIANCE REQUIRED

I find that no variance is required for these reasons.

First, the Streets Standards Code and Rules do not apply to access gained by private easement. The definition of "local street" in Section 03.100 of the rules relates to public rights-of-way, not private easements such as this one. The county provisions are intended to implement ORS Chapter 368. In ORS 368.001, there is a definition of "local access road", which is "a public road that is not a county road, state highway or federal road". Based on that definition, we interpret "local street" to mean a public right-of-way.

Moreover, there are no definitions of "easement" or "privately maintained road" in the code, and there are no standards for either one in the code or the rules. The Transportation Division has never previously regulated private easements and we see no evidence of an intent to change this practice in any county code provisions. The Planning Division and Transportation Division have relied on fire district officials to approve the design of such private roads to assure a safe access prior to the issuance of building permits. For years we have simply used a handout sheet titled Multnomah County Minimum Design Standards for Residential Driveways and Privately Maintained Roads, which contains only basic construction standards and a sign off by the authorized fire official.

I, therefore, interpret the code not to require compliance in this case with the standards that were written to control the typical local street.

Second, the only language in the code that might impose the Street Standards Rules on a private easement is not intended to dictate right-of-way width, but is instead intended to limit application of those rules to the drainage and structural design of the road bed.

MCC 11.45.500(B) requires that the width, design and configuration of private streets comply with the Street Standards Ordinance. In this case, I interpret the intent of that requirement to be that the basic drainage and structural design of the road bed must meet the requirements of the Multnomah County Design and Construction Manual, referenced at MCC 11.60.390 and 11.60.400.

The design of the proposed access can satisfy all structural requirements and its width is not regulated by this office.

Third, the applicable standard is whether the access is found "suitable" by the Hearings Officer under MCC 11.15.2844(G). It would not make logical sense, and it would not be internally consistent to interpret the code to require both a finding of "suitable" by the Hearings Officer and compliance with the Street Standards Rules. This would require two separate processes with different decision procedures and appeal provisions.

2. ALTERNATIVE DECISION:
VARIANCE GRANTED IF JURISDICTION EXISTS WITH THIS OFFICE

In order to expedite the decision making process, I enter an alternative ruling in the event that the initial decision finding no applicable standard is held to be incorrect by the Hearings Officer or the Board of Commissioners. By entering this ruling, I do not concede the jurisdictional issue, but simply recognize that it would be terribly inefficient for the county, the applicant and others to re-visit this matter if jurisdiction is found.

a. Proposed Variance

The application recounts the facts of the current partition application and the assertion by an opponent that the private access easement is subject to the Urban Area Standards shown in Table 5.1 of the Street Standards Rules. The table calls for a 50 foot right-of-way width, 28-32 foot pavement width, parking on both sides and curbs and sidewalks.

The applicant requests a variance from these requirements.¹ I am authorized to consider such requests under MCC 11.60.080 and Rule 04 of the Street Standards Rules.

b. Variance Criteria

Rule 04 requires submission of certain documentary information, all of which has been submitted by the applicant. The criteria require that two standards are met:

- 1) that the variance is in keeping with the intent and purpose of the code and the rules; and
- 2) that the variance will not adversely affect the fire access and/or the function of the street or related facility.

In interpreting the intent and purpose requirement, I am guided by certain key considerations. First, MCC 11.60.020 states that the intent of the Street Standards Code is to "implement and enforce the (Multnomah County Comprehensive) Plan, and it shall be liberally construed to effectuate that purpose". The rules were adopted under the provisions of MCC 11.60. Directly applicable plan policies include Policy 20, Arrangement of Land uses; Policy 22.B, Energy Conservation; Policy 24, Minor Residential Project Locational Criteria; Policy 33a, Transportation System and Policy 34, Trafficways.

Second, it is clear that the standards for a local street in the urban area are designed to provide adequate facilities for the typical urban situated with normal residential densities, an extensive sidewalk network and the need to park cars along the street.

¹ The applicant proposes another alternative, which is to consider this easement an "accessway" and grant relief from the 200 foot limit on accessway length. My understanding is that the central dispute is over the 50 foot width requirement for a local street, and therefore, I confine my decision to that issue.

These considerations will be applied in determining whether the variance satisfies the intent and purpose criteria.

c. Analysis of Criteria

- (1) The variance is in keeping with the intent and purpose of the Code and Rules.

The applicant proposes to serve two additional homes off the existing access easement. The area is not a typical urban setting. In fact, it is a unique area of the county developed with homes located on very large lots, often exceeding an acre in size. The proposed partition of a lot with an existing house will result in three houses on 3.60 acres. Other lots in the area range from .50 acres to 4.26 acres. This is much closer to a rural setting than to a typical urban setting.

It is clear the area was developed as a rural area with large lots and narrow access roads. The proposed partition under the R-30 zoning will not alter that rural character with 30,000 square foot lots. The existing road is less than 20 feet wide on a 20 foot easement, with no curbs and no sidewalks. There are no curbs or sidewalks on S.E. Military Road. The proposed road would widen and pave 20 feet of the existing roadway to county standards. Other than width, the road can be constructed according to the structural roadbed requirements of the Multnomah County Design and Construction Manual.

The existing access is consistent with other accesses in this area and is consistent with a recent decision by the Hearings Officer. In LD 10-93, the Hearings Officer held that access over a 20 foot private easement is suitable to serve a subdivision. In a letter in that file, dated December 28, 1993, the state fire marshall approved a paved width of 19 feet when necessary to protect trees, providing "No Parking-Fire Lane Signs" are provided. The fire marshall added, "In no case will a road of less than 17 feet be approved".

The current access is adequate for the area. There is no sidewalk network, but the density is low and, therefore, pedestrian/auto conflicts are minimal. Residences have ample parking and, therefore, no on-street parking is needed.

I find that the intent and purpose of the Code and Rules is satisfied by the proposed access for several reasons.

First, the applicable Comprehensive Plan policies are satisfied. The applicant has submitted evidence that the proposed partition and access road comply with the following plan policies:

Policy 20 Arrangement of Land Uses

"The county's policy is to support higher densities and mixed land uses within the framework of scale, location and design standards which:

- A. assure a complementary blend of uses;
- B. reinforce community identity;
- C. create a sense of pride and belonging; and
- D. maintain or create neighborhood long term stability."

Finding:

The proposed partition will complement the existing dwelling in the area by improving their access road. It will reinforce community identity by maintaining the large size and expensive scale of homes in this area. The subject area is zoned for single family dwellings on large lots. The proposed partition could create a sense of pride and belonging when the owners of Parcels Two and Three build new dwellings. The proposed partition will maintain long term stability in the neighborhood because the new owners will construct new dwellings designed for large lots and commit the property to long term residential use. For these reasons, the proposed partition and access comply with Policy 20.

Policy 22.B Energy Conservation

- "B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers."

Finding:

This policy calls for increased density in urban areas. The proposed partition will add two additional dwellings in an urban area. Without the requested access, the partition could not be approved, and the density on this parcel would not increase, contrary to this policy.

Policy 24 Housing Location

"The county's policy is to accommodate the location of a broad range of housing types in accordance with:

- A. the applicable policies in this Plan;
- B. the locational criteria applicable to the project scale and standards.

* * *

2. Minor Residential Project Locational Criteria

A. Access

- (1) Site access will not cause dangerous intersections or traffic congestion, considering the roadway capacity, existing and projected traffic counts, speed limits and number of turning movements.

- (2) There is direct access from the project to a public street."

Finding:

As shown discussed elsewhere in this decision, the proposed housing complies with applicable policies in the Plan. The proposed access complies with (A)(1) above, as described in the evidence submitted by the applicant's traffic engineer. The 20 foot width of the roadway is not a significant factor in analyzing this roadway because the housing density is very low, and there is little traffic.

The proposed access road provides direct access from the subject property to Military Road over easements. The access by easement required approval by the Hearings Officer (MC 1-94).

Policy 33a Transportation System

"The county's policy is to implement a balanced, safe and efficient transportation system. In evaluating parts of the system, the county will support proposals which:

- A. implement the Comprehensive Plan;
- B. best achieve the objectives of the specific project;
* * *
- F. provide a safe, functional and convenient system....."

- Finding:

Although a private road, the proposed access is part of the transportation system in the county. As discussed by the applicant's traffic engineer, the widened driveway will provide improved safety and convenience to the existing dwellings now served by a substandard driveway. The objective of the proposed partition and access road is to improve access to all of the dwellings in this neighborhood. As described earlier in this decision, the proposed partition and access implement portions of the Comprehensive Plan.

Policy 34 Trafficways

"The county's policy is to develop a safe and efficient trafficway system using the existing road network, and by:

- * * *
- B. improving streets to the standards established by the classification system, where necessary, and/or appropriate to identified transportation problem;
- * * *
- H. implementing the Street Standards Chapter 11.60 and Ordinance 162.... and establishing a procedure for allowing variances from that ordinance."

Finding:

The proposed partition access road uses the existing access road, and improves it into a safe and efficient access. As discussed elsewhere in this decision, this is a unique low density residential area with no need for the extensive street width and improvement required in a typical urban neighborhood. Allowing the proposed access is in compliance with Policy B, because it is not necessary or appropriate to apply the full width standards of a local street to this private access. This variance request follows the intent of Policy H to allow variance to the street standards. This variance request under the authority of rules established under Chapter 11.60 is in compliance with Policy 34.H.

In addition to compliance with the plan, I find there is no need in this unique area for the extensive width and improvements needed in a typical urban neighborhood. A sidewalk on this street would connect to nothing and serve no purpose. There are no sidewalks in the immediate area and the main access through the neighborhood, S.W. Military Road, lacks sidewalks. Moreover, the recent decision approving the Tryon Vista subdivision (LD 10-93), which adjoins this area, the Hearings Officer did not require sidewalks. The low density and low traffic counts in the area also establish the adequacy of the current easement, as documented by the reports and testimony of the applicant's traffic engineer.

Likewise, an additional width for on-street parking is not needed in this area where on-street parking is virtually non-existent.

In short, the requirement for a 50 foot right-of-way with full improvements is not needed to satisfy the intent of the Code, Plan and Rules, due to the unique character of the area.

- (2) The variance will not adversely affect the fire access and/or the function of the street or related facility.

The applicant has presented letters from the city of Lake Oswego Department of Fire Services and the applicant's traffic engineer at David Evans and Associates. The width of the access road was not a safety issue for either of these experts.

The fire marshall requires improvement with a 20 foot wide all-weather surface from the northern boundary of the subject property to Military Road. A turn-around is required for the new driveway crossing the subject property. Parking may be restricted and fire hydrants may be required.

The traffic engineer, Jennifer Danziger, states that even with the two new dwellings made possible, the proposed partition "traffic volumes on this roadway would still be very low", and the accessway maintains a sight distance of approximately 250 feet. Danziger concluded:

"The access roadway can accommodate the additional traffic....without substantial inconvenience or risk to other residents served by it."

d. Conclusion Regarding the Variance

The criteria for granting a variance are met in this case and, therefore, a variance is granted as noted from the following requirements for a residential local street (Table 5.1, Street Standards Rules), to the extent they are otherwise found to be applicable:

- 50 foot right-of-way width, adjusted to 20 feet;
- curbs, not required;
- sidewalks, not required;
- parking, not required; and
- pavement width 24-32 feet, adjusted to 20 feet as approved by the fire marshall.

0636E

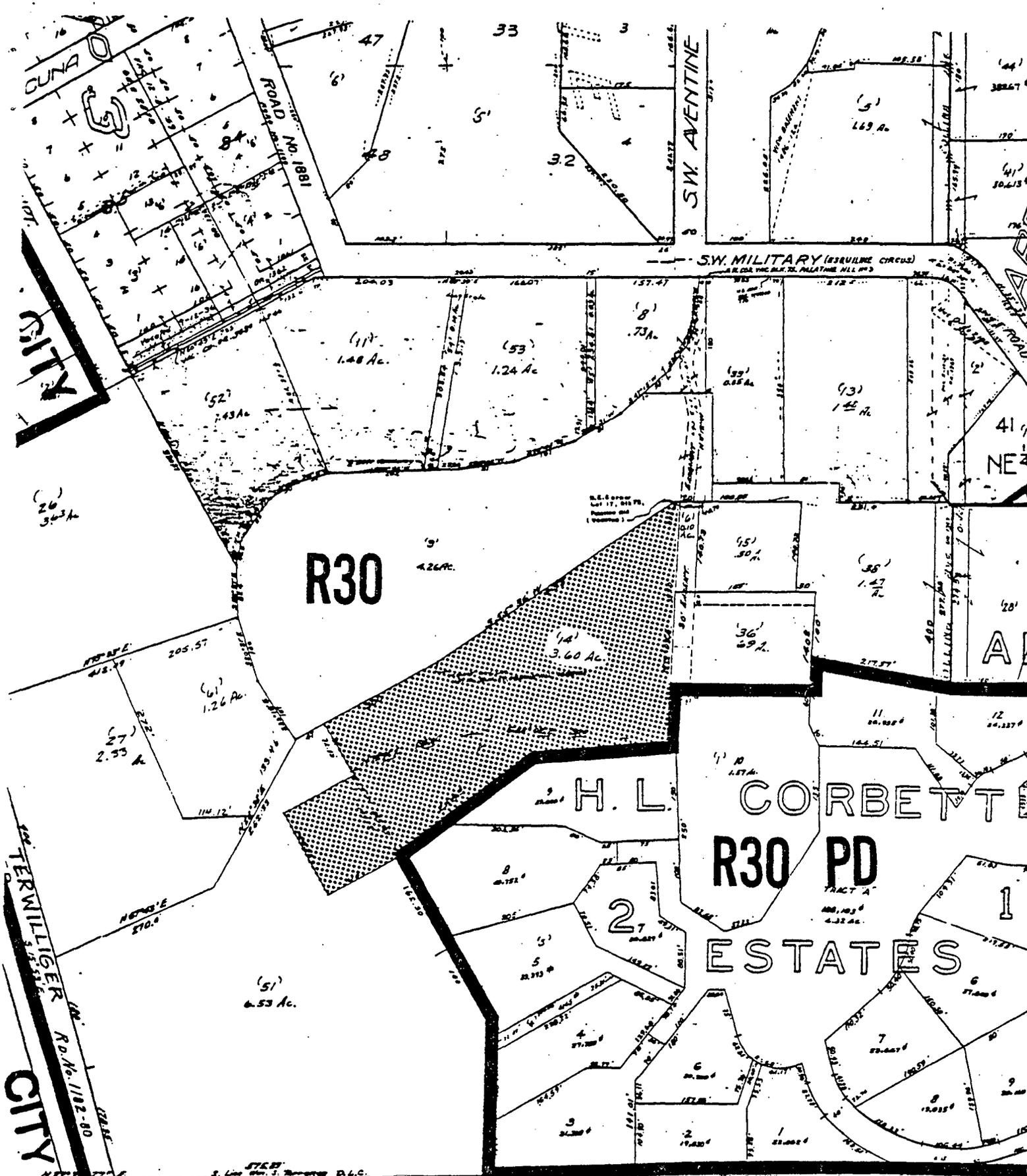
Appeal to the Board of County Commissioners:

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An appeal requires a completed "Notice of Review" form and a fee of \$300.00 plus a \$3.50 per minute charge not to exceed \$500.00 for a transcript of the initial hearings(s) [ref MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)]. Instructions and forms are available at the County Planning and Development office located at 2115 SE Morrison Street, Portland, Oregon.

Failure to raise an issue by the close of the record at or following the final hearing (in person or by letter) precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond precludes appeal to LUBA on that issue.

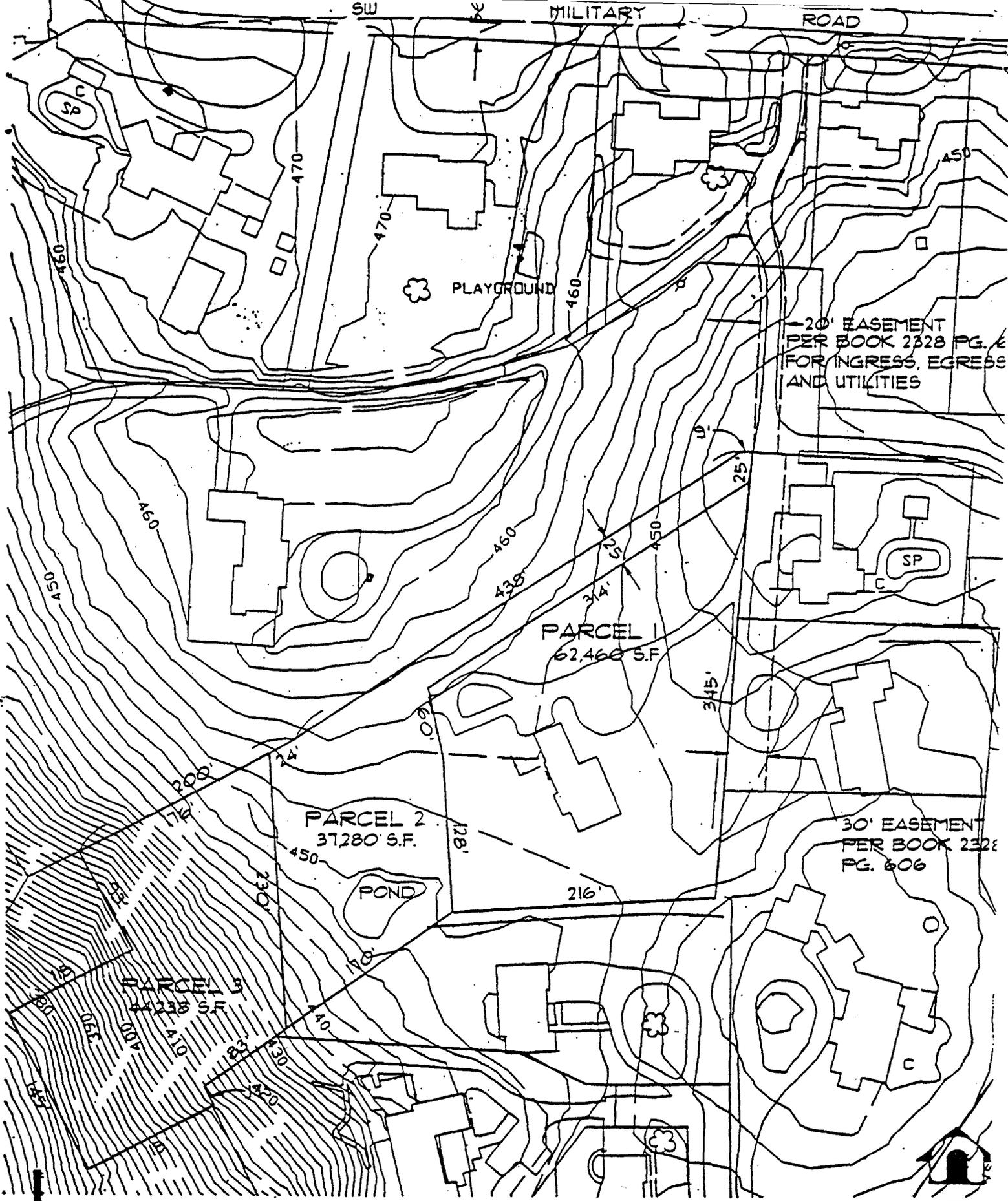
To appeal the Hearings Officer decision, a "Notice of Review" form and fee must be submitted to the County Planning Director. For further information call the Multnomah County Planning and Development Division at (503) 248-3043.

Signed by the Hearings Officer	December 23, 1994
Decision mailed to Parties	December 30, 1994
Decision submitted to Board Clerk	December 30, 1994
Last day to appeal decision	January 9, 1995
Reported to Board of County Commissioners:	January 10, 1995



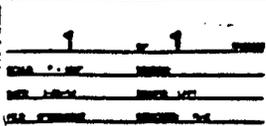
↑ N
 1991 Vicinity Map with Zoning Districts
 Case #: LD 13-94, MC 1-94
 Location: 01400 SW Military Road
 Scale: 1 inch to 200 feet (approx)
 Shading indicates subject property
 SZM 193; A&T Map 4230; Sec 34, 1S, 1E

C T D A L I O R N



DAVID EVANS AND ASSOCIATES, INC.
 2828 S.W. CORBETT AVENUE
 PORTLAND, OREGON 97201-4802
 (503) 223-6663

PROJECT	TENTATIVE MAP PLAN		
TITLE	01400 SW MILITARY ROAD		
	TL 14, SE 1/4, SEC. 34, T1S, R1E		
FILE	DRAWN BY	DESIGN BY	SCALE
GME00001	LNT	ME-1-94/SD13-94	1" = 100'
			DATE
			6-9-94



DC&A
 DAVID STACE AND ASSOCIATES, INC.
 SURVEY, ENGINEERING, PLANNING, LANDSCAPE ARCHITECTURE
 200 S.W. MARKET STREET, PORTLAND, OREGON 97201

LD 13-94
 MC 1-94

TENTATIVE PLAN MAP
 01400 S.W. MILITARY ROAD
 TL14, SE 1/4 SEC 34, T1S, R1E
 PORTLAND, OREGON

MEETING DATE: MAY 04 1995

AGENDA NO: R-8

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

Grant of easement to Northwest Pipeline Corporation on Multnomah County Land in Sections 26 and 35, TIN, R3E, WM, Multnomah County, Oregon.

SUBJECT: _____

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: May 4, 1995

Amount of Time Needed: 10 Minutes

DEPARTMENT: Environmental Services DIVISION: Facilities & Property Management

CONTACT: Bob Oberst TELEPHONE #: 248-3851

BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: Bob Oberst

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

See Supplement

5/4/95 ~~to~~ postponed indefinitely

MULTNOMAH COUNTY
OREGON
1995 APR 26 PM 2:25
BOARD OF
COUNTY COMMISSIONERS

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Bob Oberst Betsy Willis

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Robert Oberst, Facilities & Property Management



TODAY'S DATE: April 21, 1995

REQUESTED PLACEMENT: May 4, 1995

RE: Approval of Grant of Easement on County Farm at NE 242nd Avenue between Glisan and Halsey Streets to Northwest Pipeline Corporation

I. Recommendation/Action Requested: Approval by Board of Commissioners of RIGHT-OF-WAY AND EASEMENT granting to Northwest Pipeline Corporation an easement for construction of a large diameter natural gas pipeline to increase service capacity on the Northwest system.

II. Background/Analysis: These parcels of land to be subject to the easement consist of a band of land approximately seven acres in area, 50 feet in width on the westerly side of the County Farm property extending from a point near Glisan Street (Cherry Park Road) on the south to a point north of Halsey Street on the north.

It will be located generally on the westerly boundary of the route of the potential Mt. Hood Parkway, also the route of a County road (242nd Avenue Connector) which would probably be built if the Parkway is not. The easement excludes the areas included within the 242nd Avenue Connector as determined by the County Transportation Division.

The routing is compatible with the location of the Edgefield Childrens' Center and McMenamins Edgefield. Potential conflicts with GSL Homes, Inc., the contract purchaser of a portion of the land involved in the easement, and with Fujii Farms, an agricultural lessee, have been resolved to the satisfaction of all parties.

Northwest Pipeline Corporation is a common carrier of natural gas, licensed by the Federal Energy Regulatory Commission to transport natural gas and has been issued a Certificate of Public Convenience and Necessity which would authorize it to obtain a right-of-way across the property through exercise of condemnation. The Corporation and County Facilities & Property Management have negotiated the routing, conditions and cost of the easement for a period of approximately eight months; we recommend granting the RIGHT-OF-WAY AND EASEMENT submitted herewith.

III. Financial Impact: The proposed price of \$210,194.00 represents consideration of 50% of the land value for permanent easement acreage and 25% of land value for temporary easement

acreage, based upon values of: (a) \$35,000/acre industrial area, (b) \$48,000/acre north residential, \$65,000/acre south residential, (c) \$6,000/acre open space. An independent appraisal of value of the land done for the County as of January 25, 1995 concludes the value to be \$33,421/acre. The proceeds of sale would be credited 50% each to the capital improvement fund and the natural areas acquisition fund.

IV. Legal Issues: None, to Facilities & Property Management (FM) knowledge.

V. Controversial Issues: None, to FM knowledge.

VI. Link to Current County Policies: None, to FM knowledge.

VII. Citizen Participation: None involved or expected in this transaction, except consultation with Edgefield Childrens' Center, Michael McMenamin, and GSL Homes. Citizen participation in the pipeline regulatory process is unknown to FM.

VIII. Other Government Participation: The placement and construction of the gas pipeline is subject to federal regulatory proceedings; involvement of other governmental bodies is not known to FM.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Grant of a)
Right-of-Way and Easement on County) ORDER
Land at the County Farm Property in) 95-
the NW 1/4, Sections 26 and 35, T1N,)
R3E, WM, Multnomah County, Or)

IT APPEARING that the Northwest Pipeline Corporation is a common carrier of natural gas licensed by the Federal Energy Regulatory Commission and has been issued a Certificate of Public Convenience and Necessity authorizing it to obtain a right-of-way for construction of a pipeline for transmission of natural gas across land within Multnomah County's property known as the County Farm in order to serve present and future gas needs in the region; and

IT APPEARING that Northwest Pipeline Corporation has requested a Right-of-Way and Easement totalling approximately seven acres upon said land upon which to construct and maintain a gas transmission line adjacent to an existing gas line on an easement held by said corporation; and

IT BEING determined that said corporation has offered to pay the sum of \$210,194.00 for said Right-of-Way and Easement, that this amount equals or exceeds the value as determined by independent appraisal done January 25, 1995 and the Board being fully advised in the matter; now therefore

IT IS HEREBY ORDERED that Multnomah County execute this Right-of-Way and Easement before the Board this date and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

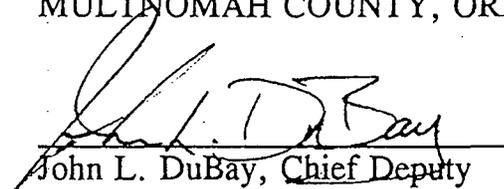
DATED this 4th day of May, 1995.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON



John L. DuBay, Chief Deputy

**NORTHWEST PIPELINE CORPORATION
RIGHT-OF-WAY AND EASEMENT**

For Ten Dollars (\$10.00) and other valuable consideration, MULTNOMAH COUNTY, a/k/a COUNTY OF MULTNOMAH, c/o Facilities and Property Management, 2505 S.E. 11th Avenue, Portland, Oregon 97202 ("Grantor"), grants, sells and conveys to NORTHWEST PIPELINE CORPORATION ("Grantee"), P.O. Box 58900, Salt Lake City, Utah 84158-0900 ("Grantee"), its successors and assigns, an exclusive right-of-way and easement ("Easement") to locate, survey a route, construct, entrench, maintain, protect, inspect and operate an underground pipeline or pipelines and facilities related to the operation of such pipeline or pipelines including cathodic equipment and/or communications cable with appurtenances including but not limited to valves, metering equipment, electrical cable, underground conduit, splicing boxes and roads ("facilities") over, under and through the land described below, approximately along the line that has or shall be designated by survey by Grantee, through and over the said land on a right-of-way situated in Multnomah County, State of Oregon, described in Exhibit "A" attached hereto and made a part of this agreement.

This Easement conveys to Grantee the right of ingress and egress to and from, and access on and over said right-of-way, utilizing existing and future roads, for the purpose of surveying, constructing, inspecting, repairing, protecting, operating and maintaining the facilities and the removal or replacement of same at will, either in whole or in part, and the replacement of said pipeline with either like or different size pipe ("work").

Grantee agrees that within a reasonable time following the completion of its work and subject to weather and/or soil conditions, Grantee shall as near as practicable restore said right-of-way to its original contours and condition of rockiness. Grantee shall compensate Grantor for adequately documented damages which directly result from its work, including loss of business, timber, growing crops, pasture and livestock. Damages to other real or personal property shall be repaired by Grantee or the Grantor shall be compensated for such repairs. Specific conditions which shall apply to the initial construction of facilities are described in Exhibit "E" attached hereto and made a part of this agreement. Grantee shall have the right to cut and keep clear without payment of damages all trees, brush and other obstructions that may, in the Grantee's opinion, endanger, hinder or conflict with the construction, operation, inspection, protection, maintenance and use of said facilities.

Grantee shall possess the above-described rights and easements, together with all rights necessary to operate, protect and maintain the facilities over the right-of-way granted to the Grantee, its successors and assigns, and the Grantee may assign the rights and easements granted under this Easement, either in whole or in part, subject to the terms of this grant, and such rights and easements shall be covenants running with the land and be binding upon Grantor, its heirs, legal representatives and successors in title.

Grantee may at any time, in accordance with regulatory approval, permanently abandon said right-of-way and at its discretion may remove or abandon in place improvements constructed on it. Upon such abandonment action, Grantee shall execute and record a reconveyance and release of this Easement whereupon this right-of-way and easement and all rights and privileges mutually granted shall be fully canceled and terminated.

Grantor reserves the right to use and enjoy said property except for the purposes granted in this Easement, but such use shall not hinder, conflict or interfere with Grantee's surface or subsurface rights or disturb its facilities and no reservoir, excavation, change in surface grade, obstruction or structure shall be constructed, created or maintained on, over, along or within said right-of-way without Grantee's prior written

consent, which shall not be unreasonably withheld. Grantor reserves the right to install roads, driveways, waterlines, sewer lines and other utilities, subject to terms and conditions of Grantee's encroachment resolution program and pursuant to specifications of Grantee's "Encroachment Permit" which may be amended as required.

Grantor represents and warrants that it is the owner in fee of the said described land and is entitled to execute this Easement. Grantee shall have the right to discharge or redeem for successors or assigns, but not for Grantor itself, in whole or in part, any mortgage, tax or other lien on said land and thereupon be subrogated to such lien and rights incident thereto. This right-of-way and easement shall be subject to all liens, encumbrances, and easements of record as of the date hereof, except to the extent such liens, encumbrances, and easements are specifically made subordinate to this right-of-way and easement by the holders thereof.

It is mutually understood and agreed that this Easement and the attached exhibits as written, covers and includes all of the agreements and stipulations between the parties and that no representations or statements, verbal or written, have been made modifying, adding to or changing the terms of this Easement.

WITNESS THE EXECUTION THIS _____ DAY OF _____, 1995.

GRANTOR(S):

MULTNOMAH COUNTY

Witness to Signature(s)

By:

By:

NORTHWEST PIPELINE CORPORATION

Phillip Anderson
Attorney-In-Fact

Land No. 591470G27B/B,C,E & F
02162

ACKNOWLEDGEMENT

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this _____ day of _____,
19____, by _____
_____.

My Commission Expires: _____

Notary Public in and for
Multnomah County, State of Oregon

ACKNOWLEDGEMENT---ATTORNEY-IN-FACT

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

On the ____ day of _____, 1995, Phillip Anderson, personally appeared before me and being
by me duly sworn, did say that she/he is the Attorney-in-Fact of Northwest Pipeline Corporation, and
that the Agreement was signed on behalf of Northwest Pipeline Corporation and said Phillip Anderson
acknowledged to me that she/he as such Attorney-in-Fact executed the same.

My Commission Expires: _____

Notary Public in and for
Multnomah County, State of Oregon

EXHIBIT "A"

PERMANENT RIGHT-OF-WAY

A strip of land varying in width over and across Parcel 1 of Partition Plat No. 1993-97 in the Southwest Quarter (SW 1/4) of Section 26 and the Northwest Quarter (NW 1/4) of Section 35 in Township 1 North, Range 3 East of the Willamette Meridian, in Multnomah County, Oregon. The boundaries of said strip of land lie 35 feet and 45 feet on the easterly side of, and 15 feet and 10 feet on the westerly side of, and are parallel with, the following described survey line, and are to be lengthened or shortened to terminate at the angle points and on the Northerly and Southerly lines of said Parcel 1. The basis of bearings in the Oregon State Coordinate System (NAD-83), North Zone:

Beginning at a point on the South line of N.E. Halsey Street that bears S80°30'09"W, 573.49 feet from the Northeast corner of said Partition Plat No. 1993-97, evidenced by a 3/4 inch iron pin, where said strip of land is 35 feet wide on the easterly side and 15 feet wide on the westerly side of this survey line;

THENCE S38°21'08"E, 153.54 feet; THENCE S51°16'44"E, 40.0 feet; THENCE S64°12'20"E, 40.0 feet; THENCE S77°07'56"E, 40.0 feet; THENCE N89°56'36"E, 115.96 feet; THENCE S76°36'47"E, 40.0 feet; THENCE S63°26'03"E, 40.0 feet; THENCE S50°15'19"E, 40.0 feet; THENCE S37°04'35"E, 40.0 feet; THENCE S23°53'51"E, 40.0 feet; THENCE S10°59'08"E, 177.03 feet; THENCE S33°59'54"W, 40.92 feet; THENCE S63°47'11"W, 721.08 feet; THENCE S52°44'49"W, 138.29 feet to a point where said strip of land is 45 feet on the easterly side and 10 feet wide on the westerly side of this survey line; THENCE S07°44'49"W, 1343.07 feet; THENCE S09°40'07"W, 267.34 feet; THENCE S35°19'53", 270.00 feet; THENCE S16°06'16"W, 736.0 feet to a point on the South line of said Parcel 1 that bears N88°56'40"W, 405.02 feet from an angle point on the South line of said Partition Plat No. 1993-97, evidenced by a 3/4 inch iron pin. As shown on Exhibit "B" attached hereto and made a part hereof.

LESS AND EXCEPT that area of land to be dedicated by Multnomah County as the (proposed) N.E. 242nd Avenue Connector Roadway and described on Exhibit "D", attached hereto and made a part hereof.

Containing 5.22 acres, more or less.

TEMPORARY RIGHT-OF-WAY

A strip of land 10 feet wide adjoining the westerly line of the hereinabove described 50 foot wide strip of land where said strip of land is 15 feet wide on the westerly side of the above described survey line, the easterly line of which is coincident with said westerly line.

A strip of land 30 feet wide adjoining the easterly line of the hereinabove described 50 foot wide strip of land where said strip of land is 35 feet wide on the easterly side of the above described survey line, the westerly line of which is coincident with said easterly line.

A strip of land 20 feet wide adjoining the westerly line of the hereinabove described 55 foot wide strip of land where said strip of land is 10 feet wide on the westerly side of the above described survey line, the easterly line of which is coincident with said westerly line.

A strip of land 15 feet wide adjoining the easterly line of the hereinabove described 55 foot wide strip of land where said strip of land is 45 feet wide on the easterly side of the above described survey line, the westerly line of which is coincident with said easterly line.

As shown on Exhibit "B" attached hereto and made a part hereof.

Containing 3.75 acres, more or less

EXHIBIT "A" (continued)

TEMPORARY WORK AREA

5 strips of land as shown on Exhibit "B" attached hereto and made a part hereof.

Containing 5.19 acres, more or less.

PERMANENT RIGHT-OF-WAY

A strip of land 75 feet in width over and across that property in the Addison C. Dunbar D.L.C. No. 41 in Section 26 in Township 1 North, Range 3 East of the Willamette Meridian, in Multnomah County, Oregon, as described in Deeds recorded in Book 929, Page 291 and in Book 465, Page 338, Official Records of Multnomah County, Oregon. The boundaries of said strip of land lie 55 feet on the easterly side of, and 20 feet on the westerly side of, and are parallel with, the following described survey line, and are to be lengthened or shortened to terminate on the West and South lines of said property. The basis of bearings is the Oregon State Coordinate System (NAD-83), North Zone:

Beginning at a point that bears S89°51'45"E, 523.54 feet from the West quarter corner of Section 26, said Township and Range, evidenced by a 4 inch brass disk in concrete; THENCE S59°10'38"E, 34.06 feet to the West line of said property; THENCE continuing S59°10'38"E, 103.32 feet; THENCE S00°34'22"W, 114.06 feet to the Northerly right-of-way line of the Union Pacific mainline track; THENCE continuing S00°34'22"W, 102.80 feet to the South right-of-way line of said mainline track; THENCE continuing S00°34'22"W, 217.35 feet; THENCE S10°34'22"W, 64.15 feet; THENCE S01°10'51"W, 277.08 feet; THENCE S11°59'49"E, 40.00 feet; THENCE S20°10'29"E, 40.00 feet; THENCE S38°21'08"E, 150.04 feet to a point on the South line of N.E. Halsey Street that bears S80°30'23"W, 580.09 feet from the most westerly northeast corner of Parcel 1 of Partition Plat No. 1993-97, Official Records of Multnomah County, Oregon, evidenced by a 3/4 inch iron pin.

As shown on Exhibit "C" attached hereto and made a part hereof.

LESS AND EXCEPT those portions of the above described property which exist within the right-of-way boundaries of N.E. 244th Avenue, N.E. Halsey Street and the Union Pacific mainline track.

Containing 1.78 acres, more or less.

TEMPORARY RIGHT-OF-WAY

A strip of land 10 feet wide adjoining the westerly line of the hereinabove described 75 foot wide strip of land, the easterly line of which is coincident with said westerly line. A strip of land 5 feet wide adjoining the easterly line of the hereinabove described 75 foot wide strip of land, the westerly line of which is coincident with said easterly line.

As shown on Exhibit "C" attached hereto and made a part hereof.

LESS AND EXCEPT those portions of the above described property which exist within the right-of-way boundaries of N.E. 244th Avenue, N.E. Halsey Street and the Union Pacific mainline track.

Containing 0.22 acres, more or less.

EXHIBIT "A" (continued)

TEMPORARY WORK AREA

3 strips of land being 30 feet wide and 90 feet long, 50 feet wide and 120 feet long and 60.7 feet wide and 117.7 feet long.

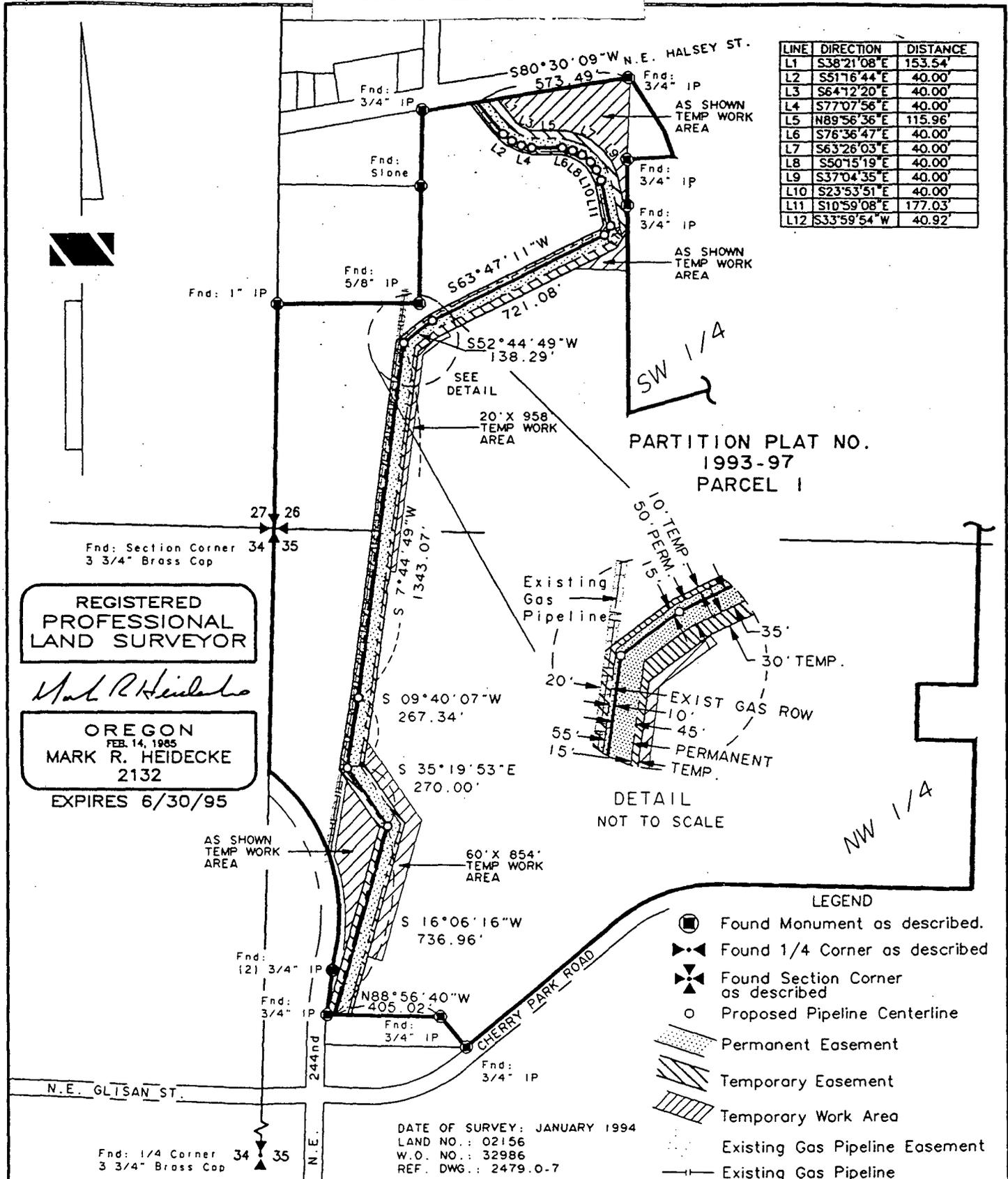
As shown on Exhibit "C" attached hereto and made a part hereof.

LESS AND EXCEPT those portions of the above described property which exist within the right-of-way boundaries of N.E. 244th Avenue, N.E. Halsey Street and the Union Pacific mainline track.

Containing 0.27 acres, more or less.

EXHIBIT "B"

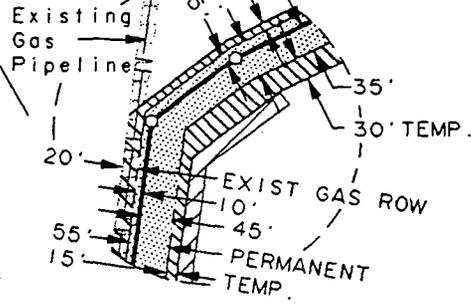
LINE	DIRECTION	DISTANCE
L1	S38°21'08"E	153.54'
L2	S51°16'44"E	40.00'
L3	S64°12'20"E	40.00'
L4	S77°07'56"E	40.00'
L5	N89°56'36"E	115.96'
L6	S76°36'47"E	40.00'
L7	S63°26'03"E	40.00'
L8	S50°15'19"E	40.00'
L9	S37°04'35"E	40.00'
L10	S23°53'51"E	40.00'
L11	S10°59'08"E	177.03'
L12	S33°59'54"W	40.92'



REGISTERED PROFESSIONAL LAND SURVEYOR

Mark R. Heidecke
OREGON
 FEB. 14, 1985
MARK R. HEIDECKE
 2132
 EXPIRES 6/30/95

PARTITION PLAT NO. 1993-97 PARCEL I



- LEGEND**
- Found Monument as described.
 - ⊕ Found 1/4 Corner as described
 - ⊗ Found Section Corner as described
 - Proposed Pipeline Centerline
 - ▨ Permanent Easement
 - ▧ Temporary Easement
 - ▩ Temporary Work Area
 - ⊞ Existing Gas Pipeline Easement
 - Existing Gas Pipeline

DATE OF SURVEY: JANUARY 1994
 LAND NO.: 02156
 W.O. NO.: 32986
 REF. DWG.: 2479.0-7

NO	REVISION	BY	DATE	APP
5	REVISED CENTERLINE ALIGNMENT	MDG	4/3/95	
4	LAND NO. CHANGE	MDG	10/13/94	
3	REVISED ROW CONFIGURATION	MDG	9/21/94	
2	REVISED CENTERLINE ALIGNMENT	RHF	8/29/94	

NORTHWEST PIPELINE CORPORATION
 ONE OF THE WILLIAMS COMPANIES

PROPOSED 30" O.D. CAMAS TO EUGENE LOOP ACROSS MULTNOMAH COUNTY PROPERTY SEC. 26 & 35 TWS. 1-N, RNG. 3-E MULTNOMAH COUNTY, OREGON

SURVEYED BY:
GERA
 G.E. Raleigh and Associates, Inc.
CONSULTANTS
 P.O. Box 25247
 Portland, Oregon 97225
 (503) 626-6656

SCALE 1" = 500' DATE 4-22-94 APPR *MDG*
 DRAWN BY JMG CHECKED BY MRH/RHF NO 2479.1-X-18 1 OF 2

EXHIBIT "C"

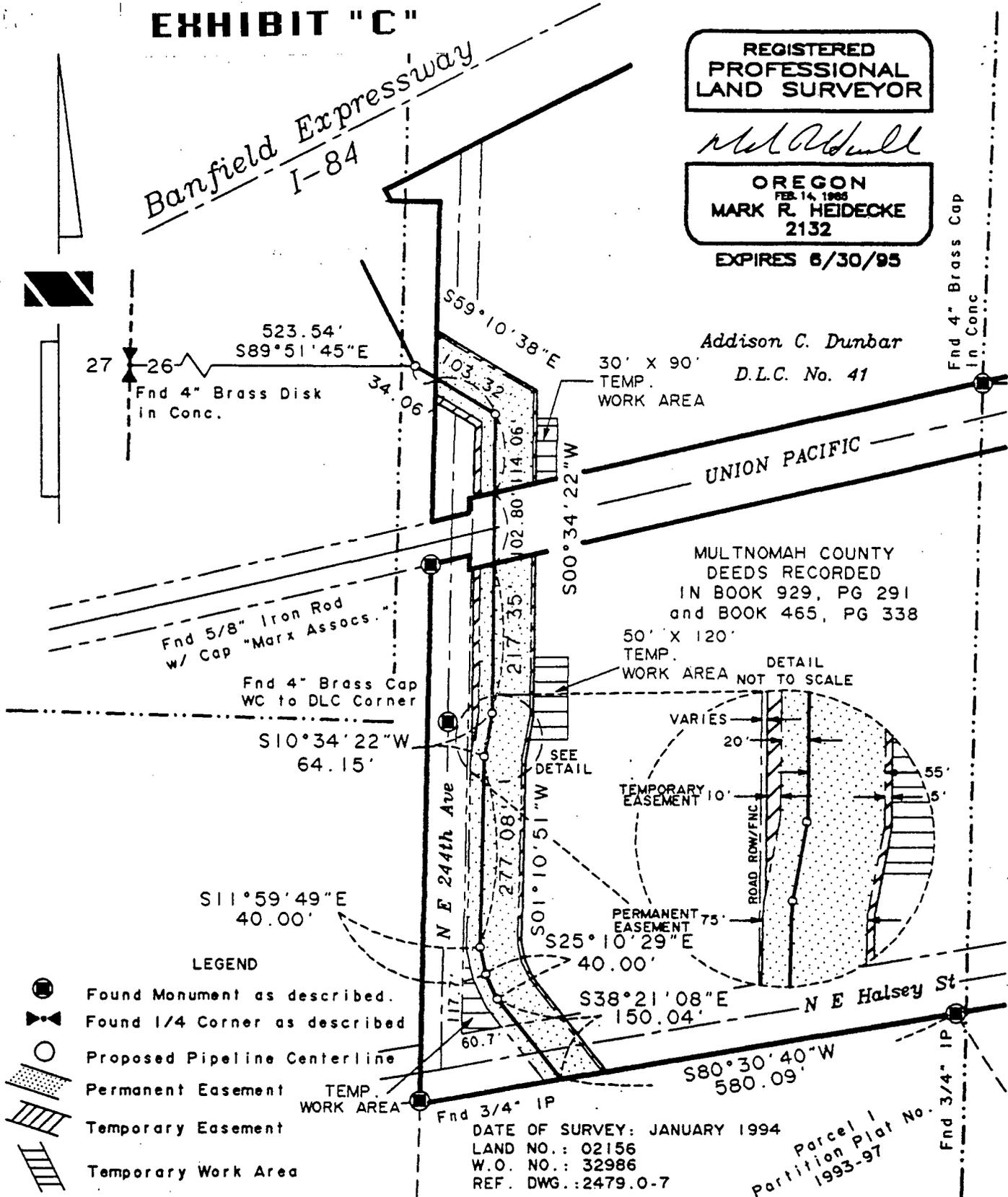
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mark R. Heidecke

OREGON
FEB 14, 1985
MARK R. HEIDECHE
2132

EXPIRES 6/30/95

Banfield Expressway
I-84



Addison C. Dunbar
D.L.C. No. 41

MULTNOMAH COUNTY
DEEDS RECORDED
IN BOOK 929, PG 291
and BOOK 465, PG 338

Fnd 5/8" Iron Rod
w/ Cap "Marx Assoc."

Fnd 4" Brass Cap
WC to DLC Corner

50' x 120'
TEMP.
WORK AREA
DETAIL
NOT TO SCALE

LEGEND

- Found Monument as described.
- Found 1/4 Corner as described
- Proposed Pipeline Centerline
- Permanent Easement
- Temporary Easement
- Temporary Work Area

DATE OF SURVEY: JANUARY 1994
LAND NO.: 02156
W.O. NO.: 32986
REF. DWG.: 2479.0-7

Parcel 1
Partition Plat No.
1993-97

2	REVISED TEMPORARY WORK AREAS & LAND NO CHANGE	MDG	10/94
1	REVISED CENTERLINE ALIGNMENT	RHF	8/94
NO	REVISION	BY	DATE APP

SURVEYED BY:
GERA
G.E. Raleigh and Associates, Inc.
CONSULTANTS
P.O. Box 25247
Portland, Oregon 97225
(503) 626-6656

NORTHWEST PIPELINE CORPORATION
ONE OF THE DILLON COMPANIES

PROPOSED 30" O.D.
CAMAS TO EUGENE LOOP ACROSS
MULTNOMAH COUNTY
SEC. 26 TWS. 1-N, RNG. 3-E
MULTNOMAH COUNTY, OREGON

SCALE 1" = 200' DATE 4-27-94 APPR B
DRAWN BY MDG CHECKED BY MRH/RHF NO 2479.1-X-74 SMT OF 2

EXHIBIT "D"
Pages 1 - 14

N.E. 242ND DRIVE CONNECTOR
N.E. Glisan Street to
N.E. Sandy Road
Item No. 95-19
April 17, 1995

DEED OF DEDICATION

MULTNOMAH COUNTY conveys to MULTNOMAH COUNTY, a political subdivision of the State of Oregon, for road purposes, the following described property:

A tract of land situated in the Northwest One-quarter of Section 35 and the Southwest One-quarter of Section 26, T1N, R3E, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at a brass cap at the northeast corner of the A. Taylor D.L.C., being Engineers Centerline Station 0+00 for N.E. 242nd Drive, County Road No. 3085, also being Engineers Centerline Station 52+45.81 for N.E. Glisan Street, County Road No. 2326; thence S 1°19'38" W along the centerline of said N.E. 242nd Drive, a distance of 164.80 feet to a point being Engineers Centerline Station 1+64.80 of N.E. 242nd Drive, said point also being the true point of beginning of the centerline of N.E. 242nd Drive Connector, County Road No. 5007 (Engineers Centerline Station 0+00), being a 100.00 foot wide right-of-way, 50.00 feet in width on each side of the following described centerline; thence N 4°03'04" E, a distance of 404.96 feet to a point; thence northeasterly along the arc of a tangent curve to the right, the chord of which bears N 15°49'52" E, 1,121.87 feet, an arc distance of 1,129.81 feet to a point; thence along a tangent line N 27°36'39" E, a distance of 1,149.13 feet to a point; thence along the arc of a tangent curve to the left, the chord of which bears N 9°05'54" E, 1,086.70 feet, an arc distance of 1,105.84 feet to a point; thence along a tangent line N 9°24'51" W, a distance of 417.12 feet to a point of intersection with the centerline of N.E. Halsey Street (Engineers Centerline Station 317+64.91), being County Road No. 1180.

AFTER RECORDING RETURN TO:
Pat Hinds/Bldg. #425

FOR TAX STATEMENTS:
Multnomah County
Transportation Division
1620 SE 190th Avenue
Portland OR 97233

N.E. 242ND DRIVE CONNECTOR
N.E. Glisan Street to
N.E. Sandy Road
Item No. 95-19
April 17, 1995
Page 2

Excepting therefrom: Those tracts of land conveyed to Frank Amato Jr., et al, identified as Parcel II of Exhibit "A" and Exhibit "B" of that deed recorded in Volume 94, Page 124503 of Multnomah County Deed Records on August 17, 1994 and being more particularly described as follows:

Parcel II of Exhibit "A" (Volume 94, Page 124503):

A tract in the Northwest Quarter of Section 35, T1N, R3E, of the W.M., in the County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the centerline of Cherry Park Road No. 571, 693 feet West of the southeast corner of the A.C. Dunbar Donation Land Claim, in said Section 35, said point of beginning being the northwest corner of the tract mortgaged to J. Ross Brown, et al, by mortgage recorded December 9, 1953, in Ps Mortgage Book 1586, Page 328; thence West on said road centerline 423.3 feet to the centerline of said road where it turns South; thence South on said centerline 660 feet; thence East 426.8 feet, more or less, to the southeast corner of said Brown tract; thence North 660 feet to the point of beginning.

Exhibit "B" (Volume 94, Page 124503):

A parcel of land in the Northwest One-quarter of Section 35, T1N, R3E of the Willamette Meridian, Multnomah County, Oregon.

Commencing at the point of intersection of the centerline of N.E. Cherry Park Road, County Road No. 571, and the East right-of-way line of N.E. 238th Drive, County Road No. 2529; thence S 88°46'56" E along said centerline, 10.00 feet to a point which is the true point of beginning of this description; thence continuing S 88°46'56" E along said centerline, 543.52 feet to a point; thence N 39°56'36" W, 150.62 feet to a point; thence N 88°46'56" W along a line which is parallel to and

... 238th Drive Connector
N.E. Glisan Street to
N.E. Sandy Road
Item No. 95-19
April 17, 1995
Page 3

113.40 feet (when measured at right angles) North of above said centerline 441.54 feet to a point; thence southerly along a line which is parallel to and 40.00 feet (when measured at right angles) East of the centerline of above said N.E. 238th Drive, County Road No. 2529, along a tangent curve to the left, having a radius of 1,392.50 feet, the chord of which bears S 03°06'21" W, 78.19 feet, an arc distance of 78.20 feet to a point; thence S 01°29'49" W continuing along said parallel line 35.25 feet to the true point of beginning of this description.

Containing 55,917 square feet, more or less.

Also excepting therefrom that tract of land conveyed to John B. and Louise H. Piancentini, as recorded in Book 1826, Page 638 of Multnomah County Deed Records on May 28, 1985, being more particularly described as follows:

A tract of land situated in the Northwest Quarter of Section 35, Township 1 North, Range 3 East of the Willamette Meridian, in the City of Wood Village, County of Multnomah and State of Oregon, being more particularly described as follows:

Beginning at a point of intersection of the West line of said legal subdivision with the North right-of-way line of N.E. Glisan Street (County Road No. 2326-60); thence N 89°03'51" E along said right-of-way line, a distance of 144.65 feet to a point of tangent curvature and the westerly corner of that certain tract of land conveyed to Multnomah County for road dedication purposes described in Book 1265, Page 478, and recorded May 22, 1978, Deed Records, said County; thence northeasterly along the northwesterly line thereof on a 22.12 foot radius curve to the left, through a central angle of 87°55'46", an arc distance of 33.95 feet (the chord bears N 45°08'10" E, 30.71 feet) to a point of tangency in the West right-of-way line of N.E. 238th Drive (aka Cherry Park Drive, County Road No. 2529-60) and northerly corner of said

N.E. 242ND DRIVE CONNECTOR
N.E. Glisan Street to
N.E. Sandy Road
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Multnomah County tract; thence N 1°08'05" E along said West right-of-way line, a distance of 136.25 feet to an iron rod; thence S 89°03'51" W parallel with the North right-of-way line of said N.E. Glisan Street, a distance of 165.45 feet to an iron rod in the West line of said legal subdivision; thence S 1°19'42" W along said West line, a distance of 157.61 feet to the point of beginning.

Also excepting therefrom that tract of land conveyed to Gamor Development Northwest, Inc., as recorded August 26, 1994, in Volume 94, Page 129614 of Multnomah County Deed Records, being more particularly described as follows:

A parcel of land located in the East half of Section 34 and the West half of Section 35, Township 1 North, Range 3 East of the Willamette Meridian, and being within the A. Taylor Donation Land Claim, City of Gresham, Multnomah County, State of Oregon, and more particularly described as follows:

Commencing at the northeast corner of said A. Taylor Donation Land Claim, being at the center of the intersection of N.E. Glisan Street and N.E. 242nd Drive; thence S 43°51'30" W, a distance of 43.29 feet to the intersection of the South right-of-way line of N.E. Glisan Street, 30.00 feet South of the centerline thereof, and the West right-of-way line of N.E. 242nd Drive, 30.00 feet West of the centerline thereof and to the TRUE POINT OF BEGINNING of this description; thence S 00°00'39" E along the said West right-of-way line, a distance of 862.12 feet; thence N 89°25'57" W, a distance of 1,275.06 feet to a point on the West line of that tract of land deeded to Wayne McGill and Helen Kaye McGill, husband and wife, by deed recorded March 31, 1954, in Book 1651 at Page 303 of the Multnomah County Deed Records; thence N 00°00'39" W along said McGill West line, a distance of 853.54 feet to a point on the South right-of-way line of N.E. Glisan Street, 30.00 feet South of the centerline thereof; thence S 89°25'57" E along said South right-of-way line, 30.00 feet South of the centerline thereof, a distance of

N.E. 242ND DRIVE CONNECTOR
N.E. Glisan Street to
N.E. Sandy Road
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Page 5

1,101.87 feet to an angle point in said South right-of-way line, and to a point that is S 00°51'09" E, a distance of 30.01 feet from the southern southeast corner of the A.C. Dunbar Donation Land Claim; thence N 87°43'39" E continuing along said South right-of-way line, a distance of 173.32 feet to the above referenced TRUE POINT OF BEGINNING of this description.

Containing 25.00 acres, more or less.

This roadway dedication contains 345,000 square feet, more or less.

As shown on EXHIBIT "C", attached hereto and made a part of this document.

N.E. 242ND DRIVE CONNECTOR
N.E. Glisan Street to
N. E. Sandy Road
Item No. 95-19
April 17, 1995
Page 6

The true and actual consideration for this conveyance is \$0.00.

DATED this _____ day of _____, 199__.

MULTNOMAH COUNTY, OREGON

By _____
BEVERLY STEIN/Chair
Board of County Commissioners
for Multnomah County, Oregon

STATE OF _____ County of _____

SIGNED BEFORE ME _____, 199__, personally appeared _____, who, being sworn, stated that _____ is the Chair of the Board of County Commissioners for Multnomah County, Oregon, and that this instrument was voluntarily signed in behalf of said county by authority of its Board of County Commissioners. Before me:

Notary Public for said State

My Commission expires _____, 19__

REVIEWED:

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By _____
JOHN L. DuBAY
Chief Asst. County Counsel

EXHIBIT "C"

$\Delta = 37^{\circ}01'30''$
 $R = 1711.27'$
 $T = 573.00'$
 $L = 1105.84'$



NO SCALE

N.E. 238th DR.

MATCH LINE

PROPOSED EASEMENT

MATCH LINE

PROPOSED EASEMENT

PROPOSED ROW

PROPOSED ROW

$\Delta = 23^{\circ}33'35''$
 $R = 2747.83'$
 $T = 573.00'$
 $L = 1129.81'$

N.E. CHERRY PARK RD.

STA 0+00 N.E. 24th CONNECTOR -
 STA 1+84.80 N.E. 24th AVE.

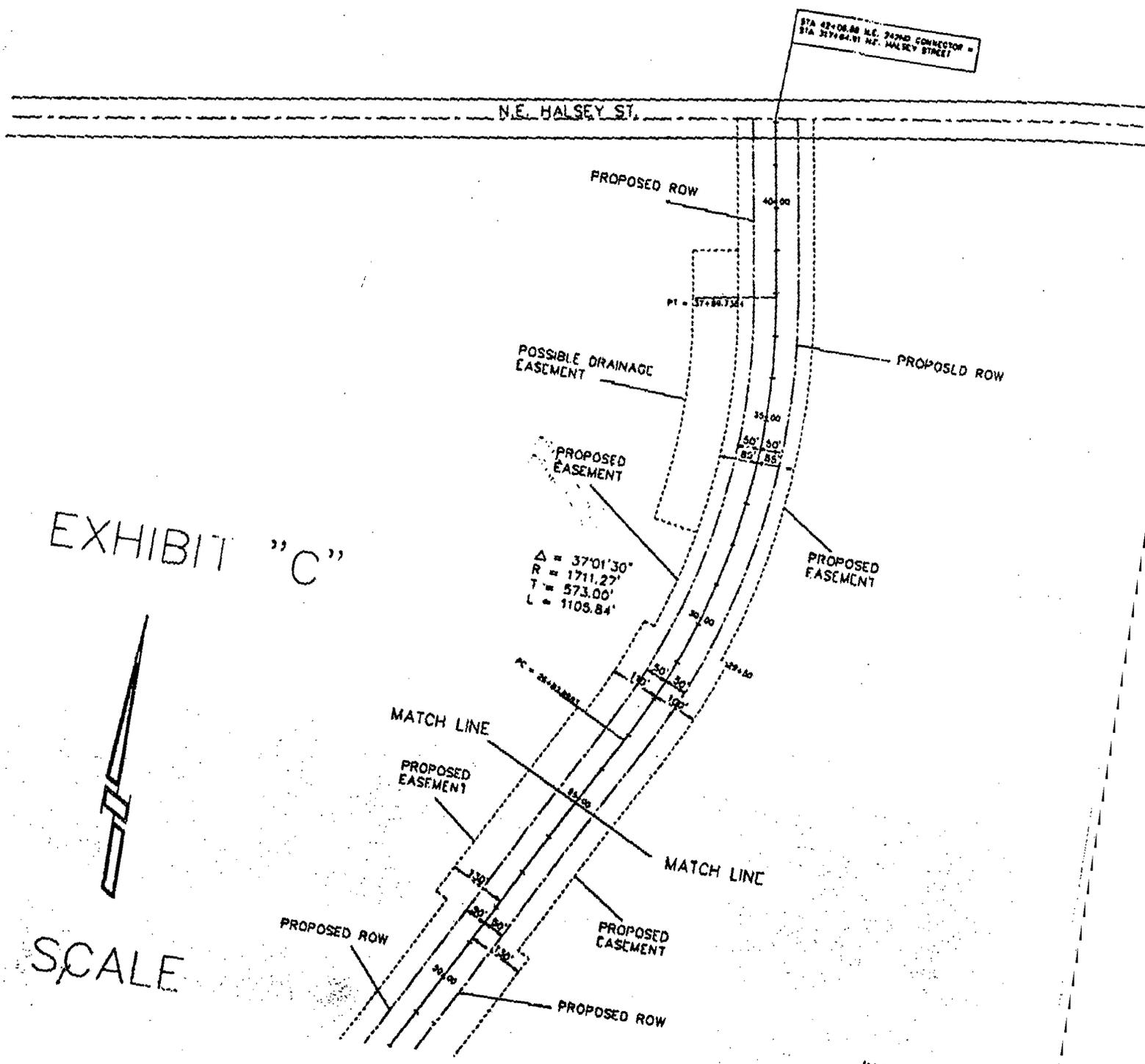


EXHIBIT "C"

N.E. 242ND DRIVE CONNECTOR
 N.E. Glisan Street to
 N.E. Sandy Road
 Item No. 95-22
 April 17, 1995

EASEMENT

MULTNOMAH COUNTY conveys to MULTNOMAH COUNTY, a political subdivision of the State of Oregon, a perpetual easement for the construction and maintenance of slope, utility, sidewalk and drainage facilities through, over, under, along and within the following described parcel of land:

A tract of land situated in the Southwest One-quarter of Section 26 and Northwest One-quarter of Section 35, T1N, R3E, W.M., Multnomah County, Oregon, being a strip of land variable in width, lying on each side of the proposed N.E. 242nd Drive Connector, County Road No. 5007, centerline.
 The width of the above described easements are as follows::

<u>Station</u>	<u>To</u>	<u>Station</u>	<u>Width on Westerly Side of Centerline</u>	<u>Width on Easterly Side of Centerline</u>
0+00			0	0
1+64.80		4+04.96		70
4+04.96		7+00		80
7+00		15+34.77		105
9+75		21+50	100	
15+34.77		21+50		130
21+50		26+83.89	130	
21+50		29+50		100
26+83.89		29+50	110	
29+50		42+06.86		85
29+50		32+00	85	
32+00		39+00	185	
39+00		42+06.86	85	

AFTER RECORDING, RETURN TO:
 Pat Hinds/Bldg. #425

FOR TAX STATEMENTS:
 Multnomah County
 Transportation Division
 1620 SE 190th Avenue
 Portland OR 97233

N.E. 242ND DRIVE CONNECTOR
N.E. Glisan Street to
N.E. Sandy Road
Item No. 95-22
April 17, 1995
Page 2

Excepting therefrom: Those tracts of land conveyed to Frank Amato Jr., et al, by deed recorded August 17, 1994, in Volume 94, Page 124503 of Multnomah County Deed Records, being identified as Parcel II of Exhibit "A" and Exhibit "B" of said Volume 94, Page 124503, and being more particularly described as follows:

Parcel II of Exhibit "A" (Volume 94, Page 124503):

A tract in the Northwest Quarter of Section 35, T1N, R3E, of the W.M., in the County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the centerline of Cherry Park Road No. 571, 693 feet West of the southeast corner of the A.C. Dunbar Donation Land Claim, in said Section 35, said point of beginning being the northwest corner of the tract mortgaged to J. Ross Brown, et al, by mortgage recorded December 9, 1953, in Ps Mortgage Book 1586, Page 328; thence West on said road centerline 423.3 feet to the centerline of said road where it turns South; thence South on said centerline 660 feet; thence East 426.8 feet, more or less, to the southeast corner of said Brown tract; thence North 660 feet to the point of beginning.

Exhibit "B" (Volume 94, Page 124503):

A parcel of land in the Northwest One-quarter of Section 35, T1N, R3E of the Willamette Meridian, Multnomah County, Oregon.

Commencing at the point of intersection of the centerline of N.E. Cherry Park Road, County Road No. 571, and the East right-of-way line of N.E. 238th Drive, County Road No. 2529; thence S 88°46'56" E along said centerline, 10.00 feet to a point which is the true point of beginning of this description; thence continuing S 88°46'56" E along said centerline, 543.52 feet to a point; thence N 39°56'36" W, 150.62 feet to

N.E. 242ND DRIVE CONNECTOR
N.E. Glisan Street to
N.E. Sandy Road
Item No. 95-22
April 17, 1995
Page 3

a point; thence N 88°46'56" W along a line which is parallel to and 113.40 feet (when measured at right angles) North of above said centerline 441.54 feet to a point; thence southerly along a line which is parallel to and 40.00 feet (when measured at right angles) East of the centerline of above said N.E. 238th Drive, County Road No. 2529, along a tangent curve to the left, having a radius of 1,392.50 feet, the chord of which bears S 03°06'21" W, 78.19 feet, an arc distance of 78.20 feet to a point; thence S 01°29'49" W continuing along said parallel line, 35.25 feet to the true point of beginning of this description.

Containing 55,917 square feet, more or less.

The area of this easement, outside the right-of-way of the proposed N.E. 242nd Drive Connector, is 414,300 square feet, more or less.

As shown on attached EXHIBIT "C", and hereby made a part of this document.

N.E. 242ND DRIVE CONNECTOR
N.E. Glisan Street to
N. E. Sandy Road
Item No. 95-22
April 17, 1995
Page 4

The true and actual consideration for this conveyance is \$0.00.

DATED this _____ day of _____, 199__.

MULTNOMAH COUNTY, OREGON

By _____
BEVERLY STEIN/Chair
Board of County Commissioners
for Multnomah County, Oregon

STATE OF _____ County of _____

SIGNED BEFORE ME _____, 199__, personally appeared _____, who, being sworn, stated that _____ is the Chair of the Board of County Commissioners for Multnomah County, Oregon, and that this instrument was voluntarily signed in behalf of said county by authority of its Board of County Commissioners. Before me:

Notary Public for said State

My Commission expires _____, 19__

REVIEWED:

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By _____
JOHN L. DuBAY
Chief Asst. County Counsel

EXHIBIT "C"



NO SCALE

$\Delta = 37^{\circ}01'30''$
 $R = 1711.27'$
 $T = 573.00'$
 $L = 1105.84'$

N.E. 238th DR.

MATCH LINE

PROPOSED EASEMENT

MATCH LINE

PROPOSED EASEMENT

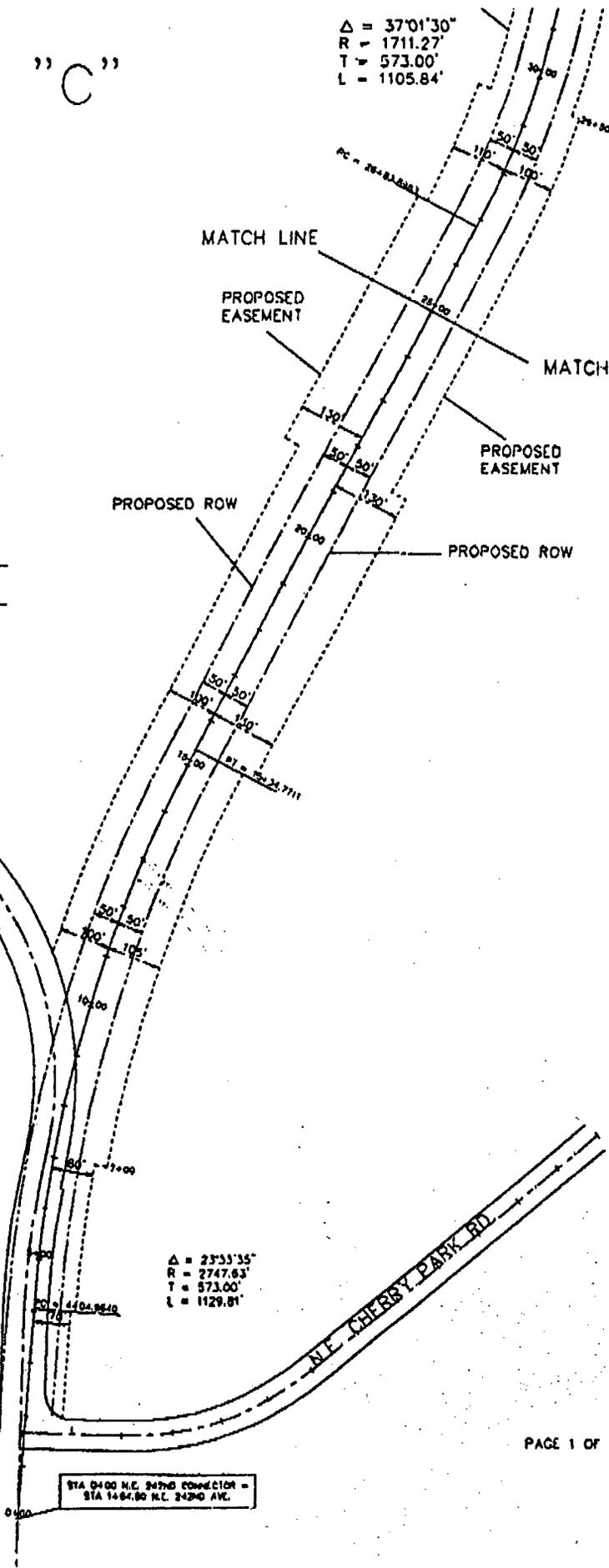
PROPOSED ROW

PROPOSED ROW

$\Delta = 23^{\circ}53'35''$
 $R = 2747.63'$
 $T = 573.00'$
 $L = 1129.81'$

N.E. CHERRY PARK RD.

STA 0+00 N.E. 242ND CONNECTOR =
 STA 1464.80 N.E. 242ND AVE.



TO:

206 695 1884

APR 19, 1995 1:54PM #127

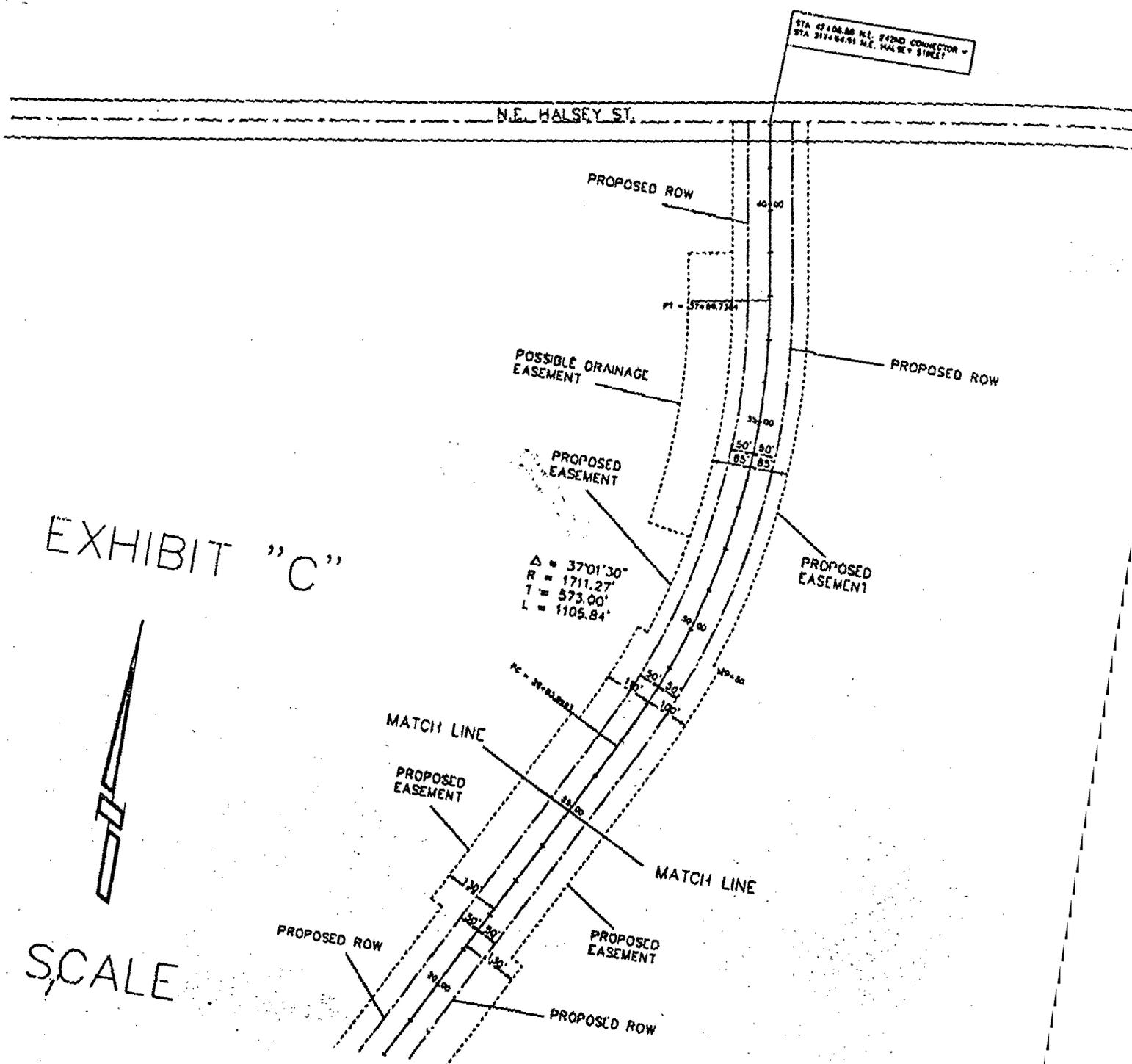


EXHIBIT "C"



10 SCALE

EXHIBIT "E"

CONSTRUCTION STIPULATIONS

In accordance with the terms and conditions of the Easement, Grantor and Grantee agree that Grantee will construct a natural gas pipeline on Grantor's property as follows:

1. Prior to construction, Grantee will clear and remove all trees, stumps, branches, shrubs and/or landscaping, from the Permanent Easement, Temporary Easement and Temporary Work Area (referred to herein after as the "Construction Workspace").
2. Grantee agrees to install the pipeline below those depths shown on the attachments labeled Exhibit "F" between Station Numbers 19.58.3 and 31 + 1.3 and Station Numbers 50 + 00 and 64 + 00.
3. After construction, Grantee will repair or replace the existing fences at Station Numbers 9 + 46.1 and 12 + 20.9 with 1 strand of barbed-wire over 4' hog-wire on metal posts.
4. After construction, Grantee will repair or replace the existing fence at Station Number 14 + 63.3 with four (4) 1-inch cables mounted on 12" round wooden posts.
5. After construction, Grantee shall repair any damage caused by its construction operations or maintenance activities to the 12-foot wide road at Station Number 14 + 72.6, with 3" of 1" to 2" gravel, well compacted.
6. After construction, Grantee will repair or replace the existing fences at Station Number 19 + 11.8 with 4' hog-wire on metal posts.
7. After construction, Grantee shall repair any damage caused by its construction operations or maintenance activities to the 12-foot wide road at Station Number 26 + 99.4, to include restoration of the road base and resurfacing with 4" bituminous material. The partial sidewalk at this location will not be replaced.
8. Grantee shall repair damage caused to the dirt road at Station Number 50 + 47.4 by compacting and re-establishing the road.
9. Grantee will repair or replace all underground systems including drain tiles, and ensure they function properly. Grantee has identified that at least 17 field tiles exist between Station Numbers 38 + 64.8 and 47 + 87.7 and are depicted on Grantee's construction drawings.
10. After construction, Grantee will return the Construction Workspace to its original contour and reseed the disturbed area with a hydro-mulch with upland seed mixture between Station Numbers 8 + 66.6 and 26 + 88.2.

EXHIBIT "E" (continued)

11. Grantee will reimburse Lessee, farm tenant, Jim Fujii, for costs associated with the loss of crops or crop productivity resulting from Grantee's construction activities. The crop value, which includes crop yield losses subsequent to the construction completion date, will be established using this formula on an acreage basis:

Strawberry Crop - 2 years left in the 3 year cycle

Before 1995 Harvest	\$8,000.00 per acre
After 1995 Harvest	\$4,000.00 per acre

Strawberry Crop - 1 year left in the 3 year cycle

Before 1995 Harvest	\$4,000.00 per acre
After 1995 Harvest	\$ 500.00 per acre (recondition soil)

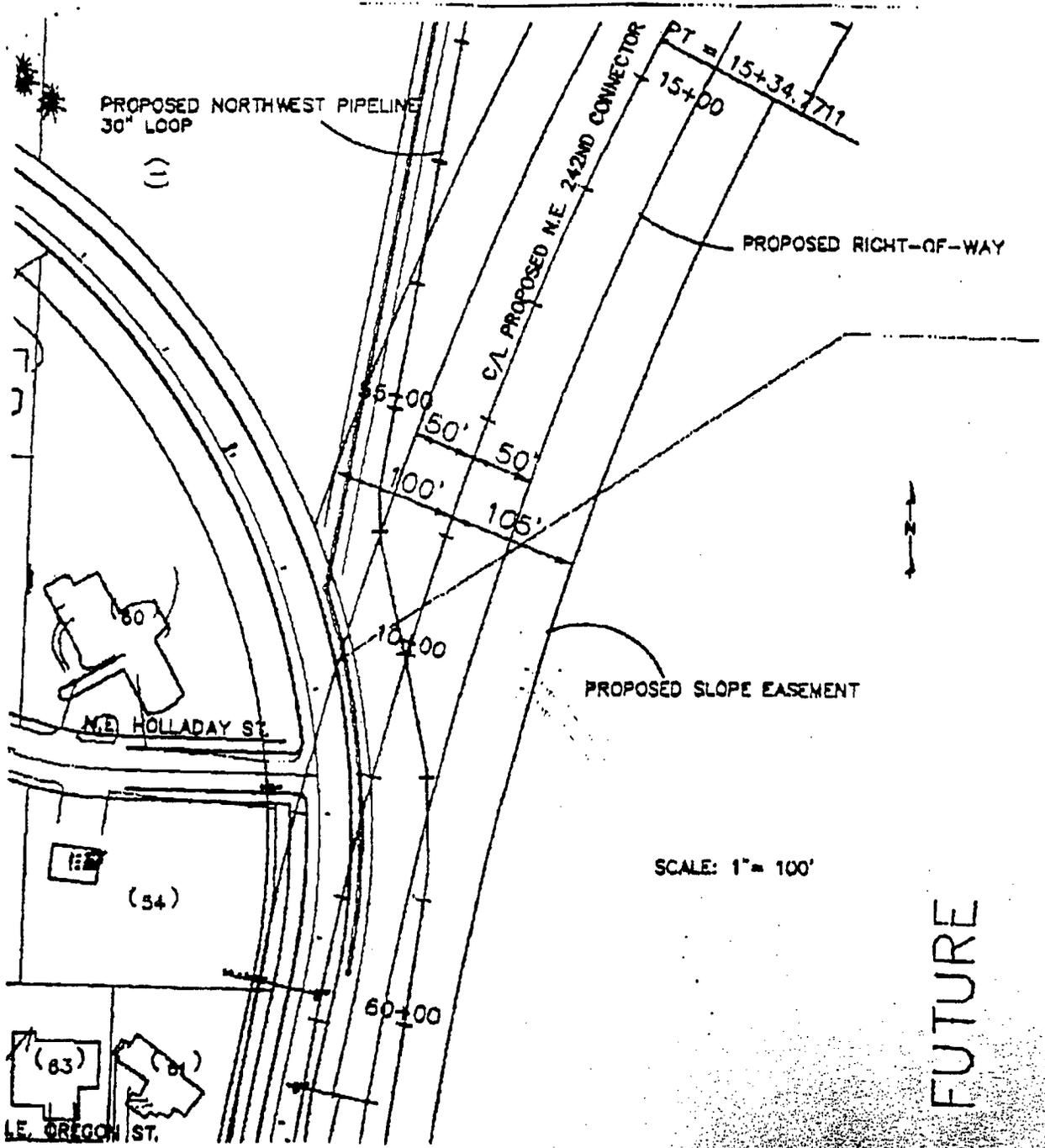
Grantor authorizes Grantee to reimburse Lessee for 100% of the 1995 and 1996 crop loss resulting from Grantee's construction activities.

Should the loss of crops or crop productivity, resulting from Grantee's construction activities, occur outside the above stated areas, that damage will be assessed using the above formulas and paid for after the time of such loss.

Company: *Travis Group*
 Location: *Norris, Bergs & Simpson*
 File #: *273-0256*
 Contract:

County: *Clatsop*
 Location: *Multnomah County*
 File #: *248-3851*
 Original: Copy: Return: Call by pickup:

Let me know if you want hard copies sent to you



SCALE: 1" = 100'

FUTURE

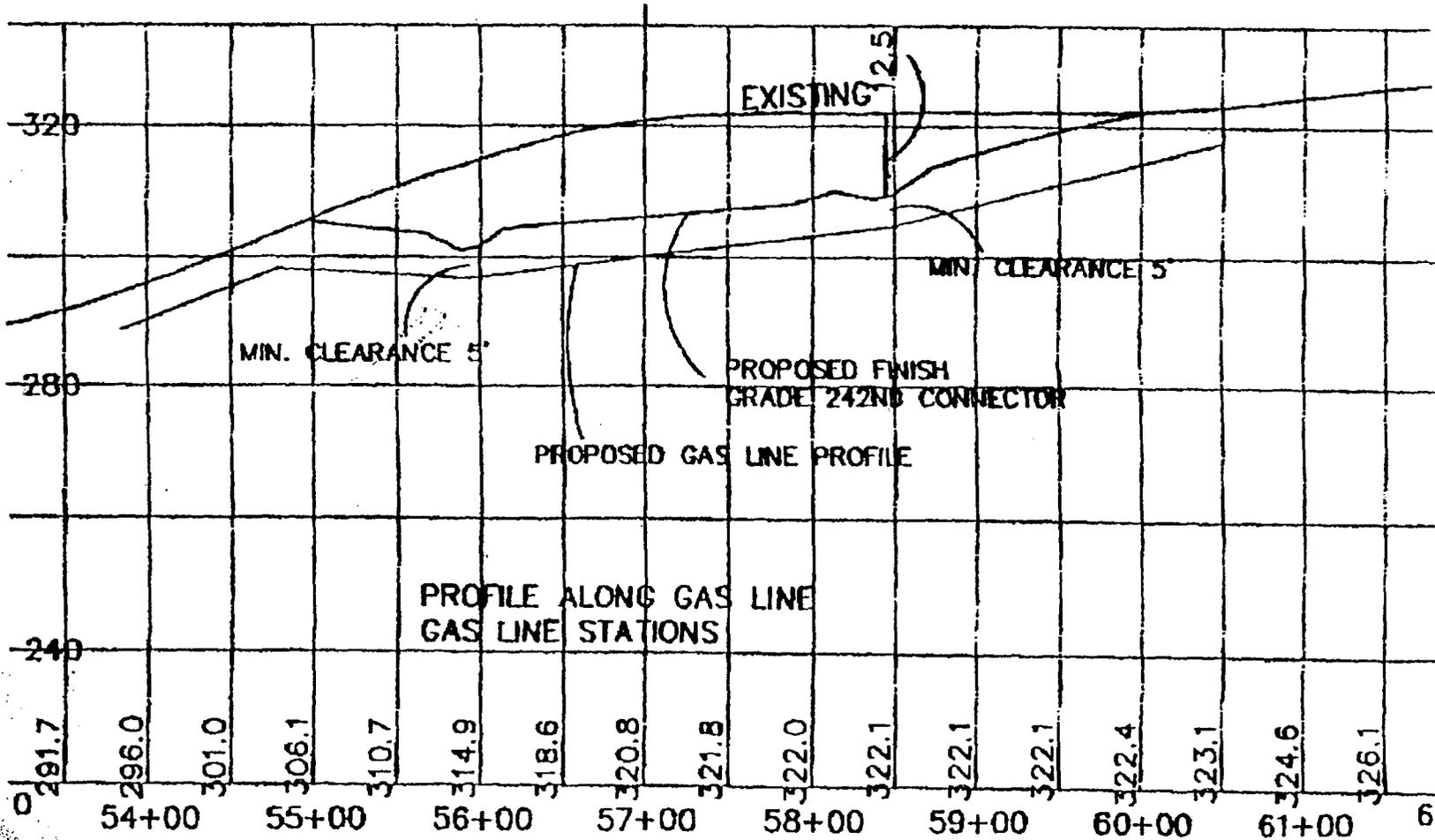
EXHIBIT "F"

MULTNOMAH COUNTY			
LARRY E. NICHOLS P.E. COUNTY ENGINEER			
PROPOSED 242ND CONNECTOR GLISAN TO BANDY			
Prepared	Checked	Drawn	Date
			02/30/88

EXHIBIT "F"

SCALE: 1" = 100'
VERT. 1" = 25'

10+00 PROPOSED 242ND CONNECTOR =
57+00 PROPOSED GAS LINE



SENT BY: NB&S - PORTLAND ; 2-2-95 ; 3:13PM ;

Designed	Drafted	Checked	SKL
Date: 1/30/83	Scale:		

MULTNOMAH COUNTY
DEPARTMENT OF ENVIRONMENTAL SERVICES
LARRY F. NICHOLS P.E. COUNTY ENGINEER
PROPOSED 242ND CONNECTOR
CLISAN TO SANDY

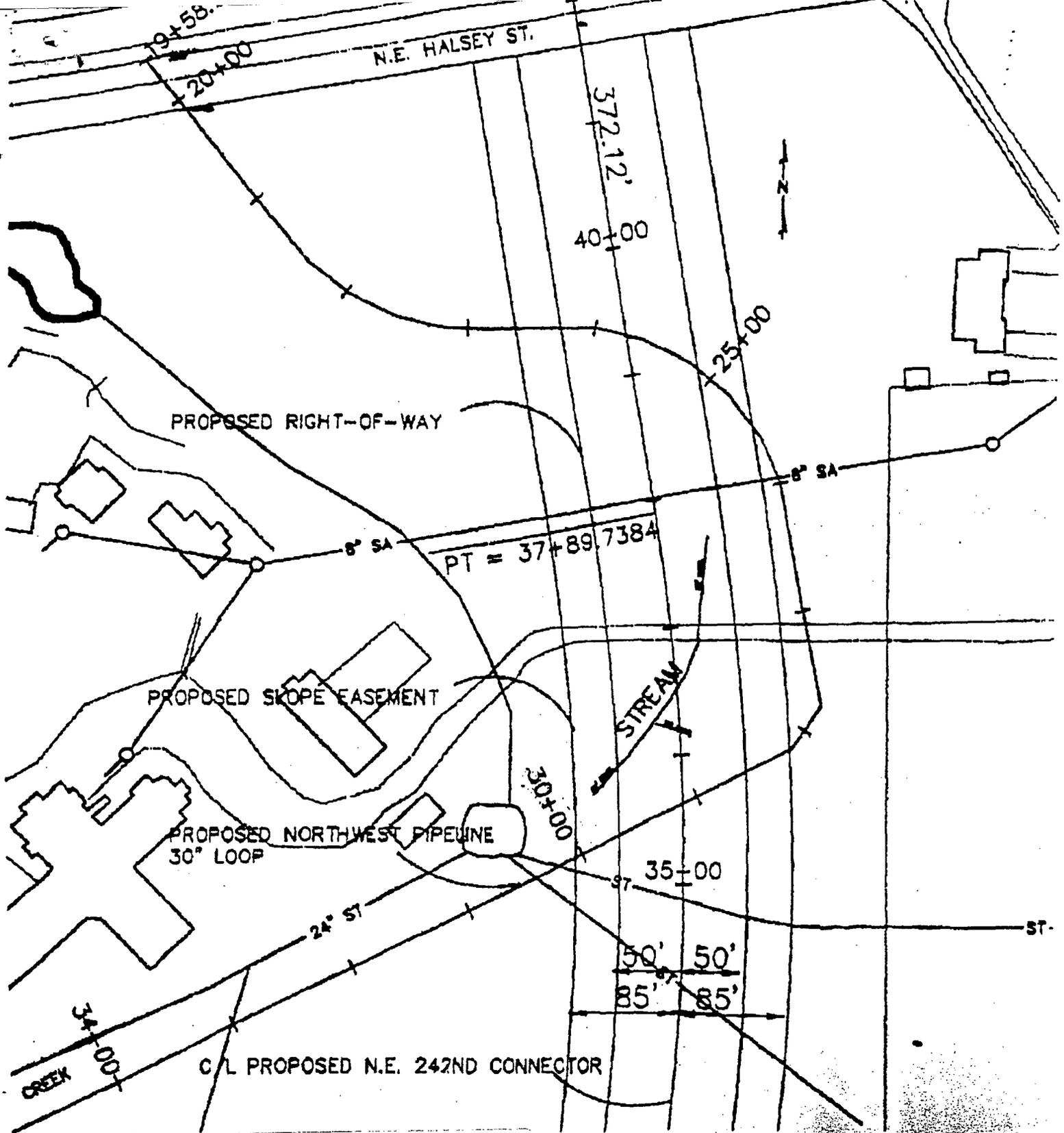


EXHIBIT "F"

SCALE: 1" = 100'

MULTNOMAH COUNTY <small>DEPARTMENT OF ENVIRONMENTAL SERVICES TRANSPORTATION DIVISION 1000 S.E. 100th Ave. PORTLAND, OR.</small>			
LARRY F. NICHOLAS P.E. COUNTY ENGINEER			
PROPOSED 242ND CONNECTOR GLISAN TO SANDY			
Designed	Drafted	Checked	SRL
Date: 7/30/96		Scale:	of

EXHIBIT "F"

20

16

SCALE: 1" = 100'
VERT. 1" = 25'

24+36 PROPOSED GAS LINE=
39+30 PROPOSED 242ND CONNECTOR

29+12 PROPOSED GAS LINE=
35+62 PROPOSED 242ND CONNECTOR

PROFILE ALONG GAS LINE
GAS LINE STATIONS

PROPOSED FINISH
GRADE 242ND CONNECTOR

PROPOSED FINISH
GRADE 242ND CONNECTOR

PROPOSED GAS LINE PROFILE

MIN. CLEARANCE 5'

7.5'

EXISTING

120

124.2

125.9

127.4

128.6

129.7

130.4

130.2

130.0

131.6

131.8

131.5

131.0

131.4

131.7

131.2

128.5

129.2

128.9

126.6

128.6

21+00

22+00

23+00

24+00

25+00

26+00

27+00

28+00

29+00

 <p>MULTNOMAH COUNTY ENGINEERING DEPARTMENT 200 S.W. 5TH AVENUE, PORTLAND, OR 97204</p>	
<p>LARRY F. NICHOLAS P.E. COUNTY ENGINEER</p>	
<p>PROPOSED 242ND CONNECTOR GUSAN TO SANDY</p>	
<p>Designed Date: 1/30/2004</p>	<p>Drafted Checked SHE of</p>

MEETING DATE: MAY 0 4 1995

AGENDA NO: R-9

(Above Space for Board Clerk's Use ONLY) _____

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement between Multnomah County and Metro that allows the County Records Program to provide records management services to Metro on an as-needed and as-available basis and providing for reimbursement.

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: April 20, 1995

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services **DIVISION:** F.R.E.D.S.

CONTACT: Tom Guiney **TELEPHONE #:** 248-5353
BLDG/ROOM #: 425/FREDS

PERSON(S) MAKING PRESENTATION: Tom Guiney

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

This intergovernmental agreement allows Metro to utilize the County Record Administrator and associated staff's expertise on a consulting basis as needed and available. The IGA provides for reimbursement to the County for services provided.

5/8/95 ORIGINALS to DWIGHT WALLIS

SIGNATURES REQUIRED:

ELECTED OFFICIAL _____
OR
DEPARTMENT MANAGER: Betsy Willis

MULTNOMAH COUNTY
OREGON
1995 APR 27 PM 12:43
BOARD OF
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
FLEET, RECORDS, ELECTRONIC & DISTRIBUTION
SERVICES DIVISION (F.R.E.D.S.)
1620 SE 190TH AVE.
PORTLAND, OREGON 97233-5999
(503)248-5050

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

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Tom Guiney, F.R.E.D.S Manager 

TODAY'S DATE: March 31, 1995

REQUESTED PLACEMENT DATE: April 20, 1995

RE: IGA with Metro - Records Management

I. Recommendation/Action Requested:

Recommend approval of an intergovernmental agreement between Multnomah County and Metro that allows Metro to utilize the County's Record Management staff's expertise on an as-needed and as-available basis and provides for reimbursement.

II. Background/Analysis:

Metro has a need for records management services in support of its Record Management Program and Multnomah County has a Records Administrator and staff with the appropriate knowledge and abilities to provide this support. The County has successfully provided these types of services to Metro in the past on a specific project basis. Metro has requested that we establish a procedure that would allow services to be provided on an as-needed basis, if County staff is available. This IGA will establish an ongoing relationship between the two organizations which will eliminate the need for a separate IGA for each records related project. The IGA: promotes intergovernmental cooperation; reduces the administrative effort required to provide this intergovernmental cooperation; reduces the amount of Board time and staff time required to allow this cooperation; and in general better utilizes the resources of both governments more effectively.

III. Financial Impact:

Revenue from Metro to the County under this IGA would be as reimbursement for services provided. It has been anticipated in FY 95/96 General Fund revenue and Records Program work plan.

IV. Legal Issues:

We know of no legal issues that are not addressed in the IGA.

V. CONTROVERSIAL ISSUES:

We are not aware of any controversial issues related to this IGA.

VI. Link to Current County Policies:

We believe this proposal to be consistent with the County's policies of intergovernmental cooperation.

VII. Citizen Participation:

The only citizen participation involved in this proposal will occur at the Board of County Commissioner's meeting on the matter.

VIII. Other Government Participation:

The only other government involved in this IGA is Metro.



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 302015

Amendment # _____

<p>CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p>	<p>CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p>CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement - Revenue</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>R-9</u> DATE <u>5/4/95</u></p> <p style="text-align: center;"><u>DEB BOGSTAD</u></p> <p style="text-align: center;">BOARD CLERK</p>
--	--	--

Department DES/FREDS Division Records Program Date 3/30/95

Contract Originator Dwight Wallis Phone x3741 Bldg/Room 421/Records

Administrative Contact Dwight Wallis Phone x3741 Bldg/Room 421/Records

Description of Contract Provide records management services to Metro on an as-needed project basis over a three year period for an amount not to exceed \$14,000.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is MBE WBE QRF

Contractor Name Metro

Mailing Address 600 N.E. Grand Ave.
Portland, OR 97232-2736

Phone (503) 797-1613

Employer ID# or SS# _____

Effective Date Upon final signature.

Termination Date 3 yrs. from final signature.

Original Contract Amount \$not to exceed \$14,000

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ not to exceed \$14,000

Remittance Address Multnomah County
(If Different) _____

Payment Schedule _____ Terms _____

Lump Sum \$ _____ Due on receipt

Monthly \$ _____ Net 30 monthly billing

Other \$ current rate Other _____

Requirements contract - Requisition required.

Purchase Order No. _____

Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager Dwight Wallis

Purchasing Director _____
(Class II Contracts Only)

County Counsel John L. DuBay

County Chair / Sheriff Rebecca Stein

Contract Administration _____
(Class I, Class II Contracts Only)

Encumber: Yes No

Date 4-10-95

Date _____

Date April 27, 1995

Date May 4, 1995

Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT		\$
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	100	030	5940								
02.											
03.											
* If additional space is needed, attach separate page. Write contract # on top of page.											

INTERGOVERNMENTAL AGREEMENT
Between Multnomah County and Metro

THIS AGREEMENT, made and entered into as of this _____ day of _____ 1995, by and between MULTNOMAH COUNTY, whose address is 2505 SE 11th Ave., Portland, OR 97202, and METRO, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, whose address is 600 NE Grand Avenue, Portland, OR 97232-2736.

WITNESSETH:

WHEREAS, It is in the public interest and mutually beneficial for Multnomah County and Metro to cooperate and take advantage of opportunities to utilize each other's expertise; and

WHEREAS, Metro has need of record management skills in the development of its Archives Program; and

WHEREAS, Multnomah County has a Records Program with the appropriate knowledge and abilities to conduct projects in the development of record retention schedules, consultation on records management issues as needed by Metro; now, therefore,

IN CONSIDERATION of the above-cited interests, needs and skills, and in accordance with the terms and conditions set forth hereafter, the parties agree as follows:

1. Metro and Multnomah County hereby authorize Multnomah County Records Manager to proceed with the Scope of Work attached as Exhibit "A".

2. The term of this Agreement shall be for 3 years.
3. Project Coordinators shall be Dwight Wallis, Records Manager, Department of Environmental Services for Multnomah County; and Pam Juett, Office Services Manager, General Services Department for Metro. Either party may designate a new project coordinator by doing so in writing.
4. Metro will reimburse Multnomah County up to a maximum of \$14,000 over the term of this contract for work performed on projects and consultations. Terms of payment, total hourly rate and conditions are set forth in Terms of Payment attached as Exhibit "B".
5. This Agreement is entered into within the state of Oregon, and the law of said state, whether substantive or procedural, shall apply to this contract, as shall all statutory, charter and ordinance provisions that are applicable to public contracts executed in the City of Portland and County of Multnomah.
6. All work performed on site at Metro, or elsewhere, by the Records Manager or other Records Program staff, is as an employee and agent of Multnomah County. As an independent contractor, Multnomah County shall indemnify, protect, defend and hold harmless Metro and its officers, agents, employees, and members, from any and all claims, suits or actions of any nature, including but not limited to costs and attorney fees, arising out of or related to the activities of Multnomah County, its officers, agents, employees or subcontractors under this contract. If Multnomah County fails to defend or indemnify, Metro may, at its option, bring an action to compel same or undertake its own defense. In either event, Multnomah County shall be responsible for all of Metro's costs, expenses, and attorney fees including the reasonable market value of any services provided by Metro's employees. Multnomah County's obligation to indemnify under this provision is subject to the

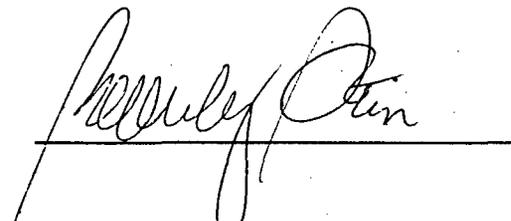
limitations on liability, set forth in ORS 30.270 for claims, suits, or actions governed by that statute.

7. Termination for Convenience: This Agreement may be terminated in whole, or in part, when either party determines that the continuation of the contract would not produce beneficial results commensurate with the further expenditure of funds. The parties shall agree upon the termination conditions including the effective date and, in the case of partial terminations, the portion or portions to be terminated. The parties shall not incur new obligations after the effective date of termination, and shall cancel as many outstanding obligations as possible. Metro shall only be responsible to Multnomah County to the extent, if any, of reimbursement for the hours spent by the Records Program staff in development and execution of the projects outlined in the scope of work.
8. This agreement is solely between and for the benefit of Metro and Multnomah County. No third party beneficiaries to this agreement are intended to be created. This agreement confers no rights on any person other than the parties to the agreement. No person other than the parties to this agreement is intended to have any right to enforce any part of this agreement.
9. This Agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change in the terms of this agreement shall bind either party unless in writing and signed by both project coordinators. Such waiver, consent, modification or change, if made shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations oral or written, not specified herein regarding this Agreement. Multnomah County and Metro, by the signature below of its authorized representative, hereby acknowledges that it has read this Agreement, understands it and agrees to be bound by its terms and conditions.

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year set forth below.

MULTNOMAH COUNTY

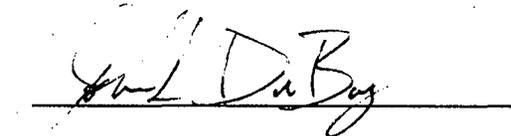
METRO


Date: May 4, 1995

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:


Date: 4/27/95

Date: _____

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 5/4/95
DEB BOGSTAD
BOARD CLERK

Attachment A

SCOPE OF WORK

1. Multnomah County will make the services of the Records Program, Department of Environmental Services available to Metro as needed by Metro, and at the discretion of Multnomah County for records management projects at Metro.
2. Each project shall be developed in cooperation with Pam Juett, Office Services Manager, General Services Department, Metro; Dwight Wallis, Records Manager, Department of Environmental Services, Multnomah County; and the Metro Department requesting the service who shall designate a departmental project manager, or such other person as may be designated in writing.
3. Services shall focus on development of retention schedules, organization and management of archived materials, professional consultations regarding archiving and microfilming, and related services on a project by project basis.
4. A written project description will be developed at Metro and submitted to the Multnomah County Records Manager.
5. If the Multnomah County Records Manager wishes to undertake the project, he will develop a draft work plan after initial consultation with Metro, and an estimate of the hours needed to complete the project.
6. A final work plan and estimate of hours and estimated project cost will be developed by the Multnomah County Records Manager based on conversations between the Multnomah County Records Manager, Metro Office Services Manager, and the project manager of the Metro Department initiating the project.

7. The project will commence only after agreement on the final work plan, cost and schedule, and signatures are obtained on the work plan by the Multnomah County Records Manger, Metro Office Services Manager, and Metro Department project manager.

Attachment B

TERMS OF PAYMENT

1. Multnomah County Records Manager will keep track of hourly work time spent on each individual project by the Records Program staff.
2. Multnomah County shall be reimbursed on an hourly shop rate for work of the Records Program staff on each individual project.
3. The shop rate shall be set for each individual project based on the cost of the Multnomah County Records Program staff, related program costs and the current overhead.
4. Maximum sum payable by Metro to Multnomah County over the 3-year contract period is \$14,000.
5. The Multnomah County Records Manager shall submit monthly invoices through the completion of the project.
6. If it appears that the project cost will exceed the original estimated project cost agreed upon prior to the project commencing, the Records Manager shall inform Metro's Office Services Manager and Departmental Project Manager sponsoring the project. A new project work plan, revised cost or other modification must be developed and agreed to by all three representatives.
7. The Multnomah County Records Manager shall submit two copies of each invoice. One copy to be mailed to Metro Accounting Division at 600 NE Grand Avenue,

Portland, OR 97232, and the second copy to be mailed to the Metro Department sponsoring and authorizing for the project.

8. Metro will make payment in the form of a check to be issued at the first check run after the invoice is approved and authorized for payment.
9. Checks will be issued to Multnomah County.

MEETING DATE: MAY 0 4 1995

AGENDA NO: R-10

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PCRB Exemption for purchase of Oracle Version 7 Data Base System

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: Thursday, May 4, 1995

Amount of Time Needed: 15 MINUTES

DEPARTMENT: DCC DIVISION: Purchasing/DCC

CONTACT: Franna Hathaway/Connie Peabody TELEPHONE #: 248-5111/248-5405

BLDG/ROOM #: 421/1st / 161/600

PERSON(S) MAKING PRESENTATION: Franna Hathaway/Connie Peabody

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

Request of Board of County Commissioners, acting as PCRB, for an exemption from the bidding process for the purchase of Oracle Version 7, Data Base System.

4/28/95 NOTICE & Application to PCRB list, Dave Boyer, FRANNA HATHAWAY & CONNIE PEABODY

5/4/95 NOTICE & ORDER to PCRB list, Boyer, Hathaway & PEABODY

ELECTED OFFICIAL: PEABODY
OR
DEPARTMENT MANAGER: [Signature]

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY OREGON
1995 APR 27 PM 12:43

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM:  Franna Hathaway, Manager
Purchasing Section

TODAY'S DATE: April 20, 1995

REQUESTED PLACEMENT DATE: May 4, 1995

RE: Exemption request from formal competitive bid process for the Department of Community Corrections (DCC) to purchase Oracle Version 7, Data Base System.

I. RECOMMENDATION: The DCC requests a PCRB Exemption from the Competitive Bidding Process to contract for the purchase of Oracle Version 7, Data Base System. Based on a six-month evaluation process it has been determined that Oracle Version 7 and the companion products of a transparent Gateway for the AS/400 as well as SQLNET, are the only data base products compatible with, and capable of, meeting the requirements of the DCC.

II. Background/Analysis: The choice of Oracle as the DBMS for this project is based on a product evaluation conducted by DOC's Information System Unit (ISU) staff last fall.

1. In August, 1994, DOC issued a Request for Information (RFI) for hardware and RDBMS capable of supporting an Enterprise-wide Decision Support System. Copies of the RFI were sent to 20 major vendors, and in addition the RFI was posted on the DAS Vendor Information System (VIP) for three weeks. All three of the RDBMS vendors who responded to the RFI (Oracle, Sysbase, and Informix) were offered the opportunity to submit their RDBMS for a trial in-house evaluation, but only Oracle accepted the offer.
2. ISU staff followed up the RFI responses by attending seminars offered by all three RFI responders; by personally interviewing marketing reps for each of the three responders, and by installing and testing Oracle software in-house on PCs, on an AS/400, and on a Sun workstation.

III. Financial Impact: The cost is \$27,485.00.

IV. Legal Issues:

There are no legal issues anticipated.

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

Current County policies require a formal competitive process for the purchase of hardware/software that exceed \$25,000.00.

VII. Other Government Participation: The resulting contract will be open to other county departments and other government agencies. The DCC will be cooperatively networking the automated probation/parole offender case management system of the State of Oregon DOC with this database.



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

NOTICE OF HEARING

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, will consider an application on **Thursday, May 4, 1995**, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, in the Matter of Exempting from Public Bidding the Purchase of Oracle Version 7 Data Base System.

A copy of the application is attached.

For additional information, please contact Franna Hathaway, Multnomah County Purchasing Section, 248-5111.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD

Deborah L. Bogstad
Office of the Board Clerk

enclosure

cc: Dave Boyer
Franna Hathaway
Connie Peabody

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of Exempting From)
Public Bidding the purchase of) A P P L I C A T I O N
Oracle Version 7 Data Base System)

Application to the Public Contract Review Board on behalf of a request from the Department of Community Corrections (DCC) is hereby made pursuant to the Board's Administrative Rule AR 10.140 and adopted under the provisions of ORS 279.015 for an order of exemption from the bidding process for the purchase of Oracle Version 7 Data Base System.

This Exemption Request is supported by the following facts:

1. The attached memorandum from DCC requests a PCRFB exemption from the competitive bidding process to purchase Oracle Version 7 Data Base System.
2. The cost to the County is \$27,485.00.
3. Competitive bidding for this item is not feasible because of the compatibility required to network with the State of Oregon Department of Corrections (DOC).
4. This is an one time exemption.
5. The Purchasing Section has reviewed the information provided by DCC and found that it is compatible with proper purchasing procedures.
6. The Purchasing Section recommends approval of the requested exemption.

Dated this 20th day of April, 1995.

Franna Hathaway
Franna Hathaway, CPPB Manager
Purchasing Section

Attachments



**MULTNOMAH COUNTY DEPARTMENT OF
COMMUNITY CORRECTIONS**

MEMORANDUM

TO: Lillie Walker, Purchasing Director
FROM: Tamara Holden, Dept. Community Corrections Director
DATE: 3/29/95 *Tamara Holden*
SUBJECT: Request for Exemption from RFP Process

BRIEF DESCRIPTION/DOLLAR AMOUNT

Since 1992, the Multnomah Department of Community Corrections (DCC), Multnomah ISD (ISD), and the State of Oregon Department of Corrections (DOC) have worked together toward developing a computer network capable of utilizing the state's automated probation/parole offender case management system. DCC, ISD and DOC cooperatively have reviewed DCC's current information system needs and have recommended an upgrade. Part of the upgrade includes a Data Base Server that will allow DCC to do ad hoc query reporting, utilizing a database that originates in Salem on DOC's AS/400, which will have the pertinent data for DCC extracted and communicated to the DCC Data Base Server. The Data Base system that has been chosen by DOC is Oracle Version 7.

The cost of acquiring Oracle 7 will be:

\$15,000	Oracle Transparent Gateway for AS/400
\$11,985	Oracle User Licenses
\$ 500	SQL Net
=====	
\$27,485	

RECEIVED
PURCHASING SECTION

95 APR 10 AM 11:36

MULTNOMAH COUNTY

Memo to Lillie Walker
March 29, 1995
Page 2

DETAILED DESCRIPTION WHY THE SPECIFIC CONTRACTOR IS TO BE SELECTED/ EFFORTS TAKEN TO NOTIFY OTHER POTENTIAL CONTRACTORS

RDBMS Purchasing Decision

The DOC and the DCC are integrating the databases of their offender-based information systems. The project is part of DOC's long-term Information Resources Management Plan (IRM Plan), developed in conjunction with several private consultants and with the active participation of the Department of Administrative Services Planning and Review Group.

Part of the project requires selection of a Relational Data Base Management System (RDBMS) that will be consistent with DOC's 1995-97 IRM Plan (#16/SQL-Standard Data Base and #5/Research-Dedicated Computer) and with the RDBMS and SQL standards mandated by the Department of Administrative Services, as well as being capable of exchanging record-level updates with DOC's existing installed network, which consists of sixteen distributed AS/400's running OS/400 DBMS.

Based on a six-month evaluation process that took place last fall, DOC has determined that Oracle Version 7, and the companion products of a Transparent Gateway for the AS/400 as well as SQL Net are the only RDBMS products capable of meeting their requirements.

Evaluation Process for the RDBMS

The choice of Oracle as the DBMS for this project is based on a product evaluation conducted by DOC's Information Systems Unit (ISU) staff last fall.

1. In August, 1994, DOC issued a Request for Information (RFI) for hardware and RDBMS capable of supporting an Enterprise-wide Decision Support System. Copies of the RFI were sent to 20 major vendors, and in addition the RFI was posted on the DAS Vendor Information System (VIP) for three weeks. All three of the RDBMS vendors who responded to the RFI (Oracle, Sysbase, and Informix) were offered the opportunity to submit their RDBMS for a trial in-house evaluation, but only Oracle accepted the offer.
2. ISU staff followed up the RFI responses by attending seminars offered by all three RFI responders; by personally interviewing marketing reps for each of the three responders, and by installing and testing Oracle software in-house on PCs, on an AS/400, and on a Sun workstation.

Memo to Lillie Walker
March 29, 1995
Page 3

Criteria and Results

1. AS/400 Connectivity

The RDBMS must be capable of real-time, record-level interfacing with the AS/400. This is the most important single requirement for DOC, given its existing AS/400 data base.

Oracle is the only vendor that has actually written Gateway software that will run on an AS/400.

Oracle's AS/400 Transparent Gateway software, which ISU tested in-house, works in conjunction with Oracle SQL*NET to provide users with record-level updating to and from an Oracle RDBMS using ANSI SQL92-compliant syntax, including the Two-Phase Commit feature with Rollback (from Oracle to AS/400), using either APPC or TCP/IP protocols.

2. Distributed Computing

The RDBMS chosen should be the one best suited for enterprise-wide computing in the multi-protocol, multi-vendor environment that DOC operates in.

Oracle is the only RDBMS that offers all the features that DOC needs to support a network of distributed data bases.

Significant features offered only by Oracle include unlimited stored triggers on a Table, support of alternate network routings for multi-site data base transactions, network-wide server-enforced cascading updates and deletes, password encryption across a network, and support for both ODBC and OLE technology between server and desktop.

cc: DPMC

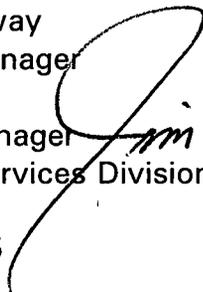


MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
INFORMATION SERVICES DIVISION
4747 EAST BURNSIDE
PORTLAND, OREGON 97215
(503) 248-3749

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

TO: Franna Hathaway
Purchasing Manager

FROM: Jim Munz, Manager 
Information Services Division

DATE: April 12, 1995

SUBJECT: Request for Exemption from RFP Process

In accordance with Multnomah County Ordinance 511, it is the responsibility of the Data Processing Management Committee:

To review and comment on all requests for data processing hardware, software or consulting with a total cost in excess of \$1,000 which occur in department or division budgets to ensure compliance with DPMC policies regarding equipment and applications acquisition and maintenance and to assess their future impact on ISD.

The Data Processing Management Committee has directed the Information Services Division to review all requests defined above and to provide a report to the DPMC at their quarterly meeting.

Under these guidelines, ISD staff have reviewed the proposed purchase of the Oracle Data Management System as identified in request for exemption submitted by the Department of Community Corrections and it is our opinion that the request defined above is consistent with the policies identified by the Data Processing Management Committee.

cc: Connie Peabody x5405

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PURCHASING SECTION
95 APR 13 AM 8:26
MULTNOMAH COUNTY



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

NOTICE OF APPROVAL

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, considered an application on **Thursday, May 4, 1995**, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, and approved Order 95-98 in the Matter of Exempting from Public Bidding the Purchase of Oracle Version 7 Data Base System.

A copy of the Order is attached.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD

Deborah L. Bogstad
Office of the Board Clerk

enclosure

cc: Franna Hathaway
Dave Boyer
Connie Peabody

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of Exempting from)
Public Bidding the purchase of Oracle) O R D E R
Version 7 Data Base System) 95-98

The above entitled matter is before the Board of County Commissioners, acting in its capacity as the Multnomah County Public Contract Review Board, to review, pursuant to ORS 279.015(3) (A) through (5) (B) and PCRB Rule 10.140, an exemption for the Department of Community Corrections (DCC) to purchase Oracle Version 7 Database System. The cost is \$27,485.00.

It appearing to the Board that the request for exemption, as it appears in the order, is based upon the fact that it is needed to meet the County's needs for the compatibility required to network with the State of Oregon Department of Corrections.

It appearing to the Board that this exemption request is in accord with the requirements of ORS 279.015 and PCRB Rule AR 10.140; now therefore,

IT IS ORDERED that the purchase of Oracle Version 7 Data Base System be exempted from the requirement of formal competitive bid process.

Dated this 4th day of May, 1995.



LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By [Signature]
Assistant County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD:

By [Signature]
Beverly Stein, County Chair

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 5/4/95

NAME Norman Ryan

ADDRESS 2221 SW 1st Ave 10246

STREET

Portland 97201

CITY ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-11

SUPPORT X OPPOSE _____

SUBMIT TO BOARD CLERK _____

#2

PLEASE PRINT LEGIBLY!

MEETING DATE 5/4/95

NAME PAUL LORENZINI
ADDRESS 221 NW 2nd

STREET
Portland, 97209
CITY ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R/118 R/12
SUPPORT _____ OPPOSE _____
SUBMIT TO BOARD CLERK _____

#4

PLEASE PRINT LEGIBLY!

MEETING DATE 5/4/95

NAME

SONNY CONDER

ADDRESS

URBAN RESEARCH SUPERVISOR

STREET METRO GOUNE GRAND

CITY

ZIP

97232

I WISH TO SPEAK ON AGENDA ITEM NO.

R11

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK

Neither, just general info on pg.

MEETING DATE: APR 27 1995 MAY 04 1995

AGENDA NO: R-11

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution In the Matter of Constructing Additional Beds For the Multnomah County Juvenile Detention Home and Examining the Feasibility of Using a Portion of that Facility for a Mental Health Crisis Triage Center.

BOARD BRIEFING: Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: April 27, 1995

Amount of Time Needed: 15 minutes

DEPARTMENT: Non-departmental

DIVISION: Commissioner Saltzman

CONTACT: Mark Wiener

TELEPHONE #: 248-5220

BLDG/ROOM #:

PERSON(S) MAKING PRESENTATION: Commissioner Dan Saltzman

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

Currently, construction of Multnomah County's new juvenile detention facility will not fully accommodate the needs that we can reasonably expect. With the County's construction contractors on site now, it affords us the opportunity for significant savings if we decide to increase the number of beds now. Additionally, the County has identified a Mental Health Crisis Triage Center as an important need. However it has proved difficult to site. The resolution calls for the construction of 64 additional beds for the Juvenile Detention Home, and directs the Community and Family Services Division to examine the feasibility of locating the Mental Health Crisis Triage Center there.

5/5/95 copies of Resolutions 95-99 & 95-99A to BCC, Elise Clawson, Doris Di Paolo, Dave Warren, Dave Boyer, SIGNATURES REQUIRED: Barry Crook, Dave Warren, Marie Christensen, Michelle, Bill Farver, Courtney Wilton

ELECTED OFFICIAL: Dan Saltzman

OR

DEPARTMENT MANAGER: _____

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
REGON
APR 20 PM 4:18

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the office of the Board Clerk 248-3277/248-5222



DAN SALTZMAN, Multnomah County Commissioner, District One

1120 S.W. Fifth Avenue, Suite 1500 • Portland, Oregon 97204 • (503) 248-5220 • FAX (503) 248-5440

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COMMISSIONER DAN SALTZMAN

D.S.

TODAY'S DATE: APRIL 20, 1995

REQUESTED PLACEMENT DATE: APRIL 25, 1995

RE: Resolution In the Matter of Constructing Additional Beds For the Multnomah County Juvenile Justice Complex and Examining the Feasibility of Using a Portion of that Facility for a Mental Health Crisis Triage Center.

I. Recommendation/Action Requested:

Approval of resolution.

II. Background/Analysis

Both Multnomah County's and the region's need for secure juvenile detention beds has increased steadily. However, capacity has not kept pace: there has been no major changes to the Donald E. Long Home for 45 years. While we are in the process of constructing a new facility, current plans reflect no increase in beds: it certainly will not fully accommodate the needs that we can reasonably expect. With the County's construction contractors on site now, it affords us the opportunity for significant savings if we decide to increase the number of beds now. Increasing capacity now will also enable Multnomah County to take a leadership role in the regionalization of juvenile justice services.

Additionally, the County has identified a Mental Health Crisis Triage Center as an important need. However it has proved difficult to site. Co-location of these two functions may be a way to accomplish that goal

The resolution calls for the construction of 64 additional beds for the Multnomah County Juvenile Justice Complex, and directs the Community and Family Services Division to examine the feasibility of locating the Mental Health Crisis Triage Center there.

III. Financial Impact

Constructing the full 64 additional beds now would reflect an approximate \$700,000 savings over constructing them at a later date.

IV. Legal Issues

There may be legal issues surrounding the location of a mental health facility within a juvenile detention facility. The feasibility study for the Triage Center will examine those issues.

V. Controversial Issues

The decision to build in anticipation of demand may be controversial.

VI. Link to Current County Policies:

This resolution conforms with County policy to maximize our capital investments, appropriate co-location of County services, and pursuing regional approaches to regional problems.

VII. Citizen Participation:

Public testimony at Board hearing.

VIII. Other Government Participation:

Nearby county governments have been consulted as potential regional partners in the construction and use of the expanded facility.

TANYA COLLIER
Multnomah County Commissioner
District 3



1120 SW Fifth St., Suite 1500
Portland, OR 97204
(503) 248-5217

Amendments for April 27, 1995 Resolution 11

WHEREAS; the certificates of participation to finance the construction of the additional 64 beds will cost about \$700,000 annually, and,

WHEREAS; in August 1992, the County issued \$36,000,000 in certificates of participation with an annual payment of about \$3,035,000 to construct the new Juvenile Justice Complex, and,

WHEREAS; Federal and State law allow governmental agencies to "Advance Refund" or refinance certificates of participation with General Obligation Bonds, and,

WHEREAS; an Advance Refunding of the certificates with General Obligation Bonds will allow the County to annually redirect about \$3,560,000 of resources to other uses, and,

WHEREAS; it may be feasible to ask the voters of Multnomah County to approve a General Obligation Bond Measure to Advance Refund the certificates of participation, and,

WHEREAS; if Multnomah County asks for voter approval of a General Obligation Bond Measure and the voters do not approve the measure, it is the intent of Multnomah County to continue appropriating sufficient funds to retire the outstanding certificates of participation, and,

BE IT RESOLVED; that the Chair will direct the Director of Finance to begin preparing an Advance Refunding Plan to be sent to the State Treasurer's Office for approval, and,

BE IT FURTHER RESOLVED; that if the Advance Refunding Plan is approved by the State Treasurer's Office, the Board will incorporate the measure with other Bond measures and begin the process of asking the voters for approval to Advance Refund the certificates of participation.

BOARD OF
COUNTY COMMISSIONERS
1995 APR 26 AM 11:55
MULTNOMAH COUNTY
OREGON

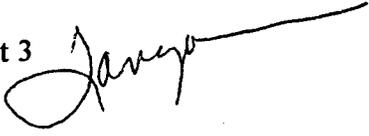
TANYA COLLIER
Multnomah County Commissioner
District 3



1120 SW Fifth St, Suite 1500
Portland, OR 97204
(503) 248-5217

MEMORANDUM

TO: Chair Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Dan Saltzman

FROM: Commissioner Tanya Collier, District 3 

DATE: May 3, 1995

RE: **Board Agenda Items R-11 and R-12: Number of Beds to be Constructed for the Multnomah County Juvenile Justice Complex**

The decision we will make tomorrow regarding the issue of the number of beds to build at the Juvenile Justice Complex will have far reaching consequences for Multnomah County and our citizens. I have spent the last two weeks gathering and analyzing data, questioning assumptions, interviewing experts, talking to citizens and, in general, thinking through the issue. Commissioner Saltzman's memo of a few days ago addresses the issues of cost savings, regional opportunities and the need for additional space. I won't dwell on those issues because I believe Commissioner Saltzman has done a commendable job. However, I want to discuss Chair Stein's recommendation to build 32 beds instead of 64 because I believe it is based on the following *incorrect* assumptions:

- Underestimation of the population growth in Multnomah County including a decrease in juvenile population.
- Effect of regional growth on Multnomah County services and facilities.
- Appropriate juveniles will be housed by the State.
- Potential savings for construction are lost if the units are not used within a two year period.
- No short or long term need for the space has been identified.
- Money will not be available for programs if we spend it on facilities.
- Sufficient community based programs will be available to treat juveniles and protect the public.
- Insufficient analysis of trends in number and severity of juvenile crimes.
- Juvenile correction philosophy that does not recognize a relationship between program and hard beds.

Population Growth

The population data on which the Chair's resolution is based is outdated. Metro has provided us with new population statistics. The projected growth is significant, but more importantly, it has consistently been upwardly revised since 1989. It projects that the 5-18 year old population will grow in Multnomah, Washington and Clackamas Counties by 59,110 from 1990 to 2015. Metro's Urban Research experts explain that these figures are very conservative because a higher birth rate and a larger migration stream are expected. These two factors will increase the proportion of young families with young children in the region. It is difficult to predict accurately what will happen in the future, but the updated population forecast is being contested by many as being far too low. Metro will present information regarding these predictions at our regular meeting on May 4, 1995.

Does the projected population growth necessarily determine the need for additional bed space? No, it does not. It is merely one factor to be used in analyzing the data. According to *JUSTICE 2020*, the State Courts planning document:

From 1983 to 1992, the rate of increase for case filing in district, circuit and appellate courts increased significantly faster than the rate of increase in the state's population. Domestic relations cases represented the fastest growing case type." Further, "If case filings in the trial courts continue to expand at the same rate they have over the last decade (1983-1992), the number of cases filed will increase from an estimated 351,000 cases in 1995 to 978,000 in 2020. This represents a rate of increase of 178 percent -- roughly four times greater than the estimated rate of increase in the state's population during the same period.

Population data when looked at in conjunction with other trends is a significant planning tool.

Trends

What other trends might be considered in conjunction with population growth? *JUSTICE 2020* lists a number of other "megatrends," in addition to the litigation projections above, that should impact our decision. The trends are national in scope, and all states will face similar challenges. They are:

> Increasing Societal Disintegration which is based on an on-going cycle of poverty, violence and crime. This is driven by a number of factors, including: discrimination, unemployment, illiteracy, lack of education, increased mobility and rootlessness, weakened family structure, drug and alcohol abuse, child neglect, and more.

> Growing racial, ethnic and cultural diversity. Oregon has a relatively small minority population compared to many parts of the country. It is swiftly moving toward the national multi-cultural norm. We are witnessing population growth driven by in-migration, the arrival of new minority groups, religions and ethnic enclaves, and the growth of other cultural minority groups among the general population. This is a statewide trend it obviously has much larger consequences in Multnomah County.

>Growing inadequacy of funding and facilities. *JUSTICE 2020* recognizes that the inadequacy of funding and facilities is not just limited to the courts; other aspects of the justice system are equally threatened. It states: "If courts are to punish and rehabilitate, there must be sufficient law enforcement personnel, prison beds, treatment programs, and parole and probation officers....."

There are many indications of trends that we can simply look around us and personally observe. Some are small; some are big. As a small example, the City Club is sponsoring a program on Friday, May 12, entitled "Fighting Youth Violence."

We just witnessed a larger trend with the passage of Ballot Measure 11 because we didn't heed the public's concern for their safety. It is not hard to reach the conclusion that there must be a continuum of sanctions ranging from prevention to incarceration. Treatment that fails must have a hard bed waiting at the other end. We have to have strict consequences in place for juvenile criminals. If we do not do this, the public will take it in their own hands by voting for more "get tough on criminal" initiatives that take the ability to craft remedies out of our hands.

An April 29, 1995 article in the *Oregonian* about the murder of David Wheeler by two juvenile offenders is further evidence of the trend. In that article, a number of observations by federal and state authorities on juvenile trends was documented:

- "Violence by juveniles has become part of the American experience."
- "Federal and state authorities say juvenile violence is on the rise almost everywhere"
- "...the reasons range from the easy availability of drugs and guns to too many single-parent homes and society's seeming lack of will -- at least until recently -- to address the problem of violent juveniles."
- "...being arrested no longer frightens many youthful offenders..."
- "...in 1987, three youth in Oregon were in close custody at MacLaren and the Hillcrest School of Oregon in Salem for homicides. Now 32 juveniles are in those facilities for homicide-related offenses..."
- "72 juvenile sex offenders were in close custody in Oregon in 1987. Today the number is close to 200."

We must continue to work hard to reverse these trends and develop programs to keep juveniles out of the justice system. We have not given up hope, but these trends are not yet reversed and wishing it were so will not make it so.

If personally observable data does not convince us of trends, then we should be convinced by the hard data presented to us on April 6, 1995, by Multnomah County's juvenile justice experts. According to our own report, Oregon had 735 close custody beds available to juveniles in 1981; now we have 513 beds. Between 1986 and 1993, the population of children 17 or under has increased 13%; violent juvenile crime has increased 93%. Multnomah county has needed to make wholesale releases from close custody on two different occasions in the last 12 months. The first was in May, 1994, when we released 27 juveniles in a 30-day period. The second was in December, 1994, when we released 25 juveniles. We have not been below our cap in the first ten months of FY 94/95. Early releases that are now routine at MacLaren/Hillcrest have been demonstrated to increase recidivism. Hasty administrative releases, according to our own report, undermine the effectiveness of both the treatment programs and juvenile's transition back to the community. How much data do we need?

Community Based Programs

The most dangerous assumption of all is that community based programs will be there when we need them and achieve what we expect them to achieve. We are matrixing out serious juvenile offenders right now because we reduced the number of beds at the state *before* the community based programs were created and had demonstrated success. The history of the state's downsizing does not create confidence in our ability to site, operate and adequately fund community based programs. While I agree wholeheartedly that we should be implementing community based programs, I do *not* agree that we can implement this philosophy without sufficient dedicated program resources and hard beds to back up the programs. We must create a continuum of sanctions that will be used appropriately. It makes *no* sense to base the handling of serious juvenile offenders on the three strategies listed in the staff report: an undeveloped and untested risk instrument; a commitment review panel; and a classification instrument for all adjudicated youth -- without the availability of a hard bed.

In January, 1995, the Special Corrections Grand Jury concluded that the juvenile system lacks needed sanctions. The argument that we will need the extra 32 beds but can build them later is refuted by Multnomah County's history of putting beds on line when we need them. We have been talking about or working on the current JDH facility since 1989. There is no data that shows we could do it more quickly in the future. To the contrary, it will save us time and money to do it now, using the contractor that is already on the job and buying materials before inflation drives up the price. We must not delay.

If there is a question about funding programs in addition to building 64 extra beds, we can increase our general fund revenue and dedicate it to juvenile justice programs by replacing our certificates of participation with general obligation bonds at the earliest opportunity.

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

In the Matter of Constructing Additional)
Beds For the Multnomah County Juvenile)
Justice Complex and Examining the Feasibility) **RESOLUTION**
of Using a Portion of that Facility)
for a Mental Health Crisis Triage Center)

WHEREAS, juvenile arrests in Multnomah County have increased by approximately 60% between 1988 and 1992; and,

WHEREAS, recent changes in law will further increase the demand for additional juvenile detention facilities; and,

WHEREAS, Multnomah County is currently constructing a new Juvenile Justice Complex; and,

WHEREAS, this reflects the first renovation or construction of a Multnomah County juvenile facility in 45 years; and

WHEREAS, this facility as currently planned reflects no increase in the number of beds available for juvenile detention; and,

WHEREAS, the site and plans for this facility could accommodate additional beds; and,

WHEREAS, the current presence of the County's construction contractors on site means that constructing these additional beds now would reflect a substantial savings over constructing them later; and,

WHEREAS, this represents a unique opportunity for the County; and,

WHEREAS, Multnomah County is also in need of a mental health crisis intervention unit containing secure beds; and,

WHEREAS, the County has been unable to secure a site for a mental health crisis intervention unit.

NOW, THEREFORE BE IT RESOLVED that the Board of Multnomah County Commissioners directs that 64 additional beds, in two pods of 32 beds each, be constructed as part of the new Multnomah County Juvenile Justice Complex.

BE IT FURTHER RESOLVED that the County negotiate with other jurisdictions for financial participation in the project.

BE IT FURTHER RESOLVED that the Multnomah County Community and Family Services Division, in cooperation with the Juvenile Justice Division, explore siting and constructing a Mental Health Crisis Triage Center on that site. Factors to be considered should include:

- design changes;
- separate access;
- comparison with alternative sites;
- whether it is better to link the Triage Center with a new justice facility and/or jail;
- best location for access;
- feasibility of building as part of the current contract and possible savings;
- potential of having the payment included on a General Obligation Bond;
- best use of seed money included in the Executive Budget for Triage Center; siting issues, if any.

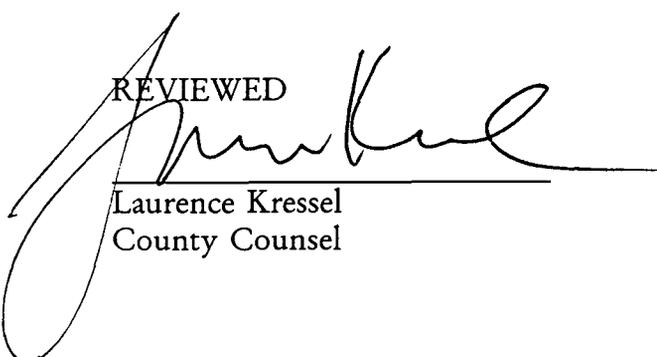
BE IT FURTHER RESOLVED that the Multnomah County Community and Family Services Division report the results of that examination to the Board of County Commissioners no later than May 31, 1995.

ADOPTED this 27th day of April, 1995

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair
Multnomah County, Oregon

REVIEWED



Laurence Kressel
County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Constructing Additional) RESOLUTION
Beds at the Multnomah County Juvenile)
Justice Complex)

WHEREAS, the construction of 32 additional beds will allow Multnomah County to cope with increased detention needs presented by Ballot Measure 11 and the ongoing problems with meeting our facility cap at McLaren; and

WHEREAS, the construction of 32 additional beds will allow Multnomah, Washington and Clackamas Counties to preserve the Juvenile Home as a regional facility; and

WHEREAS, the construction of 32 additional beds will allow Multnomah County to reduce recidivism and protect public safety by providing a greater range of meaningful sanctions; and

WHEREAS, with the 32 beds which will be operational by July, the construction of 32 additional beds will increase the total space available at the Multnomah County Juvenile Justice Complex by more than 60%, from the current 96 to 160; and

WHEREAS, effective community programs are an essential compliment to detention and secure program facilities. The County is committed to developing an effective continuum of services and sanctions within limited resources; and

WHEREAS, the State of Oregon is interested in using an additional 32 beds in the metropolitan region to serve as an assessment center for youth about to be committed to state training institutions; and

NOW, THEREFORE IT IS RESOLVED, that, assuming appropriate permits are obtained in time to recognize substantial construction savings, Multnomah and Washington Counties will jointly build an additional 32 new beds at the Multnomah County Juvenile Justice Complex; and

THEREFORE, BE IT FURTHER RESOLVED, that, assuming appropriate permits are obtained in time to recognize substantial construction savings, Multnomah County will enter into negotiations with the State of Oregon about the construction and use of an additional 32 new beds at the Multnomah County Juvenile Justice Complex. The County will negotiate based on the principle that the state will pay for at least a substantial portion of the construction costs and all the operating costs.

THEREFORE, BE IT FURTHER RESOLVED, that Multnomah County is concerned about the use of county-by-county caps at state juvenile facilities which have caused the early release of offenders from Multnomah County while less serious offenders from other counties remain in custody; and

THEREFORE, BE IT FURTHER RESOLVED, that the Chair will direct the Director of the Juvenile Justice Division to enter into negotiations for the removal of the county-by-county cap and the assumption by the state of financial responsibility for sanctions for juvenile offenders which were historically a state responsibility.

APPROVED this _____ day of _____, 1995.

MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By _____

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

In the Matter of Constructing)
Additional Beds at the Multnomah) **RESOLUTION**
County Juvenile Justice Complex) **95-99**

WHEREAS, the construction of 32 additional beds will allow Multnomah County to cope with increased detention needs presented by Ballot Measure 11 and the ongoing problems with meeting our facility cap at MacLaren; and

WHEREAS, the construction of 32 additional beds will allow Multnomah, Washington and Clackamas Counties to preserve the Juvenile Home as a regional facility; and

WHEREAS, the construction of 32 additional beds will allow Multnomah County to reduce recidivism and protect public safety by providing a greater range of meaningful sanctions; and

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IT IS FURTHER RESOLVED, that Multnomah County is concerned about the use of county-by-county caps at state juvenile facilities which have caused the early release of offenders from Multnomah County while less serious offenders from other counties remain in custody; and

IT IS FURTHER RESOLVED, that the Chair will direct the Director of the Juvenile Justice Division to enter into negotiations for the removal of the county-by-county cap and the assumption by the state of financial responsibility for sanctions for juvenile offenders which were historically a state responsibility.

APPROVED this 4th day of May, 1995.



MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By *Laurence Kressel*
Laurence Kressel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY

Amendment to Resolution 95-99 in the Matter of)
Constructing Additional Beds at the Multnomah)
County Juvenile Justice Complex)

RESOLUTION
95-99A

WHEREAS; the certificates of participation to finance the construction of the additional 64 beds will cost about \$700,000 annually, and,

WHEREAS; in August 1992, the County issued \$36,000,000 in certificates of participation with an annual payment of about \$3,035,000 to construct the new Juvenile Justice Complex, and,

WHEREAS; Federal and State law allow governmental agencies to "Advance Refund" or refinance certificates of participation with General Obligation Bonds, and,

WHEREAS; an Advance Refunding of the certificates with General Obligation Bonds will allow the County to annually redirect about \$3,560,000 of resources to other uses, and,

WHEREAS; it may be feasible to ask the voters of Multnomah County to approve a General Obligation Bond Measure to Advance Refund the certificates of participation, and,

WHEREAS; if Multnomah County asks for voter approval of a General Obligation Bond Measure and the voters do not approve the measure, it is the intent of Multnomah County to continue appropriating sufficient funds to retire the outstanding certificates of participation, and,

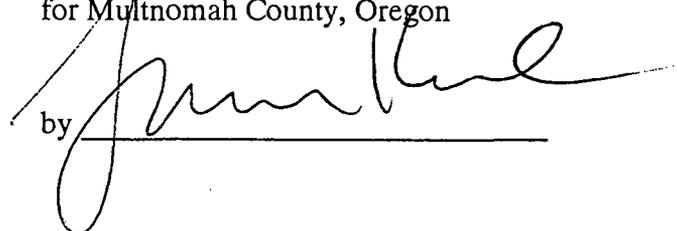
BE IT RESOLVED; that the Chair will direct the Director of Finance to begin preparing an Advance Refunding Plan to be sent to the State Treasurer's Office for approval, and,

BE IT FURTHER RESOLVED; that if the Advance Refunding Plan is approved by the State Treasurer's Office, the Board may incorporate the measure with other Bond measures and begin the process of asking the voters for approval to Advance Refund the certificates of participation.

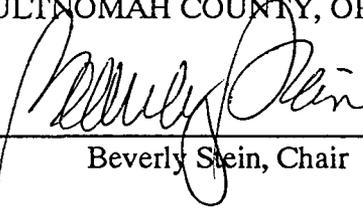
APPROVED this 4th day of May, 1995.



Lawrence Kressel, County Counsel
for Multnomah County, Oregon

by _____


MULTNOMAH COUNTY, OREGON

by _____


Beverly Stein, Chair

MAY 0 4 1995

Meeting Date: ~~APR 27~~ 1995

Agenda No.: ~~R-10~~
R-12

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution

BOARD BRIEFING: Date Requested:
Amount of Time Needed:

REGULAR MEETING: Date Requested: Thursday April 27, 1995
Amount of Time Needed: 15 Minutes

DEPARTMENT: Nondepartmental DIVISION: County Chair's Office

CONTACT: Bill Farver TELEPHONE: X-3958
BLDG/ROOM: 106/1515

PERSON(S) MAKING PRESENTATION: Bill Farver, Elyse Clawson

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

In the Matter of Constructing 32 Additional Beds at the Juvenile Home and Exploring the Feasibility of Constructing a Triage Center on that Site

5/4/95 postponed indefinitely

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

OR

MANAGER: _____

Any Questions? Call the Office of the Board Clerk at 248-3277 or 248-5222.
forms\apf.doc

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1995 APR 20 PM 4:19



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: MultChair@aol.com

MEMORANDUM

TO : Board of County Commissioners
FROM : Bill Farver
DATE : April 20, 1995
RE : Resolution in the Matter of Constructing 32
Additional Beds at the Multnomah County
Juvenile Justice Complex and Exploring the
Feasibility of Constructing a Triage Center on
that Site

REQUESTED
PLACEMENT DATE : April 27, 1995

I. Recommendation/Action Requested:

Recommend authorization to construct an additional 32 beds at the Multnomah County Juvenile Justice Complex with Washington County and to explore the feasibility of constructing a Triage Center at that site.

II. Background/Analysis:

See attached materials:

- 1) April 6 memo outlining staff research and recommendations
- 2) April 19 memo providing additional information Chart showing annualized costs for Detention Facility Expansion Options
- 3) PSU Population Data for Multnomah County (data from Washington and Clackamas will be supplied)
- 4) Summary of contacts with other counties

Item needs to go to the Board now to take advantage of the construction savings.

III. Financial Impact:

See chart showing annualized costs. Costs for construction and operation of Multnomah County's additional beds are included in Executive Budget.



IV. Legal Issues:

None.

V. Controversial Issues:

Number of beds. Separate Resolution will ask for construction of 64 beds.

VI. Link to Current County Policies:

Linked to urgent benchmarks of increasing success of diversion programs and reducing juvenile recidivism and child abuse.

VII. Citizen Participation:

Possible testimony. There has been extensive participation in the past on the issue of space at the facility.

VIII. Other Government Participation:

Washington will build 16 more beds. Washington and Clackamas will both rent additional beds because of the additional flexibility provided by the construction. Representatives from those counties attended a previous briefing.



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: MultChair@aol.com

MEMORANDUM

TO : Board of County Commissioners
FROM : Beverly Stein *[Signature]*
DATE : April 19, 1995
RE : New Construction at Juvenile

Here are my recommendations based on staff research after our briefing last Tuesday regarding new construction at the Juvenile site.

- I. Build 32 new beds in conjunction with Washington County. (Option B as discussed last week).
- II. Do not build the second 32 secure juvenile beds now, based on our analysis of the needs of other jurisdictions, our expected need, and the budget impact.
- III. Explore siting and constructing the Triage Center on that site. Evaluate in late May as part of Community and Family Service budget proposal.

Here is my rationale.

- I. Build 32 new beds in conjunction with Washington County. (Option B in the memo).

I believe we had Board consensus on this option last week. This option will preserve our regional facility concept and enable us to do better work with several populations:

- McLaren youth returning to the community
- sex offenders
- parole and probation violators

With the 32 beds which will be operational by July, this will increase our total population at the Juvenile Facility from the current 96 to 144 - a 50% increase.



- II. Do not build a second 32 secure juvenile beds now, based on our analysis of the needs of other jurisdictions, our expected need, and the budget impact.

Elyse Clawson talked with the state and several neighboring counties about their needs. The state requires long term beds that this facility would not be suitable for. In general, other counties outside the metropolitan area will be able to access the new regional detention centers for detention space. Therefore, we were unable to find any jurisdiction to pay for the additional construction cost.

(The only exception to this was our contact with Clatsop County. They would like access to 2 to 3 beds over the next 18 months and are willing to operate on a month to month arrangement to accommodate our needs. Given that flexibility on their part, we believe we can accommodate their request).

We do not foresee any short or long term need for the space. The state growth in bed capacity should absorb the youth sentenced under BM11 and in time help stabilize our system. Portland State population projections indicate that between 1995 and 2000 the number of 15 to 19 year olds will decline from 44,650 to 41,970. The number of 10 to 14 year olds will also decline slightly from 37,805 to 36,814. Even projecting to 2010, the total number of 10 to 19 year olds in Multnomah County will show a slight decline from the totals for 1995. (82,455 to 80,247)

Under the worst case scenarios, we could attempt to site program based units in the community and/or reexamine the annual lease agreements with Washington and Clackamas Counties.

The potential savings for construction are lost if the units are not used within a two year period. The additional cost of certificates of participation is approximately \$350,000. The only undesignated money in the budget is an additional amount to our reserves which could be used to selectively back fill state reductions in human services.

Finally, I am also not recommending a partial build out because Facilities Management indicates that the overall savings are relatively minor. Under that scenario, we commit ourselves to a twenty year outlay of money, but have no useful purpose for the construction.

III. Explore siting and constructing the Triage Center on that site. Evaluate in late May as part of Community and Family Service budget proposal.

It is possible that it would be economically, programmatically and politically feasible to build a Triage Center for adults and juveniles on the site. Numerous factors would have to be considered:

- change in design
- separate access
- comparison with alternative sites
- whether it is better to link the Triage Center with a new justice facility and/or jail
- best location for access
- feasibility of building as part of the current contract with Hoffman and possible savings
- potential of having the payment included on a GO Bond
- best use of seed money included in Executive Budget for Triage Center
- siting issues, if any

If the Board is interested, I will ask Community and Family Services to explore the feasibility of constructing a Triage Center on this site and bring us a recommendation in late May.

In my budget, I tried to strike a balance between prudent new construction and community programs. Our long term goal is to get youth out of these systems. We don't have the luxury to build because we might need the space in the juvenile system, when we know we have inadequate support services for juveniles and inadequate hard beds and sanctions for adults.

cc: Elyse Clawson
Lorenzo Poe

**ANNUALIZED COSTS FOR DETENTION FACILITY
EXPANSION OPTIONS**

	<u>Option A</u>	<u>Option B</u>	<u>Option C</u>
Pod D:			
capital costs [already incurred]	0	0	0
operating			
Pod D :Unit 1 - Cap Mgt.	585,000	585,000	585,000
Pod D: Unit 2 - BM 11 Youth	<u>429,000</u>	<u>429,000</u>	<u>429,000</u>
subtotal operating	<u>1,014,000</u>	<u>1,014,000</u>	<u>1,014,000</u>
total capital & operating Pod D	1,014,000	1,014,000	1,014,000
POD E	n/a		
capital costs		173,000	173,000
operating			
Pod E: Unit 1 - Sex Offender		865,000	865,000
Pod E: Unit 2 - Wash. Co. Gen.Pop.		<u>0</u>	<u>0</u>
subtotal operating		<u>865,000</u>	<u>865,000</u>
total capital & operating Pod E		1,038,000	1,038,000
POD F	n/a	n/a	
capital costs			314,883
operating			
Pod F : Unit 1 - general population			585,000
Pod F: Unit 2 - general population			<u>429,000</u>
subtotal operating			<u>1,014,000</u>
Total Capital & Operating Pod F			1,328,883
TOTAL ANNUALIZED COSTS	1,014,000	2,052,000	3,380,883

THE ABOVE TABLE REFLECTS MULTNOMAH COUNTY COSTS ONLY & ASSUMES THAT WASHINGTON COUNTY WILL PAY CAPITAL AND OPERATING COSTS FOR A 16 BED UNIT. POTENTIAL REVENUE FROM CLACKAMAS COUNTY AND OTHERS IS NOT REFLECTED.

Multnomah County

	Births	Deaths	Natural Increase	Net Migration	Total Change	Total Population					
						Age	1990	1995	2000	2005	2010
1990 - 1995	64,285	25,168	19,117	21,067	40,184	0 - 4	41,696	42,161	43,087	43,126	43,293
1995 - 2000	45,257	26,727	18,530	3,349	21,879	5 - 9	38,806	38,606	39,837	39,895	39,930
2000 - 2005	45,298	27,878	17,420	2,746	20,166	10 - 14	35,215	37,005	36,814	37,228	38,066
2005 - 2010	45,473	28,979	16,494	1,710	18,204	15 - 19	34,548	44,650	41,970	41,775	42,201
						20 - 24	43,331	45,712	51,942	49,102	48,895
						25 - 29	51,515	52,471	50,393	56,655	53,793
						30 - 34	56,077	57,192	53,598	51,657	57,520
						35 - 39	56,293	53,598	54,659	51,223	49,367
						40 - 44	46,671	54,691	52,076	53,094	49,753
						45 - 49	32,179	45,654	53,502	50,946	51,932
						50 - 54	24,017	30,987	43,962	51,521	49,064
						55 - 59	21,291	22,455	28,967	41,096	48,166
						60 - 64	22,855	19,361	20,410	26,319	37,339
						65 - 69	23,426	20,221	17,128	18,044	23,257
						70 - 74	19,928	19,885	17,144	14,521	15,286
						75 - 79	16,203	16,626	16,584	14,276	12,091
						80 - 84	10,707	12,183	12,500	12,441	10,701
						85 +	9,129	10,613	12,177	13,177	13,686
						Total	503,887	624,071	645,950	666,116	684,320

Age	Female Population				
	1990	1995	2000	2005	2010
0 - 4	20,307	20,681	21,136	21,155	21,237
5 - 9	18,930	18,807	19,153	19,575	19,592
10 - 14	17,333	18,172	18,054	18,387	18,792
15 - 19	17,300	21,505	20,608	20,485	20,831
20 - 24	21,936	22,102	24,847	23,884	23,753
25 - 29	25,498	25,312	23,711	26,436	25,479
30 - 34	27,801	27,319	25,378	23,885	26,427
35 - 39	27,625	26,625	26,163	24,304	22,874
40 - 44	22,978	27,039	26,059	25,607	23,788
45 - 49	15,938	22,597	26,592	25,628	25,183
50 - 54	12,161	15,446	21,899	25,771	24,837
55 - 59	11,135	11,514	14,625	20,735	24,402
60 - 64	12,242	10,346	10,698	13,588	19,265
65 - 69	13,256	11,146	9,420	9,740	12,372
70 - 74	11,724	11,624	9,774	8,260	8,541
75 - 79	9,947	10,202	10,115	8,505	7,186
80 - 84	7,145	7,978	8,182	8,113	6,822
85 +	6,782	7,797	8,832	9,526	9,875
Total	300,038	316,212	325,246	333,584	341,258

Age	Male Population				
	1990	1995	2000	2005	2010
0 - 4	21,389	21,480	21,951	21,971	22,056
5 - 9	19,876	19,799	19,884	20,320	20,338
10 - 14	17,882	18,833	18,760	18,841	19,254
15 - 19	17,248	23,145	21,362	21,290	21,370
20 - 24	21,395	23,610	27,095	25,218	25,142
25 - 29	26,017	27,159	26,682	30,219	28,314
30 - 34	28,276	29,873	28,220	27,772	31,093
35 - 39	28,668	26,973	28,496	26,919	26,493
40 - 44	23,693	27,652	26,817	27,487	25,965
45 - 49	16,241	23,057	26,910	25,318	26,749
50 - 54	11,856	15,541	22,063	25,750	24,227
55 - 59	10,156	10,941	14,342	20,361	23,764
60 - 64	10,613	9,015	9,712	12,731	18,074
65 - 69	10,170	9,075	7,708	8,304	10,885
70 - 74	8,204	8,261	7,370	6,261	6,745
75 - 79	6,256	6,424	6,469	5,771	4,903
80 - 84	3,562	4,205	4,318	4,348	3,879
85 +	2,347	2,816	3,345	3,651	3,811
Total	283,849	307,859	320,704	332,532	343,062

MEMORANDUM

TO: Bill Morris
FROM: Bill Fogarty
DATE: April 19, 1995
SUBJECT: Potential for Renting, Leasing, Selling Detention Beds

Per your request, I contacted Juvenile Court directors for Clatsop, Columbia, Hood River, and Clark counties to determine whether they have any potential need to rent, lease, or buy detention beds from another county in the foreseeable future.

Ernie Veech-White, Clark County (206/699-2201), reports that Clark County now has 38 detention beds and frequently has to rent detention beds from other counties as they are often over capacity. Just this week, he met with architects and others to begin serious planning for an additional 82 detention beds. He projects that Clark County will have a total of 120 beds by late 1997 and that a significant number of these beds will be available for rent or lease. With respect to their short term need for additional detention beds, he suggested that they would be interested in exploring a rental or lease arrangement with Multnomah County but thought that our \$148.00 per day rate was rather high.

Dennis Kenna, Clatsop County (325-8601), reports that Clatsop, Tillamook, and Columbia counties have developed a Juvenile Justice Task Force to develop a detention needs plan by August 1995. At this time, these three counties do not have any detention beds and must rent beds from a variety of other counties to include Marion, Lane, Lincoln, and Deschutes. He expects that Clatsop will have their own detention beds by August 1997 and between now and then he projects a need for 3 to 5 beds ADP.

Stan Mendenhall, Columbia County (397-0276), confirms the Clatsop, Tillamook, Columbia County plan to build a detention facility within the next two to three years. He indicates an immediate and continuing need for detention beds over the next two to three years and projects a need for one ADP during this period. Stan also indicated that he had been approached by Washington County two weeks ago regarding the potential of Columbia County joining with Washington County in the purchase/construction of detention beds in Multnomah County. Stan indicates that Columbia County is not interested in that approach.

Donita Huskey-Wilson, Hood River County (386-1030), reports that Hood River County now rents detention space from Umatilla and Wasco counties, though Wasco county's four bed detention facility will close on July 1, 1995. She indicates that Hood River County would be interested in renting beds on a very limited periodic basis over the next few years and suggested that renting beds from Multnomah County would be far more convenient though more expensive. Hood River County now pays \$90.00 per day and she was quick to point out that there is only \$2000.00 in their annual budget for detention beds.

In summary, it appears that there is indeed potential for renting a very limited number of detention beds to these four counties over the next two years. By 1997, however, it would appear that Clark, and the Clatsop/Columbia/Tillamook consortium will have excess detention beds for lease or rent.



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: MultChair@aol.com

To: Multnomah County Board of Commissioners

From: Beverly Stein, Chair 

Re: Regional Partnership in Expanding Detention and Community-based
Program Capacity for the Juvenile Justice System

Date: April 6, 1995

- - - - -

I am scheduling a work session on April 11, 1995, to discuss whether we need to expand capacity in our regional juvenile justice system. The question we must address is:

Should we build additional beds at the new Juvenile Facility to be used by Washington, Clackamas, and Multnomah Counties for increased pretrial detention needs resulting from Ballot Measure 11 and/or increased pressure on the statewide cap for youth committed to state training schools?

The timing on this decision is awkward. The Board will be deliberating on the budget in May and June. However, to gain the savings from having the construction crew on site, we would need to at least commit to the construction costs by mid April.



Table 1.

Additional beds needed for Youths Charged with Measure 11 Offenses

Referrals: 236

# Charges:	190	days held pre-trial				
		48	60	90	100	120
80%		14	19	31	36	44
% detained pre-trial	60%	9	13	22	25	31
	40%	4	6	13	15	19

Note: this estimate is the net increase from the 6 beds/day presently occupied by BM11 offenders

As shown in Table 1 above, current estimates are that we may need anywhere between 4 to 44 additional beds for Ballot Measure 11 youth held pre-trial, depending on the District Attorney's charging practices, the percent detained pretrial and the length of stay. This impact is expected to be phased-in over the coming months.

RELATIONSHIP WITH THE STATE

A key policy issue is the relationship between state and county responsibilities. Traditionally, the state has provided space for committed offenders. It could be argued that rather than provide additional pre or post commitment options to judges and the state locally, the county should simply continue to advocate with the state for additional space. Prior to Ballot Measure 11, that appeared to be an effective strategy. Although four new regional facilities are being planned in addition to a proposal for modular facilities on MacLaren campus, it is anticipated those beds will quickly be taken. There may be little relief under the cap for

Multnomah County, and because of the inevitable delays in construction, our cap management problems may even grow over the next two years.

History of Downsizing

In 1981-82, Oregon had 735 close custody beds available to juveniles in the 36 Counties in the state. The legislature decided to downsize its juvenile institutions (MacLaren and Hillcrest) to 513 beds and use the savings to create better community based programs to keep youth from going to the large aggregate institutions. The money the State originally offered Multnomah County for downsizing wasn't enough to adequately manage our committed youth in the community. So for several years, Multnomah County declined to accept the downsizing money and the State retained responsibility for our population.

In the late 1980's, State Juvenile Corrections managers began further dialogue with Multnomah County about downsizing. During that period gang problems surfaced in Portland. The State increased the offer of downsizing funds to support community based programs dealing with gang affected youth. In July 1990, Multnomah County agreed to participate in downsizing and be responsible for our close custody cap.

In response, Multnomah County established: the Assessment, Intervention and Transition Program (AIT) and the Gang Resource Intervention Team (GRIT); participated in development of House of Umoja; and supported community based mentoring, and drug and alcohol and residential treatment programs. It also took responsibility for parole revocations, working more closely with state juvenile parole and screening youth recommended for commitment closely.

Overall cap pressures have increased on the State facilities as a result of a 13% increase in the population of children 17 or under and a 93% increase in violent juvenile crime between 1986 and 1993. This has led to an increase in referrals from jurisdictions across the State: with other jurisdictions now more fully using their authorized share of spaces at MacLaren/Hillcrest, the State is no longer able to absorb Multnomah County's referrals when they exceed cap. Multnomah County has needed to make wholesale releases from close custody on two different occasions in the last 12 months. The first was in May of 1994 when we released 27 youth in a 30 day period and the second was in December of 1994 when we released 25 youth. This contrasts with a typical parole rate 8-12 youth in months when we are below our cap. These wholesale releases were made when we were 20+ over our cap and MacLaren was sleeping youth in their infirmary and crisis intervention units. Despite these dramatic release efforts to get to cap, we have *not been below* our cap in the last 10 months.

The early releases that are now routine at MacLaren/Hillcrest have been demonstrated to increase recidivism. Hasty administrative releases undermine the effectiveness of both the treatment programs and youths' transitions back to the community.

There does not seem to be a climate to solve these problems on a statewide basis. Efforts have been made at a statewide level to get consensus on what youth should be in the training schools. This has not met with agreement as community standards of tolerance are much different between smaller rural counties and larger metropolitan counties. Similarly, efforts to create a standardized classification instrument for commitments to the state training school have not been embraced by any county, except Multnomah.

Cap Management

Local efforts to manage our cap have included recent changes in our parolee revocation practices. Multnomah County is now holding parole violators locally at the Donald E. Long Home pending their hearing when they have committed felonies while on parole. If placement can be found for these youth in the community after their hearing, we are generally releasing them. If no placement can be found, we will send them back to MacLaren. This approach thereby impacts our local detention capacity management problems.

Within recent weeks, our cap management problem has become more urgent. In March, we participated in a meeting of the Cap Reform sub committee of the Juvenile Corrections Council which is an advisory committee to the State Juvenile Corrections Division. This sub committee agreed the first step toward cap reform should be that all counties honor their contract to be at or below their allotted cap by May 1, 1995. Preliminary discussions indicate support of this plan. To Multnomah County that will mean we will have to release 15 youth from close custody above the number we commit and revoke between now and May 1.

The following three strategies are planned to cope with the Cap management challenges:

⇒ **Develop a risk instrument** that will be used to objectively classify all Multnomah County committed youth for risk of danger to community. This risk assessment will attempt to take the uncomfortable subjective decision being made by parole officers out of the equation, and leave them with finding the best placements for youth as they become eligible for parole. It will also allow us to share with decision makers and others the problem the cap presents.

- ⇒ **Create a commitment review panel** comprised of JJD staff who will review all recommendations of commitment. This committee would be responsible for development of a risk instrument and would offer alternatives to close custody, if possible. Judges should be involved this discussion, so they are aware of evolving resources.

- ⇒ **Develop a classification instrument for all adjudicated youth.** This tool would be used to weigh risk and need of youth for community based programs, secure custody programs and commitment to state training schools. It would delineate those youth needing intensive, regular and minimum supervision, and would allow us to shape our probation staff to the needs of our clients. It would give us an objective view of those youth who would best fit the profile of youth needing close custody from a Multnomah County perspective. Conceivably mitigating and aggravating factors could be considered in determining scores for committed youth and deciding who should come out of MacLaren first and would be least risk to the community.

These steps should help mitigate the public safety risks related to early releases. However, we should also consider whether the County wants to provide additional space here. Before outlining the options for additional construction on the site, it may be helpful to review what is available at the existing facility.

EXISTING COUNTY DETENTION CAPACITY

The Donald E. Long Home has four "detention pods" currently constructed. Each pod consists of two, sixteen bed units which function separately for programmatic purposes but are designed to share staffing for nighttime security. The facility currently has 96 beds in use and a built capacity of 128 beds. Multnomah County funds the operation of 76 beds while Washington and Clackamas Counties each fund 10 beds.

**Table 2. Current Detention Facility Capacity
by Funding Jurisdiction and Use**

By Funding Jurisdiction:

Multnomah		76
Washington		10
Clackamas		10
	subtotal	96
vacant		32
	total	128

By Use:

General population & BM 11		80
MacLaren Cap Unit		0
P/P Violators Unit		0
AITP Unit		16
Sex Offender Unit		0
	subtotal	96
vacant		32
	total	128

As shown above, most beds [80] are used for general population youth; 60 of these beds are available for Multnomah County use. Most of these beds are used for very short stays of usually just one or two nights; the average stay is 4.8 days since some youth stay for several months. Over forty percent [40%] of the general population beds are currently used by parole or probation violators. The detention reform initiative, Ballot Measure 11 and cap management challenges are all expected to support a trend toward a general "hardening" of the youth detention population. Use of risk assessment tools will result in detention of youth presenting the highest public safety risk to the community. This will also mean that fewer girls are detained.

Multnomah County also operates the Assessment, Intervention and Treatment Program [AITP] which serves post-adjudicated youth in one unit; the program operates at capacity with a waiting list of about one month. This program appears to be successful at reducing recidivism and keeping youth out of the state training schools.

USE OF TWO EXISTING, NOW VACANT UNITS

It is recommended that the two existing, now vacant units be used for Ballot Measure 11 youth and to assist in managing the cap at state training schools.

Table 3. Planned Funding and Uses for Existing Units

CAPACITY	CHANGE OVER TIME		
	now	May-95	Jul-95
<i>By Funding Jurisdiction:</i>			
Multnomah	76	88	99
Washington	10	10	14
Clackamas	10	14	15
<i>subtotal</i>	96	112	128
vacant	32	16	0
<i>total</i>	128	128	128
 <i>By Use:</i>			
General population & BM 11	80	80	80
MacLaren Cap Unit	0	16	16
P/P Violators Unit	0	0	16
AITP Unit	16	16	16
Sex Offender Unit	0	0	0
<i>subtotal</i>	96	112	128
vacant	32	16	0
<i>total</i>	128	128	128

Transition Unit Back from State Training School [MacLaren Cap Unit]

It is anticipated that one additional unit will be opened in May 1995 to be used for Multnomah County youth returning to the community from MacLaren. This unit would take 16 youth out of our close custody cap, preferably from the camp programs who would be most ready for community based treatment. These youth would be housed in a detention unit, but could have flexible day releases for work or treatment, close contact with parole officers and programs who they would work with in the community, availability for home passes, or passes to residential placements. It would allow us the opportunity to ease youth into the community, with some control.

This arrangement would parallel the effort in the adult system at the Columbia River Correctional Institute and the County work release center on the Clackamas/Multnomah line.

Pros

- * Mitigates the immediate public safety risk of early releases from MacLaren / Hillcrest.
- * Is expected to reduce recidivism through continuity of treatment services and assistance in transition back to the community.
- * Program staffing and related costs are not expected to exceed what is typically provided for general population units.

Cons

- * Serves a population which is currently the exclusive responsibility of the State

Jurisdictional funding responsibility is also expected to change somewhat in May. Clackamas would like to start leasing an additional four beds from us as soon as possible, so that revenue will partly offset the additional expenses in 1994-95. The incremental operating cost for the additional unit in last two months of 1994-95 will be \$113,000. The annualized cost is \$ 585,000 in 1995-96.

Probation/Parole Violation Program Unit [P/P Violation Unit]

The second 16 bed unit, to be opened in July 1995, would have the effect of adding bed capacity for the Ballot Measure 11 youth while supporting a new programming focus. It is estimated that over forty percent of the current detention population are there because of probation/parole violations . This new unit would be used as a " drop" program for youth who have violated probation/parole, thereby freeing up another unit for the additional Ballot Measure 11 youth. Ballot Measure 11 youth will be managed as part of the general population in the facility: factors such as the age, size, sophistication and severity of offense are considered in assigning youth to units.

Youth who have violated their parole or probation have specific issues that can be better served with a specific program. It is anticipated that these program services could be provided within the budget typically provided for a general population unit.

It should be noted this unit would blend with current efforts at detention reform where day reporting programs would be used for many probation and parole violators. However, this unit could serve as a backup to day reporting programs as they develop.

When MacLaren ran an Assessment and observation center (two units) in detention in the 1980's, they divided the populations between newly committed youth and parole violators, believing the parole violators were not a positive influence on the newly committed youth. The same would hold true under these circumstances.

Pros

- * Increases overall facility capacity to absorb Ballot Measure 11 youth
- * Provides an opportunity to focus program efforts on a population with similar situations
- * Program staffing and related costs are not expected to exceed what is typically provided for general population units.

Cons

- * None identified

Jurisdictional funding relationships are expected to change once again in July. Clackamas would like to start leasing one more beds from us and Washington wants four beds, so those revenues will partly offset the additional expenses in 1995-96. The incremental operating cost for the additional unit in 1995-96 is \$429,000.

FUTURE DEMAND FOR DETENTION BEDS

Additional bed capacity in the detention facility would be used for delayed start-up of the sex offender treatment program and for future needs related to Ballot Measure 11.

Sex Offender Treatment Unit

Opening of a unit for sex offender treatment would be postponed until March 1996, assuming the Board accepts a recommendation to build at least one additional detention pod. The Board approved establishment of a sex offender treatment unit with adoption of the 1994-95 budget. Due to financial constraints, it was budgeted to open mid-year in January 1995. Mid-year budget considerations pushed scheduled opening to April 1995. Now the impact of Ballot Measure 11 and the challenge of managing our cap at MacLaren lead us to recommend postponement once again.

The sex offender treatment unit remains a high priority for the County. Evaluations of programs with similar designs indicate that the investment in an intensive, residential treatment program for youth under 15 years of age should be cost effective. A recent study found such treatment reduced recidivism; 90% of those treated had not reoffended in the subsequent two years.

General Population Beds

Future regional demand for general population beds is difficult to estimate. Since the impact of Ballot Measure 11 threatens to be so enormous and is largely beyond our control, it appears prudent to have at least one additional 16 bed unit available for use during 1996. Recognizing the uncertainties, we have developed three scenarios for July 1996 facility use :

Scenario 1: No additional beds are needed, in total, by Washington, Clackamas and Multnomah Counties. [Multnomah County might be able to reallocate beds to Washington or Clackamas Counties, if our detention alternatives, treatment and other community programs are highly successful.]

Scenario 2 : An additional 8 beds in total is needed by Washington, Clackamas and Multnomah Counties.

Scenario 3: An additional 16 beds in total is needed by Washington, Clackamas and Multnomah Counties.

Table 4. Detention Facility Capacity and Use Changes Over Time

USE	CHANGES OVER TIME						
	now	May-95	Jul-95	Mar-96	Jul-96	Jul-96	Jul-96
					Scenario 1	cenario	Scenario 3
General population & BM	80	80	80	80	80	88	96
MacLaren Cap	0	16	16	16	16	16	16
P/P Violators	0	0	16	16	16	16	16
Sex Offender	0	0	0	16	16	16	16
A.I.T.P.	16	16	16	16	16	16	16
<i>subtotal</i>	96	112	128	144	144	152	160
vacant	32	16	0	16	16	8	0
<i>total</i>	128	128	128	160	160	160	160

THE ROLE OF DETENTION REFORM

Through implementation of the Detention Reform Project, it is the goal of Multnomah County to aggressively alter the use of the juvenile detention facility. The primary goal of the project is to detain those youth who pose the highest level of risk to public safety through the use of an objective Risk Assessment Instrument. This instrument and the creation of a Community Detention Program will allow us to free-up an estimated 26 detention beds by placing low risk, pre-

adjudicated youth in community detention and fill those same beds with high-risk Ballot Measure 11 youth. Additionally, through the creation of a day reporting center, post-adjudicated youth who would otherwise have cycled through as probation violators will now be going through day reporting and thus free-up another 21 beds for high risk youth. Both of these populations will have access to detention as a back-up for noncompliance with the conditions of their community placements. The exact number of beds needed for back-up is not known at this time. However, the adult system reports that when secure confinement is used in this manner, approximately 30-50% of the youth in the community based alternatives may need a bed in detention at some point in time. The law allows the detaining of such youth for up to 8 days. It is not known how many days a youth might need to stay in detention before returning to the community.

THE ROLE OF COMMUNITY-BASED PROGRAMS

As the detention population "hardens", the role of community-based programs becomes increasingly important. Community capacity enhancements are needed to address community protection issues and to increase overall system effectiveness. Reducing violent crime and reducing recidivism are two of our urgent benchmarks.

During the next few months, the new Division Director will work with staff and interested stakeholders to assess community capacity and to design specific program enhancements. Consideration will be given to the following suggestions which were developed by a team of Juvenile Counselor Supervisors.

1. **Parole Trackers:** Trackers would intensively monitor a caseload of five paroled youths in the community for a period of up to six months. These youth would be expected to enroll in community based programs, school, employment; trackers would check on youth, log their contacts, and report to parole officers on youth compliance. Since 180 to 240 Multnomah County youth are expected to be paroled annually from MacLaren/Hillcrest, only about half [100] of them would be assigned to a tracker. Priority would be given to tracking youth who pose the greatest risk to the community.
2. **Residential, staff secure coed Alcohol and Drug Program:** Currently there is only one residential A & D program in the city. Private hospitals offer this service, but generally it only applies to families with insurance. This program enhancement supports the four urgent benchmarks related to: reducing teen drug and alcohol abuse, increasing drug-free babies, increasing access to alcohol and drug programs and reducing recidivism.
3. **Evaluation staff to monitor program effectiveness:** Historically we have been never had the staff support to properly evaluate the effectiveness of

programs. To be certain we are satisfied with the results of the programs, we need to have an orderly design that will measure program effectiveness, in these and other programs throughout the Division.

4. **Female specific programs:** Programs for delinquent girls have been in short supply for over a decade. With the projected cap management plans, it is anticipated girls who have been committed to Hillcrest will be released, with no particular programs in the community. In the short run two female trackers will be assigned to help assure these youth get the community programming needed.

5. **Residential group home for AITP aftercare:** Currently the AITP model teaches problem solving and personal management skills to youth for a 25-30 day program. Unless the youth is transitioned to a program that allows the youth to continue to practice those skills, the effect of programming is lost.

6. **Intensive Supervision:** This concept can be reached in several ways: the one most familiar to Juvenile Justice is the GRIT (Gang Resource Intervention Team) where counselors have small caseloads (less than 20) and are able to intensively supervise probation youth. Recent commitment data (enclosed) show a rise in commitments from Hispanic and Asian youth. At the same time, the community based efforts have been successful in reducing the commitment rates among Afro-American youth. Replicate the GRIT model for Asian and Hispanic youth.

7. **Day Reporting:** Currently day reporting through detention reform initiative is designed to provide 21 slots. With a two-week program duration, 546 youth can be served yearly. If parole youth are added to the community as rapidly as expected they may use more of those beds than anticipated.

8. **Family Empowerment:** groups and classes to develop survival skills in families and youth.

BUILD-OUT POTENTIAL ON THE SITE

Enclosed please find a map illustrating the new facility and the construction potential. There is room to double the existing capacity by building for four additional units, with a resulting total capacity of 256 beds. Two factors urge a decision now: the cap management problems ; and an expected savings of \$700,000 in building now, rather than a year from now.

Construction Options

When faced with these uncertainties, needing to plan long term, and wanting to maintain and enhance our regional partnership, the three Counties have discussed a range of options. As you are aware, Washington and Clackamas

County each shared in the construction costs related to ten beds in our new facility. Both counties expressed initial interest in repeating such an arrangement for additional beds in the near future. Washington County would like to partner in the construction of an additional detention pod; they would like to lease 4 beds as of July 1995, and additional beds as needed. However, Clackamas County has recently informed us that they are not prepared to participate as a partner in construction; their need will be met by the planned lease of an additional 4 beds in May 1995 and then one more than that as of July 1995. For simplification, the following analysis of options assumes that the Clackamas County beds and associated revenue would be realized regardless of the construction options below.

Three construction options have been developed for your consideration:

- OPTION A : TAKE NO ADDITIONAL ACTION AT THIS TIME
- OPTION B: BUILD ADDITIONAL 32 BEDS WITH WASHINGTON COUNTY
- OPTION C: BUILD ADDITIONAL 64 BEDS WITH WASHINGTON COUNTY

OPTION A : TAKE NO ADDITIONAL ACTION AT THIS TIME

Pros

- * Does not cost additional money.
- * Does not create space that may or may not be needed.
- * Maintains clear lines of responsibility between county and state.
- * Maintains flexibility of expanding in the future
(perhaps as part of a public safety GO Bond)

Cons

- * Does not allow us to manage the cap more effectively: early releases undermine treatment program effectiveness and jeopardize public safety.
- * May threaten the state allocation to Multnomah County for the implementation of downsizing.
- * Does not deal with the overload on diversion, community programs and secure detention in our community.
- * Is not responsive to the needs of our regional partners.

OPTION B: BUILD ADDITIONAL 32 BEDS WITH WASHINGTON COUNTY

Washington and Multnomah Counties will fund the construction of an additional 32 beds for an estimated \$3,400,000. Washington will build 16 of those beds and have the opportunity to access them for a twenty year period. Construction and COP financing costs would be shared as appropriate; Washington County is considering whether to pay their share up-front or to join in our COP issuance.

The COP costs to Multnomah County would be \$ 172,898 annually for twenty years. Direct, annual operating expenses would be approximately \$ 865,000 for the sex offender unit and \$ 585,000 for the general population unit. Washington County would reimburse us for the full cost per bed for care and custody and operations/maintenance.

Washington County has proposed to periodically negotiate the exact number of beds they pay to operate. This proposal is being considered cautiously since the marginal costs for operating a unit do not change much based upon occupancy level. We are working with Washington County to establish mutually acceptable principles to use in deciding when the unit will be opened. There is an understanding that there will need to be some risk assumed by Washington County but that Multnomah County will work in good faith to develop mutually acceptable plans. [Please refer to Table 4 on page 10.]

Pros

- * Maintains our strong regional partnership on juvenile facilities and enables Washington and Clackamas to avoid consideration of building their own facilities.
- * Multnomah County gains 16 beds now.
- * Allows us more efficient cap management.
- * Helps protect the state allocation to Multnomah county for the implementation of downsizing.
- * Helps deal with the overload on secure detention and community programs in Multnomah County.

Cons

- * Increased cost for the County
- * May have the appearance of contradicting the Casey contract although that contract is focused on pre-adjudicatory youth.

OPTION C: BUILD ADDITIONAL 64 BEDS WITH WASHINGTON COUNTY

Washington and Multnomah Counties will fund the construction of an additional 64 beds which would offer four additional 16 bed units. Washington would pay for 16 beds and Multnomah County would pay for the construction of the remaining 42 beds. Construction costs for 64 beds will be approximately \$ 6,500,000. The annual capital costs for those three units are estimated at \$ 598,159 for Multnomah County. Direct annual operating costs would be approximately \$865,000 for the sex offender unit and \$957,000 in total for the two general population units funded by Multnomah County. Washington County would reimburse us for the full cost per bed for care and custody and operations/maintenance costs of the 16 beds which they fund.

The first unit would open in March 1996 for the residential sex offender treatment program. The other three unit(s) would be shelled in, but unoccupied until future needs dictate. The schedule for opening the other units would be established as we gain experience with the effect of Ballot Measure 11, the detention reform initiative and the State response to capacity limitations.

Pros

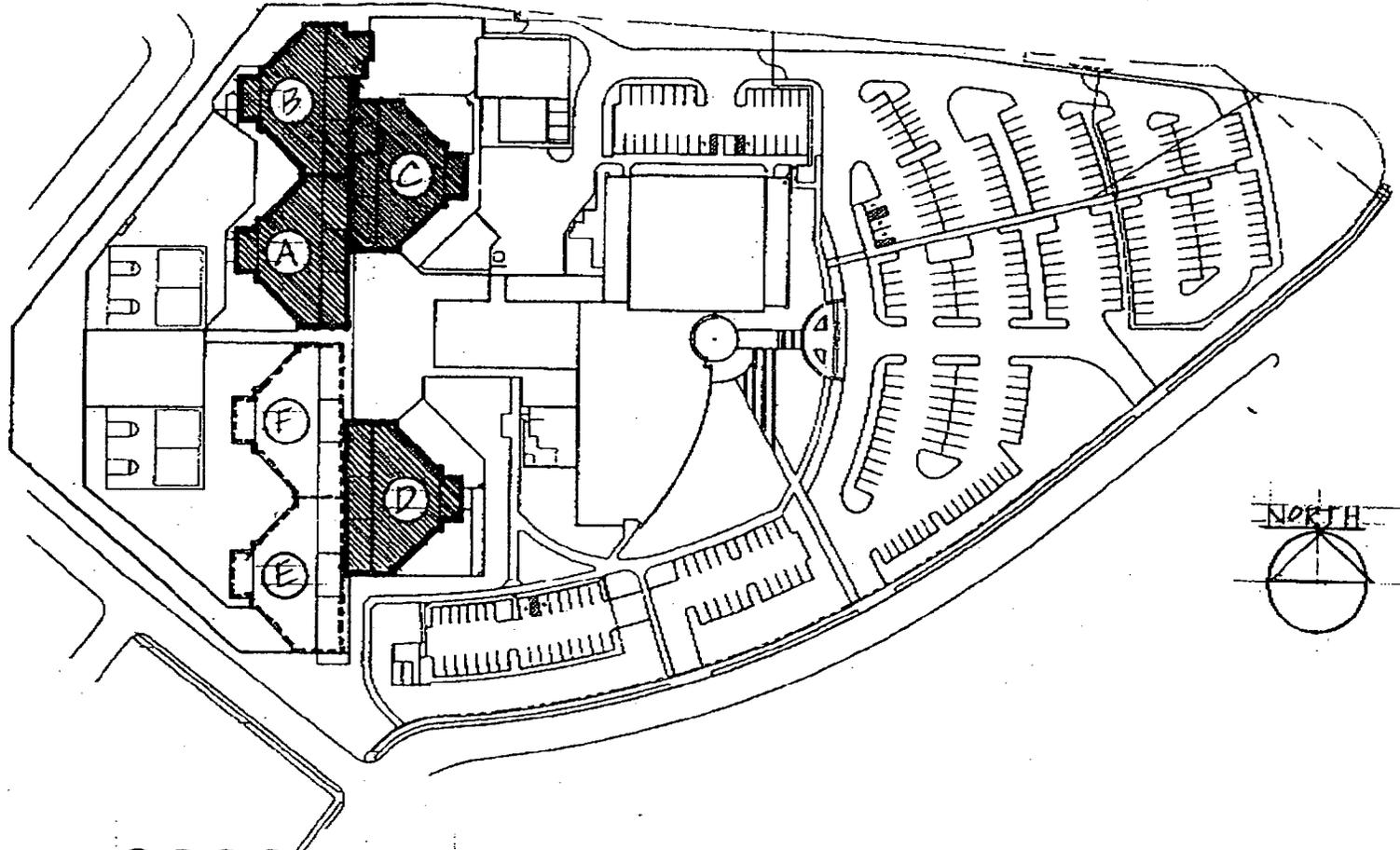
- * Maintains our strong regional partnership on juvenile facilities and enables Washington and Clackamas to avoid consideration of building their own facilities.
- * Multnomah County gains 26 beds now, an additional 16 are available quickly and an additional 22 beds after 20 years.
- * Enables the County to complete the build out of the facility for the lowest possible cost. (Additional savings from the economies of scale of construction)
- * Allows us more efficient cap management.
- * Helps protect the state allocation to Multnomah County for the implementation of downsizing.
- * Helps deal with the overload on diversion, community programs and secure detention in our community.

Cons

- * Increased cost for the County
- * May have the appearance of contradicting the Casey contract which is focused on preadjudicatory youth.
- * Creates pressure to use the most expensive sanction that may or may not be needed.
- * May foreclose option of going to the voters on a GO Bond to complete facility build out.

RECOMMENDATIONS

1. Approve the concept of partnership with Washington County in the construction of an additional pod with 32 Beds and direct staff to proceed with construction bidding and sublease negotiations.
2. Authorize JJD to operate the two existing, additional units as a transition unit back from State training school and as a probation/parole violation program unit.
3. Support the enhancement of community-based programs for juveniles to reduce recidivism and improve public safety.

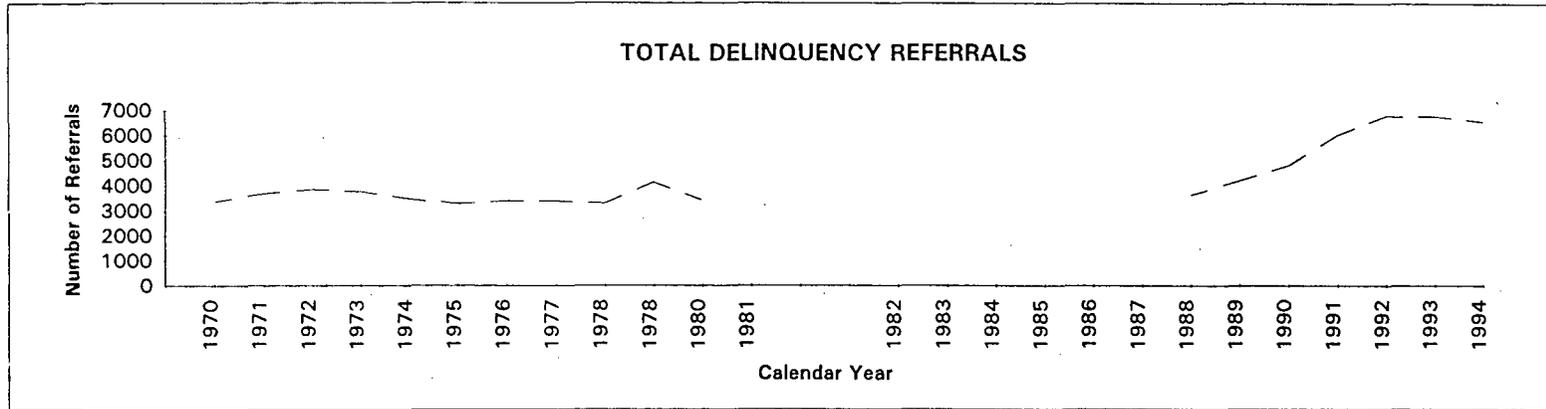


EXISTING PODS	(A)(B)(C)(D)	128 BEDS
BUILD ONE POD	(E)	32 BEDS
BUILD TWO PODS	(E)(F)	64 BEDS

JUVENILE JUSTICE COMPLEX
MULTNOMAH COUNTY

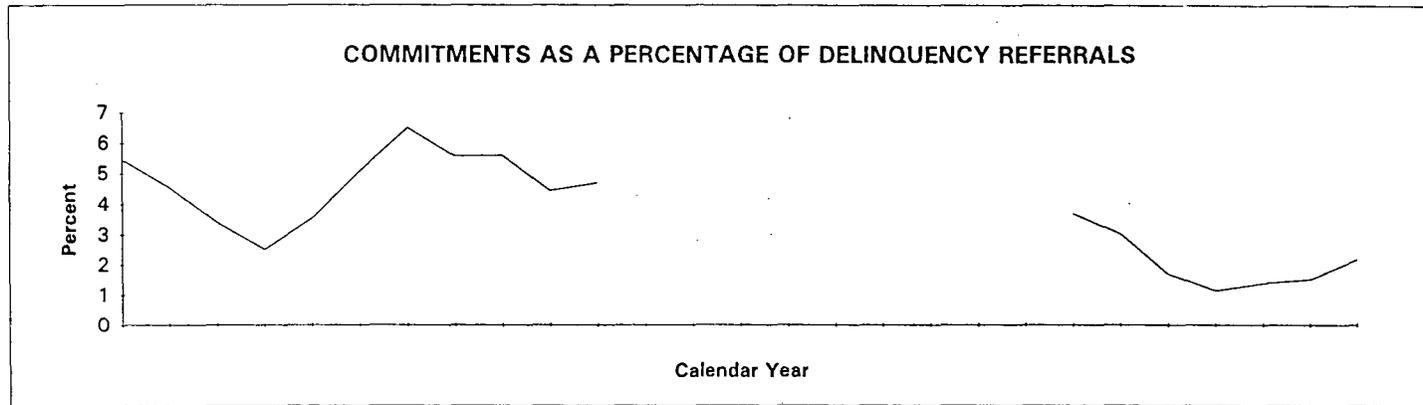
Juvenile Justice Division Total Delinquency Referrals

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1978	1980	1981
Number of Delinquency Referrals	3374	3692	3860	3772	3492	3301	3400	3406	3321	4141	3449	
Number of Commitments	184	168	131	95	124	168	221	190	186	184	162	
Commitments as a % of Referrals	5.45	4.55	3.39	2.52	3.55	5.09	6.5	5.58	5.6	4.44	4.7	



Juvenile Justice Division Total Delinquency Referrals

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Number of Delinquency Referrals							3647	4228	4827	6049	6819	6793	6578
Number of Commitments			116	126	127	124	135	128	82	69	95	103	143
Commitments as a % of Referrals							3.7	3.03	1.7	1.14	1.39	1.52	2.19



MULTNOMAH COUNTY JUVENILE JUSTICE DIVISION

Commitments to Close Custody by Crime Grouping

	Public Safety Reserve	Crimes Against Persons	Crimes Against Property	Crimes Against Public Order & Safety	TOTAL
1984	11	10	86	9	116
1985	16	10	93	7	126
1986	10	10	99	8	127
1987	14	14	85	11	124
1988	19	13	91	12	135
1989	24	18	72	14	128
1990	13	16	46	7	82
1991	14	15	31	9	69
1992	32	9	42	12	95
1993	29	17	49	8	103
1994	37	25	70	11	143

There are several trends of note on the above table.

- 1) Commitments for Public Safety Reserve crimes have doubled in the last 3 years.
- 2) Commitments for crimes against persons increased in 1994.
- 3) The drop in total commitments which occurred in 1990 was primarily in crimes against property.
In 1994 these commitments resumed previous levels.
- 4) Commitments for crimes against Public Order and Safety have remained stable.

PROPOSED FUNDING AND USES OF DETENTION BEDS

CHANGE OVER TIME

CAPACITY	now	May-95	Jul-95	Mar-96
<i>By Funding Jurisdiction:</i>				
Multnomah	76	88	99	115
Washington	10	10	14	14
Clackamas	10	14	15	15
<i>subtotal</i>	96	112	128	144
vacant **	32	16	0	16
<i>total</i>	128	128	128	160
<i>By Use:</i>				
General population & BM 11	80	80	80	80
MacLaren Cap Unit	0	16	16	16
P/P Violators Unit	0	0	16	16
AITP Unit	16	16	16	16
Sex Offender Unit	0	0	0	16
<i>subtotal</i>	96	112	128	144
vacant	32	16	0	16
<i>total</i>	128	128	128	160

** Washington County would be responsible for the capital costs of the 16 beds which remain vacant in March 1996.

TANYA COLLIER
Multnomah County Commissioner
District 3



1120 SW Fifth St, Suite 1500
Portland, OR 97204
(503) 248-5217

Amendments to April 27, 1995 Resolution 10

WHEREAS; the certificates of participation to finance the construction of the additional 32 beds will cost about \$350,000 annually, and,

WHEREAS; in August 1992, the County issued \$36,000,000 in certificates of participation with an annual payment of about \$3,035,000 to construct the new Juvenile Justice Complex, and,

WHEREAS; Federal and State law allow governmental agencies to "Advance Refund" or refinance certificates of participation with General Obligation Bonds, and,

WHEREAS; an Advance Refunding of the certificates with General Obligation Bonds will allow the County to annually redirect about \$3,210,000 of resources to other uses, and,

WHEREAS; it may be feasible to ask the voters of Multnomah County to approve a General Obligation Bond Measure to Advance Refund the certificates of participation, and,

WHEREAS; if Multnomah County asks for voter approval of a General Obligation Bond Measure and the voters do not approve the measure, it is the intent of Multnomah County to continue appropriating sufficient funds to retire the outstanding certificates of participation, and,

BE IT RESOLVED; that the Chair will direct the Director of Finance to begin preparing an Advance Refunding Plan to be sent to the State Treasurer's Office for approval, and,

BE IT FURTHER RESOLVED; that if the Advance Refunding Plan is approved by the State Treasurer's Office, the Board will incorporate the measure with other Bond measures and begin the process of asking the voters for approval to Advance Refund the certificates of participation.

BOARD OF
COUNTY COMMISSIONERS
1995 APR 26 AM 11:55
MULTNOMAH COUNTY
OREGON

OBC

Should Multnomah County build additional Detention beds?

Should Multnomah County build additional Detention beds?

Background

Multnomah County has nearly completed construction of its new multi-purpose Juvenile Justice Complex. Since the 1992 decision to construct this facility, the County has experienced difficulty staying within its State Training School CAP, juvenile crime statistics have risen, Ballot Measure 11 passed, the County was awarded a Detention Reform grant from the Annie E. Casey Foundation to expand community based alternatives to detention and improve decisions about which youth should be placed in detention, and Washington and Clackamas Counties have requested additional beds.

Current and Proposed Capacity and Use of Detention Beds

Status	Current	Proposed	Use
In Use 96 <u>Now</u> Mult. - 60 Clack & Wash. - 20 <u>July, 1995</u> Mult. - 51 Clack & Wash. - 29	60	* 51 <i>(Anticipated reduction from Detention Reform Projects will result in a need of only 23 beds.)</i>	Multnomah County - General Population <ul style="list-style-type: none"> • Pre-Adjudicatory • Ballot Measure 11 • Special Detention Cases <ul style="list-style-type: none"> . Escape from Secure Custody . Juv Corrections APB/Parole Violators/Community Safety - 5 . Arrest Warrant . In Custody Youth Summoned for Hearing . Court Ordered . Contract Housing
	10	15	Clackamas County
	10	14	Washington County
	16	16	AITP
Built Not in Use 32	0	16	MacLaren Transition Unit
	0	16	Expansion for Mult. Co. General Population
Proposed 32	0	16	Sex Offender Treatment
	0	16	Washington County Expansion (They would build, own, and place on hold until needed; includes 4 from above for a total of 26)
TOTALS	96	160	

Crime/Referral Trends

Oregon LEDS reports that crime in Oregon increased 7.7% in 1994 when compared to 1993. Multnomah County crime only increased 5.3%. Multnomah County crimes against persons increased 1.4% in 1994. Multnomah County crimes against property increased 5.2% in 1994. Arrests of juveniles ages 17 years and younger increased 7.0% statewide. Delinquency referrals increased from 6049 in 1991 to 6819 in 1992, (13%) but have dropped from 6819 in 1992 to 6578 in 1994, a 4% drop. Training School Commitments have increased from 94 in 1992 to 142 in 1994, a 34% increase. Detention admissions began rising in 1991, causing the County to increase detention capacity in the old facility and convened the Youth Action Plan Task Force to advise on the size of the new facility, resulting in the existing plan of 128 beds. Admissions to Detention increased from 3,584 in 1992 to 3774 in 1994, a 5% increase. Average length of stay has also been growing, from 7.49 days in 1992 to 7.54 in 1994, a 2% increase.

* *Pre-adjudicatory and court ordered detention capacity demands are both projected to be reduced following implementation of the new Risk Assessment Instrument and the Community Detention contracts.*

Capacity Needs

The County has been 10-20 youth over its state Training School CAP for the last 12 months despite additional downsizing resources, a slight increase in the size of the CAP, and large number of early releases on two separate occasions in 1994.

Ballot Measure 11 impact projects a need for between 4 and 44 additional detention beds. The larger need is only needed if 80% of the projected BM11 youth stay in detention for an anticipated 120 days pre-trial.

Clackamas and Washington Counties have requested an additional 9 pre-adjudicatory detention beds by July, 1995. Washington County has offered to construct, own, and leave vacant until needed 16 additional beds.

The Sex Offender Treatment Unit will serve at least 30 youth per year who need intensive residential treatment beyond what the community can provide. Based on a 120 day average length of stay as outlined in the Residential Sex Offender Treatment proposal, an ADP of 10 front end youth would be required. These placements will reduce commitments to the State Training School and, in effect, help manage the CAP.

The Unit will also serve at least 48 annual sex offender youth who are failing in community based treatment and need residential services. Based on a 30 day average length of stay as outlined in the proposal, an ADP of 4 "tune up/booster" youth would be required.

Finally, at least 36 annual sex offender youth paroled from state Close Custody need a more appropriate transition to the community. Based on a 30 day average length of stay as outlined, an ADP of 3 transition youth would be required.

Key Policy Considerations

CAP Management

Effective May 1st, the County will honor its CAP contract, resulting in the early release of 15 youth. Until recently, Parole Violators were returned to MacLaren to await a Revocation Hearing. In April, the decision was made to hold these youth in Detention pending their hearings. These Parole Violators are only returned to the State Training School if no community placement can be found. This has resulted in an increased capacity demand on local detention from 5 to 15 beds daily.

JJD is currently developing a Risk Assessment Instrument to objectively identify the level of risk or danger to the community for all committed youth and provide objective risk information to Parole staff to determine appropriate parole placements and decisions. JJD is also developing a Commitment Review Panel to develop the instrument and review all recommendations of commitment.

Key Policy Considerations - continued

**State Training
School Expansion**

The State is planning to expand MacLaren campus to serve BM11 youth. Senate Bill 1, if funded, will create 5 regional secure facilities to house 400 youth, 8 regional youth accountability camps to serve 400 youth, and 4 residential academies to serve 400 youth. These will serve both committed youth and BM11 youth. Up to 80 of these beds will be offered to counties for regional pre-adjudicatory detention beds.

Ballot Measure 11

Range of Beds Needed for Youth Charged with Measure 11 Offenses

# Charges = 190		Days Held Pre-Trial				
		48	60	90	100	120
% Detained Pre-Trial	80%	14	19	31	36	44
	60%	9	13	22	25	31
	40%	4	6	13	15	19

The projected BM11 bed need ranges from between 4 and 44 beds. While 44 is the maximum number that may be needed, a more realistic number is between 25-30 beds. Many BM11 implications continue to be unknown. Issues like the District Attorney's charging practices, length of time to trial, bail, likelihood of jury convictions, effectiveness of enhanced prevention, diversion, and improved JJD classification strategies will impact the final number of beds needed. Since April 1, 1995, the date BM11 took effect, the County has only had 8 BM11 youth admitted to detention. That represents 50% of the projected volume. While too soon to make an accurate prediction, if one month is a good indicator, the capacity needed to absorb BM11 youth will be significantly less than originally projected.

**Detention Capacity
Development**

The Detention Reform Plan will implement an objective Risk Assessment Instrument and bring on-line three new community based detention alternatives; Community Detention Monitors, Community Detention Shelter beds, and a pilot Day Reporting Center for Probation youth who violate their probation, (not new law violations). The projected impact of the Risk Assessment Instrument and the new alternatives suggests a 41% reduction in present utilization, resulting in a needed capacity of 34 beds. The reduction consists of placing RAI Level 1 and 2 youth on Community Detention or UnConditional Release.

The Probation Violation population will further reduce Detention ADP by up to 21 beds when the Day Reporting Center is implemented. The number of beds needed as a back up to Day Reporting is unknown at this time but assuming a 30-50% failure rate, the Division would need to maintain 10 beds for PV backup.

Detention Capacity Development

While initially a drain on detention resources, Ballot Measure 11 will have a long term effect of creating additional detention capacity. Once BM11 youth are convicted and placed, they will be removed from the juvenile system. Division staff believe that these youth represent a significant number of the system's repeat offenders and once removed by BM11 they will no longer occupy detention beds.

Should the County need additional secure detention space in the future, some current and proposed detention based programs could be moved to the community, generating additional secure detention capacity of up to 48 beds. (See Morris Memo - 4-25 -95) With the exception of Washington County, additional capacity could be further expanded by terminating existing housing contracts. Washington County would own their beds so its contractual relationship with the County could not be terminated.

Future Program Development

JJD will develop a Case Classification System to measure risk and needs of all adjudicated youth to determine levels of supervision, sanctions, and services. The system will guide recommendations for placement in community programs, secure detention based programs, and commitment to the state training schools. This will help the Division manage its capacity in all of its programs more wisely.

Population Growth

Metro data suggests that population growth of the 12-18 population will continue to occur primarily in Washington and Clackamas Counties. Even if the expected growth in population were to occur in Multnomah County, the anticipated increased need for detention bed space is 6 ADP.

Regional Interest in Detention Beds

Clackamas County has requested an additional 5 detention beds by July, 1995. Washington County has requested an additional 4 beds by July, 1995 and has expressed interest in purchasing, constructing, and leaving vacant until needed, 16 additional beds. There is nominal interest from Clatsop, Columbia, Hood River, and Clark Counties to rent detention beds but only for the next couple of years. Clark County will be constructing 82 beds by 1997 and Clatsop, Columbia, and Hood River will be building a regional detention facility by 1997. By 1997, there will be an excess number of detention beds available for lease or rent.

Furthermore, as described above, the State's expansion of Secure Custody includes up to 80 new pre-adjudicatory detention beds statewide, further decreasing any demand to lease or rent from Multnomah County.

TANYA COLLIER
Multnomah County Commissioner
District 3



1120 SW Fifth St., Suite 1500
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(503) 248-5217

MEMORANDUM

TO: Chair Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Dan Saltzman

FROM: Commissioner Tanya Collier, District 3 

DATE: May 3, 1995

RE: Board Agenda Items R-11 and R-12: Number of Beds to be Constructed for the Multnomah County Juvenile Justice Complex

The decision we will make tomorrow regarding the issue of the number of beds to build at the Juvenile Justice Complex will have far reaching consequences for Multnomah County and our citizens. I have spent the last two weeks gathering and analyzing data, questioning assumptions, interviewing experts, talking to citizens and, in general, thinking through the issue. Commissioner Saltzman's memo of a few days ago addresses the issues of cost savings, regional opportunities and the need for additional space. I won't dwell on those issues because I believe Commissioner Saltzman has done a commendable job. However, I want to discuss Chair Stein's recommendation to build 32 beds instead of 64 because I believe it is based on the following *incorrect* assumptions:

- Underestimation of the population growth in Multnomah County including a decrease in juvenile population.
- Effect of regional growth on Multnomah County services and facilities.
- Appropriate juveniles will be housed by the State.
- Potential savings for construction are lost if the units are not used within a two year period.
- No short or long term need for the space has been identified.
- Money will not be available for programs if we spend it on facilities.
- Sufficient community based programs will be available to treat juveniles and protect the public.
- Insufficient analysis of trends in number and severity of juvenile crimes.
- Juvenile correction philosophy that does not recognize a relationship between program and hard beds.

Population Growth

The population data on which the Chair's resolution is based is outdated. Metro has provided us with new population statistics. The projected growth is significant, but more importantly, it has consistently been upwardly revised since 1989. It projects that the 5-18 year old population will grow in Multnomah, Washington and Clackamas Counties by 59,110 from 1990 to 2015. Metro's Urban Research experts explain that these figures are very conservative because a higher birth rate and a larger migration stream are expected. These two factors will increase the proportion of young families with young children in the region. It is difficult to predict accurately what will happen in the future, but the updated population forecast is being contested by many as being far too low. Metro will present information regarding these predictions at our regular meeting on May 4, 1995.

Does the projected population growth necessarily determine the need for additional bed space? No, it does not. It is merely one factor to be used in analyzing the data. According to *JUSTICE 2020*, the State Courts planning document:

From 1983 to 1992, the rate of increase for case filing in district, circuit and appellate courts increased significantly faster than the rate of increase in the state's population. Domestic relations cases represented the fastest growing case type." Further, "If case filings in the trial courts continue to expand at the same rate they have over the last decade (1983-1992), the number of cases filed will increase from an estimated 351,000 cases in 1995 to 978,000 in 2020. This represents a rate of increase of 178 percent -- roughly four times greater than the estimated rate of increase in the state's population during the same period.

Population data when looked at in conjunction with other trends is a significant planning tool.

Trends

What other trends might be considered in conjunction with population growth? *JUSTICE 2020* lists a number of other "megatrends," in addition to the litigation projections above, that should impact our decision. The trends are national in scope, and all states will face similar challenges. They are:

> Increasing Societal Disintegration which is based on an on-going cycle of poverty, violence and crime. This is driven by a number of factors, including: discrimination, unemployment, illiteracy, lack of education, increased mobility and rootlessness, weakened family structure, drug and alcohol abuse, child neglect, and more.

> Growing racial, ethnic and cultural diversity. Oregon has a relatively small minority population compared to many parts of the country. It is swiftly moving toward the national multi-cultural norm. We are witnessing population growth driven by in-migration, the arrival of new minority groups, religions and ethnic enclaves, and the growth of other cultural minority groups among the general population. This is a statewide trend it obviously has much larger consequences in Multnomah County.

>Growing inadequacy of funding and facilities. *JUSTICE 2020* recognizes that the inadequacy of funding and facilities is not just limited to the courts; other aspects of the justice system are equally threatened. It states: "If courts are to punish and rehabilitate, there must be sufficient law enforcement personnel, prison beds, treatment programs, and parole and probation officers....."

There are many indications of trends that we can simply look around us and personally observe. Some are small; some are big. As a small example, the City Club is sponsoring a program on Friday, May 12, entitled "Fighting Youth Violence."

We just witnessed a larger trend with the passage of Ballot Measure 11 because we didn't heed the public's concern for their safety. It is not hard to reach the conclusion that there must be a continuum of sanctions ranging from prevention to incarceration. Treatment that fails must have a hard bed waiting at the other end. We have to have strict consequences in place for juvenile criminals. If we do not do this, the public will take it in their own hands by voting for more "get tough on criminal" initiatives that take the ability to craft remedies out of our hands.

An April 29, 1995 article in the *Oregonian* about the murder of David Wheeler by two juvenile offenders is further evidence of the trend. In that article, a number of observations by federal and state authorities on juvenile trends was documented:

- "Violence by juveniles has become part of the American experience."
- "Federal and state authorities say juvenile violence is on the rise almost everywhere"
- "...the reasons range from the easy availability of drugs and guns to too many single-parent homes and society's seeming lack of will -- at least until recently -- to address the problem of violent juveniles."
- "...being arrested no longer frightens many youthful offenders..."
- "...in 1987, three youth in Oregon were in close custody at MacLaren and the Hillcrest School of Oregon in Salem for homicides. Now 32 juveniles are in those facilities for homicide-related offenses..."
- "72 juvenile sex offenders were in close custody in Oregon in 1987. Today the number is close to 200."

We must continue to work hard to reverse these trends and develop programs to keep juveniles out of the justice system. We have not given up hope, but these trends are not yet reversed and wishing it were so will not make it so.

If personally observable data does not convince us of trends, then we should be convinced by the hard data presented to us on April 6, 1995, by Multnomah County's juvenile justice experts. According to our own report, Oregon had 735 close custody beds available to juveniles in 1981; now we have 513 beds. Between 1986 and 1993, the population of children 17 or under has increased 13%; violent juvenile crime has increased 93%. Multnomah county has needed to make wholesale releases from close custody on two different occasions in the last 12 months. The first was in May, 1994, when we released 27 juveniles in a 30-day period. The second was in December, 1994, when we released 25 juveniles. We have not been below our cap in the first ten months of FY 94/95. Early releases that are now routine at MacLaren/Hillcrest have been demonstrated to increase recidivism. Hasty administrative releases, according to our own report, undermine the effectiveness of both the treatment programs and juvenile's transition back to the community. How much data do we need?

Community Based Programs

The most dangerous assumption of all is that community based programs will be there when we need them and achieve what we expect them to achieve. We are matrixing out serious juvenile offenders right now because we reduced the number of beds at the state *before* the community based programs were created and had demonstrated success. The history of the state's downsizing does not create confidence in our ability to site, operate and adequately fund community based programs. While I agree wholeheartedly that we should be implementing community based programs, I do *not* agree that we can implement this philosophy without sufficient dedicated program resources and hard beds to back up the programs. We must create a continuum of sanctions that will be used appropriately. It makes *no* sense to base the handling of serious juvenile offenders on the three strategies listed in the staff report: an undeveloped and untested risk instrument; a commitment review panel; and a classification instrument for all adjudicated youth -- without the availability of a hard bed.

In January, 1995, the Special Corrections Grand Jury concluded that the juvenile system lacks needed sanctions. The argument that we will need the extra 32 beds but can build them later is refuted by Multnomah County's history of putting beds on line when we need them. We have been talking about or working on the current JDH facility since 1989. There is no data that shows we could do it more quickly in the future. To the contrary, it will save us time and money to do it now, using the contractor that is already on the job and buying materials before inflation drives up the price. We must not delay.

If there is a question about funding programs in addition to building 64 extra beds, we can increase our general fund revenue and dedicate it to juvenile justice programs by replacing our certificates of participation with general obligation bonds at the earliest opportunity.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Constructing Additional) RESOLUTION
Beds at the Multnomah County Juvenile)
Justice Complex)

WHEREAS, the construction of 32 additional beds will allow Multnomah County to cope with increased detention needs presented by Ballot Measure 11 and the ongoing problems with meeting our facility cap at McLaren; and

WHEREAS, the construction of 32 additional beds will allow Multnomah, Washington and Clackamas Counties to preserve the Juvenile Home as a regional facility; and

WHEREAS, the construction of 32 additional beds will allow Multnomah County to reduce recidivism and protect public safety by providing a greater range of meaningful sanctions; and

WHEREAS, with the 32 beds which will be operational by July, the construction of 32 additional beds will increase the total space available at the Multnomah County Juvenile Justice Complex by more than 60%, from the current 96 to 160; and

WHEREAS, effective community programs are an essential compliment to detention and secure program facilities. The County is committed to developing an effective continuum of services and sanctions within limited resources; and

WHEREAS, the State of Oregon is interested in using an additional 32 beds in the metropolitan region to serve as an assessment center for youth about to be committed to state training institutions; and

NOW, THEREFORE IT IS RESOLVED, that, assuming appropriate permits are obtained in time to recognize substantial construction savings, Multnomah and Washington Counties will jointly build an additional 32 new beds at the Multnomah County Juvenile Justice Complex; and

THEREFORE, BE IT FURTHER RESOLVED, that, assuming appropriate permits are obtained in time to recognize substantial construction savings, Multnomah County will enter into negotiations with the State of Oregon about the construction and use of an additional 32 new beds at the Multnomah County Juvenile Justice Complex. The County will negotiate based on the principle that the state will pay for at least a substantial portion of the construction costs and all the operating costs.

THEREFORE, BE IT FURTHER RESOLVED, that Multnomah County is concerned about the use of county-by-county caps at state juvenile facilities which have caused the early release of offenders from Multnomah County while less serious offenders from other counties remain in custody; and

THEREFORE, BE IT FURTHER RESOLVED, that the Chair will direct the Director of the Juvenile Justice Division to enter into negotiations for the removal of the county-by-county cap and the assumption by the state of financial responsibility for sanctions for juvenile offenders which were historically a state responsibility.

APPROVED this _____ day of _____, 1995.

MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By _____

Capital Costs and Lease Payments Under Different Construction Scenarios

		build now	build in 1 year
E Pod	Total Capital Cost	3,550,000	4,400,000
	Annual Lease Pmt	361,139	447,529
F Pod	Total Capital Cost	3,350,000	3,925,000
	Annual Lease Pmt	340,769	399,259
E & F Pod	Total Capital Cost	6,520,000	7,805,000
	Annual Lease Pmt	663,245	793,940

Annualized Cost of Detention Facility Expansion Options

	DRAFT			
	Option A	Option B	Option C	Option D
Pod D:				
capital costs [already incurred]	\$0	\$0	\$0	\$0
operating				
Pod D :Unit 1 - Cap Mgt.	\$587,000	\$587,000	\$587,000	\$587,000
Pod D: Unit 2 - BM 11 Youth*	<u>\$507,075</u>	<u>\$507,075</u>	<u>\$507,075</u>	<u>\$507,075</u>
subtotal operating	<u>\$1,094,075</u>	<u>\$1,094,075</u>	<u>\$1,094,075</u>	<u>\$1,094,075</u>
total capital & operating Pod D	\$1,094,075	\$1,094,075	\$1,094,075	\$1,094,075
POD E	n/a			
capital costs-basic unit		\$188,169	\$188,169	\$188,169
operating				
Pod E: Unit 1 - Sex Offender		\$909,335	\$909,335	\$909,335
Pod E: Unit 2 - Wash. Co. Gen.Pop.		\$0	\$0	\$0
subtotal operating		<u>\$909,335</u>	<u>\$909,335</u>	<u>\$909,335</u>
total capital & operating Pod E		\$1,097,504	\$1,097,504	\$1,097,504
POD F	n/a	n/a		
capital costs			\$302,106	\$0
operating				
Pod F : Unit 1 - residential A&D *			\$940,335	\$0
Pod F: Unit 2 - general population *			\$618,000	\$0
Pod F: Lease Pod to State			\$0	\$0
subtotal operating			<u>\$1,558,335</u>	<u>\$0</u>
total capital & operating Pod E			\$1,860,441	\$0
TOTAL COSTS ALL PODS	\$1,094,075	\$2,191,579	\$4,052,020	\$2,191,579
* Includes one-time only startup costs of \$31,000.				

Net of the Capital for 16 beds supported by Washington County

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Constructing 32 Additional)
Beds at the Multnomah County Juvenile)
Justice Complex and Exploring the Feasibility) R E S O L U T I O N
of Constructing a Triage Center on that Site)

WHEREAS, the construction of 32 additional beds will allow Multnomah County to cope with increased detention needs presented by Ballot Measure 11 and the ongoing problems with meeting our facility cap at McLaren; and

WHEREAS, the construction of 32 additional beds will allow Multnomah, Washington and Clackamas Counties to preserve the Juvenile Home as a regional facility by allowing Washington and Clackamas Counties to meet their short term needs and increase the beds they lease from 10 to 19. The construction will enable Washington County to plan for projected growth; and

WHEREAS, the construction of 32 additional beds will allow Multnomah County to reduce recidivism and protect public safety by providing a greater range of meaningful sanctions to the following populations:

- McLaren youth returning to the community;
- sex offenders;
- parole and probation violators.

WHEREAS, with the 32 beds which will be operational by July, the construction of 32 additional beds will increase the total population at the Multnomah County Juvenile Justice Complex by 50%, from the current 96 to 144; and

WHEREAS, a survey of the state and neighboring counties indicates that at this time, no jurisdiction wishes to finance the construction, or lease the 32 additional beds from Multnomah County. The state requires long term beds not suitable for this facility. In general, other counties outside the metropolitan area will be able to access the new regional detention centers for detention space; and

WHEREAS, the survey revealed that Clatsop County would like access to two to three beds over the next 18 months and are willing to operate on a month-to-month arrangement to accommodate our needs. Given that flexibility, Multnomah County will accommodate their request; and

WHEREAS, Multnomah County does not foresee any probable short or long term need for space above the additional 32 beds. The state growth in bed capacity should absorb the youth sentenced under Ballot Measure 11 and, in time, help stabilize our system because youth sentenced for these crimes will be removed from the county system. Portland State University population projections indicate the number of 15 to 19 year olds will decline from 44,650 to 41,970 between 1995 and 2000. The number of 10 to 14 year olds will also decline slightly from 37,805 to 36,814. Projecting to 2010, the total number of 10 to 19 year olds in Multnomah County will show a slight decline from the totals for 1995. (82,455 to 80,247); and

WHEREAS, the potential savings for construction of an additional 32 beds are lost if units are not used within a two year period. The additional cost of certificates of participation is approximately \$350,000 annually, not currently budgeted; and

WHEREAS, partial construction of an additional 32 beds yields only small savings and commits the County to a twenty year outlay of money with no useful purpose for the construction; and

WHEREAS, it is possible that it would be economically, programmatically and politically feasible to build a Triage Center for adults and juveniles on the site. Numerous factors would have to be considered:

- change in design;
- separate access;
- comparison with alternative sites and advantages of using a hospital site;
- whether it is better to link the Triage Center with a new justice facility and/or jail;
- best location for citizen and law enforcement access;
- feasibility of building as part of the current contract with Hoffman and possible savings;
- potential of having the payment included on a GO Bond;
- best use of seed money included in Executive Budget for Triage Center
- siting issues, if any; and

WHEREAS, effective community programs are an essential compliment to detention and secure program facilities. The County is committed to developing an effective continuum of services and sanctions within limit resources.

NOW, THEREFORE IT IS RESOLVED, that Multnomah and Washington Counties will jointly build an additional 32 new beds at the Multnomah County Juvenile Justice Complex; and

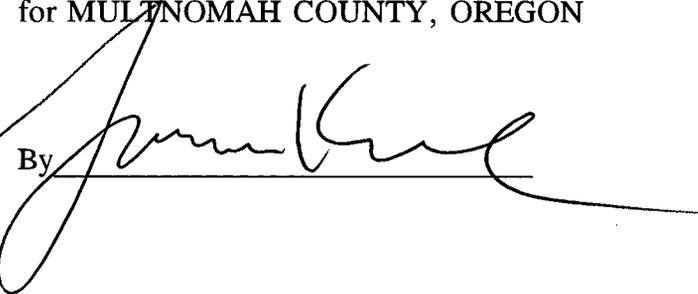
IT IS FURTHER RESOLVED, that the Chair will direct the Director of Community and Family Services to explore the feasibility of constructing a Triage Center on the site and bring a recommendation to the Board by May 31, 1995.

APPROVED this _____ day of _____, 1995.

MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By  _____

MEETING DATE: APR 27 1995 MAY 0 4 1995

AGENDA NUMBER: R-7 R-13

AGENDA PLACEMENT FORM

SUBJECT: 1995-96 Budget

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: April 27, 1995

Amount of Time Needed: _____

DEPARTMENT: Nondepartmental DIVISION Budget & Quality

CONTACT: Dave Warren TELEPHONE : 248-3822

BLDG/ROOM: 106/1400

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

BOARD MUST CONVENE AS THE BUDGET COMMITTEE

The item before the Board sitting as the Budget Committee will be a resolution to forward the 1995-96 Chair's Proposed Budget to the Tax Supervising and Conservation Commission (TSCC) to meet the legal requirement to provide TSCC with a budget prior to May 15

5/4/95 certified true copy & copies to Dave Warren, Budget & copy to Courtney Wilton, TSCC

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Hunt

OR

DEPARTMENT MANAGER: _____

CLERK OF
COUNTY COMMISSIONERS
1995 APR 17 AM 10:47
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

PLANNING & BUDGET
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners

FROM: Dave Warren *DCW*

TODAY'S DATE:

REQUESTED PLACEMENT DATE: April 27, 1995

SUBJECT: Submitting Budget to Tax Supervising

I. Recommendation / Action Requested:

Transmit the Executive Budget to Tax Supervising. Begin budget hearings in May.

II. Background / Analysis:

The 1995-96 budget process is based on the plan to forward the budget to Tax Supervising on April 27. This will comply with the formal requirement that the Budget Committee submit a budget prior to May 15. It does not, of course, imply agreement on the part of the Board with the policies included in the budget, nor with the Chair's proposed allocation of resources.

We had many reasons for this process, but two of them are significant. First, a major portion of the County's General Fund revenues are provided by the Business Income Tax - about \$27 million this year, we think. Typically, we receive about 70% of the Business Income Tax revenue in April, and get the first reliable reports of the amount in early May. Fluctuations in those receipts have required us to make major funding revisions in five of the last six budgets. By delaying budget decisions until we have reasonable certainty about this revenue, we should be able to have a more coherent process and make priority allocations with which the Board is comfortable, based on reliable information. Second, the process will allow the Board to balance proposed solutions to problems against each other and establish its priorities in a unified set of decisions.

III. Financial Impact:

None

IV. Legal Issues:

Approval of the Chair's Proposed Budget for submittal meets the legal requirement to submit a budget to Tax Supervising. After that budget has been submitted, no Fund may be increased by more than 10% in total revenue, and no property tax larger than the amounts included in the Executive Budget may be levied. However, neither of these problems is likely to arise this year.

V. Controversial Issues:

Voting to forward the budget without extensive public review and comment might produce adverse comment if it were not clearly understood that the process meets the technical requirement of the law, or if the Board were not to hold extensive public review before adopting the budget. Seven weeks of hearings and work sessions have been scheduled prior to adopting the budget. This should give ample time for public review and comment.

VI. Link to Current County Policies:

n/a

VII. Citizen Participation:

CBAC's have reviewed the budget requests and made recommendations about those requests. Transmitting the Executive Budget will allow them time to review the Chair's recommendations before they make comments to the Board at the departmental hearings scheduled for May and June.

VIII. Other Government Participation:

n/a

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

In the matter of approving the Chair's)
Proposed 1995-96 Budget for submittal) RESOLUTION
to the Tax Supervising and Conservation)
Commission as required by law)

WHEREAS, the above-entitled matter is before the Board sitting as the Budget Committee under ORS Ch. 294 to consider approving the Multnomah County Chair's Proposed Budget for the fiscal year July 1, 1995 to June 30, 1996 for submittal to the Tax Supervising and Conservation Commission; and

WHEREAS, on April 25, 1995 the Board of County Commissioners, sitting as the Budget Committee under ORS Ch. 294, received the budget message from the Multnomah County Chair and the budget document in compliance with ORS Ch. 294.401; and

WHEREAS, the Board of County Commissioners intends to conduct an extensive review of the 1995-96 Budget which will avoid duplicate hearings and will permit them to deal with the full range of policy and resource allocations at one time; and

WHEREAS, the fluctuating nature of the County's Business Income Tax from year to year, and the uncertainty of property value growth often require budget adjustments after the end of May; and

WHEREAS, transmittal of the Budget to the Tax Supervising and Conservation Commission prior to May 15 is a statutory obligation; and

WHEREAS, the Budget submitted to the Tax Supervising and Conservation Commission establishes the maximum expenditure in each fund; the Board is aware it cannot subsequently increase these expenditures by more than ten percent; and

WHEREAS, the Budget submitted to the Tax Supervising and Conservation Commission establishes the maximum property tax levy for Multnomah County; the Board is aware it cannot subsequently increase these tax levies, and

WHEREAS, the Board understands that submitting the Budget to the Tax Supervising and Conservation Commission does not prevent the Board from making reallocations within the parameters noted above; and

WHEREAS, at the time of adopting the 1995-96 Budget the Board anticipates making changes to the program allocations contained in the Budget submitted to the Tax Supervising and Conservation Commission; and

Resolution Approving 1995-96 Budget for Submittal to Tax Supervising
April 27, 1995

WHEREAS, the Board's approval of the 1995-96 Chair's Proposed Budget for submittal to the Tax Supervising and Conservation Commission is intended to express Budget Committee approval but to reflect the probability of changes before final budget adoption;

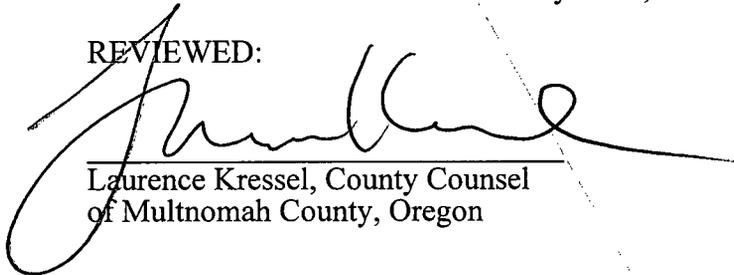
THEREFORE BE IT RESOLVED, that the Budget and Quality Office shall prepare the 1995-96 Approved Budget and forward it to the Tax Supervising and Conservation Commission.

Adopted this 27th day of April, 1995

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:



Laurence Kressel, County Counsel
of Multnomah County, Oregon

Resolution Approving 1995-96 Budget for Submittal to Tax Supervising
April 27, 1995

WHEREAS, at the time of adopting the 1995-96 Budget the Board anticipates making changes to the program allocations contained in the Budget submitted to the Tax Supervising and Conservation Commission; and

WHEREAS, the Board's approval of the 1995-96 Chair's Proposed Budget for submittal to the Tax Supervising and Conservation Commission is intended to express Budget Committee approval but to reflect the probability of changes before final budget adoption;

THEREFORE BE IT RESOLVED, that the Chair's Proposed Budget is amended to include in the Lease/Purchase Project Fund an additional \$3,872,000 of receipts from the sale of Certificates of Participation and to authorize expenditure of this \$3,872,000 on issue costs and the construction of detention units at the Juvenile Facility, and

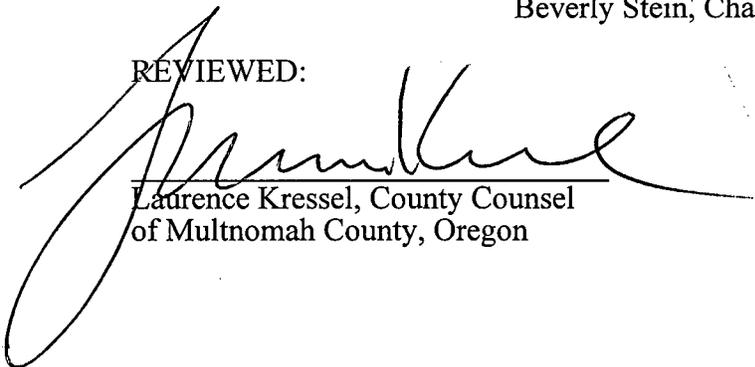
BE IT FURTHER RESOLVED, that the Budget and Quality Office shall prepare the 1995-96 Approved Budget and forward it to the Tax Supervising and Conservation Commission.

Adopted this 27th day of April, 1995

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:



Laurence Kressel, County Counsel
of Multnomah County, Oregon

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

In the matter of approving the Chair's)	
Proposed 1995-96 Budget for submittal)	RESOLUTION
to the Tax Supervising and Conservation)	95-100
Commission as required by law)	

WHEREAS, the above-entitled matter is before the Board sitting as the Budget Committee under ORS Ch. 294 to consider approving the Multnomah County Chair's Proposed Budget for the fiscal year July 1, 1995 to June 30, 1996 for submittal to the Tax Supervising and Conservation Commission; and

WHEREAS, on April 25, 1995 the Board of County Commissioners, sitting as the Budget Committee under ORS Ch. 294, received the budget message from the Multnomah County Chair and the budget document in compliance with ORS Ch. 294.401; and

WHEREAS, the Board of County Commissioners intends to conduct an extensive review of the 1995-96 Budget which will avoid duplicate hearings and will permit them to deal with the full range of policy and resource allocations at one time; and

WHEREAS, the fluctuating nature of the County's Business Income Tax from year to year, and the uncertainty of property value growth often require budget adjustments after the end of May; and

WHEREAS, transmittal of the Budget to the Tax Supervising and Conservation Commission prior to May 15 is a statutory obligation; and

WHEREAS, the Budget submitted to the Tax Supervising and Conservation Commission establishes the maximum expenditure in each fund; the Board is aware it cannot subsequently increase these expenditures by more than ten percent; and

WHEREAS, the Chair's Proposed Budget does not include authorization to construct additional detention units at the County's Juvenile Facility, and

WHEREAS, the Budget submitted to the Tax Supervising and Conservation Commission establishes the maximum property tax levy for Multnomah County; the Board is aware it cannot subsequently increase these tax levies, and

WHEREAS, the Board understands that submitting the Budget to the Tax Supervising and Conservation Commission does not prevent the Board from making reallocations within the parameters noted above; and

Resolution Approving 1995-96 Budget for Submittal to Tax Supervising

WHEREAS, at the time of adopting the 1995-96 Budget the Board anticipates making changes to the program allocations contained in the Budget submitted to the Tax Supervising and Conservation Commission; and

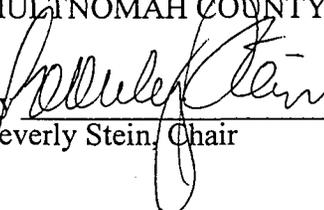
WHEREAS, the Board's approval of the 1995-96 Chair's Proposed Budget for submittal to the Tax Supervising and Conservation Commission is intended to express Budget Committee approval but to reflect the probability of changes before final budget adoption;

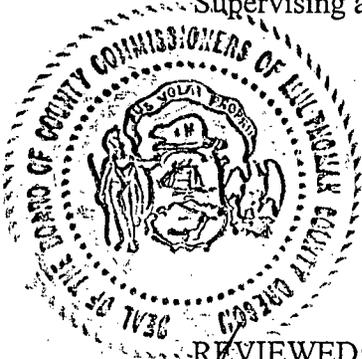
THEREFORE BE IT RESOLVED, that the Chair's Proposed Budget is amended to include in the Lease/Purchase Project Fund an additional \$7,405,000 of receipts from the sale of Certificates of Participation and to authorize expenditure of this \$7,405,000 on issue costs and the construction of detention units at the Juvenile Facility, and

BE IT FURTHER RESOLVED, that the Budget and Quality Office shall prepare the 1995-96 Approved Budget and forward it to the Tax Supervising and Conservation Commission.

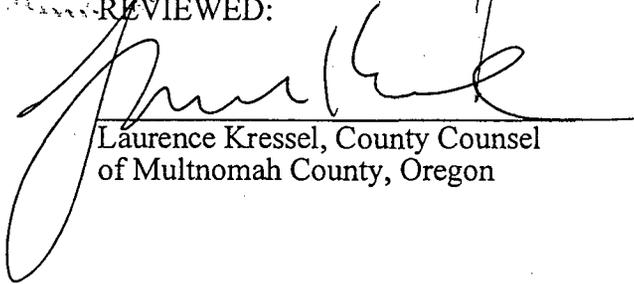
Adopted this 4th day of May, 1995

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By 
Beverly Stein, Chair



REVIEWED:


Laurence Kressel, County Counsel
of Multnomah County, Oregon