



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214
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Email: mult.chair@co.multnomah.or.us

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Lonnie Roberts, Commission Dist. 4

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JUNE 18 & 20, 2002

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Multnomah County Courthouse Renovation Study Briefing
Pg 2	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 3	10:05 a.m. Thursday First Reading Animal Control Code Amendment on Tethering
Pg 3	10:45 a.m. Thursday First Reading Ordinance on Portland Land Use Code Amendments
Pg 3	11:15 a.m. Thursday Legislative Session III Update
Pg 3	11:30 a.m. Thursday Update on Multnomah Building and Green Roof Projects

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

Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 11:00 PM, Channel 30
Saturday, 10:00 AM, Channel 30
Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television

(503) 491-7636, ext. 333 for further info
or: <http://www.mctv.org>

Tuesday, June 18, 2002 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

B-1 Multnomah County Courthouse Renovation Study Briefing by Consultants Hellmuth, Obata and Kassabaum (HOK). Presented by Steve Morton, Pamela Adams, Chuck Oraftik, and Andrew Nelson. 2.5 HOURS REQUESTED.

Thursday, June 20, 2002 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **PUBLIC CONTRACT REVIEW BOARD**

C-1 ORDER Exempting from the Formal Competitive Bid Process a Contract with 3M for Model 7210 SelfCheck Equipment Upgrades for Central Library

DEPARTMENT OF HEALTH

C-2 Budget Modification HD 2, Adjusting Appropriations within the Health Department

REGULAR AGENDA - 9:30 AM **PUBLIC COMMENT - 9:30 AM**

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

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:30 AM

R-1 RESOLUTION Establishing a Portland/Multnomah County Food Policy Council, a Sub-committee of the Portland/Multnomah County Sustainable Development Commission

NON-DEPARTMENTAL - 9:50 AM

- R-2 Budget Modification CCFC 02-03 Appropriating Early Learning Opportunities Act Grant Award Adding \$519,530 Total Program Dollars for Childcare Improvement, Parent Child Development Centers, and Early Words
- R-3 Second Reading and Possible Adoption of an ORDINANCE Amending MCC §§ 9.620 and 9.630 and Adding §9.660 Relating to Charitable Funds and Certifying The Children's Trust Fund
- R-4 First Reading of an ORDINANCE Amending MCC Chapter 13, Animal Control, Relating to Tethering

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 10:35 AM

- R-5 Intergovernmental Agreement 4600003407 with the City of Troutdale, Transferring Planning Authority for Urban Unincorporated Areas to the City of Troutdale to Comply with the Metro Functional Plan pursuant to Ordinance 973
- R-6 First Reading of an ORDINANCE Amending the City of Portland Development Code Related to Land Divisions and Other Minor Items, Pursuant to the IGA with the City of Portland, and Declaring an Emergency

Thursday, June 20, 2002 - 11:15 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-2 Legislative Update on Special Session III. Presented by Gina Mattioda and Stephanie Soden. 15 MINUTES REQUESTED.
- B-3 Briefing on Plans for Completion of the Multnomah Building Project and Discussion on Green Roof. Presented by Doug Butler, Peter Wilcox, Commissioner Maria Rojo de Steffey and Amy Joslin. 45 MINUTES REQUESTED.

MEETING DATE: June 20, 2002
AGENDA NO: C-1
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PCRB EXEMPTION REQUEST TO CONTRACT WITH 3M FOR MODEL 7210
SELF-CHECK EQUIPMENT UPGRADES FOR CENTRAL LIBRARY

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, June 20, 2002
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DBCS DIVISION: Finance/CPCA

CONTACT: Franna Hathaway TELEPHONE #: 988-5111 X22651
BLDG/ROOM #: 503/4th floor

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL
OTHER

SUGGESTED AGENDA TITLE:

PCRB EXEMPTION REQUEST TO CONTRACT WITH 3M FOR MODEL 7210
SELF-CHECK EQUIPMENT UPGRADES FOR CENTRAL LIBRARY

06.24.02 copies to Catherine Kwong

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY LIBRARY

DEPARTMENT OF LIBRARIES
COMPUTER SERVICES
801 S.W. 10TH AVENUE
PORTLAND, OREGON 97205
PHONE (503) 988-4563
FAX (503) 988-5226

BOARD OF COUNTY COMMISSIONERS
DIANE M. LINN • CHAIR OF THE BOARD
MARIA ROJO de STEFFEY • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
LONNIE ROBERTS • DISTRICT 4 COMMISSIONER

TO: Franna Hathaway, Manager
Central Procurement & Contract Administration

cc: Ginnie Cooper
Ruth Metz
Sue Robinson

FROM: Lance Murty, Information Technology Manager
Library Computer Services

DATE: June 10, 2002

SUBJECT: Exemption for purchase of 3M SelfCheck
equipment upgrades for Central Library

Request for Exemption: The Department of Libraries is requesting the authority to contract with 3M for Model 7210 SelfCheck equipment upgrades for Central Library. This exemption would provide procurement authority for a contract purchase amount of approximately \$96,000 to upgrade five Model 5520 SelfCheck machines, software, first year maintenance, installation and training.

Basis for Exemption: The RFP exemption request is based on PCRB Rules:

Division 10, Administrative Rule 10.100 "*Single Seller Contracts*" and

Division 20, Administrative Rule 20.030 "*Single Manufacture of Compatible Products*".

Background: The library currently has five model 5220 3M SelfCheck machines in service at Central Library which were installed during the Central renovation project in 1997. These machines were purchased under an exemption request, citing PRCB Administrative Rule 10.100 and 20.030, as 3M was the only equipment available that operated with the Library's on-line catalog, DYNA. 3M Corporation discontinued the sale of the Model 5220 machine in 1999 and has notified the library the Model 5220 equipment will no longer be supported because parts are no longer available. 3M is offering a program to upgrade the Model 5220 equipment to an equivalent new model.

The library wishes to upgrade the existing equipment with new the new model, identical to the ones that have recently been installed in other library facilities. The new model equipment works identically to the old ones, and will require no changes other than the replacement of the physical hardware.

In March, 2002, the library requested an exemption to purchase 15 3M SelfCheck machines. Of the 8 existing machines noted in the March exemption, 5 of them were the older model for which 3M is discontinuing support. The discontinued models operate the same way as the new models, but look different and are built of much older generation PC technology. The library was aware that 3M was planning to discontinue support for the older model at some unspecified date, but did not anticipate it happening as early as it did.

The library is requesting authority to upgrade the 5 older model machines; after upgrade, all equipment at all library locations will be identical in all respects. No trade-in upgrades occurred as part of the March exemption and purchase. 3M is offering the library a \$6,000 upgrade trade-in per unit through the end of June, 2002.

Given the discount offered to the County, 3M meets the Administrative Rule 10.100 of "*Single Seller Contracts*" since no other distributor of this product can offer a direct trade-in upgrade.

Given the technical requirement to be directly integrated into the library's automated library system, DYNA, 3M meets the Administrative Rule 20.030 of "*Single Manufacture of Compatible Products*".

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

ORDER NO. _____

Exempting from the Formal Competitive Bid Process a Contract with 3M for Model 7210 SelfCheck Equipment Upgrades for Central Library

The Multnomah County Board of Commissioners Finds:

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rules AR10.140 and AR20.060, a request from the Department of Library for exemption from the formal competitive bid process a contract with 3M to upgrade five Model 5520 SelfCheck machines, software, first year maintenance, installation and training.
- b. As it appears in the memorandum from Lance Murty, the request for exemption is based upon the fact that The library currently has five model 5220 3M SelfCheck machines in service at Central Library which were installed during the Central renovation project in 1997. These machines were purchased under an exemption request, as 3M was the only equipment available that operated with the Library's on-line catalog, DYNA. 3M Corporation discontinued the sale of the Model 5220 machine in 1999 and has notified the library the Model 5220 equipment will no longer be supported because parts are no longer available. 3M is offering a program to upgrade the Model 5220 equipment to the new model 7210.
- c. The library is requesting authority to upgrade the 5 older model machines; after upgrade, all equipment at all library locations will be identical in all respects. 3M is offering the library a \$6,000 upgrade trade-in per unit through the end of June, 2002. The total cost for the upgrades is approximately \$96,000.
- d. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules AR10.140 and AR20.060.

The Multnomah County Board of Commissioners, Acting as the Public Contract Review Board Orders:

The Contract with 3M for Model 7210 SelfCheck equipment upgrades for Central Library is exempted from the formal competitive bid process.

ADOPTED this 20th day of June, 2002.

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON, ACTING AS
THE PUBLIC CONTRACT REVIEW BOARD

Diane M. Linn, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

ORDER NO. 02-092

Exempting from the Formal Competitive Bid Process a Contract with 3M for Model 7210 SelfCheck Equipment Upgrades for Central Library

The Multnomah County Board of Commissioners Finds:

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRBR Rules AR10.140 and AR20.060, a request from the Department of Library for exemption from the formal competitive bid process a contract with 3M to upgrade five Model 5520 SelfCheck machines, software, first year maintenance, installation and training.
- b. As it appears in the memorandum from Lance Murty, the request for exemption is based upon the fact that The library currently has five model 5220 3M SelfCheck machines in service at Central Library which were installed during the Central renovation project in 1997. These machines were purchased under an exemption request, as 3M was the only equipment available that operated with the Library's on-line catalog, DYNA. 3M Corporation discontinued the sale of the Model 5220 machine in 1999 and has notified the library the Model 5220 equipment will no longer be supported because parts are no longer available. 3M is offering a program to upgrade the Model 5220 equipment to the new model 7210.
- c. The library is requesting authority to upgrade the 5 older model machines; after upgrade, all equipment at all library locations will be identical in all respects. 3M is offering the library a \$6,000 upgrade trade-in per unit through the end of June, 2002. The total cost for the upgrades is approximately \$96,000.
- d. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules AR10.140 and AR20.060.

The Multnomah County Board of Commissioners, Acting as the Public Contract Review Board Orders:

The Contract with 3M for Model 7210 SelfCheck equipment upgrades for Central Library is exempted from the formal competitive bid process.

ADOPTED this 20th day of June, 2002.

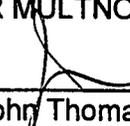


BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON, ACTING AS
THE PUBLIC CONTRACT REVIEW BOARD



Diane M. Linn, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

John Thomas, Assistant County Attorney

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR: June 20, 2002
 (Date)

DEPARTMENT: Health DIVISION: Multiple

CONTACT: Karen Garber PHONE: x29364

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: Dan Kaplan

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

Budget Modification HD 2 adjusting appropriations within the Health Department

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This budget modification adjusts appropriations within the Health Department. The net effect is an increase of \$611,745 in the Public Safety Levy Fund appropriation and an equivalent decrease in the department's General Fund and Federal/State Fund appropriations. There is no net increase or decrease at the department level.

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

None

TOTAL \$0

4. CONTINGENCY STATUS [To Be Completed by Budget]

_____ Fund Contingency BEFORE THIS MODIFICATION AS OF _____
 (Specify Fund) AFTER THIS MODIFICATION: _____

Originated By: <u>Karen Garber</u>	Date: <u>6/12/02</u>	Department Director: <u>Talman Shirley /cm</u>	Date: <u>6/12/02</u>
Plan / Budget Analyst: <u>Aleksandra</u>	Date: <u>6-12-02</u>	Employee Services:	Date:
Board Approval: <u>Deborah C. Bogsted</u>	Date: <u>062002</u>		

Budget Modification:

HD 2

EXPENDITURES & REVENUES

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

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1	40-00	1505		400000		93017	0	(51,510)	(51,510)		
2	40-16	1505		401600		93017	0	(65,893)	(65,893)		
3	40-50	1000		405001		93017	0	(61,828)	(61,828)		
4	40-50	1000		405210		93017	0	(27,783)	(27,783)		
5	40-50	1000		405200		93017	0	(6,215)	(6,215)		
6	40-70	1505		407001		93017	0	(53,863)	(53,863)		
7	40-80	1505		408001		93017	0	(65,914)	(65,914)		
8	40-90	1000		409001		93017	0	(278,739)	(278,739)		
9								0			
10	40-50	1514		405750		93017	0	611,745	611,745		
11								0			
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24								0			
25								0			
26								0			
27								0			
28								0			
29								0			
								0	0	Total - Page 1	
								0	0	GRAND TOTAL	



Health Department
Office of the Director

MULTNOMAH COUNTY OREGON

1120 SW 5th Ave, Suite 1400
Portland, Oregon 97204
(503) 988-3674 phone
(503) 988-4117 fax

Memorandum

TO: Board of County Commissioners
FROM: Lillian Shirley, Director
Multnomah County Health Department
DATE: June 12, 2002
SUBJECT: FY02 Budget Modification HD 2

I. RECOMMENDATION/ACTION REQUESTED

The Health Department recommends approval of Budget Modification HD 2, which adjusts appropriations by fund within the department.

II. BACKGROUND ANALYSIS

Throughout FY02 the Health Department has been allocating administrative overhead costs directly to programs. This action allocates budget appropriations to Corrections Health to cover these costs.

III. FINANCIAL IMPACT

The net effect is an increase of \$611,745 in the department's Public Safety Levy Fund appropriation and an equivalent decrease in the department's General Fund and Federal/State Fund appropriations. There is no net increase or decrease at the department level.

IV. LEGAL ISSUES

None

V. CONTROVERSIAL ISSUES

None

VI. LINK TO CURRENT COUNTY POLICY

N/A

VII. CITIZEN PARTICIPATION

N/A

VIII. OTHER GOVERNMENT PARTICIPATION

N/A

MEETING DATE: June 20 2002
AGENDA NO: R-1
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution to Establish a Portland/Multnomah County Food Policy Council

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, June 20,, 2002
AMOUNT OF TIME NEEDED: 20 minutes

DEPARTMENT: DBCS DIVISION: Community Services

CONTACT: Amy Joslin TELEPHONE #: 503 988-4092
BLDG/ROOM #: 503/4

PERSON(S) MAKING PRESENTATION: Amy Joslin, Rosemarie Cordello (Sustainable Development Commission), and Dan Saltzman (City of Portland Commissioner)

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

RESOLUTION Establishing a Portland/Multnomah County Food Policy Council, a Subcommittee of the Portland/Multnomah County Sustainable Development Commission

06.24.02 copies to Amy Joslin

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.i.bogstad@co.multnomah.or.us



501 SE Hawthorne Blvd, 4th floor
Portland, Oregon 97214
(503) 988-5000 phone
(503) 988-3048 fax

STAFF REPORT

TO: Board of County Commissioners
FROM: Amy Joslin, Assistant Director of Sustainability
DATE: June 3, 2002
RE: Portland/Multnomah County Food Policy Council

1. Recommendation/Action Requested:

Approve Resolution to Establish a Portland/Multnomah County Food Policy Council.

2. Background/Analysis:

Members from the Sustainable Development Commission formed a committee back in September of 2001 to evaluate the vision of forming a food policy council for Multnomah County and the City of Portland. Included in that committee were staff from the Multnomah County Health Department and Department of Business and Community Services.

Since that time the committee hosted a Food Forum with over 100 participants from a variety of sectors related to food to gauge interest levels within our community to forming a Food Policy Council. At this forum, participants identified key issues related to regional food systems and priorities for the City and County to address.

The planning committee used this feedback to outline a charter for a Food Policy Council that would reflect priorities and opportunities for the City of Portland and Multnomah County – as well as the basic need for changes in current food practices and policies.

The resolution before you reflects a well-thought out, much discussed summary of the issues surrounding food and the consensus on areas requiring change within Multnomah County and the City of Portland.

3. Financial Impact:

There is no financial impact.

4. Legal Issues:

There are no known legal issues.

5. Controversial Issues:

There are no controversial issues.

6. Link to Current County Policies:

The Food Policy Council would be a subcommittee of the Sustainable Development Commission and as such would assist Multnomah County to "provide leadership to the entire Multnomah County organization regarding implementing strategies for achieving sustainability" as directed in Resolution No. 01-007.

7. Citizen Participation:

The committee that has developed this resolution was comprised entirely of citizens with City of Portland and Multnomah County staff support. This is truly a citizen driven effort. In addition the Food Forum that identified the issues addressed in this resolution was attended by over 100 citizens of the community including representatives from local farms, restaurants, markets, and schools.

8. Other Government Participation:

The City of Portland adopted this resolution on May 29th, 2002. The City of Portland Office of Sustainable Development has been a strong ally to Multnomah County in working together as a partner to bring this resolution forward. Metro has also participated in the process and committed staff to work with the Food Policy Council over the next year.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Establishing a Portland/Multnomah County Food Policy Council, a Sub-committee of the Portland/Multnomah County Sustainable Development Commission

The Multnomah County Board of Commissioners Finds:

- a) Issues of food production and distribution significantly affect the public health, land use, economy and quality of life of the Portland and Multnomah County metropolitan region.
- b) All residents of Multnomah County and the City of Portland should have access to nutritious, affordable, locally and sustainably grown food.
- c) There is no existing agency, organization or body dedicated to addressing the implications of local government policy, programs, operations and land use rulings related to the food system and its corresponding impacts on community health and well-being.
- d) On February 2, 2002 over one hundred people including local farmers, restaurants, markets, educators, health care providers and local governments met in Portland for a Food Policy Forum and identified major issues impacting the health of our local food system including:
 - food practices in medical and government institutions that promote unhealthy diets and poor environmental stewardship,
 - a lack of awareness by local residents regarding nutrition, food skills and the source of their food,
 - a high rate of hunger and barriers preventing access to affordable, nutritious food for local residents, regardless of income-level or geographic location,
 - urban land use policies and rules negatively affecting local food production and distribution,
 - business and economic issues affecting the viability of local farmers, and
 - the environmental impacts associated with food production, consumption and waste disposal.
- e) Participants in the Food Policy Forum expressed overwhelming support for the creation of a local Food Policy Council to provide ongoing data collection and analysis, and recommendations to local governments regarding policies, programs, operations and land use rulings related to local food issues.
- f) The Portland/Multnomah County Sustainable Development Commission has recognized and identified the long term environmental, economic and social implications of policy decisions related to local food issues.
- g) The Commission supports and has approved forming a sub-committee to serve as a Food Policy Council.

The Multnomah County Board of Commissioners Resolves:

1. To approve formation of a Portland/Multnomah County Food Policy Council, a sub-committee of the Portland/Multnomah County Sustainable Development Commission.
2. The Portland/Multnomah County Food Policy Council shall be composed of 11 members serving one-year terms representing the diversity of the local community and providing a wide range of expertise on local food issues including hunger relief; nutrition; food business and industrial practices; local farming; community education and institutional food purchasing and practices.
3. The Portland/Multnomah County Food Policy Council shall:
 - a) Provide ongoing advice and input to City and County staff on food related issues as needed, such as the current efforts to attract and site a food composting facility in the Portland Metropolitan area.
 - b) Develop a set of governing principles to guide future local government and community decision making related to food issues by June 1, 2003.
 - c) Identify and report back to City Council and the County Board by June 1, 2003 on options for improving:
 - local land use policies and rules related to food production and distribution;
 - methods for building regional demand for locally produced foods and food products;
 - City and County food purchasing policies and practices;
 - the availability of healthy, affordable food to all residents; and
 - the capacity of local communities to promote and engage in healthy food practices.
 - d) Develop a work plan, proposed structure and potential sources of additional funding for the Food Policy Council in fiscal year 2003-04 and subsequent years.
4. The Portland/Multnomah Food Policy Council shall regularly communicate with and actively solicit participation and engagement from interested members of the general public.
5. The Multnomah County Department of Business and Community Services, the Multnomah County Health Department, and the Portland Office of Sustainable Development shall support the efforts of the Council through resources dedicated to the Sustainable Development Commission.

ADOPTED this 20th day of June, 2002.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-093

Establishing a Portland/Multnomah County Food Policy Council, a Sub-committee of the Portland/Multnomah County Sustainable Development Commission

The Multnomah County Board of Commissioners Finds:

- a) Issues of food production and distribution significantly affect the public health, land use, economy and quality of life of the Portland and Multnomah County metropolitan region.
- b) All residents of Multnomah County and the City of Portland should have access to nutritious, affordable, locally and sustainably grown food.
- c) There is no existing agency, organization or body dedicated to addressing the implications of local government policy, programs, operations and land use rulings related to the food system and its corresponding impacts on community health and well-being.
- d) On February 2, 2002 over one hundred people including local farmers, restaurants, markets, educators, health care providers and local governments met in Portland for a Food Policy Forum and identified major issues impacting the health of our local food system including:
 - food practices in medical and government institutions that promote unhealthy diets and poor environmental stewardship,
 - a lack of awareness by local residents regarding nutrition, food skills and the source of their food,
 - a high rate of hunger and barriers preventing access to affordable, nutritious food for local residents, regardless of income-level or geographic location,
 - urban land use policies and rules negatively affecting local food production and distribution,
 - business and economic issues affecting the viability of local farmers, and
 - the environmental impacts associated with food production, consumption and waste disposal.
- e) Participants in the Food Policy Forum expressed overwhelming support for the creation of a local Food Policy Council to provide ongoing data collection and analysis, and recommendations to local governments regarding policies, programs, operations and land use rulings related to local food issues.
- f) The Portland/Multnomah County Sustainable Development Commission has recognized and identified the long term environmental, economic and social implications of policy decisions related to local food issues.
- g) The Commission supports and has approved forming a sub-committee to serve as a Food Policy Council.

The Multnomah County Board of Commissioners Resolves:

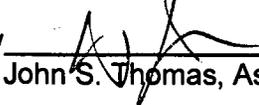
1. To approve formation of a Portland/Multnomah County Food Policy Council, a sub-committee of the Portland/Multnomah County Sustainable Development Commission.
2. The Portland/Multnomah County Food Policy Council shall be composed of 11 members serving one-year terms representing the diversity of the local community and providing a wide range of expertise on local food issues including hunger relief; nutrition; food business and industrial practices; local farming; community education and institutional food purchasing and practices.
3. The Portland/Multnomah County Food Policy Council shall:
 - a) Provide ongoing advice and input to City and County staff on food related issues as needed, such as the current efforts to attract and site a food composting facility in the Portland Metropolitan area.
 - b) Develop a set of governing principles to guide future local government and community decision making related to food issues by June 1, 2003.
 - c) Identify and report back to City Council and the County Board by June 1, 2003 on options for improving:
 - local land use policies and rules related to food production and distribution;
 - methods for building regional demand for locally produced foods and food products;
 - City and County food purchasing policies and practices;
 - the availability of healthy, affordable food to all residents; and
 - the capacity of local communities to promote and engage in healthy food practices.
 - d) Develop a work plan, proposed structure and potential sources of additional funding for the Food Policy Council in fiscal year 2003-04 and subsequent years.
4. The Portland/Multnomah Food Policy Council shall regularly communicate with and actively solicit participation and engagement from interested members of the general public.
5. The Multnomah County Department of Business and Community Services, the Multnomah County Health Department, and the Portland Office of Sustainable Development shall support the efforts of the Council through resources dedicated to the Sustainable Development Commission.

ADOPTED this 20th day of June, 2002.

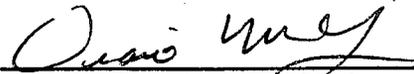


REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

<p>1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:</p> <p style="text-align: right;">6/20/2002 (Date)</p> <p>DEPARTMENT: <u>Non-Departmental</u> DIVISION: <u>CCFC</u></p> <p>CONTACT: <u>Aimée Ortiz</u> PHONE: <u>988-4149</u></p> <p>* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: <u>Elana Emlen</u></p> <p><u>SUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)</u></p> <p>Early Learning Opportunities Act Grant Award adds \$519,530 total program dollars for Childcare Improvement, Parent Child Development Centers, & Early Words.</p>				
<p>2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]</p> <p style="text-align: center;">[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET</p> <p>Increases total Federal State fund revenue by \$519,530. This grant comes from Dept. of Health & Human Services and the award is for 17 months. In FY02 this award pays for contracted services in the amount of \$380,837 for Childcare Improvement & Parent Child Development, travel in the amount of \$4,036, supplies in the amount \$13,875, professional services in the amount of \$117,102 for training of mentors, parent educators & for program coordination and indirect of \$3,680.</p>				
<p>3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]</p> <p>Adds \$519,530 in the Federal State fund of which \$388,553 is added to the CCFC budget and \$130,977 is added to the Library's budget.</p> <p style="text-align: right;">TOTAL \$519,530</p>				
<p>4. CONTINGENCY STATUS [To Be Completed by Budget]</p> <p>_____ Fund Contingency BEFORE THIS MODIFICATION AS OF _____ (Specify Fund) AFTER THIS MODIFICATION: _____</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"> Originated By: <u>Aimée Ortiz SW</u> Date: <u>6/10/2002</u> Plan / Budget Analyst: <u>Rebecca</u> Date: <u>6/12/02</u> </td> <td style="width:50%;"> Department Director: <u>[Signature]</u> Date: <u>06/12/02</u> Employee Services: <u>[Signature]</u> Date: _____ </td> </tr> <tr> <td> Board Approval: <u>Deborah C. Boasted</u> Date: <u>06.20.02</u> </td> <td></td> </tr> </table>	Originated By: <u>Aimée Ortiz SW</u> Date: <u>6/10/2002</u> Plan / Budget Analyst: <u>Rebecca</u> Date: <u>6/12/02</u>	Department Director: <u>[Signature]</u> Date: <u>06/12/02</u> Employee Services: <u>[Signature]</u> Date: _____	Board Approval: <u>Deborah C. Boasted</u> Date: <u>06.20.02</u>	
Originated By: <u>Aimée Ortiz SW</u> Date: <u>6/10/2002</u> Plan / Budget Analyst: <u>Rebecca</u> Date: <u>6/12/02</u>	Department Director: <u>[Signature]</u> Date: <u>06/12/02</u> Employee Services: <u>[Signature]</u> Date: _____			
Board Approval: <u>Deborah C. Boasted</u> Date: <u>06.20.02</u>				

EXPENDITURES & REVENUES

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

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1	10-50	32028			CCFCECCECELOA	50190	(388,553)	(388,553)			
2	10-50	32028			CCFCECCECELOA	60180	380,837	380,837			
3	10-50	32028			CCFCECCECELOA	60260	4,036	4,036			
4	10-50	32028			CCFCECCECELOA	60350	3,680	3,680	(0)		
5		32028			LIB11.04	50190	(130,977)	(130,977)			
6		32028			LIB11.05	60170	117,102	117,102			
7		32028			LIB11.06	60240	13,875	13,875	0		
8	19	1000		9500001000		50310	(3,680)	(3,680)			
9	19	1000		9500001000		60,470	3,680	3,680			
10							0				
11							0				
12							0				
13							0				
14							0				
15							0				
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26							0				
27							0				
28							0				
29							0				
								0	0	Total - Page 1	
								0	0	GRAND TOTAL	

Staff Report



TO: Board of County Commissioners
FROM: Kathrine Turner, Director of the Commission on Children Families & Community
DATE: June 12, 2002
SUBJECT: Budget Modification for the Early Learning Opportunities Act grant from the Department of Health & Human Services.

Members

Larry Norvell, Chair
Pauline Anderson
Carol Cole
Lee Coleman
Leslie Garth-Clark
Muriel Goldman
Kamron Graham
Pam Greenough
Samuel Henry
Earlene Holmstrom
Janet Kretzmeier
Diane Linn
Linda Grear Long
Kay Lowe
Janice Nightingale
Susan Oliver
D. Claire Oliveros
Mike Reich
Nan Waller
Duncan Wyse

Staff

Kathy Turner, Executive Director
Judy Brodkey
Kristine Dale
Elana Emlen
Jeanette Hankins
Janet Hawkins
Kelly Huotari
Wendy Lebow
Aimée Ortiz
Lisa Pellegrino
Bonnie Rosatti
Jana Rowley

421 SW 6th Avenue,
Suite 1075
Portland, OR 97204-1620
Ph: (503) 988-3897
Fx: (503) 988-5538
ccfc.org@co.multnomah.or.us
www.ourcommission.org
inter-office: 166/1075

- I. **Recommendation/Retroactive Action Requested:** The Commission on Children, Families & Community (CCFC) recommends Board of County Commissioner (BCC) approval of the Budget Modification for the grant received from the U.S. Department of Health & Human Services for the Early Learning Opportunities Act grant.
- II. **Background/Analysis:** CCFC is the fiscal agent for this collaboration grant. The grant funds three programs: Early Words through the Multnomah County Library, Child Care Improvement Project through Enterprise Foundation, and Parent Child Development Services through Neighborhood House, Inc.
- III. **Financial Impact:** This budget modification increases total Federal State fund revenue by \$519,530. This grant comes from Dept. of Health & Human Services and the award is for 17 months. In FY02 this award pays for contracted services in the amount of \$380,837 for Childcare Improvement & Parent Child Development, travel in the amount of \$4,036, supplies in the amount \$13,875, professional services in the amount of \$117,102 for training of mentors, parent educators & for program coordination and indirect of \$3,680.
- IV. **Legal Issues:** N/A
- V. **Controversial Issues:** N/A
- VI. **Link to Current County Policies:** This funding provides activities that support literacy, childcare, and parent child development services.
- VII. **Citizen Participation:** N/A
- VIII. **Other Government Participation:** Enterprise Foundation is contracting with the City of Portland for the child care improvement project.



Lisa Naito, Multnomah County Commissioner, District 3
Maria Rojo de Steffey, Multnomah County Commissioner, District 1

STAFF REPORT

TO: Board of County Commissioners
FROM: Commissioners Lisa Naito and Maria Rojo de Steffey
DATE: June 3, 2002
RE: Charitable Giving Campaign Ordinance Amendment

1. Recommendation/Action Requested:
Amend Ordinance No. 854, Charitable Giving Campaign Ordinance.
2. Background/Analysis:
In November 2001 the Board of County Commissioners unanimously approved Ordinance No. 969 which prohibits discrimination countywide on the basis of sexual orientation, gender identity and source of income in employment, housing and public accommodations. At the same time the BCC unanimously approved Ordinance No. 955 which amended the internal County Equal Employment Opportunity provisions to include gender identity and source of income. At that time the Charitable Giving Campaign was discussed and the issue was postponed pending the passage and implementation of the Non-discrimination Ordinance. Members of the work group felt that further discussion was necessary to explore all ramifications of applying the new criteria and protected categories to our certified funds and federations.
3. Financial Impact:
None.
4. Legal Issues:
None.
5. Controversial Issues:
Although the currently certified Funds and Federations will have sufficient time, over 18 months, to comply with our Civil Rights Ordinance there may be some benefitting member organizations that will resist implementation of the new civil rights protections. Education and support will be necessary for those member

organizations that may be unfamiliar with certain provisions or categories contained in our civil rights ordinance.

In addition The Children's Trust Fund is being granted certification for the last year of the cycle and will have to reapply with other applicants in 2004 cycle.

6. Link to Current County Policies:

Diversity: We honor and celebrate differences as sources of strength, Government Responsiveness, Sense of Community. As part of the underlying values for Multnomah County we are guided by a vision of a community in which people live without fear for their personal safety.

7. Citizen Participation:

NA

8. Other Government Participation:

NA

9. Additional Information:

The County's volunteer Charitable Campaign Coordinator has notified currently certified Funds and Federations that benefit from the County's Charitable Contributions Campaign that this amendment to the ordinance has come before the Board. Further outreach to the charitable community at large will be undertaken upon passage of this amendment for subsequent campaigns.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC §§ 9.620 and 9.630 and Adding §9.660 Relating to Charitable Funds and Certifying The Children's Trust Fund

(Language stricken is deleted; double-underlined language is new.)

Multnomah County Ordains as follows:

The Multnomah County Board of Commissioners Finds:

- a. The Board wishes to:
- update the Campaign Management Council membership to reflect departmental changes;
 - update the charitable giving fund certification criteria to conform to its civil rights discrimination policy,
 - change certification from three to two years; and
 - increase the number of certified organizations from six to seven.
- b. The Children's Trust Fund meets the existing certification criteria, and the Board wishes to certify and add the Children's Trust Fund for this certification period ending December 31, 2003.

Section 1. MCC § 9.620 is amended to read as follows

9.620 Campaign Management Council Established.

(A) A Campaign Management Council (Council) is established. Members of the council must be permanent county employees. The Council consists of one representative from each of the following ~~voting members~~ areas:

- (1) ~~One representative of the Board~~ Non-Departmental;
- (2) ~~One representative of e~~ Each county department (the representative from Business and Community Services will be from Finance);
- (3) ~~One representative from t~~ The Sheriff's office; and
- (4) The District Attorney's office. ~~One representative from finance;~~
- ~~_____ (5) One representative from payroll; and~~
- ~~_____ (6) One union representative.~~

(B) The council will select a chair.

(C) In addition to the voting members, each fund or federation certified under this subchapter may have a nonvoting representative on the Council.

Section 2. MCC § 9.630 is amended to read as follows:

9.630 Certification Criteria.

(A) The Council will certify funds or federations for the purpose of conducting a fund drive among county employees. The Council will certify only those funds or federations, which meet all the following criteria:

(1) The fund or federation is qualified as exempt under section 501(c)(3) of the Internal Revenue Code;

(2) The fund or federation disburses funds to at least ten charitable organizations that are qualified as exempt under section 501(c)(3) of the Internal Revenue Code;

~~(3) The fund or federation either provides services to local residents or works to improve the quality of life using an international, national, regional or local focus. A fund or federation with an international, national, or regional focus must assign a local representative to be available as needed to meet the requirements of this subchapter and the Council's guidelines;~~

(4) The fund or federation has a written policy of nondiscrimination regarding race, color, religion, color, ~~national origin, handicap, age, sex,~~ marital status, familial status, national origin, age, mental or physical disability, and sexual orientation, gender identity and source of income. This policy must be applicable to the ~~fund or federation's~~ staff and board of directors of the fund or federation. The Fund or Federation must also verify in writing that its benefiting member agencies do not discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income.

(5) The fund or federation has made the filings required by the Charitable Trust and Corporation Act and the Oregon Charitable Solicitation Act and has not been found to be guilty of a violation of either act by a court of competent jurisdiction during the 12 months preceding its application for certification;

(6) The fund or federation has an unpaid board of directors;

(7) The fund or federation has been incorporated no less than one year prior to the date of application for certification as a fund or federation;

(8) The fund or federation demonstrates that it has filed IRS Form 990, its most recent audit (if revenue exceeds \$100,000) and CT12 return as required by state law and provides copies upon request by the Council;

(9) The fund or federation provides a direct designation to county employees. This does not limit the ability of a fund or federation to offer a donor option program;

(10) If certified by the county in a prior year, the fund or federation has paid the required share of costs for published materials as required under § ~~9.3089~~ 9.650.

(B) Not more than ~~six~~ seven organizations meeting these criteria and selected by the Council may be placed on the list certified by the Board as eligible to receive contributions from county employees by payroll deduction. The selection committee consists of the voting members of the Council. It must review proposals every ~~three~~ two years and select organizations that provide county employees with the best choices within the areas of health, human welfare services, conservation, community development, cultural enrichment, and international support.

(C) Certification of a fund or federation by the Council is valid for ~~three~~ two years. During certification, the fund or federation must respond to reasonable requests by the Council for assurance that all requirements for certification have been and are being met. Failure to respond is grounds for decertification.

Section 3. MCC Chapter 9 is amended to add § 9.660 as follows:

§ 9.660 Effect of Board Approval.

Approval by the Board of an umbrella organization's application under this subchapter does not constitute an endorsement by the county of the umbrella organization or any charitable organization represented by an applicant. No charitable organization or umbrella organization may represent that such approval is an endorsement by the county.

Section 4. The Children's Trust Fund is certified and added as a charitable fund for the current certification period ending December 31, 2003.

Section 5. The amendments in Sections 2 and 3 apply to the new certification period beginning January 1, 2004.

FIRST READING: June 13, 2002

SECOND READING AND ADOPTION: June 20, 2002

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Thomas Sponsler, County Attorney

★ AMENDED 6.13.02

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC §§ 9.620 and 9.630 and Adding §9.660 Relating To Charitable Funds and Certifying
The Children's Trust Fund

(Language ~~stricken~~ is deleted; double-underlined language is new.)

Multnomah County Ordains as follows:

The Multnomah County Board of Commissioners Finds:

- a. The Board wishes to:
- update the Campaign Management Council membership to reflect departmental changes;
 - update the charitable giving fund certification criteria to conform to its civil rights discrimination policy,
 - change certification from three to two years; and
 - increase the number of certified organizations from six to seven.
- b. The Children's Trust Fund meets the existing certification criteria, and the Board wishes to certify and add the Children's Trust Fund for this certification period ending December 31, 2003.

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(A) A Campaign Management Council (Council) is established. Members of the ~~council~~ Council must be permanent county employees. The Council consists of one representative from each of the following ~~voting members~~ areas:

- (1) ~~One representative of the Board~~ Non-Departmental;
- (2) ~~One representative of e~~ Each county department (the representative from Business and Community Services will be from Finance, and at least one department representative must be a union member);
- (3) ~~One representative from t~~ The Sheriff's office; and
- (4) The District Attorney's office. ~~One representative from finance;~~
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~~(6) One union representative.~~

(B) The council will select a chair.

(C) In addition to the voting members, each fund or federation certified under this subchapter may have a nonvoting representative on the Council and Board will appoint a liaison.

Section 2. MCC § 9.630 is amended to read as follows:

9.630 Certification Criteria.

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(4) The fund or federation has a written policy of nondiscrimination regarding race, ~~color, religion, color, national origin, handicap, age, sex,~~ marital status, familial status, national origin, age, mental or physical disability, and sexual orientation, gender identity and source of income. This policy must be applicable to the ~~fund or federation's~~ staff and board of directors of the fund or federation. The Fund or Federation must also verify in writing that its benefiting member agencies do not discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income.

(5) The fund or federation has made the filings required by the Charitable Trust and Corporation Act and the Oregon Charitable Solicitation Act and has not been found to be guilty of a violation of either act by a court of competent jurisdiction during the 12 months preceding its application for certification;

(6) The fund or federation has an unpaid board of directors;

(7) The fund or federation has been incorporated no less than one year prior to the date of application for certification as a fund or federation;

(8) The fund or federation demonstrates that it has filed IRS Form 990, its most recent audit (if revenue exceeds \$100,000) and CT12 return as required by state law and provides copies upon request by the Council;

(9) The fund or federation provides a direct designation to county employees. This does not limit the ability of a fund or federation to offer a donor option program;

(10) If certified by the county in a prior year, the fund or federation has paid the required share of costs for published materials as required under § ~~9.3089.650~~.

(B) Not more than ~~six~~ seven organizations meeting these criteria and selected by the Council may be placed on the list certified by the Board as eligible to receive contributions from county employees by payroll deduction. The selection committee consists of the voting members of the Council. It must review proposals every ~~three~~ two years and select organizations that provide county employees with the best choices within the areas of health, human welfare services, conservation, community development, cultural enrichment, and international support.

(C) Certification of a fund or federation by the Council is valid for ~~three~~ two years. During certification, the fund or federation must respond to reasonable requests by the Council for assurance that all requirements for certification have been and are being met. Failure to respond is grounds for decertification.

Section 3. MCC Chapter 9 is amended to add § 9.660 as follows:

§ 9.660 Effect of Board Approval.

Approval by the Board of an umbrella organization's application under this subchapter does not constitute an endorsement by the county of the umbrella organization or any charitable organization represented by an applicant. No charitable organization or umbrella organization may represent that such approval is an endorsement by the county.

Section 4. The Children's Trust Fund is certified and added as a charitable fund for the current certification period ending December 31, 2003.

Section 5. The amendments in Sections 2 and 3 apply to the new certification period beginning January 1, 2004.

FIRST READING: June 13, 2002

SECOND READING AND ADOPTION: June 20, 2002

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Thomas Sponsler
Thomas Sponsler, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 983

Amending MCC §§ 9.620 and 9.630 and Adding §9.660 Relating to Charitable Funds and Certifying The Children's Trust Fund

(Language ~~stricken~~ is deleted; double-underlined language is new.)

Multnomah County Ordains as follows:

The Multnomah County Board of Commissioners Finds:

- a. The Board wishes to:
- update the Campaign Management Council membership to reflect departmental changes;
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(B) The Council will select a chair.

(C) In addition to the voting members, each fund or federation certified under this subchapter may have a nonvoting representative on the Council and the Board will appoint a liaison.

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(5) The fund or federation has made the filings required by the Charitable Trust and Corporation Act and the Oregon Charitable Solicitation Act and has not been found to be guilty of a violation of either act by a court of competent jurisdiction during the 12 months preceding its application for certification;

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(B) Not more than ~~six~~ seven organizations meeting these criteria and selected by the Council may be placed on the list certified by the Board as eligible to receive contributions from County employees by payroll deduction. The selection committee consists of the voting members of the Council. It must review proposals every ~~three~~ two years and select organizations that provide County employees with the best choices within the areas of health, human welfare services, conservation, community development, cultural enrichment, and international support.

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FIRST READING:

June 13, 2002

SECOND READING AND ADOPTION:

June 20, 2002



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Thomas Sponsler*
Thomas Sponsler, County Attorney

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(4) The fund or federation has a written policy of nondiscrimination regarding race, color, religion, color, national origin, handicap, age, sex, marital status, familial status, national origin, age, mental or physical disability, and sexual orientation, gender identity and source of income. This policy must be applicable to the fund or federation's staff and board of directors of the fund or federation.

CXL
The Fund or Federation must also verify in writing that it will not disburse County funds to any member agency that does not have a written policy of nondiscrimination regarding race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income.

(5) The fund or federation has made the filings required by the Charitable Trust and Corporation Act and the Oregon Charitable Solicitation Act and has not been found to be guilty of a violation of either act by a court of competent jurisdiction during the 12 months preceding its application for certification;

(6) The fund or federation has an unpaid board of directors;

(7) The fund or federation has been incorporated no less than one year prior to the date of application for certification as a fund or federation;

(8) The fund or federation demonstrates that it has filed IRS Form 990, its most recent audit (if revenue exceeds \$100,000) and CT12 return as required by state law and provides copies upon request by the Council;

(9) The fund or federation provides a direct designation to County employees. This does not limit the ability of a fund or federation to offer a donor option program;

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 983

Amending MCC §§ 9.620 and 9.630 and Adding §9.660 Relating to Charitable Funds and Certifying The Children's Trust Fund

(Language ~~stricken~~ is deleted; double-underlined language is new.)

Multnomah County Ordains as follows:

The Multnomah County Board of Commissioners Finds:

- a. The Board wishes to:
- update the Campaign Management Council membership to reflect departmental changes;
 - update the charitable giving fund certification criteria to conform to its civil rights discrimination policy,
 - change certification from three to two years; and
 - increase the number of certified organizations from six to seven.
- b. The Children's Trust Fund meets the existing certification criteria, and the Board wishes to certify and add the Children's Trust Fund for this certification period ending December 31, 2003.

Section 1. MCC § 9.620 is amended to read as follows

9.620 Campaign Management Council Established.

(A) A Campaign Management Council (Council) is established. Members of the Council must be permanent County employees. The Council consists of one representative from each of the following ~~voting members~~ areas:

- (1) ~~One representative of the Board~~ Non-Departmental;
- (2) ~~One representative of e~~ Each County department (the representative from Business and Community Services will be from Finance, and at least one department representative must be a union member);
- (3) ~~One representative from t~~ The Sheriff's office; and
- (4) The District Attorney's office. ~~One representative from finance;~~
- (5) ~~One representative from payroll;~~ and
- (6) ~~One union representative.~~

(B) The Council will select a chair.

(C) In addition to the voting members, each fund or federation certified under this subchapter may have a nonvoting representative on the Council and the Board will appoint a liaison.

Section 2. MCC § 9.630 is amended to read as follows:

9.630 Certification Criteria.

(A) The Council will certify funds or federations for the purpose of conducting a fund drive among County employees. The Council will certify only those funds or federations, which meet all the following criteria:

(1) The fund or federation is qualified as exempt under section 501(c)(3) of the Internal Revenue Code;

(2) The fund or federation disburses funds to at least ten charitable organizations that are qualified as exempt under section 501(c)(3) of the Internal Revenue Code;

(3) ~~The fund or federation either provides services to local residents or works to improve the quality of life using an international, national, regional or local focus.~~ A fund or federation with an international, national, or regional focus must assign a local representative to be available as needed to meet the requirements of this subchapter and the Council's guidelines;

(4) The fund or federation has a written policy of nondiscrimination regarding race, ~~color, religion, color, national origin, handicap, age, sex,~~ marital status, familial status, national origin, age, mental or physical disability, ~~and~~ sexual orientation, gender identity and source of income. This policy must be applicable to the ~~fund or federation's~~ staff and board of directors of the fund or federation. The Fund or Federation must also verify in writing that it will only disburse County funds to member agencies that have a written policy of nondiscrimination regarding race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income.

(5) The fund or federation has made the filings required by the Charitable Trust and Corporation Act and the Oregon Charitable Solicitation Act and has not been found to be guilty of a violation of either act by a court of competent jurisdiction during the 12 months preceding its application for certification;

(6) The fund or federation has an unpaid board of directors;

(7) The fund or federation has been incorporated no less than one year prior to the date of application for certification as a fund or federation;

(8) The fund or federation demonstrates that it has filed IRS Form 990, its most recent audit (if revenue exceeds \$100,000) and CT12 return as required by state law and provides copies upon request by the Council;

(9) The fund or federation provides a direct designation to County employees. This does not limit the ability of a fund or federation to offer a donor option program;

(10) If certified by the County in a prior year, the fund or federation has paid the required share of costs for published materials as required under §-9.3089.650.

(B) Not more than ~~six~~ seven organizations meeting these criteria and selected by the Council may be placed on the list certified by the Board as eligible to receive contributions from County employees by payroll deduction. The selection committee consists of the voting members of the Council. It must review proposals every ~~three~~ two years and select organizations that provide County employees with the best choices within the areas of health, human welfare services, conservation, community development, cultural enrichment, and international support.

(C) Certification of a fund or federation by the Council is valid for ~~three~~ two years. During certification, the fund or federation must respond to reasonable requests by the Council for assurance that all requirements for certification have been and are being met. Failure to respond is grounds for decertification.

Section 3. MCC Chapter 9 is amended to add § 9.660 as follows:

§ 9.660 Effect of Board Approval.

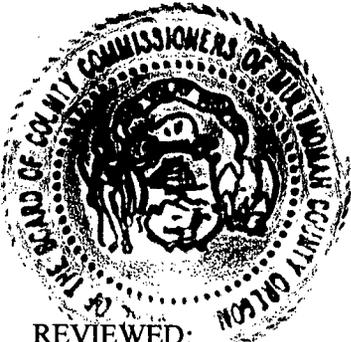
Approval by the Board of an umbrella organization's application under this subchapter does not constitute an endorsement by the County of the umbrella organization or any charitable organization represented by an applicant. No charitable organization or umbrella organization may represent that such approval is an endorsement by the County.

Section 4. The Children's Trust Fund is certified and added as a charitable fund for the current certification period ending December 31, 2003.

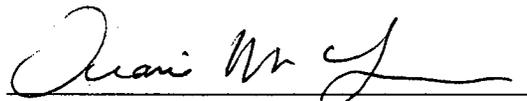
Section 5. The amendments in Sections 2 and 3 apply to the new certification period beginning January 1, 2004.

FIRST READING: _____ June 13, 2002

SECOND READING AND ADOPTION: _____ June 20, 2002



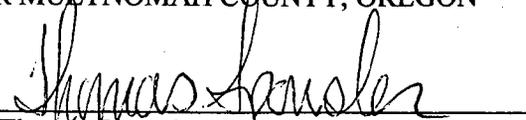
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Thomas Sponsler, County Attorney

MEETING DATE: June 20, 2002
AGENDA NO: R-4
ESTIMATED START TIME: 10:05 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Amending MCC Chapter 13, Animal Control Ordinance, Relating to Tethering

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday June 20, 2002
AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: Non-Departmental DIVISION: Commissioner Lisa Naito

CONTACT: Charlotte Comito TELEPHONE #: 503 988-5217
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Lisa Naito, Phyllis Johansen, Gary Hendel, invited others

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL
OTHER

SUGGESTED AGENDA TITLE:

First Reading of an ORDINANCE Amending MCC Chapter 13, Animal Control, Relating to Tethering

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Lisa Naito*

(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



Lisa Naito, Multnomah County Commissioner District 3

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214

Phone: (503) 988-5217
FAX: (503) 988-5262
Email: lisa.h.naito@co.multnomah.or.us

STAFF REPORT

TO: Board of County Commissioners
FROM: Commissioner Lisa Naito
DATE: June 12, 2002
RE: Tethering Ordinance

1. Recommendation/Action Requested:

Approval of amendment to MCC Chapter 13, Animal Control Ordinance, to include banning tethering of dogs for specified periods of time; recommends types of tethering.

2. Background/Analysis:

"Tethering" refers to the practice of chaining a dog to a stationary object as a means of keeping the animal under control. Animal experts, including the Humane Society of the United States (HSUS) and the United States Department of Agriculture (USDA), have determined that tethering dogs is inhumane. In 1996, the USDA issued the following statement against tethering: "Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by tethering is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

Currently 25 local jurisdictions have regulated tethering or chaining of dogs, some have banned tethering completely, others have limited the amount of time that a dog may be tethered as well as limit the manner in which a dog may be tethered during that limited period of time.

2. Financial Impact:

Unknown. Animal Control Enforcement officers will respond to extreme violations of this amendment. However, the officers must already respond to other complaints that are direct results of dogs being tethered, i.e. continuous barking, aggressive or dangerous dogs, animal neglect or abuse.

4. Legal Issues:
None.
5. Controversial Issues:
None
6. Link to Current County Policies:
This amendment is consistent with our county policy regarding the humane treatment of animals.
7. Citizen Participation:
This amendment was initiated by citizen animal advocates. We also received input from animal welfare organizations.
8. Other Government Participation:
Animal control officers participated in the discussions.



CHAINING OR TETHERING DOGS

1. What is meant by "chaining" or "tethering" dogs?

These terms refer to the practice of fastening a dog to a stationary object or stake, usually in the owner's backyard, as a means of keeping the animal under control. These terms do not refer to the periods when an animal is walked on a leash.

2. Is there a problem with continuous chaining or tethering?

Yes, the practice is both inhumane and a threat to the safety of the confined dog, other animals, and humans.

3. Why is tethering dogs inhumane?

Dogs are naturally social beings who thrive on interaction with human beings and other animals. A dog who is kept chained in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often very aggressive.

In many cases, the necks of chained dogs become rubbed raw and covered with sores, the result of improperly fitted collars and the dogs' constant yanking and straining in desperate attempts to escape confinement. Dogs have even been found with collars embedded in their necks, the result of years of neglect at the end of a chain. In one case, a veterinarian had to euthanize a dog whose collar, an electrical cord, was so embedded in the animal's neck that it was difficult to see the plug that was ultimately removed.

4. Who says tethering dogs is inhumane?

In addition to The Humane Society of the United States (HSUS) and numerous animal experts, the United States Department of Agriculture (USDA) issued a statement in the July 2, 1996, *Federal Register* against tethering:

"Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury."

5. How does tethering or chaining dogs pose a danger to humans?

Dogs tethered for long periods of time can become highly aggressive. Dogs feel naturally protective of their territory; when confronted with a perceived threat, they respond according to their natural fight-or-flight instinct. A chained dog, unable to take flight, often feels forced to fight, attacking any unfamiliar animal or person who unwittingly wanders into his or her territory.

Numerous attacks on people by tethered dogs have been documented. For example, a study published in the September 15, 2000 issue of the *Journal of the American Veterinary Medical Association* reported that 17% of dogs involved in fatal attacks on humans between 1979 and 1998 were restrained on their owners' property at the time of the attack. Tragically, the victims of such attacks are often children who are unaware of the chained dog's presence until it is too late. Furthermore, a tethered dog who finally *does* get loose from his chains may remain aggressive and likely to chase and attack unsuspecting passersby and pets.

6. Why is tethering dangerous to dogs?

In addition to the psychological damage wrought by continuous chaining, dogs forced to live on the end of a chain make easy targets for other animals, humans, and biting insects, from which there is virtually no escape. A chained animal may fall prey to harassment and teasing from insensitive humans, stinging bites from outdoor insects, and, in the worst cases, attacks by other animals. Chained dogs are also easy targets for thieves looking to steal dogs for sale to research institutions or to be used as training fodder for organized animal fights. Finally, dogs' tethers can become entangled with other objects, which can choke or strangle the dogs to death.

7. Are tethered dogs dangerous to other animals?

In some instances, yes. Any other animal that enters a tethered dog's area of confinement is in jeopardy. Cats, rabbits, smaller dogs, and others may enter the area when the tethered dog is asleep and then be fiercely attacked after the dog awakens.

8. Are chained dogs otherwise treated well?

Rarely does a chained or tethered dog receive sufficient care. Tethered dogs suffer from sporadic feedings, overturned water bowls, inadequate veterinary care, and extreme temperatures. During snowstorms, chained dogs often have no access to shelter. During periods of extreme heat, they may not receive adequate water or protection from the sun.

Because chained dogs' often neurotic behavior makes them difficult to approach, they are rarely given even minimal affection, food, and water. Many do not receive sufficient veterinary care, including standard vaccinations. Tethered dogs may become "part of the scenery" and can be easily ignored by their owners.

9. Are the areas in which tethered dogs confined usually pleasant?

No, because the dogs have to eat, sleep, urinate, and defecate in a single confined area. The owner who chains her dog is also the owner less likely to clean the area in any way. And even though there may have once been grass in the area of confinement, it is usually so beaten down by the dog's pacing that the ground consists of nothing but dirt or mud.

10. But how else can people confine dogs?

The Humane Society of the United States recommends that all dogs be kept indoors at night, taken on regular walks, and otherwise provided with adequate attention, food, water, and veterinary care. If an animal must be housed outside at certain times, he should be placed in a suitable pen with adequate square footage and shelter from the elements.

11. Should chaining or tethering ever be allowed?

To become well-adjusted companion animals, dogs should interact regularly with people and other animals and should receive regular exercise. It is an owner's responsibility to properly restrain her dog, just as it is the owner's responsibility to provide adequate attention and socialization. Placing an animal on a restraint to get fresh air can be acceptable if it is done for a short period of time. However, keeping an animal tethered for long periods of time is never acceptable.

12. If a dog is chained or tethered for a short period of time, can it be done humanely? Animals who must be kept on a tether should be secured in such a way that the tether cannot become entangled with other objects. Collars used to attach an animal should be comfortable and properly fitted; choke chains should never be used. Restraints should allow the animal to move about and lie down comfortably. Animals should never be tethered during natural disasters such as floods, fires, tornadoes, hurricanes, or blizzards.

13. What about attaching a dog's leash to a "pulley run"?

Attaching a dog's leash to a long line—such as a clothesline or a manufactured device known as a pulley run—and letting the dog have a larger area in which to explore is preferable to tethering the dog to a stationary object. However, many of the same problems associated with tethering still apply, including attacks on or by other animals, lack of socialization, and safety.

14. What can be done to correct the problem of tethering dogs?

At least 25 communities have passed laws that regulate the practice of tethering animals. Maumelle, Arkansas; Tucson, Arizona; and New Hanover, North Carolina, are examples of communities that completely prohibit the chaining or tethering of dogs as a means of continuous confinement. Many other communities allow tethering only under certain conditions; Jefferson County, Kentucky, for example, prohibits dogs from being tethered for more than 8 hours in any 24-hour period. For the text of some of these ordinances, please see The HSUS's *Tethering or Chaining Ordinances* information packet.

15. Why should a community outlaw the continuous chaining or tethering of dogs?

Animal control and humane agencies receive countless calls every day from citizens concerned about animals in these cruel situations. Animal control officers, paid at taxpayer expense, spend many hours trying to educate pet owners about the dangers and cruelty involved in this practice.

A chained animal is caught in a vicious cycle; frustrated by long periods of boredom and social isolation, he becomes a neurotic shell of his former self—further deterring human interaction and kindness. In the end, the helpless dog can only suffer the frustration of watching the world go by in isolation—a cruel fate for what is by nature a highly social animal. Any city, county, or state that bans this practice is a safer, more humane community.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 13, Animal Control, Relating To Tethering

(Language ~~stricken stricken~~ is deleted; double- underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. In accordance with MCC §13.003, the Board wishes to add regulations with respect to tethering dogs.
- b. The tethering of any dog on a leash, cord, rope chain or similar device to an object that prohibits or restricts the dog's movement is not recommended for more than an hour at a time. Attaching a dog to a long line using a pulley, trolley or swivel system, thereby allowing the dog a larger area in which to explore and avoiding entanglement, is preferable to tethering a dog to a stationary object.
- c. The Board wishes to prohibit tethering a dog in an unsafe manner and in any manner for longer than 10 hours in a 24-hour period.

Multnomah County Ordains as follows:

Section 1. MCC § 13.305 is amended as follows:

§ 13.305 Duties Of Owners.

(A) For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for the behavior of the animal regardless of whether the owner or another member of the owner's household or a household visitor permitted the animal to engage in the behavior that is the subject of the violation.

(B) It is unlawful for any person to commit any of the following:

- (1) Permit an animal to be an animal at large;
- (2) Permit an animal to trespass upon property of another;

(3) Fail to comply with requirements of this chapter that apply to the keeping of an animal or dangerous animal or any facility where such animals are kept;

(4) Permit a dog in season (estrus) to be accessible to a male dog not in the person's ownership except for intentional breeding purposes;

(5) Permit any animal unreasonably to cause annoyance, alarm or noise disturbance to any person or neighborhood by barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode ~~repeated episodes~~ of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. It shall be an affirmative defense under this subsection that the animal was intentionally provoked by a party other than the owner to make such noise. Provided, 13.305(B)(5) shall not be applicable to any lawful livestock owner or keeper; kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land use and zoning laws and regulations;

(6) Leave an animal unattended for more than 24 consecutive hours without minimum care;

(7) Deprive an animal of proper facilities or care, including but not limited to the items prescribed in § 13.153. Proper shelter must provide protection from the weather and is maintained in a condition to protect the animals from injury;

(8) Physically mistreat any animal either by abuse or neglect or failure to furnish minimum care;

(9) Permit any animal to leave the confines of any officially prescribed quarantine area;

(10) Permit any dog to engage in any of the behaviors described in § 13.401(A) or (B);

(11) Permit any dog to engage in any of the behaviors described in § 13.401(C) through (D); or

(12) Permit any dog to engage in the behavior described in § 13.402.

(13) Harbor a dangerous or exotic animal that is not otherwise exempted under § 13.154. Provided, any person who owns or is keeping a dangerous or exotic animal on the effective date of this chapter in that person's jurisdiction shall have 180 days from the effective date to provide for the animal's removal from the county or other lawful disposition.

(14) Except as provided under MCC 13.300(B) (2), permit any dog to be tethered for more than 10 hours in a 24-hour period.

(15) Notwithstanding MCC 13.305 (B) (14), permit any dog to be tethered in a manner or method that allows the animal to become entangled for a period of time detrimental to the animal's well being.

(C) For the purpose of this section, OWNER shall mean either owner or keeper as defined in this chapter.

(D) Notwithstanding § 13.305(B)(10), (11) and (12), any dog that has been found to have engaged in behaviors as described at §§ 13.401 and 13.402 shall be classified, regardless of whether it is established by preponderance of the evidence that the dog owner, keeper or other person permitted the dog to engage in the behavior. If in any such case it is not established by a preponderance of the evidence that the person cited permitted the dog to engage in the behavior, no fine shall be imposed against that person, but the dog owner or keeper shall be subject to all other restrictions and conditions lawfully imposed by the director or a hearings officer pursuant to § 13.404(B) and § 13.509(H) respectively and;

(1) In any case, wherein the citing officer or the director based upon his or her investigation and review of such case, determines there is insufficient evidence to establish the responsible party permitted the dog to engage in the violative behavior, may in lieu of issuing a notice of infraction for violation of § 13.305(B)(10), (11) and (12) issue a notice of infraction citing this division and the specific division of § 13.401 or 13.402 directly applicable to the dog's alleged behavior.

(2) Any notice of infraction issued pursuant to § 13.305(D)(1) shall not be subject to the imposition of a fine against the person cited, upon issuance or affirmation but that person shall be subject to all other restrictions and conditions lawfully imposed by the director or a hearings officer pursuant to § 13.404(B) and § 13.509(H) respectively.

Penalty, see § 13.999

Section 2. MCC § 13.999 is amended as follows:

§ 13.999 Penalty.

(A) *Classification.* Violations of the provisions of this chapter shall be classified as provided below.

(1) *Class A infractions.* Violations of the following sections or divisions shall be Class A infractions:

(a) Section 13.500;

(b) Section 13.300;

- (c) Section 13.304;
- (d) Section 13.305(B)(7) - (B)(9), (B)(11) - (B)(~~13~~15);
- (e) Section 13.307; and
- (f) Section 13.309.

(2) *Class B infractions.* Violations of the following sections or divisions of this chapter shall be Class B infractions:

- (a) Section 13.506(A)(3);
- (b) Section 13.301; and
- (c) Section 13.305(B)(3) - (B)(6), (B)(10).

(3) *Class C infractions.* Infractions of the following sections or divisions of this chapter shall be Class C infractions:

- (a) Section 13.101;
- (b) Section 13.303;
- (c) Section 13.305(B)(1), (B)(2); and
- (d) Section 13.308.

(4) *Other infractions.* Except as provided under §§ 13.306 and 13.307, any other violation of this chapter not listed in this division shall be a Class A infraction.

(B) *Fines.*

(1) *Class A infraction.* A fine for Class A infraction shall be no less than \$100 nor more than \$500 for a first offense. The fine for a second Class A infraction committed within 12 months from the date that the first offense was committed shall be no less than \$200, nor more than \$500. The fine for a third Class A infraction committed within 12 months from the date that the first offense was committed, the fine shall be not less than \$500.

(2) *Class B infraction.* A fine for Class B infraction shall be no less than \$50 nor more than \$250 for a first offense. If the violator committed either a Class A or B infraction within the 12-month period immediately prior to the date of the second infraction, the fine shall be no less than \$100 nor more than \$250. If the violator has committed two or more Class A or B infractions within the 12-month period immediately prior to the date of the most recent notice of infraction for a Class B infraction, the fine shall be \$250.

(3) *Class C infraction.* A fine for a Class C infraction shall be no less than \$30 nor greater than \$150 for a first offense. If the violator has committed a Class A, B, or C infraction within the 12-month period immediately prior to the date of the second infraction, the fine shall be no less than \$50 nor more than \$150. If the violator has committed two or more Class A, B, or C infractions within the 12-month period immediately prior to the date of the most recent notice of infraction for a Class C infraction, (Ord. 156, passed 1977; Ord. 732, passed 1992; Ord. 773, passed 1993; Ord. 823, passed 1995; Ord. 850, passed 1996)

(C) *Facility operations violations.*

(1) The operation of a facility without a license for which licensing is required under §§ 13.150 through 13.153 shall be a Class A infraction, and, in addition, the director or hearings officer may order removal of the animals housed in the facility or allow the facility operator to find suitable homes for the animals within 30 days or to be impounded subject to § 13.505.

(2) The operation of a facility by a person holding a facility license under §§ 13.150 through 13.153, in violation of any provision of the license applicable to that license or to the care of the animals housed in the facility, shall be a Class A infraction; and in addition the director or hearings officer may order removal of any or all animals from the facility for impoundment subject to § 13.505 or allow the facility operator to find suitable homes for the animals within 30 days. (Ord. 156, passed 1977; Ord. 732, passed 1992; Ord. 850, passed 1996)

(D) *Additional conditions and restrictions.* In addition to the monetary civil penalties imposed for infractions of this chapter, and the regulations applicable under § 13.404, the director and the hearings officer shall have authority to order additional restrictions and conditions upon the party in violation, including but not limited to the following:

(1) Require the owner or keeper and animal to satisfactorily complete an obedience program approved by the director or hearings officer at owner's or keeper's expense;

(2) Require the owner or keeper to attend a responsible pet ownership program adopted or approved by the director or hearings officer, at the owner's or keeper's expense;

(3) Require the owner or keeper of an animal that unreasonably causes annoyance, as described in § 13.305, to keep the animal inside the owner or keeper's residence during hours specified by the director or hearings officer;

(4) Suspend the animal owner's or keeper's right to own or keep any animal in the county for a period of time specified by the director or hearings officer;

(5) Require the owner or keeper to have the animal surgically sterilized within a time period determined by the director or hearings officer; and

(6) Any other condition(s) that would reasonably abate the infraction.

(E) *Late payment penalties.* If a civil penalty is unpaid after 30 days, the fine then due shall be increased by 25% of the original amount; if the civil penalty is not paid after 60 days, the fine then due shall be increased by 50% of the original amount.

(F) *Collection.* At the discretion of the director, any civil penalty(ies) not paid within 30 days from the date of issuance of the notice of infraction may be assigned to a collections agency for collection.

FIRST READING:

June 20, 2002

SECOND READING AND ADOPTION:

June 27, 2002

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

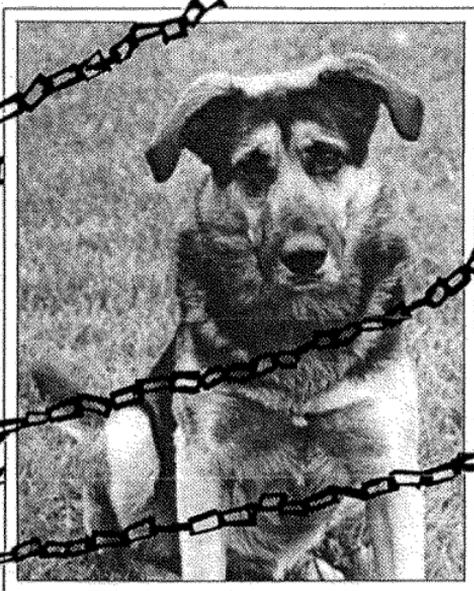
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney



CHAINED!

A family gets a healthy, playful puppy, and it soon grows into a large, active dog. The children lose interest, and the parents can't be bothered. The dog ends up on a 4-foot chain in the backyard.

The dog is fed table scraps when anyone remembers. In summer, no one thinks to give it water, and it has no shade. In bad weather, it has no shelter. Sometimes, it's left for days at a time.

The dog is never walked, never exercised. Eventually, it's never even noticed.

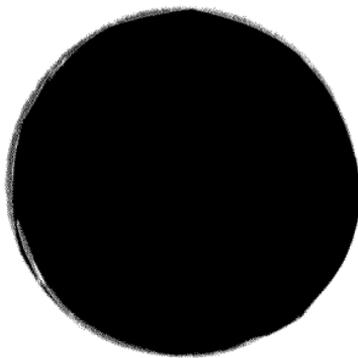
Alone day after day, the dog becomes bored and frustrated. It barks, and neighbors complain. Passing children tease and annoy it. Because it has nothing to do, it becomes listless... and then aggressive. Finally, it has to be destroyed.

And the next day, the children start begging for a puppy.

This kind of pet ownership is cruel and irresponsible. Make your pet a part of your family—for everyone's sake.

If your neighbor's dog is chained and is suffering or creating a nuisance, call us and we'll try to do something about it. Your anonymity is guaranteed.

(this space for your
organization's name
and address)



CHAINING NOTICE

**Jefferson County Division of
Animal Control & Protection**
3705 Manslick Road & Crums Lane
Louisville, Kentucky 40215
Phone: (502) 363-6609

The Jefferson County Animal Control Ordinance prohibits exclusively chaining a dog (91.001). An officer of this department has witnessed a dog(s) at this address in potential violation of this requirement.

If you are maintaining your dog(s) exclusively on a fixed chain or tether, for more than 1 hour in a 24 hour period, you should take immediate plans to change that practice. Please consider a fenced yard, kennel run or house-breaking your dog(s). An officer will return at some time at least 1 hour from the date and time printed below. If the dog(s) remains chained at that time you may receive a citation or the dog(s) may be confiscated. To avoid legal action you should call the division upon your return to this address.

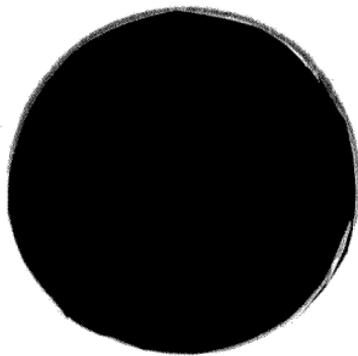
Officer _____

Day _____ Date _____ Time _____

Reference Run No. _____

Please see other side

(OVER)



WHY HAVE THEY CREATED THIS LAW?

Most people ^{who} ~~that~~ keep dogs on chains do not realize the bad behavior they are creating with their dog. Exclusively chaining a dog causes aggressive behavior. The dog learns that it cannot run away if it feels threatened, so it becomes aggressive to frighten danger away. Did you know that you, or a member of your family, are three times more likely to be bitten by your own dog if it is kept exclusively chained?

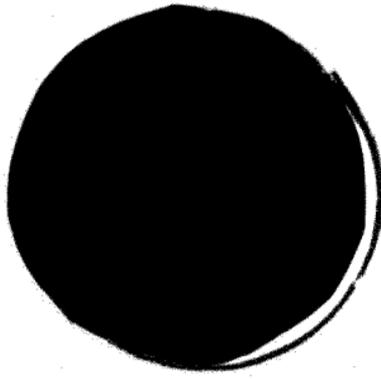
In addition to our public safety concerns we are also concerned about the quality of life for a dog ^{who} must live at the end of a chain. Dogs are social animals and want to be part of the family.

They want to interact with you. Also, chains often get tangled, preventing a dog from reaching its shelter or food and water.

To avoid possible legal action please comply with this notice and find an alternate method of restraining your dog.

Jefferson County
Animal Control & Protection
3705 Manslick Road
363-6609

(OVER)



From

**Jefferson County
Division of Animal
Control & Protection**
3705 Manslick Road & Crums Lane
Louisville, Kentucky 40215
Phone: (502) 363-6609

Address _____

Date and Time _____

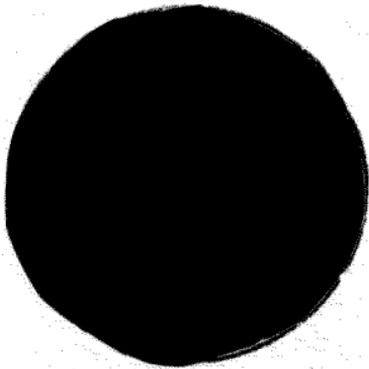
- Cat traps are available from this Division for a refundable deposit.
- Was loose and unattended.
- Has no visible pet license.
- Has no visible rabies vaccination tag.
- We were here to answer your call. No violation was seen. Please call again.
- We have had a complaint on your pet. Please abide by the Jefferson County Animal Control Ordinance or legal action may be taken.

Additional Comments: _____

Officer _____

Reference number _____

When calling please have the reference number available.



**JEFFERSON COUNTY ORDINANCE
CHAPTER 91, ANIMALS**

Requires the following:

1. All animals must be restrained at all times.
2. Dogs must be kept behind a fence, in an enclosure or on a chain at least 10 ft. long with swivels to prevent tangling. Dogs kept on a chain must wear a suitable collar. No dog may be kept on a fixed point chain for more than **1 hour in a 24 hour period.**
3. All animals must be provided a clean and healthful environment, food, water, shelter and veterinary care. All living areas shall be maintained to promote proper drainage to prevent the accumulation of mud and/or water.
4. All dogs and cats must be vaccinated against rabies at **4 months of age.**
5. All dogs and cats must be licensed at 4 months of age.
6. Every female dog or cat in heat must be confined in a manner that will prevent contact with another animal except for planned breeding.

These are just some of the requirements for animal owners in Jefferson County. If you need additional information, please contact your Division of Animal Control & Protection.

HOURS OF OPERATION

Complaints answered & Animal Control Officers on duty,
Everyday 7:00 A.M. - 11:00 P.M.

Administration Office (Pet Licenses)
Monday-Friday 8:00 A.M. - 5:00 P.M.
Saturday 10:00 A.M. - 12:00 Noon
Closed: Sundays and Holidays

Animal Shelter Kennel
To turn an animal into this Department: Open 24 hours
including Sundays and Holidays.

To redeem, claim or look for your lost or missing pet:
Monday-Friday 10:00 A.M. - 5:00 P.M.
Saturday 10:00 A.M. - 12:00 Noon
Closed Sundays and Holidays

Including, the day that they were picked up all dogs are held for 5 days, cats for 5 days, livestock and other animals for 3 days.

(OVER)

Reproducible

This message can be clipped out and reproduced in quantity by your local printer for distribution at many community locations, or it can be run in local newspapers or your organization's newsletter.

When You See Something That Bothers You . . .



Bonnie Smith

You can do something about it.

Making a call to your local animal-protection agency is the most important action you can take.

If you tell the agency about a neighbor who keeps his dog chained outside in all kinds of weather, an animal control officer will work with the owner.

If you report a dog running loose in the neighborhood, the agency will help get the dog off the street and out of danger.

If you call about a mother cat and her kittens

you've seen rummaging through the garbage, you don't have to look the other way. The animal-protection agency can help find responsible homes and put an end to their vagabond existence.

If there is a problem with animals in your community, please call. You can remain anonymous, if you wish.

Don't let animal abuse or neglect continue. Your call can make a big difference.

[Your agency's name and phone number here.]

THE HUMANE SOCIETY OF THE UNITED STATES™

June 20, 2002

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NGO in general consultative status
with the Economic and Social Council
of the United Nations

Printed on recycled paper.

Multnomah County Commission
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

RE: Amending MCC Chapter 13, Animal Control, Relating To Tethering

Dear Honorable Commission members:

Good morning. My name is Kelly Peterson and I am the Oregon Program Coordinator for the Pacific Northwest Regional Office of The Humane Society of the United States (HSUS). Thank you for the opportunity to testify in support of amending MCC Chapter 13, Animal Control, relating to tethering, on behalf of our over 70,000 Oregon members and constituents.

Since our founding in 1954, The Humane Society of the United States (HSUS) has advised local governments seeking to provide cost-effective, responsive, and humane animal care and control services. Hundreds of counties have adopted HSUS operations and animal care guidelines.

At least 20 jurisdictions nationwide have banned, or severely restricted, the tethering of animals, including Tucson, Arizona; Denver, Colorado; and Baton Rouge, Louisiana. In addition, the U.S. Department of Agriculture prohibits the tethering of animals at all USDA-licensed facilities.

These localities and the USDA have banned tethering for the same reasons Multnomah County should do the same: First, the practice is inhumane. Second, the practice contributes to the incidence of dog attacks on people and other animals.

Tethering is Inhumane

Dogs are naturally social beings who thrive on interaction with human beings and other animals. A dog who is kept chained in one spot for hours, days, months, or even years, suffers immense psychological damage. In too many cases the necks of chained dogs become rubbed raw and covered with sores, a result of improperly fitted collars and the dog's constant yanking and straining in a desperate attempts to escape confinement. Dogs have even been found with collars actually embedded in their necks, a result of years of neglect. In one case, a veterinarian had to euthanize a dog whose collar, an electrical cord, was so embedded in the animal's neck that it was difficult to identify the plug that was ultimately removed.

Aside from the psychological damage wrought by continuous chaining, dogs who must live in this way are also easy targets for other animals, humans, and biting insects, from which there is virtually no escape. Furthermore, because the dogs have to eat, sleep, urinate, and defecate all in the same confined area, it is very unsanitary. They also suffer exposure to all kinds of weather extremes, sporadic feedings, and inadequate veterinary care. Finally, because a chained animal's often neurotic behavior makes him or her difficult to approach, they are rarely given even minimal affection, food or water and almost as a rule will never receive sufficient veterinary care, including standard vaccinations.

Promoting the protection of all animals

Pacific Northwest Regional Office ■ 5200 University Way, NE, Suite 201, Seattle, WA 98105
206-526-0949 ■ Fax: 206-526-0989 ■ www.hsus.org

For all these reasons, The Humane Society of the United States considers long-term tethering to be animal cruelty.

Tethering is a Threat to Public Safety

An otherwise friendly and docile dog, when kept continually chained, becomes neurotic, unhappy, anxious, and often very aggressive. As their stress and frustration levels escalate, it is only a matter of time before they lash out if their tether breaks or some unlucky soul—be it a pet or a person—happens to enter their territory.

Chaining is a known risk factor for dog bites. One study published in a 1994 edition of the journal *Pediatrics* found that chained dogs are nearly three (2.8) times more likely to bite than unchained dogs. Tragically, the victims of such attacks are often children.

Because of inadequate socialization and the resultant psychological damage, chained dogs who must live in this way can become dangerous animals. Dogs feel naturally protective over their territory, and when confronted with a perceived threat, they respond according to their natural “fight or flight” instinct. A chained dog, unable to take flight, often feels forced to fight, attacking any unfamiliar animal or person who unwittingly wanders into his or her territory. Furthermore, a tethered dog who finally *does* get loose from his chains is still aggressive, and is likely to chase and attack unsuspecting passersby and pets.

Conclusion

In conclusion, animal control and humane agencies receive countless calls every day from citizens concerned about animals in these cruel situations. Animal control officers, often at taxpayer expense, spend many hours trying to educate owners to the dangers and cruelty involved in this practice.

The HSUS recommends that all dogs be kept indoors at night, taken on regular walks, and otherwise provided with adequate attention, food, water, and veterinary care. However, it is acknowledged that not all dogs will receive this ideal care. If an animal must be housed outside at all times, he or she should be placed in a suitable pen with adequate square footage and shelter from the elements.

The Humane Society of the United States urges the Commission to pass the restrictions on tethering of dogs in Multnomah County sending a strong message that residents who take on the responsibility of caring for pets do so in a humane and safe manner.

Thank you for your time and consideration.

Sincerely,



Kelly Peterson
Oregon Program Coordinator

#1

SPEAKER SIGN UP CARDS

DATE 0/20/02

NAME Randy Covey

ADDRESS Oregon Humane Society

PHONE 503-285-7722 x214

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC MCAC ordinance R-4

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 6/20/02

NAME Sharon Harmon

ADDRESS Oregon Humane Society

PHONE 503-466-2992

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC MCAC ordinance R-4

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 6/20/02

NAME

Mary Lee Nitschke

ADDRESS

2364 N.W. Northrup
Portland OR 97210

PHONE

503 248 9689

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Anti-tethering Ordinance R-4

GIVE TO BOARD CLERK

#4- LEFT WRITTEN TESTIMONY

SPEAKER SIGN UP CARDS

DATE 6/20/02

NAME Jody Heatlie

ADDRESS 4714 NE 13th

(503) 288 4772

PHONE Portland, OR

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R 4

GIVE TO BOARD CLERK

#1

SPEAKER SIGN UP CARDS

DATE 6/20/02

NAME JEREMY SPARANT

ADDRESS 603 SE 69TH

PTL) OR 97215

PHONE 503/252-3330

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-3

GIVE TO BOARD CLERK



#2

SPEAKER SIGN UP CARDS

DATE 6/20/02

NAME

Ellen C. Lowe

ADDRESS

901 SW King Ave #912
Portland 97205

PHONE

503 294-0659

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-3

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 06/20/02

NAME Walter Daggoff

ADDRESS 619 SW 11th #250

Portland OR 97205

PHONE (503) 222-4009

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-3

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 6/20/02

NAME MATTHEW NELSON

ADDRESS 2856 N EMERSON CT
PORTLAND OR 97217

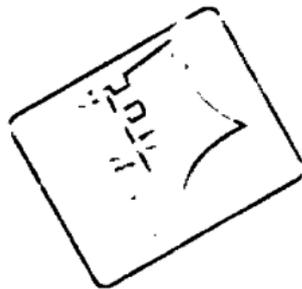
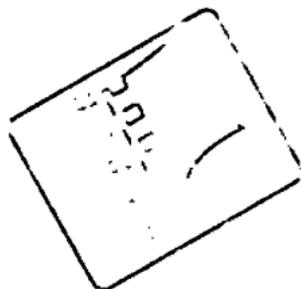
PHONE 503-221-5751

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-3

GIVE TO BOARD CLERK

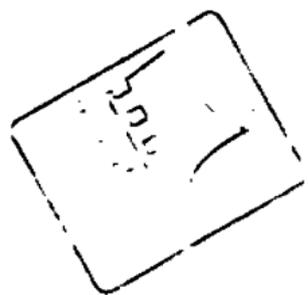
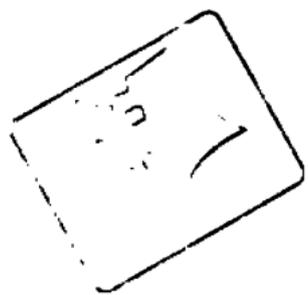
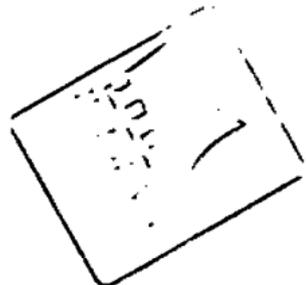


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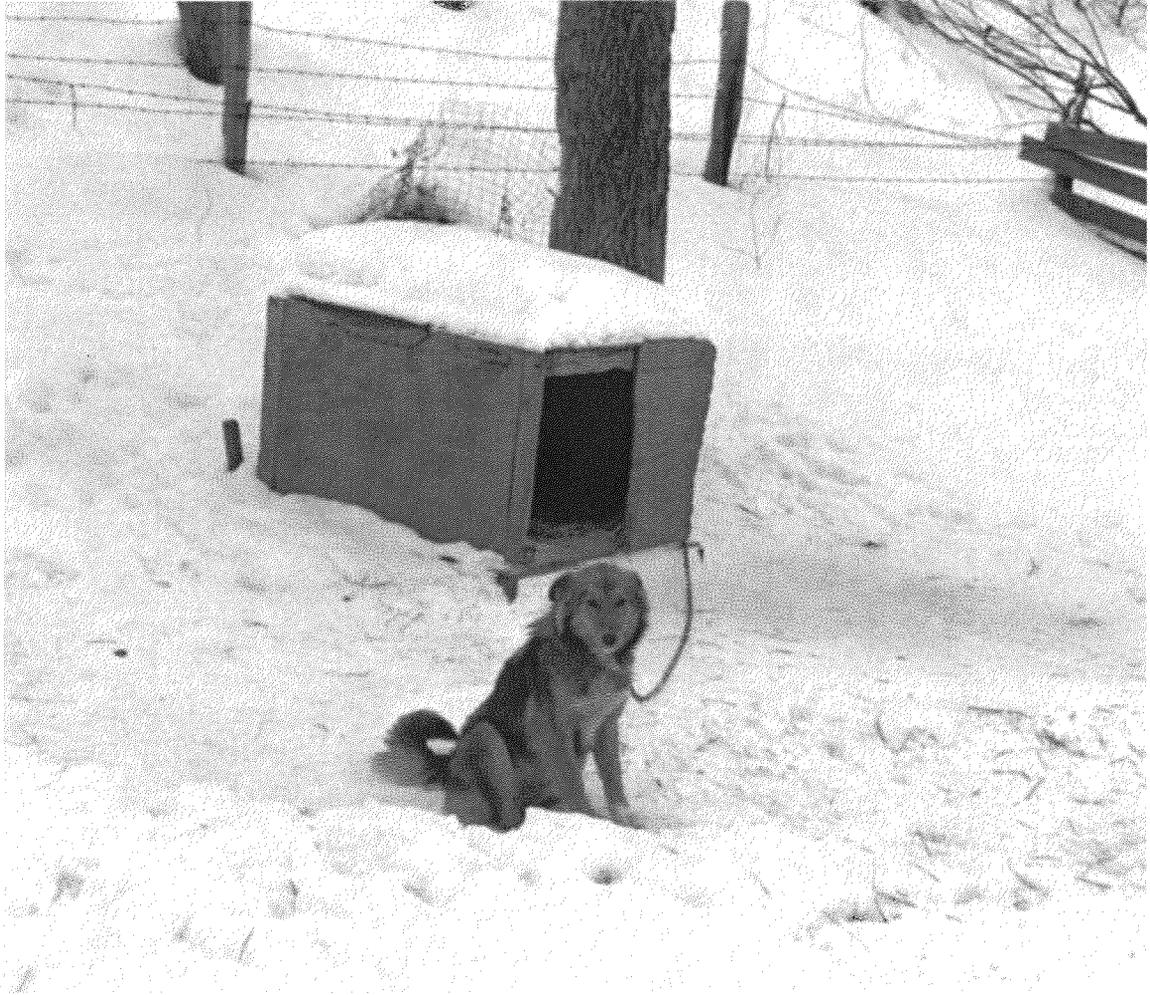
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49764 BEA 01/17/010 Walgreens











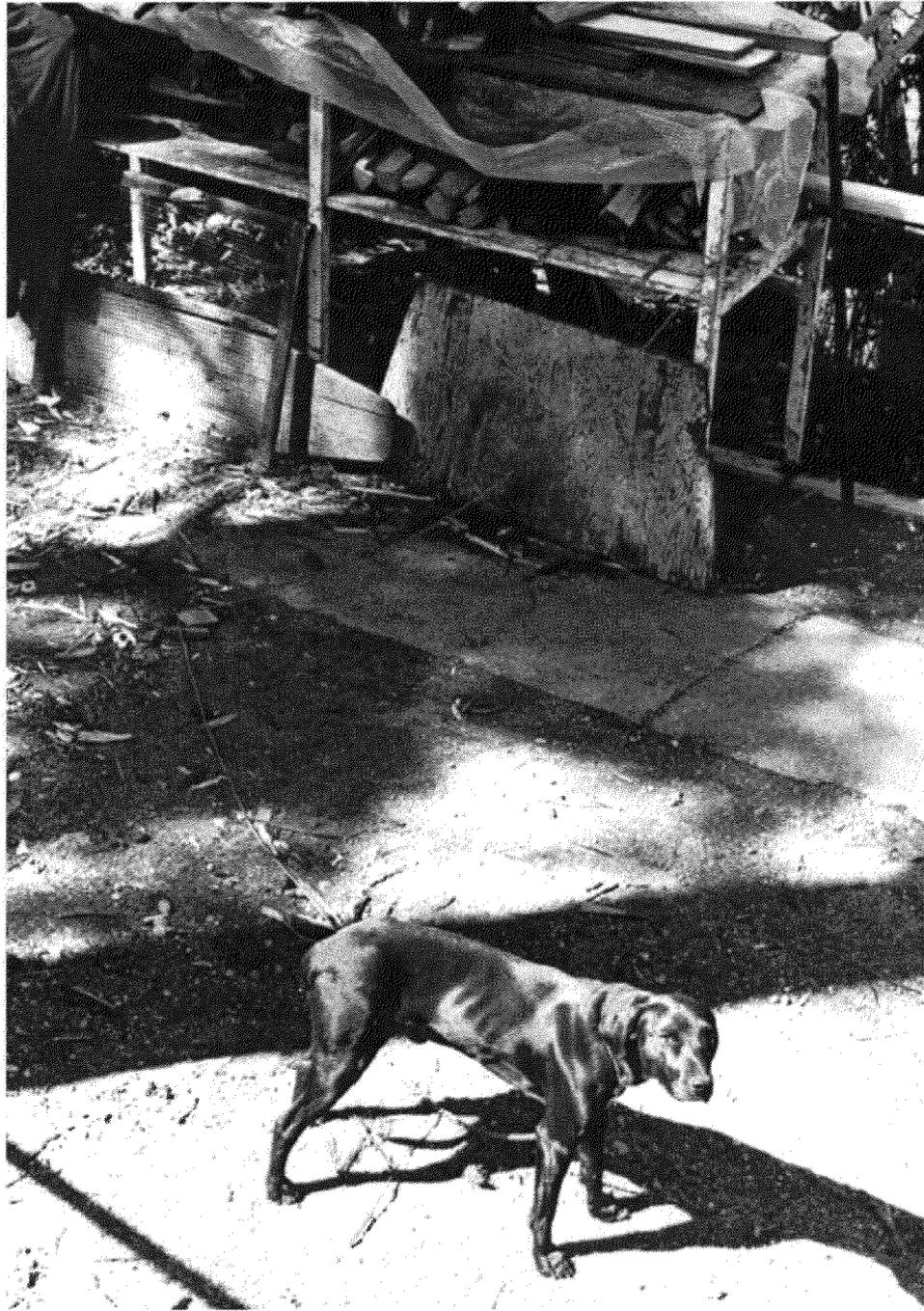
















June 20, 02

TESTIMONY READ into
RECORD

City Commissioners
Portland, Oregon

Dear Commissioners,

We badly need this ordinance
to protect dogs. I have lived in
northeast Portland for a year and
have seen too much animal
abuse and neglect. We need
an ordinance that is enforced.

Around the corner from me,
for instance, is a dog that is
kept outside on a chain 24 hours
a day. It is kept behind an old
car. The owner is a woman,
not old, she's able and walks
around town, yet the dog is never
walked.

It is a sad situation for the
poor dog and should not be
allowed.

Jody Heatlie
4714 NE 13th
Portland, OR 97211
(503) 288-4772

(Too many people are using dogs to guard
homes without consideration for their physical and
emotional health.)

①

CONATO READ INTO
RECORD

Dear County Commissioners:

I am writing to ask you to consider a new county ordinance to limit the amount of time dogs are permitted to remain leashed in their yards.

currently a dog is allowed to be outside on a chain 24 hours a day as long as there is some form of shelter.

I feel the current ordinances are inadequate because they do not protect the dogs and the people who must live nearby.

I have been living in my current home for 13 years. My next door neighbor has had a dog tied up in his yard all but 1 of those years. The dog is on a runner cable and has a dog house. However the dog is outside regardless of the weather, 100° degrees or 10° degrees ice storms. I think the average Oregonian wouldn't want to be outside in the those conditions with only an open dog house for shelter yet these are the conditions for some dogs.

(2)
The dog is suffering and it is heartbreaking to watch. The dog is lonely and sometimes in danger of attack by other dogs off leash. I witnessed such an attack recently. The yard has no fence so this ^{will} happen again. I have seen the dog ~~stuck~~ caught by his leash on the dog house unable to free himself on a hot day recently. This meant he was in the hot sun with no access to shade or water. The owner was not home so I had to free him. I've seen his water dish frozen in the cold and no water in the heat. Because these aren't everyday occurrences it's not something we call Animal Control about, but these conditions exist regularly.

Then three years ago a young man moved in next door on the other side of us. He got a large dog that he would leave on a leash in the rain overnight. The dog barked and cried. We complained. It only got worse the man would leave his dog outside on a leash for up to a week at a time. It appeared not to be getting food or water. We called Animal Control. It improved somewhat

③

The dog was still outside on a leash but it now had food.

However we now had stereo barking and cruelty on either side of us, we started the barking complaint process. Finally the young man moved. What a relief. We love animals and it hurts us to see them not being cared for.

The stress of witnessing this cruelty has had an effect on my health. I've had trouble sleeping because barking every 20 minutes keeps me awake. We are going to move unless something can be done. I sleep with earplugs and can still hear the barking.

If the dogs were not outside, the problem would go away.

MCAAC has been called multiple times for many different problems ranging from barking to neglect. I have called a total of 9 times. Other people have called at 5-6 times. This is a waste of resources. If this ordinance were enacted it would mean some relief for the dog as well as the

(4) neighborhood. People that are in this situation get desperate for relief. Why does the dog owner have more rights than I? I want to live peacefully in my house without witnessing such cruelty.

As far as whether the ordinance can be enforced. We already have a leash law that is not enforced. But it's on the books. At least if this ordinance existed people like us could have a place to turn. People in our situation jump through hoops to make things better but we need good laws to help us.

Thank you

Cindy and
David
Hildenbrand

MEETING DATE: June 20, 2002
AGENDA NO: R-5
ESTIMATED START TIME: 10:35 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement to transfer planning authority to City of Troutdale for urban unincorporated areas to comply with the Metro Functional Plan pursuant to Ordinance 973.

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, June 20, 2002
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: DBCS DIVISION: Land Use Planning

CONTACT: Susan Muir TELEPHONE #: 503 988-3182
BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Susan Muir

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement to Transfer Planning Authority to City of Troutdale for Urban Unincorporated Areas to Comply with the Metro Functional Plan pursuant to Ordinance 973

0625-02 originals to Richard Faith @ Troutdale for execution;
copy to Stuart Farmer; ORIGINAL CAF to Stuart Farmer
SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVE., SUITE 116
PORTLAND, OREGON 97233
(503) 988-3043 (503) 988-3389 FAX
land.use.planning@co.multnomah.or.us

BOARD OF COUNTY COMMISSIONERS
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MARIA ROJO DE STEFFEY - DISTRICT 1 COMMISSIONER
SERENA CRUZ - DISTRICT 2 COMMISSIONER
LISA NAITO - DISTRICT 3 COMMISSIONER
LONNIE ROBERTS - DISTRICT 4 COMMISSIONER

STAFF REPORT

TO: Board of County Commissioners

FROM: Land Use Planning Division
Kathy Busse, Director
Susan Muir, Principal Planner

DATE: May 6, 2002

RE: An Intergovernmental Agreement to transfer planning authority to City of Troutdale for urban unincorporated areas to comply with the Metro Functional Plan pursuant to Ordinance 973.

1. Recommendation/Action Requested:

Enter into the IGA with Troutdale as the final step in the planning process to achieve compliance with the Metro Functional Plan for the urban unincorporated areas around Troutdale. The first step in this process was completed on January 31, 2002 when the Board adopted the City of Troutdale codes and comprehensive plans for urban unincorporated areas (Ord. 973).

2. Background/Analysis:

The purpose of this project is to complete the process of transferring planning authority within the urban areas of Multnomah County and Troutdale's urban services boundary to comply with the requirements of the Metro 2040 Functional Plan. Multnomah County and Troutdale have a history of working together in areas of common interest. Long-range future planning for County urban lands located within the City's urban services boundary is one common interest area.

Multnomah County and the City of Troutdale have jointly agreed to the land use policies for these County urban lands. Since Multnomah County focuses its resources on rural land use planning, the County cannot cost-effectively provide urban land use planning services. The Board of County Commissioners adopted the City of Troutdale zoning code in January 2002. Administration of planning services for these areas now must be transferred to Troutdale to properly execute this project.

3. Financial Impact:

The City of Troutdale proposes to recover costs associated with these applications through their fee schedule. The County will not incur any financial impacts as a result of this project.

4. Legal Issues:

The County Attorney's office was involved in the drafting of this IGA and has provided comments that are incorporated into the document.

5. Controversial Issues:

No controversial issues have been identified at this time.

6. Link to Current County Policies:

As mentioned earlier, this is the second step in the process to transfer planning authority to the City of Troutdale to allow Multnomah County to achieve compliance with the Metro Functional Plan. Beginning with Resolution A in 1983, the County chose to reduce urban services including land use planning. This project has furthered that policy by transferring the Troutdale urban planning areas to Troutdale.

7. Citizen Participation:

In this phase of the process, there was no citizen participation.

8. Other Government Participation:

The County has worked closely with the City of Troutdale to prepare and recommend this IGA to the Board for action.

Attached:

Intergovernmental Agreement

Ordinance No. 973 adopted January 31, 2002



IGA Contract

Vendor Address

TROUTDALE CITY OF
104 SE KIBLING
TROUTDALE OR 97060-2099

Information

Contract Number 4600003407
Date 06/07/2002
Vendor No. 11916
Contact/Phone BCS Land Use Plng / X85276
Validity Period: 07/01/2002 - 06/30/3000
Minority Indicator: Not Identified

Estimated Target Value: 1.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0001	Urban Planning Services Plant: F030 Business & Community Service Requirements Tracking Number: ORD. 973	1	Dollars	\$ 1.0000

**INTERGOVERNMENTAL AGREEMENT TO TRANSFER LAND USE PLANNING
RESPONSIBILITIES**

BETWEEN

CITY OF TROUTDALE AND MULTNOMAH COUNTY

This is an Intergovernmental Agreement to Transfer Land Use Planning Responsibilities, hereinafter the "Agreement", between MULTNOMAH COUNTY, hereinafter "County", a home rule county and a political subdivision of the State of Oregon, and the CITY OF TROUTDALE, hereinafter "City", a home rule city and a political subdivision of the State of Oregon.

RECITALS:

- A. The City and County are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190;
- B. The City and County entered into an Urban Planning Area Agreement (hereinafter "UPAA") dated June 11, 1998. The UPAA provided for the coordination and orderly conversion of unincorporated urbanizable land in the County to urban uses and authorized the City to prepare applicable comprehensive plan and implementing ordinances for the County's urban areas. This planning work will be completed by the County's adoption of the City's applicable land use regulations, comprehensive plan and zoning through County Ordinance;
- C. The UPAA also directed the City to complete work required to enable the county to comply with the METRO Urban Growth Management Functional Plan; and
- D. Under Sections I .A and B of the UPAA, the County agreed to transfer to the City responsibility for implementing and administering comprehensive plan and zoning regulations for all County unincorporated areas within the City's Urban Services Boundary. The UPAA provided that the transfer of functions could be accomplished through a separate agreement between the County and City.

NOW , THEREFORE, THE CITY AND COUNTY DO MUTUALLY AGREE AS FOLLOWS:

I. INTENT OF AGREEMENT

- A. This Agreement implements Sections I.A and B of the UPAA by transferring responsibilities for implementing and administering comprehensive plan and zoning regulations from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;
- B. The area that is subject to this Agreement is defined as depicted in Exhibit A of Ord. 973, attached to this Agreement (hereinafter the "Affected Area"). The

Affected Area, in general, includes all of the properties within unincorporated Multnomah County that are also within Troutdale's Urban Services Boundary.

- C. The full costs to the City of transfer of land use planning and zoning responsibilities and performance of services under this Agreement shall be paid by fees for land use services.
- D. All actions specified by this Agreement shall be taken to assure that the County's comprehensive plan, comprehensive plan map, zoning map, zoning ordinances, and regulations for land divisions, signs, erosion control and stormwater disposal, grading and floodplain review remain consistent with the City's. The County has adopted the City comprehensive plan, comprehensive plan map, zoning ordinance zoning map and regulations for land divisions, signs, erosion control and stormwater disposal, grading and floodplain review (hereinafter "Land Use Regulations") as the County's for the Affected Area and intends to adopt future amendments to the City's Land Use Regulations. The City intends to administer the same codes and regulations for County properties in the Affected Area as it does for City properties.
- E. This Agreement does not expressly promote annexation of properties in the Affected Area to the City. However, the City and County recognize the City's intent to annex within its established urban services boundary according to City/County agreements such as the UPAA and as described in the City's urban services policy and comprehensive plan. Furthermore, the City and County understand that approval of requests for zone changes or comprehensive plan amendments that require new urban services, the extension of urban services or that increase density over allowed density under adopted zoning will be contingent on annexation.
- F. If any property in the Affected Area annexes to the City or is removed from the City's Urban Services Boundary, it will no longer be subject to this Agreement.

II. DELEGATION OF AUTHORITY

The County agrees to delegate to the City any and all authority that it possesses and which is needed by the City to carry out land use planning and zoning implementation for the Affected Area. The effective date and terms of the delegation of authority are as provided for in this Agreement and County Ordinance No. 973. Among the actions that the County authorizes the City to take in the Affected Area pursuant to this Agreement are those enumerated in Section III.C. below which are hereby incorporated into this Delegation of Authority by reference. This delegation of authority should be construed broadly.

III. RESPONSIBILITIES OF THE PARTIES

A. Fees and Costs.

1. General Provisions

It is the intention of the parties that costs and expenses incurred by the City in performing tasks described in Section III.C. of this Agreement shall be paid or reimbursed by City's collection and retention of application fees. For purposes of

this Agreement, "costs and expenses incurred by the City" include without limitation employee salaries, fringe benefits and City overhead attributed to such employees, expenses incurred for publication and mailing related to land use reviews and services, provided such costs, expenses and fees are attributed to applications which the City processes under this Agreement. Operational costs are to be covered by:

- a. the fees collected for development applications or other services according to the schedule adopted by the City for development review;
- b. payment of attorney fees by the County to the City for appeals of land use decisions to the Land Use Board of Appeals, the Court of Appeals and the Oregon Supreme Court.

2. The Fee Schedule

a. Establishment

Fees for land use applications and zoning services in the Affected Area have been established through the City's fee resolution.

b. Amending the Fee Schedule

The City, annually or as determined by need, amends its fee schedule to cover costs of services. The fees established for services and applications for properties in the Affected Area may also be amended at the same time.

3. Costs of Land Use Appeals

The City, through the City Attorney's Office, will represent the County in appeals to the Land Use Board of Appeals, Court of Appeals and Supreme Court for land use decisions made by the City for the Affected Area, as described in Section III.C.4 below. The County agrees to pay to the City all the costs that the City incurs, including attorneys fees, for its work in representing the County before the Land Use Board of Appeals, the Court of Appeals and the Oregon Supreme Court. The County shall make payment to the City within 30 days of billing.

B. County Responsibilities

The County agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Responsibilities

- a. Within 5 working days of the effective date of this Agreement, transfer all documents, files and computer data relevant to the land use history of the Affected Area and any particular services denoted in this Agreement. The data will be in the form of case files, 3"x5" card files and access databases.

- b. Promptly notify City Planning Department of changes to County's list of recognized associations and of other staff or organizational changes affecting notice or review of land use cases or development permits.
- c. Pursuant to County Ordinance 973, and in accordance with ORS 215.427(3), this Agreement does not apply to any land use decision or services for an application that was submitted to the County before July 1, 2002 and that was made complete prior to July 1, 2002 or within 180 days of the initial submission of the application. In these instances, the County will provide land use services and review based on the land use regulations in effect at the time of the application. However, an applicant may choose to apply under the regulations adopted under County Ordinance 973 (as amended at the time of application) for development approved by a pre-July 1, 2002 land use decision.
- d. Pursuant to County Ordinance 973, and in accordance with ORS 92.040(2), for any subdivisions for which the initial application was submitted before July 1, 2002, the subdivision application and any subsequent application for construction approved by the subdivision shall be governed by the County land use regulations in effect as of the date the subdivision application was first submitted. The County retains land use service and review responsibility in these cases. However, an applicant may choose to apply the regulations adopted under County Ordinance 973.
- e. Provide, as needed, technical assistance to the City to help in interpreting County land use history, regulations or other land use related services requiring County expertise. This assistance shall be delivered to the City at no charge and in a timely manner.
- f. All other actions reasonably necessary to carry out the authority given to the City as provided for in this Agreement.

2. Continuing Review Obligations

- a. Maintain responsibility for land use reviews and services including review of building permits in the Affected Area when the County land use regulations prior to July 1, 2002 are applicable to such reviews, permits or services.
- b. Maintain the responsibility for review and comment on all land uses cases with regard to transportation concerns, standards and requirements for roads under County jurisdiction.
- c. Respond to requests for responses to land use reviews within the time identified in the requests. The County's failure to respond in a timely manner to requests for responses shall mean no comment regarding the proposal.

- d. Retain responsibility of the County Surveyor's Office for engineering and ownership review of plats and coordinate review with City staff.
- e. For quasi-judicial applications for comprehensive plan amendments and statewide goal exceptions, the City Council will first review the application. The City would then make a recommendation to the County Board of Commissioners for final action.

3. Amendments to City and County Regulations

- a. The County will refer property owners and residents in the Affected Area to the City, as the provider of the appropriate public process, for their input on City legislative proposals that will be considered by the County.
- b. The County will ensure that the County Planning Commission and the County Board of Commissioners are notified of all proposed amendments to the City's Land Use Regulations. The County Planning Director will notify County Planning Commissioners and County Commissioners that any concerns they may have about the City's proposed amendments should be addressed through oral or written testimony as part of the City's legislative process.
- c. The County will ensure that any City Council adopted amendments to the City's Land Use Regulations adopted by the County Board of Commissioners will be considered by the County Board of Commissioners at the earliest possible meeting. The County Board of Commissioners shall enact all Land Use Regulation amendments so that they take effect on the same date specified by the City's enacting ordinance, generally 30 days after adoption by the City, except as provided in d. below.
- d. In the event the City Council adopts amendments to the Land Use Regulations adopted by the County Board of Commissioners by emergency ordinance to be effective immediately, the County Board of Commissioners will consider the amendments at their next regularly scheduled meeting. The County Board of Commissioners will also consider adoption of the amendments as an emergency ordinance with an immediate effective date. Any and all immediately effective amendments adopted by the City Council by emergency ordinance will not apply to properties within the unincorporated areas until the County Board of Commissioners adopts the same immediately effective amendments by emergency ordinance.
- e. In the event the County Board of Commissioners chooses not to adopt amendments to the City's Land Use Regulations, the City may terminate this Agreement as provided in Section V.B. In this

event, the County will resume planning and zoning administration within the Affected Area.

C. City Responsibilities

The City is authorized by the County and agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Provisions
 - a. Notify the County of proposed fee increases related to the land use activities covered in this Agreement.
 - b. Notify the County Planning Director of land use cases in the Affected Area for comment.
 - c. Assign addresses to properties in the Affected Area.

2. Land Use Reviews and Services
 - a. Perform land use, zoning and planning services (pre-application conferences, information, case review, building permit review, long range planning) for the Affected Area using the City's Land Use Regulations as adopted by the County.
 - b. Process land use cases as provided in City codes adopted by the County, including but not limited to required notifications, preparation of staff reports, site visits, presentation at public hearings, preparation of findings and maintaining records.
 - c. Collect fees for development applications, land use reviews and services and appeals.
 - d. Conduct public hearings before the land use authority as provided in City codes adopted by the County.
 - e. Make land use decisions.
 - f. Interpret the applicable comprehensive plan and implementing regulations.
 - g. Assume land division authority and responsibility, except as provided in Section III.B.1.c. and d.
 - h. Enforce land use regulations, code violations and permit violations and perform code enforcement services, including inspections, under the City codes adopted by the County for land use and related activities, including zoning, conditions of approval, signs, erosion control, stormwater disposal, floodplain and grading review.

- i. Provide zoning information to the general public and applicants in the Affected Area.
 - j. Review building and development permits for compliance with City zoning, sign, erosion control, floodplain review, grading and stormwater disposal regulations and requirements adopted by the County.
 - k. Regulate home occupations according to City codes adopted by the County.
 - l. Review OLCC, DMV and other land use compatibility statements for land use compliance.
 - m. Notify County Transportation and Engineering of land use cases and building permits for comment and approval in a timely manner to ensure meeting required and desired deadlines.
 - n. Land use planning review and services shall be provided in a manner consistent with applicable best management practices as set forth in the City of Troutdale National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit. The level of review and services shall be provided at the same level provided by the City to other areas within the City limits.
3. Amendments to City and County Regulations
- a. Include the Affected Area in appropriate planning projects.
 - b. For all legislative amendments to the City's Land Use Regulations that will also be adopted by the County, the City will provide notice of proposed amendments to the Land Conservation and Development Commission on the County's behalf as required by state law.
 - c. The City will include all residents and property owners in the Affected Area in any City legislative public process that may result in changes to the Land Use Regulations adopted by the County Board of Commissioners.. It is to be understood that the public process for the Affected Area is one and the same as the process held by the City. All residents and property owners in the Affected Area will be noticed on City legislative processes as required by State law as interpreted by the City, and the City Code. Residents and property owners in the Affected Area who come forward with concerns or comments regarding proposed City amendments to Land Use Regulations will be considered by the City's various review bodies. The City's review bodies will consider testimony from Affected Area residents and property owners regarding the City's proposed amendments to Land Use Regulations just as they consider testimony from City residents.

- d. The City will notify County decision-making bodies in any legislative public process that may result in changes to the Land Use Regulations adopted by the County Board of Commissioners. The City will include the County by notifying the County Planning Director prior to the first evidentiary public hearing on any proposed amendments to the City's Land Use Regulations. County decision-makers and staff will be encouraged to participate in the City's public process.
- e. After the City Council has taken final action on any ordinance amending the Land Use Regulations adopted by the County Board of Commissioners, the City will forward the final decision to the County Board of Commissioners for adoption.

4. Legal Representation

- a. Represent the County at the Land Use Board of Appeals, Court of Appeals and Oregon Supreme Court for any appeal of a land use decision made by the City for property in the Affected Area at the expense of the County, as provided in Section III.A.3.
- b. Represent the County at no County expense for Writs of Mandamus based on the City's failure to issue a final decision within the time limits set by statute, unless the City's failure is the result of the County's failure to perform one or more of its responsibilities under this Agreement.

IV. OPERATING PROCEDURES AND RELATIONSHIPS

A. Dispute Resolution

In the case of a dispute under this Agreement, the County Planning Director and City Planning Director shall attempt to resolve the dispute informally. If the dispute cannot be resolved informally, the parties may utilize any dispute resolution tool that is available and agreeable to both parties.

B. Amendment

This Agreement may be amended by mutual written agreement of the parties. Amendment shall be valid only when reduced to writing, approved as required and signed.

To the extent that an amendment has no budgetary impact, the City Council and County Board of Commissioners grant authority to the County Planning Director and the City Planning Director to make changes to this Agreement needed to carry out the intent and provisions of the Agreement. Amendments that will result in a budgetary impact need to be made by the City Council and the Board of County Commissioners.

V. TERM OF AGREEMENT AND TERMINATION

A. General Term

This Agreement shall be effective July 1, 2002 and shall remain in effect until terminated by mutual agreement of both parties, or as determined by dispute resolution.

B. Termination by City

This Agreement may be terminated by the City if the County fails to adopt changes to the City's Land Use Regulations in a timely manner as provided in Section III.B.3. above. The City shall notify the County in writing 90 days prior to such termination. In the event of such termination, the City will continue land use reviews in process prior to the date of termination and will continue to accept applications up until the date of termination, but only to the extent that development fee payments reimburse the City for its costs and expenses.

C. Nonappropriation

In the event of nonappropriation of funds or staff resources by the City or County, either party may terminate or reduce the scope of services to be provided and contract funding accordingly, but such party must provide notification of termination or reduction in scope of services to the other party as soon as practicable.

VI. INDEMNIFICATION

A. General Provisions

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and subject to Section VI.B below, City shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this agreement.

B. Indemnity for Takings and Tort Claims

For constitutional takings claims, tort claims, alternative writs of mandamus and inverse condemnation claims, including without limitation civil rights actions alleging a taking, the County shall indemnify the City for City's acts or omissions, including defense costs, attorney fees and any settlements or judgments. In no event shall either party be responsible for any punitive damages awarded against the other party, its officers, employees or agents. The intent of the parties is that the County would be financially responsible for takings claims arising out of the application of the county zoning code, as applied by the City, including conditions of approval. It is not the intent of the parties to hold the County financially liable for negligent or intentional "bad" acts of City employees.

VII. INSURANCE

County and City shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

VIII. ADHERENCE TO LAW

Each party shall comply with all federal, state and local laws and ordinances applicable to this Agreement.

IX. NONDISCRIMINATION

Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local nondiscrimination ordinances.

X. ACCESS TO RECORDS

Each party shall have access to the books, documents and other records of the other which are related to this Agreement for the purpose of examination, copying and audit, unless otherwise limited by law.

XI. SUBCONTRACTS AND ASSIGNMENT

Neither party will subcontract or assign any part of this Agreement without the written consent of the other party, except that the City may subcontract or assign services under this Agreement if the subcontract or assignment applies generally to City land use services and not only to the Affected Area.

XII. PROPERTY OF COUNTY

In the event of termination of this Contract, all files and documents of any kind related to the scope of work set forth in this Contract shall be transferred back to the County. The County shall only pay the actual costs of the transfer.

XIII. CONTRACT ADMINISTRATION

County designates the Planning Director, 1600 SE 190th, Portland, OR 97233 to represent County in all matters pertaining to the administration of this Agreement. The City designates the Community Development Director, to represent the City in all matters pertaining to the administration of this Agreement.

XIV. ENTIRETY OF AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless made in writing and signed by both parties.

XV. SEVERABILITY

County and City agree that if any terms or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the

parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

MULTNOMAH COUNTY

CITY OF TROUTDALE

By: _____
Diane Linn, Chair

By: _____
Paul Thalsofer, Mayor

Date: _____

Date: _____

Approved as to Form:
Thomas Sponsler, County Attorney
For Multnomah County

Approved as to Form:
Marnie Allen, City Attorney
For City of Troutdale

By: _____

By: _____

CITY OF

CLATSOP COUNTY
Community Development Department

TROUTDALE

MEMORANDUM

To: Susan Muir

From: Rick Faith C.D.D. Troutdale

Subject: Land Use Authority IGA

Date: June 14, 2002

COMMENTS:

Here are three signed originals of the IGA.
After they have been approved and signed
by the County, please return one original
to me.



Deborah Bogstad, Board Clerk

MULTNOMAH COUNTY OREGON

Multnomah County Chair's Office
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214
(503) 988-3277 phone
(503) 988-3013 fax

June 24, 2002

Mr. Richard Faith
Community Development Director
City of Troutdale
104 SE Kibling Avenue
Troutdale, Oregon 97060-2099

Re: Intergovernmental Agreement to Transfer Land Use Planning Responsibilities

Greetings Mr. Faith:

I am forwarding two executed originals of the Intergovernmental Agreement to Transfer Land Use Planning Responsibilities between the City of Troutdale and Multnomah County approved by the Multnomah County Board of Commissioners on Thursday, June 20, 2002. Please obtain the signatures of Mayor Thalhafer and the City Attorney and return one original to the Multnomah County Land Use Planning Division, Attention Stuart Farmer, at 1600 SE 190th, Portland, Oregon 97233.

Thank you very much.

Sincerely,

Deborah L. Bogstad, Board Clerk

enclosures

cc: Stuart Farmer
Susan Muir

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) Attached Not Attached
 Contract #: 4600003407
 Amendment #: _____

<p style="text-align: center;">CLASS I</p> <p><input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption)</p> <p><input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption)</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000</p> <p style="padding-left: 20px;"><input type="checkbox"/> Expenditure</p> <p style="padding-left: 20px;"><input type="checkbox"/> Revenue</p> <p><input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)</p>	<p style="text-align: center;">CLASS II</p> <p><input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount)</p> <p><input type="checkbox"/> PCRBA 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 that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)</p>	<p style="text-align: center;">CLASS III</p> <p><input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000</p> <p style="padding-left: 20px;"><input type="checkbox"/> Expenditure</p> <p style="padding-left: 20px;"><input type="checkbox"/> Revenue</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p style="text-align: center;">AGENDA # <u>R-5</u> DATE <u>06-20-02</u></p> <p style="text-align: center;">DEB BOGSTAD, BOARD CLERK</p>
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Department: DBCS Division: Land Use Planning Date: 5/6/2002

Originator: Kathy Busse Phone: 988-5651 Bldg/Rm: 455/116

Contact: Stuart Farmer Phone: 988-5276 Bldg/Rm: 455/116

Description of Contract: Transfer of Urban Unincorporated Planning Authority to City of Troutdale pursuant to Metro Functional Plan

RENEWAL: PREVIOUS CONTRACT #(S): _____

RFP/BID: _____ RFP/BID DATE: _____

EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____

CONTRACTOR IS: MBE WBE ESB QRF N/A NONE (Check all boxes that apply)

<p>Contractor <u>City of Troutdale Planning Department</u></p> <p>Address <u>104 SE Kibling St</u></p> <p><u>Troutdale</u></p> <p><u>Oregon 97060</u></p> <p>Phone <u>503-665-5175</u></p> <p>Employer ID# or SS# _____</p> <p>Effective Date <u>7/1/2002</u></p> <p>Termination Date <u>NA</u></p> <p>Original Contract Amount \$ <u>0</u></p> <p>Total Amt of Previous Amendments <u>0</u></p> <p>Amount of Amendment \$ <u>0</u></p> <p>Total Amount of Agreement \$ <u>0</u></p>	<p>Remittance address <u>Same</u></p> <p style="text-align: center;">(If different) _____</p> <p>Payment Schedule / Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--	--

REQUIRED SIGNATURES:

Department Manager *KB M. Cecilia Johnson* DATE 6/11/2002

Purchasing Manager _____ DATE _____

(Class II Contracts Only) County Counsel *Gandia Ruff* DATE 6-13-02

County Chair *Chris ...* DATE 6-20-02

Sheriff _____ DATE _____

Contract Administration _____ DATE _____

(Class I, Class II Contracts only)

LGFS VENDOR CODE <u>11916</u>						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	1000					60170			Cost Center 901000	\$0.00	
02											
03											

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original. If additional space is needed, attach separate page. Write contract # on top of page.

**INTERGOVERNMENTAL AGREEMENT TO TRANSFER LAND USE PLANNING
RESPONSIBILITIES**

BETWEEN

CITY OF TROUTDALE AND MULTNOMAH COUNTY

This is an Intergovernmental Agreement to Transfer Land Use Planning Responsibilities, hereinafter the "Agreement", between MULTNOMAH COUNTY, hereinafter "County", a home rule County and a political subdivision of the State of Oregon, and the CITY OF TROUTDALE, hereinafter "City", a home rule City and a political subdivision of the State of Oregon.

RECITALS:

- A. The City and County are authorized under the provisions of ORS 190.003 to 190.030 to enter into intergovernmental agreements for the performance of any or all functions that a party to the agreement has authority to perform. This Agreement is made pursuant to the authority granted by ORS Chapter 190;
- B. The City and County entered into an Urban Planning Area Agreement (hereinafter "UPAA") dated June 11, 1998. The UPAA provided for the coordination and orderly conversion of unincorporated urbanizable land in the County to urban uses and authorized the City to prepare applicable comprehensive plan and implementing ordinances for the County's urban areas. This planning work will be completed by the County's adoption of the City's applicable land use regulations, comprehensive plan and zoning through County Ordinance;
- C. The UPAA also directed the City to complete work required to enable the County to comply with the METRO Urban Growth Management Functional Plan; and
- D. Under Sections I .A and B of the UPAA, the County agreed to transfer to the City responsibility for implementing and administering comprehensive plan and zoning regulations for all County unincorporated areas within the City's Urban Services Boundary. The UPAA provided that the transfer of functions could be accomplished through a separate agreement between the County and City.

NOW, THEREFORE, THE CITY AND COUNTY DO MUTUALLY AGREE AS FOLLOWS:

I. INTENT OF AGREEMENT

- A. This Agreement implements Sections I.A and B of the UPAA by transferring responsibilities for implementing and administering comprehensive plan and zoning regulations from the County to the City for properties within unincorporated Multnomah County that are within the City's Urban Services Boundary, the METRO Urban Services Area and Urban Growth Boundary;
- B. The area that is subject to this Agreement is defined as depicted in Exhibit A of Ordinance No. 973, attached to this Agreement (hereinafter the "Affected Area").

The Affected Area, in general, includes all of the properties within unincorporated Multnomah County that are also within Troutdale's Urban Services Boundary.

- C. The full costs to the City of transfer of land use planning and zoning responsibilities and performance of services under this Agreement shall be paid by fees for land use services.
- D. All actions specified by this Agreement shall be taken to assure that the County's comprehensive plan, comprehensive plan map, zoning map, zoning ordinances, and regulations for land divisions, signs, erosion control and stormwater disposal, grading and floodplain review remain consistent with the City's. The County has adopted the City comprehensive plan, comprehensive plan map, zoning ordinance zoning map and regulations for land divisions, signs, erosion control and stormwater disposal, grading and floodplain review (hereinafter "Land Use Regulations") as the County's for the Affected Area and intends to adopt future amendments to the City's Land Use Regulations. The City intends to administer the same codes and regulations for County properties in the Affected Area as it does for City properties.
- E. This Agreement does not expressly promote annexation of properties in the Affected Area to the City. However, the City and County recognize the City's intent to annex within its established urban services boundary according to City/County agreements such as the UPAA and as described in the City's urban services policy and comprehensive plan. Furthermore, the City and County understand that approval of requests for zone changes or comprehensive plan amendments that require new urban services, the extension of urban services or that increase density over allowed density under adopted zoning will be contingent on annexation.
- F. If any property in the Affected Area annexes to the City or is removed from the City's Urban Services Boundary, it will no longer be subject to this Agreement.

II. DELEGATION OF AUTHORITY

The County agrees to delegate to the City any and all authority that it possesses and which is needed by the City to carry out land use planning and zoning implementation for the Affected Area. The effective date and terms of the delegation of authority are as provided for in this Agreement and County Ordinance No. 973. Among the actions that the County authorizes the City to take in the Affected Area pursuant to this Agreement are those enumerated in Section III.C. below which are hereby incorporated into this Delegation of Authority by reference. This delegation of authority should be construed broadly.

III. RESPONSIBILITIES OF THE PARTIES

A. Fees and Costs.

1. General Provisions

It is the intention of the parties that costs and expenses incurred by the City in performing tasks described in Section III.C. of this Agreement shall be paid or reimbursed by City's collection and retention of application fees. For purposes of

this Agreement, "costs and expenses incurred by the City" include without limitation employee salaries, fringe benefits and City overhead attributed to such employees, expenses incurred for publication and mailing related to land use reviews and services, provided such costs, expenses and fees are attributed to applications which the City processes under this Agreement. Operational costs are to be covered by:

- a. the fees collected for development applications or other services according to the schedule adopted by the City for development review;
- b. payment of attorney fees by the County to the City for appeals of land use decisions to the Land Use Board of Appeals, the Court of Appeals and the Oregon Supreme Court.

2. The Fee Schedule

a. Establishment

Fees for land use applications and zoning services in the Affected Area have been established through the City's fee resolution.

b. Amending the Fee Schedule

The City, annually or as determined by need, amends its fee schedule to cover costs of services. The fees established for services and applications for properties in the Affected Area may also be amended at the same time.

3. Costs of Land Use Appeals

The City, through the City Attorney's Office, will represent the County in appeals to the Land Use Board of Appeals, Court of Appeals and Supreme Court for land use decisions made by the City for the Affected Area, as described in Section III.C.4 below. The County agrees to pay to the City all the costs that the City incurs, including attorneys fees, for its work in representing the County before the Land Use Board of Appeals, the Court of Appeals and the Oregon Supreme Court. The County shall make payment to the City within 30 days of billing.

B. County Responsibilities

The County agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Responsibilities

- a. Within 5 working days of the effective date of this Agreement, transfer all documents, files and computer data relevant to the land use history of the Affected Area and any particular services denoted in this Agreement. The data will be in the form of case files, 3"x5" card files and access databases.

- b. Promptly notify City Planning Department of changes to County's list of recognized associations and of other staff or organizational changes affecting notice or review of land use cases or development permits.
- c. Pursuant to County Ordinance 973, and in accordance with ORS 215.427(3), this Agreement does not apply to any land use decision or services for an application that was submitted to the County before July 1, 2002 and that was made complete prior to July 1, 2002 or within 180 days of the initial submission of the application. In these instances, the County will provide land use services and review based on the land use regulations in effect at the time of the application. However, an applicant may choose to apply under the regulations adopted under County Ordinance 973 (as amended at the time of application) for development approved by a pre-July 1, 2002 land use decision.
- d. Pursuant to County Ordinance 973, and in accordance with ORS 92.040(2), for any subdivisions for which the initial application was submitted before July 1, 2002, the subdivision application and any subsequent application for construction approved by the subdivision shall be governed by the County land use regulations in effect as of the date the subdivision application was first submitted. The County retains land use service and review responsibility in these cases. However, an applicant may choose to apply the regulations adopted under County Ordinance 973.
- e. Provide, as needed, technical assistance to the City to help in interpreting County land use history, regulations or other land use related services requiring County expertise. This assistance shall be delivered to the City at no charge and in a timely manner.
- f. All other actions reasonably necessary to carry out the authority given to the City as provided for in this Agreement.

2. Continuing Review Obligations

- a. Maintain responsibility for land use reviews and services including review of building permits in the Affected Area when the County land use regulations prior to July 1, 2002 are applicable to such reviews, permits or services.
- b. Maintain the responsibility for review and comment on all land uses cases with regard to transportation concerns, standards and requirements for roads under County jurisdiction.
- c. Respond to requests for responses to land use reviews within the time identified in the requests. The County's failure to respond in a timely manner to requests for responses shall mean no comment regarding the proposal.

- d. Retain responsibility of the County Surveyor's Office for engineering and ownership review of plats and coordinate review with City staff.
- e. For quasi-judicial applications for comprehensive plan amendments and statewide goal exceptions, the City Council will first review the application. The City would then make a recommendation to the County Board of Commissioners for final action.

3. Amendments to City and County Regulations

- a. The County will refer property owners and residents in the Affected Area to the City, as the provider of the appropriate public process, for their input on City legislative proposals that will be considered by the County.
- b. The County will ensure that the County Planning Commission and the County Board of Commissioners are notified of all proposed amendments to the City's Land Use Regulations. The County Planning Director will notify County Planning Commissioners and County Commissioners that any concerns they may have about the City's proposed amendments should be addressed through oral or written testimony as part of the City's legislative process.
- c. The County will ensure that any City Council adopted amendments to the City's Land Use Regulations adopted by the County Board of Commissioners will be considered by the County Board of Commissioners at the earliest possible meeting. The County Board of Commissioners shall enact all Land Use Regulation amendments so that they take effect on the same date specified by the City's enacting ordinance, generally 30 days after adoption by the City, except as provided in d. below.
- d. In the event the City Council adopts amendments to the Land Use Regulations adopted by the County Board of Commissioners by emergency ordinance to be effective immediately, the County Board of Commissioners will consider the amendments at their next regularly scheduled meeting. The County Board of Commissioners will also consider adoption of the amendments as an emergency ordinance with an immediate effective date. Any and all immediately effective amendments adopted by the City Council by emergency ordinance will not apply to properties within the unincorporated areas until the County Board of Commissioners adopts the same immediately effective amendments by emergency ordinance.
- e. In the event the County Board of Commissioners chooses not to adopt amendments to the City's Land Use Regulations, the City may terminate this Agreement as provided in Section V.B. In this

event, the County will resume planning and zoning administration within the Affected Area.

C. City Responsibilities

The City is authorized by the County and agrees to perform the following activities for the Affected Area as part of this Agreement:

1. General Provisions
 - a. Notify the County of proposed fee increases related to the land use activities covered in this Agreement.
 - b. Notify the County Planning Director of land use cases in the Affected Area for comment.
 - c. Assign addresses to properties in the Affected Area.

2. Land Use Reviews and Services
 - a. Perform land use, zoning and planning services (pre-application conferences, information, case review, building permit review, long range planning) for the Affected Area using the City's Land Use Regulations as adopted by the County.
 - b. Process land use cases as provided in City codes adopted by the County, including but not limited to required notifications, preparation of staff reports, site visits, presentation at public hearings, preparation of findings and maintaining records.
 - c. Collect fees for development applications, land use reviews and services and appeals.
 - d. Conduct public hearings before the land use authority as provided in City codes adopted by the County.
 - e. Make land use decisions.
 - f. Interpret the applicable comprehensive plan and implementing regulations.
 - g. Assume land division authority and responsibility, except as provided in Section III.B.1.c. and d.
 - h. Enforce land use regulations, code violations and permit violations and perform code enforcement services, including inspections, under the City codes adopted by the County for land use and related activities, including zoning, conditions of approval, signs, erosion control, stormwater disposal, floodplain and grading review.

- i. Provide zoning information to the general public and applicants in the Affected Area.
 - j. Review building and development permits for compliance with City zoning, sign, erosion control, floodplain review, grading and stormwater disposal regulations and requirements adopted by the County.
 - k. Regulate home occupations according to City codes adopted by the County.
 - l. Review OLCC, DMV and other land use compatibility statements for land use compliance.
 - m. Notify County Transportation and Engineering of land use cases and building permits for comment and approval in a timely manner to ensure meeting required and desired deadlines.
 - n. Land use planning review and services shall be provided in a manner consistent with applicable best management practices as set forth in the City of Troutdale National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit. The level of review and services shall be provided at the same level provided by the City to other areas within the City limits.
3. Amendments to City and County Regulations
- a. Include the Affected Area in appropriate planning projects.
 - b. For all legislative amendments to the City's Land Use Regulations that will also be adopted by the County, the City will provide notice of proposed amendments to the Land Conservation and Development Commission on the County's behalf as required by state law.
 - c. The City will include all residents and property owners in the Affected Area in any City legislative public process that may result in changes to the Land Use Regulations adopted by the County Board of Commissioners. It is to be understood that the public process for the Affected Area is one and the same as the process held by the City. All residents and property owners in the Affected Area will be noticed on City legislative processes as required by State law as interpreted by the City, and the City Code. Residents and property owners in the Affected Area who come forward with concerns or comments regarding proposed City amendments to Land Use Regulations will be considered by the City's various review bodies. The City's review bodies will consider testimony from Affected Area residents and property owners regarding the City's proposed amendments to Land Use Regulations just as they consider testimony from City residents.

- d. The City will notify County decision-making bodies in any legislative public process that may result in changes to the Land Use Regulations adopted by the County Board of Commissioners. The City will include the County by notifying the County Planning Director prior to the first evidentiary public hearing on any proposed amendments to the City's Land Use Regulations. County decision-makers and staff will be encouraged to participate in the City's public process.
- e. After the City Council has taken final action on any ordinance amending the Land Use Regulations adopted by the County Board of Commissioners, the City will forward the final decision to the County Board of Commissioners for adoption.

4. Legal Representation

- a. Represent the County at the Land Use Board of Appeals, Court of Appeals and Oregon Supreme Court for any appeal of a land use decision made by the City for property in the Affected Area at the expense of the County, as provided in Section III.A.3.
- b. Represent the County at no County expense for Writs of Mandamus based on the City's failure to issue a final decision within the time limits set by statute, unless the City's failure is the result of the County's failure to perform one or more of its responsibilities under this Agreement.

IV. OPERATING PROCEDURES AND RELATIONSHIPS

A. Dispute Resolution

In the case of a dispute under this Agreement, the County Planning Director and City Planning Director shall attempt to resolve the dispute informally. If the dispute cannot be resolved informally, the parties may utilize any dispute resolution tool that is available and agreeable to both parties.

B. Amendment

This Agreement may be amended by mutual written agreement of the parties. Amendment shall be valid only when reduced to writing, approved as required and signed.

To the extent that an amendment has no budgetary impact, the City Council and County Board of Commissioners grant authority to the County Planning Director and the City Planning Director to make changes to this Agreement needed to carry out the intent and provisions of the Agreement. Amendments that will result in a budgetary impact need to be made by the City Council and the Board of County Commissioners.

V. TERM OF AGREEMENT AND TERMINATION

A. General Term

This Agreement shall be effective July 1, 2002 and shall remain in effect until terminated by mutual agreement of both parties, or as determined by dispute resolution.

B. Termination by City

This Agreement may be terminated by the City if the County fails to adopt changes to the City's Land Use Regulations in a timely manner as provided in Section III.B.3. above. - The City shall notify the County in writing 90 days prior to such termination. In the event of such termination, the City will continue land use reviews in process prior to the date of termination and will continue to accept applications up until the date of termination, but only to the extent that development fee payments reimburse the City for its costs and expenses.

C. Non-appropriation

In the event of nonappropriation of funds or staff resources by the City or County, either party may terminate or reduce the scope of services to be provided and contract funding accordingly, but such party must provide notification of termination or reduction in scope of services to the other party as soon as practicable.

VI. INDEMNIFICATION

A. General Provisions

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless City from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and subject to Section VI.B below, City shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of City, its officers, employees and agents in the performance of this agreement.

B. Indemnity for Takings and Tort Claims

For constitutional takings claims, tort claims, alternative writs of mandamus and inverse condemnation claims, including without limitation civil rights actions alleging a taking, the County shall indemnify the City for City's acts or omissions, including defense costs, attorney fees and any settlements or judgments. In no event shall either party be responsible for any punitive damages awarded against the other party, its officers, employees or agents. The intent of the parties is that the County would be financially responsible for takings claims arising out of the application of the County zoning code, as applied by the City, including conditions of approval. It is not the intent of the parties to hold the County financially liable for negligent or intentional "bad" acts of City employees.

VII. INSURANCE

County and City shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

VIII. ADHERENCE TO LAW

Each party shall comply with all federal, state and local laws and ordinances applicable to this Agreement.

IX. NONDISCRIMINATION

Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local nondiscrimination ordinances.

X. ACCESS TO RECORDS

Each party shall have access to the books, documents and other records of the other which are related to this Agreement for the purpose of examination, copying and audit, unless otherwise limited by law.

XI. SUBCONTRACTS AND ASSIGNMENT

Neither party will subcontract or assign any part of this Agreement without the written consent of the other party, except that the City may subcontract or assign services under this Agreement if the subcontract or assignment applies generally to City land use services and not only to the Affected Area.

XII. PROPERTY OF COUNTY

In the event of termination of this Contract, all files and documents of any kind related to the scope of work set forth in this Contract shall be transferred back to the County. The County shall only pay the actual costs of the transfer.

XIII. CONTRACT ADMINISTRATION

County designates the Planning Director, 1600 SE 190th, Portland, OR 97233 to represent County in all matters pertaining to the administration of this Agreement. The City designates the Community Development Director, to represent the City in all matters pertaining to the administration of this Agreement.

XIV. ENTIRETY OF AGREEMENT

This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of the terms of this Agreement shall bind either party unless made in writing and signed by both parties.

XV. SEVERABILITY

County and City agree that if any terms or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

MULTNOMAH COUNTY

CITY OF TROUTDALE

By: *Diane M. Linn*
Diane M. Linn, Chair

By: _____
Paul Thalhofer, Mayor

Date: 6.20.02

Date: _____

Reviewed:

Approved as to Form:

Thomas Sponsler, County Attorney
For Multnomah County

Marnie Allen, City Attorney
For City of Troutdale

By: *Sandra N. Duffy*
Sandra N. Duffy, Deputy

By: _____

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 06.20.02
DEB BOGSTAD, BOARD CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 973

Amending Multnomah County Code Chapter 11.10, County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and County Zoning Code Chapters to Adopt Troutdale's Zoning Code, Comprehensive Plan and Maps and Community Plans

(~~Struck through~~ language is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Troutdale (City) amended the urban services agreement to include an agreement that the City of Troutdale would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Troutdale.
- d. In 1998, the City and the County began a series of public meetings and developed a proposal to achieve compliance with the Functional Plan.
- e. On April 5, 1999, a public hearing was held before the Multnomah County Planning Commission on the proposal, and the Planning Commission forwarded a recommendation to the Board of County Commissioners for acceptance of the proposal.
- f. Direct mail notice, in compliance with ballot measure 56 was sent prior to the April 5, 1999 public hearing before the Multnomah County Planning Commission and before the January 24, 2002 public hearing before the Board of County Commissioners.
- g. On January 24, 2002, the Multnomah County Board of Commissioners conducted a public hearing on the first reading of this ordinance relating to City of Troutdale and County compliance with Metro's Functional Plan.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, Community Plans, Rural Area Plans, Sectional Zoning Maps, and Zoning Code Chapters are amended to include:

- A. City of Troutdale Zoning Code
- B. The Troutdale Comprehensive Plan
- C. The Troutdale Comprehensive Plan Maps
- D. The amended zoning maps attached

Section 2. MCC Chapter 11.10 is amended by the addition of the following subsection:

11.10.360 Replacement of portions of Community Plans with City of Troutdale Comprehensive Plans, Zoning Maps, and Codes.

(A) The County Comprehensive Framework Plan, and Community Plans, Rural Area Plans, Sectional Zoning Maps, and Multnomah County Zoning Code Chapters are amended to include:

- (1) City of Troutdale Zoning Code
- (2) The Troutdale Comprehensive Plan
- (3) The Troutdale Comprehensive Plan Maps
- (4) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Troutdale Urban Services Boundary are repealed and replaced by the respective City of Troutdale Comprehensive Plan and Community Plans.

(C) Land use codes and zoning maps implementing the County Community Plans are also replaced for those urban areas by the City of Troutdale Zoning Code and maps adopted by reference in those Ordinances.

Section 3. In accordance with ORS 215.427(3), the changes resulting from Sections 1 and 2 of this ordinance shall not apply to any decision on an application that is submitted before the effective date of this ordinance and that is made complete prior to the effective date of this ordinance or within 180 days of the initial submission of the application.

Section 4. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 5. The Multnomah County Board is not intending to delegate legislative authority on land use planning in the unincorporated areas in violation of Multnomah County Charter Section 2.20. The Board of County Commissioners hereby directs the staff to move forward to develop an Intergovernmental Agreement to transfer quasi-judicial authority in accordance with this ordinance, but not legislative authority for future code revisions and amendments to these documents. The Board wants to ensure Multnomah County residents will have an opportunity to testify and participate in revisions to zoning regulations in Unincorporated Multnomah County within the Urban Growth Boundary.

Section 6. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Multnomah County Board of County Commissioners acknowledge, authorize and agree that the City of Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Multnomah County Board of County Commissioners shall consider the recommendations of the Portland Planning Commission when legislative matters for the County unincorporated areas are before the Board for action.

Section 7. This ordinance will become effective upon entering into an Intergovernmental Agreement with the City of Troutdale to transfer quasi-judicial authority in accordance with this ordinance.

FIRST READING: January 24, 2002

SECOND READING AND ADOPTION: January 31, 2002



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

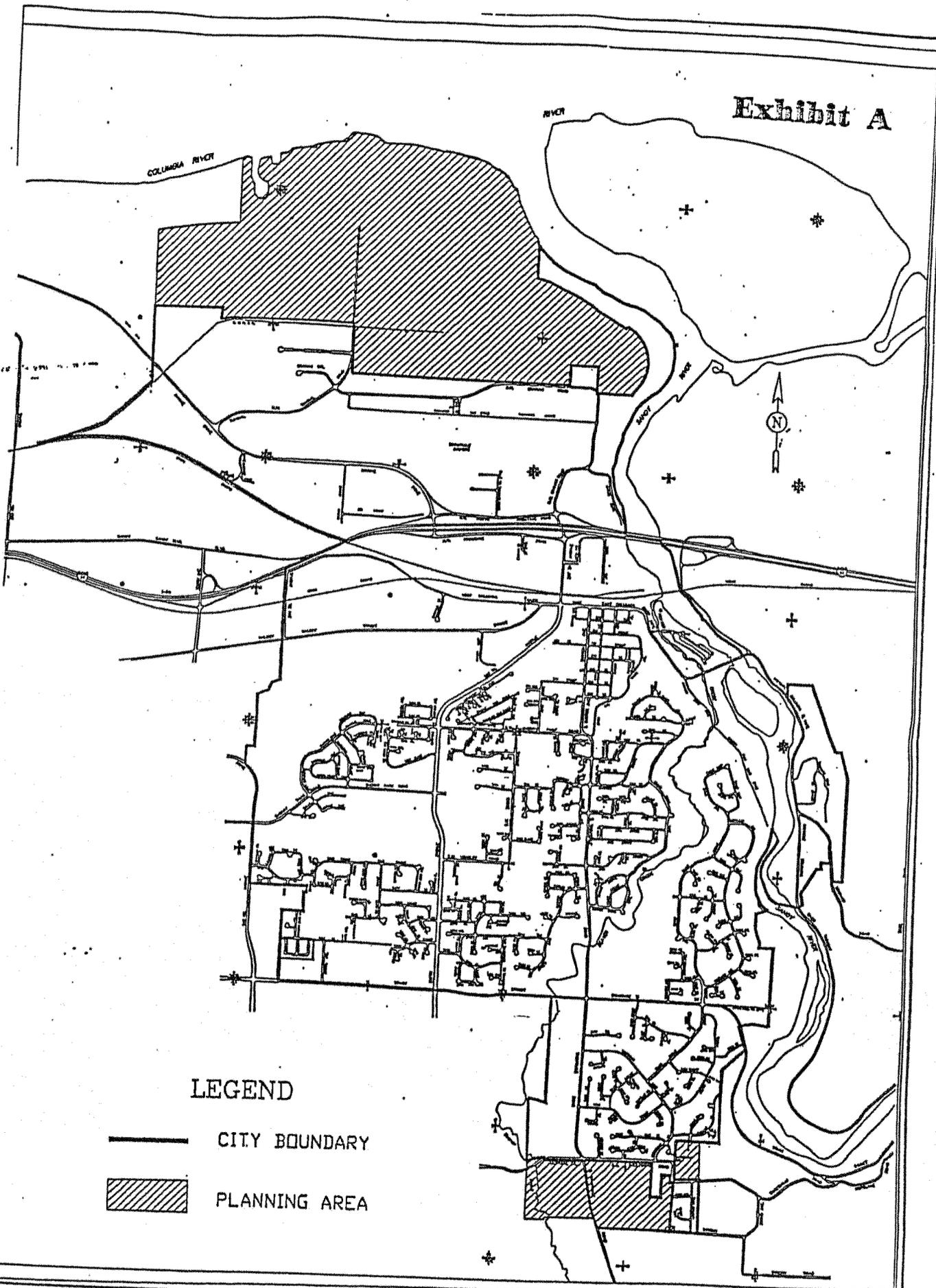
Diane M. Linn
Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By *Sandra N. Duffy*
Sandra N. Duffy, Deputy County Attorney

Exhibit A



LEGEND

- CITY BOUNDARY
- ▨ PLANNING AREA



0 500 1000 1500 2000

SCALE IN FEET

MEASUREMENTS SHOWN BASED ON 1983
STATE PLANE COORDINATE SYSTEM

NOTES



DEPARTMENT OF PUBLIC WORKS
CITY OF TROUTDALE

BEFORE THE PLANNING COMMISSION
OF MULTNOMAH COUNTY, OREGON

In the matter of the adoption of amendments to the)	
Multnomah County Zoning Ordinance)	RESOLUTION
by the Multnomah County Board of Commissioners)	C 3-99
regarding the application of Troutdale urban codes for)	
those lands outside the City of Troutdale but within the)	
Urban Growth Boundary)	

The Multnomah County Planning Commission finds:

- a. The proposed ordinance:
 - Addresses the regional requirement that the County be in compliance with the Metro Urban Growth Management Functional Plan;
 - Conforms with 'Resolution A' passed by the Board of County on March 15, 1983 which states the intent of Multnomah County to provide rural services rather than urban services, including land use planning;
 - Recognizes that the County will save valuable resources by working with the City of Troutdale and their existing code to achieve compliance;
 - Is in conformance with a jointly adopted agreement on land use policy for these County urban lands, known as the 'Urban Planning Area Agreement' (effective June 11, 1998);
 - Multnomah County recognizes that annexation is not a part of this proposal; and
 - Is consistent with state rules.
- b. In March 1999, the County mailed property owners legal notices notifying them of the project and opportunities for public testimony.
- c. On December 16, 1998 the Troutdale Planning Commission held a public hearing on the draft proposal and forwarded a recommendation to the Multnomah County Planning Commission.
- d. On April 5, 1999 the Multnomah County Planning Commission held a public hearing on the draft proposal;
- e. On April 5, 1999 the Planning Commission reviewed the attached documents and legal record for case file C 3-99.

It is hereby resolved:

That the Multnomah County Planning Commission hereby recommends that the Multnomah County Board of Commissioners adopt the following:

- Exhibit A: Proposed land use zoning maps
- Exhibit B: City of Troutdale Development Code
- Exhibit C: City of Troutdale Comprehensive Plan and Comprehensive Plan

APPROVED this 5th day of April, 1999.

By


John Ingle, Chair

Multnomah County Planning Commission
Multnomah County, Oregon

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RESOLUTION NO. 1430

A RESOLUTION RECOMMENDING TO MULTNOMAH COUNTY BOARD OF COMMISSIONERS SPECIFIC ZONING AND LAND USE DESIGNATIONS FOR LAND WITHIN THE NORTHERN PORTION OF TROUTDALE'S URBAN PLANNING AREA (UPA).

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Citizen Advisory Committee met on October 28, 1998 to review and discuss specific zoning and land use designations for each parcel of land within the UPA and forwarded a recommendation to the Planning Commission.
2. The Planning Commission held a public hearing on January 27, 1999, and has reviewed the CAC's recommended pre-annexation land use plan for lands within the UPA and has forwarded a recommendation to the City Council.
3. The City Council held a public hearing on February 23, 1999 and March 9, 1999 to provide opportunity for public comment.
4. The City Council is now satisfied that this matter has been adequately considered.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1: The Council adopts the following findings of fact.

1. In 1978, the Department of Land Conservation and Development adopted the Compliance Acknowledgment rule which required each jurisdiction within an adopted Urban Growth Boundary (UGB) to set forth the means by which a plan for management of the unincorporated areas within the UGB will be implemented. As part of the compliance acknowledgment rule, UPA boundaries were established for the unincorporated areas within the Portland Metro Area UGB.
2. Troutdale's UPA includes those areas under Multnomah County's planning jurisdiction in which the City maintains a mutual planning interest and has planned for extension of services once annexed into the city limits.
3. The City of Troutdale has entered into an Urban Planning Area agreement with Multnomah County which designates Troutdale as the provider of land use planning services for all unincorporated areas within its designated UPA boundary. As part of this agreement, the City of Troutdale will be recommending to the Multnomah County Board of Commissioners specific zoning and land use designations for each parcel of land within the UPA.

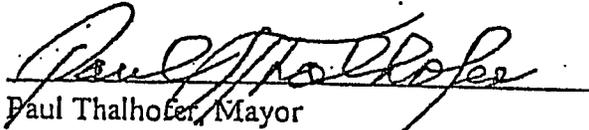
1 4. The applicable policies of Troutdale's Comprehensive Land Use Plan, pertinent sections of
2 the Metro Urban Growth Management Functional Plan, and other applicable regulations
3 served as guidelines in determining the most appropriate land uses within Troutdale's UPA.
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5 Section 2: Based upon these findings, the City of Troutdale recommends to the Multnomah County
6 Board of Commissioners specific zoning and land use designations for land within the northern
7 portion of Troutdale's UPA contained in Attachment A.
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10 YEA: 7

11 NAYS: 0

12 ABSTAINED: 0
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16 Paul Thalhofer, Mayor

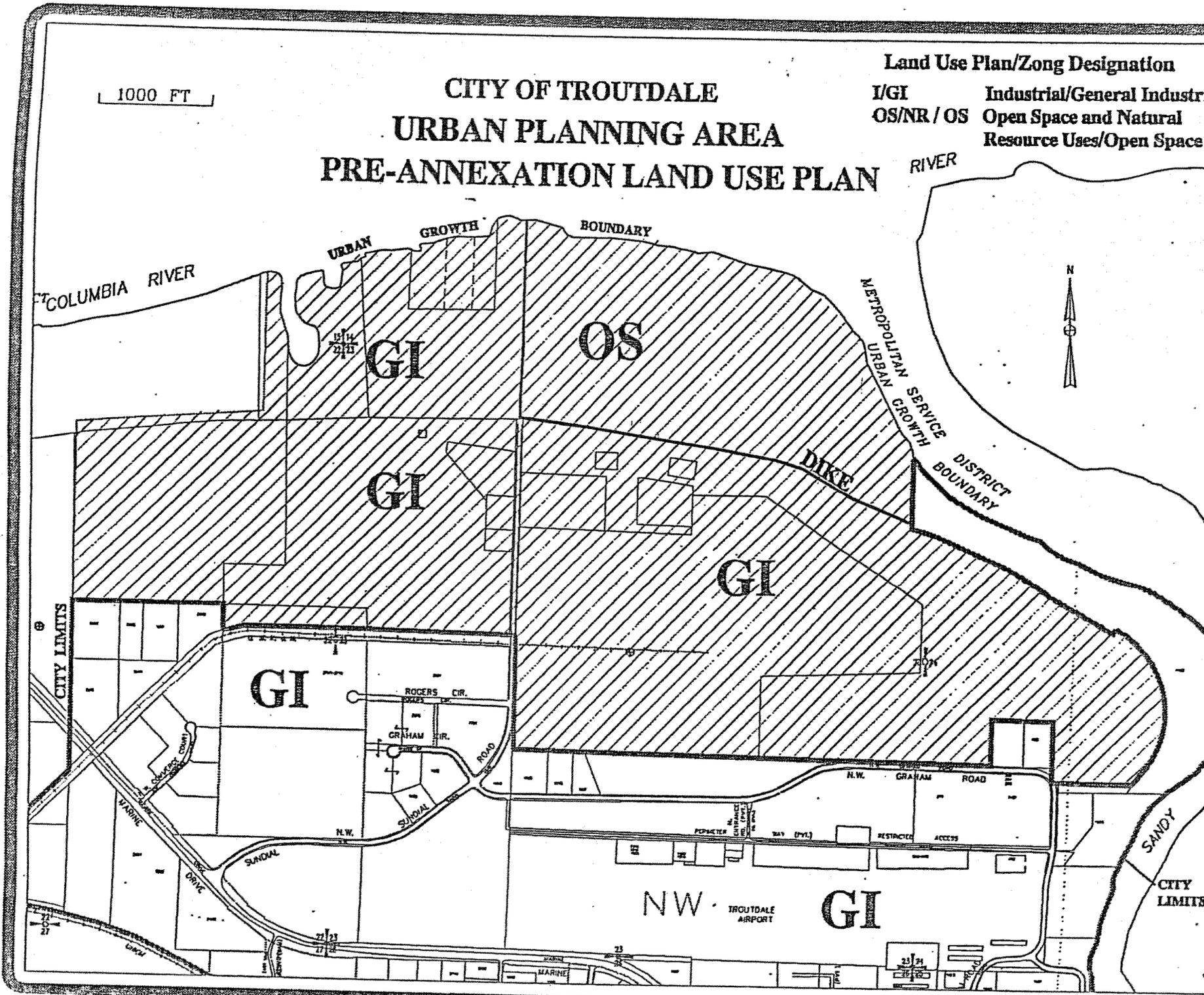
17 Dated: 3-11-99
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21 Debbie Stickney, Acting City Recorder

22 Adopted: 3-9-99
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ATTACHMENT A



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RESOLUTION NO. 1427

A RESOLUTION RECOMMENDING TO MULTNOMAH COUNTY BOARD OF COMMISSIONERS SPECIFIC ZONING AND LAND USE DESIGNATIONS FOR LAND WITHIN THE SOUTHERN PORTION OF TROUTDALE'S URBAN PLANNING AREA (UPA).

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Citizen Advisory Committee met on October 28, 1998 to review and discuss specific zoning and land use designations for each parcel of land within the UPA and forwarded a recommendation to the Planning Commission.
2. The Planning Commission held a public hearing on January 27, 1999, and reviewed the CAC's recommended pre-annexation land use plan for lands within the UPA and has forwarded a recommendation to the City Council.
3. The City Council held a public hearing on February 23, 1999 to provide opportunity for public comment.
4. The City Council is now satisfied that this matter has been adequately considered;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

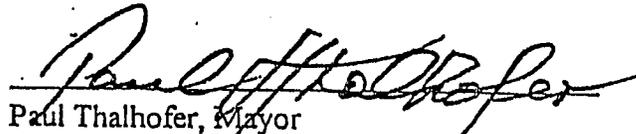
Section 1: The Council adopts the following findings of fact.

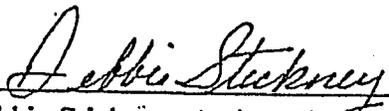
1. In 1978, the Department of Land Conservation and Development adopted the Compliance Acknowledgment rule which required each jurisdiction within an adopted Urban Growth Boundary (UGB) to set forth the means by which a plan for management of the unincorporated areas within the UGB will be implemented. As part of the compliance acknowledgment rule, UPA boundaries were established for the unincorporated areas within the Portland Metro Area UGB.
2. Troutdale's UPA includes those areas under Multnomah County's planning jurisdiction in which the City maintains a mutual planning interest and has planned for extension of services once annexed into the city limits.
3. The City of Troutdale has entered into an Urban Planning Area agreement with Multnomah County which designates Troutdale as the provider of land use planning services for all unincorporated areas within its designated UPA boundary. As part of this agreement, the City of Troutdale will be recommending to the Multnomah County Board of Commissioners specific zoning and land use designations for each parcel of land within the UPA.

1 4. The applicable policies of Troutdale's Comprehensive Land Use Plan, pertinent sections of
2 the Metro Urban Growth Management Functional Plan, and other applicable regulations
3 served as guidelines in determining the most appropriate land uses within Troutdale's UPA.
4

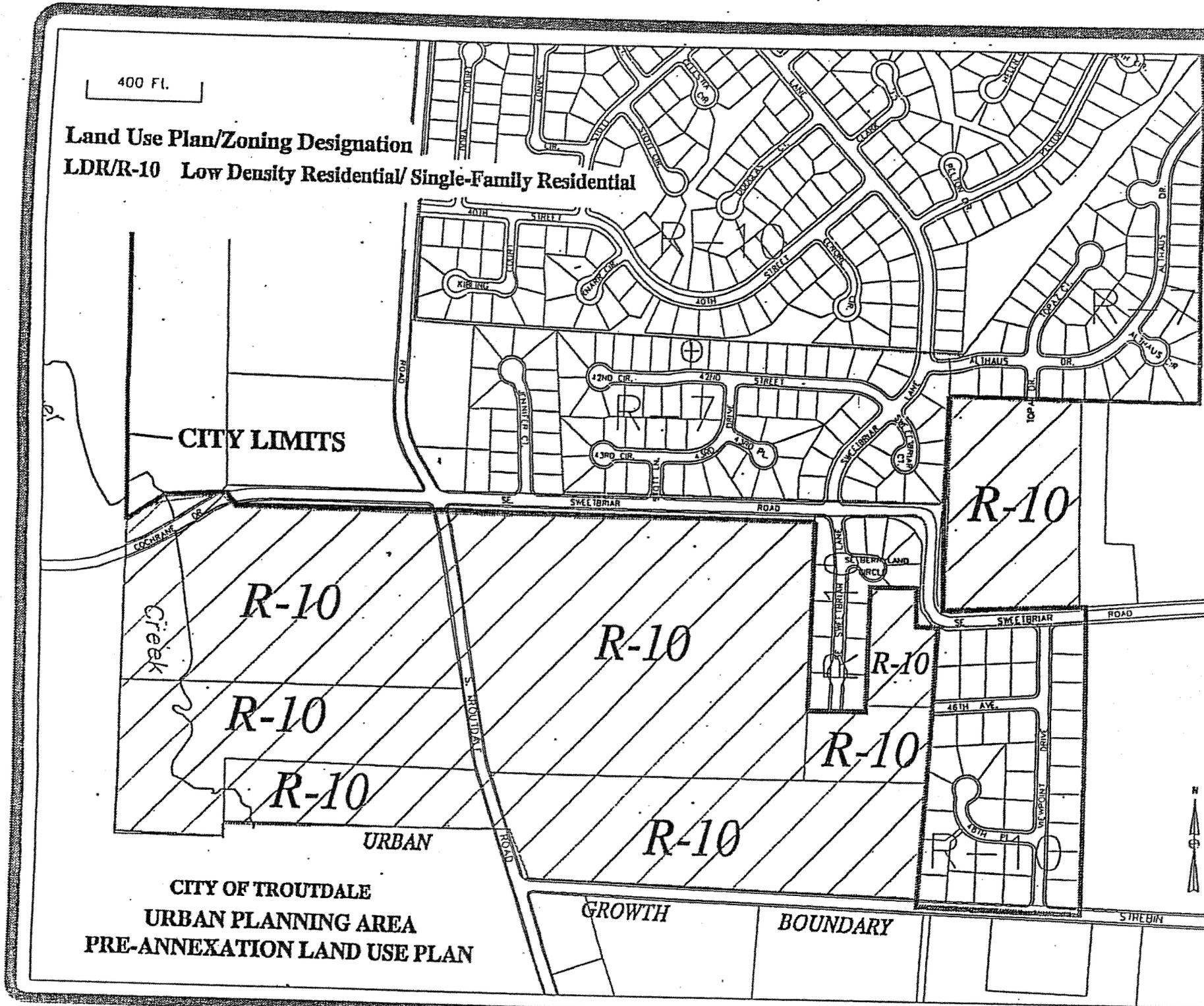
5 Section 2: Based upon these findings, the City of Troutdale recommends to the Multnomah County
6 Board of Commissioners specific zoning and land use designations for land within the southern
7 portion of Troutdale's UPA contained in Attachment A.
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10 YEA: 6
11 NAYS: 0
12 ABSTAINED: 0
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15 Paul Thalhofer, Mayor
16 Dated: 2-25-99
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20 Debbie Stickney, Acting City Recorder
21 Adopted: 2-23-99
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ATTACHMENT A



3.180 OPEN SPACE

OS

3.181 Purpose. The purpose of an OS district is to provide and preserve open space areas.

3.182 Applicability. In addition to other areas which may be so zoned by the City, this district shall apply to publicly owned park lands.

3.183 Permitted Uses. The following uses and their accessory uses are permitted in an OS district:

- A. Park or playground.
- B. Picnic grounds.
- C. Wildlife and nature preserves.
- D. Nature trail and/or bikeway.
- E. Other uses similar in nature to those listed above.

3.184 Conditional Uses. The following uses and their accessory uses are permitted in an OS district:

- A. Boat Ramp.
- B. Swimming facility.
- C. Community garden.
- D. Ball field.
- E. Tennis court.
- F. Cemetery.
- G. Other uses similar in nature to those listed above.

3.185 Development Criteria. Development criteria shall include, but are not limited to, the following:

- A. Open space uses shall be compatible with adjacent land uses;
- B. Picnic grounds and parking facilities shall be equipped with trash receptacles;
- C. Open space districts shall be maintained by the City if publicly owned; by the owner(s) if privately owned.

3.170 GENERAL INDUSTRIAL

GI

3.171 Purpose. This industrial district is intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor storage of materials and products. These industries are likely to create minor air and water pollution, as well as nuisance factors such as noise and odor and the generation of truck, shipping or rail traffic.

3.172 Uses Permitted in the GI Zone.

- A. Any manufacturing, distribution, fabricating, processing or storage use.
- B. Airport and related uses, including airport supportive commercial and industrial uses such as maintenance facilities, hangers, aircraft tie-down, passenger parking, and flight schools.
- C. Freight and trucking firms.
- D. One caretaker's residence; all other residential uses are prohibited.
- E. Administrative offices accessory to permitted industrial uses; all other office uses are prohibited.
- F. Vehicle repair shops.
- G. Public parks, parkways, trails and related facilities.
- H. Utility facilities, major and minor, except for sanitary landfills and transfer stations, sewage treatment plants and lagoons, and telecommunication towers or poles.
- I. Product sales, service and/or display accessory to any manufacturing, fabricating or processing use provided the sales, service and/or display area does not exceed 15 percent of the gross floor area.
- J. Other uses similar in nature to those listed above.

3.173 Conditional Uses. The following uses and their accessory uses are permitted within the GI district as conditional uses:

- A. Child care facilities, kindergartens, and similar facilities in conjunction with a permitted use or an approved conditional use.
- B. Community service uses.
- C. Concrete or asphalt manufacturing plants

- D. Recycling centers.
- E. Sanitary landfills and transfer stations.
- F. Sewage treatment plants and lagoons.
- G. Telecommunication towers and poles.
- H. Automobile wrecking yards.
- I. Residential dwelling/hanger mixed use when the hanger is served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:
 - 1. Approval from the Port of Portland;
 - 2. Approval from FAA;
 - 3. No separate accessory structures are allowed.
- J. Other uses similar in nature to those listed above.

3.174 Dimensional Standards.

A. Setbacks.

- 1. Front, Side and Rear Yard Setbacks: None unless the property abuts a parcel of land in a more restrictive manufacturing district, or a commercial district, in which case the requirements of the abutting property shall apply.
- 2. Additional Setback Requirements: If any use in this district abuts or faces any residential zoning district a setback of fifty (50) feet on the side abutting or facing the residential or apartment district shall be required.
- 3. Setbacks for Insufficient Right-of-Way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Plan and applicable ordinances and standards.

B. Height Restrictions. The maximum height for any structure shall be forty-five (45) feet.

3.175 Additional Requirements.

- A. Design Review and landscaping is required for all uses in the GI district.

- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.

3.020 SINGLE-FAMILY RESIDENTIAL.

R-10

3.021 Purpose. This district is intended primarily for single-family dwellings in a low-density residential neighborhood environment.

3.022 Permitted Uses. The following uses and their accessory uses are permitted in the R-10 district:

- A. Single-Family dwellings (detached).
- B. Single-Family dwelling (zero lot line or attached) when each dwelling unit is situated on an adjoining but separate lot of record, provided the base density is not exceeded.
- C. Manufactured dwelling
- D. Residential Home (ORS 197.660 [2]; ORS 443.400-443.825).
- E. Parks and Playgrounds.
- F. Utility Facilities, minor.
- G. Bed and breakfast inns subject to the provisions of Chapter 5.500.
- H. Other uses similar in nature to those listed above.

3.023 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses in the R-10 district:

- A. Community Service Uses.
- B. Golf courses (excluding miniature golf courses or driving ranges).
- C. Two-family dwellings (duplex) at intersections of any two streets of at least neighborhood collector status and with frontage on one street. Lot size must comply with R-10 requirements.
- D. Nursing homes and homes for the aged.
- E. Utility Facilities, major.
- F. Other uses similar in nature to those listed above.

3.024 Lot Size And Dimensional Standards.

A. Lot Size, Width, Depth and Frontage:

1. Minimum Lot Size: Ten thousand (10,000) square feet

2. Minimum Average Lot Width: Seventy (70) feet and seventy (70) feet wide at the building line.
3. Minimum Average Lot Depth: One hundred (100) feet.
4. Minimum Lot Frontage: Twenty (20) feet.

B. **Setbacks:**

1. Front Yard Setback: Minimum of twenty (20) feet.
2. Side Yard and Street Side Yard Setback: Minimum of ten (10) feet.
3. Rear Yard Setback: Minimum of twenty (20) feet.
4. Projections into Setbacks: See Chapter 5.020.
5. Accessory Buildings in Setback Areas: See Chapter 5.010.

- C. Height Limitations. The maximum height of a structure shall be thirty-five (35) feet.

3.025 Additional Requirements.

- A. Design Review and landscaping required for all uses except single-family residential uses.
- B. All lots in this district shall have frontage or approved access to public streets, public water and public sewer before construction shall be permitted.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9.
- D. All single family dwellings, including manufactured dwellings, shall utilize at least two of the following design features:
 1. dormers
 2. recessed entries
 3. cupolas
 4. bay or bow windows
 5. window shutters
 6. off-sets on building face or roof (minimum 12"0
 7. gables
 8. covered porch entry
 9. pillars or posts
 10. eaves (minimum 6")

11. tile or shake roof
12. horizontal lap siding

F. Manufactured dwellings shall comply with the following standards:

1. Be multi-sectional and enclose a space of not less than 1,000 square feet.
2. Foundations for manufactured homes shall comply with current OAR regulations. Homes shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not less than eight inches nor more than twelve inches above grade.

If the manufactured home is placed on a basement, the twelve (12) inch limitation shall not apply.
3. The manufactured home shall have a pitched roof. The minimum slope shall be not less than a nominal three feet in height for each twelve feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required for single-family dwellings constructed under the state code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage constructed of like materials where such is consistent with the predominant construction of immediately surrounding dwellings.
7. The towing tongue, axles, wheels and traveling lights shall be removed from the manufactured home when installed or within thirty (30) days of delivery to site.
8. The manufactured home shall not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts or a structure designated CR, community resource, by the City of Troutdale.

9. The manufactured home shall be connected to the City's public water supply and public sewer.
10. If the manufactured home is removed from its foundation, the owner shall either replace the manufactured home with another approved manufactured home or remove the foundation, manufactured home accessory structures and other structures on the property and disconnect sewer, water and other utilities within thirty days. If the owner fails to perform the work within 30 days, the City may make the removal and disconnection and place a lien against the property for the cost of the work.

#1

SPEAKER SIGN UP CARDS

DATE 06.20.02
NAME Heather Jenkins
ADDRESS 12020 SW Brayman
Portland 97219
PHONE 636-3667
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R 6 (Land Division Rewrite)
GIVE TO BOARD CLERK

MEETING DATE: June 20, 2002
AGENDA NO: R-6
ESTIMATED START TIME: 10:45 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Public Hearing of an Ordinance adopting amendments to the Portland Development Code pursuant to Ordinance 967.

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, June 20, 2002
AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: DBCS DIVISION: Land Use Planning

CONTACT: Susan Muir TELEPHONE #: 503 988-3182
BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Susan Muir

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

A Public Hearing and First Reading of an ORDINANCE Amending the City of Portland Development Code Related to Land Divisions and Other Minor Items, Pursuant to the IGA with the City of Portland, and Declaring an Emergency

*06-25-02 copies to Stuart Farmer, Susan Muir,
Sandra Ruffly & Carol Kinoshita*

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVE., SUITE 116
PORTLAND, OREGON 97233
(503) 988-3043 (503) 988-3389 FAX
land.use.planning@co.multnomah.or.us

BOARD OF COUNTY COMMISSIONERS
DIANE LINN - CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY - DISTRICT 1 COMMISSIONER
SERENA CRUZ - DISTRICT 2 COMMISSIONER
LISA NAITO - DISTRICT 3 COMMISSIONER
LONNIE ROBERTS - DISTRICT 4 COMMISSIONER

STAFF REPORT

TO: Board of County Commissioners

FROM: Land Use Planning Division
Kathy Busse, Director
Susan Muir, Principal Planner

DATE: May 6, 2002

RE: An Ordinance adopting amendments to the Portland Development Code pursuant to Ordinance 967 including:

1. Downtown's West End: Amendments to the Central City Plan, Zoning Code, and Zoning Map
2. Code Maintenance 2002 – Amendments to Title 33 Planning and Zoning & Title 32 Signs and Related Regulations
3. Willamette River Title 3 Water Quality Compliance Project
4. Historic Resources Code Amendments Project
5. Land Division Code Rewrite
6. Natural Resource Criteria for Portland International Airport

1. Recommendation/Action Requested:

Adopt the ordinance as recommended by the Portland Planning Commission and Portland City Council.

2. Background/Analysis:

On October 11, 2001 the Board adopted Ordinance 967 (effective date January 1, 2002) adopting, in summary, the Portland Comprehensive Plan and zoning ordinance.

The County and the City of Portland have been engaged in agreements enabling the City of Portland to provide planning services to achieve compliance with the Metro Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland. Since the adoption of Ordinance 967 six ordinances have passed through the City Council that the County must adopt pursuant to our intergovernmental agreement to keep the code up to date. Those six items include:

1. **Downtown's West End:** Amendments to the Central City Plan, Zoning Code, and Zoning Map – *a code revision that implements the Central City Plan that will not affect policy in the urban pockets but must be adopted to ensure the County updates all aspects of the City Code.*
2. **Code Maintenance 2002** – Amendments to Title 33 Planning and Zoning & Title 32 Signs and Related Regulations – *amendments are intended to further the objectives of the Blueprint 2000 process, which call for regulatory reform to provide a predictable, seamless delivery of City development review functions. These amendments seek to clarify existing language and structure in the City Code without establishing new policy.*
3. **Willamette River Title 3 Water Quality Compliance Project** - *The Willamette River Title 3 Water Quality Compliance Project is the City of Portland's compliance response to a portion of Title 3 of Metro's Urban Growth Management Functional Plan (UGMFP). Title 3 addresses water quality and resource protection and is a requirement of the Functional Plan.*
4. **Historic Resources Code Amendments Project** – *Amends the zoning code to update regulations that protect Portland's historic resources.*
5. **Land Division Code Rewrite Project Final Report** – *Includes new rules that will govern how land is divided into lots and tracts with goals to implement the Region 2040 Growth Concept, foster orderly and efficient provision of services, reorganize and reformat the land division regulations, provide for creative land development and promote good urban form, provide for appropriate citizen participation, clarify the roles of the City Bureaus and to require narrow lots to meet design standards.*
6. **Natural Resource Criteria for Portland International Airport** – *Adds one criterion to the Zoning Code relating to natural resources and the airport. The additional criterion allows the City to evaluate natural resources as part of the Port of Portland's (Port) conditional use application for the Portland International Airport.*

Multnomah County and the City of Portland entered into an Intergovernmental Agreement (IGA) to transfer land use planning responsibilities on January 1, 2002. The IGA lays out a process requiring the County to ensure that any City Council adopted amendments to the City comprehensive plan, zoning code and other regulations adopted by the County Board of Commissioners will be considered by

the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

3. Financial Impact:

There is no financial impact to the County identified at this time. The cost of transferring services to the City of Portland was covered under the intergovernmental agreement.

4. Legal Issues:

The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

5. Controversial Issues:

The land division portion of this ordinance had already started through the City process when the County took action adopting the City Comprehensive Plan and ordinances. Therefore, the County property owners were not notified at the time the City began the code revision related to land divisions. To alleviate a situation where property owners may not have been aware of the pending changes, the City and County hosted an open house on June 11, 2002 and noticed all of the affected property owners. This was an attempt to inform the County property owners of the pending ordinance and explain to them the new regulations. The IGA includes provisions for future code revisions that require the City to notice all affected property owners at the time the City regularly notices of ordinance amendments. However, because the land division section of the code was already in progress, this is the one situation where this will not occur. Pursuant to the IGA, in all future legislative amendments the City is required to include "all residents and property owners in the Affected Area in any legislative public process that may result in changes to the comprehensive plan or maps or development-related regulations adopted by the County Board of Commissioners, including the zoning code, land division regulations, sign regulations, erosion control, floodplain review, grading and stormwater disposal regulations of the City's Code. It is to be understood that the public process for the Affected Area is one and the same as the process held by the City. All residents and property owners in the Affected Area will be noticed on City legislative processes as required by State law and the City code".

The other five amendments before the Board in this ordinance were noticed to affected County property owners where required.

6. Link to Current County Policies:

The ordinance before you today is consistent with County policy and intergovernmental agreements entered into with the City of Portland for the purpose of the County achieving Functional Plan compliance with Metro. In addition, the Board of County Commissioners adopted Resolution A in 1983 which directed the County services towards rural services rather than urban. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions be in compliance with the goals and policies adopted by the Metro Council. The County has been intent on complying with the Functional Plan and through County policy, ordinances and IGA's has done so by utilizing the City of Portland's urban planning expertise to efficiently achieve compliance.

7. Citizen Participation:

The County mailed out 1,642 postcards announcing the open house and this public hearing regarding the land division portion of this project. The City included the County affected property owners in their noticing for the remaining five code revisions when required and pursuant to the IGA and directed them to the City legislative process.

8. Other Government Participation:

The County has worked closely with the City of Portland to prepare and recommend this item to the Board for action as well as Metro as we work towards compliance.

Attachments:

Attachment A: Intergovernmental Agreement #51712 between City of Portland and Multnomah County

Attachment B: Ordinance No. 967 adopted October 11, 2001

Attachment C: Proposed Ordinance

Exhibit 1: Downtown's West End: Amendments to the Central City Plan, Zoning Code, and Zoning Map

Exhibit 2: Code Maintenance 2002 – Office of Planning & Development Review Proposed

Exhibit 3: Willamette River Title 3 Water Quality Compliance Project

Exhibit 4: Historic Resources Code Amendments Project

Exhibit 5: Land Division Code Rewrite Project Final Report

Exhibit 6: Natural Resource Criteria for Portland International Airport

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance Amending County Land Use Code, Plans And Maps To Adopt Portland's Recent Land Use Code, Plan And Map Revisions In Compliance With Metro's Functional Plan And Declaring An Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. The Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and maps in compliance with Metro's Functional Plan by Ordinances 967 (10/11/2001) and 970 (12/20/2001).
- f. Since the adoption of Ordinance 970, the City's Planning Commission recommended the land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA. In order to avoid confusion due to the timing of the land division rewrite project, the County mailed direct mail notice of the project and invited property owners to an open house on June 11, 2002 and to the public hearing before the Board on June 20, 2002.
- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1-6. The IGA requires that the

County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps, and land use code chapters are amended to include the City land use code, plan, guideline and map amendments, attached as Exhibits 1-6 and effective on the same date as the respective Portland ordinance:

Exhibit No.	Ordinance	Effective Date
1	Downtown's West End: Amendments to the Central City Plan, Zoning Code, and Zoning Map (City Ord. 176193)	7/1/2002
2	Code Maintenance 2002 – Amendments to Title 33 Planning and Zoning & Title 32 Signs and Related Regulations (City Ord. 176469)	7/1/2002
3	Willamette River Title 3 Water Quality Compliance Project (City Ord. 176443)	7/1/2002
4	Historic Resources Code Amendments Project, including the Community Design Guidelines as amended by City Ord. 176587	7/20/2002
5	Land Division Code Rewrite (City Ord. 175965 and 176333)	7/1/2002
6	Natural Resource Criteria for Portland International Airport (City Ord. 176351)	7/1/2002

Section 2. In accordance with ORS 215.427(3), the changes resulting from Sections 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING: June 20, 2002

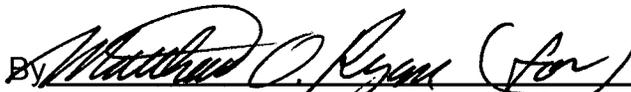
SECOND READING AND ADOPTION June 27, 2002

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By  Sandra N. Duffy, Deputy County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 984

An Ordinance Amending County Land Use Code, Plans And Maps To Adopt Portland's Recent Land Use Code, Plan And Map Revisions In Compliance With Metro's Functional Plan And Declaring An Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. The Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and maps in compliance with Metro's Functional Plan by Ordinances 967 (10/11/2001) and 970 (12/20/2001).
- f. Since the adoption of Ordinance 970, the City's Planning Commission recommended the land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA. In order to avoid confusion due to the timing of the land division rewrite project, the County mailed direct mail notice of the project and invited property owners to an open house on June 11, 2002 and to the public hearing before the Board on June 20, 2002.
- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1-6. The IGA requires that the

County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps, and land use code chapters are amended to include the City land use code, plan, guideline and map amendments, attached as Exhibits 1-6 and effective on the same date as the respective Portland ordinance:

Exhibit No.	Ordinance	Effective Date
1	Downtown's West End: Amendments to the Central City Plan, Zoning Code, and Zoning Map (City Ord. 176193)	7/1/2002
2	Code Maintenance 2002 – Amendments to Title 33 Planning and Zoning & Title 32 Signs and Related Regulations (City Ord. 176469)	7/1/2002
3	Willamette River Title 3 Water Quality Compliance Project (City Ord. 176443)	7/1/2002
4	Historic Resources Code Amendments Project, including the Community Design Guidelines as amended by City Ord. 176587	7/20/2002
5	Land Division Code Rewrite (City Ord. 175965 and 176333)	7/1/2002
6	Natural Resource Criteria for Portland International Airport (City Ord. 176351)	7/1/2002

Section 2. In accordance with ORS 215.427(3), the changes resulting from Sections 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: June 20, 2002



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney

EXHIBIT LIST FOR ORDINANCE NO. 984

- (1) Downtown's West End: Amendments to the Central City Plan, Zoning Code, and Zoning Map (City Ord. 176193)
- (2) Code Maintenance 2002 – Amendments to Title 33 Planning and Zoning & Title 32 Signs and Related Regulations (City Ord. 176469)
- (3) Willamette River Title 3 Water Quality Compliance Project (City Ord. 176443)
- (4) Historic Resources Code Amendments Project, including the Community Design Guidelines as amended by City Ord. 176587
- (5) Land Division Code Rewrite (City Ord. 175965 and 176333)
- (6) Natural Resource Criteria for Portland International Airport (City Ord. 176351)

This information is available electronically or for viewing at the Multnomah County Land Use Planning Division and may be purchased on CD rom. Please contact the Board Clerk at 503.988-3277 or the Planning Division at 503.988.3043 for further information.

MEETING DATE: June 20, 2002
AGENDA NO: B-2
ESTIMATED START TIME: 11:15 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Legislative Update on Special Session III

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, June 20, 2002
AMOUNT OF TIME NEEDED: 15 mins

DEPARTMENT: Non-Departmental DIVISION: Chair's Office
CONTACT: Gina Mattioda TELEPHONE #: (503) 988-5766
BLDG/ROOM #: 503/6/PAO

PERSON(S) MAKING PRESENTATION: Gina Mattioda and Stephanie Soden

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Legislative Update by the Public Affairs Office on Special Session III

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Diane M. Linn*

(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



Capitol News

A source of legislative information for Multnomah County
by the Public Affairs Office



June 2002

Special Session III Begins

The Oregon Legislature convened on June 12 to address an estimated \$860 million shortfall. Legislative leaders and the Governor met for several days prior to the opening session in an attempt to negotiate a budget rebalance package.

The Public Affairs Office (PAO) is tentatively scheduled to brief the Board of Commissioners on the Special Session June 20 and June 27. In addition, a Special Session edition of Capitol News will highlight the details of the Legislature's activities.

New Legislative Delegation

The make-up of Multnomah County's legislative delegation has changed in the past year due to redistricting. Every ten years, following the national census, state legislative districts are redrawn to account for shifts in population.

New districts were created and passed by the Oregon Legislature in 2001. The following list includes legislators who represent all or a portion of Multnomah County.

House Districts (by number)

- 27 Mark Hass (D-Portland)
- 31 Betsy Johnson (D-Scappoose)
- 33 Chris Beck (D-Portland)
- 36 Mary Nolan (D-Portland)
- 38 Carolyn Tomei (D-Milwaukie)
- 41 Dan Gardner (D-Portland)
- 42 Diane Rosenbaum (D-Portland)
- 43 Deborah Kafoury (D-Portland)
- 44 Gary Hansen (D-Portland)

- 45 Jackie Dingfelder (D-Portland)
- 46 Steve March (D-Portland)
- 47 Jeff Merkley (D-Portland)
- 48 Randy Leonard (D-Portland)
- 49 Karen Minnis (R-Fairview)
- 50 Laurie Monnes Anderson (D-Gresham)
- 51 Jan Lee (D-Clackamas)
- 52 Patti Smith (R-Corbett)

Senate Districts (by number)

- 14 Ryan Deckert (D-Beaverton)
- 16 Joan Dukes (D-Astoria)
- 17 Tom Hartung (R-Portland)
- 18 Ginny Burdick (D-Portland)
- 19 Randy Miller (D-Lake Oswego)
- 21 Kate Brown (D-Portland)
- 22 Margaret Carter (D-Portland)
- 23 Avel Gordly (D-Portland)
- 24 Frank Shields (D-Portland)
- 25 John Minnis (R-Fairview)
- 26 Rick Metsger (D-Welches)

Legislators will represent these House and Senate districts for the remainder of the 2002 calendar year. Based on outcomes of the May and November elections, beginning January 1, 2003, the county delegation list will reflect those candidates who won in the primary and general elections.

Association of Oregon Counties

The Association of Oregon Counties met for their Annual Spring Conference in Newport on May 29-31. The following policy projects were identified by the membership.

- Updating the outdated state and local tax system
- Ensuring local authority to govern
- Strengthening and stabilizing PERS and other employee benefits
- Expanding human services capacity to prevent costly public safety outcomes
- Improving statewide understanding of the counties' role in human services
- Expanding human services capacity and improving state-county coordination
- Sustaining economic vitality
- Moving goods and people
- Enhancing the county role in public lands and natural resources policy making
- Reviewing the quality of scientific research affecting public lands and natural resources

This year, a new systems approach has been put into place at AOC. In summary, the process follows these steps:

1. AOC districts identify system deficiencies
2. Steering committees map system and identify projects
3. AOC's legislative committee rates and recommends projects
4. The membership rates and approves projects
5. Taskforces conduct outreach to stakeholders and develop legislative proposals
6. Steering committees monitor projects and make recommendations to the legislative committee
7. AOC's legislative committee reviews and recommends final projects to members
8. The membership approves final project proposals

9. Taskforces lead AOC's implementation effort

The AOC Legislative Committee will meet again July 31-August 2 to refine the 2003 policy projects. Members will vote on the final list of projects at the annual conference this fall.

For more information on AOC, visit their website at www.aocweb.org.

Interim Legislative Strategy

In preparation for the 2003 Legislative Session, the PAO has created an Interim Legislative Strategy. The Strategy includes a timeline, state and local deadlines, committee meetings and other information that assists the PAO in planning for next session.

As the Board of Commissioners and departments begin to identify potential legislative concepts the Interim Legislative Strategy will be finalized.

A post-Special Session Capitol News will highlight the Public Affairs Office Interim Legislative Strategy. In the meantime, contact either Gina Mattioda at 503-988-5766 or gina.m.mattioda@co.multnomah.or.us or Stephanie Soden at 503-988-6045 or stephanie.a.soden@co.multnomah.or.us with questions.

BOGSTAD Deborah L

From: LINN Diane M
Sent: Thursday, June 20, 2002 11:55 AM
To: BOGSTAD Deborah L
Subject: FW: PAO Briefing

-----Original Message-----

From: MATTIODA Gina M
Sent: Thursday, June 20, 2002 11:21 AM
To: LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; NAITO Lisa H; ROBERTS Lonnie J
Cc: MATTIODA Gina M; 'stephanie.a.soden@co.multnomah.or.ous'; DISCIASCIO Barbara A
Subject: PAO Briefing

June 20, 2002

To: Board of County Commissioners

From: Gina Mattioda and Stephanie Soden
Public Affairs Office

Re: Update on Special Session III

As Deb's earlier email stated PAO is currently in Salem monitoring the 3rd Special Session, this email memo will serve as our BCC briefing.

Budget negotiations continue with little movement toward a final package, it is PAO's understanding that the intent is to move the process to a conference committee where a final package can be developed, passed, and approved by the Governor. Gridlock and tension between legislators are at an all time high. Senators meet until 11:30pm last night to pass a tobacco tax increase, but were unable to obtain the required votes, the legislation was referred back to committee. PAO will continue to monitor these activities, if you have any questions, please feel free to contact either Gina (pager: 503.202.5321) or Stephanie (pager: 503.921.4617).

House Budget: HB 5091 included a cost of living adjustment (COLA) to state employees, specific cuts to programs and services, as well as a one percent across-the-board reductions to all state agencies excluding K - 12 education.

Particular to Multnomah County, despite strong lobbying by county commissioners and sheriffs, half of the remaining inflation rate calculated for community corrections programs (\$1.5 million) was included in the final version. Several legislators representing Multnomah County voted against HB 5091 stating frustration and opposition to the community corrections reduction. Those legislators included: Chris Beck, Jackie Dingfelder, Dan Gardner, Gary Hansen, Mark Hass, Jan Lee, Randy Leonard, Laurie Monnes Anderson, Jeff Merkley, Mary Nolan, and Bill Witt.

During the early hours of Saturday morning, the House passed a budget-balancing package. Below are key components of this package:

- Delay a payment to local school districts - \$200 million in savings
- Phase in Ballot Measure 88 - \$108 million in savings
- Utilize Tobacco Settlement revenues - \$87 million
- Spend reserves in state ending balance - \$79 million
- Reduce state general fund budget - \$87 million in cuts (\$35 million specific/targeted cuts to state programs and services and \$46

million in across-the-board cuts to state agencies)
· \$20 million taken from the Common School Fund

Items Referred to the September 17, 2002 Special Elections

- Establishment of a rainy-day fund for education (authorizes the use of \$180 million from current budget cycle)
- Increase tobacco tax (a proposed .75 cents-per-pack increase, totals \$107 million)

PERS: Two bills have been introduced to reform the PERS system this Special Session. While a number of issues have been discussed in The Oregonian and the various PERS task forces, the main issue this session is updating the mortality tables.

On June 19, the Speaker of the House appointed a Special Session PERS Committee to include Tim Knopp (R-Bend) as Chair and Ralph Brown (R-Hillsboro), Betsy Close (R-Albany), Mark Hass (D-Portland), Elaine Hopson (D-Astoria), Rob Patridge (R-Medford), Diane Rosenbaum (D-Portland), Tootie Smith (R-Molalla), and Vicki Walker (D-Eugene) as committee members. This committee is tentatively scheduled to meet on June 20.

In a June 17 memo to the Board of Commissioners, Dave Boyer outlined the two bills from Special Session. SB 1021 was proposed by a workgroup of public employers that according to Dave could be amended to represent an adequate and effective solution for both employers and employees. At issue is the timing of new mortality table implementation. Dave has recommended that if SB 1021 is amended to include a 5-year implementation, the Board of Commissioners should support it. To date, the bill has not been amended and while the Special Senate Revenue Chair, Ted Ferrioli (R-John Day) is interested in pursuing PERS reform, amendments to the bill have not printed and the bill has not been scheduled committee.

HB 4057 is the other PERS bill. It also deals with mortality tables but was crafted by the public employee unions, and therefore, does not have enough support from the legislative leadership and public employers. Also at issue is the timing of implementation. The unions have proposed the multi-segmented approach which effectively calculates an employee's benefits based on the amount of time an employee earns the benefit and what the mortality ages are when they earned the retirement benefit. According to Dave, this makes administration of the PERS system more complex and does not result in significant system savings. He recommends that the Board of Commissioners not support this proposal.

MEETING DATE: June 20, 2002
AGENDA NO: B-3
ESTIMATED START TIME: 11:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Multnomah Building Build-Out Program and Green Roof Briefing

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, June 20, 2002
AMOUNT OF TIME NEEDED: 45 mins

DEPARTMENT: DBCS DIVISION: Facilities & Property Management

CONTACT: Peter Wilcox TELEPHONE #: (503) 988-3322
BLDG/ROOM #: 274/Blanchard Bldg

PERSON(S) MAKING PRESENTATION: Doug Butler, Peter Wilcox, Commissioner Maria Rojo and Amy Joslin

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Board Briefing on the Progress and Strategy for Completion of the Multnomah Building Build-Out Program and Green Roof

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
FACILITIES AND PROPERTY MANAGEMENT DIVISION
401 N DIXON ST
PORTLAND, OREGON 97227
(503) 988-3322

BOARD OF COUNTY COMMISSIONERS
DIANE LINN • CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
LONNIE ROBERTS • DISTRICT 4 COMMISSIONER

STAFF REPORT

TO: Board of County Commissioners

FROM: Doug Butler, F&PM Director and
Lynn Dingler, F&PM Project Planning Lead

DATE: June 11, 2002

RE: Project update on build-out of the Multnomah Building

1. RECOMMENDATION/ACTION REQUESTED

The Division of Facilities and Property Management is taking this opportunity to brief the Multnomah County Board of County Commissioners on plans for completing build-out and achieving full occupancy of the Multnomah Building.

- *Action requested:* None

2. BACKGROUND/ANALYSIS

The Multnomah Building is currently substantially occupied. The primary space available for utilization is on the 5th floor and in the basement. County staff has requested a food service and a fitness center to be located in the building. Facilities and Property Management is undertaking the following strategy to maximally utilize the Multnomah Building.

Basement Area: Local Area Network (LAN) Support, computer training, a health center and a food service area is programmed for the basement.

- The fitness center will occupy 2,555 square feet and include lockers and showers.
- Food service is programmed 1,542 square feet.
- LAN Support will be in a 962 square foot room.
- Training will occupy a 2,364 square foot room.

5th Floor: The 5th floor available space covers 14,278 square of office area. There is no designated tenant at this time. Facilities & Property Management shall shell in the space while identifying the appropriate tenant(s).

3. FINANCIAL IMPACT

The projected cost for construction, equipment and fixtures, and moving is \$1.3 million, which is within the remaining budget of \$1.35 million. The main financial issue that drives the build-out objective is the opportunity to recover the debt service cost for this Tier One County structure.

4. LEGAL ISSUES

There are no legal issues with this project.

5. CONTROVERSIAL ISSUES

The tenancy of the 5th floor is an issue that will require a structured approach that keeps the Board of County Commissioners fully informed.

6. LINK TO CURRENT COUNTY POLICIES

1. Full occupancy and debt recovery for a Tier One building supports the County's new facility management policy.
2. Supporting County employees with quality work areas and amenities is supported by the development of a fitness center and a food service area.
3. The development of a food service area encourages County staff to avoid adding to the Metro area's excessive Vehicle Miles Traveled (VMT) by providing an opportunity to eat in the building. Lowering VMT is an objective of Multnomah County.

7. CITIZEN PARTICIPATION

None required or anticipated.

8. OTHER GOVERNMENT PARTICIPATION

The City of Portland Bureau of Buildings will issue permits for the work.

Multnomah Building #503
 501 SE Hawthorne Blvd.
 Portland, Oregon 97214

Tenant Information

① DBCS-ISD
 5326 SqFt.

② Vacant
 4188 SqFt.

③ Wellness
 1525 SqFt.

④ DCJ
 734 SqFt.

Common Areas
 7203 SqFt.



Basement - Existing Layout



Multnomah Building #503
 501 SE Hawthorne Blvd.
 Portland, Oregon 97214

Tenant Information

① DBCS-ISD
 5072 SqFt.

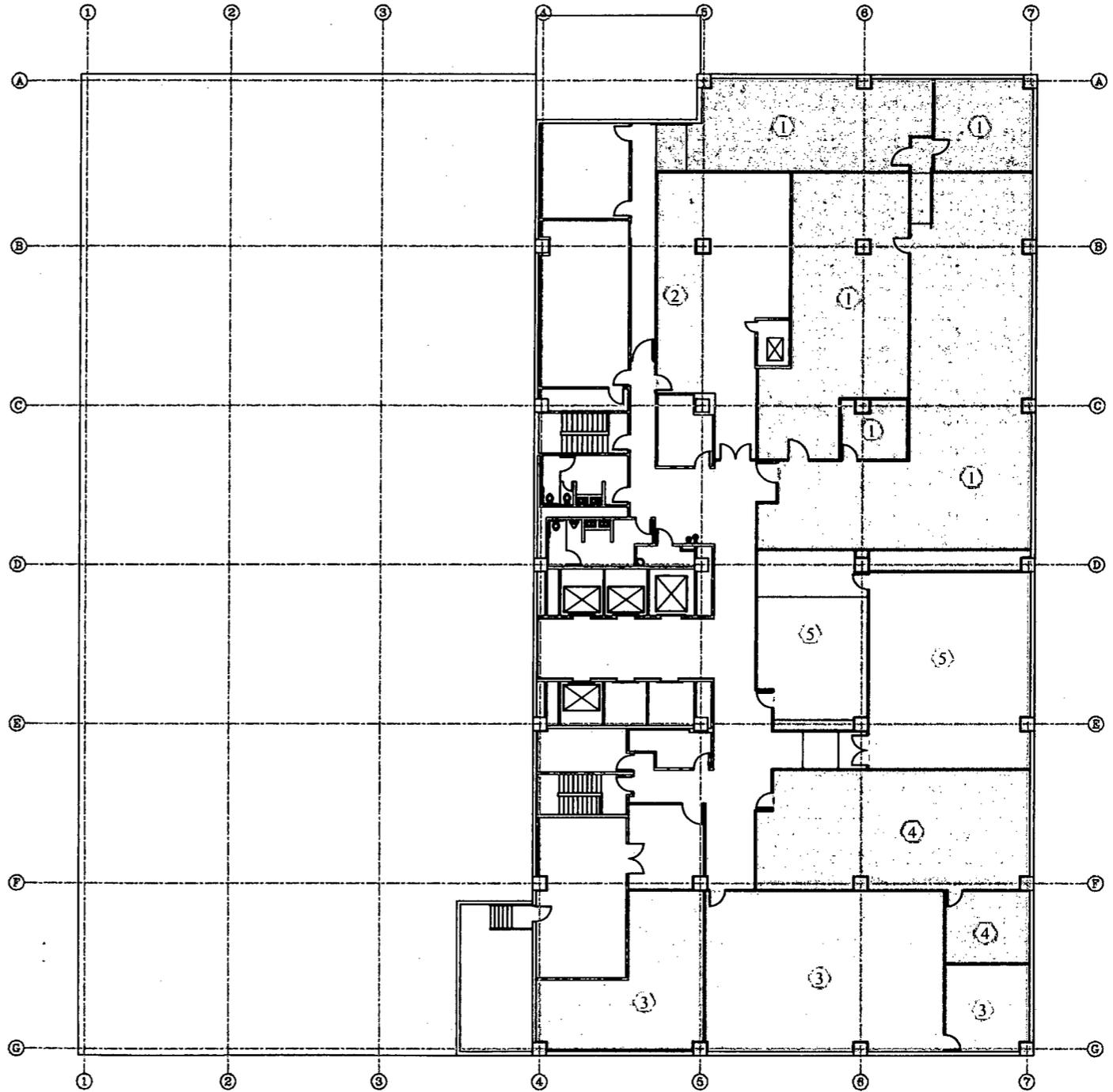
② Vacant
 405 SqFt.

③ Wellness
 2555 SqFt.

④ Cafe
 1512 SqFt.

⑤ DCBS-Training
 2163 SqFt.

Common Areas
 7269 SqFt.



Basement - Proposed Layout



Multnomah Building #503
501 SE Hawthorne Blvd.
Portland, Oregon 97214

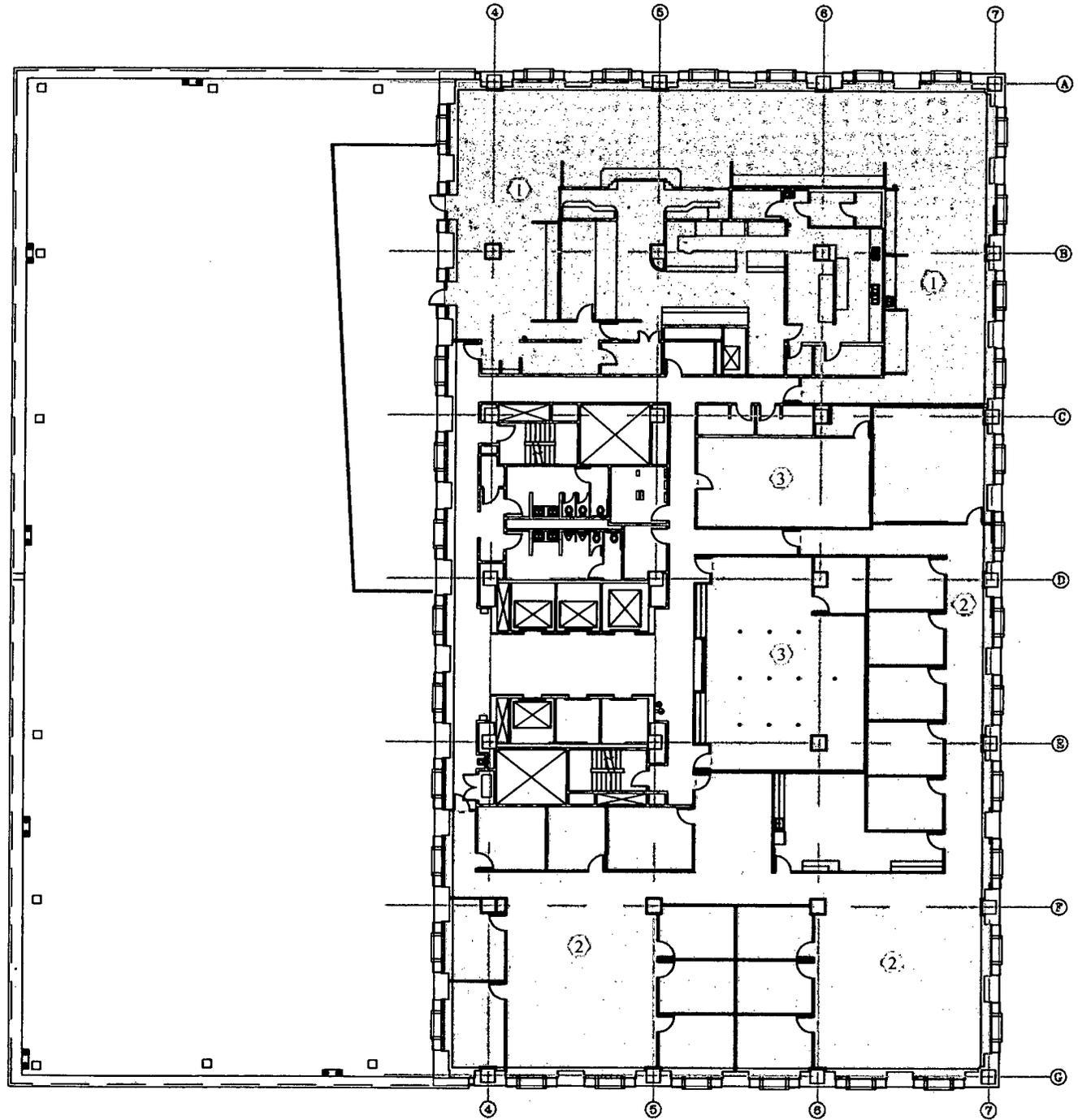
Tenant Information

① Vacant
5911 SqFt.

② County Attorney
7545 SqFt.

③ DBCS-Training
1988 SqFt.

Common Areas
4648 SqFt.



Fifth Floor - Existing Layout



Multnomah Building #503
501 SE Hawthorne Blvd.
Portland, Oregon 97214

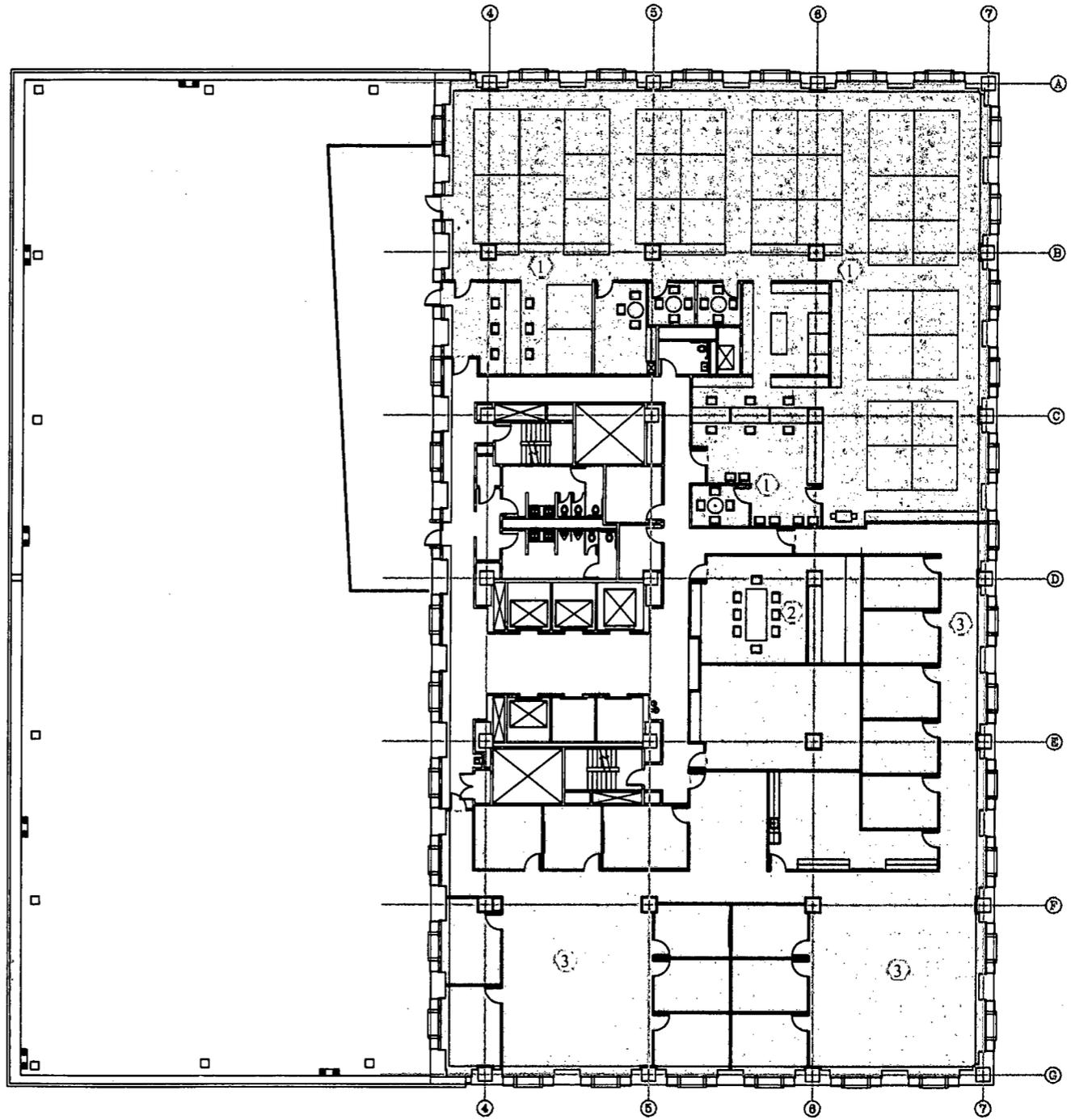
Tenant Information

① Tenant "A"
7349 SqFt.

② Tenant "B"
672 SqFt.

③ County Attorney
7675 SqFt.

Common Areas
4396 SqFt.



Fifth Floor - Proposed Layout



WILLAMETTE RIVER CSO – MORRISON BRIDGE



EXISTING ROOF MULTNOMAH BUILDING



SE ROOFTOPS



ROOFTOPS NE VIEW



Green Roof Project Funding Plan

Construction Cost **\$310,000**

Grants & Contributions

City of Portland Stormwater Grant	\$30,000
State DEQ Pollution Control Grant	\$75,600
Soprema Material Contribution ¹	\$95,000
City of Portland Emerging Technology	\$9,000
Turfseed Material Contribution ²	\$10,000
City of Portland	\$20,000
Subtotal	\$239,600

Current Funding Required	\$70,400
Construction	\$50,400
Contingency	\$20,000

Notes:

1. Soprema sending letter of commitment confirming amount.
2. Turfseed indicated interest verbally, need written letter of commitment.
3. The Oregon Office of Energy interested in providing low interest loan.

Multnomah Building Green Roof

- **What is it?**
 - The green roof project proposed includes the addition of a green roofing system to the existing roof, in combination with a public interpretative center and patio area. The project utilizes the existing roof for the waterproof membrane, and then adds a root barrier layer, a drainage layer, a 4-6 inch soil layer and a plant layer.
 - The plantings include a beautiful variety of colorful plants: wildflowers inner mixed with a fine fescue grass. Decorative grasses will line the border of the roof. These plants are low maintenance, drought tolerant, native species.

- **Why do it?**
 - **Stormwater Treatment** - raw sewage from the Multnomah building dumps into the Willamette River *every day it rains more than 1/10 inch* because the building is in a combined sewer overflow area - meaning stormwater and sewer flow through the same pipes. Existing pipes are at capacity with sewer flows alone – when you add stormwater, they overflow directly into the River by-passing the treatment plant. During an average year, this occurs *over 70 times*. This is equivalent to **37,500 gallons of raw sewage from the Multnomah building during a 1.5" rain event**.
 - **Energy and Stormwater Financial Savings** - are estimated for the Multnomah building at \$2,500 annually or \$100,000 over the 40-year life of the roof at *current* energy rates.
 - **Extended Roof Life** – a green roof can double the life expectancy of the existing roof from 20 years to 40 years. *Ultraviolet rays and extreme temperature swings cannot attack the roof surface*.
 - **Educational Opportunity** – multiple partners have joined Multnomah County to make this a unique demonstration project for the region. Actual performance of the green roof will be measured and monitored – providing critical data to support future work.
 - **Community Benefits** - the patio and green roof area will provide a relaxing and natural environment for employees and visitors to the Multnomah Building. The public accessibility of this rooftop also allow for unique visibility of this roofing technology.
 - **Funding Support** - \$220,000 worth of grants and corporate sponsorships available now. If the project is delayed, we will lose these sponsorships.

Multnomah County Commissioners c/o
Amy Joslin
Assistant Director of Sustainability
Department of Sustainable Community Development
501 SE Hawthorne, Suite 320
Portland, Oregon, 97214-3586

October 24, 2001

Dear Commissioners Linn, Rojo de Steffey, Cruz, Naito, and Roberts:

I am writing you in support of the proposed county Green Roof project for the rooftop of the existing Multnomah building. This is an exciting project that will realize multiple economic, community and environmental benefits to the public and thereby create a clear example of Multnomah County's mission and values.

As a design professional I can assure you that the Green Roof technology you are considering while relatively new to Portland is well proven in other parts of the world. I am certain that in less than a decade Green Roofs will become a normal part of building in the Northwest. In order to realize the shared benefits to our community it is important that the county, along with other public entities, take a leadership role in introducing this approach for the private sector to follow.

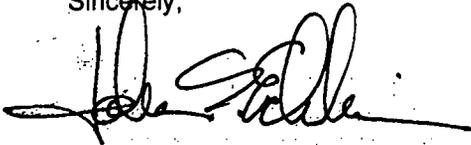
What this new technology represents is a shift in thinking about planning and design. Some call it "Integrated Design". We are beginning to design building systems to accomplish multiple long-term policy goals. Roofs can no longer simply be built to keep out the rain. Given the degradation to our watersheds due to excessive stormwater runoff and the increase in urban temperatures, sometimes called the "heat island effect" that corresponds to higher energy use, the rooftops on our buildings can and should be built to help solve multiple problems.

Not only can Green Roofs be built to capture and store stormwater runoff and reduce surface temperatures they create other benefits as well. Financially, Green Roofs are a better long-term investment. They require less maintenance and typically double a roof's expected life. How do they require less maintenance you ask? The Sedams and drought tolerant plants that absorb ten times their weight in water are very slow growing and do not require trimming as a lawn or garden would. Sedams also require less maintenance than asphalt that cracks and blisters under sunlight.

Environmentally, not only will Green Roofs help save a declining salmon population, they will extend the urban habitat zone for native fauna and help to absorb CO2. Perhaps their greatest benefit though is to the community. By helping educate others to a more enlightened approach to building, Green Roofs can help show that we can indeed build a safe, secure and healthy community that does not destroy the surrounding natural environment within which we live.

I urge you to approve the funding you are considering for this project. You will be fulfilling your role as public stewards, investing the public's funds wisely.

Sincerely,



John S. Echlin, AIA
Principal

**SOPREMA**[®]**RECEIVED**

OCT 18 2001

MARIA ROJO de STEFFEY
COMMISSIONER, DISTRICT 1

October 16, 2001

Attention Maria Rojo De Steffey
Multnomah County Commissioner

Dear Mrs. Steffey:

This is to confirm that Soprema Inc. will sponsor part of the Multnomah building green roof project. The meeting we had with Noel Harding in Ohio was very exciting in regards to the artwork/eco roof concept.

Even if Soprema is first known in the US market as a roofing manufacturer, Soprema is one of the leaders in green roof, and energy conservation roof concept.

We are promoting these concepts in the US and Canadian market, and feel very enthusiast when state officials show their support to ecological needs.

Soprema Inc. will sponsor the project in two folds:

1) Upper roof project

The upper portion of the roof (hill) will be 100% sponsored with Soprema materials and includes Marie Ann Bolvin (green roof consultant) for the top part of the building. Because of our first commitment and our interest to give the county this beautiful artwork, Soprema will sponsor and partner with Noel Harding in fully realizing this public project as a wonderful monument to sustainability.

2) Lower roof project. (6th floor)

The lower roof portion as been defined by Noel Harding to be 14,000 SF. Soprema understand that actual budget figure for the green roof portion is in the vicinity of \$ 150,000, this including substrate, drain, drain mat, transport, plants, and installation cost. Soprema understand that any potential budget saving will help.

Soprema is highly interested to bring that beautiful project to a successful completion, and therefore is ready to offer the following participation.

Supply at cost the substrate, the drain, the filter fabric, and transport to Portland for an amount of \$ 95,000.

Normally the sale price including profit should be \$135,000 (lower roof portion), and this excluding plants and cost of installation of the system.

Soprema understand that a maximum of \$ 10,000 is needed for the plants, and another \$30,000 is needed for the installation of the total green roof system.

SOPREMA, INC.

These are budgetary figures that could be worked locally, and could substantially be reduced if the State or county staff could find some local installer and plant suppliers take part as partial sponsor for the project.

We believe that a team effort should bring the project to completion for a maximum figure of \$ 125,000 for the lower roof portion.

Dear Maria upon you receiving this letter, it will be important that we get in contact to discuss all of these matters, and eventually meet in Portland soon.

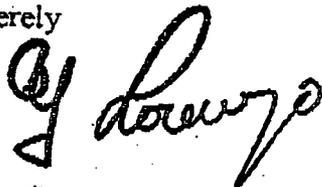
I have indicated to Noel Harding that Soprema is proud and enthusiast in taking part in sponsoring of the project and will be interested to be included in the promotional exposure, such as press release, promotion, interview's and company logo ID. Soprema will not be involved in any liabilities pertaining to the waterproofing of the roof.

We will need a reliability relief letter from the owner of the building.

We are very exited at Soprema to bring this grandiose project to success; it is beautiful, unique, and ecological. It is one of the most futuristic and up to date artwork.

Thank you, and your staff for your vision.

Sincerely



Gilbert Lorenzo
V.P. General Manager
Soprema Inc.





Oregon

John A. Kitzhaber, M.D., Governor

Department of Environmental Quality

811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
TTY (503) 229-6993

March 26, 2002

RE: Notification of prioritization results for FY
2002 319 NPS proposals.

Dear Applicant:

The grant application for funding for the year 2002 that you submitted was evaluated by a regional and statewide team. Your proposal was prioritized and determined eligible to receive funds. We have recommended funding to your proposal to the Environmental Protection Agency. We expect to hear from EPA by mid-April. Please contact your local regional DEQ or me by that time to begin drafting the NPS Interagency Agreement (contract) to proceed with the implementation of the proposed work. For your reference, I am enclosing a list of all proposals received and their score.

If I could provide you with additional information about the comments we received about your proposal, or about the 319 program, please let me know. My phone number is (503) 229-5088.

Sincerely,

Ivan Camacho
Oregon CWA 319 Program Coordinator

Ranking of FY 2002 319 Project Proposals.
Shaded projects represent those projects submitted for funding,
based on FY 2002 EPA's CWA 319 allocation.

#	Title	Cumulative	Budget	Priority Score
11-S	Tenmile Lakes Water Quality Planning and Implementation Phase II	\$247,446	\$247,446	125
01-G	Demonstration of soil and water stewardship using drip irrigation	\$315,156	\$67,710	113
59-S	Durham quarry development	\$595,156	\$280,000	110
14-S	Water quality assessment and improvement in tributaries to Coos Bay	\$736,754	\$141,598	102
15-S	John Day/Umatilla CAFO AFO demonstration project	\$904,754	\$168,000	98
06-S	Multnomah Building Green Roof	\$980,354	\$75,600	97
36-S	Calapooya Creek and Sutherlin Creek Mercury monitoring project	\$1,015,080	\$34,726	97
29-S	Tillamook bay watershed long term trend volunteer monitoring	\$1,044,880	\$29,800	93
63-S	Walla Walla WQ Monitoring and TMDL implementation	\$1,078,080	\$33,200	93
28-S	Trask river riparian restoration demonstration project – Fenk project	\$1,092,456	\$14,376	92
17-S	Clover Ck Instream Riparian Plant	\$1,109,774	\$17,318	91
43-S	Nestucca-Neskowin WQ monitoring and technical assistance	\$1,144,154	\$34,380	91
05-G	Upper Willamette groundwater Management Community Outreach and Hydrogeologic Investigations	\$1,262,262	\$118,408	90
41-S	Umpqua Basin Watershed assessment and action plan, phase III	\$1,369,112	\$106,850	90
18-S	Bear Ck. Watershed comprehensive NPS reduction: community planning, demonstration projects, education and source identification and elimination	\$1,475,372	\$106,260	87
44-S	Trask river riparian restoration demonstration project – Sanchez project	\$1,493,032	\$17,660	87
50-S	Tillamook Bay watershed on-site sewage disposal system sanitary surveys	\$1,535,732	\$42,700	87
58-S	Evaluation of toxics in sediment and water in the Columbia Slough using semi-permeable membrane devices	\$1,562,932	\$27,200	87
30-S	Tillamook urban/residential riparian enhancement assistance program	\$1,591,642	\$28,710	85
07-S	ACWA School Mercury Reduction Pilot Project	\$1,606,520	\$14,878	82
52-S	Smith Ck. Riparian restoration and culvert replacement	\$1,616,520	\$10,000	82
03-G	Rogue Basin Erosion Prevention / Sediment Control Workshops	\$1,622,420	\$5,900	81
31-S	Cavitt Creek Restoration – Phase II	\$1,772,420	\$150,000	81
42-S	Tillamook Buffer Strip Effectiveness Study	\$1,811,871	\$39,451	81
54-S	Bay city stormwater drainage master plan	\$1,837,071	\$25,200	81
37-S	Willow creek demonstration and BMP implementation project (2 year)	\$1,879,271	\$42,200	80
61-S	50 ways to love your river	\$1,914,271	\$35,000	80
12-S	Regional Lake Management Planning for TMDL Development	\$2,028,811	\$114,540	79



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204-1912

503-823-7740, FAX 503-823-6995

Dean Marriott, Director

October 29, 2001

To: Amy Joslin
Assistant Director of Sustainability
Multnomah County
501 SE Hawthorne Blvd. Suite 320
Portland, Oregon 97214

From: Dawn Uchiyama
Willamette Stormwater Control Pilot Program
Bureau of Environmental Services
1120 SW 5th Ave, room 1000
Portland, Oregon 97204

This memo is sent to confirm the selection of Multnomah County's proposed Green Roof Project for the Willamette Stormwater Control Pilot Program. This project will receive \$30,000, contingent on the execution of a signed legal agreement between Multnomah County and the City of Portland Bureau of Environmental Services, the receipt of all necessary project permits, and completed construction in accordance with the final agreement.

On behalf of BES, we look forward to working with the County on this exciting project. Please contact me at (503) 823-0050 if you have any questions or need more clarification.

Post-it® Fax Note	7671	Date	10/29/01	# of pages	1
To	Amy Joslin	From	Dawn Uchiyama		
Co./Dupl.	Mult. Co.	Co.	BES		
Phone #	988.4092	Phone #	823.0050		
Fax #	988.3048	Fax #	823.5344		

PORTLAND STATE UNIVERSITY

October 19, 2001

Ms. Amy Joslin
Assistant Director of Sustainability
Department of Sustainable Community Development
Multnomah County
501 SE Hawthorne, Suite 320
Portland, OR 97214-3586

Ms. Joslin:

Following our discussion of the installation of an eco-roof on the 501 SE Hawthorne Building, I want to extend to you our commitment to support the project. The entire concept is exciting and interesting, and I am anxious for the opportunity for me and my students to be directly involved, hopefully contributing to its overall success.

Here are some specific ways that I would envision our involvement:

1. Design of Monitoring Program – Mechanical Engineering students at Portland State University are required, as part of their education, to design and conduct an experiment. I teach the class, ME 411 Measurement and Instrumentation Systems, which requires that project. Since I have some influence over what projects students select, I would encourage a group (two or three) to identify the measurements needed to monitor the performance of your eco-roof installation, assemble a proof-of-concept experiment, and run the experiment to assure that the instrumentation chosen will perform as designed. That would happen Winter Quarter, 2002. Then during Spring Quarter, 2002, I would continue with the same group of students to complete the design and work directly with the construction company to incorporate monitoring equipment into the project. By installing sensors at the time of construction, costs would be greatly reduced. Those students would then be responsible for commissioning the data collections system, assuring that everything is functioning properly.
2. Monitor Eco-Roof Performance – An engineering student would be employed to regularly check data collection equipment, download data as it is collected, and make sure that reasonable results are being generated.

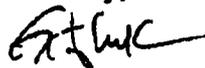
3. Analysis and Interpretation – A graduate student, under my supervision, would compile a full year's worth of data to evaluate the performance of the eco-roof. These analyses would include effectiveness of rainwater capture, discharge water quality, and building energy usage. Recommendations on performance enhancement would, undoubtedly, emerge. Technical papers would be published to disseminate the findings.

Each of these tasks is critical to the success of this project, because you cannot know if the eco-roof achieved its target goals unless its performance is measured. So your motivation for involving students is clear. My motivation is the wonderful educational experience that would be provided to our Mechanical Engineering students, working on this real-world system.

The costs for this monitoring program would be minimal. Portland General Electric will supply monitoring equipment. My time to supervise student design and analyses will be covered by PSU. Some materials and supplies required to install sensors and data loggers will be required. Also, a nominal hourly wage for the student worker who monitors data collection for a year should also be paid.

Again, I am very interested in participating in this eco-roof monitoring project, and I know that our students will relish this opportunity.

Sincerely,



Graig Spolek
Professor and Chair
Mechanical Engineering



Portland General Electric
Commercial / Industrial Operations
16280 SW Upper Boones Ferry Rd.
Portland, OR 97224

October 25, 2001

Amy Joslin
Multnomah County
Department of Sustainable Community Development
501 SE Hawthorne, Suite 320
Portland, OR 97214

Dear Ms Joslin,

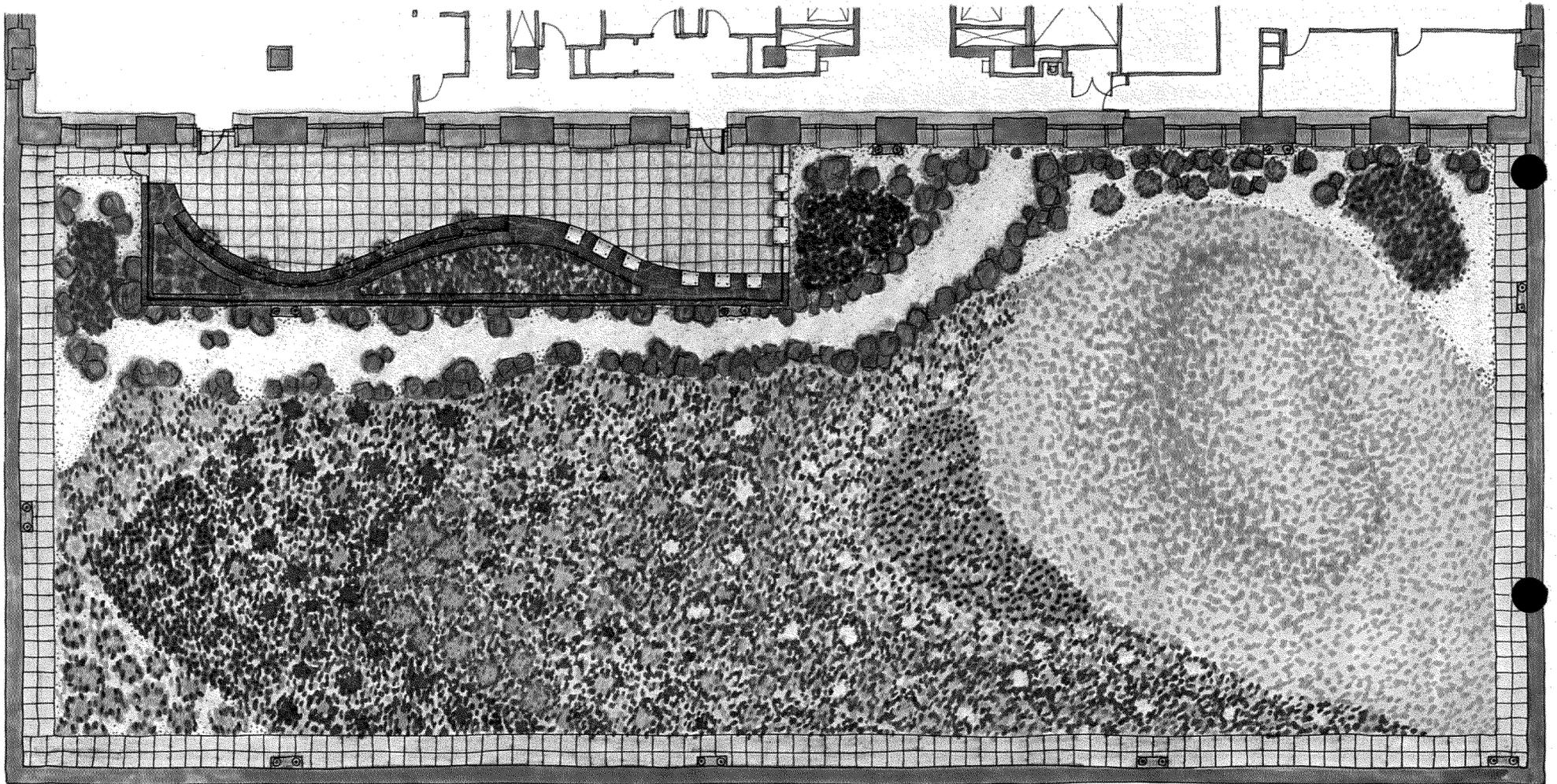
Subject: PGE support of green roof project

I would like to reiterate my interest in supporting the installation of a green roof at your facility. I have attached information on data monitoring equipment that PGE can loan to the county for the duration of the monitoring period, anticipated to be at least one year. I believe we can make available at least three of the datalogger modules for the full period, along with other temporary monitoring. Each data logger can handle four sensors. At the present time we have temperature and humidity sensors. Other types of sensors can be adapted for the dataloggers after a monitoring plan is developed.

This is a very exciting project since it will provide information on the thermal performance of the roof that is available nowhere else. I look forward to participating in any way that I can.

Sincerely,

Janice Peterson
Senior Project Engineer
Portland General Electric

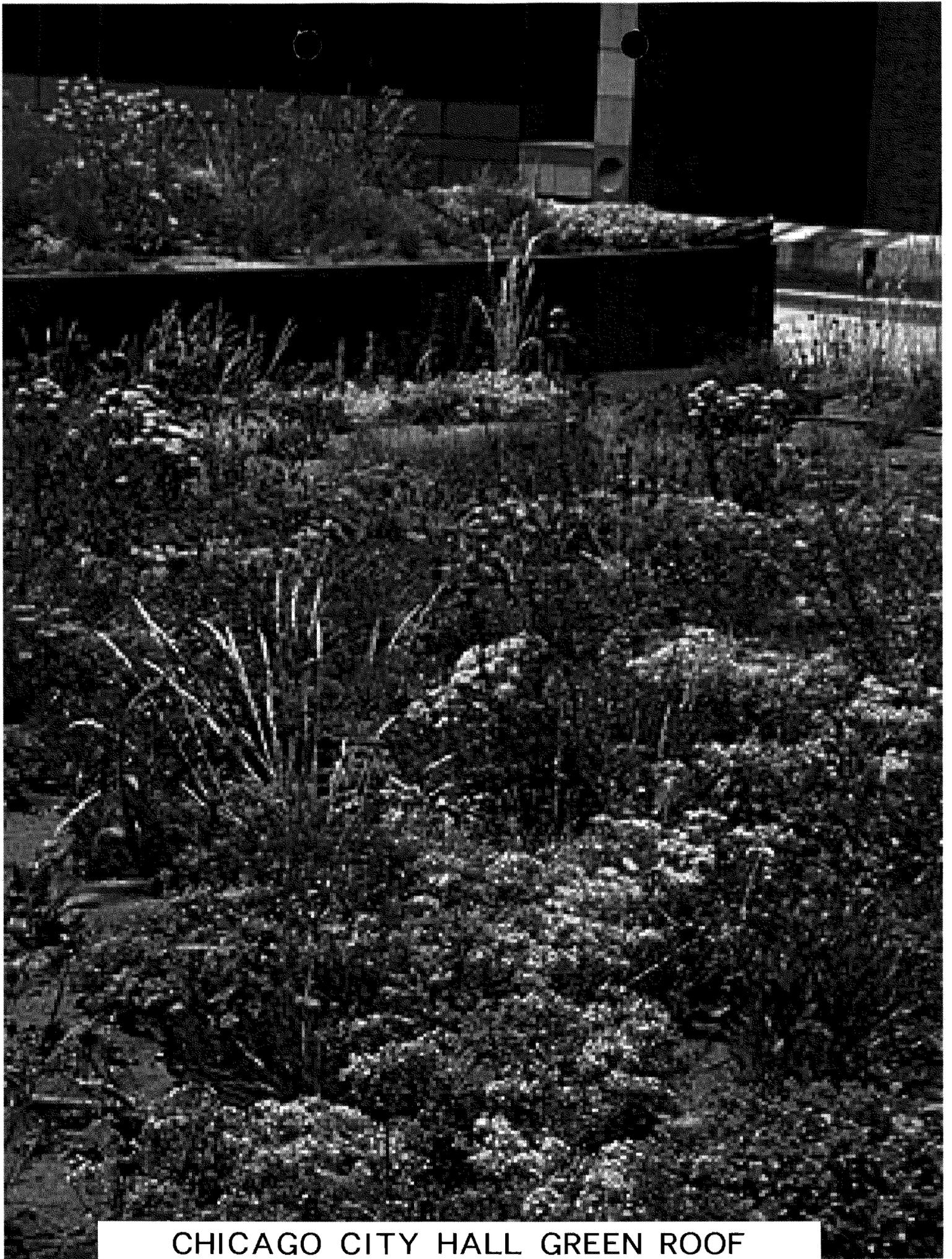


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Commissioner Maria Rojo de Steffey

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Portland, Oregon 97214

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FAX: (503) 988-5440
Email: District1@co.multnomah.or.us

MEMORANDUM

TO: Chair Linn
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts

FROM: Commissioner Maria Rojo de Steffey 

RE: Green Roof

I am attaching a piece on green roofs to this memo for your information as we prepare to hear the green roof briefing next week. I look forward to our presentation.

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Green roofs a growing technology in U.S. cities

Baltimore among towns plotting gardens overhead

By Lane Harvey Brown
Sun Staff

Originally published May 26, 2002

From the roof of his Harford County barn, farmer Ed Snodgrass is using coconut husks, car-bumper liners and heat-treated rock mixed with plants and filters to study the future of urban America.

Snodgrass is a nationally known expert on green roofs, an emerging technology in the United States that replaces hot asphalt with cool plants.

"I have to do so much of my own research," said Snodgrass, 50, who is growing the plants for a 30,000-square-foot roof at Montgomery Park, a \$75 million redevelopment project in Southwest Baltimore. "There aren't any green roofs in America that have been up for more than a few years."

Though the environmentally friendly style is in its infancy in North America -- no one is even sure how many have been planted -- it's all the rage in Europe, especially Germany, where residential, industrial and school rooftops are swathed in green, and laws require new buildings to include green roofs.

In an increasingly paved-over urban world, the roofs' popularity stems from their ability to capture storm water, conserve energy, prolong roof life and lower temperatures inside buildings and around them.

The concept is built in large part on common sense, advocates say. "Basically, cities are dressed in dark clothes," said Jessica Rio, spokeswoman for the Chicago Department of the Environment, which has installed a green roof at City Hall.

Dark roofs fuel heat and storm water runoff. They expand and contract wildly (and wear out faster) in harsh surface temperatures that swing by as much as 100 degrees on the hottest days. And they raise surrounding air temperatures in a phenomenon researchers call the heat-island effect.

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Carpet-like surface

Dressing roofs with lighter-colored plants creates a carpet-like surface that can absorb half or more of normal rainfalls, greatly reducing runoff. Green roof temperatures remain steadier, about 75 to 80 degrees in the summer, which can help roofs last four to five times longer, Snodgrass said. Early studies suggest they can help cool the air around them, too.

Montgomery Park, former East Coast distribution center for Montgomery Ward, will become the home of the Maryland Department of the Environment and the Maryland State Lottery. It will also contain two green roofs. The larger one, about 20,000 square feet, is to be planted next week and will be among the largest on the East Coast, Snodgrass said.

The state Department of Natural Resources has provided a \$100,000 grant to help pay for the roof. The total cost has not been calculated.

A second, 10,000-square-foot roof will be installed later.

Snodgrass' staple roof plants are sedums — sturdy succulents that thrive in harsh conditions and live "virtually forever" by shedding cuttings, or tiny sprigs, that regenerate, he said.

He will work with Jay Noble, owner of Noble's Landscape Service in Baltimore, to devise the planting strategy for the 65,000 plants Snodgrass has grown for the Montgomery Farm project at his farm in Street.

The roof material is made up of a series of layers, about 3 inches deep, which protects the rooftop and provides growing area. Waterproof material goes on the bottom, followed by filter cloth that lets water -- but not soil -- pass through. Then insulation, more filter cloth and a thin soil layer. On top is spread a thick layer of expanded slate, which has been heat-treated to make it lighter and more porous.

Once the plants, some with reddish foliage, others with yellow and white flowers, are established, little maintenance is necessary, Snodgrass said. The roots will twine into the slate's tiny holes as they grow.

And that's the beauty behind green roofs, experts say: The no-fuss, no-frills covering requires little work but yields a big environmental bang for the buck.

When the green roof is completely planted and soaking wet, it will add about 15 pounds per square foot to the roof weight, Snodgrass said.

Much remains to be learned about the benefits, said Bill Hunt,

engineer and extension specialist at North Carolina State University, one of a handful of schools studying green roofs.

"If you want to find research in its infancy, this is it," he said, noting that N.C. State is studying the quantity and quality of water that comes off green roofs. Michigan State University is studying plant material, and Penn State University is looking at insulation and runoff issues.

Early evidence looks promising. A study done by Roy F. Weston Inc., an environmental consulting and engineering firm in West Chester, Pa., for the city of Chicago found that if 30 percent of the roofs were green, the city could save about \$100 million a year in energy costs, said Weston project director Sandra McCullough.

She said the roof insulates so well that energy costs can be cut in half in the summer and about 25 percent in the winter.

Chicago officials used the study as impetus to plant a green roof at City Hall. Part of the U-shaped building still has a conventional blacktop roof.

The planting, 20,000 plants in 20,000 square feet, has been finished for about a year, and the roof is "pretty much totally covered," said Rio, the Chicago energy department spokeswoman. Along with plants, the roof is replete with birds, butterflies, dragonflies and grasshoppers.

Rio said energy department researchers, using infrared thermometers to measure roof temperatures, have found that on a 100-degree day last summer, the blacktop roof was 165 degrees, while the green roof was 85.

Robert Goo, environmental protection specialist in the EPA's Office of Water, said the technology offers "tremendous opportunities" for expansive flat-roof buildings, such as Ford Motor Co.'s 480,000-square-foot River Rouge plant in Michigan, which is getting a \$2 billion overhaul that will include a green roof.

Blunting runoff's impact

Green roofs "are one tool that can be used to decrease impacts of runoff and, particularly, flow to streams in urbanizing areas," said Goo. "They have the potential to decrease pollution borne in the air," such as acid rain, by collecting and filtering contaminants in rainwater.

The storm water that runs off a green roof moves more slowly and is cooler, said Charlie Miller, civil engineer and president of Roofscapes, a Philadelphia-based green roof design and installation company.

The field is new enough that Snodgrass, whose other projects include green roofs at Harvard University, a public library in Skokie, Ill., and Harford Community College, is one of only a handful of green-roof plant growers in the nation. A former dairy and grain farmer, Snodgrass saw the green-roof wave coming to America in the mid-1990s, so he positioned his farm business squarely in front of it.

He spends most of his day on the barn roof or in his greenhouse, studying plants and things such as coconut husks and bumper liners, which could be used as a growing medium. He guesses he has grown about 250,000 plants.

The rest of his time is spent answering inquiries, which are increasing all the time.

The fifth-generation farmer says he looks forward to the day when green roofs take root as firmly in North America as they have in Germany.

"I'm excited about flying into BWI or Toronto and seeing all those long, flat roofs covered by green roofs," he said, as storm clouds began dropping thick splats of rain on his greenhouse roof. "That's more my world view."

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