



Multnomah County Oregon

## Board of Commissioners & Agenda

connecting citizens with information and services

### BOARD OF COMMISSIONERS

#### Jeff Cogen, Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

#### Deborah Kafoury, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: [district1@co.multnomah.or.us](mailto:district1@co.multnomah.or.us)

#### Barbara Willer, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

Email: [district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

#### Judy Shiprack, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: [district3@co.multnomah.or.us](mailto:district3@co.multnomah.or.us)

#### Diane McKeel, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: [district4@co.multnomah.or.us](mailto:district4@co.multnomah.or.us)

Link to watch live Thursday Board meetings on-line:

[www2.co.multnomah.or.us/cc/live\\_broadcast.shtml](http://www2.co.multnomah.or.us/cc/live_broadcast.shtml)

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Americans with Disabilities Act Notice: If you need this agenda in an alternate format or wish to attend a Board Meeting, please call the Board Clerk (503) 988-3277. Call the City/County Information Center TDD number (503) 823-6868 for info on available services and accessibility.

### APRIL 6 & 8, 2010 BOARD MEETINGS HIGHLIGHTS

10:00 am Tuesday – PD-1 - Briefing and Policy  
Discussion on Issues Raised by the District Attorney

11:00 am Tuesday – PD-2 - Briefing and Policy  
Discussion on Transportation Funding and Needs

9:30 a.m. Thursday - Opportunity for Public Comment  
on Non-Agenda Matters

9:30 am Thursday – R-4 - Review & Approval of the  
Multnomah County 2010-2014 Transportation Capital  
Improvement Plan and Program (CIPP) with  
Testimony.

10:00 am Thursday – Sellwood Bridge Project

11:00 am – Thursday – April 5-11 Public Health  
Awareness Week in Multnomah County- Proclamation  
& Presentation

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Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media  
(503) 667-8848, ext. 332 for further info  
or: <http://www.metroeast.org>

Tuesday, April 6, 2010 - **7:30 AM to 9:00 AM**  
Multnomah Building, Third Floor Conference Room 315  
501 SE Hawthorne Boulevard, Portland

## **LOCAL PUBLIC SAFETY COORDINATING COUNCIL EXECUTIVE COMMITTEE MEETING**

A quorum or more of the Multnomah County Board of Commissioners may attend the Local Public Safety Coordinating Council Executive Committee meeting. This meeting is open to the public. For further information contact Elizabeth Davies at (503) 988-5002.

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Tuesday, April 6, 2010 - **10:00 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100

## **POLICY ROUNDTABLE DISCUSSIONS**

- PD-1 Briefing and Policy Discussion on Issues Raised by the District Attorney, Including Victim Advocates Program, Prosecution Caseload, Child Support Program, American Recovery and Reinvestment Act (ARRA) Funding, and Regional Justice Network (RJNET). Presenter: Mike Schrunk (1 hr)
- PD-2 Briefing and Policy Discussion on Transportation Funding and Needs. Presenters: Jerry Elliott, Kim Peoples, Ian Cannon and Karen Schilling (1 hr)

Thursday, April 8, 2010 - 9:15 AM  
Multnomah Building, Commissioners Board Room 100  
501 SE Hawthorne Boulevard, Portland

**REGULAR MEETING**

**CONSENT CALENDAR - 9:15 AM**

**NON-DEPARTMENTAL**

- C-1 Budget Modification NOND-12, requesting approval to Reclassify One Position in the County Attorney's Office as Determined by the Class/Comp Unit of Central Human Resources

**COUNTY MANAGEMENT**

- C-2 ORDER Authorizing the Public Sale of 16 Tax Foreclosed Properties at Public Auction and Execution of Sale Documents

**REGULAR AGENDA**

**COMMUNITY JUSTICE – 9:15 am**

- R-1 Notice of Intent (NOI) to Apply for the Justice and Mental Health Collaboration Program Grant from the US Department of Justice in the Amount of \$200,000 (5 min)

**COMMUNITY SERVICES – 9:20 am**

- R-2 SECOND READING ORDINANCE 1159 Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions to Adopt the Invasive Plant Policy Review and Regulatory Improvement Project Report in Compliance with Metro's Functional Plan. Presenter: Adam Barber (5 min)

**COUNTY MANAGEMENT – 9:25 am**

- R-3 Approval of the Agreement for Management Services for the Justice Center Condo Association. Bob Thomas & Matt Ryan (5 min)

**PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer. This is a time for the Board to hear public testimony, not for Board deliberation. Fill out a yellow speaker form available at the back of the Boardroom and give it to the Board Clerk. Unless otherwise recognized by the presiding officer, testimony is taken in the order the forms are submitted.

RES, 039

**DEPARTMENT OF COMMUNITY SERVICES – 9:30 am**

R-4 Review & Approval of the Multnomah County 2010-2014 Transportation Capital Improvement Plan and Program (CIPP) with Testimony. Jane McFarland, Kim Peoples & Ian Cannon (30 min)

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**COMMUNITY SERVICES**

**SELLWOOD BRIDGE PROJECT – 10:00 am time certain**

R-5 Findings of Fact Supporting an Exemption (FFE) from Competitive Bidding Requirements and RESOLUTION 2010-040 Allowing the Use of the Construction Manager/General Contractor (CM/GC) Competitive Selection Process for the Sellwood Bridge Replacement Project. Presenter: Ian Cannon (15 min)

Shirley m. d.

R-6 Presentation and Acceptance of Accepting the American Road & Transportation Builders Association (ARTBA) Community Relations Award for 2009 to Multnomah County for the Public Involvement Process Developed for the Sellwood Bridge Project. Presenters: Ian Cannon (15 min)

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REVISED  
4/6  
6pm

**10th Annual Public Health Heroes Proclamation/Presentation – 11:00 am time certain**

R-8 PROCLAMATION 2010-042 Proclaiming April 5th through April 11th, 2010 Public Health Awareness Week in Multnomah County, Oregon. This Year Highlights the Theme “A Healthier America – One Community at a Time” and Presentation of Multnomah County's Annual Public Health Heroes Celebration. Lillian Shirley and Invited Others. (1 hour)

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UNTIL  
11:00 am

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PLEASE  
TURN OFF  
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Put ON FUTURE

Jan 4 2007

AGEND A TEMPLATE  
June 2nd 2005  
Board Rules





Multnomah County Oregon

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**APRIL 6 & 8, 2010**

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**COMMUNITY SERVICES – 9:20 am**

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**COUNTY MANAGEMENT – 9:25 am**

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**PUBLIC COMMENT - 9:30 AM**

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**DEPARTMENT OF COMMUNITY SERVICES – 9:30 am**

- R-4 RESOLUTION 2010-039 - Review & Approval of the Multnomah County 2010-2014 Transportation Capital Improvement Plan and Program (CIPP) with Testimony. Jane McFarland, Kim Peoples & Ian Cannon (30 min)

**COMMUNITY SERVICES**

**SELLWOOD BRIDGE PROJECT – 10:00 am time certain**

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Thursday, April 8, 2010 - 9:15 AM  
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**REGULAR MEETING**

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

**CONSENT CALENDAR - 9:15 AM**

**MAY I HAVE A MOTION ON <sup>Shir</sup>THE CONSENT CALENDAR?**

**COMMISSIONER <sup>Shir</sup>MOVES**

**COMMISSIONER <sup>Mc</sup>SECONDS**

**APPROVAL OF THE CONSENT CALENDAR**

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

**NON-DEPARTMENTAL**

C-1 Budget Modification NOND-12, requesting approval to Reclassify  
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**COUNTY MANAGEMENT**

C-2 ORDER Authorizing the Public Sale of 16 Tax Foreclosed Properties  
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**REGULAR AGENDA**

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R-1 Notice of Intent (NOI) to Apply for the Justice and Mental Health Collaboration Program Grant from the US Department of Justice in the Amount of \$200,000 (5 min)

✓  
**COMMISSIONER \_\_\_\_\_ MOVES**  
**COMMISSIONER \_\_\_\_\_ SECONDS**  
**APPROVAL OF R-1**

**PRESENTATION & RESPONSE TO QUESTIONS**  
**OPPORTUNITY FOR PUBLIC TESTIMONY**  
**OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THE MOTION FAILS OR**  
**THE NOTICE OF INTENT IS APPROVED**

**COMMUNITY SERVICES – 9:20 am**

R-2 SECOND READING ORDINANCE 1159 - Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions to Adopt the Invasive Plant Policy Review and Regulatory Improvement Project Report in Compliance with Metro's Functional Plan. Presenter: Adam Barber (5 min)

**COMMISSIONER Shirley MOVES**  
**COMMISSIONER Walter SECONDS**  
**APPROVAL OF THE SECOND READING AND ADOPTION**

**PRESENTATION & RESPONSE TO QUESTIONS**  
**OPPORTUNITY FOR PUBLIC TESTIMONY**  
**OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THE MOTION FAILS OR**  
**THE SECOND READING IS APPROVED AND THE**  
**ORDINANCE IS ADOPTED**

**COUNTY MANAGEMENT – 9:25 am**

R-3 Approval of the Agreement for Management Services for the Justice Center Condo Association. Bob Thomas & Matt Ryan (5 min)

COMMISSIONER McKeel MOVES  
COMMISSIONER McKeel SECONDS  
APPROVAL OF R-3

**PRESENTATION & RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THE MOTION FAILS OR  
THE MANAGEMENT SERVICES AGREEMENT IS APPROVED**

**PUBLIC COMMENT - 9:30 AM**

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**COMMISSIONER McKEEL WILL ADVISE THE BOARD OF REVISIONS TO TABLE 12 AND RECOMMEND TO THE CHAIR THAT A MOTION TO CONSIDER THE REVISED CIPP PLAN WITH A SUBSTITUTED TABLE 12. (COPIES WILL BE AVAILABLE IN BACK FOR PUBLIC. ONCE IT IS SUBSTITUTED, CHAIR COGEN WILL BRIEF THE BOARD ON THE CHANGES.**

**DO I HEAR A MOTION TO APPROVE THE CIPP PLAN WITH  
THE SUBSTITUTED TABLE 12?**

**COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF R-4**

**PRESENTATION & RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THE MOTION FAILS OR  
THE RESOLUTION IS ADOPTED**

**COMMUNITY SERVICES**

**SELLWOOD BRIDGE PROJECT – 10:00 am time certain**

R-5 Findings of Fact Supporting an Exemption (FFE) from Competitive Bidding Requirements and RESOLUTION 2010-040 Allowing the Use of the Construction Manager/General Contractor (CM/GC) Competitive Selection Process for the Sellwood Bridge Replacement Project. Presenter: Ian Cannon (15 min)

**COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF R-5**

**PRESENTATION & RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THE MOTION FAILS OR  
THE RESOLUTION IS ADOPTED**



- R-6 Presentation and Acceptance of Accepting the American Road & Transportation Builders Association (ARTBA) Community Relations Award for 2009 to Multnomah County for the Public Involvement Process Developed for the Sellwood Bridge Project. Presenters: Ian Cannon (15 min)

*Marcy Schwartz  
Award*

**NON-VOTING ITEM.**

**PRESENTATION AND RESPONSE TO BOARD QUESTIONS  
AND DISCUSSION.** *Before comments*

- R-7 REVISED RESOLUTION 2010-041 Appointing a Community Advisory Committee for the Sellwood Bridge Project. Presenter: Ian Cannon (15 min)

STAFF WILL PROPOSE THAT AMENDED TEXT TO INDICATE YOU/DESIGNEE CAN APPOINT ADDITIONAL MEMBERS; APPOINTMENTS CAN BE MADE AFTER THE RESOLUTION IS ADOPTED; AND THEY'VE ADDED FIVE MORE FOLKS TO SERVE, WHOSE NAMES ARE ON THE REVISED RESOLUTION.

**DO I HAVE A MOTION TO APPROVE THE REVISED  
RESOLUTION?**

COMMISSIONER *Imprach* MOVES  
COMMISSIONER *McKee* SECONDS  
APPROVAL OF R-7

*1st mtg  
April  
12th*

**PRESENTATION & RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THE MOTION FAILS OR  
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**10th Annual Public Health Heroes Proclamation/Presentation –**  
**11:00 am time certain**

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COMMISSIONER McKeel MOVES  
COMMISSIONER Shirley SECONDS  
APPROVAL OF R-8

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?  
THE MOTION FAILS OR  
THE PROCLAMATION IS ADOPTED

PRESENTATION & RESPONSE TO QUESTIONS  
THEY WILL READ PROCLAMATION  
RESPOND TO QUESTIONS

OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

JUST FYI: A RECEPTION FOLLOWS AT NOON IN ROOM 112

**ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS, THE MEETING IS  
ADJOURNED.**



## **Local Public Safety Coordinating Council Executive Committee**

***Tuesday, April 6, 2010  
7:30 to 9:00 a.m.  
Multnomah Building - Room 315  
501 S.E. Hawthorne Blvd.***

<b>Introductions, Announcements &amp; Approval of the March 2, 2010 Meeting Minutes</b> <i>Chair Dan Saltzman</i>	5 minutes
<b>Future Direction of LPSCC and Survey Results</b> <i>Co-Chairs Dan Saltzman &amp; Judy Shiprack</i>	30 minutes
<b>Reports from Committees and Workgroups</b>	10 minutes
Reentry Council <i>Sheriff Dan Staton &amp; Scott Taylor</i>	
Domestic Violence Fatality Review Team <i>Judge Jean Maurer &amp; Commissioner Diane McKeel</i>	
Mental Health & Public Safety Subcommittee <i>Judge Julie Frantz &amp; Joanne Fuller</i>	
Youth & Gang Violence Workgroup <i>Chief Craig Junginger, Joanne Fuller &amp; Mike Ware</i>	
<b>Review &amp; Approval of Juvenile Crime Prevention Plan</b> <i>Rob Halverson, Thach Nguyen,     Rebecca Stavenjord &amp; Thuy Vanderlinde</i>	20 minutes
<b>Mental Health and Addiction Services: Biennial Implementation Plan</b> <i>Karl Brimmer</i>	10 minutes
<b>Budget Roundtable: Local and State Changes</b> <i>Council Members</i>	15 minutes

**NEXT MEETING – TUESDAY, MAY 4, 2010**



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised 12/31/09)

## Board Clerk Use Only

Meeting Date: 04/06/2010  
Agenda Item #: PD-1  
Est. Start Time: 10:00 AM  
Date Submitted: 02/08/2010

**Agenda Title:** Briefing and Policy Discussion on Issues Raised by the District Attorney, Including Victim Advocates Program, Prosecution Caseload, Child Support Program, American Recovery and Reinvestment Act (ARRA) Funding, and Regional Justice Network (RJNET)

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

Requested Meeting Date: April 6, 2010 Amount of Time Needed: 2 hours  
Department: Non-Departmental Division: Commission District 1  
Contact(s): Beckie Lee, Jana McLellan  
Phone: 503-988-6796 Ext. 86796 I/O Address: 503/6<sup>th</sup>  
Presenter(s): Mike Schrunk

## General Information

**1. What action are you requesting from the Board?**

No action required.

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

Board briefing and discussion on issues raised by the District Attorney including Victim Advocates program, prosecution caseload, Child Support Program and ARRA funding, and RJNET.

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

None.

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

None.

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

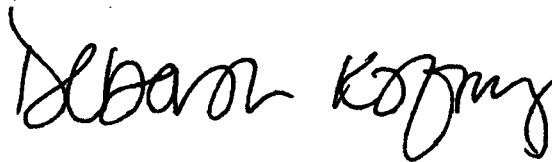
None.

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**Required Signature**

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**Elected Official or  
Department/  
Agency Director:**



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**Date:** 02/05/2010

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## Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600  
Portland, OR 97204-1193  
Phone: 503-988-3162 Fax: 503-988-3643  
[www.mcda.us](http://www.mcda.us)

### MEMORANDUM

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**To:** Michael D. Schrunk  
**From:** D. Scott Marcy  
**Date:** March 5, 2009  
**Subject:** Multnomah County Medical Examiners Office

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#### BACKGROUND

The purpose of the Medical Examiner Division is to provide direction and support to the state death investigation program. The Medical Examiner manages all aspects of the state medical examiner program and has responsibility for technical supervision of county offices in each of the 36 counties of Oregon.

The main activity of the division is to certify the cause and manner of a death requiring investigation within the authority of ORS Chapter 146.

Located at 13309 SE 84<sup>th</sup> Ave. Suite 100 Clackamas, Oregon the office accommodates Clackamas County Medical Examiners staff, Multnomah County Medical Examiners staff and State Medical Examiners physicians and staff including the office of the State Medical Examiner Dr. Karen Gunson who is an appointee of the Superintendent of the Oregon State Police.

The Multnomah County ME Office currently has a staff of nine full time Employees. This includes six Deputy Medical Examiners, two Pathologist Assistants and a Senior Office Assistant. In accordance with ORS 1460.085 the staff is hired through the County's recruitment process and is subject to its personnel rules. All County positions in the ME Office are part of the Local 88 bargaining unit.

In June of 1997, after several years under the Health Department budget and oversight by the County Health Officer, and by mutual written agreement of the parties, the ME Office and its budget were transferred from the County Health Department to the District Attorney's Office. Since that time the District

Attorney's Office has provided budgetary and financial oversight assistance as well as human resource capacity for the ME Office.

### **The case for change**

The arguments for separating the ME Office from the DA Office are summarized in the following points:

- **Unique structure-** Oregon Revised Statute 146 prescribes a not only a unique function for the Medical Examiners Office but also a unique structure. The ORS calls for a blending of State Medical Examiner staff with County staff and provides that the District Medical Examiner (in this case Dr. Gunson), have responsibility for the daily operation and supervision of the office. In the past this has created some confusion for staff and some difficulty in the administration of personnel actions, contract union negotiations etc... It is felt that having authority for all areas consolidated under the State Medical Examiner is a far preferable system and promotes a smoother running operation. Likely this could be accomplished by written agreement between the parties including the Local 88 union.
- **Physical location-** Several years ago the Multnomah County ME Office moved to its present location in Clackamas, Oregon. This means that for the Multnomah County staff involved, their official work location is actually outside of the boundary of Multnomah County. This logistical issue has created the need for a number of workarounds such as the use of the state's computer, phone and mail systems. While the office does have access to SAP, its remote location and small number of staff have required role exceptions that are not considered ideal or best practices and have created challenges for the DA Office and its limited finance staff to provide oversight and assistance.
- **Similar Jurisdictions-** The placement of the Medical Examiner function varies with jurisdictions. A quick look at comparables reveals the following: Lane County Health & Human Services, Clackamas County Emergency Services, Washington County Health & Human Services, Marion County Heath Department and Clark County Washington the ME office reports directly to the County Administrator.

Within the two years the Clackamas County Board approved moving the ME function from the District Attorney's Office to Emergency Services. In Clackamas County Emergency Services is the equivalent of Emergency Management in Multnomah County and responsible for Disaster planning and response. It was felt that the ME Office important contribution and role in disaster events made Emergency Services a good fit for the organization.

- **Public Perception of independence-** Because of their responsibility to investigate unusual death and homicide cases and then to provide testimony and/or evidence in such cases when called upon, it is important that the ME Office maintain a public perception of independence from its Criminal Justice partners. Although the ME Office connection to the District Attorney's Office has not been questioned by the media, there have occasionally been media stories questioning the connection between the State Medical Examiners Office and its umbrella organization the Oregon State Police. Positioning the ME Office more independently from the District Attorney's Office would enable a greater public perception of independence.
- **Potential for District Office-** ORS 146 gives the State Medical Examiner the authority to create District Medical Examiners Office and appoint a District Medical Examiner with the approval of the State Medical Examiners Advisory Board. The current location of the Medical Examiners Office and its co-location with the State Medical Examiner and Clackamas Medical Examiners Office lends itself to such solution. Under this scenario the Counties affected would continue to be responsible monetarily for expenses incurred by the District Office including the salary of the District Medical Examiner and Assistant District Medical Examiners, but operation of the office would fall entirely under the State Medical Examiners authority. This structure presents a potential for identifying efficiencies and eliminating confusion over staffing and personnel issues.



**Summary**

Based on the structure, location, size of the jurisdictions involved and unique function of the Medical Examiners Office, it seems a logical step to structure a District Medical Examiners Office for Multnomah, Clackamas and possibly Washington County. There is a need for independence for the organization as well as uniformity in the internal functions such as Finance and Human Resources. To position the Multnomah County Medical Examiners Office for this evolution and for the reasons outlined above it is felt that both entities would be well served if the ME Office were made an independent non-departmental agency reporting to the County Chair or his designee. An alternative resolution would be to follow the example of Clackamas County and attach the ME Office to Multnomah County Emergency Management.

District Attorney's Office  
Policy Issues

Policy Issue:

The Public Safety Plan of 2007 recommended that the District Attorney's Office increase the number of Victim Advocates based on recommended levels by the Oregon Department of Justice and the National Association of VOCA Assistance Administrators. Those recommended levels are one victim advocate to seven prosecutors. The current level in the Multnomah County District Attorney's Office is one advocate to twelve prosecutors. This need is supported by the recent Secretary of State Audit Report on restitution issues which highlights the need to focus greater attention on restitution for victims of crime.

Desired Outcome: Increase the number of Victim Advocate positions from 6.5 to 10 which would bring the ratio of victim advocates to prosecutors in line with other jurisdictions of similar size.

Time Frame: Within the next two years.

Partners and Stakeholders: State Courts, Law Enforcement Agencies, service providers.

Clients: Victims of crime and their families.

Category: Fiscal/budgetary and clients.

\*\*\*\*\*

Policy Issue: The 2009 Corrections Grand Jury report found "...within the last year there have been over 100 new police officers hired by various police agencies in the county." How to operationally handle the potential influx of new cases due to more officers on the street and respond to increased case numbers while maintaining our standard of prosecution services in the face of potential budget cuts.

Desired Outcome: To the extent possible maintain current staffing levels to be responsive to the potential increase in prosecution caseload.

Time Frame: Current fiscal year and beyond.

Partners and Stakeholders: Law Enforcement Agencies, State Courts, MCSO Corrections, Department of Community Justice, treatment providers.

Clients: Law Enforcement Agencies, Crime Victims.

Category: Fiscal/budgetary and clients.

\*\*\*\*\*

Policy Issue: The ARRA allowed the Child Support Program to leverage incentive revenue for an additional 66% match. Unless this is made permanent this change is scheduled to sunset in September 2010. Even though State general fund could be made available, it is possible that the program could lose \$180,000 in revenue or more. In S. 1859 Senator Rockefeller has proposed legislation to fix the problem as has Senator Bayh in S. 1309.

Desired Outcome: Ask Oregon Senatorial delegation to support these bills or ensure the State provides sufficient funding to backfill.

Time Frame: 10 months

Partners and Stakeholders: Oregon Department of Justice Division of Child Support, Oregon District Attorney Child Support Programs

Clients: families to whom child support is owing, approximately 8,000 cases in Multnomah County.

Category: Fiscal/Budgetary, Legislative, Client

\*\*\*\*\*

Policy Issue: The Public Safety Plan of 2007 identified the Regional Justice Network (RJNET) as one of the top short term and long term priorities for the Criminal Justice System in Multnomah County. A recent feasibility study produced by the consulting firm MTG supported the need for individual data systems within Public Safety to more effectively share real time data between systems. A projected cost for the project over a 5 year period is \$3.5 million. Similar integrated data sharing systems in other jurisdictions have created millions of dollars in savings and/or resources put to more effective use.

Desired Outcome: The County should formally recognize RJNET as a critical and priority project and actively seek federal, state or other funding opportunities with its partners.

Time Frame: 1-2 years

Partners and Stakeholders: MCSO, MCDA, State Courts, DCJ, Portland Police Bureau, Gresham PD, Oregon State Police, Public Defender, LPSCC, Washington County, Clackamas County

Clients: Criminal Justice Agencies, LPSCC

Category: Fiscal/Budgetary, Operational, Cross Jurisdictional

\*\*\*\*\*

Policy Issue: Based on the structure, location, size of the jurisdictions involved and unique function of the Medical Examiners Office, it seems a logical step to structure a District Medical Examiners Office for Multnomah, Clackamas and possibly Washington County. There is a need for independence for the organization as well as uniformity in the internal functions such as Finance and Human Resources. To position the Multnomah County Medical Examiners Office for this evolution the Office should be made an independent non-departmental agency reporting to the County Chair or his designee, or as an alternative, and to follow the example of Clackamas County and attach the ME Office to Multnomah County Emergency Management.

Desired Outcome: The County should incorporate the County Medical Examiner" Office into County Emergency Management or make it truly independent as a non-departmental office.

Time Frame: 1-2 years

Partners and Stakeholders: MCDA, County Medical Examiners Office, State Medical Examiners Office, Oregon State Police.

Clients: citizenry

Category: Fiscal/Budgetary, Operational, Cross Jurisdictional



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(Revised 12/31/09)

## Board Clerk Use Only

Meeting Date: 04/06/2010  
Agenda Item #: PD-2  
Est. Start Time: 11:00 AM  
Date Submitted: 01/28/2010

**Agenda Title:** Briefing and Policy Discussion on Transportation Funding and Needs

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

Requested Meeting Date: April 6, 2010 Amount of Time Needed: 1 hour  
Department: Community Services/BCC Division: Director's Office  
Contact(s): Cecilia Johnson  
Phone: 503 988 5880 Ext. 85880 I/O Address: 455/224  
Presenter(s): Cecilia Johnson, Ian Cannon, Jerry Elliott, Kim Peoples, Karen Schilling

## General Information

### 1. What action are you requesting from the Board?

No action required. This briefing has been requested by the Board of County Commissioners. We will provide information concerning the Transportation Funding Model and the inherent structural deficit. In addition, we will provide information to the Board regarding possible options for funding and governance.

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

The Board of County Commissioners and their staff have created a list of varied budget and policy issues they would like to discuss with staff prior to May 2010. The state revenue model for the provision of funding to jurisdictions includes inherent assumptions that do not address the reality of the economic and environmental changes in our lives. The impact of inflation on supplies, materials and labor essential to maintain our Roads and Bridge infrastructure results in a growing gap between revenues and needed expenditures. The DCS Transportation team will discuss some possible strategies to address this issue.

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

There is no fiscal impact. This is for the purpose of sharing information only.

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

In the discussion regarding solutions we will discuss optional transportation funding policy changes that would impact state law and/or local agreements.

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

Citizen input is not expected.

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**Required Signature**

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**Elected Official or  
Department/  
Agency Director:**



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**Date: 01/28/2010**

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**Cecilia Johnson notified me that  
the Presenters will bring a handout  
with them to the Briefing**

**Sent:** Monday, March 29, 2010 2:49 PM

**To:** #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT

**Cc:** ELLIOTT Gerald T; PEOPLES Kim E; CANNON Ian B; SCHIL

**Subject:** April 6th Briefing RE: Transportation Funding and Capital Needs

Dear Chair and Commissioners,

DCS was originally scheduled to provide the policy briefing regarding the structural deficit in transportation and our Capital needs in February. Because we also are needing to present the update Capital plan and program for BCC approval, we requested a later date so that the two could be scheduled in close proximity to one another.

The result of rescheduling means the BCC briefing will be on next Tuesday, April 6<sup>th</sup> and the Capital plan and program hearing and resolution for adoption will occur next Thursday, April 8<sup>th</sup>. However, I regret that I will not be in attendance on April 6<sup>th</sup> as I will be returning from a wedding in Jamaica on that day. Jerry Elliott, Kim Peoples, Ian Cannon and Karen Schilling will be providing you the briefing.

I apologize for having to miss the briefing, but made the commitment to the wedding trip in December of last year. Thanks in advance for your understanding.

Cecilia



# Transportation Funding

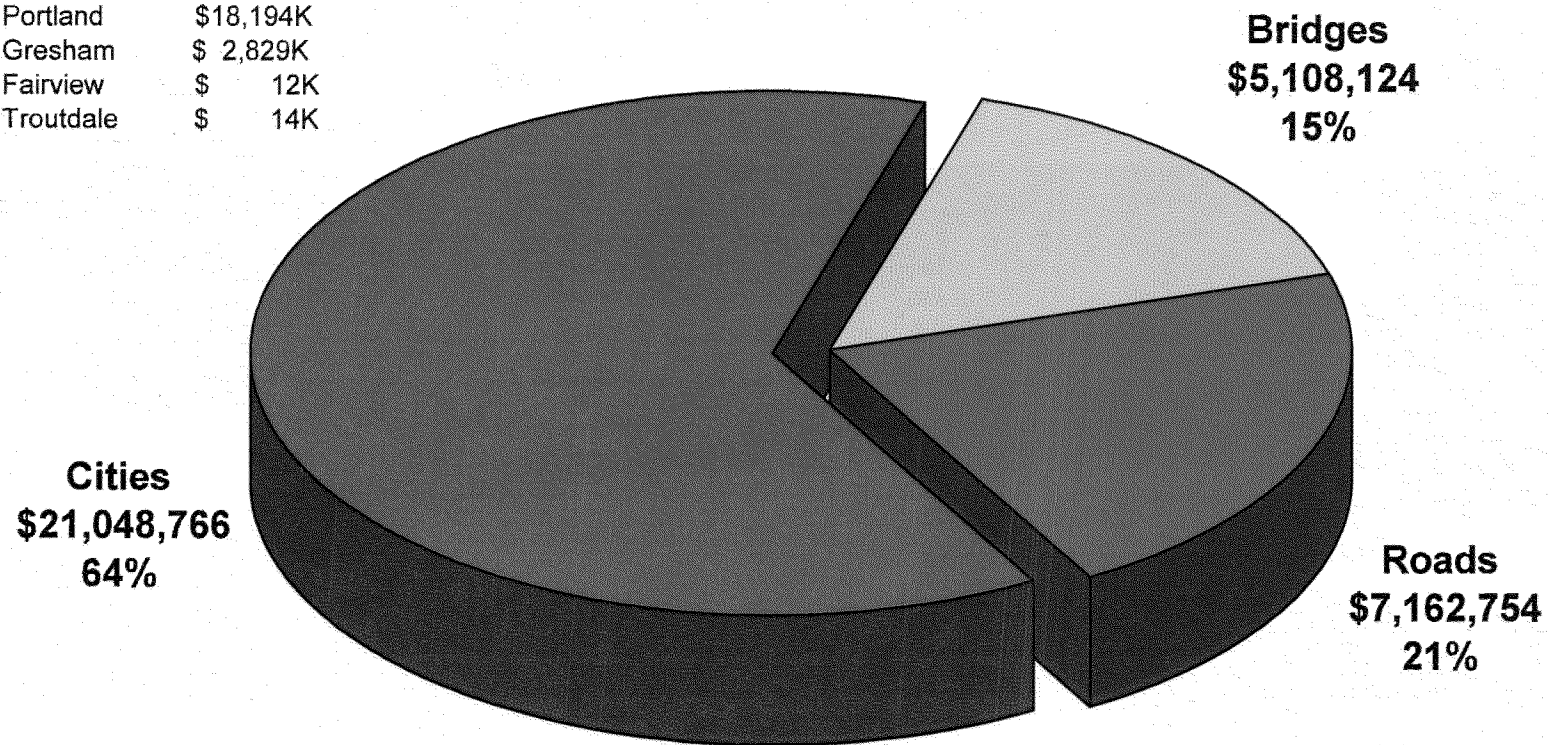
April 6, 2010



# FY09 Revenue Split

## Allocation to Cities:

Portland	\$18,194K
Gresham	\$ 2,829K
Fairview	\$ 12K
Troutdale	\$ 14K

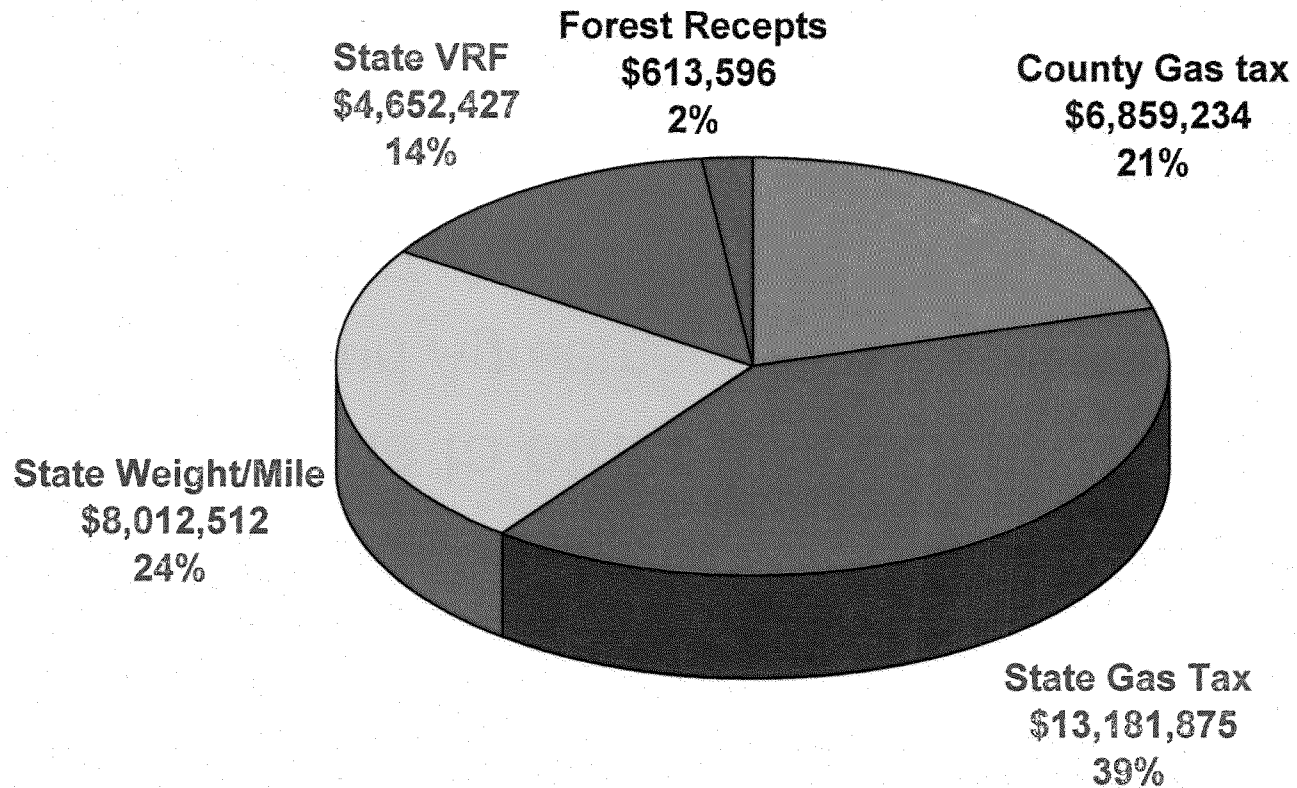




# **Revenue Sharing**

- Bridge Fund revenue 'off the top' (dedicated)
- Payments to other jurisdictions
  - ☐ Portland Agreement
  - ☐ Gresham Agreement
- Road Fund is a participant in the revenue sharing formula

# FY09 Transportation Revenues





## **Challenges with these Revenue Sources**

### **Per Gallon Gas Tax:**

- Gas consumption decreasing

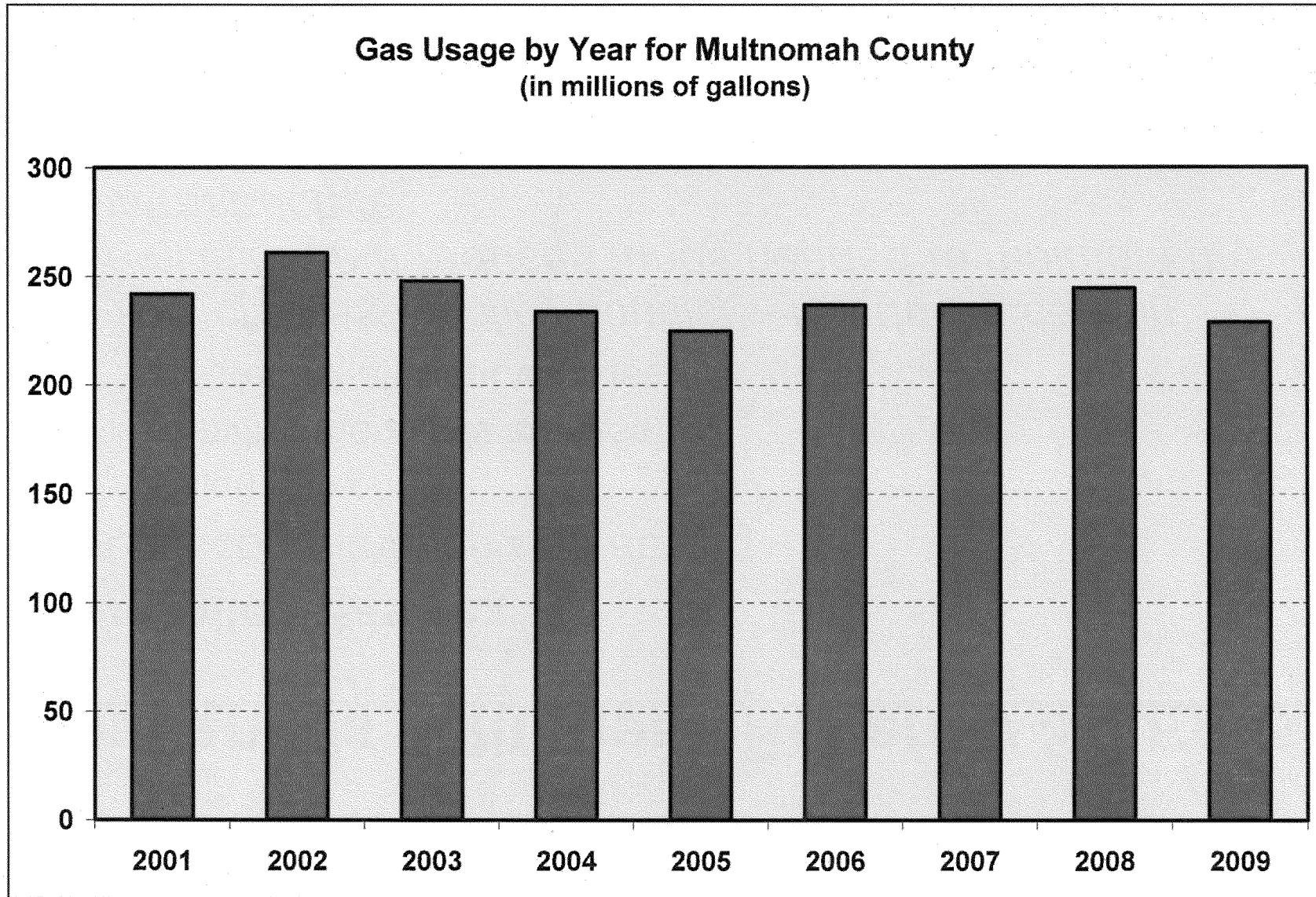
- ☐ High gas prices
- ☐ Environmental awareness
- ☐ More fuel efficient vehicles

*This creates a policy conflict – It reduces carbon emission, but reduces funds needed to maintain the infrastructure.*

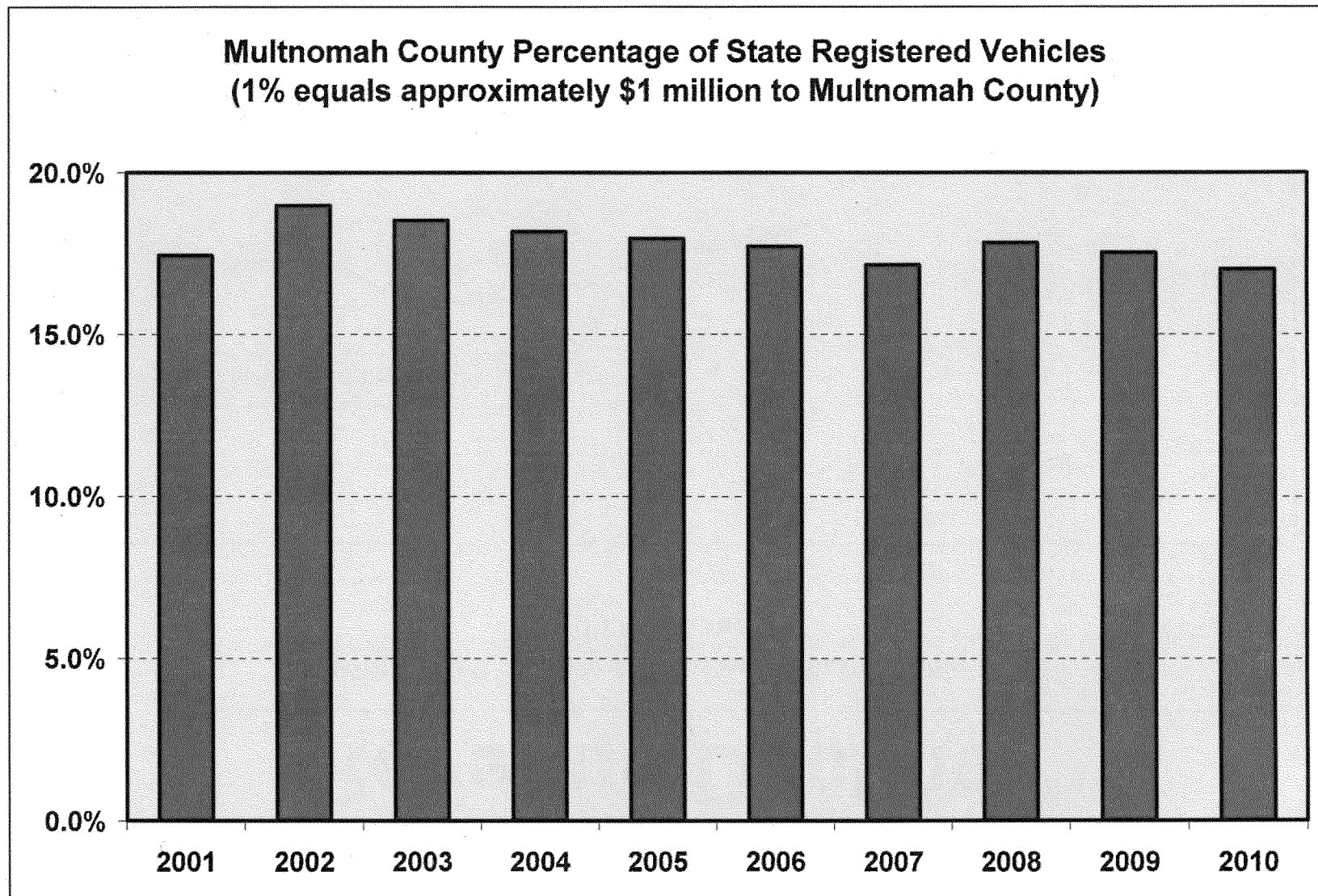
### **Per Gallon, Vehicle Registration and Weight/Mile:**

- State funds are distributed based on registered vehicles within each county. Multnomah County is not a growth county so its relative share is decreasing

# Gas Consumption

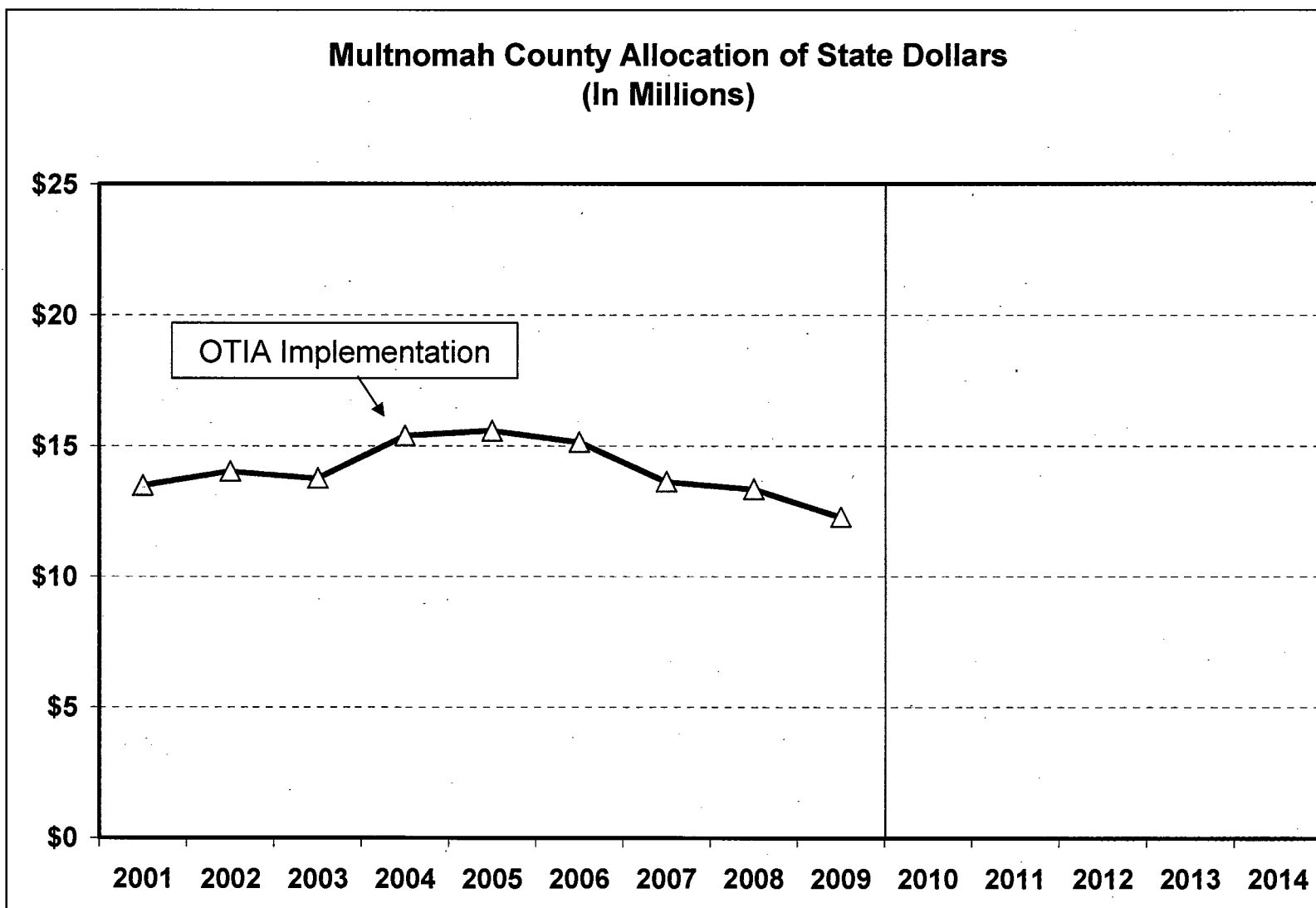


# Vehicle Registrations





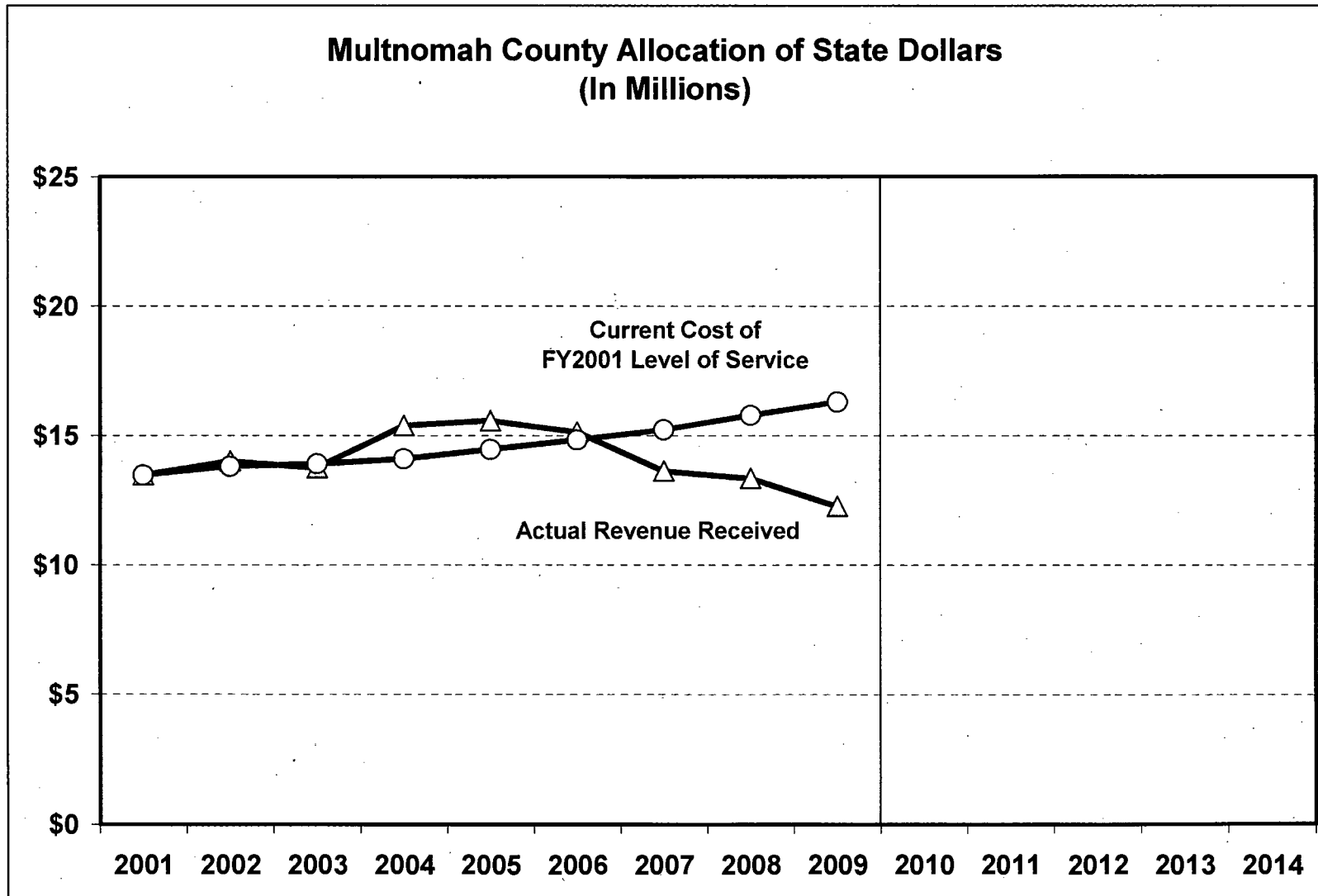
# Revenue Decline







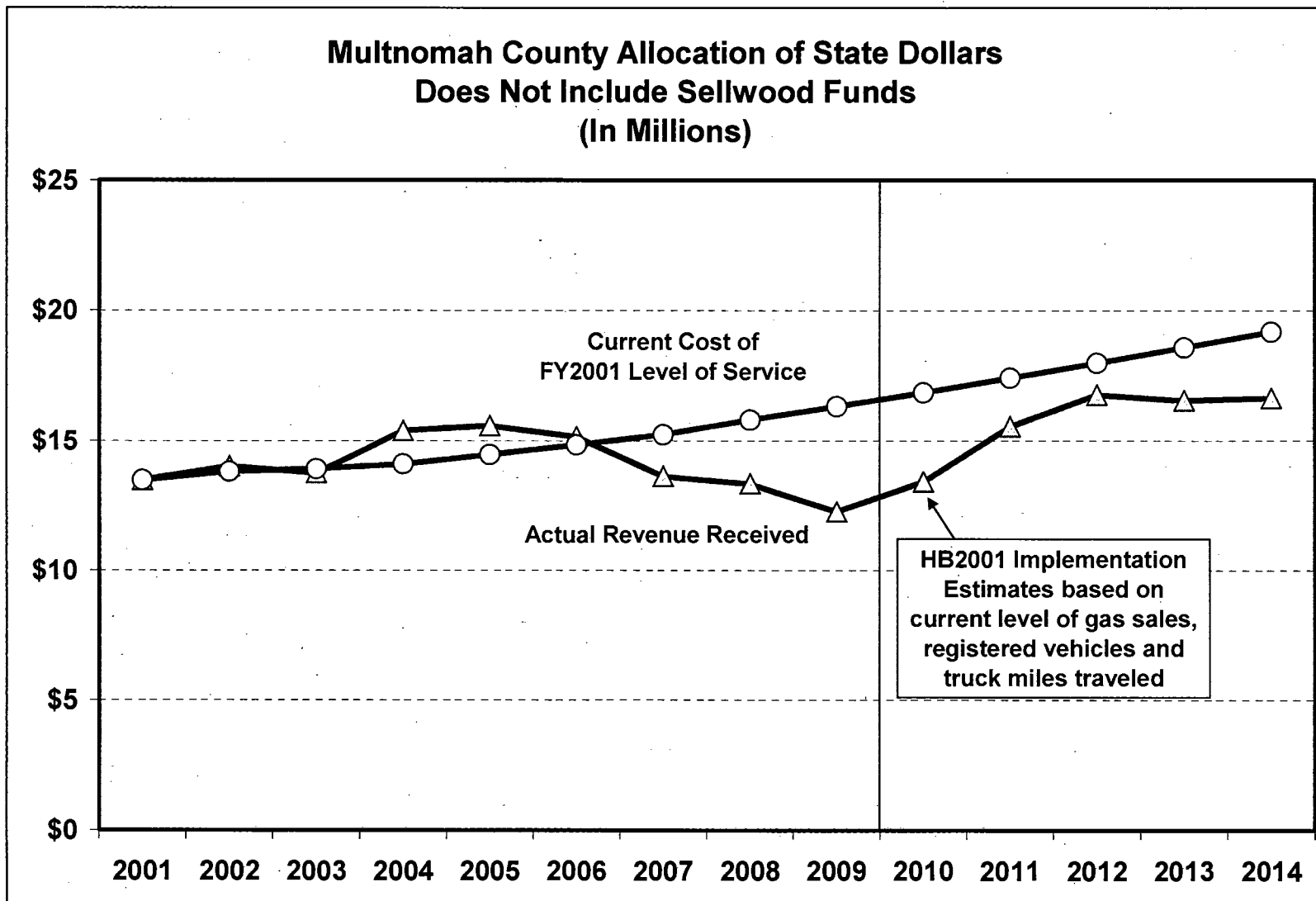
# Structural Deficit







# Looking Forward





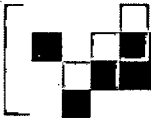
## **HB 2001 Impact**

- Minimal to date
  - State VRF Increase in 2009
  - State Gas Tax Increase in 2011
  
- Local Vehicle Registrations Fee is dedicated to Sellwood



## **Actions Taken to Address Structural Deficit**

- Continuous process improvement
- Sold equipment (one time only) – Reduced capacity
- Reduced facility space and Road Fund Expense
- Reduced staff – Reduced Capacity
- Deferred maintenance – Shift repairs to Capital at increased cost
- Reduced service levels – Decrease customer satisfaction, increase liability
- Entrepreneurial efforts



# **Funding Sources for Capital Projects**

## Revenue from outside the County:

- ☐ ARRA
- ☐ OTIA
- ☐ FHWA - requires matching funds
- ☐ Army Corps of Engineers - requires matching funds
- ☐ Loans – commits future resources



## **Summary**

- Gas Tax is not a good long term revenue model
- The County lacks local funds to match grant dollars for Capital Projects
- Deferred maintenance creates the need for more expensive Capital Projects in the future

# Roads CIP

## Road Need Includes:

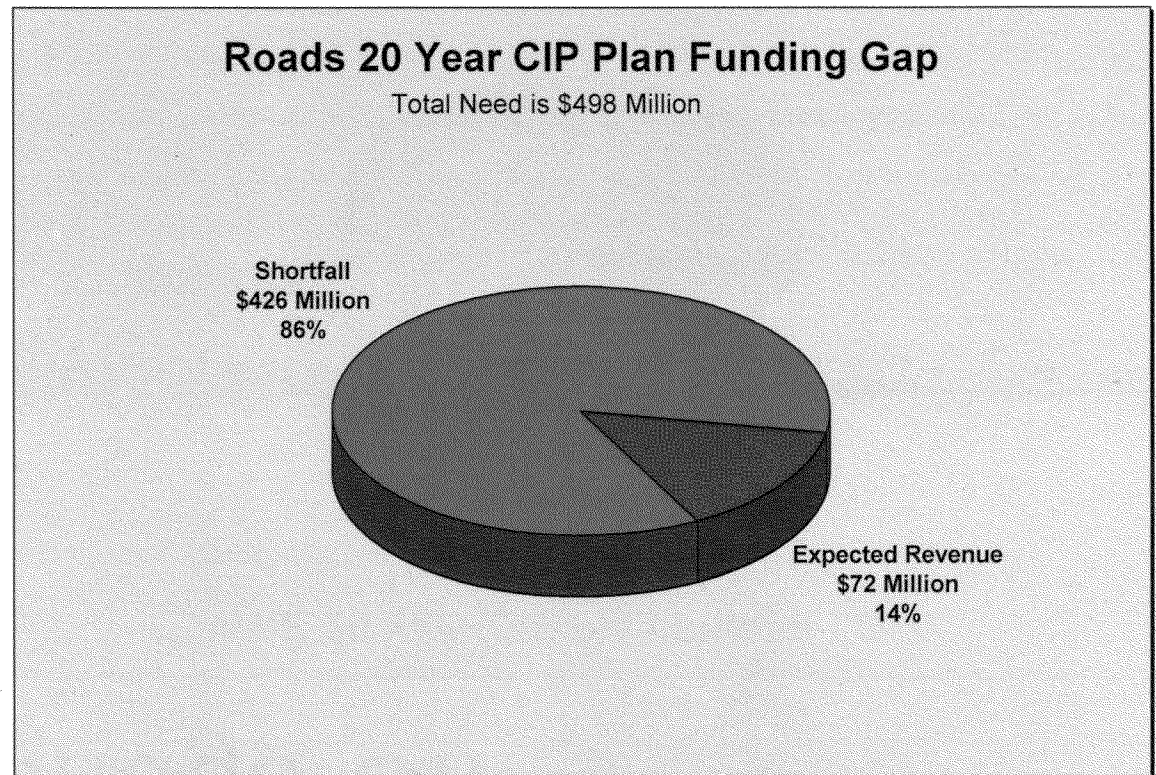
- Congestion Management
- Safety Improvements
- Bicycle & Pedestrian Facilities
- Fish Passage

## Road CIP does not include:

- Asphalt Pavement Overlay
- Minor Roadway Safety Improvements
- Operations & Maintenance
- FHWA Safety Audit Improvement  
Cornelius Pass Road

## Funding Issues:

- Water Quality Infrastructure Retrofits



# Bridge CIP

## Bridge CIP includes:

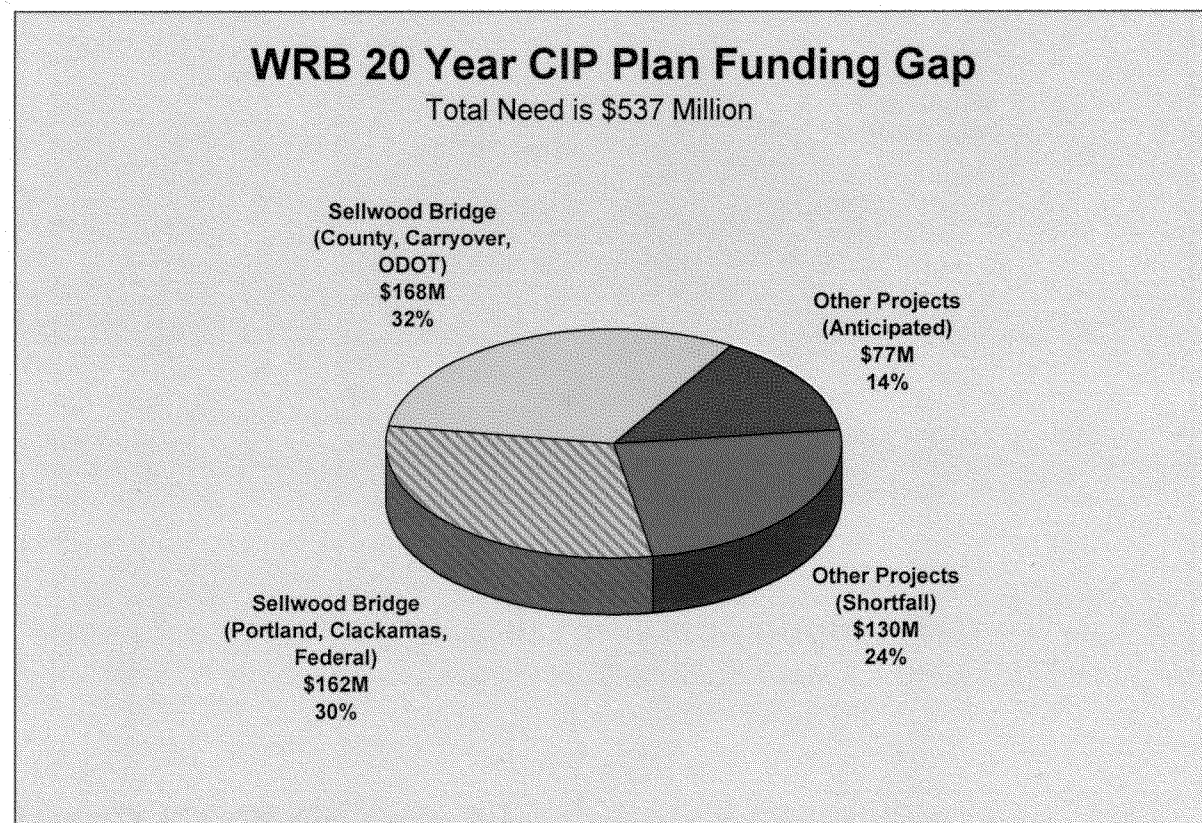
- Sellwood Bridge Replacement
- Major repairs and capital maintenance such as:
  - Painting
  - Machinery repairs
  - Structural repairs
  - Pavement Repairs
- Seismic Rehabilitation – Phase 2 for Burnside, Phase 1 for other bridges

## Bridge CIP does not include:

- Additional crossings
- Additional vehicular lanes
- Operations, routine maintenance and repairs, accident repairs
- Inflation

## Funding Issues:

- Historic federal funding stream (HBP) may not be continued in upcoming reauthorization
- Willamette River Bridge Fund Split between Engineering/Capital and Maintenance/Operations established by IGA



## Transportation Funding Options

### Revenue-Sharing with City Jurisdictions

Need mutual agreement to reopen IGA with cities

Doesn't solve the region's transportation need (winners and losers)

### Local vehicle registration fee (VRF)

VRF can be enacted in 2013 for general transportation purposes up to \$43 per vehicle per year

Increases included in revenue sharing agreement with Portland

Revenue sharing (40%) required with cities within the County

No vote required

County VRF currently \$19 per year dedicated to the Sellwood Bridge (sunsets in 20 years)

### County gas tax

County gas tax can be increased in 2014 (HB 2001 limitation)

One cent of gas tax currently generates approximately \$2M to \$2.5M annually

Increases included in revenue sharing agreement with Portland

Could be indexed to inflation

### County bridge toll

ORS amended in 2009 to allow County to implement a toll on Willamette River Bridges

Causes redistribution of traffic onto non-tolled facilities (specifically other bridges)

High investment because infrastructure isn't in place

It is a user fee

### System Development Charge

One time fee imposed on new development, and some types of redevelopment, for the purpose of funding certain types of capital improvements.

Common tool for jurisdictions for capacity improvements

No public vote required to implement

Provides revenue for specific projects

Limited application for County due to primarily rural transportation system

Not a source for Willamette River Bridges

Doesn't address maintenance/preservation

### Transportation Utility Fee

On-going fee collected monthly from users of the transportation system (residences and businesses)

No public vote required to implement

Good source of revenues for maintenance and preservation of system

Limited revenue for the County system due to primarily rural system

Would not be applicable for the Willamette River Bridges



#### Service Districts

Can assess, levy and collect property taxes pursuant to state statute.

County has two service districts currently (sewer system in Dunthorpe/Riverdale, and roadway lighting in Mid County)  
Requires voter approval.

Washington County historically has operated its Major Streets Transportation Improvement Program (MSTIP) through a serial levy program implemented through the service district structure.

#### **Other Concepts**

##### Rental Car Tax

Rental tax is currently enacted and contributes to the general fund at the County. An increase in this tax could be enacted and dedicated to the Road Fund to be used for roads and bridges.  
Subject to revenue sharing agreement with City of Portland

##### Vehicle Miles Traveled tax

Vehicles taxed on the number of miles driven instead of gas tax  
Pilot program conducted in Oregon but not in widespread use  
Conflicting goals of generating revenue and encouraging motorists to drive less

##### Congestion Pricing

Facilities priced (can be variable by time of day) to manage traffic flows  
Purpose for pricing can be to reduce traffic, improve livability, or to generate revenues  
HB2001 requires ODOT and the region to implement a pilot program in the near future.



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (long form)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-1 DATE 4-8-2010  
LYNDA GROW, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 4-8-2010  
Agenda Item #: C-1  
Est. Start Time: 9:15 am  
Date Submitted: 3/23/2010

### BUDGET MODIFICATION: Nond - 12

**Agenda Title:** Budget Modification NOND-12, requesting approval to reclassify one position in the County Attorney's Office as determined by the Class/Comp Unit of Central Human Resources

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

Requested Meeting Date:	<u>April 7, 2010</u>	Amount of Time Needed:	<u>Consent</u>
Department:	<u>Nondepartmental</u>	Division:	<u>County Attorney's Office</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503-988-3138</u>	Ext.	<u>83138</u>
		I/O Address:	<u>503/5</u>
Presenter(s):	<u>N/A (consent)</u>		

### General Information

#### 1. What action are you requesting from the Board?

The County Attorney's Office requests Board approval of a budget modification authorizing the reclassification of one position.

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

The following position was re-classified by the Central Class Comp Unit:

Position Title (Old)	Position Title (New)	Position Number	FTE
Legal Assistant 1 NR	Legal Assistant 2 NR	713780	No FTE Change

The County Attorney asked the Central Class Comp Unit to examine the duties of this position. After review of duties, and based on the class specifications for Legal Assistant 2 NR, the duties and functions of this position and the incumbent were found to have met the requirements for reclassification from Legal Assistant 1 NR. No immediate changes in performance measures on the

current program offer are anticipated by this change.

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

There are no current-year fiscal impacts as a result of this reclassification request. Ongoing expenses for this position will continue to be covered within the County Attorney's Office budget.

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

This position has been reviewed by the Classification/Compensation Unit and the position has been re-classed.

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

N/A

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## ATTACHMENT A

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### Budget Modification

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

- What revenue is being changed and why?

None.

- What budgets are increased/decreased?

None.

- What do the changes accomplish?

This action re-classes one position in the County Attorney's Office to better match workload to job duties.

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

Yes, one position is re-classed.

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

N/A

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

N/A

- If a grant, what period does the grant cover?

N/A

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

N/A

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense &amp; Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>
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## ATTACHMENT B

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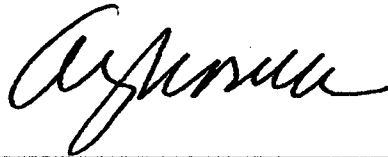
**BUDGET MODIFICATION: Nond - 12**

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### Required Signatures

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**Elected Official  
or Department/  
Agency Director:**

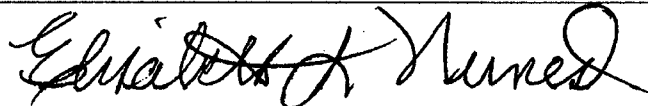


**Date:**

**Budget Analyst:**



**Date:** 3/23/10



**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

### How are functional areas assigned to cost objects?

For the most part, functional area is related to what department has recorded the revenue or expenditure (i.e. the District Attorney is reported in Public Safety and Justice). There are some exceptions to this rule that require certain funds to be assigned to a particular functional area, regardless of what department the revenues or expenditures are recorded in.

Functional Area Assignments ~ Based on Fund		
1501 – Road Fund	Roads and Bridges	80
1502 – Emergency Communications Fund	Community Services	60
1503 – Bike Path Fund	Community Services	60
1504 – Recreation Fund	Community Services	60
1506 – County School Fund	Community Services	60
1509 – Willamette River Bridges Fund	Roads and Bridges	80
1510 – Library Fund	Library	70
1512 – Land Corner Preservation Fund	Roads and Bridges	80
2500 – Justice Bond Project Fund	Public Safety and Justice	50
2501 – Revenue Bond Project Fund	Community Services	60
2502 – SB 1145 Fund	Public Safety and Justice	50
2504 – Building Project Fund	Community Services	60
2505 – Deferred Maintenance Fund	Community Services	60
2506 – Library Construction / 1996 Bonds Fund	Library	70
2507 – Capital Improvement Fund	Community Services	60
2509 – Asset Preservation Fund	Community Services	60
2510 – Library Property Fund	Library	70
3000 – Dunthorpe-Riverdale Service Dist #14 Fund	Dunthorpe-Riverdale Service Dist #14	500
3001 – Mid County Service District #1 Fund	Mid County Service District #1	510
3002 – Behavioral Health Managed Care Fund	Behavioral Health Managed Care	520

If a cost object is not in one of the funds listed above, then the functional area should be assigned based on the department that the cost object is in.

Functional Area Assignments ~ Based on Department (Fund Center)		
Non-Departmental (10, except 10-50)	General Government	20
Non-Departmental – CCFC (10-50)	Social Services	40
District Attorney (15)	Public Safety and Justice	50
Countywide (18 & 19)	General Government	20
Human Services (20, 25, 26, 30 & 31)	Social Services	40
School and Community Partnerships (21)	Social Services	40
Health (40)	Health Services	30
Community Justice (50)	Public Safety and Justice	50
Sheriff's Office (60)	Public Safety and Justice	50
County Management (72)	General Government	20
Community Services (91)	General Government	20
Library (80)	Library	70

If you have any questions or comments, please contact Susan Luce in General Ledger at ext. 22138.

FM Side			PS/CO Side			Cost Element/ Commitment	Notes
FM Fund Center	FM Fund Code	Functional Area	Internal Order	Cost Center	WBS Element	Item	
<b>General Fund Contingency</b>				9500001000		60470	Reduce available General Fund Contingency
19	1000	0020		xxx	xxx	xxxxx	Increase Expenditure
xx-xx	xxxxx	0020					
<b>Indirect Central</b>							
xx-xx	xxxxx				xxx	60350	Indirect Expenditure
19	1000	0020		9500001000		50310	Indirect reimbursement revenue in General Fund
19	1000	0020		9500001000		60470	CGF Contingency expenditure
<b>Departmental</b>							
xxx	xxxxx				xxx	60355	Indirect Department Expenditure
xx-xx	1000			xxx	xxx	50370	Indirect Dept reimbursement revenue in General Fund
xx-xx	1000			xxx	xxx	xxx	Off setting Dept expenditure in General Fund
<b>Telecommunications</b>							
xx-xx	xxxxx				xxx	60370	Departmental telecommunication expenditure
10-10	3503	0020		709525		50310	Budgets receipt of reimbursement
10-10	3503	0020		709525		60200	Budgets offsetting expenditure in telecommunications fund
<b>Data Processing</b>							
xx-xx	xxxxx				xxx	60380	Departmental data processing expenditures
10-10	3503	0020		709000		50310	Budgets receipt of Data Processing reimbursement
10-10	3503	0020		709000		60240	Budgets offsetting expenditures
<b>PC Flat Fee</b> (Flat Fee is no longer in effect for most Departments beginning in FY 2007)							
xx-xx	xxxxx				xxx	60390	Departmental PC Flat Fee expenditure
10-10	3503	0020		709617		50310	Budgets receipt of PC Flat Fee
10-10	3503	0020		709617		60240	Budgets offsetting expenditure
<b>Electronic Service Reimbursement</b>							
xx-xx	xxxxx					60420	Departmental Electronics expenditure
72-55	3501	0020		904200		50310	Receipt of Electronics service reimbursement
72-55	3501	0020		904200		60240	Budgets offsetting expenditure
<b>Motor Pool:</b> Use this cost center if you are adding funds for motor pool use.							
xx-xx	xxxxx				xxx	60410	Departmental Motor Pool expenditure
72-55	3501	0020		904150		50310	Budgets receipt of Motor Pool service reimbursement
72-55	3501	0020		904150		60240	Budgets offsetting expenditure
<b>Fleet:</b> Use this cost center if you are adding funds for dedicated program cars.							
xx-xx	xxxxx				xxx	60410	Departmental Fleet expenditure
72-55	3501	0020		904100		50310	Budgets receipt of Fleet service reimbursement
72-55	3501	0020		904100		60240	Budgets offsetting expenditure
<b>Building Management</b>							
xx-xx	xxxxx				xxx	60430	Departmental Building Management expenditure
72-50	3505	0020		902575		50310	Budgets receipt of Building Management service reimbursement
72-50	3505	0020		902575		60170	Budgets offsetting expenditure
<b>Insurance Service Reimbursement</b>							
xx-xx	xxxxx					60140 or 60145	Departmental Insurance expenditure
72-10	3500	0020		705210		50316	Insurance Revenue
72-10	3500	0020		705210		60330	Offsetting expenditure
<b>Lease Payments to Capital Lease Retirement Fund</b>							
xx-xx	xxxxx					60450	Departmental Capital Lease Retirement expenditure
							Contact your Budget Analyst to complete this.
<b>Mail &amp; Distribution</b>							
xx-xx	xxxxx				xxx	60460	Mail & Distribution expenditure
72-55	3504	0020		904400		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904400		60230	Budgets offsetting expenditure
<b>Records</b>							
xx-xx	xxxxx				xxx	60460	Records expenditure
72-55	3504	0020		904500		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904500		60240	Budgets offsetting expenditure
<b>Stores</b>							
xx-xx	xxxxx				xxx	60460	Stores expenditure
72-55	3504	0020		904600		50310	Budgets receipt of service reimbursement
72-55	3504	0020		904600		60240	Budgets offsetting expenditure

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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3500	9002	61023	107001	Legal Assistant 1 NR	713780	(1.00)	(39,600)	(15,840)	(14,078)	(69,518)
3500	9003	61023	107001	Legal Assistant 2 NR	713780	1.00	39,600	15,840	14,078	69,518
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL ANNUALIZED CHANGES		0.00	0	0	0	0

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

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3500	9002	61023	107001	Legal Assistant 1 NR	713780	(0.33)	(13,068)	(5,227)	(4,646)	(22,941)
3500	9003	61023	107001	Legal Assistant 2 NR	713780	0.33	13,068	5,227	4,646	22,941
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL CURRENT FY CHANGES		0.00	0	0	0	0





Department of County Management  
**MULTNOMAH COUNTY OREGON**  
Human Resources

Multnomah Building  
501 SE Hawthorne, Suite 400  
Portland, Oregon 97214  
(503) 988-5015 Phone  
(503) 988-3009 Fax

To: Agnes Sowle, County Attorney, 503-988-3138  
From: Elisabeth S. Nunes, Classification and Compensation Unit (503/4) *Elisabeth Nunes*  
Date: March 18, 2010  
Subject: Reclassification Request #1418 (from Legal Assistant 1 NR to Legal Assistant 2 NR)

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

**Request Information:**

Date Request Received: February 23, 2010  
Current Classification: Legal Asst. 1 NR  
Job Class Number: 9002  
Pay Grade: 115

Position Number: 713780  
Requested Classification: Legal Asst. 2 NR  
Job Class Number: 9003  
Pay Grade: 117

Request is: ☒ Approved as Requested  
☐ Approved - Revised  
☐ Denied

Effective Date: February 1, 2010

Allocated Classification: Legal Asst. 2 NR  
Pay Range: \$35,277.75 - \$49,387.51 annually

Job Class Number: 9003  
Pay Grade: 117

**This classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 including the provision that Central HR may re-evaluate the classification decision to ensure duties and work are being carried out as originally described. Further, this allocation may require Board of County Commissioners' approval, and so this decision is considered preliminary until such approval is received.**

**Position Information:**

☐ Vacant - see New/Vacant Section  
☒ Filled & incumbent reclassified - see Employee Information Section  
☐ Filled & incumbent not reclassified with position - see New/Vacant Section

**Employee Information:**

Name of Incumbent Employee: Amy Goodale  
New Job Class Seniority Date: February 1, 2010

Date	Job Class and Number	Grade	Rate	Action
January 31, 2010	Legal Asst. 1/NR (9002)	115	39,600/yr.	Pre-reclass
February 1, 2010	Legal Asst. 2/NR (9003)	117	39,600/yr.	Post-reclass

Employees in positions reclassified downward to a classification with a lower salary range will receive no change in pay. If an employee's pay exceeds the maximum of the lower salary range, pay will be frozen at the existing rate until the new salary range is higher than the employee's rate of pay. Compensation will be determined in accordance with MC Personnel Rule 2-40. Any compensation or seniority adjustments will be processed in accordance with applicable MC Personnel Rule 5-50 and 2-40.

**Reason for Classification Decision:**

This position independently performs technical legal assistant work in support of attorneys. It is expected to independently identify solutions to complex issues. Essential functions include assisting with trial preparation and adjudication support; maintaining and updating pertinent information and

Reclassification Request #1418

March 18, 2010

Page 2 of 2

cases; communication with and support of attorneys, outside agencies and others. Since the incumbent's hire on 8/29/08, her responsibilities and independence have substantially increased to the full journey level. The duties gradually added over the last year are: provides in-depth assistance to four attorneys in preparing cases (civil forfeiture); performs research; works with the court systems; utilizes a number of legal databases, word-processing, and spreadsheet programs; uses independent judgment, research skills, problem solving, and case/document management.

Legal Assistant 1/NR (LA 1/NR) is the entry level in the non-represented Legal Assistant series which provides technical legal support for professional staff in the County Attorney's Office. At this level incumbents *learn* to proficiently apply/utilize basic legal terminology, procedures, software, and research tools. LA 1/NR differs from LA 2/NR in that the latter is the full advanced journey-level job class whose work assignments are broader in scope, more complex, require more in-depth knowledge and independent judgment to complete work assignments. The current level and scope of the job requirements for this position are consistent with LA 2/NR.

If you have any questions, please feel free to contact me at 503-988-5015 ext.22342.

cc: Karin Lamberton, HR Manager  
Susan Giesbrecht, HR Analyst  
Leola Warner & Jacqueline Burns, HR Maintainers  
Class Comp File Copy



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

*Sent order to the  
Presenter / Contact  
4-21-2010 # 2010-~~033~~  
033*

## Board Clerk Use Only

Meeting Date: 4-8-2010  
Agenda Item #: C-2  
Est. Start Time: 9:15 am  
Date Submitted: 3/24/2010

**Agenda Title:** ORDER Authorizing the Public Sale of Tax Foreclosed Property and Execution of Sale Documents

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

Requested Meeting Date: April 8, 2010  
Amount of Time Needed: Consent  
Department: County Management  
Division: Assessment, Recording & Taxation / Tax Title  
Contact(s): Sally Brown  
Phone: 503-988-3349 Ext. 22349 I/O Address: 503/1  
Presenter(s): Sally Brown

## General Information

### 1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the sale of Sixteen Tax Foreclosed Real Properties at public auction. The attached Exhibit A provides a map and photo of each property. Exhibit B provides a detailed surplus property list including the minimum bid price of each parcel. The Department of County Management recommends that the public auction be approved in order to assure the fiscal stability of the Tax Title Fund.

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

The Department, in order to assure the fiscal stability of the tax title fund, may identify properties to be sold at public auction and not available for donation to governments or non-profit housing sponsors, or open space preservation sponsors per Multnomah County Code Chapter 7.401(B).

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

The sale of these properties removes them from the County's ownership and maintenance requirements. The proceeds reimburse the County for any applicable Tax Title expenditures, reimburses any local municipalities for outstanding liens owing per the IGA and the remaining proceeds are distributed to the taxing districts.

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

No legal issues are expected. The parcels will be sold "As Is" without guarantee of clear title.

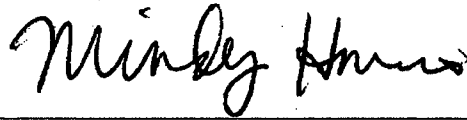
**5. Explain any citizen and/or other government participation that has or will take place.**

Tax Title will send notification of the sale to all adjacent property owners prior to the sale.

Notification of the sale will also be sent to the City Auditor per ORS 275.130.

**Required Signature**

**Elected Official or  
Department/  
Agency Director:**



**Date:**

3/24/10

## GROW Lynda

---

**From:** GRACE Becky J  
**Sent:** Wednesday, March 24, 2010 2:41 PM  
**To:** NAVA Megan M  
**Subject:** FW: Order Authorizing the Public Sale of Tax Foreclosed Property  
**Attachments:** AuthorizingPublicSale3 24 10 ck.doc

---

**From:** RYAN Matthew O  
**Sent:** Wednesday, March 24, 2010 10:31 AM  
**To:** GRACE Becky J  
**Cc:** WALRUFF Randy P; SANDERMAN Richard A; BROWN Sally A; KINOSHITA Carol; SOWLE Agnes  
**Subject:** FW: Order Authorizing the Public Sale of Tax Foreclosed Property

Becky,

Here is our tweak of the Public Sale Order; with the additional delegation to the Chair to execute the earnest money agreement (EMA) and/or deed as the case may be. You need to include a sample EMA and deed, as Exhibits B & C respectively. The attached Order is approved for submission to the BCC for its consideration. Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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**From:** GRACE Becky J  
**Sent:** Tuesday, March 23, 2010 3:35 PM  
**To:** RYAN Matthew O  
**Cc:** BROWN Sally A  
**Subject:** FW: Order Authorizing the Public Sale of Tax Foreclosed Property

Hi Matt,

Will you have time to approve the attached board order in time for the Thursday deadline? Sally just asked me for an update since she has a meeting with the director tomorrow.

Thank you,  
Becky

---

**From:** GRACE Becky J  
**Sent:** Tuesday, March 16, 2010 1:50 PM  
**To:** RYAN Matthew O  
**Cc:** KINOSHITA Carol

4/15/2010

**Subject:** Order Authorizing the Public Sale of Tax Foreclosed Property

Hi Matt,

Attached for your review and approval is the order authorizing the public sale of tax foreclosed property. I met with Randy, Sally, and Richard on this board order and they asked me if we have to go back to the board after the sale to authorize the deed. Is there anyway we can combine the 2<sup>nd</sup> step we have done in the past? Thank you,

Becky Grace  
Tax Title  
503-988-3590

4/15/2010

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 2010-043033

Authorizing the Public Sale of Tax Foreclosed Property and Execution of Sale Documents

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County has acquired through the foreclosure of liens for delinquent real property taxes, 16 real property parcels as more particularly described in the attached Exhibit A (the "Property").
- b. Title to the Property is now vested in Multnomah County as provided under ORS 312.270.
- c. The County does not need the Property for County purposes or uses; it is in the best interest of the County to offer the Property at a public sale in accordance with the provisions of ORS 275.110 through 275.190.

**The Multnomah County Board of Commissioners Orders:**

1. The Multnomah County Sheriff (MCSO) is directed to conduct a public sale of the Property in compliance with ORS 275.110 through ORS 275.190; for not less than the minimum bid/price set for each separate parcel as provided in Exhibit A.
2. MCSO shall coordinate with the County's Tax Title Division to determine the date and time of the public sale in compliance with ORS 275.140.
3. MCSO shall provide for notice of the public sale in compliance with ORS 275.120.
4. All parcel's sold at the public sale will be for cash, including the option of an earnest money agreement that requires payment of an earnest money deposit upon execution and payment of the outstanding balance in one additional payment as allowed under ORS 275.188 and ORS 275.190.
5. With respect to the 16 parcels described in Exhibit A, the County Chair is authorized to execute an earnest money agreement if applicable; in substantial compliance with the agreement attached as Exhibit B; and a deed in substantial compliance with the deed attached as Exhibit C for the specific parcel purchased at the public sale.

ADOPTED this 8<sup>th</sup> day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:  
Mindy Harris, Director, Dept. of County Management

1.	Legal Description:	See Attached Exhibit A-1
	Approximate Location:	Adjacent to 11830 SE Flavel Street, Portland, Ore.
	Tax Account Number:	R255548
	Minimum Bid/Price:	\$40,000
	Expenses:	\$368
	City Liens:	\$0
2.	Legal Description:	Lot 10 and the Northwesterly 10 feet of Lot 9 Block 46 Town of Linnton
	Approximate Location:	Adjacent to 10829 NW Front Ave; Portland, Ore.
	Tax Account Number:	R288397
	Minimum Bid/Price:	\$12,250
	Expenses:	\$295
	City Liens:	\$49,087
3.	Legal Description:	See Attached Exhibit A-2
	Approximate Location:	Adjacent to 9451 NE 3 <sup>RD</sup> Dr. Portland, OR 97211
	Tax Account Number:	R314947
	Minimum Bid/Price:	\$3,600
	Expenses:	\$491
	City Liens:	\$0
4.	Legal Description:	See Attached Exhibit A-3
	Approximate Location:	Adjacent to 9451NE 3 <sup>rd</sup> Dr. Portland, OR 97211
	Tax Account Number:	R315016
	Minimum Bid/Price:	\$1,800
	Expenses:	\$509
	City Liens:	\$0
5.	Legal Description:	See Attached Exhibit A-4
	Approximate Location:	Across from 16939 NW Wapato Ave
	Tax Account Number:	R124267
	Minimum Bid/Price:	\$25,000
	Expenses:	\$180
	City Liens:	\$0
6.	Legal Description:	Unit 8, Country Club Estate Townhouse Condominium
	Approximate Location:	2240 NE Hogan DR, Gresham OR 97030
	Tax Account Number:	R141935
	Minimum Bid/Price:	\$91,500
	Expenses:	\$100
	City Liens:	\$0



**Exhibit A**  
**Sixteen Tax Foreclosed Properties**  
**Proposed For Public Sale By Multnomah County**

- |     |                       |  |
|-----|-----------------------|--|
| 7.  | Legal Description:    | Unit 17, Country Club Estate Townhouse Condominium |
|     | Approximate Location: | 2076 NE Hogan DR, Gresham OR 97030                 |
|     | Tax Account Number:   | R141944  |
|     | Minimum Bid/Price:    | \$63,500   |
|     | Expenses:             | \$185  |
|     | City Liens:           | \$0  |
|     |                       |  |
| 8.  | Legal Description:    | See Attached Exhibit A-5                           |
|     | Approximate Location: | 10239 SE Liebe ST, Portland OR 97266               |
|     | Tax Account Number:   | R146290  |
|     | Minimum Bid/Price:    | \$61,000   |
|     | Expenses:             | \$0  |
|     | City Liens:           | \$53,316   |
|     |                       |  |
| 9.  | Legal Description:    | Lot 4 Block 4 East St. Johns                       |
|     | Approximate Location: | 6639 N Mears St, Portland OR 97203                 |
|     | Tax Account Number:   | R151090  |
|     | Minimum Bid/Price:    | \$90,000   |
|     | Expenses:             | \$1312   |
|     | City Liens:           | \$20,581   |
|     |                       |  |
| 10. | Legal Description:    | Lot 4, Block 23, Holbrooks Addition                |
|     | Approximate Location: | 9734 N Central ST, Portland OR 97203               |
|     | Tax Account Number:   | R181351  |
|     | Minimum Bid/Price:    | \$67,500   |
|     | Expenses:             | \$3,110  |
|     | City Liens:           | \$0  |
|     |                       |  |
| 11. | Legal Description:    | Lot 6 Block 7 Lorrinton                            |
|     | Approximate Location: | 6306 SE 50th Ave, Portland OR 97206                |
|     | Tax Account Number:   | R208791  |
|     | Minimum Bid/Price:    | \$80,000   |
|     | Expenses:             | \$3,687  |
|     | City Liens:           | \$2,264  |
|     |                       |  |
| 12. | Legal Description:    | Parcel 2, Partition Plat 1999-47                   |
|     | Approximate Location: | 3251 SE 122nd Ave, Portland OR 97236               |
|     | Tax Account Number:   | R240525  |
|     | Minimum Bid/Price:    | \$85,000   |
|     | Expenses:             | \$0  |
|     | City Liens:           | \$4,711  |
|     |                       |  |
| 13. | Legal Description:    | See Attached Exhibit A-6                           |
|     | Approximate Location: | 4003 S/ NE Bryant St, Portland OR 97211            |
|     | Tax Account Number:   | R315310  |
|     | Minimum Bid/Price:    | \$22,000   |
|     | Expenses:             | \$0  |
|     | City Liens:           | \$0  |

**Exhibit A**  
**Sixteen Tax Foreclosed Properties**  
**Proposed For Public Sale By Multnomah County**

- |     |                      |   |
|-----|----------------------|---|
| 14. | Legal Description:   | See Attached Exhibit A-7  |
|     | Approximate Location | 4003 NE Bryant St, Portland OR 97211  |
|     | Tax Account Number:  | R315339   |
|     | Minimum Bid/Price:   | \$9,400   |
|     | Expenses:            | \$0   |
|     | City Liens:          | \$3,250   |
|     |                      |   |
| 15. | Legal Description:   | See Attached Exhibit A-8  |
|     | Approximate Location | 16625 SE Powell Blvd, Portland OR 97236   |
|     | Tax Account Number:  | R338444   |
|     | Minimum Bid/Price:   | \$85,000  |
|     | Expenses:            | \$694   |
|     | City Liens:          | \$0   |
|     |                      |   |
| 16. | Legal Description:   | The East one-half of Lot 1, Block 5, Luther Place, a duly recorded subdivision in the County of Multnomah, State of Oregon. |
|     | Approximate Location | 7017 SE Sherrett ST, Portland OR 97206  |
|     | Tax Account Number:  | R209969   |
|     | Minimum Bid/Price:   | \$48,500  |
|     | Expenses:            | \$5,296   |
|     | City Liens:          | \$11,958  |

**EXHIBIT A-1**

**Tax Account R255548**

**Legal Description:**

Lot 1, Block 3, RIDGEVIEW ESTATES, Multnomah County, Oregon

ALSO a tract of land in the Southeast  $\frac{1}{4}$  of Section 22, T1S, R2E, W.M., Multnomah County, Oregon, described as follows:

Beginning at the Southwest corner of Lot 1, Block 3, RIDGEVIEW ESTATES, a duly recorded subdivision in Multnomah County; thence North along the West line of said Lot 1 to the Northwest corner thereof; thence West parallel with and 30 feet South of the North line of said Southeast  $\frac{1}{4}$  section a distance of 50 feet; thence South parallel with and 50 feet West of said West line of said Lot 1, Block 3, a distance of 143.96 feet to the Northeast corner of Lot 1, Block 1, RIDGEVIEW ESTATES; thence East along the extension of Lot 1, Block 1 RIDGEVIEW ESTATES, a distance of 25 feet; thence South parallel with the West line of said Lot 1, Block 3 a distance of 20 feet, more or less, to a point on a 70 foot radius, non-tangent curve to the right; thence Easterly along the arc of said curve to the Southwest corner of said Lot 1, Block 3 and the point of beginning.

## **EXHIBIT A-2**

### **Tax Account R314947**

#### **Legal Description:**

A tract of land in the Northeast quarter of the Northeast quarter of Section 10, Township 1 North, Range 1 South, Willamette Meridian, County of Multnomah, State of Oregon, said parcel being more particularly described as follows:

That portion of the former Portland Electric Power Company's vacated right-of-way conveyed to T.G. Donaca by deed recorded on July 12, 1944 in Book 851, page 194 Deed Records, lying between a Westerly extension of the most Northerly line and a Westerly extension of the most Southerly line of the foregoing described property:

Beginning at the Northeast corner of the 8.26 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886, in Book 86, page 240, Deed records of Multnomah County, Oregon; thence North 53°08' West to the intersection of the North line of Gertz Road (County Road No. 1093) and the east line of the Pacific Northwest Public Service right-of-way; thence North 21°05' West along the East line of said right-of-way 166.9 feet to the true point of beginning; thence North 84°24' East 134.1 feet; thence North 5°36' West 176 feet; thence North 36°02'30" West 44.89 feet; thence South 68°55' West 163.11 feet to the East line of said right-of-way; thence South 21° of West along said East line 176.35 feet to the true point of beginning, excepting that portion within the boundary of NE 3<sup>rd</sup> Drive, dedicated to the public by deed recorded July 10, 1951 in Book 1486 page 116 Deed records.

## **EXHIBIT A-3**

### **Tax Account R315016**

#### **Legal Description:**

A tract of land in the Northeast quarter of the Northeast quarter of Section 10, Township 1 North, Range 1 South, Willamette Meridian, County of Multnomah, State of Oregon, said parcel being more particularly described as follows:

Commencing at the intersection of the East line of the Pacific Northwest Public Service right-of-way and the North line of NE Gertz Rd. (County Rd. No. 1093) thence running North 21°05' West 166.9 feet to the true point of beginning; thence continuing North 21°05' West 176.35 feet; thence South 68° 55' East 170.81 feet; thence North 84°24' East 20 feet, more or less, to the true point of beginning.

## **EXHIBIT A-4**

### **Tax Account R124267**

#### **Legal Description:**

All of Lots 1, 2 and 3, of Block 8, Burlington, in the City of Portland, County of Multnomah and State of Oregon, and that portion of Lots 33 and 34, Block 8, Burlington described as follows:

Beginning at the most Southerly corner of said Lot 33: thence Northeasterly along the Easterly line of said Lot 33, 55 feet more or less; thence in a Northwesterly direction to a point 14 feet more or less Northeasterly of the most Westerly corner of Lot 34 and located on the Westerly line of said Lot 34; thence in a Southwesterly direction along the Westerly line said Lot 34, 14 feet more or less to the most Westerly corner of said Lot 34; thence Southeasterly along the Southwesterly lines of said Lots 34 and 33 to the true point of beginning.

#### **EXHIBIT A-5**

##### **Tax Account R146290**

###### **Legal Description:**

That part of Lot 23, DeLashmutt and Oatman's Little Homes Subdivision No. 4, in the County of Multnomah and State of Oregon, described as follows:

The East ½, except the North 15 feet, of the following described real property:

Beginning at a point in the West line of Section 15, Township 1 South, Range 2 East of the Willamette Meridian, 997.32 feet South of the Northwest corner of Section 15; thence North 89°24' East 200 feet; thence Southerly parallel with the West line of Lot 23, DeLashmutt and Oatman's Little Homes No. 4, a distance of 114.35 feet, more or less, to a point 200 feet Northerly from the South line of said lot; thence Westerly, parallel with the South line of said Lot 23, 200 feet to the West Line of said Lot; thence Northerly along the West line 114.35 feet, more or less, to the point of beginning.

#### **EXHIBIT A-6**

##### **Tax Account R315310**

###### **Legal Description:**

A parcel of land situated in Section 13, Township 1 North Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Commencing at the Southwest Corner of William Hall Donation Land Claim, in Section 13, Township 1 North, Range 1 East of the Willamette Meridian of Multnomah and State of Oregon; thence South 89°14'45" East on the South line of said Donation Land Claim, 615.04 feet; thence North 0°19'30" West parallel to the West line of said Hall Donation land Claim, 1743.27 feet to an iron pipe driven in the ground; thence South 73°36'20" East 164.46 feet to the true point of beginning of the tract herein described; thence running North 0°19'30" West parallel to the West line of said Donation Land Claim, 160.56 feet to the Southwesterly corner of that tract conveyed to Clyde R. Ellinger, et ux by Deed dated November 3, 1949, recorded November 4, 1949 in Book 1369, Page 58, Deed Records; thence Easterly along a straight line to the Southeasterly corner of that tract conveyed to Ruth A. Killion by deed recorded September 28, 1946 in Book 1104, Page 515 Deed Records; thence South 0°19'30" East 174.56 feet to a point; thence North 73°36'20" West 75.70 feet to the place of beginning.

#### **EXHIBIT A-7**

##### **Tax Account R315339**

###### **Legal Description:**

The following described parcel of land situated in Section 13, Township 1 North Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the Southwest corner of tract conveyed to Ruth A. Killion by deed recorded September 28, 1946, in Book 1104 Page 515, Deed Records; thence Southerly, along the West line of said Killion tract extended a distance of 14 feet; thence Easterly in a straight line to the Southeast corner of said Killion tract; thence Westerly along the Southerly line of said Killion tract to the true point of beginning.

Together with:

The Northerly 65 feet of the following described parcel of land as measured 65 feet perpendicular from and parallel with the Northerly line thereof:

Commencing at the Southwest corner of William Hall Donation Land Claim; thence South 89°14'45" East on the South line of said William Hall Donation Land Claim, a distance of 615.04 feet; thence North 0°19'30" West parallel to the West line of said Donation Land Claim 1743.27 feet to an iron pipe driven in the ground; thence South 73°36'20" East 164.46 feet to a point of beginning of tract to be described; thence North 0°19'30" West parallel to the West line of said William Hall Donation Land Claim 239.56 feet; thence South 73°36'20" East 75.70 feet; thence South 0°19'30" East 231.73 feet to a point; thence continuing South 0°19'30" East 7.83 feet; thence North 73°36'20" West 75.70 feet to the point of beginning.

**EXHIBIT A-8**

**Tax Account R338444**

**Legal Description:**

A tract of land in Section 7, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon described as follows:

Beginning at the intersection of the Southerly projection of the West line of Lots 5 and 6, Block 14, Sun Bow Valley a subdivision of Block 14 and the North right of way line of Powell Valley Road; thence North along the West line of said Lots 5 and 6, to the most Southerly Southeast corner of Lot 4, Block 14 Sun Bow Valley; thence Northwesterly along the South line of said Lot 4, a distance of 70 feet; thence Southwesterly in a straight line to a point of the North line of Powell Valley Road, said point being 80 feet Northwesterly from the aforesaid point of beginning; thence Southeasterly along the North right of way line of said Powell Valley road a distance of 80 feet to the point of beginning.

**EXHIBIT B  
EARNEST MONEY AGREEMENT**

**EARNEST MONEY AGREEMENT**

**DATE:** MAY 24, 2010

**SELLER:** MULTNOMAH COUNTY, OREGON by and through its Tax Title Division, 501 S.E. Hawthorne Blvd., Rm. 175, Portland, Oregon, 97214-3560, ("County").

**BUYER:** Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**Recitals**

1. On May 24, 2010, County conducted a public auction consistent with ORS 275.110 to 275.250 of tax-foreclosed real properties, including the property described herein.
2. Buyer was the highest bidder at the auction for certain real property, situated in Multnomah County, Oregon, more particularly described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(The "Property").

**Agreement**

Now, therefore, for valuable consideration, the parties agree as follows:

1. **Sale and Purchase.** Buyer agrees to purchase the Property from County and County agrees to sell the Property to Buyer for the sum of \$\_\_\_\_\_ (the "Purchase Price").

2. **Earnest Money.** County hereby acknowledges receipt of the sum of \$\_\_\_\_\_ paid by Buyer as earnest money. The earnest money shall be applied to the Purchase Price on the Closing Date, as that term is defined herein.

3. **Payment of Purchase Price.** The Purchase Price shall be paid as follows:  
At closing, the earnest money shall be credited to the purchase price and the Buyer shall pay the balance of the purchase price in cash.

4. **Closing.** Closing shall take place on or before June, 28 2010, at 1 PM; (the "Closing Date"), at the offices of Multnomah County Tax Title, 501 SE Hawthorne, Rm.175, Portland, Oregon, 97214-3560.

5. **Lead Based Paint Inspection.** Buyer shall have an opportunity to conduct a risk-assessment or inspection to determine the presence of lead-based paint or lead-based paint hazards on the property. Buyer may terminate this sale by delivering to County written notice of Buyer's disapproval of risk-assessment or inspection within ten (10) days of the date of this

Agreement unless Buyer has waived the opportunity. The disclosure statement on lead-based paint and lead-based paint hazards, which is attached as Exhibit A, is incorporated in this Agreement. If Buyer delivers to County a timely notice of disapproval, this Agreement terminates and will be cancelled and County will promptly refund Buyer's earnest money deposit. Buyer shall indemnify, hold harmless and defend County from all liens, costs, claims, demands, suits and expenses including reasonable attorney fees and expert fees, arising from or relating to Buyer's entry on or inspection of the property as provided under this paragraph. This covenant to indemnify, hold harmless and defend seller shall survive closing or any termination of this agreement.

**6. Right of Entry.** If the conditions described in Paragraph 5 above are satisfied or waived by Buyer, Buyer or its agents may prior to closing enter the Property from time to time to inspect the Property, as needed. Buyer shall indemnify, hold harmless and defend County from all liens, costs, claims, demands, suits and expenses including reasonable attorney fees and expert fees, arising from or relating to Buyer's entry on or inspection of (including any additional environmental inspection or testing) the property; or any other work performed or allowed by Buyer on the property prior to closing. This covenant to indemnify, hold harmless and defend seller shall survive closing or any termination of this agreement.

**7. Deed.** On the Closing Date, County shall execute and deliver to Buyer a statutory bargain and sale deed conveying the Property to Buyer.

**8. Title Insurance.** County does not provide title insurance.

**9. Possession.** Buyer shall be entitled to possession immediately upon closing.

**10. Property Sold "AS IS".** Buyer agrees that it has accepted and executed this Agreement on the basis of its own examination and personal knowledge of the Property; County makes no representations or warranties with respect to the physical condition or any other aspect of the Property, including, without limitation, that the Property may have conformed to past, current, or future applicable zoning or building code requirements, the existence of soil and stability, past soil repair, soil additions, or conditions of soil fill of susceptibility to land slides, the sufficiency of any undershoring, the sufficiency of any drainage, whether the Property is located either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Property. Buyer expressly acknowledges that the Property is being sold and accepted "AS IS", and Buyer hereby unconditionally and irrevocably waives any and all actual or potential rights Buyer may have regarding any form of warranty, except as set forth in this Agreement, express or implied, of any kind or type, relating to the Property. Such waiver is absolute, complete, total, and unlimited in any way.

**11. Binding Effect/Assignment Restricted.** This Agreement is binding on and will inure to the benefit of County, Buyer, and their respective heirs, legal representatives, successors, and assigns. Nevertheless, Buyer will not assign its rights under this Agreement without County's prior written consent which consent shall not be unreasonably withheld.

**12. Remedies.** TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT.

**(a)** If the conditions described in Paragraph 5 above are satisfied or waived by Buyer and the transaction does not thereafter close, through no fault of County, before the close of business

on the Closing Date, Buyer shall forfeit the [earnest money deposit \_\_\_\_\_] to County as liquidated damages.

(b) If County fails to deliver the deed described in Paragraph 7 above on the Closing Date or otherwise fails to consummate this transaction, the earnest money deposit shall be refunded to Buyer.

(c) The parties agree the remedies for the failure to close this transaction, shall be limited to the remedies set forth above and the parties waive any further remedies, which may be available to either.

(d) Provided, nothing herein shall be interpreted to limit the Buyer's obligations under Paragraphs 5 and 6 as applicable, to defend, hold harmless and indemnify the County.

**13. Notices.** All notices and communications in connection with this Agreement shall be given in writing and shall be transmitted by certified or registered mail, return receipt requested, to the appropriate party at the address first set forth above. Any notice so transmitted shall be deemed effective on the date it is placed in the United States mail, postage prepaid. Either party may, by written notice, designate a different address for purposes of this Agreement.

**14. Severability:** If any term or provision of this Agreement or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Agreement and the application of such term or provision to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

**15. Entire Agreement.** This Agreement sets forth the entire understanding of the parties with respect to the purchase and sale of the Property. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This Agreement may not be modified or amended except by a written agreement executed by both parties.

**16. Applicable Law.** This Agreement shall be construed, applied, and enforced in accordance with the laws of the state of Oregon.

**17. Statutory Warning.**

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.



BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

FOR MULTNOMAH COUNTY:

\_\_\_\_\_

Dated: \_\_\_\_\_, 2009

FOR BUYER:

/s/ \_\_\_\_\_

Dated: \_\_\_\_\_, 2009

/s/ \_\_\_\_\_

Dated: \_\_\_\_\_, 2009

**EXHIBIT C  
MULTNOMAH COUNTY DEED**

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

NAME \_\_\_\_\_  
STREET ADDRESS \_\_\_\_\_  
CITY STATE ZIP \_\_\_\_\_

After recording return to:  
Multnomah County Tax Title 503/4

Deed D \_\_\_\_\_ for R \_\_\_\_\_

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to \_\_\_\_\_  
\_\_\_\_\_, **Grantee**, the following real property:

**LEGAL DESCRIPTION**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is \$ \_\_\_\_\_.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record; has caused this deed to be executed by the Chair of the of County Board.

Dated this 28th day of June, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

STATE OF OREGON                     )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 28th day of June 2010, by Jeff Cogen, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Notary Public for Oregon;  
My Commission expires:

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

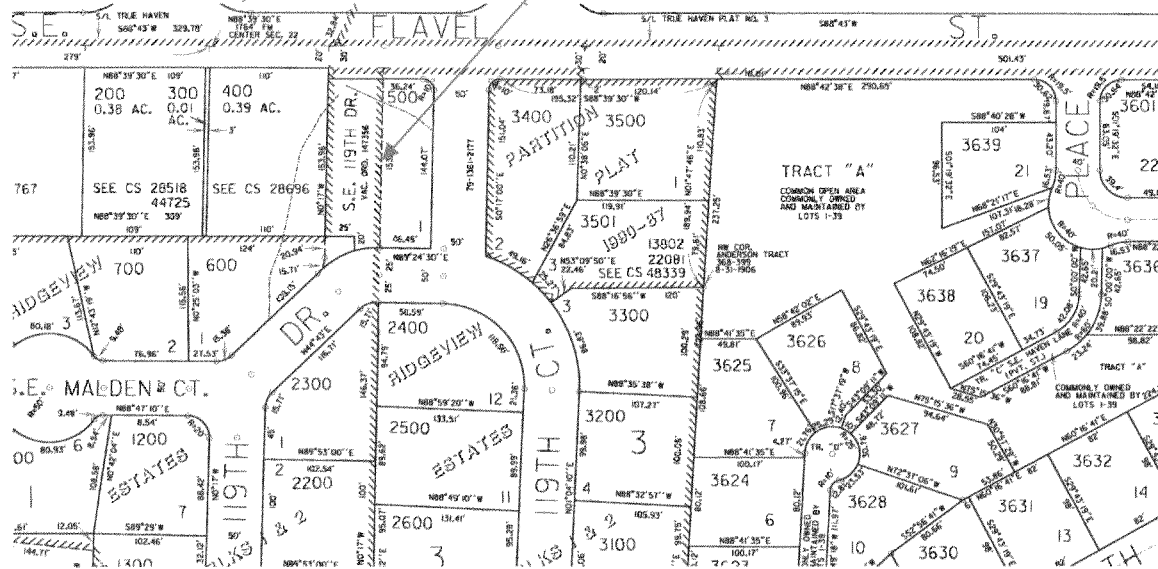
## Exhibit A

**Property No.: 1**

**Tax Account Number R255548**

**Location: Adjacent to 11830 SE Flavel ST, Portland, OR 97266**

**Minimum Bid: \$40,000**



SW Corner of SE 119<sup>th</sup> Drive and

SE Flavel

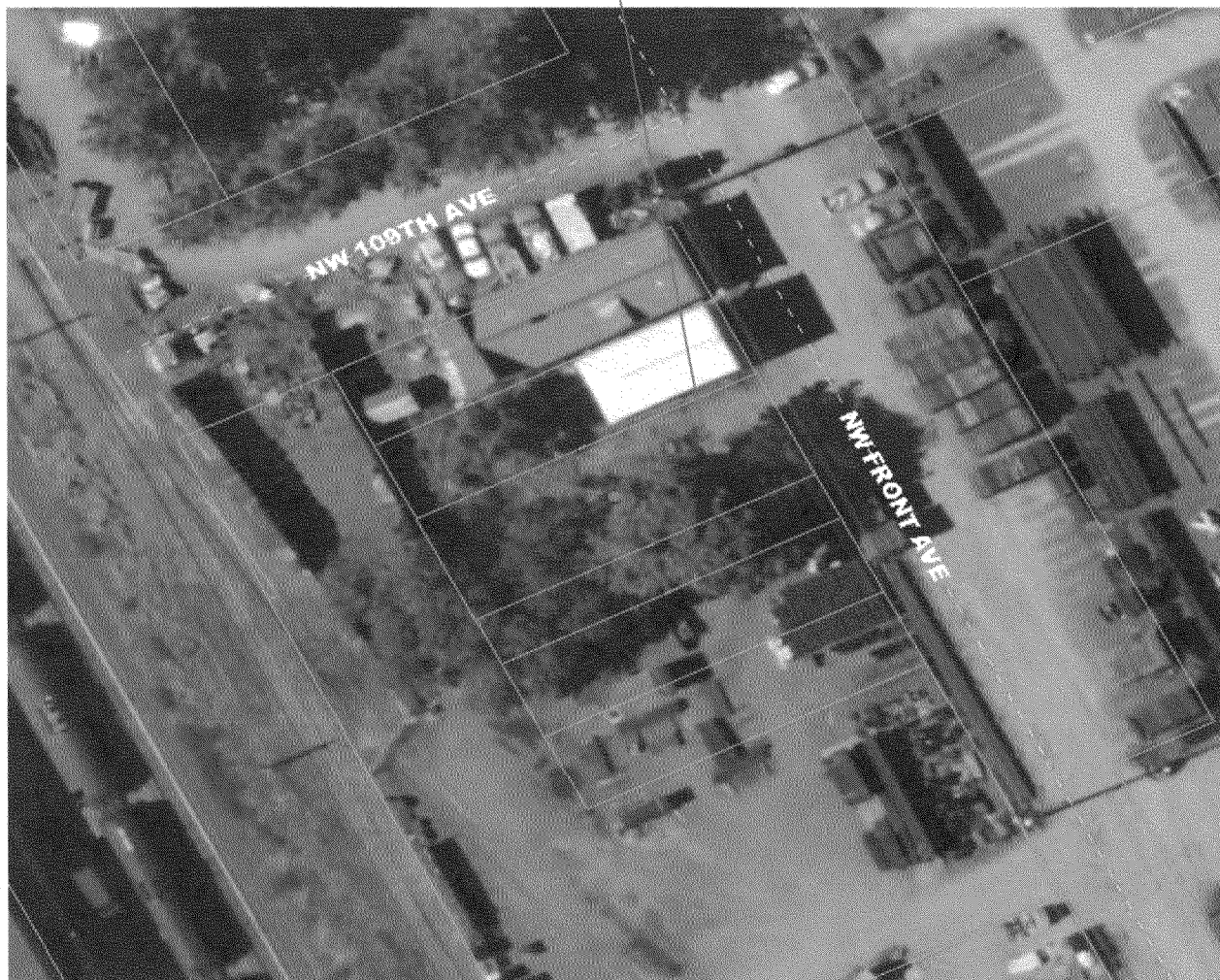
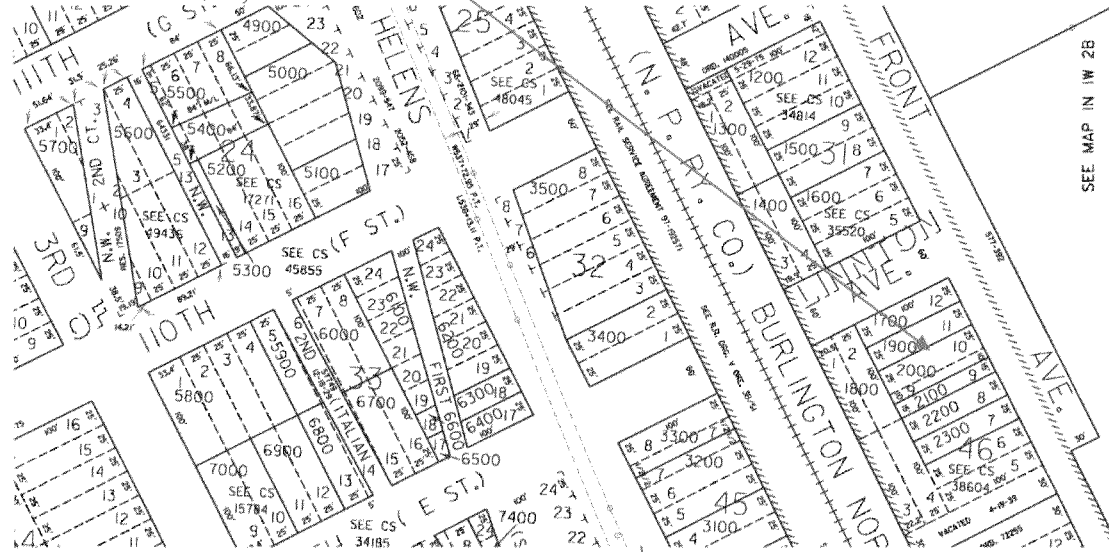


**Property No.: 2**

**Tax Account Number R288397**

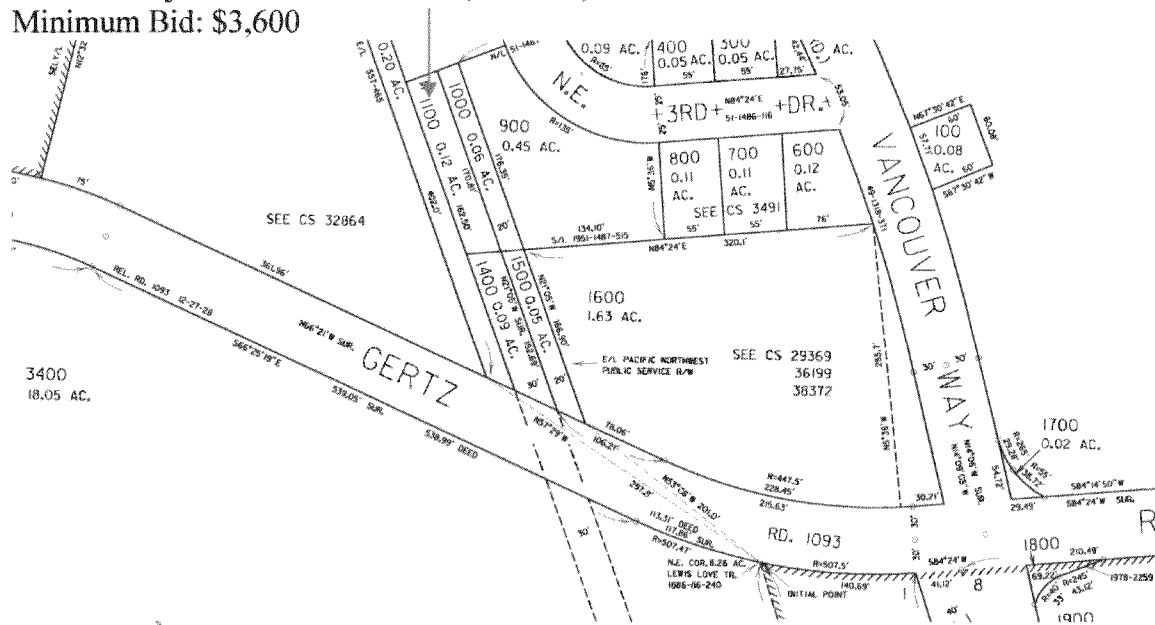
**Location: Adjacent to 10829 NW Front Ave, Portland OR 97231**

**Minimum Bid: \$12,250**





Minimum Bid: \$3,600



### Subject



**Minimum Bid: \$1,800**

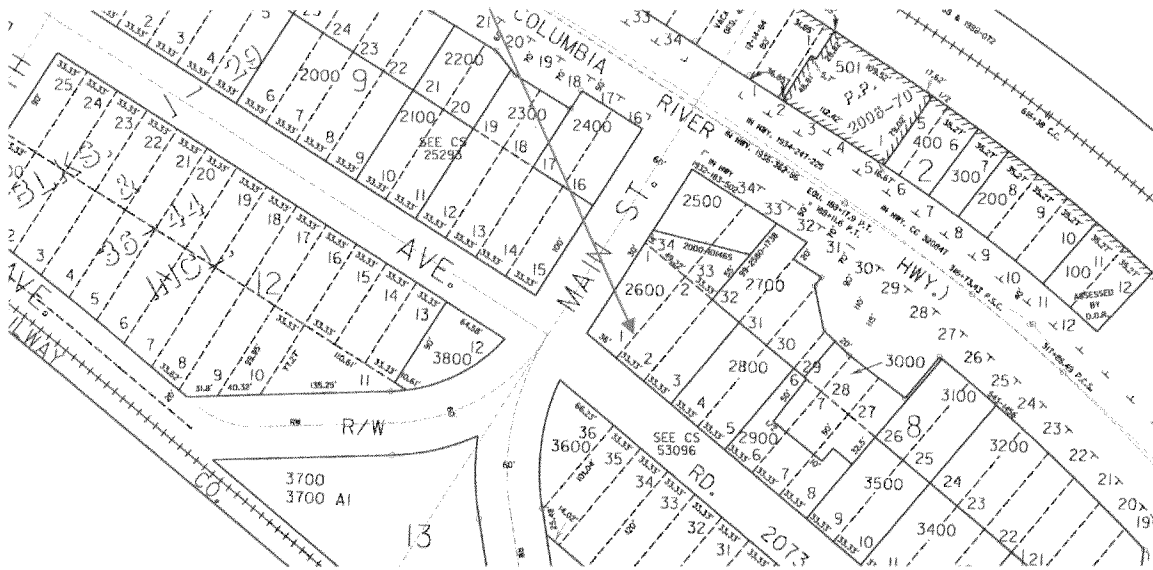
[illegible]

**Property No.: 5**

**Tax Account Number R124267**

**Location: Across from 16939 NW Wapato Ave, Portland OR 97231**

**Minimum Bid: \$25,000**





**Property No.: 6**

**Tax Account Number R141935**

**Location: 2240 NE Hogan Dr, Gresham, OR 97030**

**Minimum Bid: \$91,500**





**Property No.: 7**

**Tax Account Number R141944**

**Location: 2076 NE Hogan Dr, Gresham, OR 97030**

**Minimum Bid: \$63,500**

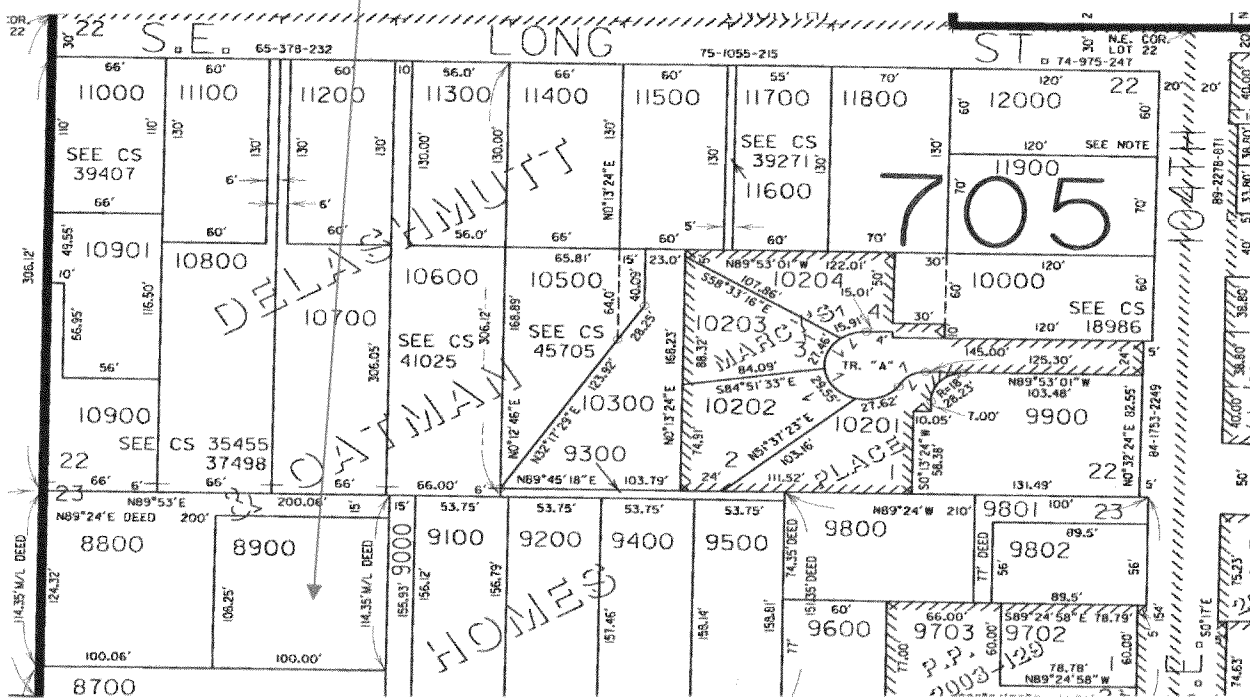


Property No.: 8

Tax Account Number R146290

Location: 10239 SE Liebe St Portland OR 97266

Minimum Bid: \$61,000

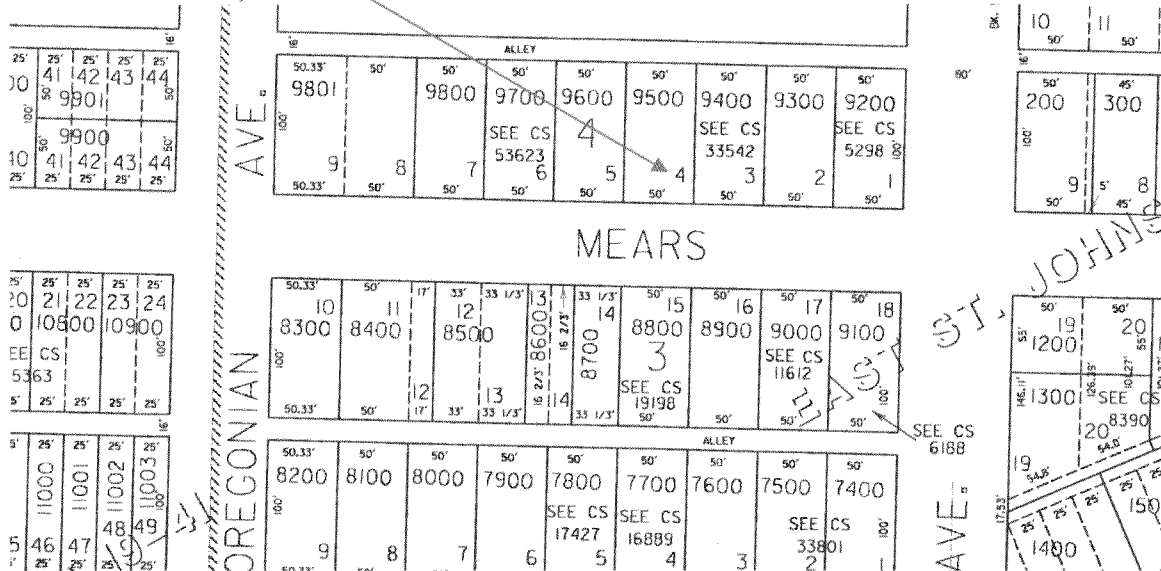


Property No.: 9

Tax Account Number R151090

Location: 6639 N Mears Portland OR 97203

Minimum Bid: \$90,000





**Minimum Bid: \$67,500**

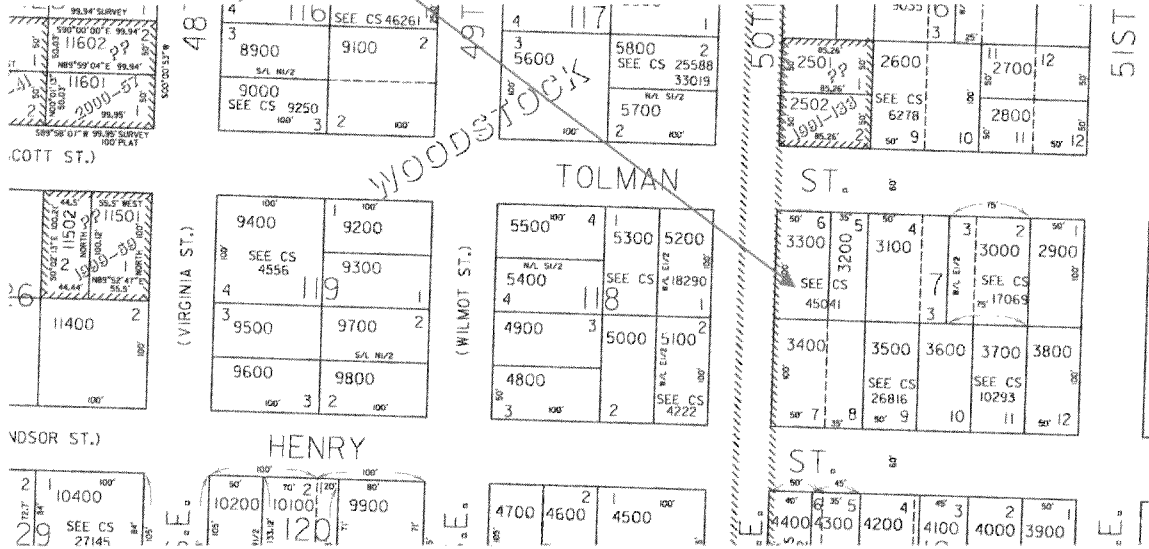


Property No.: 11

Tax Account Number R208791

Location: 6306 SE 50<sup>th</sup> Ave Portland OR 97206

Minimum Bid: \$80,000

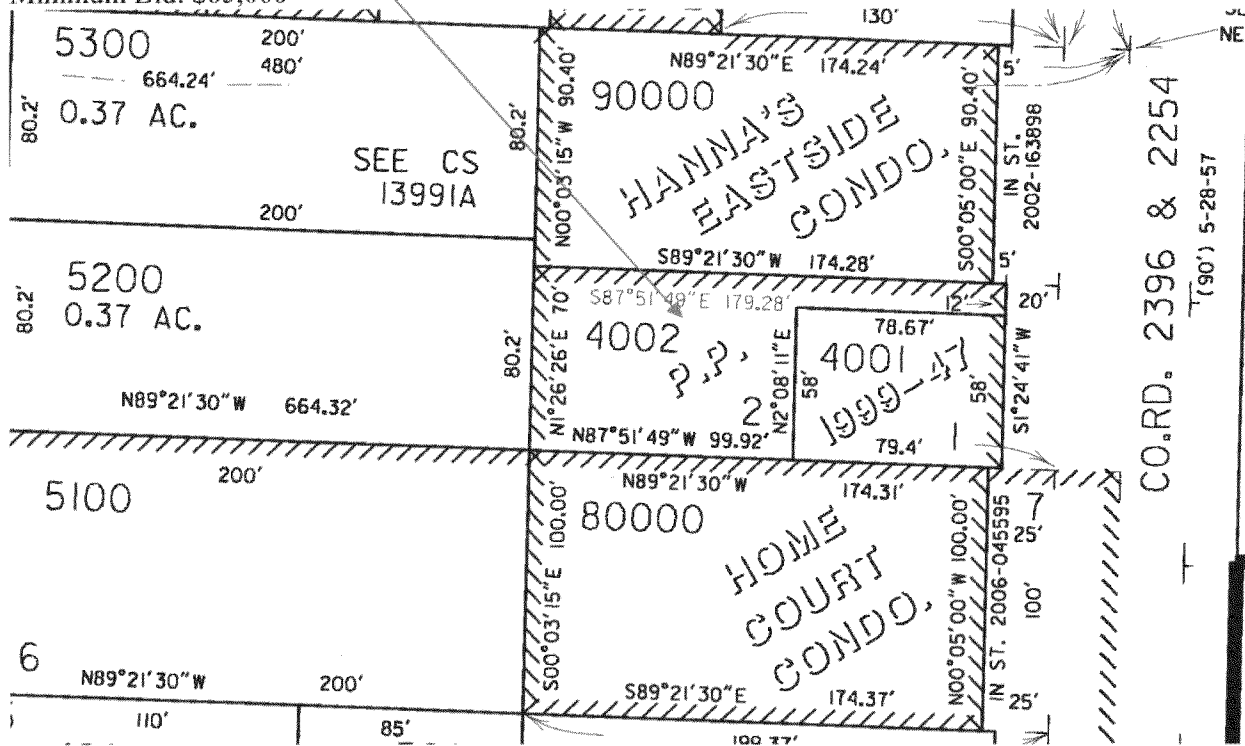


Property No.: 12

Tax Account Number R240525

Location: 3251 SE 122<sup>nd</sup> Ave Portland OR 97236

Minimum Bid: \$85,000



Property No.: 13

Tax Account Number R315310

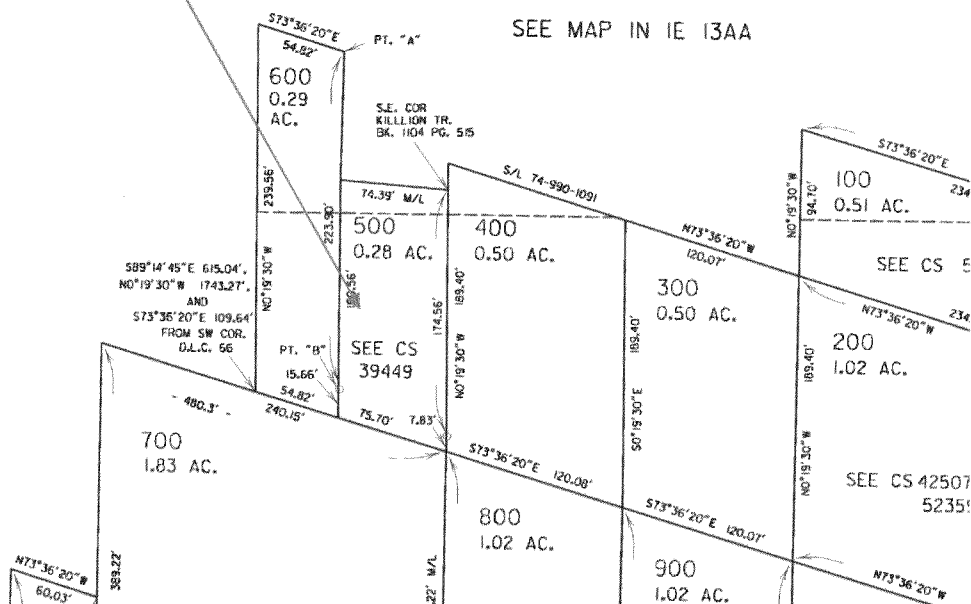
Location: 4003 S/NE Bryant ST Portland OR 97211

Minimum Bid: \$22,000

SE1/4 NE1/4 SEC. 13 T.1N. R.1E. W.M.  
MULTNOMAH COUNTY

1" = 100'

MAP IN IE 13A



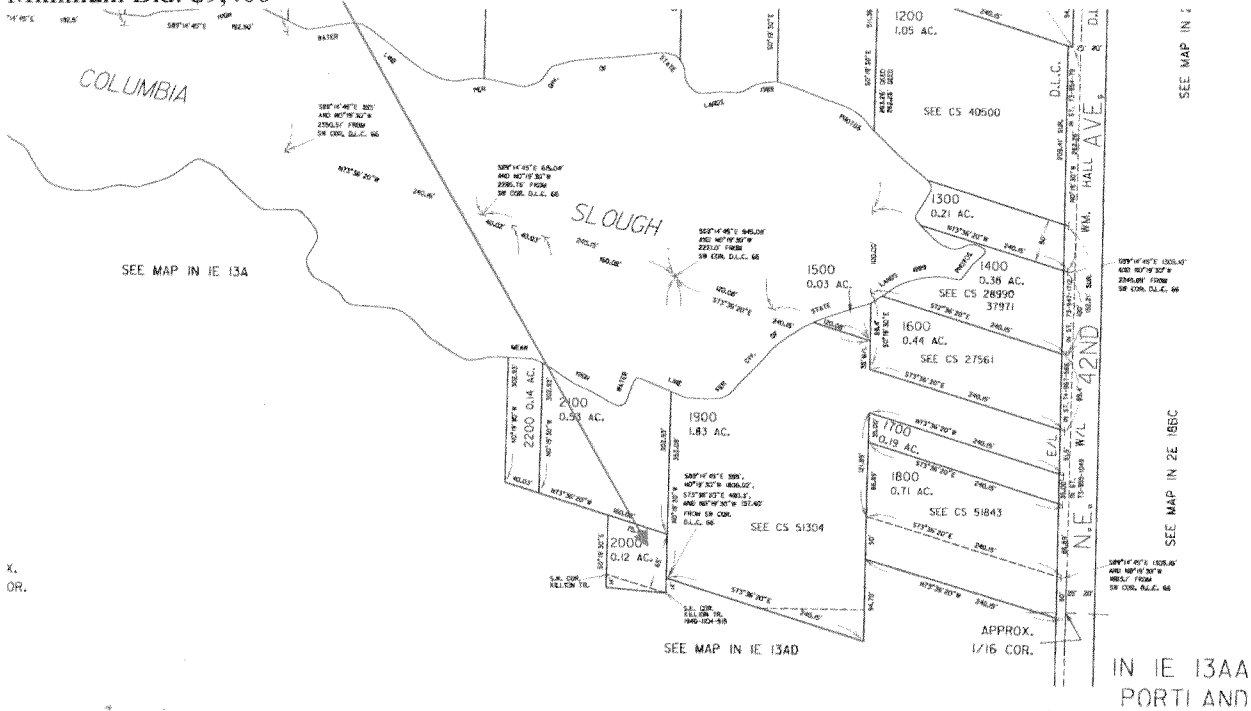


Property No.: 14

Tax Account Number R315339

Location: 4003 NE Bryant ST Portland OR 97211

Minimum Bid: \$9,400



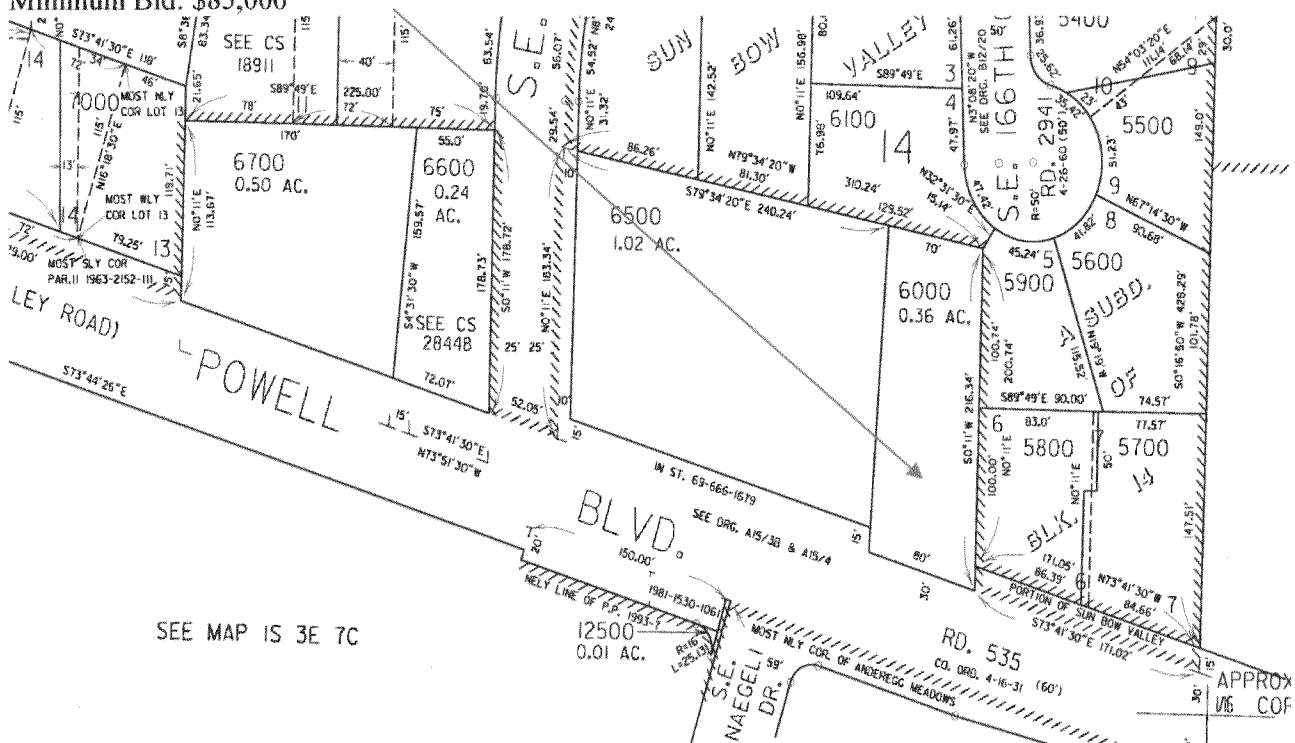


Property No.: 15

Tax Account Number R338444

Location: 16625 SE Powell Blvd Portland OR 97236

Minimum Bid: \$85,000

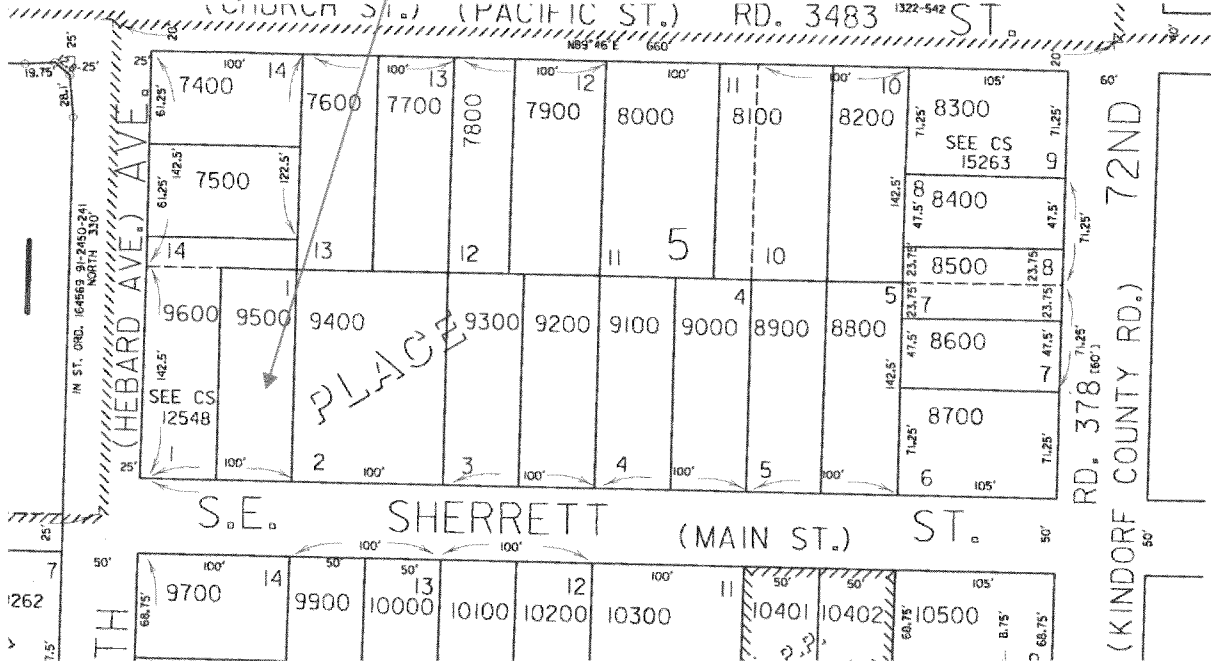


Property No.: 16

Tax Account Number R209969

Location: 7017 SE Sherrett St Portland OR 97206

Minimum Bid: \$48,500



## Exhibit B

### SURPLUS PROPERTY LIST:

ITEM #	TAX ACCT NO/ STATE ID MAP NO.	PROPERTY LOCATION	1/1/2009 ROLL VALUE	ESTIMATED VALUE	MINIMUM BID
1.	R-70510-1000 R255548  1S2E22DA Parcel 00500	Adjacent to 11830 SE Flavel ST Portland OR 97266	\$82,500	\$65,000	\$40,000
2.	R-83940-2620 R288397  1N1W03AD Parcel 02000	Adjacent to 10829 NW Front AVE Portland OR 97231	\$24,690	\$24,690	\$12,250
3.	R-94110-1300 R314947  1N1E10AA Parcel 01100	Adjacent to 9451 NE 3 <sup>RD</sup> DR Portland OR 97211	\$6,000	\$6,000	\$3,600
4.	R-94110-2000 R315016  1N1E10AA Parcel 01000	Adjacent to 9451 NE 3 <sup>RD</sup> DR Portland OR 97211	\$3,000	\$3,000	\$1,800
5.	R-11990-1640 R124267  2N1W20BB Parcel 02600	Across from 16939 NW Wapato AVE Portland OR 97231	\$87,500	\$35,000	\$25,000
6.	R-18190-0180 R141935  1S3E02C Parcel 90008	2240 NE Hogan DR Gresham, OR 97030  Condo	\$144,550	\$120,000	\$91,500
7.	R-18190-0360 R141944  1S3E02C Parcel 90017	2076 SE Hogan DR Gresham, OR 97030  Condo	\$103,700	\$85,000	\$63,500

ITEM #	TAX ACCT NO/ STATE ID MAP NO.	PROPERTY LOCATION	1/1/2009 ROLL VALUE	ESTIMATED VALUE	MINIMUM BID
8.	R-20280-3930 R146290  1S2E15BB Parcel 08900	10239 SE Liebe ST Portland, OR 97266  Structure	\$100,860	\$100,860	\$61,000
9.	R-22740-0800 R151090  1N1E06DC Parcel 09500	6639 N Mears St Portland, OR 97203  Structure	\$205,190	\$120,500	\$90,000
10.	R-39400-1370 R181351  1N1W01CA Parcel 13400	9734 N Central St Portland, OR 97203  Structure	\$165,500	\$90,000	\$67,500
11.	R-51050-1590 R208791  1S2E18CD Parcel 03300	6306 SE 50 <sup>th</sup> Ave Portland, OR 97206  Structure	\$136,540	\$120,500	\$80,000
12.	R-64979-1860 R240525  1S2E10AD Parcel 04002	3251 SE 122 <sup>nd</sup> Ave Portland, OR 97236	\$205,780	\$140,000	\$85,000
13.	R-94113-1890 R315310  1N1E13AD Parcel 00500	4003 S/NE Bryant St Portland, OR 97211	\$68,660	\$36,500	\$22,000
14.	R-94113-2380 R315339  1N1E13AA Parcel 02000	4003 NE Bryant St Portland, OR 97211	\$54,000	\$15,700	\$9,400
15.	R-99307-3930 R338444  1S3E07CB Parcel 06000	16625 SE Powell Blvd Portland, OR 97236	\$87,000	\$140,000	\$85,000

ITEM #	TAX ACCT NO/ STATE ID MAP NO.	PROPERTY LOCATION	1/1/2009 ROLL VALUE	ESTIMATED VALUE	MINIMUM BID
16.	R-51650-2570 R209969  1S2E20CD Parcel 09500	7017 SE Sherrett ST Portland, OR 97206  Structure	\$143,520	\$65,000	\$48,500



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

## Board Clerk Use Only

Meeting Date: 4/8/2010  
Agenda Item #: R-1  
Est. Start Time: 9:15 am  
Date Submitted: 3/23/2010

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-1 DATE 4-8-2010  
ADA GROW, BOARD CLERK

*Hand to  
Present to  
4-20-2010*

**Agenda** NOTICE OF INTENT to apply for the Justice and Mental Health Collaboration  
**Title:** Program grant from the U.S. Department of Justice in the amount of \$200,000.

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

**Requested Meeting Date:** April 8, 2010 **Amount of Time Needed:** 5 minutes  
**Department:** Department of Community Justice **Division:** Juvenile Services Division  
**Contact(s):** Thuy Vanderlinde  
**Phone:** 503-988-5677 **Ext.** 85677 **I/O Address:** 311/1  
**Presenter(s):** Thuy Vanderlinde and Thach Nguyen

## General Information

### 1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests the approval to apply for the Justice and Mental Health Collaboration Program grant from the U.S Department of Justice in the amount of \$200,000 for 24 months.

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

DCJ currently has the ability to offer to the medium and high risk youth and their families a continuum of services from community-based treatment to intensive programs such as mental health and alcohol and drug assessment, outpatient and in-home counseling, and residential alcohol and drug treatment. DCJ implemented evidenced-based practices to address criminality as well as substance abuse and mental health issues by utilizing Motivational Interviewing, Cognitive Behavioral Therapy, Stages of Change, and Multi-Dimensional Family Therapy. Many youth continue to deal with the difficulties in their communities and the community at large, due to the complexity of their mental health, substance abuse, and delinquent behavior which has a significant impact on their success in treatment and the rate of re-offending. This grant will assist us in our critical efforts to coordinate and collaborate with other agencies to build a system of care that is

more responsive to the youth's needs and support them and their families in the community.

DCJ uses a clinical tool to assess the mental health needs and substance abuse among the youth under probation supervision; the assessment distinguishes the youth's problems by the severity, complexity, and multiplicity of their needs.

If awarded this grant, DCJ will continue to work collaboratively with the Department of County Human Services to build a system of care for this population of high-risk delinquent youth with mental health problems. This collaborative system of care will interface with State Department of Human Services, Oregon Youth Authority, Portland Public School Districts, Multnomah Educational Service Districts, community providers, law enforcement and child-serving agencies, and other community stakeholders to coordinate resources and provide support for community supervision to the youth and their families.

This grant will enhance FY-2011 probation supervision offer 50022: Assessment and Treatment for Youth and Family (ATYF).

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

DCJ is requesting \$200,000.00 to be spent from October, 2010 to October 2012. This includes \$15,652 in Central and Departmental Indirect expenses

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

The grantee (DCJ) shall meet the following requirements:

Formula grant recipients and their sub-recipients must comply with the provisions in the Federal Financial Guide, found at [www.grants.gov](http://www.grants.gov).

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

DCJ will work with County Department of Human Services as well as local agencies serving children and families, county mental health providers, community-based providers, law enforcement, Family Courts, Oregon Youth Authority, and the State Department of Human Services.

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## ATTACHMENT A

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### Grant Application/Notice of Intent

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

- **Who is the granting agency?**

The Justice and Mental Health Collaboration Program from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

- **Specify grant (matching, reporting and other) requirements and goals.**

DCJ will use the grant to further our partnership with Department of County Human Services to create a collaborative system of care for youth on probation supervision who have mental health problems. DCJ will formulate outcomes measures to meet the objectives of the grant and to report progress to stakeholders. A 20% in-kind match is required. A portion of an existing position and other in-kind expenses will be utilized to meet the match requirement of \$50,000 over two years.

- **Explain grant funding detail – is this a one time only or long term commitment?**

The grant amount is \$200,000 for 24 months.

- **What are the estimated filing timelines?**

The filing deadline is April 8, 2010.

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

October 1, 2010 to September 30, 2012.

- **When the grant expires, what are funding plans?**

DCJ will continue to seek funding for these services from future government grants and private foundations. DCJ in collaboration with the Department of County Human Services will explore other funding streams such as Medicaid billing.

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

This grant provides for Central Indirect and Department Indirect cost at a maximum of 10%.



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## ATTACHMENT B

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### Required Signatures

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Elected Official or  
Department/  
Agency Director:

Date:



Budget Analyst:

Date:

SIGNATURES FOR  
L U & T

GROW Lynda

From: FARMER Stuart L  
Sent: Friday, April 16, 2010 10:59 AM  
To: DUFFY Sandra N; GROW Lynda  
Cc: BARBER Adam T  
Subject: RE: IGA - Invasive Plants

INCLUDE HIM  
WHEN YOU SEND  
SCAN  
SANDRA TOO

Fully executed contracts are distributed to both the presenter as well as CPCA. If the other jurisdiction has not yet signed the agreement then it is up to the presenter to obtain signatures for the County's permanent record. Please let me know if I can provide any additional assistance.

Stuart

ILL HELP YOU  
WHEN WE  
GET TO THIS  
POINT

From: DUFFY Sandra N  
Sent: Friday, April 16, 2010 10:55 AM  
To: GROW Lynda  
Cc: BARBER Adam T; FARMER Stuart L; DUFFY Sandra N  
Subject: RE: IGA - Invasive Plants

Lynda:

You should PDF the IGA and send it to each of us. One original (the county's) goes someplace that Stuart knows the identity of .... And he'll tell us both.

Adam, do you want Lynda to send the City's original to it, or do you want to do that?

Adam  
Barber  
Lynda's

Sandy

From: GROW Lynda  
Sent: Friday, April 16, 2010 10:52 AM  
To: DUFFY Sandra N  
Subject: IGA - Invasive Plants

Sandra: I have the three signed IGAs for Invasive Plants Management – do I send them back to you, or the Presenter ( Adam Barber ) , who made the presentation, or ???

I called Adam for direction, but he was out @ meetings yesterday & is out of the office today so I haven't caught up with him yet.

Sorry to bother you with this.

4/16/2010

Lynda

Lynda J. Grow, Board Clerk  
Multnomah County Commissioners  
501 SE Hawthorne Blvd., Ste. 600  
Portland, OR 97214-3587  
(503) 988-3277 or (503) 988-5274  
[lynda.grow@co.multnomah.or.us](mailto:lynda.grow@co.multnomah.or.us)



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # 2-2 DATE 4-8-2010  
LYNDA GROW, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 4/08/10  
Agenda Item #: R-2  
Est. Start Time: 9:20 am  
Date Submitted: 3/17/10

**SECOND READING - Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions to adopt the Invasive Plant Policy Review and Regulatory Improvement Project Report in Compliance with Metro's Functional Plan.**

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

Date Requested:	<u>April 1, 2010</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Community Services</u>	Program:	<u>Land Use &amp; Transportation</u>
Contact(s):	<u>Adam Barber</u>		
Phone:	<u>503-988-3043</u>	Ext.	<u>22599</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Adam Barber</u>		

### General Information

**1. What action are you requesting from the Board?**

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

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

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 and subsequently Ordinance 997, the attached ordinances have been passed by the Portland City Council and therefore the County must adopt them pursuant to our intergovernmental agreement to keep the code up to date. 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 amendments to the City's comprehensive plan, zoning code and other regulations adopted by the City Council 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. Explain the fiscal impact (current year and ongoing).**

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (3/22/10) to the BCC hearing. 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. Explain any citizen and/or other government participation that has or will take place.**

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

---

**Required Signatures**

---

**Department/  
Agency Director:**



---

**Date:** 3/17/2010

---

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1159**

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Code Revision to Strengthen Invasive Plant Management in Compliance with Metro's Functional Plan

**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. On March 4, 2010 the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1157.
- f. Since the adoption of Ordinance 1157, the City's Planning Commission recommended 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.
- h. The City Council adopted the *Invasive Plant Policy Review and Regulatory Improvement Project report* and code amendments set out in Section 1 below and attached as Exhibits 1 & 2. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.
- i. This matter was noticed on the April 1, 2010, Board Meeting Agenda.
- j. City Code Title 29 is not part of the Portland Zoning Code and is not required to go through the legislative process required in MCC 37.0710 and is adopted by the Board through this ordinance.
- k. The City Council has authorized the *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* between the City of Portland and Multnomah County as shown in Appendix F of Planning Commission Recommended Report to City Council.

**Multnomah County Ordains as follows:**

**Section 1.** The County code is amended to include the City code amendments, attached as Exhibits 1-3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Date
1	Ordinance to strengthen invasive plant management ( <b>PDX Ord. #183534</b> ) (effective July 1, 2010, except Section 33.430.140.L and Section 33.465.150.G that are effective July 1, 2011)	2/10/2010
2	<i>Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (Recommended Report)</i>	1/15/20109

**Section 2.** MCC Chapter 11.10, § 11.10.350 is amended as follows:

11.10.350 Replacement of portions of Community Plans with City of Portland Comprehensive Plans, Zoning Maps, and Codes.

(A) As of January 1, 2002, 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 Portland Zoning Code, titles 10, 17.38.060, 24.50, 24.70, 32, 33 and 34, to include the 'Code Maintenance 2001' update effective September 7, 2001 and the additional 'Code Maintenance 2001' update as attached

(2) City of Portland Zoning Code amendments relating to the transfer of administration from the County to the City for unincorporated urban areas within Portland's Urban Services Boundary

(3) The Portland Comprehensive Plan

(4) The Portland Comprehensive Plan Maps (with the understanding that the Comprehensive Plan will be amended to include all Multnomah County-Portland unincorporated areas)

(5) The Outer SE and SW Community Plans

(6) The Guilds Lake Industrial Sanctuary Plan

(7) The proposed Metro Design Type Boundary Maps

(8) The proposed County-City Street Classification Conversion Chart

(9) The amended zoning maps attached.

(B) Those portions of unincorporated Community Plans that lie within the City of Portland Urban Services Boundary are repealed and replaced by the respective City of Portland 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 Portland Zoning Code titles 10, 17.38.060, 24.50, 24.70, 32, 33 and 34 and maps adopted by reference in those Ordinances.

(D) As of July 1, 2010, the Multnomah County Code is amended to include City of Portland Code Title 29, Property Maintenance Regulations.

**Section 3.** In accordance with ORS 215.427(3), the changes resulting from Section 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 4.** 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 5.** 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 6.** The County Chair is authorized and directed to sign the *Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants* in a form substantially as set forth in Appendix F of the Recommended Report (Exhibit 2).

FIRST READING: \_\_\_\_\_ April 1, 2010

SECOND READING AND ADOPTION: \_\_\_\_\_ April 8, 2010

BOARD OF COUNTY COMMISSIONERS,  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Sandra N. Duffy, Assistant County Attorney

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

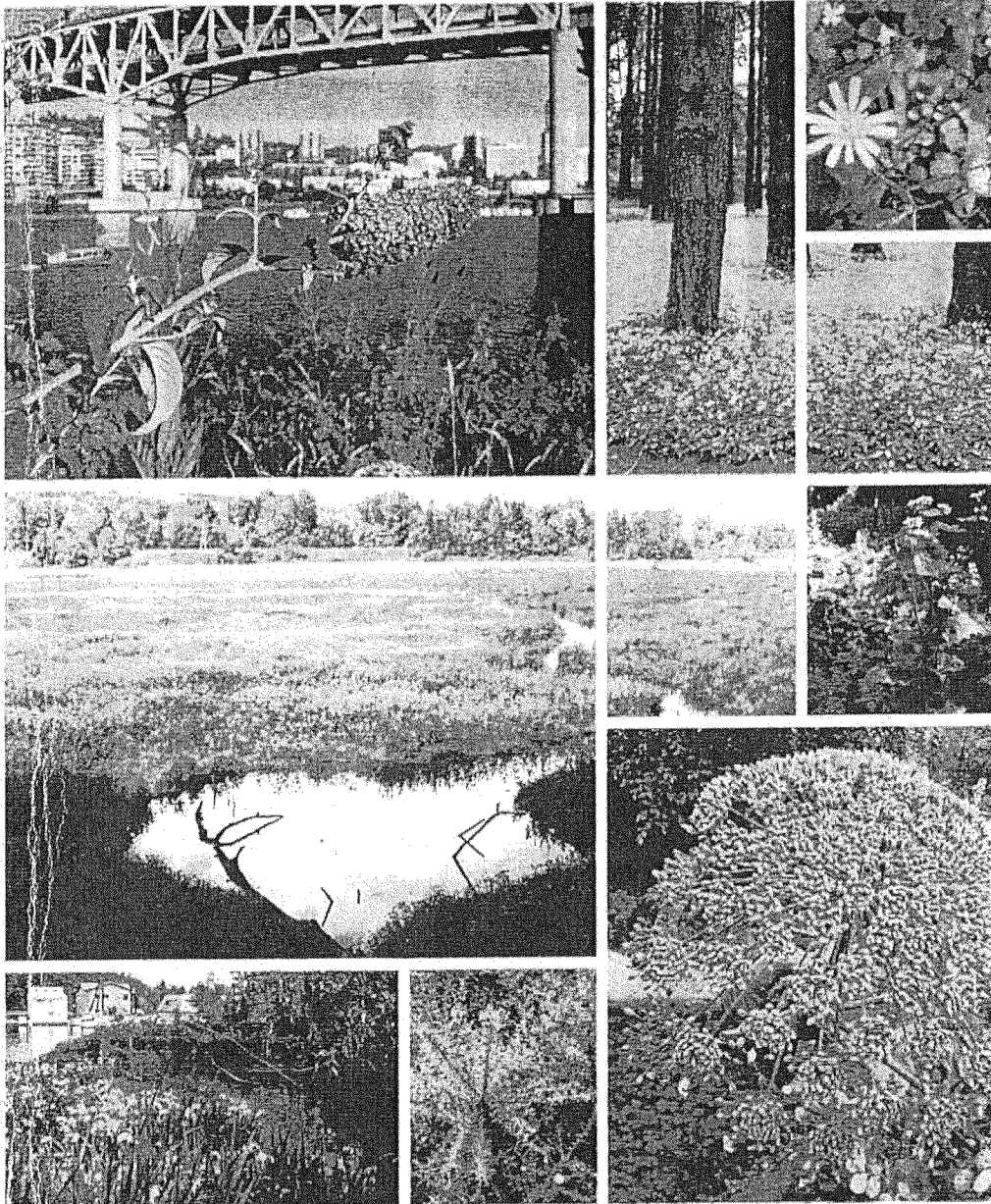


## **EXHIBIT LIST FOR ORDINANCE**

1. Ordinance to strengthen invasive plant management (**PDX Ord. #183534**) (effective July 1, 2010, except Section 33.430.140.L and Section 33.465.150.G that are effective July 1, 2011)
2. *Invasive Plant Policy Review and Regulatory Improvement Project: Planning Commission Recommended Report to City Council (January 15, 2010)*

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website ([www.co.multnomah.or.us/cc/WeeklyAgendaPacket/](http://www.co.multnomah.or.us/cc/WeeklyAgendaPacket/)). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

# Planning Commission



*Examples of Invasive Plants of Portland*

## Recommended Report to City Council

January 15, 2010

## Invasive Plant Policy Review and Regulatory Improvement Project



City of Portland  
Bureau of

**Planning and Sustainability**

Sam Adams, Mayor  
Susan Anderson, Director



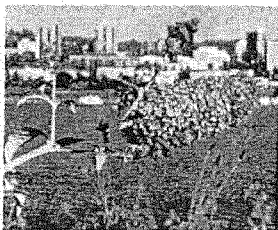
**ENVIRONMENTAL SERVICES  
CITY OF PORTLAND**

*working for clean rivers*

Dan Saltzman, Commissioner in Charge  
Dean Marriott, Director

## Invasive Plants of Portland

(identification of cover photos)



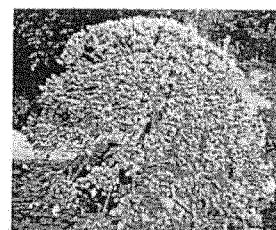
Butterfly bush  
*Buddleia davidii*



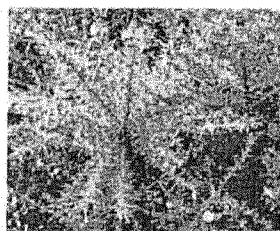
Common hawkweed  
*Hieracium vulgatum*



Garlic mustard  
*Alliaria petiolata*



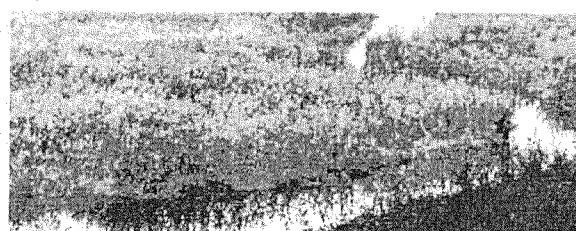
Giant hogweed  
*Heracleum mantegazzianum*



Gorse  
*Ulex europaeus*



Yellow flag iris  
*Iris pseudacorus*



Purple loosestrife  
*Lythrum salicaria*

The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings.

If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

For more information about the **Invasive Plant Policy Review and Regulatory Improvement Program**, please contact:

Tricia R. Sears, City Planner II/Environmental Specialty  
Portland Bureau of Planning and Sustainability  
1900 SW 4<sup>th</sup> Avenue, Suite 7100  
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A digital copy of this report can be found at:  
<http://www.portlandonline.com/bps>

## Acknowledgements

### Portland City Council

Sam Adams, *Mayor*  
 Nick Fish, *Commissioner*  
 Amanda Fritz, *Commissioner*  
 Randy Leonard, *Commissioner*  
 Dan Saltzman, *Commissioner*

### Portland Planning Commission

Don Hanson, *President*  
 Amy Cortese, *Vice President*  
 Michelle Rudd, *Vice President*  
 André Baugh  
 Lai-Lani Ovalles  
 Howard Shapiro  
 Jill Sherman  
 Irma Valdez

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 Susan Anderson, *Director*  
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 Eric Engstrom, *Principal Planner*  
 Roberta Jortner, *Supervising Planner*  
 Tricia R. Sears, *City Planner II/Environmental Specialty*

### Bureau of Environmental Services (BES)

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 Dean Marriott, *Director*  
 Mike Rosen, *Watershed Division Manager*  
 Paul Ketcham, *Willamette Watershed Manager*  
 Jennifer Goodridge, *Invasive Species Coordinator*

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 Roberta Jortner, *BPS*  
 Jennifer Goodridge, *BES*

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 Paul Ketcham, Toby Query

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 Patty Rueter

*Water Bureau*  
 Angie Kimpo, Rich Rice

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 Jason Dumont, *The Nature Conservancy*  
 Mandy Tu, *Consultant*  
 Mark Sytsma and Vanessa Howard Morgan, *Portland State University*

### **Acknowledgements**

Jessica Richman, *BPS*; Shannon Buono, *BPS*; Ralph Sanders, *BPS*; Leslie Wilson, *BPS*; Julie White, *BPS*; Sandra Wood, *BDS*; Kim Freeman, *BDS*; Rachel Whiteside, *BDS*; Doug Morgan, *BDS*; Emily Roth, *BES*; Jennifer Karp, *BES*; Kathryn Beaumont, *City Attorney*; Roland Iparraguirre, *City Attorney*; Ben Walters, *City Attorney*; Adam Barber, *Multnomah County*; Chris Wirth, *Multnomah County*; Sandy Duffy, *Multnomah County*; Damon Reische, *Clean Water Services*; Tim Butler, *Oregon Department of Agriculture (ODA)*; Shannon Brubaker, *ODA*; Tom Forney, *ODA*; 4 County Cooperative Weed Area (CWMA); Oregon Association of Nurseries (OAN); Jonna Papaefthimiou, *Lake Oswego*; Mary Logalbo, *West Multnomah Soil & Water Conservation District*; Phil Burgess, *Clark County, WA*; Glenn Lebsack, *Clark County, WA*; Tanya Beard, *Marion County*; Don Farrar, *Gilliam County*; Vern Holm, *Yamhill County*; Suzanne Rowe, *King County, WA*; Sasha Shaw, *King County, WA*; Sarah Beazley, *City of Chicago*; Steve Shults, *Illinois Department of Natural Resources*; Jody Shimp, *Illinois Department of Natural Resources*

*Contributors are from Oregon unless otherwise noted.*

**Special thanks** to those listed above and to all who participated in the project by discussion, coordination, research, review, comment, and other efforts.



183534

City of Portland  
Bureau of  
**Planning and  
Sustainability**

Sam Adams, Mayor  
Susan Anderson, Director

**Portland Planning  
Commission**

Don Hanson, President

Amy Cortese, Vice President

Michelle Rudd, Vice President

André Baugh

Lai-Lani Ovalles

Howard Shapiro

Jill Sherman

Irma Valdez

January 11, 2010

Mayor Sam Adams and Members of Portland City Council  
Portland City Hall  
1221 SW Fourth Avenue  
Portland, OR 97204

Dear Mayor Adams and Members of Portland City Council:

On November 10, 2010, the Portland Planning Commission voted unanimously to recommend adoption of the **Invasive Plant Policy Review and Regulatory Improvement Project**, which includes amendments to the Portland Plant List, Portland City Code Title 29, Property Maintenance Regulations, and Title 33, Planning and Zoning. We heard from three testifiers and received 13 letters of testimony supporting the City's thorough and necessary work. During the discussion of public involvement City staff readily agreed to continue to work with neighborhood groups and any others who might request briefings in the future.

We appreciated the opportunity to review this City plan that comprehensively addresses the serious issue of invasive plants that crowd out trees, spread forest fires and create other potential hazards in our community. Our responsibility is to oversee land use regulations and policies related to planning, transportation, housing, and the environment. As stewards of the Comprehensive Plan and eventual Portland Plan, we praise the City's efforts to collaborate internally as well as with agencies, businesses and others to address multi-faceted issues.

The Planning Commission recommends adoption of this project that supports the City's Invasive Plant Management Strategy. *We base our recommendation on the following:*

- *Extensive Public Outreach* – Staff assured us they worked with internal staff, interest groups and agencies. In addition, staff provided notice and opportunities for input on the project to the public.
- *Consideration of Impacts on Public and Private Property Owners* – We support authorization of the Portland Plant List as an administrative rule because we feel responsiveness and flexibility will be important to help residents and agencies comply with requirements for removal of certain plants and restoration efforts. The Portland Plant List plus changes to City regulations will assist decision-making regarding removal of plants and restoration efforts.
- *Trained Staff and Sufficient Funding* – We believe changes reflect an effective strategy that relies on trained staff, free assistance to citizens for certain plant removal efforts, and widespread *public education*.
- *Comprehensive Plan / Portland Plan* – As stewards of the City's comprehensive planning rules and policies, we urge further collaborative work among City offices and agencies and comprehensive approaches to multi-faceted issues such as prioritized management of invasive plant contamination.

In summary, we applaud the application of science in support of sound public policy. We thank you for your consideration of our recommendation.

Very truly yours,

Michelle Rudd, Vice President  
Portland Planning Commission

1900 S.W. 4th Ave., Ste. 7100  
Portland, OR 97201-5350  
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City of Portland Bureau of  
**Planning and Sustainability**  
 Sam Adams, Mayor | Susan Anderson, Director

## Invasive Plant Policy and Regulatory Improvement Project

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## Summary

### Introduction

The Invasive Plant Policy Review and Regulatory Improvement Project is an effort to improve the City's policies, regulations and procedures related to management of invasive plants. The project is funded by the Bureau of Environmental Services (BES), and led by the Bureau of Planning and Sustainability (BPS).

### Context

As a follow up to City-sponsored town hall meeting on invasive species in November 2005, the City Council passed Resolution No. 36360 which required the City to develop a three year work plan and ten year goals to reduce noxious weeds within the city.

In response to Resolution No. 36360, BES led a multi-bureau effort to develop a city-wide invasive species management strategy. The Invasive Plant Management Strategy (Strategy) was published in November 2008. On August 26, 2009, the City Council approved Resolution No. 36726, which established the Strategy as the City's management plan on invasive plants.

The Strategy calls for numerous actions including protecting the highest value City natural areas; preventing the establishment of new plant invaders; integrating invasive plant management policies into the City's Comprehensive Plan; and updating invasive plant regulations in existing City codes.

### What Will the Project Change?

The Invasive Plant Policy Review and Regulatory Improvement Project has four components that focus on actions identified by the Strategy.

- *Update the Portland Plant List (PPL) to include priority ranks and guidance regarding invasive plants.* Staff proposes revisions to the PPL to inform City and community invasive species management activities, program development, and priority setting.
- *Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules.* Staff has evaluated City codes to establish code and policy to effectively manage invasive plant species in development and non-development situations.
- *Coordinate with the Portland Plan project to ensure that invasive species are addressed in the Comprehensive Plan update and the Portland work plan.* Through the Portland Plan, the City should establish clear and ambitious policies and objectives to help advance the invasive species management strategy. Policies relating to invasive plants should be addressed in the contexts of public health, safety, environment, and economy.
- *Research the feasibility of establishing a local noxious or invasive weed law.* Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law. Staff has also researched similar laws in other jurisdictions.



### **What Documents are Attached?**

The Report and Recommendations to City Council is comprised of the documents related to the four project components.

The Project Overview Report provides a detailed description of each of the project components, and recommendations. The recommendations address codes and technical documents used by multiple City bureaus and citizens. Specifically, changes are recommended for the Zoning Code (Title 33), the Property Maintenance Regulations (Title 29), the *Portland Plant List*, the *Erosion Control Manual*, the *Stormwater Management Manual*, and the *Tree and Landscaping Manual*. Recommendations also evaluate the feasibility of establishing a City noxious weed law. In some situations, ideas and suggestions were explored and are identified for future research and projects.

The proposed changes to the Zoning Code, with commentary explaining the proposed changes, primarily involve clarifications of existing language related to removal of invasive plants in conjunction with City-required landscaping and mitigation as part of a land use review. An additional provision is proposed to require removal of invasive plants and replanting with natives to compensate for disturbance within the Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. Coordination efforts have been made with the Citywide Tree Project and the River Plan/North Reach project staff to ensure that changes for this project are consistent with the changes proposed in the other two projects.

Substantial changes are proposed to the existing text and organization of the *Portland Plant List*. In addition, the Nuisance Plant List and the Prohibited Plant List have been consolidated into one list called the Nuisance Plants List. Forty-three plant species have been added to the list, and twenty-three plant species have been removed from the list. A priority rank has been assigned to each of the plant species on the Nuisance Plant List. These ranks have been established to inform the development and implementation of management activities and regulations. Information added after the 2004 update and printing of the *Portland Plant List*, which has been available on the City's web page, will be included in this revised *Portland Plant List*.

The Planning Commission recommends that the *Portland Plant List* be "reauthorized" by the City Council as an administrative rule. This would affirm the role of the *Portland Plant List* as a technical document similar to the City's other technical documents such as the *Erosion Control Manual* and the *Stormwater Management Manual*. As an administrative rule, the *Portland Plant List* can be updated regularly and as new scientific information emerges. The process to update administrative rules includes an opportunity for public input, but it is more streamlined and less costly than the City's legislative review process.

Two amendments are made to Title 29 Property Maintenance Regulations. The first amendment is the addition of code requiring eradication of specified plants on the Nuisance Plants List, Required Eradication List. There are fifteen plants on this list. The new code provision will be added to Section 29.20.010.G. The second amendment is addition of the definition of eradication, which will be added to Section 29.10.020.V. The purpose of these changes to Title 29 is to promote removal of invasive plants that are not yet widespread in the City. Taking a preventive approach will reduce risks to public health and the environment, and prevent future costs.

Administrative rules for the "Nuisance Plants Required Removal Program" have been drafted to establish and describe the processes and responsibilities for the Bureau of Environmental Services and the Bureau of Development Services related to the implementation of the required eradication of plants on the Nuisance Plants List, Required Eradication List. The authorizing code in Title 29 allows the City to initiate abatement procedures if eradication cannot be accomplished using

voluntary measures and technical assistance from the City. In addition, an intergovernmental agreement between the City of Portland and Multnomah County has been drafted for the implementation of the Title 29 provisions.

The Financial Impact Statement for Council Action Items has been completed as required. Minor fiscal impacts are anticipated because the existing budgeted positions and responsibilities are identified to accommodate the project proposals. For example, the 0.5 position for a dedicated, trained plant specialist to inspect landscape and mitigation sites, to monitor for invasive plant recurrence, and to assist in abatement as necessary is identified in the BES Grey to Green budget for FY 2010-2013.

Copies of the letters submitted to the Planning Commission are included in this report. In addition, a list of City stakeholder involvement actions is included.

### **Planning Commission Recommendation**

The Bureau of Planning and Sustainability, in conjunction with the Bureau of Environmental Services, is seeking the City Council's approval of amendments that affect Title 33 Zoning Code. The Planning Commission also recommends that City Council adopt the ordinance associated with these changes.

It is the responsibility of the Planning Commission to make recommendations on land use policies and codes to the City Council. The Planning Commission notes that for this project, only proposed amendments to Title 33 Zoning Code and to the *Portland Plant List*, and potential future changes to the Comprehensive Plan (in conjunction with the Portland Plan) relate directly to land use policies. Hence, these are the land use policies and codes that the Planning Commission voted upon, and that vote is a recommendation of approval to City Council.

The project components are interrelated and intended to be synergistic. Proposed changes to Title 29 Property Maintenance Regulations and associated administrative rules were provided to the Planning Commission so the Commission could become familiar with the full scope of the Invasive Plant Policy Review and Regulatory Improvement Project. While the Planning Commission does not have an official advisory role in the review of non-land use actions, the review of the full project package helped inform the Commission's recommendation of approval of the project to City Council.

The changes to the *Portland Plant List*, as described within the *Portland Plant List* (an existing ordinance) must be approved by City Council. In addition, the changes to Title 29 Property Maintenance Regulations must be approved by City Council. The "Intergovernmental Agreement to Provide for the Coordinated Regulation and Management of Invasive Plants Between City of Portland and Multnomah County" must be approved by City Council. The Council Financial Statement is required to be included; it addresses potential fiscal impact concerns. The administrative rules for the "Nuisance Plants Required Removal Program" are not subject to a vote by City Council. These administrative rules are included to facilitate adoption of the rules by the Bureau of Environmental Services and the Bureau of Development Services.

## Invasive Plant Policy Review and Regulatory Improvement

# Invasive Plant Policy and Regulatory Improvement Project Overview

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## Invasive Plant Policy Review and Regulatory Improvement Project

### Introduction

Invasive plants are a problem that has become more serious in the City of Portland, and in many other Pacific Northwest cities and counties. The proliferation of invasive plants results in environmental and economic impacts. For example, invasive plants can reduce tree health and longevity, create fuel sources for wildfires, and can outcompete and displace native plants that provide food and cover for native wildlife. Removal of invasive plants and replanting with non-invasive plants can be time-consuming and expensive.

Prevention of invasive species, both plants and animals, could entail efforts to prohibit the sales and transportation of certain plants and animals. For example, the City of Chicago established a bold law in May 2007 that prohibits the sales of certain invasive plants and animals, both terrestrial and aquatic. However, the City of Portland does not limit the sales and transportation of invasive plants and animals.

Nursery sales are regulated by the Oregon Department of Agriculture (ODA) under administrative rule (OAR 603-052-1200). This rule prohibits import, transport, propagation or sale of select "A" and "B" State listed noxious weeds and plants on the Federal Noxious Weed List (7 C.F.R. 360.200). The City of Portland does not have jurisdiction to regulate nursery sales or agricultural commodities in Oregon, but the City can regulate the types of vegetation planted.

Some of the plants on the ODA noxious weed list are included in the City's Nuisance Plants List; these plants would remain subject to OAR 603-052-1200. The City of Portland has made managing invasive plants a priority and has established programs, regulations, and policies accordingly. In addition, the City focuses efforts on education and outreach, working with the nursery and seed industry, and other actions such as establishing and funding the Early Detection and Rapid Response program, to prevent invasive species.

### Background

The City of Portland has long-recognized invasive plants as a problem. In 1991, the City published the *Portland Plant List* which contains three lists: a Native Plants list, a Nuisance Plant List and a Prohibited Plant List. Nuisance and prohibited plants were not allowed to be planted in Environmental Overlay Zones and in Greenway Overlay Zones. At that time, the City also established that prohibited plants were not allowed in City-required landscaping anywhere in the City. In July 2005, the City updated that provision to state nuisance plants and prohibited plants are not allowed in City-required landscaping anywhere in the City. In 2005, the Pleasant Valley Natural Resources Overlay Zone provisions were added to the Zoning Code. Nuisance and prohibited plants are not allowed to be planted in the Pleasant Valley Natural Resources Overlay Zone.

The Portland City Council adopted the Portland Watershed Management Plan (PWMP) in 2005 to guide City decisions and projects by providing a comprehensive approach to restoring watershed health. The detrimental impacts of invasive plants were identified in the PWMP.

On November 7, 2005, the City held a town hall meeting on invasive species. As a follow up to the meeting, on November 30, 2005, the City Council passed Resolution No. 36360 which required the City to develop a three year work plan and ten year goals to reduce noxious weeds within the City. The resolution states "be it further resolved: that the City of Portland will support invasive weed management efforts within City bureaus..."

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In response to Resolution No. 36360, the Bureau of Environmental Services led a multi-bureau effort to develop a citywide invasive species management strategy (<http://www.portlandonline.com/bes/index.cfm?c=45696>). The final document, the Invasive Plant Management Strategy (Strategy), was published in November 2008. The Strategy calls for numerous actions including protecting the best parks habitat; preventing the establishment of new plant invaders; integrating invasive plant management policies into the City's Comprehensive Plan; and incorporating new invasive plant regulations into existing City codes.

On August 26, 2009, the City Council adopted Resolution No. 36726, the Invasive Species Resolution. This Resolution adopts the November 2008 Invasive Plant Management Strategy to guide work within all bureaus related to invasive plants, from the present until 2020. The Resolution sets forth that the City owned and managed lands are kept free of rank "A" nuisance species, that the spread of rank "B" nuisance species is limited, and that rank "C" nuisance species are removed as funds are available. Actions for each bureau are identified in the Resolution, with additional details in the Strategy.

To implement certain recommendations in the Invasive Plant Management Strategy, the Bureau of Environmental Services is funding the Bureau of Planning and Sustainability (BPS) to lead an evaluation of City policies and rules relating to invasive plants, and to make recommendations for potential updates and improvements. The evaluation is called *the Invasive Plant Policy and Regulatory Improvement Project*.

The project includes these four components.

- Component 1:** Update the *Portland Plant List (PPL)* to include priority ranks and guidance regarding invasive plants. Staff proposes revisions to the *PPL* to inform City and community invasive species management activities, program development, and priority setting.
- Component 2:** Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules. Staff has evaluated City codes to determine how they could be used more effectively to manage invasive plant species.
- Component 3:** Coordinate with the Portland Plan project to help ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.
- Component 4:** Research the feasibility of establishing a local noxious or invasive weed law. Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law.

It should be noted that the invasive plants that are regulated by the City of Portland are referred to as nuisance plants. Recommendations emerging from this project are now entering the legislative process to amend the Zoning Code, other City codes, and the *Portland Plant List*. Future changes to technical documents, such as the *Erosion Control Manual*, are recommended but are not part of this legislative process.

These four project components are described in more detail below.

### Component 1: Update the *Portland Plant List (PPL)* to Include Priority Ranks and Guidance Regarding Invasive Plants

Currently, the *Portland Plant List* is comprised of the Native Plants List, the Nuisance Plant List, the Prohibited Plant List, and an introductory text that describes plant communities. The *Portland Plant List* was last updated

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in March 2004. The City's invasive species management strategy includes updating the *Portland Plant List* to help meet City goals. Proposed changes to the *Portland Plant List* include the following items.

### 1A: Providing Additional Context, Guidance and Information on Invasive Plants

There are 163 plant species on the City's adopted Nuisance Plant List and the Prohibited Plant List in the *Portland Plant List*. Yet, the *Portland Plant List* contains little information about why the plants are so troublesome, or why the City has a prohibition on planting them in certain areas. Through this project, the City is updating the *Portland Plant List* to provide information about the characteristics and impacts associated with invasive plants. Text in existing sections is revised to include a description of native plants, non-native plants, and the non-native nuisance and prohibited plants. Sections such as the "Introduction," "The Lists," and "History" are re-organized and/ or re-located within the *Portland Plant List*. A new chapter describes the nuisance and prohibited plants, including the definition and assignment of priority ranks as described below. The *Portland Plant List* is revised to reflect the changes in terminology.

Staff also combines the existing Nuisance Plant List and the existing Prohibited Plant List into a single list called the Nuisance Plants List. The plants are grouped by their priority rank ("A-D", "W"). This simplification is appropriate since the City regulates the plants on both lists in the same manner. In addition, the term "prohibited" is confusing because the City does not have the jurisdiction to prohibit the sale of these plants. A plant on the Nuisance Plants List can typically be referred to as a nuisance plant or as a plant on the Nuisance Plants List. References in the *Portland Plant List*, the Zoning Code, and other City documents will be amended to reflect the change in terminology.

### 1B: Updating Listed Plant Species

Proposed changes to the Nuisance Plants List include removing species (23) and adding species (43). The changes are based on a growing understanding of invasive plants, the recognition of the impacts of invasive plants, the recognition of uses of these plants in erosion control measures, and changes to plant names. These changes have been reviewed and reflect input by local and regional plant experts and stakeholders from City bureaus, agencies, industry, and non-profits. The updated "City of Portland Nuisance Plants List" is provided in the Appendices as part of the *Portland Plant List*.

### 1C: Assigning Plant Priority Ranks to the Nuisance Plants List

Plants on the Nuisance Plants List can be considered invasive plants. However, some species are more aggressive than others on the list. Some species are already widespread throughout Portland and the metropolitan region, while others are just beginning to emerge here and the spread of these plants could be prevented if detected early. The City of Portland Invasive Plant Management Strategy emphasizes early detection and eradication of invasive plants that are not yet widespread. The Bureau of Environmental Services has established the Early Detection and Rapid Response Program to advance this goal. To further inform and support these management priorities, the City proposes to assign specific priority ranks to the plants on the Nuisance Plants List.

The State of Oregon Department of Agriculture has established priority ranks ("A", "B" and "T") for noxious weeds. The 4 County Cooperative Weed Management Area (CWMA for Multnomah, Washington, Clackamas and Clark counties) has also developed priority ranks ("A-F", "W", "H") for invasive plants in the region. These

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existing ranking systems have been reviewed and refined by City staff from the Bureaus of Environmental Services, Parks and Recreation, Water, and Planning and Sustainability for application to the City of Portland Nuisance Plants List. The ranks indicate the current, relative distribution and extent of the plant in the region.

### Proposed ranks are defined as follows:

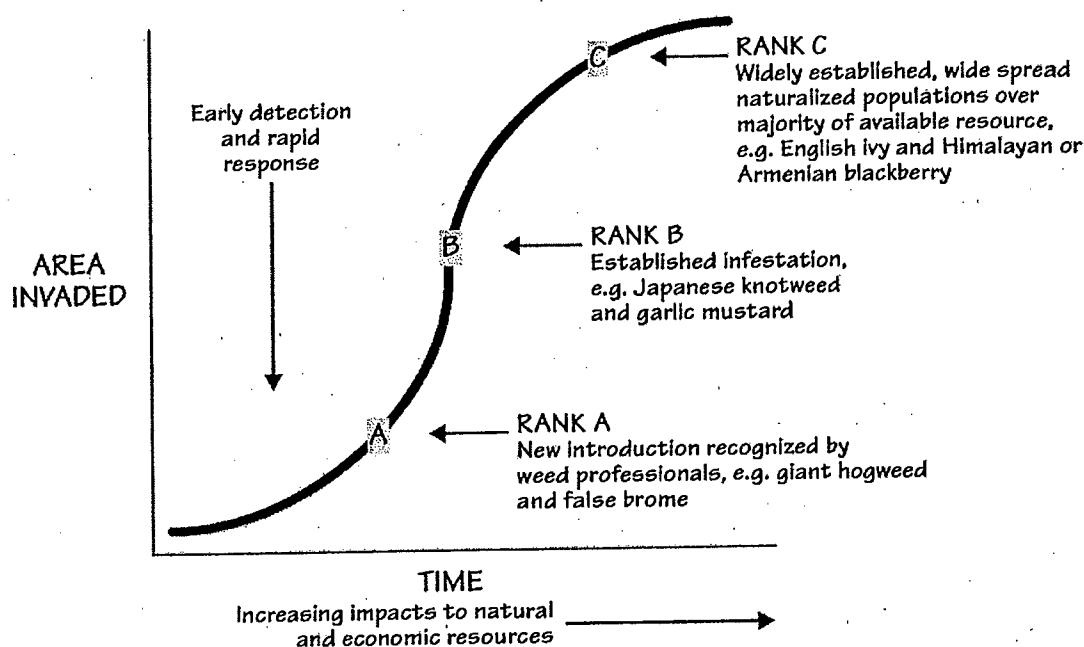
- A** These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.
- B** These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These plants can spread rapidly and are difficult to control once they become widespread.
- C** These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.
- D** These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.
- W** Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

The proposed ranks will serve as a tool in setting priorities for invasive plant management. Plants that are locally abundant and widely distributed are identified with ranks "C" or "D", while those plants that are not as abundant are identified with ranks "A" or "B". Rank "A" plants are a top priority for control and removal, while rank "D" plants tend to pose less threat to ecological functions.

If the plant has a limited distribution, it is easier to eradicate than if it has a widespread distribution. The diagram below, the Invasion Curve, illustrates this point. When early detection of a plant is achieved, focus on control and eradication can occur. Removal takes less time and money, and is more successful because the native plant community is still intact. As time progresses, the plant becomes widely distributed and abundant throughout the region. It becomes more expensive and time-consuming to control and eradicate the plant. Plus, at this later stage, eradication must be coupled with restoration of the native plant community.

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### Invasion Curve



### 1D: Establishing Definitions

In addition to the priority ranks identified and defined above, the updated *Portland Plant List* will also contain new definitions. Proposed definitions are as follows:

**Eradication.** Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

**Invasive.** Those species that spread at such a rate that they cause harm to human health, the environment and/or the economy. In natural areas, invasive plants are those species that left unchecked could displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species, and or by changing environmental conditions.

**Nuisance Plants List.** The Nuisance Plants List is a portion of the City's *Portland Plant List* that identifies undesirable species of plants that are considered invasive in this region. Some plants may be toxic and pose health risks to humans, pets, or livestock. These species may not be planted within the Environmental Overlay Zone, the Greenway Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. These species may not be planted within City-required landscaped and mitigation areas. The Required Eradication List is part of the Nuisance Plants List.



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**Region.** The region includes the four counties, and the associated cities, of Multnomah, Clackamas, Washington counties in Oregon, and Clark County in Washington. These entities are part of the 4 County Cooperative Weed Management Area (CWMA).

**Nuisance Plant Removal.** Removal may entail actions such as the removal of: roots, the above ground portion of the plant, and/ or the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are identified on the Nuisance Plants List.

### 1E: Establishing the *Portland Plant List* as an Administrative Rule

Currently the *Portland Plant List* is a blend of City code and administrative rule. The Native Plants List and the Nuisance Plant List can be amended through an administrative procedure; these changes may occur relatively quickly to reflect new information. Amendments to the informational portion of the document or the Prohibited Plant List must be approved through a lengthy legislative process with public hearings before the Planning Commission and City Council.

The City proposes that the *Portland Plant List* be re-established as administrative rule to better reflect its role as a technical document similar to the City's *Erosion Control Manual* and the *Stormwater Management Manual*. This will allow the document to be updated more regularly and as needed to reflect emerging scientific information regarding plants in the region. The revised *Portland Plant List* describes the steps to amend to the Native Plant List, the Nuisance Plants List (the renamed and consolidated list of what are currently referred to as nuisance and prohibited plants), and the informational portion of the document.

The public can request changes to the list or changes to the ranks at any time by sending a written request to BPS. Potential amendments might be collected over a period of time and processed in batches, depending on the nature of the changes and resource availability. BPS will inform key stakeholders; for example, but not limited to neighborhood associations and others, of potential changes and provide reasonable opportunity for review and comment. Potential modifications to the listed species and ranks will be reviewed by at least three or more knowledgeable people with botany, biology, landscape architecture, or other qualified backgrounds. BPS will coordinate the review process, and will make the final decision on the proposed changes.

### Component 2: Evaluate Opportunities to Improve Invasive Plant Control in Development and Non-Development Situations, including Updates to City Codes and Rules

The City's Invasive Plant Management Strategy calls for leveraging the City's regulatory authority to advance the removal and management of invasive plants in conjunction with development and in non-development situations. As such, this project has involved an evaluation of City titles including but not limited to: Title 10, Erosion and Sediment Control Regulations; Title 13, Animals; Title 17, Public Improvements; Title 24, Building Regulations; Title 29, Property Maintenance Regulations; and Title 33, Zoning Code. The *Erosion Control Manual*, the *Stormwater Management Manual*, the *Tree and Landscaping Manual*, and the *Recommended Street Tree List* have also been evaluated for consistency with City invasive plant management goals.

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In addition, staff has examined existing and potential avenues of technical assistance the City can provide, as well as current and potential enforcement processes.

The table below summarizes and identifies proposed regulatory improvements to support invasive plant control.

### Development and Non-Development Options to Improve Policy and Regulations

<b>Opportunity: Clarify landscape provisions.</b>		
<b>Related City Code</b> Title 33: Zoning Code Ch. 248: Landscaping and Screening	<b>Where it Applies</b> Citywide.	<b>Current &amp; Proposed Approaches</b>  <b>Current:</b> Nuisance and prohibited plants are not allowed to be installed as part of City-required landscaping.  <b>Current:</b> Extent of required removal of nuisance and prohibited plants is unclear.  <b>Proposed:</b> Required removal of groundcovers and shrubs on the Nuisance Plants List, within the City-required landscaping.
<b>Opportunity: Clarify mitigation requirements.</b>		
<b>Related City Code</b> Title 33: Zoning Code -Ch. 248: Landscaping and Screening -Ch. 430: Environmental Overlay Zone -Ch. 440: Greenway Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone	<b>Where it Applies</b> Environmental, Greenway, Pleasant Valley Natural Resources Overlay Zones.	<b>Current &amp; Proposed Approaches</b>  <b>Current:</b> Nuisance and prohibited plants are not allowed to be installed in these overlay zones.  <b>Current:</b> Extent of required removal of nuisance and prohibited plants is unclear.  <b>Proposed:</b> Required removal of groundcovers, shrubs, and trees on the Nuisance Plants List.
<b>Opportunity: Allowed removal of trees, shrubs, and groundcovers on the Nuisance Plants List.</b>		
<b>Related City Code</b> Title 33: Zoning Code -Ch. 430: Environmental Overlay Zone -Ch. 440: Greenway Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone -Ch. 508 Cascade Station/ Portland International Center Plan District -Ch. 33.515: Columbia South Shore Plan District -Ch. 33.537: Johnson Creek Basin Plan District	<b>Where it Applies</b> Environmental, Greenway, Pleasant Valley Natural Resources Overlay Zones. Also, in the Cascade Station/ Portland International Center Plan District, the Columbia South Shore Plan District, and the Johnson Creek Basin Plan District.	<b>Current &amp; Proposed Approaches</b>  <b>Current:</b> Allowed by exemption to remove nuisance and prohibited groundcovers, shrubs, and trees in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. Removal of nuisance trees is exempt in the Cascade Station/ Portland International Center Plan District and the Columbia South Shore Plan District.  <b>Proposed:</b> Continue to allow trees on the Nuisance Plants List to be removed by exemption. For trees, when removed, replacement requirements will be addressed through the Citywide Tree Project. In the Johnson Creek Basin Plan District, add language to allow removal of shrubs and groundcovers on the Nuisance Plants List is proposed.
<b>Opportunity: Require removal of plants on the Nuisance Plants list to compensate for disturbance.</b>		
<b>Related City Code</b> Title 33: Zoning Code -Ch. 430: Environmental Overlay Zone -Ch. 465: Pleasant Valley Natural Resources Overlay Zone	<b>Where it Applies</b> Environmental Overlay Zone and Pleasant Valley Natural Resources Overlay Zone.	<b>Current &amp; Proposed Approaches</b>  <b>Current:</b> NA.  <b>Proposed:</b> New standard in Section 33.430.140 requires removal of plants on the Nuisance Plants List as compensation for disturbance in the Environmental Overlay Zone. The same standard is proposed in Section 33.465.150 in the Pleasant Valley Natural Resources Overlay Zone.

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Opportunity: Require eradication of certain plants to prevent them from becoming widespread.		
<b>Related City Code</b> Title 29: Property Maintenance Regulations	<b>Where it Applies</b> Citywide. Plants found during landscape and mitigation inspections, site visits, or otherwise reported in development and non-development situations.	<b>Current &amp; Proposed Approaches</b> <b>Current:</b> Title 29 requires tall weeds to be removed to reduce risks associated with fire or vermin. Regulations do not identify specific species as a health risk or nuisance. <b>Proposed:</b> Require removal of plants on the Nuisance Plants List, Required Eradication List from the entire property if found. These plants are designated as Rank "A" plants that are also contained in the State of Oregon Noxious Weed List. Note: The City has the authority to place plants on the City list that are not on the state list, if deemed appropriate in the future.
Opportunity: Erosion Control Manual, Stormwater Management Manual, Tree and Landscaping Manual, Recommended Street Trees		
<b>Related City Code</b> Technical manuals adopted as administrative rules, and handouts.	<b>Where it Applies</b> Citywide.	<b>Current &amp; Proposed Approaches</b> <b>Current:</b> Some nuisance and prohibited plants are allowed to be installed to meet City requirements. <b>Proposed:</b> Work to ensure these lists are consistent with the City's goals to control and eradicate invasive plants.

Details from this summary table are described below.

- 2A:** Clarify zoning regulations to require removal of plants on the Nuisance Plants List in conjunction with required landscaping.
- 2B:** Clarify zoning regulations to require removal of plants on the Nuisance Plants List in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones, and the Cascade Station/ Portland International Center, Columbia South Shore, and Johnson Creek Basin Plan Districts.
- 2C:** Establish rules requiring that certain early detection species on the Nuisance Plants List be eradicated from a property if discovered.
- 2D:** Initiate a process to ensure the *Erosion Control Manual* be made consistent with City goals to control and eradicate invasive plants.
- 2E:** Initiate a process to ensure the *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* be made consistent with City goals to control and eradicate invasive plants.

Each of these is further described below.

- 2A: Clarify Zoning Regulations to Require Removal of Plants on the Nuisance Plants List in Conjunction with Required Landscaping**

Currently, the City does not allow plants on the Nuisance Plants List to be planted in the Environmental Overlay Zones, the Greenway Overlay Zones, the Pleasant Valley Natural Resources Overlay Zone, and City-required landscaped areas. The existing language in the Zoning Code is clear.

However, it is unclear whether the Zoning Code requires removal of plants on the Nuisance Plants List in required landscape and mitigation areas. Clarifications are proposed to clearly specify that citywide (i.e., in all

## Invasive Plant Policy Review and Regulatory Improvement Project

base zones, overlay zones, and plan districts), plants on the Nuisance Plants List must be removed from City-required landscaped areas and mitigation areas (mitigation is discussed below). Removal of these plants facilitates growth and survival of non-nuisance vegetation.

To clarify what constitutes "removal" and "eradication" of plants on the Nuisance Plants List, new description of nuisance plant removal and a definition of eradication are proposed. Eradication is a form of removal that essentially eliminates the plant in its entirety, while a portion of the plant may remain with nuisance plant removal. The term nuisance plant removal is added to the Zoning Code (Title 33). The definition of eradication is added to the Property Maintenance Regulations (Title 29). Both terms are included as part of the changes to the *Portland Plant List*.

New provisions require removal of all plants - groundcovers, shrubs, and trees - on the Nuisance Plants List from the City-required landscaped areas and mitigation areas. This proposal distinguishes between required removal of groundcovers and shrubs, and required removal of trees. Trees provide a diverse range of benefits that contribute to community livability and watershed health, including neighborhood character and property value, cooling and cleaning of air and water, capturing carbon dioxide, and providing wildlife habitat. Invasive trees can spread by several methods, such as seed dispersal by wind, animal consumption and defecation, and transportation by shoes and tires. Seeds can move into natural and developed areas.

Requiring removal of trees in all City-required landscaped areas and mitigation areas was considered, but requiring removal of trees would eliminate many of the benefits of trees from a site and if done at a large scale, cumulatively, could degrade the health of the watershed. Plus, tree removal is often costly. In attempts to balance these public and private benefits, risks, and costs, the proposed provisions require trees on the Nuisance Plants List to be removed only in conjunction with City-required mitigation in environmentally sensitive areas.

The proposed requirements to remove plants on the Nuisance Plants List from City-required landscaping areas and mitigation areas, are stated in Chapter 33.248, Landscaping and Screening. Section 33.248.030 is applicable to landscape areas in all base zones, while Section 33.248.090 is applicable to mitigation areas.

Implementation of these provisions will be through the existing inspections procedures; therefore, no new inspections are required. Having trained and dedicated staff with plant identification skills, including recognition of plants on the Nuisance Plants List, will be the most effective way to implement the provisions.

Proposed amendments to Section 33.248.030 clarify that plants on the Nuisance Plants List are not allowed to be installed; and that removal of plants on the Nuisance Plants List - specifically groundcovers and shrubs - is required. Trees on the Nuisance Plants List are not required to be removed. These amendments help ensure that invasive plants are not spreading from City-required landscaped areas.

The provisions in Section 33.248.090 state that all required mitigation areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. And, if the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the River Natural and River Water Quality Zones in the Greenway Overlay Zone, then trees on the Nuisance Plants List must also be removed from the mitigation area.

An applicant could request to not meet the requirement in Section 33.248.090 in one or more of the following ways:

- In an Environmental Review, that request would be a Modification and reviewed as part of the land use review. Modification criteria are in Section 33.430.280.

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- In a Pleasant Valley Review, that request would be part of the land use review; neither a Modification nor an Adjustment would be needed because Chapter 33.465 has Section 33.465.180 Standards for Mitigation. Subsection C requires removal of invasive vegetation and Section G requires compliance with Section 33.248.090. If the standard is not met, the proposed development must be reviewed through a land use review.
- In a Greenway Review, the request would be an Adjustment that would be reviewed as part of the land use review. Chapter 33.440 has Section 33.440.345.B.1.e which requires the applicant to comply with Section 33.248.090. If that requirement is not met, an Adjustment must be requested.

### 2B: Clarify Zoning Regulations to Require Removal of Plants on the Nuisance Plants List in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones and the Columbia South Shore and Johnson Creek Basin Plan Districts

Section 33.248.090 relates to mitigation for loss of natural resources; this is most commonly related to requirements in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. In addition to the provisions in Section 33.248.090, mitigation requirements are also found in the respective chapters of the overlay zones.

Amendments are proposed in each of these chapters to more clearly and effectively address removal of invasive plants. Several amendments proposed with the *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009, have been revised or eliminated with the Planning Commission memo dated November 10, 2009. The memo is entitled "Addendum to the Invasive Plant Policy Review and Regulatory Improvement Project regarding the Proposed Draft: Report and Recommendations to Planning Commission, October 9, 2009". Changes are noted below.

- Environmental Overlay Zone, Chapter 33.430

#### ■ Exemptions

The Environmental Overlay Zone has existing provisions pertaining to removal of plants on the Nuisance Plants List, and replanting of land with native plants as a mitigation requirement for development impacts. Currently, removal of groundcovers, shrubs, and trees on the Nuisance Plants List is, and is proposed to remain, an exempt activity.

The proposal before the City Council no longer modifies the exemption to require replacement of nuisance trees that are removed, with native trees. The discussion about required replacement of trees, when it applies and what size of replacement trees is required, is integrated into the *Citywide Tree Project*. The replacement requirement is meant to ensure that the urban forest and associated benefits are replenished over time. However, how to establish the thresholds of when and how to replace removed trees – native trees, non-native non-nuisance trees, and non-native nuisance trees- necessitates that the discussion be folded into the project with the larger scale.

#### ■ Development Standards

A new standard is proposed in Section 33.430.140, General Development Standards. The purpose of the standard is to help restore lost resource values and functions resulting from disturbance in the Environmental Overlay Zone. This standard is similar in purpose and approach to the existing tree replacement and site enhancement standards in this chapter.

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The new standard requires removal of plants on the Nuisance Plants List in an area on the site that is 50 percent of the size of the proposed permanent disturbance area. The nuisance plant removal must occur outside of the permanent and temporary disturbance areas.

If the site does not contain an area or areas of nuisance plants that total at least 50 percent of the size of the proposed permanent disturbance area, then the area of required plant removal will be less than 50% but will include the entire area or areas of nuisance plants. If site contains an area of nuisance plants that totals more than 50 percent of the size of the proposed permanent disturbance area, then the required nuisance plant removal area would not exceed the 50 percent.

Replanting of the area of removal with native species listed on the *Portland Plant List* is required. The minimum planting density requirement is to seed the entire area of removal with a native grass seed and to install seven groundcover plants and two shrubs per 50 square feet. The groundcover plants must be a minimum size of four inch pots and the shrubs must be a minimum size of 1 gallon pots.

### ■ Mitigation Areas

Currently, as part of an Environmental Review, nuisance groundcovers and shrubs are typically required to be removed from the mitigation area. The proposal clarifies the requirements for nuisance plant removal, including stating that the removal of trees on the Nuisance Plants List is required within a mitigation area. The removal of trees would only be required as part of an Environmental Review, within the mitigation area. If removal of those trees is not desired or is not possible, the applicant may propose to provide an alternative; that will be reviewed as part of the Environmental Review. This requirement is, as noted earlier, part of the requirements in Section 33.248.090, Mitigation and Restoration Plantings, and also applies to the Pleasant Valley Natural Resources Overlay Zone and the Greenway Overlay Zone in the River Natural and River Water Quality Zones. All of these areas require mitigation when development occurs.

The City recognizes that trees provide many benefits; these benefits are so substantial that removal of trees listed on the Nuisance Plants List should only occur in the areas that will be most impacted by the spread of invasive species. The Environmental Overlay Zone is considered a valuable resource area, which includes riparian corridors and terrestrial areas that provide habitat and other functions. These are sensitive areas.

- Greenway Overlay Zone, Chapter 33.440

Like Chapter 33.430, Chapter 33.440, Greenway Overlay Zones, exempts removal of plants (groundcovers, shrubs and trees) on the Nuisance Plants List from the regulations of that chapter (Section 33.440.320.L). As is proposed for the Environmental Overlay Zone, the language in the Greenway Overlay Zone will retain the provision that nuisance plant removal is exempt from the regulations and does not require review. Shrubs and groundcovers continue to be allowed to be removed without replacement. As was noted in the exemptions provisions for the Environmental Overlay Zone, trees on the Nuisance Plants List that are removed will remain an exempt activity. At this time, the removed nuisance trees will not be required to be replaced with native trees from the *Portland Plant List*.

Other than the language in Section 33.440.320.L, the Greenway Overlay Zone regulations do not address removal of plants on the Nuisance Plants List during development projects. However, the general landscape provisions of Section 33.248.030 and Section 33.248.090 apply to development in the Greenway Overlay Zone. With the proposed changes described previously in the provisions for Chapter 33.248, the removal of plants on the Nuisance Plants List is required. Groundcovers and shrubs are required to be removed, but not trees.

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However, as is proposed for the Environmental Overlay Zone, removal of nuisance trees is required in conjunction with required mitigation within the River Natural and River Water Quality Zones.

### ■ River Plan/North Reach Project

Currently, the Greenway Overlay Zone is being updated through the River Plan project. The proposed update for the North Reach of the Willamette River is underway. New River Plan/North Reach code provisions are in the public review process. Some of the Chapter 33.440 provisions will be re-located in a new Chapter 33.475, River Overlay Zones. The proposal includes consolidation of the River Natural and Water Quality Overlay Zones into a new River Environmental Overlay Zone. Proposed language in the River Environmental Overlay Zone addresses removal of plants on the Nuisance Plants List. The provisions noted below are subject to change during the on-going review process for the River Plan/ North Reach.

#### *Section 33.475.430 Items Allowed without River Review*

As proposed, the exemption stated in Section 33.475.430.A.3.f is "Removing plants listed on the nuisance and prohibited plants lists except for trees." This provision allows groundcovers and shrubs on the Nuisance Plants List to be removed as an exempt activity; but removal of trees on the Nuisance Plants List is not an exempt activity.

Removal of trees on the Nuisance Plants List is an activity that must meet standards. Section 33.475.430.B Standards for Development and Exterior Alterations includes tree removal standards.

Section 33.475.430.B.8 is Standards for Tree Removal. Under subsection a it states "Trees that are not native trees on the *Portland Plant List* may be removed."

Section 33.475.430.B.9 is Mitigation. Section 33.475.430.B.9.d states "Nuisance and prohibited plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this subparagraph must be replaced as specified in subparagraph B.8.c above." Section 33.475.430.9.i states "The requirements of Section 33.248.090, Mitigation and Restoration Plantings must be met."

The *Invasive Plant Policy Review and Regulatory Improvement Project* and the *River Plan/North Reach Project* staff coordinate efforts to ensure that code provisions will correspond and be consistent with each project. This is an on-going effort and will be carried forth through the upcoming River Plan projects for the Central and South reaches of the Willamette River.

- Pleasant Valley Natural Resources Overlay Zone, Chapter 33.465

The Pleasant Valley Natural Resources Overlay Zone, Chapter 33.465, is set up similar to the Environmental Overlay Zone format of exemptions, prohibitions, and requirements relating to native plants and to plants on the Nuisance Plants List.

Section 33.465.180.C states that "invasive vegetation must be removed within the mitigation area." This provision is changed to specify that plants on the Nuisance Plants List must be removed within the mitigation area. Other amendments to the Environmental Overlay Zone regulations, as described above, are proposed for the Pleasant Valley Natural Resources Overlay Zone provisions. These include nuisance plant removal to compensate for impacts of disturbance, and the removal of nuisance trees in required mitigation areas.

- Cascade Station/ Portland International Center Plan District, Chapter 33.508



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As is proposed in the overlay zones noted above, the removal of trees on the Nuisance Plants List will remain an exempt activity. At this time, replacement will not be required. The main change in this chapter is to reflect the consolidation and name change of the Nuisance Plants List.

- Columbia South Shore Plan District, Chapter 33.515

As is proposed for the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, the removal of groundcovers, shrubs, and trees on the Nuisance Plants List remains an exempt activity. At this time, replacement will not be required. The main change in this chapter is to reflect the consolidation and name change of the Nuisance Plants List.

- Johnson Creek Basin Plan District, Chapter 33.537

The Johnson Creek Basin Plan District contains no existing language about removal of plants on the Nuisance Plants List. New language is proposed to address removal of groundcovers, shrubs, and trees on the Nuisance Plants List. The language distinguishes between removal of groundcovers and shrubs, and removal of trees, on the Nuisance Plants List. The proposed language in the Johnson Creek Basin Plan District is similar to the language in noted above for the three overlay zones, the Cascade Station/ Portland International Center Plan District, and the Columbia South Shore Plan District. New language in Section 33.537.100, General Development Standards, allows removal of groundcovers and shrubs on the Nuisance Plants List without replacement vegetation. The language proposed in Sections 33.537.130, 33.537.140, and 33.537.150 regarding removal of trees on the Nuisance Plants List while requiring replacement with trees not on the Nuisance Plants List has been removed from the proposal. This language is under discussion as part of the *Citywide Tree Project*.

- Definitions

As mentioned earlier, a description of nuisance plant removal and a definition of eradication are proposed to be created through this project. The description of nuisance plants removal will be included in the Zoning Code (Title 33) as part of the landscaping provisions in Chapter 248 instead of as a definition in Chapter 33.910. The definition of eradication will be included in the Property Maintenance Regulations (Title 29). Both terms will be included in the *Portland Plant List*.

- Other recommendations:

Several other ideas are recommended for additional research and dialogue, including the following:

- **Site Enhancements in the Environmental Overlay Zone.** Section 33.430.140.D.2.b. could be revised to encourage additional removal of invasive plants in conjunction with alterations to existing development. The existing standard under D. states: "Increases in building coverage and exterior improvement area are allowed if a site enhancement option is completed on the site. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet." Table 430-2 includes four options for enhancement. The current standard results in a net loss of natural resources. Staff recommends assessing the benefits and drawbacks of changing the enhancement requirement from 50 percent to 100 percent of the area proposed for development. Another option might be to require enhancement using a 2:1 or 3:1 replacement ratio relative to the area to be disturbed. This would be comparable to the mitigation ratios used by the Oregon Department of State Lands and the Army Corps of Engineers for projects that impact wetlands.



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- **Fee-in-lieu.** In situations where required removal of the invasive plant is cost prohibitive or less ecologically desirable because invasive plants from adjacent areas would continue to encroach into the property, then the property owner could pay into a fund to contribute to invasive plant removal and revegetation off-site. Additional research is needed to identify the full extent of when and how this option could be used. Option 4 of Table 430-2 includes language about a "revegetation fee" that is paid in certain circumstances. The funds from that fee are directed to the BES Watershed Revegetation program. Options for use of this fee could be expanded.
- **Incentives could help people remove plants on the Nuisance Plants List.** Currently the BES Watershed Revegetation program can be contracted by property owners to perform invasive plant removal and revegetation of a site. The BES Early Detection and Rapid Response program provides technical assistance to property owners to remove invasive plants. Another possibility is to provide a cost share option where the City carries a portion of the cost of invasive plant removal by providing money to the property owner or, by providing the appropriate nuisance plant removal supplies. Coupons for discounts on plants for sale at nurseries could be given out.
- **Planting standards.** Staff recommends that planting specifications such as the size of the required plant, be reviewed and made more consistent throughout Chapter 33.430. For example, planting requirements for the size of trees range from ½ inch diameter to 1 inch diameter, and also refer to 1 gallon pots, 3-5 gallon pots, and bare root. Additional options to meet the standards could also be created.
- **Redundant language or clarification of language.** Staff recommends provisions in Chapter 33.430 Environmental Overlay Zone and Chapter 33.465 Pleasant Valley Natural Resources Overlay Zone be reviewed and revised to eliminate redundancy. For example, the existing provision in Section 33.430.090.B prohibits the planting and propagation of plants on the Nuisance Plants List, and the existing provision in Section 33.430.140.L includes a statement that planting of plants on the Nuisance Plants List is not allowed. Seemingly, the statement in Section 33.430.140 is redundant. Section 33.465.090.B and Section 33.465.150.H are set up similarly to the provisions in Chapter 33.430. It may be possible to eliminate redundancy for some provisions in Chapters 33.430 and 33.465.

### 2C: Establish Rules Requiring that Certain Early Detection Species on the Nuisance Plants List be Eradicated from a Property if Discovered

This component of proposal, if approved, would broaden how the City has regulated invasive plants to date. Currently, the City regulates invasive plants primarily in the context of proposed development and prohibits planting nuisance plants in the Environmental Overlay Zone, the Greenway Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the City-required landscaped areas. This proposal establishes requirements to foster early detection of certain nuisance plants wherever they are observed, i.e., in the context of both development and in non-development situations citywide. For example, these plants could be found during site visits, landscape inspections, or mitigation inspections in conjunction with building permits or land use review. The nuisance plants could also be reported to the City by a citizen at any time.

A new "Required Eradication List" is proposed to be established as part of the *Portland Plant List*. This list contains rank "A" plants from the updated Nuisance Plants List that are also included in the Oregon Noxious Weed List. Under this proposal, if a plant on the Required Eradication List is found on a property and reported to the City, the plant must be eradicated from the entire property.

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Recall the description of plant ranks, "A-D", and "W" on the Nuisance Plants List. The rank "A" plants are priorities for early detection. These plants are extremely invasive and are in the early stages of detection or discovery in the Portland metropolitan area. Removal of these plants as they arrive will prevent them from becoming widespread.

Removal of both rank "A" and rank "B" plants is the focus of the Bureau of Environmental Services (BES) Early Detection and Rapid Response (EDRR) team. However, at this time, the proposal is that the eradication requirement focuses only on certain rank "A" plants to help manage the work load, funding, and education concerns.

Code language establishing the eradication requirement will be added to Title 29 Property Maintenance Regulations. New administrative rules describe the steps involved when rank "A" plants are discovered and reported. The administrative rules list the specific plants requiring eradication, the steps that the Bureau of Environmental Services will take to assist property owners in removing the plant(s), and abatement procedures that the Bureau of Development Services (BDS) will implement if needed.

When discovery of a plant on the Required Eradication List is reported to the City, the report will go to the existing EDRR team in BES. Once BES is alerted to the discovery of the plant, and agreements with the property owner have been made, the EDRR team will visit the site and provide guidance on how to remove the plant(s). If plants on the Nuisance Plants List, Required Eradication List are confirmed, the plants must be removed. If the plants found on the site are not on the Required Eradication List, the EDRR team will also provide technical guidance but removal would be voluntary.

If a property owner declines City assistance to remove a plant on the Required Eradication List and/or otherwise refuses to comply with the removal requirement, then the City will initiate the nuisance abatement process, in accordance with the abatement process identified in Title 29 Property Maintenance Regulations. The abatement process is handled by BDS. The nuisance abatement process will be employed only when property owners do not agree to remove the specified plants. Based on similar programs in other jurisdictions such as Clark County, WA and King County, WA, it is anticipated that such abatement cases would be rare. An agreement will be established between BES and BDS to confirm the roles, responsibilities and funding for each bureau.

If there is a land use review or building permit in process when the plant on the Nuisance Plants List, Required Eradication List is found on the property, issuance of the land use approval or building permit will not be delayed. Removal of the plants would be required but will not hold up the final permits. A brief description of the required removal process is included below; see also the administrative rules for the authorizing code in Title 29 Property Maintenance Regulations. The administrative rules are in the appendices of the Report and Recommendations to City Council.

Staff evaluated the following options for placement of authorizing code for the nuisance plants eradication requirement:

- Title 13 Animals
- Title 17 Public Improvements
- Title 29 Property Maintenance Regulations
- New Title Invasive Plants

## Invasive Plant Policy Review and Regulatory Improvement

### ■ Title 13 Animals

Title 13, Animals, focuses on the care and management of animals such as roosters, dogs, swine and so forth that are on residential, commercial, industry, non-profit and other premises within the city limits. The title is currently implemented by the Multnomah County Health Department. If invasive plant removal were added to this title, the provisions would need to be revised and expanded to authorize the City of Portland to implement the plant related provisions. If the City moves in the direction of managing invasive animal species in addition to invasive plant species, Title 13 may be an appropriate place for language for both invasive animals and plants.

### ■ Title 17 Public Improvements

Title 17, Public Improvements, primarily focuses on public improvements. It also addresses quality and protection of waterways, and storm and drainage systems. Requirements to remove invasive plants could be added to this title; however, the geographic applicability would likely be limited to riparian corridors. Potentially, implementation could occur through the existing drainage reserve requirements. As has been described, invasive plants can impair watershed health. Establishing invasive plant removal language and revegetation language in the drainage reserve provisions could be appropriate and effective. Invasive plants can be found on private and public property, and can spread easily throughout properties, and beyond waterways, regardless of public or private ownership or jurisdictional boundaries.

### ■ Title 29 Property Management Regulations

Title 29, Property Management Regulations, applies to all property in the City of Portland except as otherwise excluded by law. The purpose of Title 29 is "to protect the health, safety and welfare of Portland citizens..." In Section 29.20.010, Outdoor Maintenance Requirements, it states that a property owner must maintain the outdoor areas of the property for "thickets that conceal hazards" and "overgrown lawn areas." Weeds must be cut and kept removed if they are more than 10 inches in height. Naturescaped properties are exempt from this provision. Violations of the provisions "constitute a nuisance." Title 29 has existing language about weeds. Title 29 focuses on the maintenance and condition of the plants as a nuisance, not the plants themselves as nuisances. BDS Neighborhood Inspections staff implements the provisions of Title 29. Administrative rules, as noted above, have been drafted for implementation of the eradication requirements that will be established in Title 29.

### ■ New Title Invasive Plants

The City could establish a new title for invasive species, with a focus on plants. Potentially, invasive animals could be part of the title. The creation of a new title could be redundant given the existing functions of Title 13 and Title 29.

The City Attorney has indicated that there is no specific legal constraint to placing authorizing code in Title 13, Title 17, Title 29, or in a new title; however, the City Attorney felt that Title 29 provides the simplest and most appropriate option. Staff agrees and proposes that the authorizing code be included in Title 29 as follows:

- 29.20.010.G. "Nuisance Plants. Eradication, as defined in 29.10.020.V, is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision."
- 29.10.020.V. "Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List."

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As proposed, the 15 plants on the Nuisance Plants List, Required Eradication List are not listed in Title 29, but they are listed in the administrative rules. In the future, the administrative rules could be expanded to include other rank "A" plants or potentially the rank "B" plants on the Nuisance Plants List if deemed appropriate. Plants could also be removed from the Required Eradication List. The "City of Portland Nuisance Plants List" and the administrative rules for the authorizing code in Title 29 are separate documents in the appendices of the Report and Recommendations to City Council.

### ***Application of Proposed Regulatory Changes Described in 2A, 2B, and 2C in the "Urban Pocket" Areas of Unincorporated Multnomah County***

The proposed changes to the Zoning Code and the proposed new eradication requirement in Title 29 would be implemented citywide, and also in urbanizing portions of unincorporated Multnomah County.

The City has an Intergovernmental Agreement (IGA) with Multnomah County for an area referred to as the "urban pockets," that is comprised of 2,427 acres. Under the agreement, the City implements land use provisions and permitting for development of properties within unincorporated Multnomah County. The above noted changes to the City's Zoning Code provisions would apply to these areas under the existing agreement.

The application of the proposed provisions in Title 29 Property Maintenance Regulations, to require eradication of certain plants if they are found on a property, would necessitate a separate IGA between the City of Portland and Multnomah County. The County Attorney and Multnomah County Land Use Planning staff has worked with the City of Portland to draft this IGA. The IGA is included in the appendices of the Report and Recommendations to City Council.

One question of concern for implementation came up during the preparation of the IGA. How would the provisions in Title 33 and in Title 29 apply to roads or right-of-ways in the "urban pockets"? The Road Services Manager of Multnomah County stated that the road and drainage maintenance that occurs in the unincorporated pockets is performed via an IGA with Portland Department of Transportation (PDOT) in conformance with PDOT standards and Portland's National Pollutant Discharge Elimination System (NPDES) best management practices. The changes to Title 29 and Title 33 will not change the IGA between Multnomah County and PDOT. However, because PDOT would be subject to Title 29 provisions, the new provisions of Title 29 would thus apply to road and drainage maintenance that occurs in the unincorporated pockets.

### ***Fiscal Impact of Proposed Regulatory Changes Described in 2A, 2B, and 2C.***

Staff has completed the required fiscal impact analysis in relationship to the proposed changes to the Zoning Code and the Property Maintenance Regulations. The appendices of the *Recommended Report to City Council* include the Financial Impact Statement for Council Action Items.

Proposed changes to the Zoning Code are expected to create minor changes to existing steps and procedures in the land use review and building permit processes. Changes to the landscape and mitigation requirements are primarily clarifications to the Zoning Code. City-required landscape and mitigation areas are already identified as areas that are inspected by City staff.

The proposed new standard in Chapter 33.430 and in Chapter 33.465 would require some additional time to review and process the Environmental Plan Checks and Environmental Reviews. The additional time would mostly be associated with inspections to confirm that the nuisance plants were removed and the area was replanted with native plants.

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The inspections for the Zoning Code provisions would be handled by the inspector position that is already included in the BES 5-year workplan for Grey to Green, as described below. This is a shift from the current procedure. Additional incremental costs associated with proposed changes to Title 33 should be minor.

The fiscal impact of establishing the eradication provisions in Title 29 is expected to be minor, and is included as part of the Grey to Green budget. The BES EDRR program is funded and has staff already working with property owners on invasive plant eradication. The proposed change to Title 29 would add a regulatory backstop to the existing efforts. However, since plants on the Required Eradication List are not yet widespread in the City, and because BES will be assisting property owners in removing such plants, staff expects abatement cases to occur very infrequently. The costs of abatement cases vary; staff estimates an average cost of approximately \$1,600 per case. BES is reserving funds from the Grey to Green budget to cover these cases, should they arise.

Although the proposed code changes would not, in and of themselves, be expected to increase City costs, BES has included a 0.5 FTE position in the Grey-to-Green 5-year budget, starting in FY 2010-11, to enhance the quality of invasive plant regulatory implementation. This position is intended to provide trained staff dedicated to plants, including landscape and mitigation inspections.

Currently, landscape and mitigation inspections are carried out by BDS building inspectors who must fit these inspections in with their other priorities, and who do not have expertise in mitigation, landscaping, and plant identification. This person would follow up on land use approvals involving mitigation, and could track required monitoring and maintenance. Primarily, these land use reviews would be Environmental Reviews. The person could also send letters to property owners reminding them that their monitoring reports are due, review the monitoring reports, and visit the site as needed. These actions help prevent complaints and zoning violations, and help establish follow through with the property owner because people know the City will check to see that the nuisance plants are removed and appropriate plants are installed and maintained.

When considering potential costs, the City should also consider the benefits. The proposal described in this report should be viewed as extremely cost-effective. According to the State of Oregon, every dollar spent now to control invasive plants saves \$17-34 in future costs.

### *Next Steps for the Project*

The *Invasive Plant Policy Review and Regulatory Improvement Project* is funded through June 2010. In addition to completion of the legislative process for adoption of this proposal, staff has undertaken the following tasks described in 2D and 2E.

#### 2D: Initiate a Process to Ensure the *Erosion Control Manual* be made Consistent with City Goals to Control and Eradicate Invasive Plants

Title 10 establishes Portland's Erosion and Sediment Control Regulations; the *Erosion Control Manual* is the implementing document the City relies upon.

The *Erosion Control Manual (ECM)* provides critical information to applicants and owners for private and public projects with ground-disturbing activities. The *ECM* is a useful tool with an extensive audience. It includes requirements and recommendations for erosion control methods and plant materials. Requirements and recommendations in the *ECM* are reviewed and implemented across every kind of development and site. The *ECM* provisions apply to areas of disturbance that exceed 500 sq. ft. Most projects that have a land use review or building permit trigger the *ECM* provisions.

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Currently, the *ECM* allows permanent and temporary soil stabilization methods to use plants on the Nuisance Plants List. The City recognizes that plants used for temporary and permanent soil stabilization must establish quickly and effectively, and be readily available for purchase. However, allowing the use of plants on the Nuisance Plants List, including seed mixes, to meet the *ECM* requirements, sends a mixed message to the community and is counter-productive in terms of the City's goals to control and eradicate invasive species. Currently, the *Erosion Control Manual* recognizes and addresses this situation by establishing recommendations rather than requirements to help discourage the use of plants on the Nuisance Plants List.

**Examples from the *Erosion Control Manual* include, but are not limited to, the following.**

- Under Temporary Erosion Control Grasses (page 87), "Although perennial ryegrass and non-native clover species are often used for erosion control, these plants can invade and cause problems for the city's natural areas. Native grasses and other native plants are highly recommended for erosion control. Check the seed mixes listed in this chapter." Many of the principles of the temporary erosion control also apply to the permanent vegetated cover.
- Under the Preparation provisions (page 88), "The use of native grass mixes that can be incorporated into a permanent vegetative cover is recommended. These grasses provide cover as quickly as the temporary varieties, and the areas do not need to be replanted later."
- Under the Seed provisions (page 88), "When possible, seed supplies shall be selected from local sources that grow local genetic strains. These supplies will usually contain fewer weed species that could be noxious or invasive to the local environment."
- Under the Maintenance Specifications provisions (page 89), "All plantings require water and nutritional support during the first 3 years of establishment. Removal of invasive plant species is recommended. The property owner is responsible for ongoing maintenance of any plantings used for permanent cover."
- Table 4.5.-A, Grasses and Other Groundcover Plants for Temporary or Permanent Vegetative Cover (page 91) notes, "Native grasses may have different maintenance requirements and susceptibilities to horticultural chemical use."
- Erosion Control Seed Mixes and Sources (page 97) states, "The City of Portland highly recommends the use of native seed mixes and plants for erosion control, both temporary and permanent measures. Although perennial ryegrass and non-native clovers are often used for erosion control, these plants are invasive and can create problems off of your site. The City discourages their use." There is a short list of businesses with "suitable erosion control seed mixes" and native plants.
- Section 4.5.3, Mulch, includes a section, Design Criteria/Specifications (page 100). Under that provision, "Mulch made from nuisance or prohibited plant species or weeds shall not be used."

To address the mixed messages in the *Erosion Control Manual*, staff recommends additional research and dialogue with stakeholders. It is also critical to ensure that alternative plants, including seed mixes, are readily available for purchase. These issues warrant further exploration with stakeholders including City bureaus, non-profits, industry, and businesses.

**Potential changes to the *Erosion Control Manual* include:**

- Change the text (page 89) to say that removal of invasive plants is *required* instead of recommended. Specify an amount of area that must be cleared.

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- Change Table 4.5.-B, Nuisance Grass Species Not Recommended for Use on Erosion Control or Stormwater Projects or Not Allowed for Use in E-Zones (page 96), to say *Not Allowed* for Use in Erosion Control or Stormwater Projects, in *E-Zones, Greenway Zones, Pleasant Valley Resource Overlay Zones, and all City-required landscaping* or simply *Not Allowed* regardless of circumstance.
- Section 4.5.4, Erosion Control Blankets, includes a section, Design Criteria/Specifications (page 103). Under that provision, include language just like the language in Section 4.5.3, which states, "Mulch made from nuisance or prohibited plant species or weeds shall not be used." Note again, language in the *Erosion Control Manual* will need to be updated to refer to the Nuisance Plants List rather than nuisance and prohibited plants.
- Under Sections 4.5.8, Soil Bioengineering (page 119), and 4.5.9, Live Fascines (page 123), under the Design Criteria/Specifications, add this language "cuttings, woody debris or other plant materials made from nuisance or prohibited plant species or weeds shall not be used."
- Table 4.5.-B, Nuisance Grass Species Not Recommended for Use on Erosion Control or Stormwater Projects or Not Allowed for Use in E-Zones (page 96), includes a list of 21 plants. Of the 21 plants, 19 are on the nuisance list of the *Portland Plant List*. Two of the plants, redtop bentgrass (*Agrostis alba*) and colonial bentgrass (*Agrostis tenuis*) are not on the nuisance list of the *Portland Plant List*. The revisions to the *Portland Plant List* include the addition of redtop bentgrass and colonial bentgrass; the plants are rank "D".
- Plants on the Nuisance Plants List should be prohibited from installation for permanent erosion control or in seed mixes used for permanent erosion control, unless the seeds are sterile. Staff recommends these changes be made through a targeted amendment process prior to a full update of the *Erosion Control Manual*.
- Some portion of seed mix that is applied for erosion control, as required by the *Erosion Control Manual*, should include native seed. As has been stated, no seed mix should contain plants on the Nuisance Plants List. The City is working to make the seed mix that BES Watershed Revegetation Program uses, which contains a mix of primarily native plants, a commercially available seed mix.
- The *ECM* should provide more educational information about native, non-native non-invasive, and non-native invasive plants. It would be appropriate to produce brochures in English, Spanish, Vietnamese, and Russian.

### Recommendations related to erosion control but outside of the *Erosion Control Manual* are as follows:

- Continue to evaluate the plants on the Nuisance Plants List and determine if some plants can be removed because use of them for erosion control is not problematic.
- Staff recommends that City specifications in Section 01030, Seeding, be reviewed and revised to exclude plants on the Nuisance Plants List. Currently, the City specifications do not include State of Oregon noxious weeds; however, some plants on the Nuisance Plants List are found in City specifications for erosion control. Efforts are underway to revise the specifications to not allow the City specifications to be used in the Environmental, Greenway, and Pleasant Valley Natural Resources Overlay Zones. In addition, efforts are being made to ensure plants on the Nuisance Plants List are not included in the City specifications.



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- Staff is also recommending that the City's vehicle cleaning specifications be reviewed and potentially revised to prevent spreading invasive plants. Washing vehicles prevents the transportation of invasive plants.

The City recognizes that changing City specifications will take considerable additional discussion and coordination with staff from City bureaus, and will involve agencies such as the Oregon Department of Transportation, and industry such as the Oregon Association of Nurseries. The recommendations identified above should be further researched and discussed prior to an update to the *Erosion Control Manual*.

### 2E: Initiate a Process to Ensure the *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* be made Consistent with City Goals to Control and Eradicate Invasive Plants

The *Tree and Landscaping Manual*, the *Recommended Street Tree List*, and the *Stormwater Management Manual* are technical manuals and handouts that are related to the Zoning Code and the *Portland Plant List*. Like the *Erosion Control Manual*, it is important that these documents are consistent with City's goals for controlling and eradicating plants on the Nuisance Plants List. Staff recognizes that changes to these manuals and handouts will need considerable additional discussion and coordination with staff from City bureaus, non-profits, business, and industry.

#### ■ Tree and Landscaping Manual

The *Tree and Landscaping Manual* is intended to provide guidance to the Zoning Code tree and landscaping provisions. Language and graphics in the *Tree and Landscaping Manual* could be strengthened. The recommendation is that language be added to clearly state plants on the Nuisance Plants List are not allowed to be installed in City-required landscaped areas, and in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, and that existing plants on the Nuisance Plants List may be required to be removed from the property.

Note that under "Plant Materials and the Suggested Plant Lists" in the "General" section of the *Tree and Landscaping Manual* it states "For required landscaping you may use any plants not on the nuisance and prohibited plants listed in the *Portland Plant List*." In the "Other Rules: Existing Vegetation" section, it states "You may use existing landscaping or natural vegetation to meet the standards if you protect and maintain it during construction, and if the plants are not listed as prohibited on the *Portland Plant List*." The sentence about existing vegetation leaves the nuisance plants out of the requirement. With the consolidation of the existing Nuisance Plant List and the Prohibited Plant List into the Nuisance Plants List, the language in the *Tree and Landscaping Manual* will be changed to reflect the consolidation of the existing lists.

Potentially, the revised text for the "General" section would be, "Prior to planting in required landscape areas, the area must be cleared of plants on the Nuisance Plants List, in accordance with the provisions of Section 33.248.030 or Section 33.248.090 as applicable. For required landscaping you may not use plants on the Nuisance Plants List. Please consult the Zoning Code and City of Portland staff for the most current information." This language would encompass both required removal of plants on the Nuisance Plants List, if those plants exist within the required landscaped area, and it would not allow installation of the plants on the Nuisance Plants List. For the "Other Rules: Existing Vegetation" section, the revised text would be "You may use existing vegetation to meet the standards if you protect and maintain it during construction, and if the plants are not listed on the Nuisance Plants List."



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### ■ Recommended Street Tree List

The *Recommended Street Tree List* published by the Urban Forestry Division of Portland Parks and Recreation is a list of trees that are appropriate to install in the planting strips along streets. The list provides useful information to assist property owners with selecting trees. Several trees on the *Recommended Street Tree List* were on the Nuisance Plants List. These trees are considered cultivars and varieties of the Norway maple (*Acer platanoides*); and are therefore part of the Nuisance Plants List. Urban Forestry staff removed the following trees from the *Recommended Street Tree List* in Spring 2009:

- Pacific sunset maple (*Acer platanoides* "Warrenred");
- Cleveland Norway maple (*Acer platanoides* "Cleveland");
- Globe Norway maple (*Acer platanoides* "Globosum"); and
- Norwegian sunset maple (*Acer platanoides* "Keithsform").

With continued diligence and coordination, the *Recommended Street Tree List* can remain free of trees that are part of the Nuisance Plants List.

### ■ Stormwater Management Manual

The *Stormwater Management Manual (SWMM)* is a technical document that outlines the City of Portland's stormwater management requirements. The requirements apply to all development and redevelopment projects within the City of Portland on both private and public property. The *Stormwater Management Manual* could be updated to state that plants on the Nuisance Plants List cannot be installed in stormwater facilities regardless of whether the facility is public, private, or within a right-of-way; regardless of whether the plants are part of a required landscaping plan; and regardless of whether the facility is in the Environmental Overlay Zone, Greenway Overlay Zone, or the Pleasant Valley Natural Resource Overlay Zone. The current language in the *SWMM* contains somewhat complicated and detailed language for when certain kinds of plants can be used.

Section 2.3.2, Relationship to Other Landscape Requirements, contains important references to landscaping and planting requirements. According to *SWMM*, "Landscaping required by Title 33 may be counted toward meeting the facility-specific landscape requirements in this chapter if the plantings are located within the facility area. Similarly, plantings that meet the requirements in this chapter may also meet the Title 33 landscape requirements."

If the stormwater facility is to be counted as part of the landscaping to meet landscaping requirements in the Zoning Code, that landscaping is City-required landscaping. In that case, the landscaping has to comply with Section 33.248.030.D.4 which states that "plants listed as nuisance or prohibited in the *Portland Plant List* are prohibited in required landscape areas." Similar language exists in Section 33.248.090 to prohibit the planting of nuisance and prohibited plants in mitigations areas. Plants that are native and plants that are non-native non-invasive may be put in City-required landscape areas. In summary, the prohibition on installing plants on the Nuisance Plants List in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone, and City-required landscaped areas is applicable regardless of whether or not the stormwater facility is counted as landscaping or not.

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For City-required landscape areas, BDS staff checks what proposed plants are in the stormwater facilities because they would be checking to see if the entire proposal met the City-required landscaped area. However, if the stormwater facility is not being counted as part of the City-required landscaping, then it is possible that BDS staff would not check the plants in the stormwater facility. Staff cannot assume all stormwater facilities are included as landscaping. Stormwater facilities that aren't counted as landscaping could have native plants and non-native non-invasive plants.

Under Section 2.3.3, Standard Landscape Requirements, #6, the *SWMM* states, "For facilities located in environmental zones or for BES-maintained facilities located outside of the public right-of-way, all plants within the facility area must be appropriate native species from the BES recommended plant lists in Appendix F.4 or the latest edition of the *Portland Plant List*. No nuisance or prohibited plants are allowed. The designer may also refer to the Planning Bureau's Environmental Handbook for more information."

A stormwater facility in the Environmental Overlay Zone or in a BES-maintained stormwater facility outside of the public right-of-way must use only native plant species from Appendix F.4 or from the *Portland Plant List*. No plants on the Nuisance Plants List could be planted. Note the Greenway Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone are not included in the requirement in *SWMM* but should be because Zoning Code doesn't allow plants on the Nuisance Plants List to be installed in those overlay zones. However, the language in the Zoning Code in Chapter 33.248 will prevent the nuisance plants from being installed in those overlay zones.

Appendix F.4 of the *SWMM* includes sections such as the Grassy Swale Native Seed Mix, the Facility Plant List, the Ecoroof Plant List, the Green Street Plant List, and the Pond Plant List. All the lists, except the Grassy Swale Native Seed Mix, include plant characteristics (NW native, evergreen, potential height, and on-center spacing) and plant types (groundcovers, sedums and succulents, herbaceous plants, shrubs, and trees). The lists in Appendix F.4 contain some plants that are non-native, but none of the plants are on the Nuisance Plants List.

### **Component 3: Coordinate with the Portland Plan project to help Ensure that Invasive Species are Addressed in the Comprehensive Plan Update and Portland Plan Work Plan**

The Portland Plan project is underway and will result in an update to the Comprehensive Plan. The City's existing Comprehensive Plan does not currently address the control or eradication of invasive plants or animals. However, the Comprehensive Plan, under Goal 8 Environment, references the importance of air, water, and land resources. Invasive plant removal actions maintain and enhance fish and wildlife habitat, watershed health, and other aspects of air, water, and land resources. Through the Portland Plan, the City should establish clear and ambitious policies and objectives that reference the link between invasive plant management and good habitat quality. The policies and objectives will also support City and community investments in controlling invasive plants.

### **Component 4: Research the Feasibility of Establishing a Local Noxious or Invasive Weed Law**

This project includes an examination of current noxious weed laws in Oregon and elsewhere, and the identification of potential options for the City of Portland. Initial research has identified several options; each option has benefits and drawbacks. Since plants do not stop at jurisdictional boundaries, a more comprehensive

## Invasive Plant Policy Review and Regulatory Improvement

approach needs to collaboration between the cities within Multnomah County, and with Multnomah County. See the description of options below. Additional stakeholder involvement will be necessary and further analysis will be needed to develop a full recommendation. A short description of existing Oregon, Washington, Illinois, and City of Chicago laws is provided below.

### ■ State of Oregon

Oregon statutes establish policies and programs relating to invasive plants; invasive plants are called noxious weeds. State statutes (ORS 570.500) authorize the Oregon Department of Agriculture (ODA) to establish a list of noxious weeds and associated regulations. The statutes authorize counties to establish a county-wide weed control district; cities can be included in the county-wide weed control district by a special provision. When a county weed control district is established, a noxious weed board and a noxious weed list are also established for that district.

ORS 570.500 includes the weeds listed by the Oregon Department of Agriculture (ODA) as restricted noxious weeds or prohibited noxious weeds. The noxious weed list is updated every year, and the Oregon Administrative Rules (OARs) contain the list. There are approximately 100 restricted or prohibited noxious weeds. This State designated list is used to prioritize control efforts. Class A is the highest priority of noxious weeds to control; the State is working to eradicate Class A weeds. The State noxious weed law restricts the sale and transport of certain noxious weeds under its quarantine section.

ORS 570.510 describes "The state and the respective counties shall control any weeds designated as noxious by the state or the respective counties in any such county on land under their respective ownerships." The statute makes each county the regulatory agency responsible for monitoring and controlling noxious weeds in their jurisdiction.

The Oregon Department of Agriculture created the Oregon Noxious Weed Strategic Plan in 1999. The plan identified "Establishing strong statewide, county and local weed control programs" as a priority, but no funding for the programs was provided.

ORS 570.515 describes two options to establish a county weed board.

- One option is "The county governing body of each county may declare the county, or any portion of the lands in a county, a weed control district for the purpose of destroying such weeds and of preventing the seeding and spreading of such other weeds and plants as the governing body may for the purposes of ORS 570.515 to 570.600 declare noxious."
- The other option is "If the county is not made a weed control district or if the county weed control district does not include all such weeds or plants desired as noxious, interested parties may present a petition for a special weed control district." The petition must be signed by more than half of the landowners within the area described in the petition who also own more than half of the acreage in the area. If the petition meets the requirements, the county governing body will declare the area a special weed control district.

About two-thirds of Oregon counties have weed boards and noxious weed laws. Most weed boards that have been established are in rural counties and do not include cities. One reason weed boards don't exist in all counties is that ORS 570 calls for weed board funding (for enforcement and implementation); but the state funding has not been provided. Multnomah County does not have a weed control district, and therefore, does not have a weed board or a noxious weed law.

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County ordinances related to county weed control districts don't apply in cities unless the city, either through the city council action or a vote of the people, adopts the ordinances inside the city. If the City of Portland wanted to be part of a county weed control district, either county-wide or under the "any portion of the lands in a county" provision of ORS 570.515, the ordinance would need to clearly state one of three options.

- The weed control district applies within the city limits of all cities in the county and the unincorporated portions of the county,
- The weed control district applies specifically to the City of Portland and the unincorporated portion of the county, or
- The weed control district applies to the City of Portland only.

The City of Portland would have to request that the City be part of a weed control district in any of these options. The Multnomah County Board of County Commissioners would vote to establish the weed control district and weed board. In addition, the proposal must be approved by the City of Portland. In regards to the option to petition to be a special weed control district, obtaining the number of signatures required to become a special weed control district is unlikely for the City of Portland.

Weed laws with authority of ORS 570 can only be established through weed boards; other privileges are granted by ORS 570 through the establishment of a weed board. For example, ORS 634.116 provisions would remain applicable; but the City of Portland's authority for pesticide application would change. With the weed law established under ORS 570, the City would become an authorized pesticide applicator on private property in the situations allowed under ORS 634.116.

It is widely recognized that invasive species do not stop at county borders and do not notice county and city jurisdictional boundaries. Portland and other cities represent a substantial portion of Multnomah County. Cities include natural areas and urban areas. For example, there are over 10,000 acres of public natural area within the City of Portland. Cities may become vectors, introducing noxious weeds to adjacent areas. Therefore, it is important that cities within Multnomah County be included in any future Multnomah County weed control district. Cities should be an active participant in developing noxious weed laws.

A number of states, for example, Washington and Illinois, include both cities and counties as part of weed control districts when weed control districts are established for a county. Clark County, WA and King County, WA have well established programs to educate about and provide enforcement of noxious weed laws in incorporated and unincorporated areas. Staff in these jurisdictions provides assistance to help citizens eradicate the noxious weeds. The voluntary compliance rate for these two jurisdictions is very high; they have very few situations that go through a noxious weed abatement process. Of interest, the City of Chicago has its own regulations related to noxious plants and animals; these regulations are in addition to the existing state noxious weed laws.

Establishing a local noxious weed law for the City of Portland would be beneficial, in part, because ORS 634, pesticide licensing laws, does not allow public applicators to treat on private property unless it is a species covered by a noxious weed law. The City of Portland spends money implementing treatments on public property; meanwhile, these species are spreading throughout private property and back onto public property. Part of the proposal with the *Invasive Plant Policy Review and Regulatory Improvement Project* is to have BES staff provide assistance to property owners when they find certain plants on the Nuisance Plants List, Required Eradication List on their property. A noxious weed law would facilitate the City's ability to work with landowners to remove these plants or if they are unable, then the City would have access to implement chemical

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treatments without hiring a contractor. This benefit would occur regardless of which of the three options under ORS 570 the City of Portland used to establish a weed control district.

If the City of Portland and unincorporated Multnomah County were to establish a weed control district, or if all the cities in Multnomah County join unincorporated Multnomah County as a weed control district, then there are additional benefits. A noxious weed law provides a county-wide tool to eradicate invasive species. It also provides a way to leverage money from the state and from organizations, and across jurisdiction, to fight invasive plants and animals. Equipment could be shared, as it is in Clark County, WA.

If the City of Portland became a weed control district, the City may need to do an IGA with Multnomah County to agree upon funding and other responsibilities such as enforcement and education.

The City has received support in the efforts to establish a weed control district. The Oregon Department of Agriculture, Noxious Weed Program staff have stated their support the City's efforts to explore the potential of establishing a weed control district, with the corresponding establishment of a noxious weed board and noxious weed law. The Multnomah County Drainage District staff also expressed support. Multnomah County staff in Land Use Planning and in Vector Control expressed support too.

Another option to consider is for the City of Portland to pursue legislation that allows a city to form the weed control district without the approval of a county government. This would allow the City of Portland to establish a weed control district without the approval of Multnomah County. With this change of statute, the same benefits and drawbacks would likely apply.

Another option is that the West Multnomah County and East Multnomah County Soil and Water Conservation Districts serve as the weed board for Multnomah County. This approach would address unincorporated county areas and incorporated (City of Portland, Troutdale, Gresham) areas, and would have a non-government entity as the implementing organization. There are examples of SWCDs that act as weed boards. However, the cities would still need to get approval from their respective governing bodies such as city councils or county commissioner boards to be part of the weed control district. Additional research is needed on this option.

### ■ State of Washington

The State of Washington has a noxious weed law; it holds the landowners, including private landowners and state and county landowners, responsible for controlling noxious weeds on their property. The county and district noxious weed control boards, the Washington Department of Agriculture, and the Washington State Weed Control Board, are responsible for administering the noxious weed law. In Washington, the weed board authority extends to unincorporated areas and to cities within a county. Language from the Washington statutes (17.10.020, 17.10.060, and 17.04.010) is not included here.

### ■ State of Illinois

The State of Illinois has a noxious weed law. The law requires "Every person shall control the spread of and eradicated noxious weeds on the lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of the Department of Agriculture." The term Control Authority is defined as "the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries." This language includes cities and counties as part of the jurisdiction covered by the Control Authority, rather than having the counties being under the control of a weed board (e.g. Oregon and Washington), or having a County Weed Superintendent working with a Cooperative Weed Management Area (e.g. Idaho) as the local authorities for noxious weed law. Cities and counties are

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included within the Control Authority's power. In Illinois, a Control Authority may employ one or more Weed Control Superintendents for more than one Control Authority. A list of noxious weeds is published by the Director of the Department of Agriculture of the State of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois. Of particular note, the City of Chicago has set up its own set of regulations related to invasive species, stating that certain aquatic and terrestrial plants and animals are prohibited. Violations of the provisions are classified as public nuisances.

In summary, the establishment of a weed control district is possible for the Portland metropolitan area. Each option has benefits and drawbacks. The political palatability of these options will be tested as additional stakeholder discussions are pursued. Staff welcomes the broadest version, having all the cities and unincorporated Multnomah County, as the weed control district. This is the most comprehensive approach. The City recognizes the cost and other concerns will be identified. Therefore, it is necessary to continue to discuss options with Multnomah County and the other cities in Multnomah County to determine the best option.

## Report Conclusion

The proposal presented in this report will contribute to Portland's invasive plant management strategy by:

- Updating the *Portland Plant List* to build public awareness, provide current scientific information to citizens, and assist land managers with prioritization of invasive plant management strategies;
- Amending the Zoning Code (Title 33) and the Property Maintenance Regulations (Title 29) to improve invasive plant management in development and non-development situations;
- Recommending changes to technical documents such as the *Erosion Control Manual*, *Stormwater Management Manual*, *Tree and Landscape Manual*, and the *Recommended Street Tree List*; and
- Identifying options for establishing a local noxious weed control district with a local noxious weed law.

Integrating invasive plant management policies into the City's Comprehensive Plan, incorporating new invasive plant regulations into existing City codes, preventing the establishment of new invasive plants, and providing additional tools to identify and remove invasive plants as they are identified are critical actions in an invasive plant management strategy. These actions provide environmental, economic, and social benefits to residents, businesses, and government, and further the City's efforts to implement sustainable principles and practices.



## City of Portland Bureau of Planning and Sustainability

Sam Adams, Mayor | Susan Anderson, Director

# Invasive Plant Policy Review and Regulatory Improvement Project

## Appendix A: Title 33 Zoning Code

### INTRODUCTION TO THE ZONING CODE

The scope of the Invasive Plant Policy Review and Regulatory Improvement Project is described in the Project Overview Report. The Zoning Code changes are part of the improvement to the City's codes and rules, as stated in Component 2 of the four project components identified below.

- *Component 1: Update the Portland Plant List (PPL) to include priority ranks and guidance regarding invasive plants.* Staff proposes revisions to the PPL to inform City and community invasive species management activities, program development, and priority setting.
- *Component 2: Evaluate opportunities to improve invasive plant control through development and non-development situations, including updates to City codes and rules.* Staff is evaluating City codes to determine how they could be used more effectively to manage invasive plant species.
- *Component 3: Coordinate with the Portland Plan project to help ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.* Staff is working with the Portland Plan staff to ensure that invasive species are addressed in the Comprehensive Plan update and Portland Plan work plan.
- *Component 4: Research the feasibility of establishing a local noxious or invasive weed law.* Staff is analyzing the legality and the potential benefits, costs, and impacts of establishing a local noxious weed law.

This document includes proposed changes to the Zoning Code (Title 33). New code language is indicated with underlined text and language to be removed is indicated with strikethrough font. The commentary is provided to describe the amendments.

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## Commentary

### 33.248 Landscaping and Screening

The Zoning Code is one element of the City's regulations. The landscaping and screening regulations are incrementally implemented with each development action that must comply with this chapter. This chapter will now contribute more substantially toward city-wide invasive plant management.

The majority of the amendments to the Landscaping and Screening chapter are to:

- Update the name of the plant list - The existing Nuisance Plant List and the Prohibited Plant List are being consolidated into a single list called the Nuisance Plants List.
- Move from stating that nuisance plants are "prohibited", to specifically describing when and where removal of plants on the Nuisance Plants List is required and when and where these plants cannot be installed.
- Create requirements to remove trees on the Nuisance Plants List, in addition to the required removal of groundcovers and shrubs on the Nuisance Plants List, in City-required mitigation areas.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring nuisance trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal. Instead, the discussion about replacement of nuisance trees is being incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

#### 33.248.010 Purpose

The purpose statement of Section 33.248.010 is being amended to set the framework for more detailed invasive plant related provisions. The benefits of removing invasive plants include the retention of non-invasive vegetation; restoration of natural communities with non-invasive vegetation helps improve fish and wildlife habitat, and watershed health. The City of Portland uses the term "nuisance plants" for invasive plants that are regulated by the City of Portland. Not all invasive plants are nuisance plants.



## CHAPTER 33.248 LANDSCAPING AND SCREENING

### 33.248.010 Purpose

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, preparation of the landscape or mitigation area, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

The *Portland Tree and Landscaping Manual* contains additional information about ways to meet the regulations of this chapter. The Portland Plant List includes information about native plants, non-native non-nuisance plants, and nuisance plants.

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## Commentary

### 33.248.030 Plant Materials

#### D. Plant material choices

This heading is expanded to include the term "and preparation". The inclusion of the term reflects the addition of a new paragraph that addresses landscaped area preparation.

##### D.1. Existing vegetation.

Existing landscaping or natural vegetation not on the Nuisance Plants List may be used to meet the standards of Section 33.248.030.D. The term "existing vegetation" includes landscaping and natural vegetation; it is unnecessary to include the term "landscaping or natural". The existing language appears to intend to distinguish plants that were intentionally planted by humans versus those that were not planted intentionally by humans. The Zoning Code defines vegetation as "All types of vegetation, including trees, shrubs, forbs, grasses, and other plants."

Simply stating that existing vegetation can be counted as part of the landscaping requirements is more direct. All existing plants except those plants on the Nuisance Plants List can be counted as part of the required landscaping.

The amendments emphasize that existing plants on the property can be counted, but plants listed on the Nuisance Plants List are not allowed to be counted as existing vegetation to meet these standards.

D.4. Nuisance plants. The new language reflects the consolidation and change of the name of the existing two plant lists, simplifies the language of the provision, and clearly states that plants on the Nuisance Plants List cannot be planted in City-required landscaped areas.

D.5. Landscaped area preparation. This is a new provision. It applies to new landscape areas. Trees on the Nuisance Plants List are not required to be removed from the landscaped area, but shrubs and groundcovers on the Nuisance Plants List are required to be removed. Removal of nuisance plants from the lower 6 ft. of the tree to be preserved is intended to target nuisance plants such as English ivy (*Hedera helix*) and Traveler's joy (*Clematis vitalba*), that typically climb trees.

**33.248.030 Plant Materials****D. Plant material choices and preparation.**

1. Existing vegetation. Existing ~~landscaping or natural~~ vegetation except those plants on the Nuisance Plants List may be used to meet the standards, if protected and maintained during the construction phase of the development as specified in Section 33.248.065. If existing trees are used, each tree 6 inches or less in diameter counts as one medium tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two medium trees. Each additional 3-inch diameter increment above 9 inches counts as an additional medium tree.
2. Selection of materials. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Arborescent shrubs from the *Portland Plant List* may not be used to meet the tree requirement.
3. Plant diversity.
  - a. Trees. If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 24 percent of them can be of one species. This standard applies only to trees being planted to meet the regulations of this Title, not to existing trees.
  - b. Shrubs. If there are more than 25 required shrubs, no more than 75 percent of them can be of one species.
  - c. Plants may be selected from the *Portland Tree and Landscaping Manual's* suggested plant lists or other sources.
4. ~~Prohibited materials. Plants listed as nuisance or prohibited in the *Portland Plant List* are prohibited in required landscaped areas. Prohibited plants include plants identified by the Director of BDS or the City Forester as invasive and alien or as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, etc. Nuisance plants. Plants listed on the Nuisance Plants List are prohibited from being planted in City-required landscaped areas.~~
5. Landsaped area preparation. All new required landscaped areas must be cleared of groundcovers and shrubs on the Nuisance Plants List. All plants on the Nuisance Plants List must be removed from the lower 6 feet of the trees to be preserved in the landscaped area. Trees listed on the Nuisance Plants List are not required to be removed.

- E. Exceeding standards.** Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation height limitations are met, including the vision clearance standards of Title 16, Vehicles and Traffic.

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## Commentary

### 33.248.090 Mitigation and Restoration Plantings

The spread of invasive plants occurs easily along corridors such as riparian habitats. The City recognizes that trees provide many benefits and that tree removal can be expensive. The benefits of trees are so substantial that required removal of trees on the Nuisance Plants List should be limited to the areas that will be most impacted by the spread of invasive species.

Areas such as those in the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the Greenway Overlay Zone in the River Natural and River Water Quality Zones, are sensitive areas. Invasive species have the most detrimental impacts in sensitive areas; therefore, these areas have more proactive provisions that require removal of nuisance plants and prohibitions on installation of them. The requirement to remove nuisance trees in mitigation areas is added to Section 33.248.090 rather than the respective, individual chapters, to be efficient since Section 33.248.090 applies to those overlay zones.

Mitigation areas are the areas where plants are being installed as part of the mitigation for development impacts identified in the land use application. Within the mitigation areas, replanting with native plants will occur, and the planting will generally occur within the same location as the area the nuisance plants are removed. This will avoid having exposed, bare soil. If a concern is identified about removing vegetation within the mitigation area, an alternative location for mitigation can be identified and/or the plants identified to be removed can be retained. During the land use application review process, each City bureau is provided an opportunity to review and comment on the application. Comments are made to the staff planner and the applicant in regards to the proposal.

An applicant could request to not meet the requirement in Section 33.248.090 in one or more of the following ways:

- In an Environmental Review, that request would be a Modification and reviewed as part of the land use review. Modification criteria are in Section 33.430.280.
- In a Pleasant Valley Review, that request would be part of the land use review; neither a Modification nor an Adjustment would be needed because Chapter 33.465 has Section 33.465.180 Standards for Mitigation. Subsection C. requires removal of invasive vegetation and Subsection D. requires compliance with Section 33.430.090. If the standard is not met, the proposed development must be reviewed through a land use review.
- In a Greenway Review, the request would be an Adjustment that would be reviewed as part of the land use review. Chapter 33.440 has Section 33.440.345.B.1.e which requires the applicant to comply with Section 33.248.090. If that requirement is not met, an Adjustment must be requested.

**33.248.030 continued**

- F. Complying with the standards.** It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this chapter.

**33.248.090 Mitigation and Restoration Plantings**

Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

- A. Plant Source.** Plant materials must be native and selected from the ~~Portland Plant List~~ Portland Plant List. They must be non-clonal in origin, seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.
- B. Plant Materials.** The Mitigation Plan must specify that plant materials are to be used for restoration purposes. Generally, this means that standard nursery practices for growing landscape plants, such as use of pesticides, fungicides or fertilizers, and the staking of trees must not be employed.
- C. Nuisance Plants.** Plants listed on the Nuisance Plants List are prohibited from being planted in mitigation areas, and may not be counted as existing vegetation.
- D. Landscaped Area Preparation.** All new required mitigation areas must be cleared of groundcovers and shrubs listed on the Nuisance Plants List. If the site is within the Environmental Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, and the River Natural and River Water Quality Overlay Zones in the Greenway Overlay Zone, then trees listed on the Nuisance Plants List must be removed from the required mitigation area.
- C.E Installation.** Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.
- DF. Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. New plantings must be manually watered regularly during the first growing season. During later seasons, watering must be done as needed to ensure survival of the plants.
- EG. Monitoring and Reporting.** Monitoring of landscape areas is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to BDS.

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## Commentary

### 33.430 Environmental Zones

The existing Nuisance Plant List and the Prohibited Plant List are being consolidated into the Nuisance Plants List. Many of the proposed amendments in this chapter relates to the name change of the list.

#### 33.430.070 When These Regulations Apply

The amendment reflects the change to the name of the plant list.

#### 33.430.080 Items Exempt from These Regulations

The amendment to C.7 reflects the name change of the plant list. The amendment also replaces the words "trees or plants" with the term "vegetation".

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

## CHAPTER 33.430 ENVIRONMENTAL ZONES

### 33.430.070 When These Regulations Apply

Unless exempted by Section 33.430.080, below, the regulations of this chapter apply to the following:

A.-C. No change.

D. Planting or removing ~~nuisance or prohibited~~ plants listed on the Nuisance Plants List in the Portland Plant List;

E.-G No change.

### 33.430.080 Items Exempt From These Regulations

The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, must still be met:

A.-B. No change.

C. Existing development, operations, and improvements, including the following activities:

1. No change.
2. Continued maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance ~~or Prohibited Plants~~ List. Change of crop type or farming technique on land currently in agricultural use. Pruning trees and shrubs within 10 feet of structures;
3. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas so long as plantings do not include plants on ~~Portland's~~ the Nuisance or Prohibited Plants List and no trees 6 inches or greater are removed;
- 4.-6. No change.
7. Removing vegetation listed on the Nuisance ~~or Prohibited Plants~~ Lists;
- 8.-13. No change.

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## Commentary

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### 33.430.090 Prohibitions

The amendment updates the name of the plant list to the Nuisance Plants List.

### 33.430.140 General Development Standards

The amendments to the standards include:

- Re-lettering the standards as a result of inserting a new standard as "L";
- Updating the name of the Nuisance Plants List; and
- Requiring nuisance plant removal as compensation for disturbance area.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

The changes to the Environmental Overlay Zone provisions are intended to provide a consistent approach to invasive plant management in areas with sensitive habitat and water quality concerns, such as the Environmental Overlay Zone, the Greenway Overlay Zone, the Pleasant Valley Natural Resources Overlay Zone, the Columbia South Shore Plan District, and the Johnson Creek Basin Plan District.



**33.430.090 Prohibitions**

The following items are prohibited in all environmental zones. Prohibitions apply to both transition areas and resource areas:

- A. No change.
- B. The planting or propagation of any plant ~~identified as a nuisance and prohibited plant on the Portland Plant List~~ listed on the Nuisance Plants List.
- C.-D. No change.

**33.430.140 General Development Standards**

The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150,
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180; and
- Public recreational trails subject to Section 33.430.190.

Standards A through C and G through R S apply to new development. Standards D through R S except L apply to alterations to existing development. Standards B, C, and I apply to removal of ~~nuisance and prohibited plants on the Nuisance Plants List~~ on the Nuisance Plants List. Only standards E, M, N, P, Q, Q, R, and R S apply in Transition areas. All of the applicable standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

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## Commentary

### 33.430.140 General Development Standards

#### Table 430-2

Under Option 1 Restoration Planting, the language is changed to reflect the new name of the Nuisance Plants List.

**Table 430-2**  
**Minimum Site Enhancement Options**

Option	Action
Option 1 Restoration Planting	Remove plants listed on the Nuisance and Prohibited Plants Lists. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one inch in diameter, shrubs must be at least 2 gallons, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the <i>Stormwater Management Manual</i> , and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	<p>Pay a revegetation fee.</p> <ol style="list-style-type: none"> <li>1. Fee use and administration. The revegetation fee is collected by BDS and is administered by the Bureau of Environmental Services. The fees collected are used for revegetation projects on public or private property within the same watershed as the site.</li> <li>2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor, and maintenance.</li> <li>3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued: <ul style="list-style-type: none"> <li>• The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area;</li> <li>• The fee calculation will be rounded up to the next multiple of \$10; and</li> <li>• The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.</li> </ul> </li> </ol>

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## Commentary

### 33.430.0140.J

The amendment reflects the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List. In addition, the text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

### 33.430.140.K

It is unnecessary to state "on the applicant's site" since the term "site" is defined in Section 33.910.030, so that term is deleted.

H.-I. No change.

- J. Native trees may be removed within 10 feet of any proposed structures, within 5 feet of driveways, or to create up to 500 square feet of permanent disturbance area for uses such as gardens and play area. In no case will the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the ~~Portland Nuisance Plants List or Prohibited Plant List~~ are exempt from this standard and may be removed; without being counted as part of the 225 inches;
- K. Trees cut are replaced as shown in Table 430-3. Replacement trees must be at least one inch in diameter; shrubs must be in at least a 2-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted anywhere on the applicant's site. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

## Commentary

### Section 33.430.140.L

The intent of the new standard is to require removal of invasive plants as compensation for loss of resources and functional values in areas that become developed. As with all standards in Section 33.430.140, if the standard is not met, an Environmental Review is required.

The maximum disturbance area allowed within the resource area is shown in Table 430-1.

The disturbance area is "The area where all temporary and permanent disturbance occurs. For new development, the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area."

The standard will require removal of plants on the Nuisance Plants List in an area on the site that is 50 percent of the size of the proposed permanent disturbance area. The area of removal must be outside of the permanent and temporary disturbance areas. The replanting must occur within the area of removal. It may be necessary to install some of the required plants outside of the area of removal due to the number of plants required and the plant spacing requirements.

An example situation is useful. Maximum disturbance allowed is 5,000 sq. ft. in the R10 zone, pursuant to Table 430-1. The applicant proposes to permanently disturb 4,800 sq. ft. An area or areas that total 2,400 sq. ft. must be identified on the site and the plants on the Nuisance Plants List must be removed. The area of required removal must be outside of the permanent and temporary disturbance areas. The area of removal is not considered disturbance area.

In this example, if the areas on the site occupied by plants on the Nuisance Plants List total less than 2,400 sq. ft., then removal of existing nuisance plants is less than 2,400 sq. ft. If the areas of nuisance plants on the site total more than 2,400 sq. ft. then the required removal area is 2,400 sq. ft. The area of removal must be re-vegetated with native seed from the *Portland Plant List*, and replanted with two shrubs and seven groundcover plants for every 50 sq. ft. The replanting density matches that in Table 430-2, Minimum Site Enhancement Options and minimum plant sizes match those in Section 33.430.150.D. Note, the requirements for replacing removed trees on the Nuisance Plants List will be established in the Citywide Tree Project.

Removal of nuisance plants is necessary to facilitate growth and survival of installed vegetation that is required or allowed by the Zoning Code. Different methods of removal will be used for different plants. A determination that the plant is removed will vary depending on the plant.

The new standard is similar to existing standards. For example, applicants can chose standard D for a disturbance area for an alteration to existing development on sites exceeding the disturbance area. In standard D, the applicant is required to enhance the site using one of the four options for site enhancement (Table 430-2). Removal of nuisance plants and replanting with natives is one option. Requiring an "area of removal" of plants is also similar to tree replacement requirements; when trees are removed the trees must be replanted. These existing standards require the applicant to replace lost functions of one area with restoration efforts to another area as part of meeting the standard.

**L. Nuisance plants.**

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
  - a. Seed the entire area of removal with a native grass seed.
  - b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.
  - c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.430.140.M.
  - d. Planting native species listed on the *Portland Plant List* is required.

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## Commentary

### 33.430.140.M

The amendments relate to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

### 33.430.160 Standards for Land Divisions and Planned Developments

The text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements. Therefore, the previously proposed tree replacement provisions in Section 33.430.150, Section 33.430.160, Section 33.430.180, and Section 33.430.190 have been deleted.



**L.M** All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the *Portland Nuisance Plants List* or *Prohibited Plant List* are prohibited;

Table 430-3 Tree Replacement		
Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

**M.-R. M-S.** Re-lettered to reflect the insertion of new "L" standard.

### **33.430.160 Standards for Land Divisions and Planned Developments**

The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

**A.-E.** No change.

**F.** The combined total diameter of trees cut may not exceed 225 inches per dwelling unit in residential zones. In all other zones tree removal is limited to the boundaries of the approved disturbance area. Trees that are less than 6 inches in diameter and trees listed on the *Portland Nuisance Plants List* or *Prohibited Plant List* are exempt from this standard and may be removed without being counted as part of the 225 inches.

**G.-J.** No change.

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## Commentary

### 33.430.170 Standards for Resource Enhancement Projects

The existing language in F refers to a "sterile seed that is certified as weed-free." The Oregon Department of Agriculture defines and/or certifies a seed mix as "weed-free". The existing language would potentially allow a sterile version of a plant on the Nuisance Plants List to be used for temporary erosion control. The City has determined this is acceptable as a temporary measure. The change to the text does not alter what is allowed by this provision; it emphasizes that seeds of plants on the Nuisance Plants List must not be used unless they are both sterile and weed-free.

### 33.430.175 Standards for Right-of-Way Improvements

Native trees are allowed to be removed within 10 feet of the edge of the right-of-way improvement under the existing standard, if the total diameter of cut trees 6-inches or great is 225 inches dbh and less. The existing standard does not count trees on the Nuisance Plants List. The text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard. This clarifying text is also proposed in Section 33.430.160.

**33.430.170 Standards for Resource Enhancement Projects**

The following standards apply to resource enhancement projects in the environmental zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

**A.-E.** No change.

- F.** Temporary disturbance areas may be seeded with sterile seed that is sterile and is certified as 100 percent weed free for erosion control purposes until replanting occurs.

**33.430.175 Standards for Right-of-Way Improvements**

The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

**A.-C.** No change.

- D.** Native trees may be removed within 10 feet of the edge of the right-of-way improvement. In no case may the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the Nuisance ~~or Prohibited~~ Plants Lists are exempt from this standard; and may be removed without being counted as part of the 225 inches.

**E.** No change.

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## Commentary

### 33.430.405 Correction Options

This amendment relates to the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

**33.430.405 Correction Options**

Applicants must choose one of the following options to correct environmental code violations.

A. No change.

B. **Option One, Remove and Repair.** This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1.-2. No change.

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

a.-c. No change.

d. Any plants on the Nuisance or Plants List listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e.-f. No change.

4. No change

C. **Option Two, Retain and Mitigate.** This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. No change.

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

a.-c. No change.

d. Any plants on the Nuisance or Plants List listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e.-f. No change.

3. No change.

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## Commentary

### 33.440 Greenway Overlay Zones

Amendments to this section are primarily related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List into the Nuisance Plants List.

There is no language in Chapter 33.440 specifically prohibiting the planting of nuisance and prohibited plants in the Greenway Overlay Zone. Language that prevents the planting of nuisance and prohibited plants is found in Chapter 33.248, Landscaping and Screening.

The Bureau of Planning and Sustainability is currently updating the Willamette Greenway Plan through a project called the River Plan. The River Plan will replace portions Chapter 33.440, the Greenway Overlay Zone, with Chapter 33.475, River Overlay Zones.

### 33.440.320 Exemptions from Greenway Review

The amendment here reflects the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

**CHAPTER 33.440  
GREENWAY OVERLAY ZONES**

**33.440.320 Exemptions from Greenway Review**

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. The situations are:

**A.-K.** No change.

**L.** Removal of vegetation identified on the Nuisance Plants List as ~~nuisance plants on the Portland Plant List~~.

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## Commentary

### 33.465.080 Items Exempt From These Regulations

The amendments are essentially to include in the Pleasant Valley Natural Resources Overlay Zone, the same language that is proposed in the Environmental Overlay Zone in Section 33.430.080 and in the Greenway Overlay Zone in Section 33.440.320.

The amendments reflect the name change of the plant list.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

### 33.465.090 Prohibitions

The change reflects the change to the name of the plant list.



**CHAPTER 33.465**  
**PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE**

**33.465.080 Items Exempt From These Regulations**

The following items, unless prohibited by Section 33.465.090, below, are exempt from the regulations of this chapter:

**A.-B.** No change.

**C.** Existing development, operations, and improvements, including the following activities:

1.-4. No change.

5. Removing a tree listed on the Nuisance ~~or Prohibited~~ Plants Lists. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or a certified arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the Pleasant Valley Natural Resources overlay zone on the same ownership on which they are cut;

6.-7. No change.

**D.** No change.

**33.465.090 Prohibitions**

The following items are prohibited in the Pleasant Valley Natural Resources overlay zone:

**A.** No change.

**B.** The planting or propagation of any plant identified on the Nuisance Plants List as a nuisance plant ~~or prohibited plant~~ in the Portland Plant List; and

**C.** No change.

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## Commentary

### 33.465.150 General Development Standards

The amendments reflect the change to requiring replacement vegetation required when the trees on the Nuisance Plants List are removed.

#### 33.465.150.E

This amendment relates to the consolidation and renaming of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List. In addition, the text is clarified to state that removal of trees on the Nuisance Plants List does not count towards the limit of 225 inches of tree removal for the standard.

#### 33.465.150.F

The amendments to this chapter incorporate provisions from Chapter 430, Environmental Zones. The language from Section 33.430.140.K, including the table, is inserted; this keeps the language consistent with the language in Chapter 430. Also, the amendments reflect the name change to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

**33.465.150 General Development Standards**

The standards of this section apply to all development in the Pleasant Valley Natural Resources overlay zone except utilities subject to Section 33.465.155, rights-of-way subject to 33.465.160, land divisions and planned developments subject to Section 33.465.165, resource enhancement projects subject to Section 33.465.170, trails subject to Section 33.465.175, and mitigation subject to 33.465.180.

Standards A, B and E through L N apply to new development. Standards C, D and E through L N apply to alterations to existing development. All of the applicable standards must be met.

Modification of any of these standards requires approval through Pleasant Valley resource review.

**A.-D.** No change.

**E.** Native trees may be removed within 10 feet of any proposed structures, or within 5 feet of driveways. In no case will the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the Portland-Nuisance Plants List or Prohibited Plant List are exempt from this standard and may be removed; without being counted as part of the 225 inches.

**F.** Trees cut must be replaced as shown in Table 465-2. Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 2-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the Portland Plant List and planted anywhere on the site. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

Table 465-2 Tree Replacement		
Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

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## Commentary

### 33.465.150.G

The intent of the new standard is to require removal of invasive plants as compensation for loss of resources and functional values in areas that become developed. As with all standards in Section 33.465.150, if the standard is not met, a Pleasant Valley Natural Resources Review is required. This standard is the same as the standard proposed in Section 33.430.140.L.

### 33.465.150.H

The amendment reflects the updated name of the plant list.

### 33.465.180 Standards for Mitigation

The amendment reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The amended text is also more specific in identifying which plants must be removed from the mitigation area. Instead of stating that "invasive vegetation" must be removed within the mitigation area, the language specifies the removal of plants on the Nuisance Plants List within the mitigation area.

As previously noted in the Commentary for Chapter 33.248, Landscaping and Screening, an applicant can propose to not meet the provisions of Section 33.248.090. As proposed, the language in Section 33.248.090 will require the removal of plants - groundcovers, shrubs, and trees - on the Nuisance Plants List within the mitigation area. In a Pleasant Valley Review, Section 33.465.180 must be met. Within that section, subsection C. requires removal of invasive vegetation and G. requires compliance with Section 33.430.090. The request to not meet the standards would be part of the land use review; neither a Modification nor an Adjustment would be needed because unmet standards must be reviewed through a land use review.

**G. Nuisance plants.**

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
  - a. Seed the entire area of removal with a native grass seed.
  - b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.
  - c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.465.150.F.
  - d. Planting native species listed on the *Portland Plant List* is required.

**F.-H.** All vegetation planted in the Pleasant Valley Natural Resources overlay zone is native and listed on the *Portland Plant List*. Plants listed on the ~~Portland~~ Nuisance Plants List or ~~Prohibited Plant List~~ are prohibited;

**33.465.180 Standards for Mitigation**

The following standards apply to required mitigation. All of the standards must be met. Modification of these standards requires approval through Pleasant Valley resource review.

**A.-B.** No change.

**C. ~~Invasive vegetation.~~ Invasive vegetation-Nuisance plants.** Plants listed on the Nuisance Plants List must be removed within the mitigation area;

**E.-G.** No change.

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## Commentary

### 33.465.405.C

The change reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

**33.465.405 Correction Options**

Applicants must choose one of the following options to correct violations of this chapter.

- A. No change.
- B. **Option One, Remove and Repair.** This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these requirements are prohibited.
  - 1.-2. No change.
  - 3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
    - a.-c. No change.
    - d. Any plant listed on the Nuisance or Prohibited Plants List listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
    - e.-f. No change.
  - 4. No change.
- C. **Option Two, Retain and Mitigate.** This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these standards are prohibited.
  - 1. No change.
  - 2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:
    - a.-c. No change.
    - d. Any plant listed on the Nuisance or Prohibited Plants List listed in the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
    - e. Trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3- to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 2-fallon size. All other species must be a minimum of 4-inch pots; and
    - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
  - 3. No change.
- D. No change.

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## Commentary

### **Chapter 33.508 Cascade Station/ Portland International Center Plan District.**

Within Chapter 33.508 there are provisions specifically related to the Environmental Overlay Zone. These provisions should be updated as other provisions in the Zoning Code are updated with this project. The amendments primarily relate to changing the Zoning Code to reflect the consolidation and name change of the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009 does not include the amendments proposed here; this is due to an oversight. The provisions were proposed to the Planning Commission in a memo from staff dated November 10, 2009. Planning Commission accepted these provisions.



**Section 33.508.314 - Items Exempt from these Regulations**

The following are exempt from the development standards and required reviews stated in this section:

**A.-K.** No change.

**L.** Removing a tree listed on the Nuisance or Prohibited Plants Lists. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut.

**Section 33.508.320 - Use Regulations**

**A. Permitted uses.** The following uses and activities are allowed if they comply with the development standards of Section 33.508.330:

1. No change.

2. In environmental zones:

b. Removal of vegetation identified as nuisance or prohibited plants on the Portland Nuisance Plants List.

c.-k. No change.

3. No change.

**Section 33.508.330 - Development Standards**

**A.** Except for temporary uses, and as specified in Paragraph A.6, land uses and activities on lots or lease areas which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:

1. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

2.-6. No change.

**B.** Land uses and activities within an environmental zone must meet the following standards:

1. Revegetation in a vegetated transition area must meet the following:

a. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

b.-e. No change.

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## Commentary

### **Chapter 33.508 Cascade Station/ Portland International Center Plan District**

Within Chapter 33.508 there are provisions specifically related to the Environmental Overlay Zone. These provisions should be updated as other provisions in the Zoning Code are updated with this project. The amendments primarily relate to changing the Zoning Code to reflect the consolidation and name change of the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

The *Proposed Draft: Report and Recommendations to Planning Commission*, dated October 9, 2009 does not include the amendments proposed here; this is due to an oversight. The provisions were proposed to the Planning Commission in a memo from staff dated November 10, 2009. Planning Commission accepted these provisions.

2. Revegetation in a protected resource must meet the following:

b. Species must be classified as native on the *Portland Plant List*, not be classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List, and be listed in the approved CS/PIC Plant List.

c.-e. No change.

3.-17. No change.

**Section 33.508.340 - CS/PIC Environmental Review**

**A.-C.** No change.

**D.** Approval criteria.

1-.2. No change.

3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:

a. No change.

b. Is not classified as ~~prohibited or nuisance~~ plants on the Nuisance Plants List.

4. -7. No change.

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## Commentary

### 33.515.274 Items Exempt From These Regulations

Amendments in this section are related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements.

### 33.515.276 Use Regulations

Amendments in this section are related to the consolidation and renaming of the lists from the Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

**CHAPTER 33.515  
COLUMBIA SOUTH SHORE PLAN DISTRICT**

**33.515.274 Items Exempt From These Regulations**

The following are exempt from the development standards and required reviews stated in this section:

**A.-K.** No change.

**L.** Removing a tree listed on the Nuisance ~~or~~ Prohibited Plants Lists.

**M.** Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut.

**33.515.276 Use Regulations**

**A. Permitted uses.** The following uses and activities are allowed if they comply with the development standards of Section 33.515.278:

1. In areas without environmental overlay zones, uses and development allowed by the plan district regulations.

2. In environmental zones:

a. Planting-required vegetation;

b. Removal of vegetation identified on the Nuisance Plants List ~~as nuisance or prohibited plants~~ in the Portland Plant List;

c.-k. No change.

3. No change.

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## Commentary

### 33.515.278 Use Regulations

The amendment reflects the consolidation and renaming to the Nuisance Plants List.

### 33.515.278 Development Standards

The amendment reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.

**B. Review required.** The following uses are allowed if they comply with the development standards of Section 33.515.278 and are subject to review, as set out in Section 33.515.280:

1. In environmental zones:

a. Fill or destruction of a resource in an environmental conservation zone;

b. Removal of vegetation which is not identified on the Nuisance Plants List as ~~nuisance or prohibited plants~~ *in the Portland Plant List*;

c.-i. No change.

2. No change.

**C.** No change.

### **33.515.278 Development Standards**

**A.** Except for temporary uses and as specified in Paragraph A.6, land uses and activities on lots or sites which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:

1. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants~~;

2.-6. No change.

**B.** Land uses, land divisions, and activities within an environmental zone must meet the following standards:

1. Revegetation in a vegetated transition area must meet the following:

a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants~~;

b.-e. No change.

2. Revegetation in a protected resource must meet the following:

a. Species must be classified as native on the *Portland Plant List*, and not be identified on the Nuisance Plants List ~~classified as prohibited or nuisance plants~~;

b.-e. No change.

3.-18. No change.

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## Commentary

### 33.515.280 Columbia South Shore Environmental Review

The text reflects the consolidation of the existing Nuisance Plant List and the Prohibited Plant List to the Nuisance Plants List.



**33.515.280 Columbia South Shore Environmental Review**

**A.-C.** No change.

**D. Approval criteria.**

1.-2. No change.

3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:

a. Provides food or other values for native wildlife that cannot be achieved by native vegetation; and

b. Is not classified as a plant on the Nuisance Plants List ~~nuisance or prohibited plant~~ in the Portland Plant List.

4.-7. No change.

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## Commentary

### **33.537 Johnson Creek Basin Plan District,**

The Johnson Creek Basin Plan District, Chapter 33.537, does not have specific language about nuisance and prohibited plants, nor does the chapter address native plants.

### **33.537.100 General Development Standards**

The amendments in Section 33.537.100, General Development Standards, are to allow removal of groundcovers and shrubs on the Nuisance Plants List and to state that planting of plants on the Nuisance Plants List is prohibited. The new language in Chapter 33.537 works in conjunction with new language in Chapter 33.248, Landscaping and Screening.

Allowing removal of trees, shrubs, and groundcovers raises concerns about loss of habitat and shade, and potential erosion from exposed soil. This is a particular concern when trees are removed. Section 33.537.100, requires "all vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site." The existing language addresses concerns about exposed soil; no change is needed.

### **33.537.130 Springwater Corridor Standards**

### **33.537.140 South Subdistrict Development Standards**

### **33.537.150 Floodplain Standards**

As identified in the memo from staff to the Planning Commission dated November 10, 2009, the proposed shift from allowing removal of trees on the Nuisance Plants List without replacement, to requiring trees be replaced with trees not on the Nuisance Plants List has been removed from this project proposal and incorporated into the Citywide Tree Project. The Citywide Tree Project is revising all City tree regulations, including tree replacement requirements. Therefore, the previously proposed provisions about nuisance tree removal with replacement trees have been removed.

**CHAPTER 33.537  
JOHNSON CREEK BASIN PLAN DISTRICT**

**33.537.100 General Development Standards**

The standards of this section apply to the entire Johnson Creek Basin plan district.

**A.-B.** No change.

**C.** Groundcovers and shrubs identified on the Nuisance Plants List may be removed.

**D.** Planting of plants listed on the Nuisance Plants List is prohibited;

**C.E.** All vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site.



City of Portland Bureau of  
**Planning and Sustainability**  
 Sam Adams, Mayor | Susan Anderson, Director

## Invasive Plant Policy Review and Regulatory Improvement Project

### Appendix B: Portland Plant List

**Note:** This is an excerpt from the *Portland Plant List*; it is not the entire *Portland Plant List*. The changes presented here are focused on the text of the *Portland Plant List* as it relates to nuisance plants (formerly nuisance and prohibited plants), the re-organization of the text, the addition and removal of plants on the now consolidated and renamed Nuisance Plants List, and the addition of priority ranks to the nuisance plants. The following text includes: existing text to remain which is indicated in normal font; text to be removed which is indicated with strikethrough; and new text which is indicated in underlined font. Additional formatting and updated graphics will be made to the printed version and the online version.

## Portland Native Plant Lists

### Portland Plant Lists: the Native Plants List and the Nuisance Plants List

#### Introduction

*The Portland Native Plant Lists are an integral component of the City of Portland's natural resource protection program. Native plants identified here are required within the City's Environmental and Willamette River Greenway Overlay Zones; invasive or harmful plants (identified on the "Nuisance" or "Prohibited" Plant Lists) are prohibited.*

Portland's native plant policy is designed to ensure the continued viability and diversity of indigenous plant and animal communities, promote the use of plants naturally adapted to local conditions, and educate citizens about the region's natural heritage and the values and uses of native plants.

A healthy native plant community serves many important functions: it provides habitat for native wildlife and preserves critical habitat for rare, threatened and endangered animals and plants; enhances air and water quality by trapping airborne particulates and by filtering sediments and pollutants from runoff before they enter streams and aquifers; stabilizes stream banks and hillside slopes, and dissipates erosive forces; ameliorates the local microclimate, and reduces water and energy needs; and provides scenic, recreational and educational values which, in turn, enhance Portland's livability. Native plants are part of the region's natural heritage.

The City of Portland's environmental protection efforts include a focus on ensuring the continued viability and diversity of indigenous plant and animal communities, promoting the use of plants naturally adapted to local conditions, and educating citizens about the region's natural heritage and the values and uses of native plants.

A healthy native plant community serves many important functions:

- Provides habitat and food for native wildlife;

- Preserves critical habitat for rare, threatened and endangered animals and plants;
- Enhances air quality by trapping airborne particulates;
- Enhances water quality by filtering sediments (and pollutants attached to sediments) from runoff before the water enters streams;
- Stabilizes streambanks and hillside slopes by dissipating erosive forces;
- Enhances local microclimate, and reduces water and energy needs;
- Provides a place for native plants to continue to exist;
- Provides scenic and recreational and educational values, which, in turn, enhance Portland's livability. Native plants are part of the region's heritage.

The *Portland Plant List* is comprised of two lists and supporting information: the Native Plants List and the Nuisance Plants List. Both plant lists are integral to the City of Portland's natural resource protection program and invasive species management strategy. Only those plants on the Native Plants List are allowed to be planted within the City's Environmental Overlay Zone and the Pleasant Valley Natural Resources Overlay Zone. Native plants are also encouraged to be planted in the Greenway Overlay Zone.

The plants identified on the Nuisance Plants List are prohibited from being planted within the Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. In addition, species on the Nuisance Plant List cannot be installed in City required landscaping areas. Plants - trees, shrubs, and groundcovers - on the Nuisance Plants List may be removed in the Environmental Overlay Zone, the Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone without a land use review. Plant removal methods that result in ground disturbance may require a permit or land use review when proposed within the Environmental Overlay Zone, Greenway Overlay Zone, and the Pleasant Valley Natural Resources Overlay Zone. Herbicide application may require a permit in the Greenway Overlay Zone. In some situations in these overlay zones, tree removal may require a permit and tree replacement. Please consult the City of Portland Zoning Code (<http://www.portlandonline.com/bps/index.cfm?c=29205>), other City codes (<http://www.portlandonline.com/index.cfm?c=27891>), and City staff for more detailed analysis of applicable requirements relating to removal and installation of plants on the Nuisance Plants List.

Certain species on the Nuisance Plants List are required to be removed if found on the property, regardless of whether a land use review or building permit is submitted. These plants are currently limited in distribution; however, they spread rapidly and they are very difficult to control once they become established. These plants are identified in the *Portland Plant List* as the Nuisance Plants List, Required Eradication List. The requirements related to these plants are found in Portland City Code in Title 29, Property Maintenance Regulations, and the related administrative rule.

There are several useful definitions in this discussion. Some of these definitions are used in the City of Portland Invasive Plants Strategy Report 2008, and are revised for use in the *Portland Plant List*; other definitions are terms of use.

- Native: Species that were likely found historically (prior to European settlement) in the Portland area. Ecologically, many of these plants are exclusive food sources for native invertebrates; thus birds and other native animals that consume them rely upon this food source.
- Ornamental: Commercially sold non-native plants typically used in landscape areas.
- Nuisance: Species that threaten the health and safety of Portland citizens and/or degrade the habitat quality of natural areas.
- Invasive: Species that spread at such a rate that they cause harm to human health, the environment, and/or the economy. In natural areas, invasive plants are those species that displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species. They can deprive native invertebrates of food sources, disrupting the food chain for native wildlife.
- Weed: A plant that grows where it is not wanted. Ecological weeds are pests in natural areas, agricultural weeds are pests in farmed areas, landscaping weeds are pests in landscaped areas, and so on.
- Noxious weed: A weed designated as noxious by the Oregon Department of Agriculture.

The Oregon Department of Agriculture (ODA) has a statewide noxious weed list, including both agricultural and ecological weeds. However, some of the invasive species degrading our natural areas are not on the ODA noxious weed

list. Nursery sales are regulated by ODA under administrative rule (OAR 603-052-1200). This rule prohibits import, transport, propagation or sale of select "A" and "B" state listed noxious weeds and plants on the Federal Noxious Weed List (7 C.F.R. 360.200). The City of Portland does not have jurisdiction to regulate nursery sales or agricultural commodities in Oregon, but the City can regulate the types of vegetation planted. Some of the plants on the ODA Noxious Weed List are included in the City's Nuisance Plants List; these plants would remain subject to OAR 603. The City of Portland has made managing invasive plants a priority and has established programs, regulations, and policies accordingly. In addition, the City focuses efforts on education and outreach, working with the nursery and seed industry, and other actions to prevent the spread of invasive species.

A more localized list to characterize those species that threaten the health and safety of Portland citizens and natural areas is needed. When the first *Portland Plant List* was created, it contained, in addition to the list of native plants, a list of invasive species. For more information about the history of the *Portland Plant List*, see Appendix A.

The City of Portland recognizes that not all non-native plants are invasive. For example, there are many non-native, ornamental garden plants that don't spread rapidly, nor do they alter ecosystem processes. Our knowledge of what is and is not invasive changes over time. The potential for a plant to be invasive can sometimes be predicted using two factors - the level of invasiveness of the plants in areas with similar geologic and climate conditions, and the reproductive methods of the plants. Although invasive potential has not been evaluated for all ornamental plants, some plants included here represent obvious threats. Plants identified on the Nuisance Plants List currently can or do threaten the vitality of native ecosystems. "When an invasive species colonizes a new environment, it leaves behind the natural enemies such as predators or parasites that controlled its population growth in its original home. It can quickly expand, out-competing and overwhelming native species. Native species have not evolved the necessary survival strategies to fend off unfamiliar species or diseases" (Oregon Department of Fish and Wildlife, Conservation Strategy, February 2006).

### Modification of lists the Portland Plant List

Plants may be added to or removed from the Native Plant List or Nuisance Plant List as follows. When a request to amend either list is received, the Bureau of Planning will consult with three or more knowledgeable persons with botany, biology or landscape architecture backgrounds to determine whether the requested change is warranted. This decision will be forwarded to the applicant and will be final. The primary source for native plant determination is the five volume set, *Flora of the Pacific Northwest*, by Hitchcock and Cronquist.

Adding to or removing plants from the Prohibited Plant List must be done through a legislative procedure as provided in Chapter 33.740 of the Zoning Code.

The information in the *Portland Plant List* will be updated periodically or as needed to reflect current scientifically accepted information about the characteristics and status of plants on the Native Plants List and the Nuisance Plants List. Changes may include but are not limited to: modification of language in the body of the document, the addition or removal of plants from any list, or a re-assignment of plant ranking.

Changes proposed to the *Portland Plant List* will be made through the City's administrative rule process. Administrative rules provide a streamlined process for reviewing and making changes to technical documents such as the *Portland Plant List*. The Bureau of Planning and Sustainability (BPS) will coordinate review of potential modifications to the *Portland Plant List*. The director of BPS, or their delegate, will make the final decision on the changes to the *Portland Plant List*. Potential modifications to the listed species and ranks will be reviewed by at least three or more knowledgeable persons with botany, biology, landscape architecture, or other qualified backgrounds. BPS will also inform key stakeholders of potential changes and provide reasonable opportunity for review and comment. The public can request changes to the list or changes to the ranks at any time by sending a written request to BPS. Potential amendments might be collected over a period of time and processed in batches, depending on the nature of the changes and resource availability.

The primary source for native plant determination is the five volume set, *Flora of the Pacific Northwest*, by Hitchcock and Cronquist. In some cases, the Oregon Vascular Plant Database (OSU Herbarium) samples, the Oregon Flora Project, and the Urbanizing Flora of Portland, Oregon 1806-2008 (Occasional Paper 3 of the Native Plant Society of Oregon, 2009) by

J.A. Christy, A. Kimpo, V. Marttala, P.K. Gaddis, and N.L. Christy, may also be used to determine whether plants are native to the Portland area.

## **How to Use the Lists**

The lists have many uses, from public education and promotion of our natural heritage to helping someone to choose the most appropriate species for planting. The plant lists are not intended to be a rigorous scientific study but a tool that provides assistance to citizens in selecting appropriate native species for planting. Every effort was made to make them as accurate as possible. The lists are set up to provide for a narrowing of choices from the over 450 species on the full list to a manageable number suitable for a particular site.

The lists of Native Plant Communities provide a first cut. These lists help narrow the focus to one of nine generalized communities identified for the City of Portland. The community list can then be narrowed further using the section "Native Plants in Detail."

## **The Lists How to Use the Lists**

*The Portland Plant List is divided into ~~four~~ two sections: the Native Plants List (includes native plant communities, native plants in detail), and the Nuisance Plants List and prohibited plants. These sections are summarized below.*

## **How to Use the Lists — moved from "Introduction" section**

The lists have many uses, from public education and promotion of our natural heritage to helping someone to choose the most appropriate species for planting. The plant lists are not intended to be a rigorous scientific study but a tool that provides assistance to citizens in selecting appropriate native species for planting. Every effort was made to make them as accurate as possible. The lists are set up to provide for a narrowing of choices from the over 450 species on the full list to a manageable number suitable for a particular site.

The lists of Native Plant Communities provide a first cut. These lists help narrow the focus to one of nine generalized communities identified for the City of Portland. The community list can then be narrowed further using the section "Native Plants in Detail."

## **Native Plants List**

The Native Plants List has many uses, from public education and protection of our natural heritage to helping someone choose the most appropriate species for planting.

The Native Plants List is set up in several formats to assist the user. The plants are grouped into nine generalized "Native Plant Communities" for the City of Portland. Using the section "Native Plants in Detail," one can find appropriate plants for particular sites within a plant community.

The lists identify groundcovers (ferns, forbs, grasses, sedges, rushes, and other), shrubs, and trees. The Native Plants List includes the scientific name, the common name, and the associated habitat type. Of special note, tall shrubs are shrubs that resemble trees in growth, structure, or appearance but they are technically considered shrubs. These Tall shrubs may not be used to meet Title 33 or Title 34 in any City title, the standards, criteria, or conditions of approval which require trees.

When considering development, particularly in forested areas, building materials and plant types should be evaluated. The Native Plants List indicates trees and shrubs that are "fire accelerants." Plants identified as "Fire Accelerant Y" are "plants

with higher than average flammable combustion potential due to flammability chemicals present within the leaves, needles, and stems." Plants identified as "Fire Accelerant N (neutral)" are "plants with average flammable combustion potential (there are no chemicals present within the stems, leaves, and needles that make it less flammable or more flammable than average)."

*This "fire accelerant" notation is currently only identified on the native shrubs and trees portions of the Native Plant Lists on the web page for the Portland Plant List. We will need to add the notation to the shrubs and trees portions of the Native Plant Lists in the printed version of the Portland Plant List.*

## **Native Plant Communities**

The Native Plant Communities section ~~is a generalized listing of~~ describes the nine native plant communities found within the City of Portland. ~~Nine plant communities are identified. Each community contains a list of plants appropriate for that community. The lists include information about common and rare species. indicate which species are commonly found and which are more rarely found in the community.~~

## **Native Plants in Detail**

The ~~community list can be narrowed further using the~~ Native Plants in Detail section provides specific information on each of the native plants on the Native Plants List. This section is an individual breakdown of the native plants historically found in the City of Portland. The list divides the plants into the following sub-groups: trees, shrubs, forbs, grasses, sedges and rushes, ferns, and others. For each group, the list includes the scientific (Latin) name of the species, its common name, its wetland indicator status, and its life history characteristics. The life history characteristics include: information on flowering, light requirements, water requirements, and habitat type (wetland, riparian, forest, forested slopes, thicket, grass and rocky). Special lists are provided for aggressive growers, groundcovers and vines, and native plants used as food by wildlife.

## **Nuisance Plants**

The Nuisance Plants section is a listing of plants found in the City of Portland which can be removed manually without requiring an environmental review or greenway review. Other local, state or federal laws may still regulate removal of certain plants on this list. Nuisance plants may be native, naturalized or exotic. They are divided into two groups: plants which are considered a nuisance because of their tendency to dominate plant communities, and plants which are considered harmful to humans. Each group identifies the scientific and common plant names and their indicator status.

## **Prohibited Plants**

The Prohibited Plants section is a listing of plants which the City of Portland prohibits from use in all reviewed landscaping situations within the City limits. These plant species pose a serious threat to the health and vitality of native plant and animal communities. Manual removal of these plants is exempt from land use review.

## **Nuisance Plants List**

The plants on the Nuisance Plants List are invasive; they threaten the health and vitality of native habitats, humans, and cause economic harm to public and to private landowners. Planting of these plants should be avoided and removal encouraged. The Nuisance Plants List includes the common and scientific plant names, and assigns priority ranks of A, B, C, D, and W. The ranks were developed to educate the public about the distribution of and level of invasiveness of each species. In addition, these ranks help land managers prioritize actions when there are limited resources. The ranks apply to the named species only, and include any sub-species, varieties, or cultivars of these species, unless otherwise noted.



## Taxa

Plant names used in the *Portland Plant List* are taken primarily from Appendix III of *The Jepson Manual* (1993), and the five-volume set, *Flora of the Pacific Northwest* (1973), by Hitchcock and Cronquist. Other sources are *Flora of North America, Volume 2: Ferns and Gymnosperms* (Oxford University Press 1993), and recent research by the Carex Working Group and Barbara L. Wilson. Be aware that the names of some familiar species—such as *Cornus stolonifera*, now *Cornus sericea* ssp. *sericea*—were changed in *The Jepson Manual* and in the more recent research. Plant names can be determined online at with the PLANTS database at <http://plants.usda.gov/> and by the Oregon Flora Project at <http://www.oregonflora.org>.

## History

In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the list first became a requirement within the Willamette River Greenway Zones, and was later required within the Environmental Zones when adopted in 1989 for the Columbia Corridor. Soon thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list to cover all of Portland. As part of that review, the TAC identified the need to create categories for native, nuisance and prohibited plants. The expanded "Portland Plant List," covering native and nuisance plants throughout the City, was adopted by the Portland City Council on November 13, 1991.

Amendments passed on May 26, 1993 and September 21, 1994 further refined and expanded the List, and added prohibited plants. In July, 1995, the list was updated to include name changes from recent references, as cited in Appendix III of *The Jepson Manual*.

## Moved History to the APPENDIX

## Native Plants in Detail

*This section provides illustrated descriptions of woody plants and tables summarizing the features of herbaceous plants historically found in the City of Portland. The list includes several plants known to occur within the Urban Growth Boundary or not more than ten miles from Portland. And The plants are expected to occur within the City based on the presence of suitable habitat, the judgment of local botanical expert, the range of maps of the Oregon Flora Project, the publication *Urbanizing Flora of Portland, Oregon 1806-2008*, or the range descriptions found in Hitchcock and Cronquist's *Flora of the Pacific Northwest* (1973)-(1994).*

The plants are divided into the following seven groups:

### Trees (with illustrations)

- Evergreens
- Deciduous
- ~~Arborescent Shrubs~~
- Silhouettes (illustration)

### Arborescent shrubs

**Shrubs (with illustrations) (including tall shrubs i.e. those equal to or greater than 15 ft. tall)**

**Herbaceous**

- Forbs
- Grasses
- Sedges, Rushes
- Ferns
- Other

The following ~~four~~ additional special lists are also included:

~~Aggressive Growers: Nuisance or Advantage~~  
~~Ground Covers~~ Groundcovers and Vines  
 Native Plants Used as Food by Wildlife

## Habitat Types

Habitat types are indicated for both the illustrated plant descriptions and in the tables. The habitat types are wetland, riparian, forest, forested slopes, thicket, grass and rocky. "Wetland" includes all forms of wetlands found in Portland. "Riparian" includes the riparian areas along the Willamette and Columbia Rivers, and other streams in Portland. "Forest" refers to upland forested areas with little or no slope. "Forested slopes" refers to steeply sloping upland forests such as the west hills and various buttes found in Portland. "Thicket" refers to edges of forests and meadows and includes hedgerows and clumps of vegetation that may be found in meadows. "Grass" refers to open areas or meadows. It may also include clearings in forested areas. "Rocky" refers to rocky upland areas, and may include outcrops and cliffs.

The information on habitat types is intended to provide general guidance for appropriate planting locations; certain plants, however, have highly specialized habitats which may make them appropriate for use only in specific areas of the city. For example, the Columbia River Willow (*Salix exigua* var. *columbiana fluvialis*) normally occurs only along the main stems of the Willamette and Columbia Rivers and is not appropriate for use in all "wetland" or "riparian" habitats throughout the city. For this reason, it may be helpful to consult with Bureau of Planning City staff, local botanists, or references published sources such as those listed in the "Resources" section when preparing a planting plan.

~~Arborescent Shrubs~~ are shrubs that resemble trees in growth, structure, or appearance. These shrubs may not be used to meet Title 33 or Title 34 standards, criteria, or conditions of approval which require trees.

## Sources of Native Plants

Native plants can be acquired through many local and specialty plant nurseries in the Portland area. ~~A useful native plant directory, Hortus West, is available at the Bureau of Planning.~~ Occasionally, particularly for large orders or less common plants, growers will need time to propagate and raise plants before they are ready for installation. For this reason, growers may need advance notice of plant orders and project timelines should allow adequate time to fill such orders. For additional information about native plants, see the "Resources" section.

## Aggressive Growers: Nuisance or Advantage?

Certain native plants grow so vigorously that they will establish themselves in considerable numbers very quickly. Sometimes, this characteristic is desirable. For example, when trying to revegetate a cleared area or to prevent erosion on disturbed soil, it may be necessary to find plants that fill in very quickly.

However, some native plants are so vigorous that they are problematic. These plants will grow rampantly and will crowd out other, less aggressive species. A list of these 'dominating' plants can be found in the Nuisance Plant List.

## Fast-Spreading Trees and Shrubs:

The following listed plants are particularly fast growing and spread quickly. However, they are not considered problematic in the Portland area. These would be good plant choices if you want to revegetate a disturbed area quickly or perhaps want to develop a thicket for habitat value.

TREES	<i>Latin Name</i>	<i>Common Name</i>
	<i>Alnus rubra</i>	Red Alder
	<i>Fraxinus latifolia</i>	Oregon Ash
	<i>Populus balsamifera ssp. trichocarpa</i>	Black Cottonwood
	<i>Salix lucida ssp. lasiandra</i> Pacific	Willow
SHRUBS	<i>Latin Name</i>	<i>Common Name</i>
	<i>Prunus virginiana</i>	Common Chokecherry
	<i>Salix fluviatilis</i>	Columbia River Willow
	<i>Salix hookeriana</i>	Piper's Willow
	<i>Salix rigida</i> var. <i>macrocarpa</i>	Rigid Willow
	<i>Salix scouleriana</i>	Scouler Willow
	<i>Salix sessilifolia</i>	Soft leaved Willow
	<i>Salix sitchensis</i>	Sitka Willow

**SHRUBS**  
(continued)

<i>Cornus sericea</i> ssp. <i>sericea</i>	Red-osier Dogwood
<i>Poa howellii</i>	
<i>Rubus leucodermis</i>	
<i>Rubus ursinus</i> var. <i>macropetalus</i>	Dewberry
<i>Rubus parviflorus</i>	Thimbleberry
<i>Rubus spectabilis</i>	Salmonberry
<i>Spiraea douglasii</i>	Douglas's Spiraea
<i>Symphoricarpos albus</i>	Common Snowberry
<i>Symphoricarpos mollis</i>	Creeping Snowberry

## Nuisance Plants

*Nuisance plants are plants which are considered a nuisance because of their tendency to dominate plant communities, and/or are considered harmful to humans. These plants may be native, naturalized or exotic. Plants on this list can be removed without environmental or greenway review. Other local, state or federal laws may still regulate removal of certain plants on this list.*

<i>Latin Name</i>	<i>Common Name</i>
Acer platanoides	Norway Maple
Acreptilon repens	Russian Knapweed
Aegopodium podagraria and variegated varieties	Goutweed
Agropyron repens	Quack Grass
Ailanthus altissima	Tree of heaven
Alliaria officinalis	Garlic Mustard
Alopecurus pratensis	Meadow Foxtail
Anthoxanthum odoratum	Sweet Vernalgrass
Arcium minus	Common Burdock
Arrhenatherum elatius	Tall Oatgrass
Bellis perennis	English Lawn Daisy
Betula pendula lacinata	Cutleaf Birch
Borago officinalis	Borage
Brachypodium sylvaticum	False Brome
Bromus diandrus	Ripgut
Bromus hordeaceus	
Bromus inermis	Smooth Brome grasses
Bromus japonicus	Japanese Brome grass

<i>Latin Name</i>	<i>Common Name</i>
<i>Bromus sterilis</i>	Poverty Grass
<i>Bromus tectorum</i>	Cheat Grass
<i>Buddleia davidii</i> except cultivars and varieties	Butterfly Bush
<i>Callitriche stagnalis</i>	Pond Water Starwort
<i>Cardaria draba</i>	Hoary Cress
<i>Carduus acanthoides</i>	Plumeless Thistle
<i>Carduus nutans</i>	Musk Thistle
<i>Carduus pyrenoccephalus</i>	Italian Thistle
<i>Carduus tenuifolius</i>	Slender Flowered Thistle
<i>Centaurea biebersteinii</i>	Spotted Knapweed
<i>Centaurea diffusa</i>	Diffuse Knapweed
<i>Centaurea jacea</i>	Brown Knapweed
<i>Centaurea pratensis</i>	Meadow Knapweed
<i>Chelidonium majus</i>	Lesser Celandine
<i>Chicorium intybus</i>	Chicory
<i>Chondrilla juncea</i>	Rush Skeletonweed
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning glory
<i>Convolvulus sepium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus</i> sp. except <i>C. suksdorfii</i>	Hawthorn, except native species
<i>Daucus carota</i>	Queen Anne's Lace

<i>Latin Name</i>	<i>Common Name</i>
<i>Dipsaucus fullonum</i>	Common Teasel
<i>Egeria densa</i>	South American Waterweed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Euphorbia lathyris</i>	Mole Plant
<i>Festuca arundinacea</i>	Tall Fescue
<i>Foeniculum vulgare</i>	Fennel
<i>Galium odoratum</i>	Sweet Woodrill
<i>Geranium lucidum</i>	Shining Geranium
<i>Geranium robertianum</i>	Robert Geranium
<i>Geum Urbanum</i>	European Avens
<i>Hypericum perforatum</i>	St. John's Wort
<i>Hieracium mantegazzianum</i>	Giant Hogweed
<i>Hieracium aurantiacum</i>	
<i>Hieracium cespitosum</i>	Yellow Hawkweed
<i>Hieracium laevigatum</i>	Smooth Hawkweed
<i>Hieracium pilosella</i>	Mouse ear Hawkweed
<i>Holcus lanatus</i>	Velvet Grass
<i>Houttuynia cordata</i>	Chameleon Plant
<i>Hydrilla verticillata</i>	Hydrilla
<i>Hypochaeris radicata</i>	Spotted Cat's Ear
<i>Ilex aquafolium</i>	English Holly
<i>Impatiens glandulifera</i>	Policemen's Helmet
<i>Iris pseudacorus</i>	Yellow Flag
<i>Juncus effusus v. effusus</i>	European Soft Rush
<i>Laburnum watereri</i>	Golden Chain Tree

<i>Latin Name</i>	<i>Common Name</i>
<i>Lactuca muralis</i>	Wall Lettuce
<i>Lactuca serriola</i>	Prickly lettuce
<i>Lamium maculatum</i>	White Nancy
<i>Lapsana communis</i>	Nipplewort
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Leontodon autumnalis</i>	Fall Dandelion
<i>Leucanthemum vulgare</i>	Oxeye Daisy
<i>Ligustrum vulgare</i>	Privet
<i>Linaria dalmatica</i> ssp. <i>dalmatica</i>	Dalmation Toadflax
<i>Linaria vulgaris</i>	Yellow Toadflax
<i>Lolium multiflorum</i>	Annual Ryegrass
<i>Lotus corniculatus</i>	Bird's Foot Trefoil
<i>Ludwigia hexapetala</i>	Water Primrose
<i>Lunaria annua</i>	Money Plant
<i>Lychnis alba</i>	White Campion
<i>Lysimachia nummularia</i>	Creeping Jenny
<i>Lythrum portula</i>	Spatula Leaf Purslane
<i>Melilotus alba</i>	Sweetelevator
<i>Melilotus officinalis</i>	Yellow Sweetelevator
<i>Melissa officianalis</i>	Lemon Balm
<i>Mentha pulegium</i>	Penny Royal
<i>Myriophyllum aquaticum</i>	Parrots Feather
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Nymphaea odorata</i>	Fragrant Water Lily
<i>Onopordum acanthium</i>	Scotch Thistle
<i>Panicum capillare</i>	Witchgrass
<i>Parentucellia viscosa</i>	Parentucellia



<i>Latin Name</i>	<i>Common Name</i>
<i>Paulownia tomentosa</i>	Princess Tree
<i>Phalaris aquatica</i>	Harding Grass
<i>Phleum pratensis</i>	Timothy
<i>Phragmites australis</i>	
<i>Phytolacca americana</i>	Pokeweed
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum aviculare</i>	Doorweed
<i>Polygonum coccineum</i>	Water Smartweed
<i>Polygonum convolvulus</i>	Climbing Bindweed
<i>Polygonum cuspidatum</i>	Japanese Knotweed
<i>Polygonum polystachyum</i>	Himalayan Knotweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Populus alba</i>	White Poplar
<i>Potamogeton crispus</i>	Curly Leaf Pondweed
<i>Prunus avium</i> except cultivars and varieties	Sweet Cherry
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Pueraria lobata</i>	Kudzu
<i>Ranunculus ficaria</i>	Lesser Celandine
<i>Ranunculus repens</i>	Creeping buttercup
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Robinia pseudoacacia</i> except cultivars and varieties	Black Locust
<i>Rorippa nasturtium-aquaticum</i>	European Watercress
<i>Rosa eglanteria</i>	Sweet Briar
<i>Rosa multiflora</i>	Multiflora Rose

<i>Latin Name</i>	<i>Common Name</i>
<i>Rumex acetosella</i>	Red Sorrel
<i>Rumex crispus</i>	Curly Dock
<i>Secale cereale</i>	Cultivated Rye
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Silene alba</i>	White Campion
<i>Silybum marianum</i>	Blessed Milk Thistle
<i>Sisyrinchium officinale</i>	Hedge Mustard
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarachoides</i>	Hairy Nightshade
<i>Sonchus arvensis</i> ssp. <i>arvensis</i>	Perennial Sowthistle
<i>Sorbus aucuparia</i> except cultivars and varieties	European Mountain Ash
<i>Sorghum halepense</i>	Johnson Grass
<i>Taeniatherum caput-medusa</i>	Medusahead
<i>Tanacetum vulgare</i>	Common Tansy
<i>Taraxacum officinale</i>	Common Dandelion
<i>Trifolium arvense</i>	Hare's Foot Clover
<i>Trifolium hybridum</i>	Alsike Clover
<i>Trifolium repens</i>	White Clover
<i>Trifolium subterraneum</i>	Subterranean Clover
<i>Ulex europaeus</i>	Gorse
<i>Ulmus pumila</i>	Siberian Elm
<i>Utricularia inflata</i>	Swollen Bladderwort
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Verbascum blattaria</i>	Moth Mullein
<i>Verbascum thapsus</i>	Mullein

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<i>Latin Name</i>	<i>Common Name</i>
<i>Verbena bonariensis</i>	Tall Verbena
<i>Vicia cracca</i>	Tufted
<i>Vicia sativa</i>	
<i>Vicia villosa</i>	Hairy Vetch
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Vulpia myoris</i> [ <i>Festuca myorus</i> ]	Rat tailed Fescue
<i>Xanthium spinosum</i>	Spiny Cocklebur
Various genera	Bamboo sp

## Prohibited Plants

The Prohibited Plants section is a listing of plants which the City of Portland prohibits being used in all reviewed landscaping situations within the City limits. This provision applies to the below named species only, and includes any sub-species, varieties or cultivars of these species. Additional plant species are prohibited by adopted land use plans in specific areas or situations.

<i>Latin Name</i>	<i>Common Name</i>
<i>Cytisus scoparius</i>	Scot's Broom
<i>Hedera helix</i>	English Ivy
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Phalaris arundinacea</i>	Reed Canarygrass
<i>Rubus discolor</i>	Himalayan Blackberry

## Nuisance Plants in Detail

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The plants on the Nuisance Plants List are species that threaten the health and vitality of native plant and animal communities, humans, and the economy. Most of the non-native plants on this list exist or have been found in Portland or in the four-county metropolitan region. The introduction to the *Portland Plant List* provides a description of code requirements related to the Nuisance Plants List. Please consult the City of Portland Zoning Code, other City codes, and City staff for more detailed analysis of applicable requirements relating to the prohibition on planting, and the required removal of plants on the Nuisance Plants List.

The provisions related to plants on the Nuisance Plants List apply to the named species on the Nuisance Plants List, and includes any sub-species, varieties, or cultivars of these species, unless otherwise noted. The Nuisance Plants List identifies each plant as tree, shrub, herbaceous, or aquatic. Herbaceous plants are non-woody plant species such as groundcovers, ferns, forbs, sedges, rushes, grasses and other plants.

### Impacts

Invasive plant species have an impact on human and wildlife health and safety, water quality, biodiversity, fish and wildlife habitat, tree cover, fire risk, and the economy, as summarized in the paragraphs below. The City of Portland is committed to reducing these impacts to the highest degree possible within the limits of public resources and jurisdictional authority. The City also works to facilitate cooperation toward this end among citizens, developers, and land stewards.

To successfully prevent and minimize the spread of invasive species, it is important to understand where they come from and how they have become problematic. All of the plants on the Nuisance Plants List are non-native species; some were intentionally introduced, while others arrived incidentally. It is easy to transport plants. For example, non-native or ornamental plants can be purchased and installed in gardens. Vehicles can track plant seeds on tires. Humans can track seeds on their shoes, and livestock and pets can transport seed on their fur or feet. Many plant seeds or plant parts (e.g. knotweed rhizomes or shoots) are dispersed by wind and water. Animals may eat seeds and deposit them. Knowing how plants reproduce and spread is very helpful in preventing the vector distribution and controlling populations once established.

While many non-native plants introduced into this region have reproduced rapidly, not all non-native plants become invasive. When plants are no longer in their native environment, they enter new relationships within the ecological communities they occupy. Sometimes, they cause very little disruption to the systems they enter, while at other times they cause great disturbance. These detrimental impacts may take years to become noticeable, or they may quickly become evident. Additionally, many native invertebrates have co-evolved over many millennia, and many invertebrates need specific or a very few species for their food. If native plants are lost, these invertebrates may disappear from an infested area. This is why it is important from an ecological perspective to track and classify the aggressiveness of invasive plants.

### Human and Wildlife Health and Safety

Humans and animals can be seriously impacted by invasive plants when they come into contact with the plants or eat the plants. For example, Paterson's curse (*Echium plantagineum*) contains pyrrolizidine alkaloids; these alkaloids are poisonous to grazing animals. Humans handling the plant may incur mild to severe skin irritation and hay fever. Giant hogweed (*Heracleum mantegazzianum*) exudes a sap that sensitizes the skin to ultraviolet radiation. With exposure to the sun, severe burns can result in blisters and scars. If giant hogweed is burned and smoke is inhaled, it can cause burns in the respiratory tract.

## Water Quality

Typically in the Pacific Northwest, native plant roots extend deep into the soil. Many species have extensive roots that bind the soils and reduce erosion. A diversity of plants provides a diversity of root structures and depths, and therefore, better erosion control. Monocultures homogenize root systems and provide poor erosion control. When erosion occurs, sediment is released into streams and increases stream turbidity, which in turn, impairs water quality.

For example, English ivy (*Hedera helix*) is an invasive, non-native groundcover plant that is prevalent in the City of Portland. English ivy provides little root structure to bind and hold the soil. While the expansive spread of English ivy provides an appearance of a plant holding soil strongly, the opposite is true. The roots are easily disturbed and eroded. In addition, English ivy often climbs into trees and envelops them, reducing tree strength and health and longevity, which in turn can affect soil stability and stream shading.

Some plants, such as Japanese knotweed (*Polygonum cuspidatum*) and Himalayan or Armenian blackberry (*Rubus discolor* or *Rubus armeniacus*), form monocultures that prevent trees from establishing. This reduces tree cover and shade in streamside environments. Without this tree cover, the water temperature in the stream increases. Higher water temperatures are associated with lower dissolved oxygen which adversely affects aquatic macroinvertebrates and native fish populations.

## Biodiversity

Invasive plants are the second largest threat to biodiversity (behind habitat loss) and they are one of the primary factors that lead to a species listing under the Endangered Species Act (City of Portland Invasive Plants Strategy Report 2008).

Invasive plants spread quickly, and can displace or prevent the growth of native plants. Invasive plants can, as noted already, form monocultures. This can exacerbate the decline of native plant communities, and impair the overall complexity and resilience of the ecosystem. According to the International Convention on Biological Diversity, "Invasive alien species are one of the greatest threats to biodiversity" ([www.csiro.au/news/global-biodiversity.html](http://www.csiro.au/news/global-biodiversity.html)).

## Fish and Wildlife Habitat

Invasive plants can outcompete and displace native plants that provide food and cover for native wildlife. With a loss of habitat, a change in land use, and encroachment of invasive species, the native animals no longer have the appropriate food and habitat available to them. Non-native animals may come into these areas and displace native animals. Aquatic plants such as hydrilla (*Hydrilla verticillata*) and Eurasian watermilfoil (*Myriophyllum spicatum*) form dense mats of vegetation that clog waterways and create stagnant water that provides breeding grounds for mosquitoes. Invasive aquatic plants can clog irrigation ditches and intake pipes, and negatively impact recreation activities such as swimming, boating, fishing and water skiing.

## Tree Cover

As noted above, invasive plants can reduce tree health and longevity. For example, English ivy (*Hedera helix*) can grow so extensively that it can weigh down trees, causing them to fall down (especially during ice storms) or making them more susceptible to blow down. Invasive plants can also reduce the growth of trees. Garlic mustard (*Alliaria petiolata*) reduces the presence of soil fungi that form mycorrhizal associations with plants. Soil mycorrhizae allow plant roots to access more soil moisture and lack of soil mycorrhizae has been documented to

inhibit the growth of tree seedlings, which may prevent future forest regeneration. Less tree cover develops because seedlings don't get established. Seedlings and saplings also have a difficult time establishing when dense cover is created by invasive plants because the invasive plants can prevent sunlight from reaching the ground.

### Fire

Invasive plants can create fuel sources for wildfires. Plants such as Traveler's joy (*Clematis vitalba*) can spread quickly and form layers or thickets of vegetation. The monocultures can also increase the frequency of wildfires. For example, cheatgrass (*Bromus tectorum*) is an invasive plant that becomes dry and is more likely to catch fire. Gorse (*Ulex europaeus*) contains high levels of natural oils that make the plant highly flammable. The City of Bandon fire on September 26, 1936 is attributed to gorse. According to news reports, when the winds shifted, fire spread from the forest to the town and "the town's abundant gorse exploded into an inferno"

([www.ohs.org/education/oregonhistory/historical\\_records/dspDocument.cfm?doc\\_ID=9326D333-960F-57C1-C7CB9A48D590224F](http://www.ohs.org/education/oregonhistory/historical_records/dspDocument.cfm?doc_ID=9326D333-960F-57C1-C7CB9A48D590224F)). Even dead plants can be problematic. English ivy (*Hedera helix*), for example, can become a conduit for fire to reach the tree canopy, and threaten nearby structures. Invasive plants contributed to the wildfire that occurred in 2001 on the Willamette Bluffs in Portland. A spark from a passing train ignited the slope covered with Himalayan or Armenian blackberry (*Rubus discolor* or *Rubus armeniacus*) and Scotch broom (*Cytisus scoparius*); as a result of the fire, 43 acres burned.

### Economy

Jurisdictions at the local, state, and federal level as well as non-profit community organizations are increasing their efforts to control invasive plants and animals. The Oregon Invasive Species Council estimates the cost of invasive plants and animals to the U.S. economy is \$120 million a year in lost crop and livestock efforts, property value damage, and reduced export potential. The Oregon Department of Agriculture estimates that 21 invasive species reduce personal income by \$83 million per year.

Increasing prevention and early detection efforts limits the introduction and spread of invasive plants and the costly removal efforts related to them. The U.S. Congress Office of Technology Assessment states that one dollar spent on weed control efforts prevents \$17 in costs for future control efforts. When early detection and removal efforts are not implemented, the plants spread quickly and widely. The costs of invasive plant removal become tremendous; eradication may not be possible at that point, and the habitat impacts become large scale. In early detection efforts, to borrow and modify a cliché, "an ounce of prevention is worth more than a pound of cure."

The statistics in these two paragraphs are from the Oregon Department of Agriculture, Economic Analysis of Containment Programs, Damages, and Production Losses from Noxious Weeds in Oregon, 2000.

### Ranks

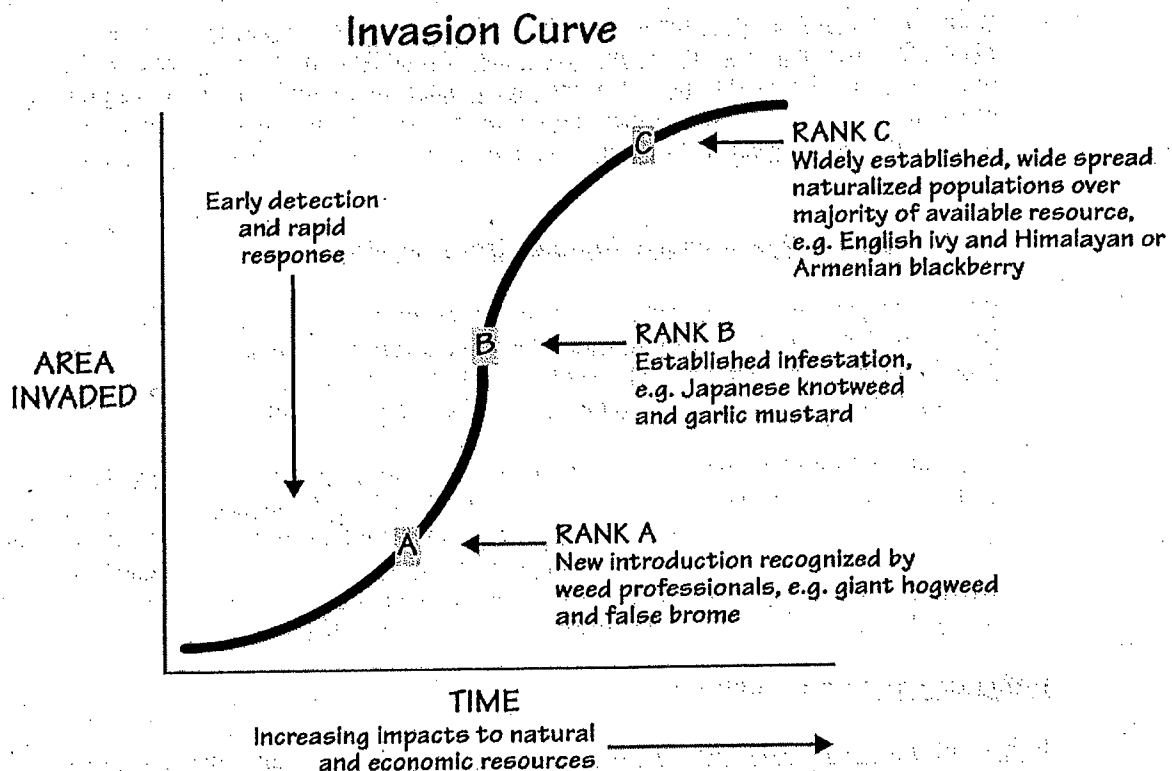
Each plant on the Nuisance Plants List is assigned a rank. The ranks are defined below and describe the relative invasiveness of the plant species, and the current distribution in the region.

Preventing the introduction of invasive species is the best way to avoid an infestation. Limiting the planting of invasive species and educating people about the impacts of invasive species are two effective means to keep invasive plants from spreading to and from public and private lands. One use of the Nuisance Plants List is to educate people such as property owners, other citizens,

land managers, commercial plant growers and sellers, and landscapers about which species are invasive. The benefits of preventing plant introductions applies to new invasive plants or existing invasive plants which may be transported to new areas. It is important to know that the Nuisance Plants List is not a "final" list; the list will change as new information about plants is identified. When other species become invasive in the future, the list will change to reflect that.

Early detection and rapid response invasive species management programs aim to control new plant invasions before they become large infestations. The premise is that once an infestation covers a large area, it is more difficult and to eradicate, and the native plant community has to be re-established. Controlling small populations of invasive plants before they become more widespread is a very cost effective way to prevent the spread of invasive plants.

The graph called an Invasion Curve is included here to illustrate how the area of infestation expands over time. When a plant is just arriving in an area, it is at the low point of the Invasion Curve; this is the best time to identify plants as invasive and to remove them. As the plant spreads over time, the distribution increases substantially and rapidly, becoming widely distributed and established. At this later point in the curve, landowners and other citizens are often more aware of the plant and can recognize it more readily, but it is so well established that a great deal of time and expense is involved in removing it.



The City of Portland emphasizes prevention of introduction and prevention of movement of invasive plants. When new invasive plants are found, then the City emphasizes the early detection and eradication of invasive plants that are not yet widespread. Ranks provide a tool to prioritize management actions related to plants. In brief, plants that are locally abundant and well distributed are identified with rank C and D, while those plants that are not as abundant are identified with rank A and B. Rank A plants are a top priority for control and removal, while rank



D plants currently pose less threat to ecological functions than the others. Some of the Watch (rank W) plant species have not yet been observed in the region but are invasive in similar habitats elsewhere, and are of concern should they become established here. In addition, some of the plants are harmful to humans or wildlife, and the economy.

## **How to Use Ranks with Invasive Plant Management Priorities**

Invasive plant management strategies vary; two important factors are the size of land to manage and the resources available. Decisions may be made site by site. Ranking plants provides a method to prioritize management of invasive plants with available resources. There are generally two approaches to consider: maintaining existing conditions and enhancing existing conditions.

### **Maintaining Existing Conditions**

Given limited resources and/or large management areas, invasive plant management efforts may need to be limited to maintaining existing conditions to prevent further habitat degradation. Maintenance of existing conditions can be accomplished in two ways: removing small patches of invasive species and preventing new invasive species from arriving.

#### **▪ Removing Small Patches of Invasive Species**

If the site contains a native plant community and there are small patches of invasive plants, then the small patches of invasive plants should be removed to prevent further degradation of site conditions. When the native plant community is present, then removal of small patches of invasive species can be conducted without re-planting native species because the native species will likely re-colonize within the small patch of invasive species removed.

#### **▪ Preventing New Invasive Species from Arriving**

If the site is monitored to prevent new invasive species from arriving, consult the Nuisance Plants List to determine which species are currently limited in distribution (rank A and rank B). It is important to prevent the establishment of rank A and rank B species because they are very difficult to remove once they become established.

If the site lacks rank C species, then site monitoring should also prevent the establishment of these species. However, many urban sites may already be dominated by rank C species. Removal of large patches of rank C species should not be conducted unless it can be followed up with a site re-vegetation plan that includes multiple years of monitoring and maintenance. Follow up re-vegetation efforts, including monitoring and maintenance, are needed because without it, the invasive species will likely re-colonize the area.

### **Enhance Existing Conditions**

If there are sufficient resources to remove invasive plants and re-establish the native plant community, then site management efforts can be aimed at removing larger patches of invasive species. Typically, these will be rank C species on the Nuisance Plants List. Converting sites from degraded conditions (i.e. predominantly covered with invasive species) to a higher quality habitat condition (i.e. one dominated by native plants) will likely take 3-5 years (or more) of monitoring and follow up maintenance to completely remove invasive plants and establish a native plant community. Sites with large amounts of invasive species will probably never be entirely free from invasive species; however, if the native trees and shrubs can be established over a 3-5 year period such that they are taller than nearby invasive species, then the site can be deemed "free to grow" and a native canopy will likely develop with limited future maintenance.

## **Definitions**

**Eradication** - Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.

**Invasive** - Species that spread at such a rate that they cause harm to human health, the environment, and/or the economy. In natural areas, invasive plants are those species that displace native plants and become the dominant species in that vegetation layer. Invasive plants can halt successional processes by limiting the establishment and the growth patterns of native species.

**Nuisance Plant Removal** - Removal may entail actions such as the removal of: roots, the above ground portion of the plant, and/or the seeds of the plants such that existing non-nuisance and/or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants. The City's nuisance plants are identified on the Nuisance Plants List.

## **Ranks -**

**A-** These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

**B** – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

**C** – These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

**D-** These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

**W-** Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

**Region** – The region includes the four counties of Multnomah, Clackamas, Washington in Oregon, and Clark County in Washington. The cities within those counties are also included. Clark, Multnomah, Clackamas, and Washington Counties are part of the 4 County CWMA.

**Notes to reviewers for the Nuisance Plants List:** The “Current PPL Designation” column will be deleted in the final version of the *Portland Plant List*. The “Proposed Rank” column will become the “Rank” column. In the “Plant Type” column, the term herbaceous includes groundcovers, ferns, forms, sedges, rushes etc. The “ODA Rank” column will remain in the Required Eradication List. At the end of each list, the footnotes “nuis/pro/add” and “ranks” will be deleted in the final version. The “city ranks” and the “note” footnotes will remain.

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**City of Portland Nuisance Plants List**

1/12/2010

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	Plant Type
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**Rank A Plants**

<u>Acrotilon repens</u>	Russian knapweed	Nuis	A	herbaceous
<u>Brachypodium sylvaticum</u>	False brome	Nuis	A	herbaceous
<u>Carduus pycnocephalus and</u> <u>Carduus tenuiflorus (C.</u> <u>tenuifolius)</u>	Italian thistle or slender flowered thistle	Nuis	A	herbaceous
<u>Carex pendula</u>	Pendant sedge	Add	A	herbaceous
<u>Cortaderia jubata</u>	Jubata grass	Add	A	herbaceous
<u>Echium plantagineum</u>	Paterson's curse	Add	A	herbaceous
<u>Heracleum mantegazzianum</u>	Giant hogweed	Nuis	A	herbaceous
<u>Hieracium aurantiacum</u>	Orange hawkweed	Nuis	A	herbaceous
<u>Hieracium pratense (H.</u> <u>cespitosum)</u>	Meadow hawkweed (formerly listed as Yellow hawkweed)	Nuis	A	herbaceous
<u>Impatiens glandulifera</u>	Policemen's helmet	Nuis	A	herbaceous
<u>Lamiastrum galeobdolon</u>	Yellow archangel	Add	A	herbaceous
<u>Ludwigia hexapetala</u> <u>(Jussiaea uruguayensis)</u>	Water primrose	Nuis	A	aquatic
<u>Onopordum acanthium</u>	Scotch thistle	Nuis	A	herbaceous
<u>Phalaris aquatica</u>	Harding grass	Nuis	A	herbaceous
<u>Phragmites australis</u> <u>(introduced var. only)</u>	Common reed	Nuis	A	herbaceous
<u>Phytolacca americana</u>	Pokeweed	Nuis	A	shrub
<u>Pueraria lobata</u>	Kudzu	Nuis	A	herbaceous
<u>Silybum marianum</u>	Blessed milk thistle	Nuis	A	herbaceous
<u>Tamarix ramosissima</u>	Salt cedar	Add	A	shrub
<u>Ulex europaeus</u>	Gorse	Nuis	A	shrub
<u>Utricularia inflata</u>	Swollen bladderwort	Nuis	A	aquatic
<u>Verbena bonariensis</u>	Tall verbena	Nuis	A	herbaceous

**Rank B Plants**

<u>Abutilon theophrasti</u>	Velvetleaf	Add	B	herbaceous
<u>Acer platanoides</u>	Norway maple	Nuis	B	tree
<u>Ailanthus altissima</u>	Tree-of-heaven	Nuis	B	tree
<u>Alliaria petiolata (officinalis)</u>	Garlic mustard	Nuis	B	herbaceous
<u>Amorpha fruticosa</u>	Indigo bush	Add	B	shrub

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	Plant Type
<u>Buddleja (Buddleia) davidii</u> (except cultivars and varieties)	Butterfly bush	Nuis	B	shrub
<u>Centaurea stoebe ssp. micranthus (Centaurea biebersteinii)</u>	Spotted knapweed	Nuis	B	herbaceous
<u>Centaurea diffusa</u>	Diffuse knapweed	Nuis	B	herbaceous
<u>Chondrilla juncea</u>	Rush skeletonweed	Nuis	B	herbaceous
<u>Daphne laureola</u>	Spurge laurel	Add	B	shrub
<u>Egeria densa</u>	S. American waterweed	Nuis	B	aquatic
<u>Fallopia bohemica</u>	Bohemian knotweed	Add	B	herbaceous
<u>Hieracium laevigatum</u>	Smooth hawkweed	Nuis	B	herbaceous
<u>Hieracium pilosella</u>	Mouse-ear hawkweed	Nuis	B	herbaceous
<u>Hieracium vulgatum (H. lachanelii)</u>	Common hawkweed	Add	B	herbaceous
<u>Iris pseudacorus</u>	Yellow flag	Nuis	B	herbaceous
<u>Juncus effusus v. effusus</u>	European soft rush	Nuis	B	herbaceous
<u>Linaria dalmatica ssp. dalmatica</u>	Dalmation toadflax	Nuis	B	herbaceous
<u>Lunaria annua</u>	Money plant	Nuis	B	herbaceous
<u>Lythrum portula</u>	Spatula leaf purslane	Nuis	B	herbaceous
<u>Lythrum salicaria</u>	Purple loosestrife	Pro	B	herbaceous
<u>Myriophyllum aquaticum</u>	Parrots feather	Nuis	B	aquatic
<u>Polygonum convolvulus</u>	Climbing bindweed	Nuis	B	herbaceous
<u>Polygonum cuspidatum (Fallopia cuspidata)</u>	Japanese knotweed	Nuis	B	herbaceous
<u>Polygonum polystachyum (Persicaria wallachii)</u>	Himalayan knotweed	Nuis	B	herbaceous
<u>Polygonum sachalinense (Fallopia sachalinensis)</u>	Giant knotweed	Nuis	B	herbaceous
<u>Populus alba</u>	White poplar	Nuis	B	tree
<u>Ranunculus ficaria (formerly listed as Chelidonium majus)</u>	Lesser celandine	Nuis	B	herbaceous
<u>Solanum nigrum</u>	Garden nightshade	Nuis	B	herbaceous

## Rank C Plants

<u>Arctium minus</u>	Common burdock	Nuis	C	herbaceous
<u>Arrhenatherum elatius</u>	Tall oatgrass	Nuis	C	herbaceous
<u>Betula pendula laciniata</u>	Cutleaf birch	Nuis	C	tree
<u>Bromus tectorum</u>	Cheatgrass	Nuis	C	herbaceous
<u>Callitriche stagnalis</u>	Pond water starwort	Nuis	C	aquatic
<u>Centaurea pratensis (Centaurea debeauxii ssp. thuillieri)</u>	Meadow knapweed	Nuis	C	herbaceous
<u>Cirsium arvense</u>	Canada thistle	Nuis	C	herbaceous
<u>Cirsium vulgare</u>	Common thistle	Nuis	C	herbaceous

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	Plant Type
<u>Clematis vitalba</u>	Traveler's joy	Nuis	C	herbaceous
<u>Conium maculatum</u>	Poison-hemlock	Nuis	C	herbaceous
<u>Convolvulus arvensis</u>	Field morning-glory	Nuis	C	herbaceous
<u>Convolvulus sepium</u>	Lady's-nightcap	Nuis	C	herbaceous
<u>Crataegus monogyna</u>	English hawthorn			
<u>Crataegus sp. except C. suksdorfii</u>	hawthorn, except native species	Nuis	C	tree
<u>Cytisus scoparius</u>	Scotch broom	Pro	C	herbaceous
<u>Daucus carota</u>	Queen Anne's lace	Nuis	C	herbaceous
<u>Dipsacus fullonum</u>	Common teasel	Nuis	C	herbaceous
<u>Foeniculum vulgare</u>	Fennel	Nuis	C	herbaceous
<u>Geranium lucidum</u>	Shining geranium	Nuis	C	herbaceous
<u>Geranium robertianum</u>	Robert geranium	Nuis	C	herbaceous
<u>Geum urbanum</u>	European avens	Nuis	C	herbaceous
<u>Hedera helix</u>	English ivy	Pro	C	herbaceous
<u>Hedera hibernica</u>	Irish ivy	Add	C	herbaceous
<u>Hypericum perforatum</u>	St. John's wort	Nuis	C	herbaceous
<u>Hypochaeris radicata</u>	Spotted cat's ear	Nuis	C	herbaceous
<u>Ilex aquifolium</u>	English holly	Nuis	C	tree/shrub
<u>Impatiens capensis</u>	Spotted touch-me-not	Add	C	herbaceous
<u>Lactuca serriola</u>	Prickly lettuce	Nuis	C	herbaceous
<u>Lapsana communis</u>	Nipplewort	Nuis	C	herbaceous
<u>Leucanthemum vulgare</u>	Oxeye daisy	Nuis	C	herbaceous
<u>Ligustrum vulgare</u>	Privet	Nuis	C	shrub
<u>Lotus corniculatus</u>	Bird's foot trefoil	Nuis	C	herbaceous
<u>Melissa officinalis</u>	Lemon balm	Nuis	C	herbaceous
<u>Melilotus alba</u>	Sweetclover	Nuis	C	herbaceous
<u>Mentha pulegium</u>	Penny royal	Nuis	C	herbaceous
<u>Myriophyllum spicatum</u>	Eurasian watermilfoil	Nuis	C	aquatic
<u>Nymphaea odorata</u>	Fragrant water lily	Nuis	C	aquatic
<u>Parentucellia viscosa</u>	Yellow glandweed	Nuis	C	herbaceous
<u>Phalaris arundinacea</u>	Reed canarygrass	Pro	C	herbaceous
<u>Potamogeton crispus</u>	Curly leaf pondweed	Nuis	C	aquatic
<u>Potentilla recta</u>	Sulphur cinquefoil	Add	C	herbaceous
<u>Prunus avium (except cultivars and varieties)</u>	Sweet cherry	Nuis	C	tree
<u>Prunus laurocerasus</u>	English laurel	Nuis	C	tree
<u>Prunus lusitanica</u>	Portugal laurel	Add	C	shrub
<u>Ranunculus repens</u>	Creeping buttercup	Nuis	C	herbaceous
<u>Robinia pseudoacacia (except cultivars and varieties)</u>	Black locust	Nuis	C	tree
<u>Rosa eglanteria</u>	Sweetbriar rose	Nuis	C	herbaceous
<u>Rosa multiflora</u>	Multiflora rose	Nuis	C	herbaceous
<u>Rubus discolor (armeniacus)</u>	Himalayan (Armenian) blackberry	Pro	C	shrub

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	Plant Type
<u>Rubus laciniatus</u>	<u>Evergreen blackberry</u>	Nuis	C	herbaceous
<u>Senecio jacobaea</u>	<u>Tansy ragwort</u>	Nuis	C	herbaceous
<u>Silene coronaria</u>	<u>Rose campion</u>	Add	C	herbaceous
<u>Sisymbrium officinale</u>	<u>Hedge mustard</u>	Nuis	C	herbaceous
<u>Solanum dulcamara</u>	<u>Bittersweet nightshade</u>	Nuis	C	herbaceous
<u>Sonchus arvensis, S. asper, and S. oleraceus</u>	<u>Perennial sowthistle</u>	Nuis	C	herbaceous
<u>Taeniatherum caput-medusa</u>	<u>Medusahead</u>	Nuis	C	herbaceous
<u>Tanacetum vulgare</u>	<u>Common tansy</u>	Nuis	C	herbaceous
<u>Trifolium arvense</u>	<u>Hare's foot clover</u>	Nuis	C	herbaceous
<u>Trifolium pratense</u>	<u>Red clover</u>	Add	C	herbaceous
<u>Trifolium repens</u>	<u>White clover</u>	Nuis	C	herbaceous
<u>Trifolium subterraneum</u>	<u>Subterranean clover</u>	Nuis	C	herbaceous
<u>Verbascum blattaria</u>	<u>Moth mullein</u>	Nuis	C	herbaceous
<u>Verbascum thapsus</u>	<u>Common mullein</u>	Nuis	C	herbaceous
<u>Vicia cracca</u>	<u>Tufted vetch</u>	Nuis	C	herbaceous
<u>Vicia villosa</u>	<u>Hairy vetch</u>	Nuis	C	herbaceous
<u>Vinca major</u>	<u>Periwinkle (large leaf)</u>	Nuis	C	herbaceous
<u>Vinca minor</u>	<u>Periwinkle (small leaf)</u>	Nuis	C	herbaceous

## Rank D Plants

<u>Aegopodium podagraria and variegated varieties</u>	<u>Goutweed</u>	Nuis	D	herbaceous
<u>Agrostis alba</u>	<u>Redtop bentgrass</u>	Add	D	herbaceous
<u>Agrostis tenuis</u>	<u>Colonial bentgrass</u>	Add	D	herbaceous
<u>Agrostis stolonifera</u>	<u>Creeping bentgrass</u>	Add	D	herbaceous
<u>Agropyron repens</u>	<u>Quackgrass</u>	Nuis	D	herbaceous
<u>Alopecurus pratensis</u>	<u>Meadow foxtail</u>	Nuis	D	herbaceous
<u>Anthoxanthum odoratum</u>	<u>Sweet vernalgrass</u>	Nuis	D	herbaceous
<u>Bromus diandrus</u>	<u>Ripgut</u>	Nuis	D	herbaceous
<u>Chicorium intybus</u>	<u>Chicory</u>	Nuis	D	herbaceous
<u>Festuca arundinacea</u>	<u>Tall fescue</u>	Nuis	D	herbaceous
<u>Euphorbia lathyris</u>	<u>Mole plant</u>	Nuis	D	herbaceous
<u>Holcus lanatus</u>	<u>Velvet grass</u>	Nuis	D	herbaceous
<u>Houttuynia cordata</u>	<u>Chameleon plant</u>	Nuis	D	herbaceous
<u>Lactuca (Mycelis) muralis</u>	<u>Wall lettuce</u>	Nuis	D	herbaceous
<u>Linaria vulgaris</u>	<u>Yellow toadflax</u>	Nuis	D	herbaceous
<u>Lolium multiflorum</u>	<u>Annual ryegrass</u>	Nuis	D	herbaceous
<u>Lolium perenne</u>	<u>Perennial ryegrass</u>	Add	D	herbaceous
<u>Lotus uliginosus</u>	<u>Greater bird's foot trefoil</u>	Add	D	herbaceous
<u>Phleum pratense</u>	<u>Timothy</u>	Nuis	D	herbaceous
<u>Poa annua</u>	<u>Annual bluegrass</u>	Nuis	D	herbaceous

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	Plant Type
<u>Ranunculus acris</u>	Meadow or tall buttercup	Nuis	D	herbaceous
<u>Rorippa nasturtium-aquaticum (Nasturium officinale)</u>	European watercress	Nuis	D	aquatic
<u>Secale cereale</u>	Cultivated rye	Nuis	D	herbaceous
<u>Silene latifolia (Lychnis alba)</u>	White campion	Nuis	D	herbaceous
<u>Sorbus aucuparia (except cultivars and varieties)</u>	European mountain ash	Nuis	D	tree
<u>Ulmus pumila</u>	Siberian elm	Nuis	D	tree
<u>Utricularia vulgaris</u>	Common bladderwort	Nuis	D	aquatic
<u>Vicia sativa</u>	Common vetch	Nuis	D	herbaceous

## Rank W Plants

<u>Ampelopsis brevipedunculata</u>	Porcelainberry	Add	W	herbaceous
<u>Arum italicum</u>	Italian arum	Add	W	herbaceous
<u>Arundinaria gigantea</u>	Canebreak bamboo	Add	W	shrub
<u>Aucuba japonica</u>	Spotted laurel	Add	W	shrub
<u>Butomus umbellatus</u>	Flowering rush	Add	W	herbaceous
<u>Cardaria draba</u>	White top or hoary cress	Nuis	W	herbaceous
<u>Carduus acanthoides</u>	Plumeless thistle	Nuis	W	herbaceous
<u>Carduus nutans</u>	Musk thistle	Nuis	W	herbaceous
<u>Centaurea calcitrapa</u>	Purple starthistle	Add	W	herbaceous
<u>Centaurea iberica</u>	Iberian starthistle	Add	W	herbaceous
<u>Centaurea jacea</u>	Brown knapweed	Nuis	W	herbaceous
<u>Centaurea solstitialis</u>	Yellow starthistle	Add	W	herbaceous
<u>Cortaderia selloana</u>	Pampas grass	Nuis	W	herbaceous
<u>Crocasmia crocosmiiflora</u>	Montbretia	Add	W	herbaceous
<u>Cytisus monspessulanus</u>	French broom	Add	W	herbaceous
<u>Cytisus striatus</u>	Portugese broom	Add	W	herbaceous
<u>Euphorbia esula</u>	Leafy spurge	Add	W	herbaceous
<u>Euphorbia oblongata</u>	Oblong or eggleaf spurge	Add	W	herbaceous
<u>Galium odoratum</u>	Sweet woodruff	Nuis	W	herbaceous
<u>Hydrilla verticillata</u>	Hydrilla	Nuis	W	aquatic
<u>Laburnum watereri</u>	Golden chain tree	Nuis	W	tree
<u>Lamium maculatum</u>	White nancy	Nuis	W	herbaceous
<u>Lathyrus latifolius</u>	Perennial peavine	Add	W	herbaceous
<u>Lysimachia nummularia</u>	Creeping jenny	Nuis	W	herbaceous
<u>Melilotus officinalis</u>	Yellow sweetclover	Nuis	W	herbaceous
<u>Nymphoides peltata</u>	Yellow floatingheart	Add	W	aquatic
<u>Parthenocissus quinquefolia</u>	Virginia creeper	Add	W	herbaceous
<u>Paulownia tomentosa</u>	Princess tree	Nuis	W	tree
<u>Petasites japonicus</u>	Sweet coltsfoot	Add	W	herbaceous

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	Plant Type
<i>Phyllostachys atrovaginata</i>	Incense bamboo	Add	W	herbaceous
<i>Phyllostachys heteroclada</i>	Water bamboo	Add	W	herbaceous
<i>Phyllostachys nidularia</i>	Big-node bamboo	Add	W	herbaceous
<i>Sasa palmata</i>	Broadleaf bamboo	Add	W	herbaceous
<i>Sasa veitchii</i>	Kuma bamboo	Add	W	herbaceous
<i>Sorghum halepense</i>	Johnson grass	Nuis	W	herbaceous
<i>Solanum sarrachoides</i>	Hairy nightshade	Nuis	W	herbaceous
<i>Trifolium hybridum</i>	Alsike clover	Nuis	W	herbaceous

### Plants to be Removed from the Portland Plant List

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	Plant Type
<i>Bellis perennis</i>	English lawn daisy	Nuis	NA	herbaceous
<i>Bromus hordeaceus</i>	Soft brome	Nuis	NA	herbaceous
<i>Bromus inermis</i>	Smooth brome-grass	Nuis	NA	herbaceous
<i>Bromus japonicus</i>	Japanese brome-grass	Nuis	NA	herbaceous
<i>Bromus sterilis</i>	Poverty grass	Nuis	NA	herbaceous
<i>Borago officinalis</i>	Borage	Nuis	NA	herbaceous
	Greater celadine			
<i>Chelidonium majus</i>	(current)	Nuis	NA	herbaceous
	formerly listed as Lesser celadine		NA	
<i>Clematis ligusticifolia</i>	Western clematis	Nuis	NA	herbaceous
<i>Elodea densa (E. canadensis)</i>	Canadian waterweed	Nuis	NA	aquatic
<i>Equisetum arvense</i>	Common horsetail	Nuis	NA	herbaceous
<i>Equisetum telmateia</i>	Giant horsetail	Nuis	NA	herbaceous
<i>Erodium cicutarium</i>	Crane's bill/stork's bill	Nuis	NA	herbaceous
<i>Hieracium floribundum</i>	Yellow hawkweed	Nuis	NA	herbaceous
	(current name)			
	(formerly listed under <i>Hieracium cespitosum</i> )			
<i>Lemna minor</i>	Duckweed or water lentil	Nuis	NA	aquatic
<i>Leontodon autumnalis</i>	Fall dandelion	Nuis	NA	herbaceous
<i>Panicum capillare</i>	Witchgrass	Nuis	NA	herbaceous
<i>Polygonum aviculare</i>	Doorweed	Nuis	NA	herbaceous
<i>Rhus diversiloba</i>	Poison oak	Nuis	NA	shrub
<i>Rumex acetosella</i>	Red sorrel	Nuis	NA	herbaceous
<i>Rumex crispus</i>	Curly dock	Nuis	NA	herbaceous
<i>Taraxacum officinale</i>	Common dandelion	Nuis	NA	herbaceous
<i>Vulpia myuros (Festuca myuros)</i>	Rat-tailed fescue	Nuis	NA	herbaceous
<i>Xanthium spinosum</i>	Spiny cocklebur	Nuis	NA	herbaceous

<sup>1</sup> **Nuis/Pro/Add** = Nuisance/Prohibited/Add = Nuisance and prohibited are the terms of plants on the existing plant lists on the Nuisance Plant List and the Prohibited Plant List in the Portland Plant List (PPL). The two lists have been consolidated and have been renamed as the Nuisance Plants List. Add means this plant would be added to the PPL. Plants to be removed are in the section "Plants to be Removed from the Portland Plant List."



<sup>2</sup> City ranks (classifications) are defined as follows.

A- These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

B - These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

C - These species are known to be invasive. These species are widely distributed and abundant throughout the region. Their distribution is already very extensive throughout the natural areas and they are difficult to control once they become widespread. These plants are considered ubiquitous.

D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

W- Watch species. Species occurrence and distribution should be monitored for presence and/or to determine the level of invasiveness in the region.

Note: Resources for documentation/determination of the ranks includes input from the Oregon Flora Project, the Emerald Chapter of the Native Plant Society of Oregon list, The Nature Conservancy Global Compendium of Weeds, the NatureServe Invasiveness ranking, the noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. Metro, the 4 County CWMA, and the Oregon Department of Agriculture, Noxious Weed Control Program also provided comments on the list.

# City of Portland Nuisance Plants List, Required Eradication List

1/12/2010

Scientific Name	Common Name	Current PPL Designation	Proposed Rank	ODA Rank
<b>Rank A Plants</b>				
<i>Acroptilon repens</i>	Russian knapweed	Nuis	A	B
<i>Brachypodium sylvaticum</i>	False brome	Nuis	A	B and T
<i>Carduus pycnocephalus</i> and <i>Carduus tenuiflorus</i>	Italian thistle or slender flowered thistle	Nuis	A	B
<i>Cortaderia jubata</i>	Jubata grass	Add	A	B
<i>Echium plantagineum</i>	Paterson's curse	Add	A	A
<i>Heracleum mantegazzianum</i>	Giant hogweed	Nuis	A	A
<i>Hieracium aurantiacum</i>	Orange hawkweed	Nuis	A	A
<i>Hieracium pratense</i> (H. <i>cespitosum</i> )	Meadow hawkweed (formerly listed as Yellow hawkweed)	Nuis	A	A
<i>Impatiens glandulifera</i>	Policemen's helmet	Nuis	A	B
<i>Onopordum acanthium</i>	Scotch thistle	Nuis	A	B
<i>Phragmites australis</i> (introduced var. only)	Common reed	Nuis	A	A
<i>Pueraria lobata</i>	Kudzu	Nuis	A	A
<i>Silybum marianum</i>	Blessed milk thistle	Nuis	A	B
<i>Tamarix ramosissima</i>	Salt cedar	Add	A	B and T
<i>Ulex europaeus</i>	Gorse	Nuis	A	B

<sup>1</sup> **Nuis/Pro/Add** = Nuisance/Prohibited/Add = Nuisance and prohibited are the terms of plants on the existing plant lists on the Nuisance Plant List and the Prohibited Plant List in the Portland Plant List (PPL). The two lists have been consolidated and have been renamed as the Nuisance Plants List. Add means this plant would be added to the PPL. Plants to be removed are in the section "Plants to be Removed from the Portland Plant List."

**Ranks** = Proposed City of Portland ranks are identified. If the plant is not on the Oregon Department of Agriculture (ODA) noxious weed list then the "ODA Rank" column will be blank. If the plant is on the ODA noxious weed list, the ODA rank is identified.

<sup>2</sup> **City ranks (classifications) are defined as follows.**

**A-** These species are known to be invasive. These species are known to occur but are not widely distributed in the region. Distribution is limited to a few sites. They spread rapidly and they are difficult to control once they become widespread.

**B** – These species are known to be invasive. These species are known to occur in the region. They are more abundant and widely distributed than A; however, the distribution is still limited to patches or specific habitats. Distribution is not as widespread as C plants. These species can spread rapidly and are difficult to control once they become widespread.

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D- These species are known to be less aggressive than A, B, and C species. These species are known to occur in the region. These plants persist in the ecosystems with native species and therefore, have less impact on the system than the A, B, and C species.

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Note: Resources for documentation/determination of the ranks includes input from the Oregon Flora Project, the Emerald Chapter of the Native Plant Society of Oregon list, The Nature Conservancy Global Compendium of Weeds, the NatureServe Invasiveness ranking, the noxious weed lists for Oregon, Washington, California, and Idaho, and documented natural area invasions. Metro, the 4 County CWMA, and the Oregon Department of Agriculture, Noxious Weed Control Program also provided comments on the list.

See the administrative rules for the Nuisance Plants Required Removal Program for additional information on the required removal of plants on the Nuisance Plants List, Required Eradication List.

## Resources

### Web Sites

Backyard Habitat Certification Program at Three Rivers Land Conservancy  
<http://www.trlc.org/BYHCP/>

Backyard Habitat Certification Program at Audubon Society of Portland  
<http://www.audubonportland.org/backyardwildlife/backyardhabitat>

Center for Invasive Plant Management  
<http://www.weedcenter.org>

City of Portland, Bureau of Environmental Services, Invasive Plant Management  
<http://www.portlandonline.com/bes/index.cfm?c=45696>

City of Portland, Bureau of Environmental Services, Naturescaping for Clean Rivers  
<http://www.portlandonline.com/bes/index.cfm?c=32142>

City of Portland, Parks and Recreation, Integrated Pest Management Strategy  
<http://www.portlandonline.com/parks/index.cfm?c=dicjg>

East Multnomah Soil and Water Conservation District  
<http://emswcd.org/index.php>

Four County Cooperative Weed Management Area  
<http://www.4countycwma.org/>

Native Plant Nurseries  
[www.plantnative.org/nd\\_or.htm](http://www.plantnative.org/nd_or.htm)

Oregon Department of Agriculture, Plant Division, Noxious Weed Control  
<http://www.oregon.gov/ODA/PLANT/WEEDS/lists.shtml>

Call 1-866-Invader or go online to [www.oregoninvasiveshotline.org](http://www.oregoninvasiveshotline.org) to report a suspected invasive species. The reports for the Portland area are sent directly to BES EDRR staff.

Oregon Invasive Species Council  
<http://www.oregon.gov/OISC/index.shtml>

PLANTS database  
<http://plants.usda.gov>

Pringle Creek Watershed Council  
Guide for Using Willamette Valley Native Plants Along Your Stream  
[http://marionswcd.net/downloads/education/native\\_plantings/native\\_planting\\_guide\\_along\\_streams.pdf](http://marionswcd.net/downloads/education/native_plantings/native_planting_guide_along_streams.pdf)

The Flora of North America  
[http://www.efloras.org/flora\\_page.aspx?flora\\_id=1](http://www.efloras.org/flora_page.aspx?flora_id=1)

The Nature Conservancy  
<http://www.nature.org/wherewework/northamerica/states/oregon/>

AD998J  
The Oregon Flora Project  
<http://www.oregonflora.org>

183534

Washington Flora  
<http://www.washington.edu/burkemuseum/collections/herbarium/index.php>

Western Invasives Network  
<http://www.westerninvasivesnetwork.org/pages/cwmapage.php?cwma=fourcounty>

West Multnomah Soil and Water Conservation District  
<http://www.westmultconserv.org/>

### **Books**

Flora of the Pacific Northwest  
Authors: C. Leo Hitchcock and Arthur Cronquist

Landscaping for Wildlife in the Pacific Northwest  
Author: Russell Link

Northwest Weeds: The Ugly and Beautiful Villains of Fields, Gardens, and Roadsides  
Author: Ronald J. Taylor

Plants of the Pacific Northwest Coast: Washington, Oregon, British Columbia, and Alaska  
Authors: Jim Pojar and Andy MacKinnon

Urbanizing Flora of Portland, Oregon, 1806-2008  
Authors: J.A. Christy, A. Kimpo, V. Marttala, P.K. Gaddis, and N.L. Christy

Wildflowers of the Pacific Northwest  
Authors: Mark Turner and Phyllis Gustafson  
[www.pnwflowers.com/](http://www.pnwflowers.com/)

## APPENDIX A

### History

In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists, and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the list first became a requirement within the Willamette River Greenway Zones and was later required within the Environmental Zones when adopted in 1989 for the Columbia Corridor. Soon thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list to cover all of Portland. As part of that review, the TAC identified the need to create categories for native, nuisance and prohibited plants. The expanded "Portland Plant List," covering native and nuisance plants throughout the City, was adopted by the Portland City Council on November 13, 1991.

Amendments passed on May 26, 1993 and September 21, 1994 further refined and expanded the List, and added prohibited plants. In July, 1995, the list was updated to include name changes from the recent references, as cited in Appendix III of The Jepson Manual.

In February 1986, the Greenway Plant List was developed in consultation with local ecologists, biologists, and naturalists. Later that year, this list was adapted for the Columbia River Corridor area. Use of native plants from the Greenway Plant List first became a requirement within the Willamette River Greenway Overlay Zones, though provisions were included to allow non-native plants. When the Environmental Overlay Zones were first adopted in 1989 for the Columbia River Corridor, planting only native plants became a requirement within the Environmental Overlay Zones. The native plants on the Greenway Plant List were primarily focused on the geographic areas within the Willamette River Greenway Zones and the Environmental Overlay Zones. Thereafter, a Technical Advisory Committee (TAC) was established to review and expand the list beyond these geographic areas so the list included plants found throughout the City of Portland.

As part of that review, the TAC identified the need to create categories for native, nuisance, and prohibited plants. The TAC expanded and renamed the list, now called the "Portland Plant List," to include native and nuisance plants found throughout the City. The *Portland Plant List* was adopted by the Portland City Council on November 13, 1991. At the time of adoption, the *Portland Plant List* contained native plants and nuisance plants (nuisance plants were listed as dominating plants and harmful plants); however, no prohibited plants were listed at that time.

The *Portland Plant List* was amended on May 26, 1993 and September 21, 1994. These amendments refined and expanded the *Portland Plant List*, and added prohibited plants. The September 1994 list included five prohibited plants. In July, 1995, the list was updated to include name changes from the reference changes that occurred with the then-updated version of Appendix III of *The Jepson Manual*.

In 1997, the *Portland Plant List* was modified to update the Native Plant Lists and reformat the entire document. The changes were part of the City's efforts to comply with State Land Use Planning Goals 5 Natural Resources and 15 Willamette Greenway, and were included as part of the development of a City of Portland Environmental Handbook. The reformatting created four sections: species lists for native plant communities occurring within the Portland area; species lists of plants historically native to the Portland area with illustrations and information; a list of nuisance plants; and a list of prohibited plants. The changes were adopted by City Council on March 19, 1997.

In 1998, a minor update was made to the *Portland Plant List* when several species were added to the Native Plant Lists and one species was added to the Nuisance Plant List.

In 2004, more extensive changes were made to the *Portland Plant List*. The Regional Interagency Weed Group (IWG), working in conjunction with the Bureau of Planning, proposed to add 113 plants to the Nuisance Plant List. The IWG was composed of representatives the Portland Bureau of Parks and Recreation (Urban Forestry Division, Horticultural Services, and the Natural Resources Program), the Tualatin Hills Parks and Recreation District, The Nature Conservancy, and the Bureau of Environmental Services Watershed Revegetation Program. At the same time, the Bureau of Environmental Services Watershed Revegetation Program proposed an addition of 61 plants to the Native Plant Lists. Because of the nature and extent of the changes, the Planning Bureau requested more comprehensive vetting of the changes and invited comments from the Oregon Association of Nurseries, the Port of Portland, the Multnomah County Drainage District, the Columbia Slough Watershed Council, and the Oregon Department of Agriculture. The IWG also requested input from six independent experts. Following the review, the lists were modified and submitted by the Bureau of Planning to four plant experts for final review; after several changes, the plants were added to the *Portland Plant List* in March 2004.

The installation of nuisance and prohibited plants has been prohibited in the Greenway Overlay Zone since the plant list was established. Planting of plants on the Nuisance Plant List and the Prohibited Plant List has been prohibited in Environmental Overlay Zones since 1989, when that zone was first established. In June 2005, the Pleasant Valley Natural Resources Overlay Zone was added to the Portland Zoning Code. Planting plants on the Nuisance Plant List and the Prohibited Plant List is prohibited in the Pleasant Valley Natural Resources Overlay Zone. In July 2005, provisions in the City's Zoning Code were changed to prohibit the use of plants on the Nuisance Plant List and the Prohibited Plant List in City-required landscaping. Prior to July 2005, in City-required landscaping, only prohibited plants were prohibited. After July 2005, nuisance plants were also prohibited in City-required landscaping.

In 2009, the Bureau of Planning merged with the Office of Sustainable Development, becoming the Bureau of Planning and Sustainability. In 2009, the Nuisance Plant List and the Prohibited Plant List were consolidated into one list called the Nuisance Plants List. Also, the *Portland Plant List* was updated and refined to provide more information about these plants. Ranks were assigned to each plant on the Nuisance Plants List. Text was added to describe the plants and the ranks. Other portions of the *Portland Plant List* text were revised to reflect changes in terminology, and to improve the usefulness of the *Portland Plant List*. Formatting changes were also made. In addition, the *Portland Plant List* was changed from an ordinance to an administrative rule. Re-establishing the *Portland Plant List* as an administrative rule is consistent with technical documents such as the *Erosion Control Manual* and the *Stormwater Management Manual*. Administrative rules provide a streamline process for reviewing and making changes to technical documents such as the *Portland Plant List*.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2010-043

Approval Of "The Agreement For Management Services" For The Justice Center Building Public Condominium.

**The Multnomah County Board of Commissioners Finds:**

- a. The Justice Center Building located at 1120 SW Third Avenue, Portland, Oregon, is established as a Public Condominium in accordance with the laws of the State of Oregon, with Multnomah County owning approximately 57% of the space and the remainder of the building owned by the City of Portland, and two small commercial condominium unit owners.
- b. The Association of Unit Owners for the Justice Center is organized in accordance with the Declaration Submitting the Justice Center and the Bylaws of the Association of Unit Owners. The Board of Directors of the Association is authorized by the Bylaws to act as managing agent, or alternatively to contract for a third party managing agent and to delegate to the managing agent those powers and duties as the Board of Directors may authorize.
- c. Since the 1980's the County has served as the managing agent for the Justice Center pursuant to a Management Agreement between the County and the Unit Owners Association. The Management Agreement has traditionally provided for the responsibilities of the Managing Agent, the scope of Building Manager's services, what and how services would be provided and compensation for such.
- d. The last Management Agreement was executed in 2003; and it expired on June 30, 2008. The proposed new Agreement for Management Services is effective retroactive to July 1, 2008 and again provides for Multnomah County to contract with the Association to serve as Manager for the building.
- e. It is in the best interests of the County to execute the attached Agreement For Management Services.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the Agreement For Management Services (Agreement). The County Chair is authorized to execute the Agreement in substantial compliance with the form of the Agreement attached to this Resolution.
2. The County Chair is authorized to execute renewals of the Agreement and execute amendments to the Agreement without further Board action.

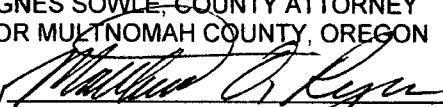
ADOPTED this 8<sup>th</sup> day of April, 2010



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Jeff Gogen, Chair

REVIEWED:  
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:  
Mindy Harris, Department Director, Dept. of County Management



## **AGREEMENT FOR MANAGEMENT SERVICES**

This Agreement for Management Services ("Agreement") is between the Association of Unit Owners of The Justice Center, A Public Condominium, ("Association"), by and through its Board of Directors, and Multnomah County, Oregon, ("County"), by and through its Facilities and Property Management Division.

### **RECITALS:**

A. The Justice Center, A Public Condominium, is a public condominium submitted to condominium ownership ("Building") in accordance with the laws of the State of Oregon and is located in Portland, Oregon.

B. The Association of Unit Owners of The Justice Center, A Public Condominium is organized in accordance with the Declaration Submitting The Justice Center, A Public Condominium to Condominium Ownership ("Declaration") and the Bylaws of The Association of Unit Owners of The Justice Center, A Public Condominium ("Bylaws"). The Building is composed of four units (Units 1, 2, 4 and 5), with Units 1 and 5 owned by the County and Unit 2 owned by the City. Unit 4 is a retail unit owned by nominal private owners but where the County has assumed responsibility for its operation and expenses. The County's and the City's allocation of ownership interest is 57.91% and 41.34% respectively. However, the County and the City have equal allocation of voting rights despite the differing allocation of ownership interests.

C. The board of directors of the Association is authorized by the Bylaws to act as managing agent, or alternatively to contract for a third party managing agent and to delegate to the managing agent those powers and duties as the board of directors may authorize. The board of directors desires to contract with a managing agent for the operation, care, upkeep, maintenance and repair of the general and limited common elements.

D. The Association desires the County's Facilities and Property Management Division to serve as managing agent ("Manager") for the Building rather than submit the services to a Request for Proposal process and to contract with a private property manager at this time. The County has the staff to perform the tasks required for the Association.

E. The County, as a property manager (versus its role as one of the unit owners), wishes to contract with the Association to serve as Manager for the Building.

### **AGREEMENT:**

The Association and Manager hereby agree as follows:

#### **1. MANAGING AGENT**

In consideration of the Compensation to be paid, Manager shall act and perform as managing agent those duties identified in this Agreement for the Association as allowable pursuant to the provisions of the Declaration and Bylaws.

2. SCOPE OF MANAGER'S SERVICES

Manager shall provide the Association those services set out in Exhibits A and A-1, and carry them out in a professional and commercially responsible manner.

3. SCOPE OF ASSOCIATION'S SERVICES

To assist Manager in carrying out its obligations in this Agreement, the Association shall perform the services set out in Exhibit B.

4. MANAGER'S COMPENSATION

The Association or an individual unit owner, where services to the individual unit owner is permitted or necessary pursuant to the Declarations or Bylaws, shall pay Manager for all approved work performed under this Agreement and Manager's overhead compensation, as set out in Exhibit C. The payment shall be full compensation for work performed, for services rendered, and for all overhead, labor, materials, supplies, equipment, and incidentals necessary to perform the work and services as set out in Exhibit A and A-1.

5. BILLING AND PAYMENT PROCEDURE

The parties' billing and payment procedures are set out in Exhibit D.

6. EFFECTIVE AND TERMINATION DATES

This Agreement shall be effective on July 1, 2008, and shall extend for one year. The Agreement shall be renewed automatically for four additional one year terms, for a potential total of five years to this Agreement, subject to termination by either party as provided herein.

7. EARLY TERMINATION OF AGREEMENT

(a) This Agreement may be terminated at any time mutually in writing by: i) the Association and Manager; or, ii) an Unit Owner and Manager. Unit Owner for the purposes of Section 7 shall mean the City or the County (in its owner role), who may be deemed third party beneficiary to this Agreement.

(b) The Association or an Unit Owner, on ninety (90) calendar days written notice to Manager, may terminate this Agreement for any reason deemed appropriate in the Association's or the Unit Owner's sole discretion.

(c) Either the Association, an Unit Owner or Manager may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination, however, the party seeking the termination shall give to the other party written notice of the breach and of the party's intent to terminate. If the party has not entirely cured the breach within fifteen (15) calendar days of the notice or, if the cure cannot reasonably be completed within fifteen (15) calendar days and the breaching party has not commenced curing the breach within fifteen (15) calendar days of the notice and proceeding diligently to cure the breach, then the party giving the notice may terminate the Agreement at any time thereafter by giving a written notice of termination.

8. PAYMENT ON EARLY TERMINATION

(a) In the event of termination under subsection 7(a) or 7(b), EARLY TERMINATION OF AGREEMENT, hereof, the Association shall pay Manager for work performed in accordance with the Agreement prior to the termination date.

(b) In the event of termination under subsection 7(c), EARLY TERMINATION OF AGREEMENT, hereof, by Manager due to a breach by the Association, then the Association shall pay Manager as provided in subsection (a) of this section.

(c) In the event of termination under subsection 7(c), EARLY TERMINATION OF AGREEMENT, hereof, by the Association due to a breach by Manager, then the Association shall pay Manager, as provided in subsection (a) of this section, subject to set off of excess costs, as provided for in section 9(a), REMEDIES.

(d) In the event of early termination, all of Manager's work product shall be immediately turned over to the Association and shall become and remain property of the Association.

9. REMEDIES

(a) In the event of termination under subsection 7(c), EARLY TERMINATION OF AGREEMENT, by the Association due to a breach by Manager, the Association may complete the work itself, by agreement with another managing agent or by a combination thereof. In the event the reasonable cost of completing the work exceeds the remaining unpaid balance of the compensation provided under section 4, COMPENSATION, for the then-current fiscal year, then Manager shall pay to the Association the amount of the excess.

(b) The remedies provided to the Association under section 7, EARLY TERMINATION OF AGREEMENT and section 9, REMEDIES, for a breach by Manager shall not be exclusive. The Association shall be entitled to any other equitable and legal remedies that are available.

(c) The remedies provided to the Manager under Section 7, EARLY TERMINATION OF AGREEMENT and Section 9, REMEDIES, for a breach by the Association shall not be exclusive. Manager shall be entitled to any other equitable and legal remedies that are available.

10. ASSOCIATION DIRECTORS' DESIGNEES

(a) The contact and designee for the City's Association director shall be the Facilities Services Manager of the City of Portland Office of Management and Finance, or such other person as shall be designated in writing by the Facilities Services Manager.

(b) The contact and designee for the County's Association director shall be the Director of the Multnomah County Facilities and Property Management Division (the Facilities Director) or such other person as shall be designated in writing by the County Chair.

(c) Manager shall recommend for approval by both Association Directors a Manager representative ("Condo Manager") with the requisite training and experience in property maintenance and management related to commercial condominiums or at least two years experience in managing the Building. The Condo Manager shall be responsible for overseeing

the day-to-day operations of the Building and be the direct contact to the Association, the Directors' designees, individual unit owners and tenants of the Building. The proposed Condo Manager may be an employee of Multnomah County Facilities and Property Management, City of Portland Facilities Services, or private property management company. The selection of the Condo Manager will be subject to unanimous approval by the Association Directors. The contact information for the Condo Manager, including phone number(s), email and street addresses, shall be provided to the Association and all unit owners. At any time during this Agreement, the Association or one of its unit owner(s) may request another Condo Manager be selected. Determination of replacement Condo Manager shall follow the same recommendation and approval process. The right of the Association and its Directors to approve or disapprove a proposed Condo Manager shall not be construed as an employment decision by the Association or its Directors; the Condo Manager remains the employee or agent of Manager and shall be subject to training, supervision, discipline and other similar employer actions by Manager.

11. COMPLIANCE WITH LAWS

In connection with its activities under this Agreement, Manager shall comply with all applicable federal, state and local laws and regulations.

12. OREGON LAW AND FORUM

- (a) This Agreement shall be construed according to the laws of the State of Oregon.
- (b) Any litigation between the Association and Manager arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in Multnomah County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon. Each party shall be responsible for its own attorney fees.

13. WORKERS' COMPENSATION INSURANCE

(a) Manager and its subcontractors shall comply with the Oregon workers' compensation law, ORS Chapter 656 and as it may be amended from time to time. Unless Manager and/or its subcontractor demonstrates to the satisfaction of the Association that it is exempted from workers' compensation insurance requirements, Manager and/or its subcontractor shall maintain coverage for all subject workers and provide proof of valid workers' compensation insurance covering the entirety of the term of this Agreement. A copy of Manager's certificate of insurance shall be attached to this Agreement as Exhibit E if applicable, and shall be incorporated herein and made a term and part of this Agreement. Copies of its subcontractors' certificates of insurance shall be maintained at Manager's office and made available upon request of the Association.

(b) The parties acknowledge that the County is self insured. If the County is no longer self insured or its self-insurance does not cover this Agreement, it shall comply with the workers' compensation insurance requirement in the above subsection. Nothing precludes the County, in its role as Manager, from purchasing workers' compensation insurance coverage for this Agreement.

14. ASSIGNMENT AND SUBCONTRACTING

Manager shall not assign this Agreement, in whole or in part, or any right or obligation hereunder, without the prior written approval of the Association.

Manager may subcontract operation or maintenance services to be provided by Manager, other than the management services, after notification and approval by unit owners. Manager shall require any subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of Manager as specified in this Agreement, including providing insurance coverage and indemnification. Notwithstanding the Manager's subcontracting, Manager shall remain obligated for full performance hereunder, and the Association shall incur no obligation other than its obligations to Manager hereunder.

15. INDEPENDENT CONTRACTOR STATUS

(a) Manager is engaged as an independent contractor and shall be responsible for any federal, state and local taxes and fees applicable to payments hereunder.

(b) Manager, its subcontractors and their respective employees are not employees of the Association and are not eligible for any benefits through the Association including, without limitation, federal social security, health benefits, workers' compensation, unemployment compensation and retirement benefits.

16. NOTICE

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

If to the Association or to the Unit Owners: City of Portland:

City of Portland Office of Management and Finance  
Facilities Services  
Attention: Facilities Manager/Bob Kieta  
1120 SW Fifth Avenue, Room 1204  
Portland, Oregon 97204  
Telephone: 503-823-2039  
Facsimile: 503-823-5342

And

Multnomah County:

Multnomah County  
Facilities and Property Management  
Attention: Facilities Director  
401 N. Dixon Street  
Portland, Oregon 97227-1865  
Telephone: 503-988-3322

Facsimile: 503-988-5643

And

Myung Suk Song  
Kyung Sin Song  
Myung Hee Lee  
Yoon Dong Lee:

Hughes & Zehntbauer, LLP  
121 S.W. Morrison Street, #1020  
Portland, Oregon 97204-3140

If to Manager:

Multnomah County  
Facilities & Property Management  
Attention: Condo Manager  
401 N. Dixon Street  
Portland, Oregon 97227-1865  
Interoffice mail address:  
Telephone: 503-988-3322  
Facsimile: 503-988-5643

17. SEVERABILITY

If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.

18. INTEGRATION

This Agreement contains the entire agreement between the Association and Manager and supersedes all prior written or oral discussions or agreements of the parties.

19. FUNDS

The Association certifies that sufficient funds are available and authorized for expenditure to finance the cost of this Agreement.

20. COMMENCEMENT OF WORK

Manager agrees that work being done pursuant to this Agreement shall not be commenced until after:

i) this Agreement is fully executed by the parties; and,

ii) the effective date of this Agreement as specified in section 6, EFFECTIVE AND TERMINATION DATES.

## 21. INSURANCE AND INDEMNIFICATION

(a) The parties acknowledge that the County is self-insured. If Manager is no longer self-insured, then Manager shall maintain commercial general liability and property damage insurance, including automobile liability, and a fire legal liability endorsement, that protects the Manager, the Association's unit owners and the Association and their officers, agents and employees from any and all risks, claims demands, actions and suits for damage to property including without limitation cracking or breaking of glass, or personal injury, including death, arising directly or indirectly from Manager's work under this Agreement, whether or not related to an occurrence caused or contributed to by the negligence of the Association or the Association's unit owners. The insurance shall protect Manager against the claims of the Association and the Association's unit owners on account of the obligations assumed by Manager under this Agreement and shall protect the Association, the Association's unit owners and the Manager against claims of third persons. The insurance shall provide coverage not less than \$1,000,000 per occurrence. The Association and its unit owner(s) reserves the right to review the minimum required coverage limitation and to require additional insurance coverage due to statutory or legal changes to the maximum limits of liability imposed on municipalities of the State of Oregon during the term of the Agreement or its legal counsel's risk recommendation. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the Association and the Association's unit owners and their officers, agents and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between insureds on the policy. The insurance shall provide that the insurance shall not terminate or be cancelled without thirty (30) days written notice first being given to the Association and its unit owners. If the insurance is cancelled or terminated prior to completion of the Agreement, Manager shall provide a new policy with the same terms. The adequacy of the insurance shall be subject to the approval of the City of Portland Attorney and Multnomah County Attorney. Failure to maintain liability insurance or remain self-insured shall be cause for immediate termination of this Agreement by the Association.

(b) Nothing precludes the County, in serving as Manager, from purchasing insurance coverage for this Agreement. If the County elects to purchase insurance, it shall comply with subsection (a) above.

(c) To the extent permitted by the Oregon Constitution, Article XI, § 9, and the Oregon Tort Claims Act, ORS 30.260, et. seq., Manager agrees to indemnify, defend and hold harmless the Association and the unit owners against all claims, losses, damages, costs and expenses arising out of the negligent acts or omissions of Manager, its officers, agents or employees.

(d) To the extent permitted by Oregon law, the Association agrees to indemnify, defend and hold harmless Manager against all claims, losses, damages, costs and expenses arising out of the negligent acts or omissions of the Association, its officers, directors and employees.

## 22. MAINTENANCE OF RECORDS

Manager shall maintain records on a current basis according to professional accounting standards and practices to support its billings to the Association or its unit owners and to

document the performance of services in accordance with this Agreement. The Association and its unit owners or their authorized representatives shall have the authority to inspect, audit and copy, on reasonable notice and from time to time, any records of Manager regarding its billings and performance of services. Manager shall retain these records for inspection, audit and copying for six (6) years from the date of completion or termination of this Agreement. The Association may request that records be retained for longer period if this Agreement or if any work related to this Agreement is subject to litigation.

#### 23. OWNERSHIP OF DOCUMENTS

(a) All work performed by Manager under this Agreement shall be considered work made for hire and shall be the property of the Association. The Association shall own any and all data, documents, plans, copyrights, specifications, working papers and any other materials Manager produces in connection with this Agreement. Manager shall deliver those materials to the Association or the Association's director's designees on request.

(b) Manager may retain for its own use and at its own cost originals of the working drawings referred to in subsection (a) of this section.

(c) Any use the Association or its unit owners may make of the materials referred to in subsection (a) of this section, except for purposes of the work contemplated by this Agreement, shall be at the Association's or the unit owner's risk.

#### 24. AMENDMENTS

(a) The Association and Manager may amend this Agreement at any time by written amendment executed by the Association and Manager. Unless otherwise provided, any amendment that increases the amount of compensation payable to Manager shall be approved by the directors of the Association. The Association directors' designees may agree to and execute any other amendment on behalf of the Association.

(b) Any change in the Scope of Manager's Services shall be deemed an amendment subject to subsection (a) of this section.

#### 25. NON-WAIVER

The Association and Manager shall not be deemed to have waived any breach of this Agreement by the other party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

#### 26. CONFLICTS

This Agreement is subject to the Declaration and Bylaws of The Justice Center Condominium, and in the event of any conflict between the provisions of this Agreement and the provisions of the Declaration and Bylaws, the latter shall control.



27. PAYMENTS TO VENDORS AND CONTRACTORS

Manager shall timely pay all suppliers and contractors providing it services, materials or equipment for carrying out its obligations under this Agreement. Manager shall not take or fail to take any action in a manner that causes the Association or its unit owners to be subject to any claim or lien of any person without the Association's prior written consent.

FOR MANAGER:

By: 

Name: Robert C Thomas

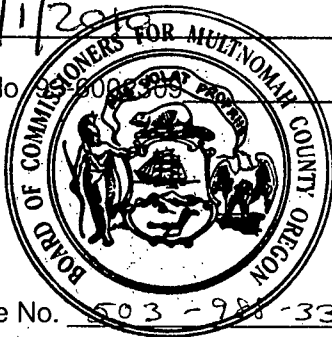
Title: Director of Facilities and Property Management

Date: 4/1/2010

Tax I.D. No. 503-988-3308

Telephone No. 503-988-3308

Fax No.: 503-988-3093



FOR ASSOCIATION:

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

Name: \_\_\_\_\_

Title: Mayor, City of Portland

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

By: 

Name: JEFF LOGAN

Title: Chair, Multnomah County Board of Commissioners

Date: APRIL 19 2010

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

APPROVED AS TO LEGAL SUFFICIENCY

  
Multnomah County Attorney

## EXHIBIT A

### SCOPE OF MANAGER/CONDO MANAGER SERVICES

#### 1. GENERAL SERVICES

A. Manager shall provide common area and common systems building maintenance and repair services, including preventative maintenance services, for the building known as The Justice Center located at 1120 SW Third Avenue, Portland, Oregon (the "Building"). Manager shall cause the general common elements of the Building and appurtenances and those limited common elements that serve more than one unit to be maintained in good condition and repair. Such maintenance shall include, but not be limited to, cleaning, painting, decorating, landscaping, carpentry, plumbing, electrical, and heating, ventilating and air conditioning maintenance and repair, and such other normal maintenance and repair work as may be requested by Association, the Association's unit owners or which in the Manager's judgment are necessary to preserve and protect the common elements.

B. Manager, through its Condo Manager, shall promptly advise the Association of all matters requiring decision by the Association concerning the management of the Building. Its Condo Manager shall prepare and submit to the Association a written analysis of property management issues, including financial and/or other relevant information and recommendation for action, so that the Association may make prudent decision regarding the pending issue. Its Condo Manager shall meet with the Association or its director's designees at such place and time as shall be mutually agreed to inform and discuss the issue.

C. Manager shall cause the general common elements and those limited common elements which pertain to more than one unit to be supplied with necessary services and utilities, including water, trash removal, sewage disposal, electricity, telephone, gas, building security and any other services as its Condo Manager may deem advisable and commercially reasonable.

D. Manager shall cause the individual units and those limited common elements which pertain to only one unit to be supplied with necessary services and utilities, including water, trash removal, sewage disposal, electricity, gas, and any other services as its Condo Manager and unit owner representatives deem advisable and as agreed in writing to have performed. The costs for such services shall be assessed to the unit owner as provided in the Declaration and billed to the unit owner as provided in Exhibit D.

#### 2. SPECIFIC SERVICES

In providing the general services described above, Manager shall provide not less than the following specific services:

##### A. ADMINISTRATIVE SERVICES

1) Manager, through its Condo Manager, shall consult with the Association, communicate with Association directors' designees and issue quarterly reports in reasonable detail showing the work performed. Its Condo Manager shall coordinate the services provided under this Agreement.

2) Manager, through its Condo Manager, shall at the request of the Association organize meetings of the Association including preparation and delivery of notices of the

meetings. Its Condo Manager shall prepare the agenda for the meetings, oversee the election of directors and officers, and circulate minutes of the meetings.

3) Manager, through its Condo Manager, shall keep all records of the affairs of the Association, including but not limited to minutes of meetings, correspondence, modifications of the bylaws and other records required by the bylaws. All such records shall be available to the Association, auditors, and unit owners

4) Manager, shall consider the value of alternative contractors, service providers, supplies or materials, sustainable ('green') building practices, building systems and equipment, together with other considerations based on City or County policy, program, budget and aesthetics in developing maintenance programs and schedules. In performance of services, Manager shall use environmentally safe and healthful methods and materials (i.e., use environmentally healthful methods for cleaning and using 'green' chemicals).

5) Manager, through its Condo Manager, shall assist the Association in connection with the Association's responsibility for filing documents required for the approval of governmental authorities having jurisdiction over the Building, if required.

## **B. FISCAL MANAGEMENT**

1) By November 15 of each year, Manager shall prepare an operating expense budget for each fiscal year or biennium (the Operating Budget) and a fiscal year budget for capital improvement projects for the building (the Capital budget). These budgets shall be submitted to the Association for approval. The Association shall provide its non-binding approval of the Operating and Capital budgets to the Manager, through its Condo Manager, not later than the fifteenth day of December following their submittal to the Association. The budget shall reflect the allocations required by the Declaration, Bylaws and the utility calculations included in this agreement, and shall include all foreseeable expenses of the building for the next ensuing fiscal year July 1 through June 30. The proposed Operating Budget and Capital Budget for each fiscal year are not final until the final budget appropriations are approved by the City Council and the County Board of Commissioners.

2) When the building maintenance requirements have been sufficiently identified, Manager shall prepare a budget. This budget shall be based on generally accepted estimating techniques. Manager shall update and refine the budget as additional information, including firm bids, become available. Its Condo Manager shall advise the Association of any adjustments to the Operating Budget indicated by changes in the maintenance requirements or general market conditions. If at any time Manager's estimated budget exceeds the Operating Budget, Manager, through its Condo Manager, shall make appropriate recommendations to the Association to adjust the size, quality or scope of work, and the Association shall cooperate with Manager in making such adjustments.

3) Evaluations of the budget for the Building, the Operating Budget and Reserve Budget and updated estimates of the budgets represent Manager's judgment as a property management professional familiar with the maintenance and repair of high rise office buildings. It is recognized, however, that neither Manager nor the Association has control over the cost of labor, competitive bidding, market or negotiating conditions. Accordingly, Manager cannot and does not warrant or represent that bids or negotiated prices shall not vary from the budgets or from any estimate or evaluation prepared or agreed to by Manager.

4) In preparing estimates of the budgets, Manager shall be permitted to include contingencies for bidding and price escalation, to determine what materials, equipment, component systems and methods of repair or maintenance are to be included in the contract, to make reasonable adjustments in any scope of the work to be performed, and to include alternate bids as may be necessary to adjust the estimated budgets to meet the Association's approval. Non-budgeted additional work determined necessary by Manager requires budget modification and written approval by the Association prior to start of work.

5) The Association shall reimburse Manager monthly, within thirty days of billing, for approved operating expenses and approved capital improvement expenditures of the Building.

6) Its Condo Manager shall provide the Association with annual financial statements in form and detail reasonably satisfactory to the Association, concerning all expenditures and revenue, if any, connected with the Building.

#### **C. GENERAL ADMINISTRATION**

1) The Condo Manager shall provide day-to-day management of the general common elements and limited common elements serving more than one unit of the Building, and shall supervise and administer all contracts entered into by Manager on behalf of the Association. The Association shall annually review the performance of the Condo Manager at the time of consideration of the annual budgets submitted under Section 2 B of this Exhibit A.

2) The Condo Manager shall visit the Building at intervals appropriate to the state of the condition of Building and any pending contractor's operations. The Condo Manager shall become generally familiar with and to keep the Association informed about the need for any future repair or maintenance or the progress and quality of work performed. The Manager shall take all necessary actions to guard the Association against defects and deficiencies in work performed, to determine if the work is being performed in a manner indicating that the work, when fully completed, would be in accordance with any contracts, and to insure the Building is appropriately and prudently maintained.

#### **D. SPECIFIC PROPERTY MANAGEMENT AND MAINTENANCE SERVICES**

1) When maintenance requirements have been sufficiently identified and approved by the Association, Manager, through its Condo Manager, shall prepare a maintenance schedule that identifies milestone dates for decisions required of the Association and/or its unit owners, and services to be furnished by others.

2) Manager, through its Condo Manager, shall prepare and submit to the Association by November of each year proposed maintenance programs and schedules and a proposed annual budget to be used for the determination of assessments of common area expenses for the following fiscal year. The proposed budget shall include reasonable detail for each expected expense and shall show the pro rata share of expenses for each unit owner.

3) Manager, through its Condo Manager, shall make regular inspections of the general common elements and limited common elements serving more than one unit and provide written reports, with recommendations as required, to the Association.

4) Manager, through its Condo Manager or the Condo Manager's assistants, shall receive and document service requests relating to the common elements or limited common

elements from unit owners. Actions on the service requests shall be taken in a professional, timely and commercially reasonable manner.

5) Manager shall select, hire and supervise maintenance or other personnel authorized in the budgets, each of whom shall be employees or contractors of Manager. Due to the secured nature of the Building and the sensitive operations of the unit owners of Units 1 and 2, any employees of Manager, its contractors or subcontractors who will perform services on-site must have completed criminal background checks and have been approved by both Multnomah County Sheriffs Office and the Portland Police Bureau. Upon reasonable cause, the unit owners, through its representatives, may demand the immediate removal of any contractor, contractor's employee or subcontractor from the Building or any secured area.

6) The Association and its unit owners shall be provided with a contact name and telephone number for 24-hour, seven day a week emergency calls.

7) Manager, through its Condo Manager, shall manage the trash and recycle collection service for the Building. Recycle program goals are set at 50% and will be working towards 75% of total waste.

8) Manager, through its Condo Manager, shall manage the janitorial and maintenance services for general common elements and limited common elements serving more than one unit, including services and schedules noted on Exhibit A-1.

9) Manager shall maintain, clean and repair general common elements and limited common elements serving more than one unit including but not limited to:

1. Electrical service including main distribution through and up to each floor's distribution panel.
2. Heating, ventilating and air conditioning equipment including chillers, air handlers, floor distribution systems, VAV boxes, control air, thermostats and associated operating controls.
3. Plumbing including but not limited to domestic water supply and associated control and pressure equipment to each shut-off valve; main sewer/waste riser to branch connection for each floor, all grinder pumps and associated sewer equipment, all repair and cleanup of overflows related to main system backups.
4. Exterior Building elements including repair or replacement of building glass.
5. Building fire detection and protection systems serving the Building or common areas.
6. Building emergency power and equipment up to floor distribution panels.
7. Garage and associated equipment.
8. Shuttle elevator.

10) Manager shall bill the responsible party in the case of damage to common elements caused by vandalism and seek full reimbursement. For example, the County as unit owner shall be responsible for plumbing and or related damage caused by jail inmates, and Manager shall seek restitution or pursue claims against third party vandals.

END OF EXHIBIT A

## EXHIBIT A-1

### SERVICES TO GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS SERVING MORE THAN ONE UNIT

#### I. MAINTENANCE AND REPAIRS

Check exterior lamps; replace as needed.  
Check interior lamps; replace as needed  
Visually check fire system  
Check thermostats, if applicable  
Inspect and clean drains if needed  
inventory supplies, including janitorial supplies; order as needed  
Check clocks, adjust as needed  
Inspect hose bibs  
Inspect, adjust, lubricate door hardware  
Schedule inspection of fire extinguishers  
Advise Association on additional maintenance services that may be required, based on prudent industry standards.  
Preventative maintenance on all equipment/systems  
FLS systems maintenance  
Building emergency power generator maintenance and testing

#### CLEANING QUALITY DEFINITIONS

- A. Porcelain Ware Cleaning: Porcelain fixtures (washbasins, urinals, toilets, etc.) shall be clean and bright; there shall be no dust, spots, stains, rust, mold. (Fixtures which are not maintainable shall be documented by the Janitorial Contractor and submitted to the Manager).
- B. Servicing: All supply dispensers shall be filled. Waste receptacles shall be emptied and feminine hygiene receptacles emptied, cleaned, disinfected, and new bags inserted.
- C. Partition Spot Cleaning: Smudges, marks, or spots shall have been removed without causing unsightly discoloration.
- D. Thorough Dusting: There shall be no dust streaks. Corners, crevices, moldings, and ledges shall be free of all dust. There shall be no oils, spots, or smudges on dusted surfaces caused by dusting tools.
- E. Plastic and Wood Furniture: Furniture shall be cleaned, sanitized and polished to maintain sanitary appearance.
- F. Damp Mopping and Spray Dusting: Floors shall be free of streaks, mop strand marks, and skipped areas. Walls, baseboards, and other surfaces shall be free of splashing and markings from the equipment. The finished area should have a uniform appearance.
- G. Damp Wiping: All dirt, dust, water stains, spots, streaks, and smudges shall be removed from the surfaces.

- H. Floor Stripping: All old finish or wax shall have been removed. There shall be no evidence of gum, rust or scuff marks. There shall be no buildup in corners and crevices. Water solutions shall not be used on wood flooring.
- I. Solid Waste Collection: All solid wastes generated in the building shall be collected and removed to storage areas designated for trash and/or recycling by the custodians
- J. Cobwebs: There shall be no cobwebs visible in public and staff areas.
- K. Damp Wiping (Mirrors and Glass surfaces): Mirrors and Glass surfaces shall be clean and free of dirt, dust, streaks, and spots.
- L. Dusting: Railings, ledges, grilles, fire apparatus, doors, and radiators shall be dust-free. Cleared horizontal surfaces shall be free of dust.
- M. Display Cases: Glass covered table and wall type display cases shall be free of dirt, dust, streaks, and spots, inside and out.
- N. Vacuuuming: Carpets, including edging and corners, shall be clean and free from dust, dirt, and other debris. All vacuum cleaners must be 90% plus dust free type.
- O. Telephone: Telephone receivers and cradles shall be clean and sanitized using disinfectant wipes.
- P. Carpet Spot Cleaning: Smudges, marks, gum, spills or spots shall have been removed without causing unsightly discoloration.
- Q. Waxing and Buffing: Walls, baseboards, and other surfaces shall be free of finish residue and marks from equipment. Floors shall be free of streaks, mop strand marks, and skipped areas. The finished area shall have a uniform appearance.
- R. Cleaning Wastebaskets: Wastebaskets shall be free of dust, debris, and residue, inside and out.
- S. Cleaning Wood Paneling: Paneling shall be free of dirt, dust, streaks, and spots.
- T. Finishing: Doors, walls, baseboards, and other surfaces shall be free of finish residue and marks from equipment. Floors shall be free of streaks, mop strand marks, and skipped areas. The finished area shall have a uniform appearance.
- U. Metal Polishing: Metal surfaces shall be free of smears, stains, and finger marks. They shall be clean and bright and polished to a uniform luster. Bright metal surfaces shall have a polished appearance.
- V. Glass Cleaning: All glass shall be clean and free of dirt, grime, handprints, dust, streaks, and spots.
- W. Cleaning Thresholds: Thresholds shall be clean and free of oil, grease, dirt, and grime.
- X. Damp Wiping (Marble Walls and Stone Wainscoting): Surfaces shall be clean and free

of handprints, smudges, dirt, dust, and spots.

- Y. Polishing: Kick plates, push plates, and push bars shall have a polished clean appearance.
- Z. Vacuuming Stairways: Landing and treads shall be free of loose dirt, dust, streaks, gum or other foreign substances.
- AA. Sweeping, Wet Mopping, or Scrubbing Stairway: Floors, steps, risers, and landings shall be clean and free of dirt, water streaks, mop marks, string, gum, grease, tar, etc., and present an overall appearance of cleanliness. All surfaces shall be dry and the corners clean.
- BB. Sweeping or Dust Mopping: All areas shall be clean and free of trash, debris, and foreign matter. No dirt shall be left in corners, crevices, behind radiators, under furniture, behind doors or where sweepings were picked up. Sweeping shall be picked up and disposed of and not swept outside.
- CC. Interior Elevator Surfaces: Wall surfaces shall be clean and free of marks, smudges, dirt, and dust. Floors shall be swept and mopped or carpets vacuumed and kept clean and free of spots and spills.
- DD. Cleaning (Elevator Floor Track): Floor tracks shall be clean and free of all foreign materials, dirt, and grime.
- EE. Upholstery Cleaning: All fabric furniture, partitions and benches shall be thoroughly vacuumed and spot cleaned to remove all loose dirt, gum and stains.
- FF. Sweeping (Freight Elevators): Floors shall be clean and free of dirt, trash, and foreign matter. No dirt shall be left in corners or crevices.
- GG. Cleaning Ash Receptacles: Cigarette butts, matches, and other discarded material shall be removed from the receptacle and wiped so that it is free of dust, ashes, odor, tar, and streaks. Replace sand as needed.
- HH. Cleaning Drinking Fountains: The porcelain, metal, stainless steel surfaces shall be clean and bright, and they shall be free of dust, spots, stains, and streaks. Drinking fountains shall be kept free of trash, and nozzles free from encrustation.
- II. Air Vents: Air vents shall be dusted and dampened wiped without removing vent. Vents include ceiling, wall, floor; supply exhaust and return.
- JJ. Cleaning (Outside Entrances, Sidewalks, Etc.): Areas shall be clean of all dirt, gum, trash, and spillage and present a neat appearance. Outside areas are to include from the doors of each facility to the street curb, all sidewalks and patio areas.
- KK. Cleaning (Public Telephone Booths): All vertical and horizontal surfaces, including both sides of glass, shall be clean and free of dirt, dust, streaks, and spots.
- LL. Shampooing (Entrance and Elevator Mats or Carpets): Mat or carpet shall be clean and



free of dirt, grime, stains, and excessive buildup of foreign material.

- MM. Venetian Blinds: Both sides of venetian blind slats shall be clean and free of dust and water spots. Cords and tapes shall be clean.
- NN. High Cleaning: Surfaces shall be clean and free of dust. Where glass is present, both sides shall be clean and free of streaks.
- OO. Wall, Door and Door frame Washing: Wall washing shall remove all soils, grease, and film. It can be done by hand or with a wall washing machine. Rest room walls shall be washed with a disinfectant cleaner.
- PP. Carpet Cleaning: Complete carpet cleaning other than spot cleaning) shall consist of hot water extraction method and or bonnet cleaning methods where applicable. Chair mats boxes, wastebaskets and small furniture should be moved and replaced as part of this process. The Janitorial Contractor shall provide air blowers and dehumidifiers as needed to aid in drying process.
- QQ. Ceramic Tile Floor and Non-Slip Finished Floor Care: All Ceramic tile floors and special non-slip surfaced floors, shall be brush scrubbed on a weekly basis in addition to nightly wet mopping and disinfecting.
- RR. Outside Window Cleaning: All outside windows are to be cleaned using standard industry practices. Observe all safety precautions and standards while performing window cleaning. Windows should be free of dirt, smudges, streaks and smears upon completion.
- SS. Non-Slip Abrasive Floor Cleaning: Requires weekly hand/machine scrub extraction. Nightly cleaning should be accomplished using tools which will work with abrasive surface.

END OF EXHIBIT A-1

## **EXHIBIT B**

### **ASSOCIATION'S SERVICES**

The Association shall assist Manager in carrying out its obligations under the Agreement by providing the following specific services:

1. Designate a staff person, if other than the Association's directors' designees, who shall be the Association's contact for Condo Manager.
2. Provide all available documentation to the Condo Manager that is pertinent to the work.
3. Process all necessary documentation and payment requests.
4. Provide meeting and project coordination as necessary.
5. The Association's unit owners shall retain the responsibility for tenant improvements and maintenance services within their respective units, as well as any limited common elements serving only their respective units or usually considered common elements but used exclusively by a unit owner. Common elements exclusively used by a unit owner include but are not limited to elevators numbered one (1) through four (4) serving the City of Portland Police Bureau, lobbies, halls and stairs on floors one (1) and eleven through sixteen (11 – 16) and the firing range.

**END OF EXHIBIT B**

## EXHIBIT C

### MANAGER'S COMPENSATION

A. Manager's overhead compensation shall be at a rate equal to the overhead cost rate billed by Multnomah County Facilities & Property Management Section to other Multnomah County facilities or County occupants, which is currently six percent (6%) for billed labor, materials and services. Manager, through its Condo Manager, shall advise the Association of any proposed overhead increases or decreases. Manager, through its Condo Manager, must present information pertaining to any proposed overhead increase for discussion during annual Association/Manager budget meeting. Overhead changes must be approved in writing and amended in this agreement. In no event shall Manager's overhead charge exceed ten percent (10%) of the amount for billed labor, materials and services. Overhead rate shall not be applied to pass through billings such as utilities from third party providers. The Association shall receive the benefits of any overhead decreases offered to other County facilities or occupants.

The Condo Manager's fee shall be billed monthly, along with the monthly billings under Exhibit D, and shall be based on the amounts billed for actual costs under Exhibit D multiplied by the applicable overhead compensation rate. The Condo Manager's fee will be set at the standard hourly rate for Condo Manager's classification. Manager shall provide notice of any increase to Condo Manager's fee (or hourly rate).

Additional services beyond the scope of the provisions of this Agreement shall be compensated for at the Condo Manager's standard hourly rates upon preapproval in writing by the Association contact(s).

Expenses such as Manager's administrative personnel costs, office space, mileage, printing and telephone service shall be included in the Manager's overhead percentage compensation.

Allocations of interests as for use in distribution of expenses are as follows based on First Amendment to Declaration for Justice Center dated July 12, 2000. These breakdowns are to be used for all common and limited common billings with the exception of utilities. The parties acknowledge that the County voluntarily assumed responsibility for the expenses of Unit 4.

Unit 1 County Unit	57.16%
Unit 2 City Unit	41.34%
Unit 3 no longer used	
Unit 4 Retail Unit 1	0.75%
Unit 5 County Unit	0.75%
<u>County Total (without Unit 4)</u>	57.91%
<u>County Total (with Unit 4)</u>	58.66%
<u>City Total</u>	41.34%

B. The County, as unit owner and Manager, acknowledges that due to the 24-hour operations of the Multnomah County corrections facilities at the Building, it is not equitable to all unit owners to apportion and pass through expenses for utilities based on the allocation of interests stated in the First Amendment to the Declaration. The Association and Manager agree to review the cost allocation related to utility expenses within six (6) months of the signing of this Agreement. Those parties will meet as frequently as necessary to accomplish the review of allocation of utility expenses. The focus of the review will be to determine a mutually agreed upon split of the utility expenses that is equitable and fair to all unit owners. It is hereby stipulated that the rates set for Unit 4 and Unit 5 are not at issue under this Section. Upon the preparation of the mutually agreed upon revised allocation pertaining to utility expenses, an amendment to this Agreement will be executed in a timely fashion by all parties and Manager will pass-through bill for utility expenses in accordance with that amended Agreement.

C. The parties agree to exercise good faith efforts to resolve the utility expenses allocation issue. If the parties are unable to resolve the issue, then the issue may be submitted to arbitration in accordance with ORS 36.300 et seq to be determined by an arbitrator acceptable to both the City and the County. Expenses associated with mediation will be bore by the Association and Manager equally.

END OF EXHIBIT C

## EXHIBIT D

### BILLING AND PAYMENT PROCEDURE

Manager, through its Condo Manager, shall submit to the Association and/or unit owner monthly bills for actual cost paid for services and utilities furnished and the expense of operating and capital improvement work performed by Manager, together with the Manager's fee as provided in Exhibit C, since the preceding billing date. The monthly bills shall show the total itemized cost of such services and utilities furnished and the expense of operating and capital improvement work furnished or performed by Manager and each unit owner's share of the total cost and expense.

Monthly bills are to be submitted within twenty one (21) days after the month in which such actual costs are paid and such expense incurred by Manager. Any such actual cost or expense which has inadvertently not been included within a monthly bill may be included in any subsequent monthly bill after such actual cost is paid or expense incurred by Manager. The bill shall set out the amount claimed by an itemized cost of materials, labor and services provided, and detailed information on contracts entered into on behalf of the Association.

Within thirty (30) days after receipt of the bill, the Association and/or responsible unit owner shall pay the amounts due to Manager.

In the event that the Association and/or unit owner disputes the bill submitted to it, the Association and/or unit owner shall notify the Condo Manager within thirty (30) days after receiving the bill or as soon as practicable upon discovery of discrepancy or dispute. The dispute shall be resolved by the Association Directors' or their designees and, if not resolved, then by arbitration in accordance with ORS 36.300 et seq. Subject to the provisions of this Exhibit D, payment of unpaid bills shall be enforced in accordance with the Declarations and Bylaws.

Any unit owner may request, and shall be provided by Condo Manager, not more than once in each fiscal year, all records, invoices and other data supporting the actual cost paid by Manager for services and utilities furnished and operating expense and capital improvement work for which the Association or requesting unit owner has been billed during any single fiscal year commencing July 1.

END OF EXHIBIT D



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 4-8-2010  
LYNDA GROW, BOARD CLERK

## Board Clerk Use Only

Meeting Date: 4/8/2010  
Agenda Item #: R-3  
Est. Start Time: 9:25 am  
Date Submitted: 3/22/2010

Agenda Title: **Approval of the Agreement For Management Services For The Justice Center Condo Association** RESOLUTION

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

Requested Meeting Date: April 8, 2010 Amount of Time Needed: 5 Minutes  
Department: County Management Division: Facilities and Property Management  
Contact(s): Carla Bangert, Facilities & Property Management  
Phone: (503) 988-4128 Ext. 84128 I/O Address: FPM / 274  
Presenter(s): Bob Thomas, F&PM and Matt Ryan, Asst. County Attorney

## General Information

### 1. What action are you requesting from the Board?

Approval of the Agreement For Management Services for The Justice Center Condo Association.

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

A Management Agreement was executed in 2003. It agreed to the responsibilities of the Managing Agent, the scope of the Manager's services, what and how services would be provided and compensation for such. The original agreement expired June 30, 2008. The new Agreement will be effective retroactive to July 1, 2008 with a total of four (4) additional 1-yr renewals. This gives a potential expiration date of June 30, 2013.

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

Multnomah County acting as Managing Agent has an anticipated outstanding amount of approximately \$750,000.00 owed by the City of Portland. Execution of this Agreement will allow the City of Portland to release payment to the County for amounts currently owed and future payments for services provided under this Agreement.

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

None

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

None

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**Required Signature**

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**Elected Official or  
Department/  
Agency Director:**

*Mindy Harris*

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**Date: 3/22/10**

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Materials for R-3  
4-8-2010 Board Packet  
Received 4/2/2010

RESOLUTION NO. 2010-043

Approval Of "The Agreement For Management Services" For The Justice Center Building Public Condominium.

**The Multnomah County Board of Commissioners Finds:**

- a. The Justice Center Building located at 1120 SW Third Avenue, Portland, Oregon, is established as a Public Condominium in accordance with the laws of the State of Oregon, with Multnomah County owning approximately 57% of the space and the remainder of the building owned by the City of Portland, and two small commercial condominium unit owners.
- b. The Association of Unit Owners for the Justice Center is organized in accordance with the Declaration Submitting the Justice Center and the Bylaws of the Association of Unit Owners. The Board of Directors of the Association is authorized by the Bylaws to act as managing agent, or alternatively to contract for a third party managing agent and to delegate to the managing agent those powers and duties as the Board of Directors may authorize.
- c. Since the 1980's the County has served as the managing agent for the Justice Center pursuant to a Management Agreement between the County and the Unit Owners Association. The Management Agreement has traditionally provided for the responsibilities of the Managing Agent, the scope of Building Manager's services, what and how services would be provided and compensation for such.
- d. The last Management Agreement was executed in 2003; and it expired on June 30, 2008. The proposed new Agreement for Management Services is effective retroactive to July 1, 2008 and again provides for Multnomah County to contract with the Association to serve as Manager for the building.
- e. It is in the best interests of the County to execute the attached Agreement For Management Services.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the Agreement For Management Services (Agreement). The County Chair is authorized to execute the Agreement in substantial compliance with the form of the Agreement attached to this Resolution.
2. The County Chair is authorized to execute renewals of the Agreement and execute amendments to the Agreement without further Board action.

ADOPTED this 8<sup>th</sup> day of April 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff S. Cogen, Chair

REVIEWED:  
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:  
Mindy Harris, Department Director, Dept. of County Management





# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-4 DATE 4-8-2010  
LYNDA GROW, BOARD CLERK

## Board Clerk Use Only

Meeting Date: 4/8/2010  
Agenda Item #: R-4  
Est. Start Time: 9:30am  
Date Submitted: 3/24/2010

**Agenda Title:** **Approval of the Multnomah County 2010-2014 Transportation Capital Improvement Plan and Program (CIPP)**

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

**Requested Meeting Date:** April 8, 2010 **Amount of Time Needed:** 30 minutes  
**Department:** Community Services **Division:** Land Use & Transportation  
**Contact(s):** Jane McFarland  
**Phone:** 503.988.5050 **Ext.** 29620 **I/O Address:** 455/116  
**Presenter(s):** Jane McFarland

## General Information

### 1. What action are you requesting from the Board?

Resolution approving the Multnomah County 2010-2014 Transportation Capital Improvement Plan and Program.

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

The 2010-2014 Transportation Capital Improvement Plan and Program (CIPP) is a two-part document: 1) the Plan inventories and prioritizes County transportation needs; 2) the Program matches estimated transportation capital revenue with priority projects for a five-year period. The Program is updated biennially to reflect new and completed projects as well as the most current revenue projections.

The CIPP Plan component contains all identified projects for the County's roads and bridges to improve motor vehicle, transit, pedestrian and bicycle, and fish passage culvert needs. Using relevant criteria for each type of project, County staff scores all projects. Based on the scoring, available funding, and input from stakeholders, a 5-year Program is developed to schedule anticipated revenue and other sources.

The CIPP was distributed for public review. Comments received from East County cities led County staff to adjust the 5-year Program following the public review period. The attached CIPP reflects

those adjustments.

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

The County has approximately \$1.025B in transportation needs, including the \$331M Sellwood Bridge. The CIPP is a tool to program anticipated County transportation revenues with top priority capital projects and to identify funding needs. Approval of the CIPP adopts the schedule of construction projects for a five-year period that informs the Department's annual capital budget. The Program component of the CIPP is revised and adopted by the Board every two years.

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

The State Transportation Planning rule requires the County to undertake capital planning and programming for transportation facilities needed to support the County's and other jurisdictions' land uses and economy.

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

Capital needs were initially solicited through the Road Show meetings held in late 2008. Additional capital needs were identified and publicly-reviewed through the Regional Transportation Plan process conducted during the summer of 2009. Capital project lists were vetted at 5 East Multnomah County Transportation Committee (EMCTC) meetings between May, 2009 and February, 2010. The public review draft CIPP has been out for review since January 7, 2010, with presentations made to EMCTC, the Columbia Cascade River District Steering Committee and the Multnomah County Bicycle-Pedestrian Citizen Advisory Committee. EMCTC endorsed the public review draft on March 1, 2010 prior to the adjustments reflected in the attached Program.

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:

*KS*



Date:

*3/24/10*



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

## Board Clerk Use Only

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

Agenda Item #: \_\_\_\_\_

Est. Start Time: \_\_\_\_\_

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

**Agenda Title:** **Approval of the Multnomah County 2010-2014 Transportation Capital Improvement Plan and Program**

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

<b>Requested Meeting Date:</b>	<u>April 8, 2010</u>	<b>Amount of Time Needed:</b>	<u>30 minutes</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Land Use &amp; Transportation</u>
<b>Contact(s):</b>	<u>Jane McFarland</u>		
<b>Phone:</b>	<u>503.988.5050</u>	<b>Ext.</b>	<u>29620</u>
<b>I/O Address:</b>	<u>455/116</u>		
<b>Presenter(s):</b>	<u>Jane McFarland</u>		

## General Information

### 1. What action are you requesting from the Board?

Resolution approving the Multnomah County 2010-2014 Transportation Capital Improvement Plan and Program.

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

The 2010-2014 Transportation Capital Improvement Plan and Program (CIPP) is a two-part document: 1) the Plan inventories and prioritizes County transportation needs; 2) the Program matches estimated transportation capital revenue with priority projects for a five-year period. The Program is updated biennially to reflect new and completed projects as well as the most current revenue projections.

The CIPP Plan component contains all identified projects for the County's roads and bridges to improve motor vehicle, transit, pedestrian and bicycle, and fish passage culvert needs. Using relevant criteria for each type of project, County staff scores all projects. Based on the scoring, available funding, and input from stakeholders, a 5-year Program is developed to schedule anticipated revenue and other sources.

The CIPP was distributed for public review. Comments received from East County cities led County staff to adjust the 5-year Program following the public review period. The attached CIPP reflects

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-039**

Approving the Multnomah County Fiscal Years 2010-2014 Transportation Capital Improvement Plan and Program

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County's roads, Willamette River Bridges, bikeways, pedestrianways, and related structures are vital to an orderly and balanced transportation system and must be maintained and preserved to provide for the safe and efficient movement of people and commerce.
- b. A unified approach to long range facilities planning and capital investment programming is a County goal.
- c. The Multnomah County Land Use and Transportation Program (LUTP) has established a process, consistent with County Comprehensive Framework Plan: Trafficways Policy #32, to develop a County Land Use and Transportation Capital Improvement Plan and Program (Transportation CIPP).
- d. The Transportation CIPP establishes priorities for capital improvements that will maximize the use of financial resources and provide for the safe and reliable public use of the County roads, Willamette River Bridges, bikeways, pedestrian ways, and related structures.
- e. The Multnomah County 2005-2009 Transportation CIPP was approved by this Board on February 24, 2005;
- f. LUTP staff has updated the 2005-2009 Transportation CIPP. Staff analyzed and evaluated new facility needs identified through public meetings, workshops with East County cities and meetings with the East Multnomah County Transportation Committee (EMCTC), the Columbia Cascade River District (CCRD) Steering Committee and the County's Bicycle and Pedestrian Citizen Advisory Committee.
- g. The Public Review Draft of the Transportation CIPP has been available for comments since January 7, 2010, and was presented and discussed at the EMCTC, CCRD Steering Committee and Bicycle/Pedestrian CAC meetings.
- h. At its March 1, 2010 meeting, the EMCTC recommended approval of the Transportation CIPP.
- i. The LUTP recommends the County Board approve the attached 2010 - 2014 Transportation CIPP.

**The Multnomah County Board of Commissioners Resolves:**

1. The Multnomah County Fiscal Years 2010-2014 Transportation Capital Improvement Plan and Program is approved.

ADOPTED this 8th day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

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



**Multnomah County**

**Department of Community Service**

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**Multnomah County  
Transportation Capital  
Improvement Plan  
And Program  
Fiscal Years 2010-2014**

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**April, 2010**

**Prepared by  
Multnomah County  
Land Use and Transportation Program**

**Multnomah County  
Capital Improvement Plan and Program  
FY 2010-2014 Transportation**

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# **Multnomah County Transportation Capital Improvement Plan and Program Fiscal Years 2010-2014**

## **Introduction**

The Multnomah County Land Use and Transportation Program has undertaken a capital improvement planning process consistent with guidelines established in the County Comprehensive Framework Plan: Trafficways Policy #32. The Capital Improvement Plan and Program (CIPP) establishes a list of priority transportation improvements deemed necessary to enhance and maintain the County transportation system at acceptable levels, identifies anticipated transportation revenues and other potential funding, and matches these revenues to targeted investments in the transportation system.

A goal of the Comprehensive Framework Plan is to:

Promote and enhance a balanced transportation system that encourages a thriving economy, increases public safety, allows for efficient transportation movement, and protects livable communities through the best possible use of available funds.

## **Background**

The County's network of roads and bridges lies outside the cities of Gresham and Portland, with the exception of the six (6) Willamette River Bridges within Portland. Projects that accommodate all modes of transportation, motor vehicle, transit, pedestrian and bicycle, and fish passage culvert improvements are considered in the CIPP.

The relative jurisdictional authority of the County and the cities within its boundaries has evolved significantly since the 1980s. In 1985, all roads and streets within the incorporated boundaries of the City of Portland were transferred to the City. Multnomah County, by Oregon law, retained responsibility for the Willamette River bridges. In 1995, Multnomah County transferred many local roads to the cities of Fairview, Gresham, and Troutdale. Multnomah County retained the regional road network outside of Portland. In December 2005, following Oregon legislative action, Multnomah County transferred jurisdiction of all County roads within the City of Gresham to the City of Gresham.

The County currently has jurisdiction over 283 miles of roads located in east and west unincorporated Multnomah County and approximately 27 miles of urban roads in the Cities of Fairview, Troutdale, and Wood Village. It also owns, maintains, and operates six (6) Willamette River bridges – Sauvie Island, Broadway, Burnside, Morrison, Hawthorne, and Sellwood.

## **Purpose of a Capital Improvement Plan and Program**

A current CIPP helps ensure that public funds are strategically invested in transportation projects that provide the greatest public benefit and keep the County's priority projects eligible for state and federal grant programs.

Capital projects improve County transportation facilities where either substantial reconstruction or new construction is required.

Examples of capital projects include:

- Bridge or bridge component replacement
- Road reconstruction
- Extensive guardrail replacement
- Sidewalk construction
- Extensive drainage improvements
- New traffic signals and upgrades to existing traffic signals
- Intersection improvements
- Road widening and the construction of new roadways
- Bikeway construction
- Culvert replacement
- Bridge Corrosion Control

Maintenance projects, such as crack sealing, striping and signing are not funded by the Capital Improvement Program. These activities are funded through operations and maintenance budgets. There are instances where roads developed to current standards require major reconstruction. These are capital projects. The road overlay program and bridge corrosion control are also funded through the capital program.

The CIPP is a two-part document. The Capital Improvement Plan identifies and scores transportation projects needed in the next 20 years. The Capital Improvement Program assigns available revenues to high priority projects for a five-year period.

#### **Capital Improvement Plan**

The Plan (Transportation Capital Improvement Plan) is an inventory of transportation capital needs and costs. It precedes the Program (Capital Improvement Program) by rating and ranking projects by priority of need. The Plan uses criteria to evaluate and distinguish Roadway, Bicycle and Pedestrian, Fish Passage Culvert, and Willamette River Bridges priorities from the array of candidate projects.

#### **Capital Improvement Program**

The Program implements the Plan by assigning anticipated and available County transportation revenues to candidate projects. The Program is reviewed annually and updated biennially to ensure that limited resources for projects are efficiently allocated to the most critical capital needs, and to leverage County funds. The Program is used by the Transportation Program in preparing its annual Transportation Program budget. Public review of the Program is provided annually through the County's budget process.

#### **CIPP Process**

The County road system is dynamic, changing in response to land use decisions and infrastructure life cycles. Consequently, the CIPP must be reconsidered and revised on a regular basis.

Several internal and external means are used to identify transportation improvement projects. The primary internal source of information is the FY 2005-2009 Capital Improvement Plan and Program. Projects included in the 2005-2009 CIPP that have been

completed or are under construction are deleted from the FY 2010-2014 CIPP list. Projects on roads now under the City of Gresham's jurisdiction have also been deleted, as well as those which will be annexed consistent with adopted intergovernmental agreements (e.g., Pleasant Valley Plan District). Other sources of projects and needs include public recommendations, the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee, the adopted Transportation System Plans and Regional Transportation Plan, and input from the Cities of Fairview, Troutdale, and Wood Village, County Maintenance and Engineering staff; safety audit reports, County planning and data management tools, including the County Pavement Management Program, Functional Classification of Trafficways, the Master Road List, the County's Bicycle Master Plan, Pedestrian Master Plan, and Fish Passage Culvert Program. These sources identify segments, intersections, and structures on the County transportation system that are hazardous or congested, substandard, incomplete, or in need of reconstruction. The Willamette River Bridges 20-Year Capital Improvement Needs report provides the basis for identifying the needs and projects on the six (6) Willamette River bridges.

The capital project needs identified in this Plan total over \$1.04 billion for approximately 165 candidate projects.

Table 1 summarized the capital needs by facility type.

<b>Table 1</b> <b>Multnomah County Transportation Capital Improvement Plan Summary</b>	
Arterials	\$ 187,552,020
Collectors	\$ 119,476,406
Bridges (non-WRB)	\$ 20,849,000
Signals	\$ 20,576,722
Street Design	\$ 1,950,548
<b>Roadways subtotal</b>	<b>\$ 350,040,696</b>
Bicycle Facilities	\$ 131,195,120
Pedestrian Facilities	\$ 12,971,315
Fish Passage Culverts	\$ 20,339,147
Willamette River Bridges	\$ 526,128,801
<b>Total</b>	<b>\$1,041,039,079</b>

Transportation staff conducted a series of public meetings throughout the County to discuss the state of road funding and its impact on providing road services and investments in a capital program. Transportation capital program information and project solicitation forms have been available on the County's website. The cities of Fairview, Troutdale, and Wood Village have reviewed the CIPP, and it was presented to the East Multnomah County Transportation Committee (EMCTC) and the Columbia Cascade River District Steering Committee at their January 2010 meetings. It was endorsed by EMCTC at its March, 2010 meeting. The Multnomah County Bicycle and Pedestrian Citizen Advisory Committee also reviewed the CIPP at its January 2010 meeting.

## Capital Project Funding

Capital programming is intended to budget funds over a five-year period to bring portions of each element of the transportation system up to standard. Future year revenues are estimated and allocated to the highest priority capital projects until estimated revenue is fully allocated.

Multnomah County receives its transportation revenue from three (3) primary sources – Federal revenues, the State Transportation Fund (state gas tax, vehicle registration fees, and truck weight/mile tax), and a 3-cent County gas tax. Federal sources include the Surface Transportation Program (STP) and Highway and Bridge Program (HBP). The County has chosen to dedicate the STP funds to the rural roads within the County. HBP funds are used solely for the Willamette River Bridge Program for both capital and large maintenance projects.

The County receives State revenues based on the number of vehicles registered in the County. Through revenue sharing agreements, a portion of these funds are given to Portland, Gresham, Troutdale, and Fairview for capital and maintenance projects. The Portland agreement also dedicates annual funding for the operation, maintenance, and capital program for the Willamette River bridges. The County uses the remainder of these funds primarily for maintenance and leveraging outside sources of revenues. As obligated by State law, a minimum of one percent of State Highway revenues are spent on planning, building, and maintaining bicycle facilities and sidewalks on County transportation facilities. In practice, the County spends more than one percent of State Highway revenues on bicycle and pedestrian facilities. Revenues dedicated for the bicycle and pedestrian system are generally used to fund bicycle and pedestrian projects that are unlikely to be associated with a road or bridge capital project. County road and bridge capital projects generally incorporate bicycle and pedestrian elements into the project design, and Roadway and Willamette River Bridges maintenance programs assume the cost of maintaining the bicycle and pedestrian facilities.

Like all public transportation agencies relying on gas tax revenue, Multnomah County is experiencing a dramatic reduction in its ability to maintain its current system of roads and bridges or to invest in replacement or expansion projects. Prior to the 2009 State legislative adoption of the Jobs and Transportation Act, the last state gas tax increase was in 1993. Since that time, the number of vehicle miles traveled in the region has risen by 19 percent, but gas tax revenues only increased by 3 percent. Vehicles have become more fuel efficient, but travelers are no less dependent on a good transportation system.

Since 1993, inflation has increased by more than 50 percent. While fuel prices fluctuate dramatically, the gas tax is flat and has no index to inflation. As a consequence, the County's purchasing power has diminished with inflation. The County's core responsibility to provide a safe environment for the traveling public has been seriously compromised by diminished buying power.

The County has a history of investing heavily in capital preservation. However, over the past few years, funds for road overlays and upkeep have dwindled, and the backlog of deferred maintenance, particularly for roads, is growing at an alarming rate.

In 2009, two legislative actions provided some relief to the County's transportation asset management program: 1) the Federal American Recovery and Reinvestment Act (ARRA), and 2) Oregon's Job and Transportation Act (JTA or HB 2001). Multnomah County received

\$1.75 million in one-time ARRA funding for a combination of capital and maintenance projects. The increased State Highway revenues under the JTA provide longer-term aid to address deferred maintenance and make capital investments. The JTA increased the statewide vehicle registration fee and gas tax, increasing revenues to the state, cities, and counties. In addition, it allows counties in the Portland metro area the option to levy a vehicle registration fee to fund the Sellwood Bridge replacement. In October 2009, the Multnomah County Board of Commissioners adopted a \$19 annual vehicle registration fee as part of the Sellwood Bridge financial strategy.

Current projections of County revenues from both the state and county transportation funds indicate an improved but limited ability to sustain investments in road and bridge preservation and maintenance and in a limited capital program. County priorities for its transportation revenues are capital debt payments, the road preservation/overlay program, bridge preservation/maintenance, annual allotments for emergency response and safety, and new bridge and road capital projects.

Priorities for capital projects are established through evaluation processes for each of the following facility categories: Road and non-Willamette River Bridges, Bicycle, Pedestrian, Fish Passage Culverts, and Willamette River Bridges. Unique sets of criteria for each facility category are used to evaluate and score projects. County staff uses objective criteria to evaluate and give priority to the array of potential projects. Specific evaluation criteria are discussed under each of the following facility category's capital plan summaries.

## **Multnomah County Roadways FY 2010-2014 Capital Improvement Plan**

The Roadways Capital Improvement Plan establishes a ranked list of road and road-related capital projects necessary to enhance and maintain the County road system at acceptable levels. The County's road projects are evaluated using criteria that address the following:

- Safety
- Multi-modal benefits
- Support of regional 2040 land uses and transportation goals
- Completing gaps in travel corridors
- Demonstrating local community support
- Potential to leverage non-County funding

These criteria are based in part on project selection criteria used by Metro for funding regional projects. This aligns Multnomah County urban projects with Metro 2040 Growth Management objectives while still meeting Multnomah County criteria and objectives.

Each potential project is evaluated and scored using the Road Capital Projects Ranking Criteria shown on the following Table 2. Roadway projects are sub-categorized as Arterials, Collectors, (non-Willamette River) Bridges, Signals/Intersections, and Street Design Concept on Table 3. Using the scoring tool, priorities are established for each Road sub-category.

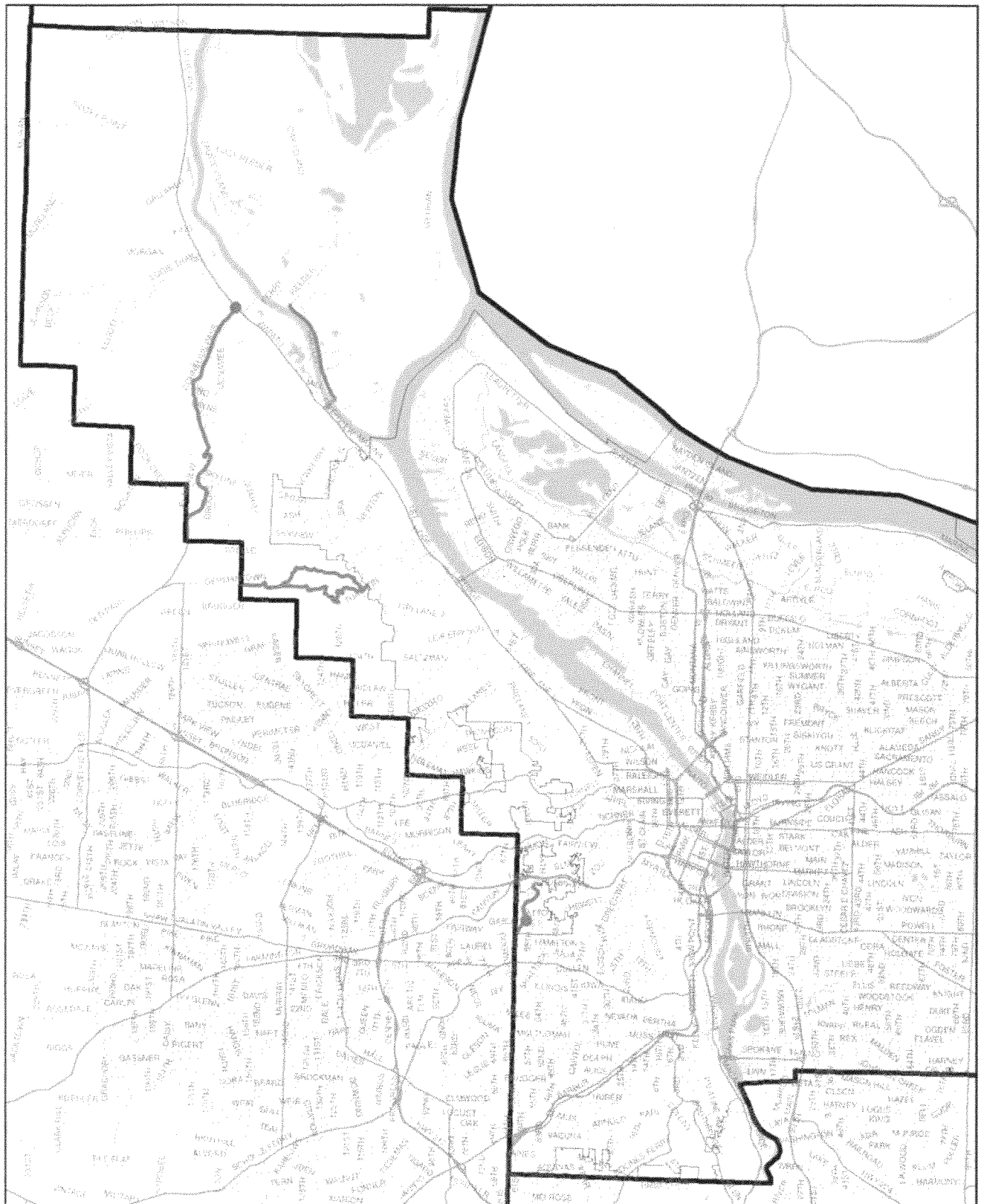
**Table 2**  
**Criteria for Road Project Evaluation**

Criteria	Criteria Explanation	Points
Safety Priority Indexing System (SPIS)	Project includes a site identified in the SPIS as a high crash location/intersection:	
	• 10% of the highest crash locations	20
	• 11% - 25% of the highest crash locations	10
	• 26% - 50% of the highest crash locations	5
Multi-modal benefit	Project adds bike and pedestrian facilities where none exist.	20
	Project improves on existing bike and pedestrian facilities built to minimum standards.	8
	Project in an identified transit corridor.	8
2040 Focus Areas (land use)	Project is located in or directly serving a regional center or town center.	5
	Project is located in or directly serves an industrial center or employment core.	5
	Project serves an activity center (MHCC, Blue Lake Park, Legacy Hospital, K-12 school).	5
Non-county funding secured	Project secured 50 – 100% of funding from non-county source.	10
	Project secured less than 50% from a non-county source.	5
Project Support	Project is included in a local plan (transportation system plan, corridor plan, refinement plan, etc.).	5
	Project has received citizen support (letters, phone calls, hearings, etc.).	5
	Project a local jurisdiction priority.	5
Completion of corridor	The project complete a gap in a corridor (i.e. is the roadway on either end of segment constructed to county standards.	5
Perceived safety factor	The project includes a location without a high SPIS rating that has publicly-perceived safety problems or problems not identified through crashes.	5
<b>Total points possible</b>		<b>80</b>

TABLE 3: Roadways Project Ranking Report						
Project #	Project Name	Project Description	Score	Project Cost	On Bike CIP	RTP - FC No.
<b>ARTERIAL CATEGORY</b>						
<b>Urban</b>						
57	Stark St: 257th Ave.—Troutdale Rd	Reconstruct Stark St. to minor arterial standards by widening the existing 2 lanes to provide for 4 traffic lanes, a continuous left-turn lane, bike lanes, sidewalks, and intersection improvements.	40	\$ 11,100,000	Y	10382
716	Sandy Blvd: Gresham/Fairview City Limits -- 238th Ave	Reconstruct Sandy Blvd to minor arterial standards with bike lanes, sidewalks and drainage improvements, utilizing recommendations from TGM grant.	40	\$ 21,404,633	N	10399
107	Halsey St: 238th Dr—Historic Columbia River Hwy	Widen Halsey St to 3 lane minor arterial with center turn lane/median, sidewalk and bicycle lanes, consistent with Halsey Street Conceptual Design Plan	35	\$ 10,807,290	Y	10385
110	Glisan St: 202nd Ave—Fairview Parkway	Reconstruct northside of Glisan Street to provide multimodal connection between Gresham-Fairview Trail and Salish Ponds Natural Area. Include bike lanes, sidewalks, two travel lanes in each direction, and on-street parking. Design green-street treatment for drainage improvements, including Fairview Creek culvert replacement. South side of Glisan St is in Gresham, north is City of Fairview.	35	\$ 11,774,421	Y	10386
88	Implement I-84-US26 Corridor Refinement Plan	Implement recommendations of I-84/US 26 Corridor Refinement Plan conducted in accordance with the 2007 MOU signed by East County cities.	35	\$ 10,000,000	N	10383
202	Stark St: Troutdale Rd—Hampton Ave	Reconstruct road to arterial standards with 1 travel lanes in each direction, center turn lane/median, sidewalks and bicycle lanes.	20	\$ 3,276,450	Y	10406
<b>Rural</b>						
103	Cornelius Pass Rd: MP 2—MP 3	Widen Cornelius Pass Rd, including new box culvert and passing lane.	10	\$ 21,893,536	N	11296
103a	Cornelius Pass Rd: MP 3.0—MP 3.5	Realign and widen Cornelius Pass Road to provide southbound passing lane.	TBD	\$ 35,135,976	N	10396
389	Cornelius Pass Rd: US 30—MP 2	Reconstruct Cornelius Pass Road including passing lane, safety, shoulder and drainage improvements.	10	\$ 54,159,714	Y	11295
TBD	Cornelius Pass Road Safety Improvements - TSM	Implement system management improvements recommended in FHWA Safety Audit; i.e., targeted shoulder widening, new/additional guard rails.	TBD	\$ 6,000,000	N	11298
TBD	Cornelius Pass Road Safety Improvements - ITS	Implement ITS improvements recommended in FHWA Safety Audit; i.e., electronic messaging signs, photo radar/ticketing.	TBD	\$ 2,000,000	N	11289
<b>Arterial Total</b>				<b>\$ 187,552,020</b>		
<b>COLLECTOR CATEGORY</b>						
<b>Urban</b>						
135	223rd Ave: Halsey St—Sandy Blvd	Reconstruct 223rd Ave to major collector standards with 2 travel lanes, center turn lane/median, sidewalks and bicycle lanes. Requires reconstruction of RR bridge under another project.	55	\$ 4,596,717	Y	10388
129	Arata Rd: 223rd Ave—238th Dr	Construct to 3 lane collector standards with center turn lane/median, sidewalks, bicycle lanes.	45	\$ 5,928,252	Y	10387
143	223rd Ave: Sandy Blvd—Marine Dr	Improve 223rd Ave to major collector standards including 2 travel lanes, center turn lane/median, sidewalks, bicycle lanes. Possible culvert replacement for fish passage could add \$120,000 to cost. Requires replacement of RR bridge not included in this proposal.	40	\$ 7,106,182	Y	10389
710	Wood Village Blvd: Arata Rd—Halsey St	Construct extension of Wood Village Blvd as a major collector with 2 travel lanes, center lane/median, sidewalks, bicycle lanes.	30	\$ 3,294,764	Y	10398
150	Troutdale Rd: Stark St—northerly 1700'	Reconstruct to major collector standards with 2 travel lanes, center turn lane/median, sidewalks, bicycle lanes. Requires new fish culvert at Beaver Creek.	25	\$ 8,556,929	Y	-
151	Historic Columbia River Hwy: 244th Ave—Halsey St	Reconstruct to minor arterial standards with 2 travel lanes, center turn lane/median, bicycle 25 lanes and sidewalk. Reconstruction of railroad bridge is not included in this project.	25	\$ 16,371,224	Y	10391
134	Troutdale Rd: Strebin St—Stark St	Improved to collector standards with 2 traffic lanes, center lane, bike lanes and sidewalks, intersection and drainage improvements.	25	\$ 8,446,060	Y	10390
745	Marine Drive Reconstruction	Reconstruct Marine Drive between Interlachen Ln. and the frontage roads in Troutdale.	20	\$ 36,764,139		10401
<b>Rural</b>						
145	Cochran Dr: Troutdale Rd—westerly 2175'	Reconstruct to major collector standards: 2 travel lanes, center lane/median, sidewalks, bike lanes, and culvert replacement	15	\$ 7,442,765	Y	-



Project #	Project Name	Project Description	Score	Project Cost	On Bike CIP	RTP - FC No.
165	Troutdale Rd: 19th St--Cherry Park Rd	Widen to major collector standards with 2 travel lanes, center turn lane/median, sidewalks and bicycle lanes	15	\$ 875,155	Y	-
149	Sweetbriar Rd: Troutdale Rd--E City Limit	Widen to neighborhood collector standards with 2 travel lanes, sidewalk and bicycle lanes.	10	\$ 2,740,748	Y	-
159	Sauvie Island Rd: Bridge--Reeder Rd	Widen road to rural collector standards with 2 travel lanes. Requires working on dike.	20	\$ 8,275,636	Y	-
726	Germantown Rd/Old Germantown Rd	Widen Germantown Rd to create left turn pocket and improve sight distance.	5	\$ 780,835	N	-
TBD	Troutdale Rd.: Stark St--Division Dr.	Reconstruct with 2 travel lanes; construct center turn lane/median, sidewalks, bicycle lanes between Stark and Strebin. Reconstruct Troutdale Rd/Division Dr. intersection including new fish culverts.	TBD	\$8,297,000	Y	10390
TBD	Construct new road north of I-84, Exit 16	Conduct design options alternatives (DOA) study for new connection between Sandy Blvd and Marine Dr. Construct new connector linking industrial sites with I-84.	TBD	\$13,000,000	N	10402
Collector Total				\$ 119,476,406		
<b>BRIDGE CATEGORY (NON-WILLAMETTE RIVER BRIDGES)</b>						
197	223rd Ave North RR Undercrossing	Reconstruct railroad bridge on 223rd Ave, 2000' north of I-84 to provide wider travel lanes, sidewalks and bicycle lanes.	30	\$ 11,534,500		10394
199	Historic Columbia River Hwy RR Overcrossing: Half mile east of 244th Avenue	Reconstruct railroad bridge to accommodate wider travel lanes, sidewalks and bike lanes.	20	\$ 9,314,500		10395
				\$ 20,849,000		
<b>SIGNAL/INTERSECTION CATEGORY</b>						
<b>Urban</b>						
744	Scholls Ferry Rd/Patton Rd	Improve safety and reduce delay at intersection. Improvements will include ADA curb ramps, signals with permissive/protective phasing	10	\$ 450,000		10384 / 10188
TBD	257th/Kane Dr.: Arterial Corridor Management (ACM) w/ Adaptive Signal Timing	Install upgraded traffic signal controllers, establish communications to the central traffic signal system, provide arterial detection and routinely update signal timings. Provide real-time and forecasted traveler information.	TBD	\$ 2,800,000	N	11299
TBD	238th/242nd Ave/Hogan Dr.: ACM with Adaptive Signal Timing	Includes the ACM project with signal systems that automatically adapt to current arterial that automatically adapt to current arterial roadway conditions.	TBD	\$ 3,600,000	N	11300
TBD	Fairview Parkway: Arterial Corridor Management (ACM)	Install upgraded traffic signal controllers, establish communications to the central traffic signal system, provide arterial detection and routinely update signal timings. Provide real-time and forecasted traveler information on arterial roadways.	TBD	\$ 850,000	N	11297
<b>Rural</b>						
193	Cornelius Pass Rd/US 30	Widen pavement to allow for north bound left turn lane, right turn lane and bicycle lanes.	20	\$ 1,642,529	Y	
147	Corbett Hill Rd: Historic Col. River Hwy	Improve intersection alignment by making stops at right angle.	5	\$ 3,770,920	N	-
186	Division Dr/Troutdale Rd (Included in Collector project above)	Realign intersection, eliminating NE leg, producing a 4-way intersection. Replace 3 existing culverts identified as fish barriers.	5		N	10390
703	Orient Dr/Dodge Park Blvd	Widen Orient Dr to create eastbound left turn lane.	5	\$ 373,616	N	11097
704	302nd Ave/Lusted Rd	Realign Lusted Rd and Pipeline Rd to create perpendicular intersection @ 302nd, add left turn lane to each leg of intersection.	5	\$ 5,613,717	N	-
707	Oxbow Dr/Altman Rd	Widen Oxbow Dr to create westbound left turn lane to Altman Rd, realign intersection to a 5 perpendicular intersection.	5	\$ 790,693	N	-
706	Orient Dr/Bluff Rd	Widen Orient Dr to create eastbound left turn lane to Bluff Rd, realign Bluff and Teton to create perpendicular intersection.	5	\$ 685,247	N	-
Signal/Intersection Total				\$ 20,576,722		
<b>STREET DESIGN CONCEPT TOTAL</b>						
207	257th Ave Utility Undergrounding	Underground Utilities	25	\$ 1,030,996	N	-
208	257th Ave Street Trees	Street Trees	20	\$ 919,552	N	-
Street Design Concept Total				\$ 1,950,548		
<b>ALL ROADWAY CATEGORIES TOTAL</b>				\$ 350,404,696		

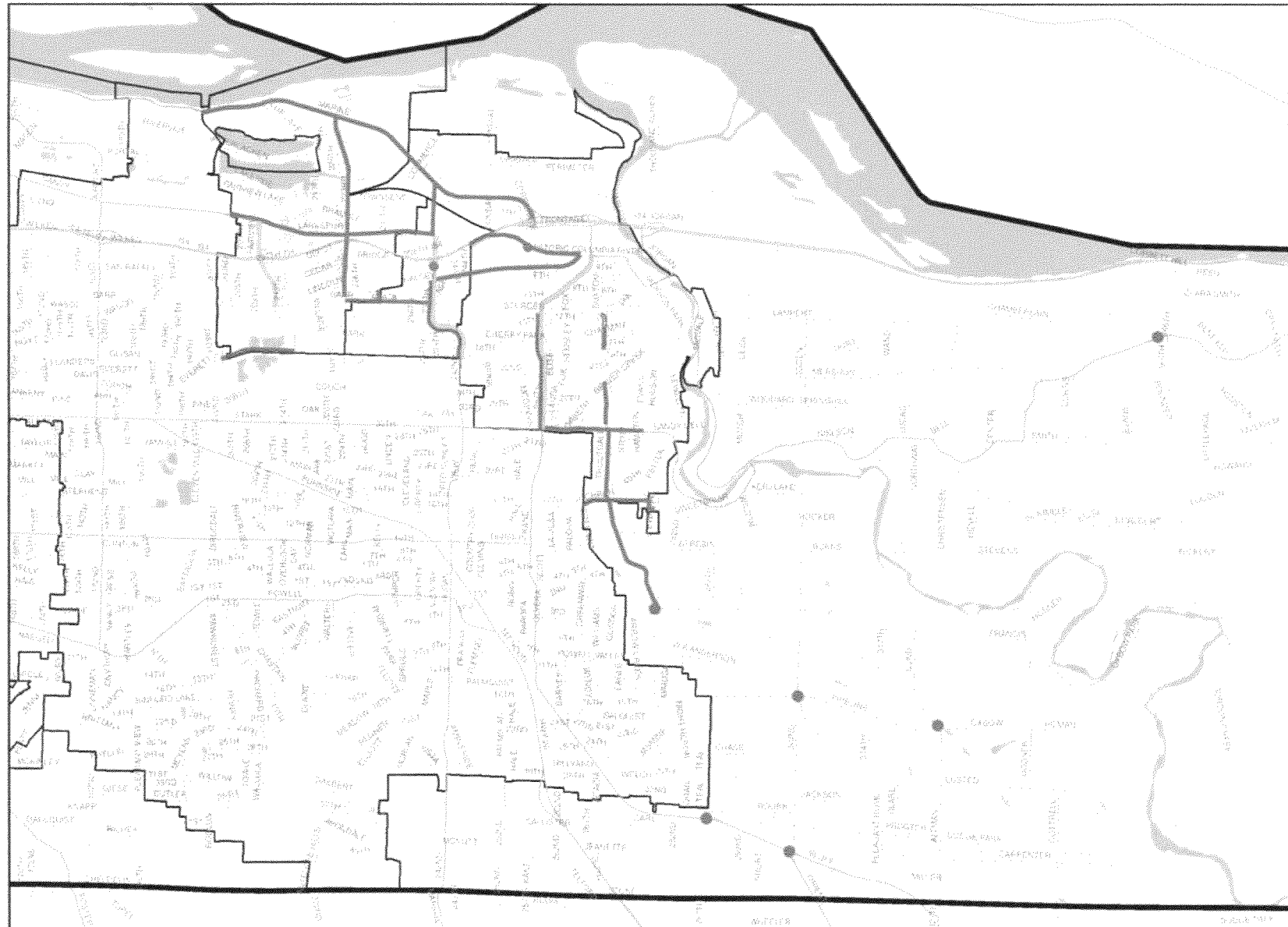


Multnomah County Capital Improvement Plan & Program 2010-14  
 Roadway Projects  
 West Multnomah County  
 Public Review Draft

— Road Projects  
 ● Signal/Intersection Projects

— County Boundary  
 — City Boundary





Multnomah County Capital Improvement Plan & Program 2010-14  
 Roadway Projects  
 East Multnomah County  
 Public Review Draft

— Road Projects      ● Signal/Intersection Projects      — County Boundary  
 - - - Adaptive Signal Timing      ● Bridge Projects      - - - City Boundary



## **Multnomah County Bikeway and Pedestrian Program FY 2010-2014 Capital Improvement Plan**

The Multnomah County Land Use and Transportation Program has undertaken a long-term program to develop a balanced transportation system which includes sidewalks and bike lanes on urban arterials and collectors and shoulder bike and pedestrianways on rural roads. Policies for bicycle and pedestrian facilities are established in the Multnomah County Comprehensive Framework Plan. The Land Use and Transportation Program spends more than the one percent minimum of its State Highway revenue on bikeway or pedestrian projects. These expenditures comply with ORS 366.514, which mandates expenditures of a minimum of one percent of State Highway revenues on bicycle and pedestrian facilities.

If a roadway project includes a planned bikeway or sidewalk, then the bike and pedestrian facilities are constructed as part of the roadway project. Bicycle and pedestrian priorities that will not be constructed by a roadway project or other program in the near future are programmed through the Bikeway and Pedestrianway capital plans. Bikeway and pedestrianway capital projects require new construction at substantial cost. Examples are sidewalks, separated bike paths in the road right-of-way, bicyclist activated traffic signals, major shoulder construction, and bridge modifications. Bikeways or pedestrianways that can be created by striping roads and signage (such as designating bicycle lanes or routes) are funded through the maintenance budget.

In selecting Bicycle and Pedestrian system projects, the County uses a careful process of addressing critical needs and maximizing funding opportunities. Candidate projects are evaluated by category, bicycle or pedestrian, using objective criteria. Information used in evaluating a project addresses the following:

- Safety
- Completing gaps or compliments other system projects
- Cost effectiveness
- Proximity to school and other public destinations
- Lack of road project to address the need

Each potential project is evaluated and scored using the ranking criteria shown in the following Table 4. Using this scoring tool, priorities are established for bicycle system and pedestrian system investments, in Tables 5 and 6.

**Table 4**  
**Criteria for Bicycle and Pedestrian Project Evaluation**

Criteria	Criteria Explanation	Point Range
Cost Effectiveness	What is the cost/benefit of proposed project? Projects that provide the most new infrastructure for lower investment will receive the highest scores.	High – 15 Med – 8 Low – 0
Project Utility	Project serves a need/be well used once it is complete. Projects located in high or potentially high pedestrian/bicycle traffic areas will receive top scores.	High – 20 Med – 12 Low – 4
Closes Gap in System	Project completes a gap in the system; compliments adjacent facilities; significantly improves an existing facility that is well-used. Projects that significantly help to complete a pedestrian or bicycle corridor will receive top scores.	<i>Completes gap:</i> High – 15, Med – 8, Low – 0 <i>Compliments other facilities:</i> 0 – 5 <i>Improves existing facilities:</i> 0 – 5
Compliment Recent or Future Project	Project compliments or enhances a recently completed or near-term future project. Projects located in close proximity to other recent or planned bicycle or pedestrian enhancements will receive top scores.	High – 10 Med – 5 Low – 0
Proximity to Schools	School is adjacent to the project area. Project must be directly adjacent to a school to receive the points.	Yes – 5 No – 0
Safety Improvement	Project solves a safety problem once complete. Is there a history of accidents along the project site? Projects that will mitigate a hazard in locations with safety concerns will receive top scores.	<i>Accident history:</i> High – 15, Med – 8, Low – 0 <i>Solves problem:</i> High – 10, Med – 5, Low – 0
No Other Project	Will another project address all or some of the problem? Projects will receive all 5 points if no other projects planned for the area will address bicycle or pedestrian concerns.	Yes – 5 No – 0
Feasibility	Factors exist within or outside the scope of the project that make it impractical. Projects receive negative points if concerns about right-of-way, topography, construction timing, or public acceptance make them impractical.	<i>ROW/Topography issues:</i> -3 – 0 <i>Construction timing issues:</i> -3 – 0 <i>Public acceptance concerns:</i> -4 – 0
Bonus	Bonus points will be awarded for proximity to parks (0, 2), trails (0, 2), centers (0, 2), alternate sources of money (0, 2) and community support (0, 2).	0 - 10
Total points possible		105

**TABLE 5: Bicycle CIP Project Ranking Report**

Project Number	Project Name	Description	Score	2010-2014 CIPP Project Cost	Included in Roadway Project?
290	Stark St: SE 257th to Troutdale Rd	Bike Lanes	79	\$710,127	Y
287	Skyline Blvd: Cornell Rd — Greenleaf	Shared Bikeway	78	\$792,224	N
225	N.E. 223 <sup>rd</sup> Avenue: Bridge St to Halsey St	Bike Lanes	78	\$632,211	Y
257	N.E. Glisan St: 203 <sup>rd</sup> Ave - west of Fairview Parkway	Bike Lanes	77	\$483,958	Y
285	Skyline Blvd: McNamee —Cornelius Pass	Shoulder Bikeway	73	\$2,629,164	N
224	N.E. 223 <sup>rd</sup> Ave.: Blue Lake —Sandy Blvd	Shoulder Bikeway	72	\$912,497	Y
288	Springville Rd: Skyline Blvd—County Line	Shoulder Bikeway	71	\$4,258,950	N
286	Skyline Blvd: Cornelius Pass – Rocky Point	Shoulder Bikeway	70	\$15,153,851	N
262	Hewitt Blvd: Humphrey - 5200' W of Patton	Shared Bikeway	69	\$324,863	N
242	Cornelius Pass Rd.: (old) St. Helens Rd—MP 2	Shoulder Bikeway	64	\$3,684,602	Y
227	N.E. 223 <sup>rd</sup> Ave: Marine Dr – 1086' N of Marine Dr	Bike Lanes	60	\$386,182	Y
226	N.E. 223 <sup>rd</sup> Ave: Marine Dr - Blue Lake Rd	Bike Lanes	60	\$434,995	Y
246	S.E. Division Dr: Troutdale – Oxbow Parkway	Bike Lanes	58	\$3,371,407	N
247	S.E. Division Dr: UGB – Troutdale Rd	Bike Lanes	58	\$945,518	N
295	Troutdale Rd: Stark St – Strebin Rd	Bike Lanes	57	\$2,001,749	Y
294	Troutdale Rd: Chapman – Stark St	Bike Lanes	57	\$1,220,139	Partially
284	S.W. Shattuck Rd: Patton Rd—Windsor Ct	Shared Bikeway	55	\$245,423	N
269	Larch Mt Rd: HCRH—End of Road	Shoulder Bikeway	55	\$26,341,706	N
281	Sauvie Island: Reeder - Ferry Rd	Shoulder Bikeway	55	\$535,851	Y
283	Scholls Ferry Rd: Humphrey - Co. Line	Per SFR Concept Design Plan	53	\$15,500,000	N
274	Orient Dr: Welch Rd – Dodge Park Blvd	Shoulder Bikeway	53	\$1,523,441	N
236	Blue Lake Rd: 223 <sup>rd</sup> Ave—Interlachen Lane	Bike Lanes	52	\$455,781	N
279	Patton Rd: Scholls Ferry - 708' east of SW 48 <sup>th</sup> Ave	Shared Bikeway	52	\$818,730	N
282	Sauvie Island Rd: Gillihan Rd – Reeder Rd	Bike Path	51	\$2,114,214	N
233	302 <sup>nd</sup> Ave: Division - Bluff	Shoulder Bikeway	50	\$3,878,852	N
266	Hurlburt Rd: HCRH – Littlepage Rd	Shoulder Bikeway	48	\$4,344,240	N
277	Oxbow Dr: Hosner Terrace –Oxbow Park Rd SE	Shoulder Bikeway	46	\$1,259,838	N
243	Cornell Rd: City limits – NW 53 <sup>rd</sup> Dr	Shoulder Bikeway	46	\$1,605,682	N
241	Buxton Rd: HCRH –Cherry Park Rd	Bike Lanes	45	\$53,530	N
296	Troutdale Rd: Strebin Rd - 282 Ave	Bike Lanes	45	\$3,292,979	N
253	Evan Rd: Hurlburt Rd - HCRH	Shoulder Bikeway	45	\$4,463,908	N
278	Oxbow Park Rd: Oxbow Dr - Road End	Shoulder Bikeway	44	\$1,834,695	N

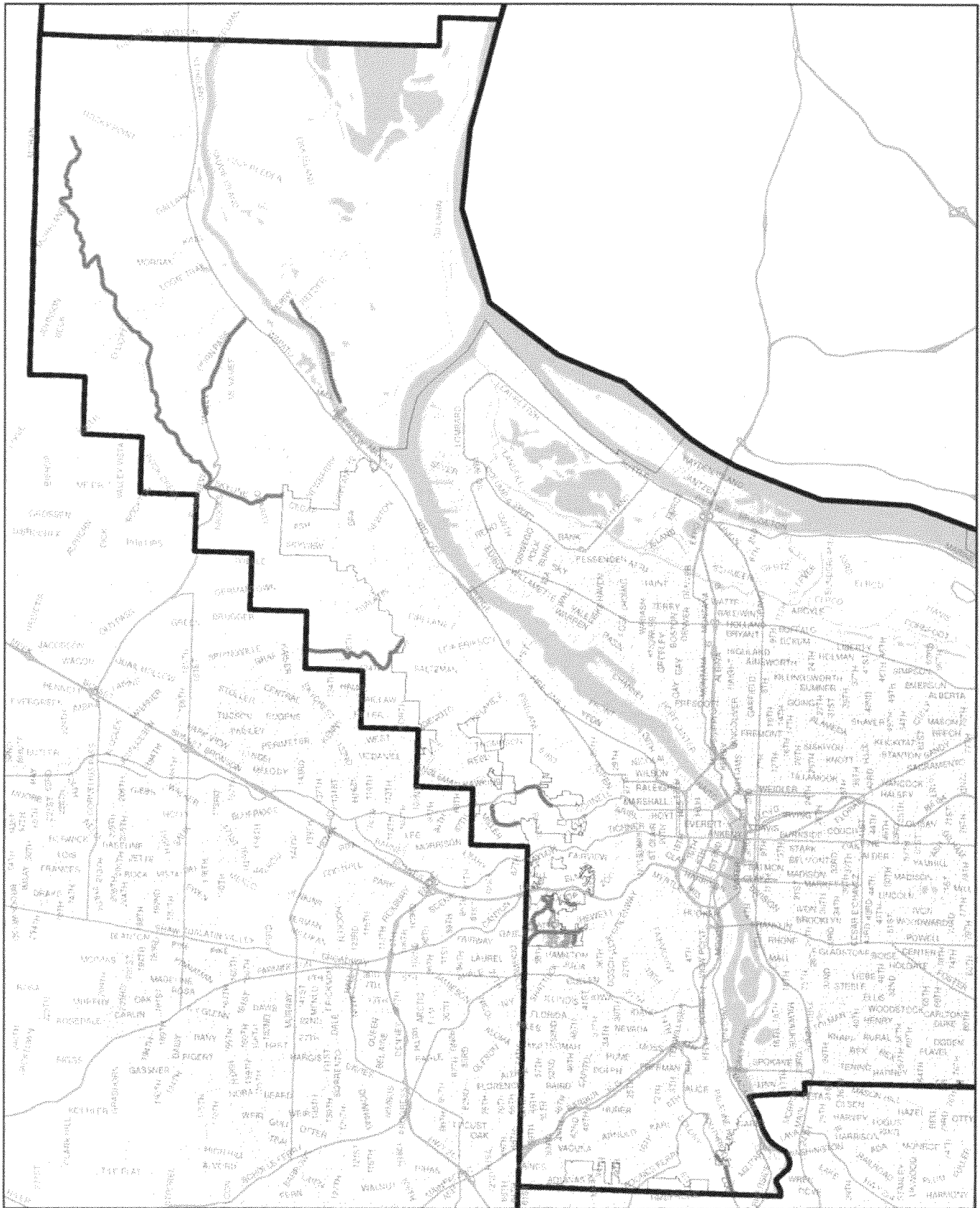
Project Number	Project Name	Description	Score	2010-2014 CIPP Project Cost	Included in Roadway Project?
712	Dodge Park Blvd: 302 <sup>nd</sup> - County Line	Shoulder Bikeway	44	\$7,592,686	N
268	Knieriem Rd: Littlepage Rd – HCRH	Shoulder Bikeway	43	\$3,122,720	N
276	Oxbow Dr: Division Dr - Hosner Rd	Shoulder Bikeway	43	\$5,393,681	N
292	Terwilliger Blvd: Northgate Rd –County line		43	\$1,412,358	N
291	Terwilliger Blvd: Powers Ct—Coronado St	Shoulder Bikeway	37	\$356,904	N
245	Cornell Rd: County line—COP jurisdiction line	Shoulder Bikeway	36	\$75,758	N
297	Woodard Rd: HCRH – Ogden Rd	Shoulder Bikeway	36	\$2,338,065	N
271	Mershon Rd: Ogden – HCRH	Shoulder Bikeway	35	\$4,009,646	N
272	Ogden Rd: Mershon – Woodard	Shoulder Bikeway	35	\$463,789	N
265	Humphrey Blvd: Patton – Hewitt	Shared Bikeway	31	\$218,206	N
<b>Total:</b>				<b>\$131,195,120</b>	

**TABLE 6: Pedestrian CIP Ranking Report**

Project Number	Project Name	Sidewalk Width (feet)	Score	2010-2014 CIPP Project Cost	Included in Roadway Capital Project
359	Stark St: 257 <sup>th</sup> Ave—Troutdale; northside	7	82	\$660,006	Y
354	Riverwood Rd: Riverside Dr—Military Rd	5	74	\$261,369	N
310	223 <sup>rd</sup> Ave: Sandy Blvd – Marine Dr	6	72	\$1,132,179	Y
366	Troutdale Rd: Beaver Creek Ln –Chapman Ave	7	68	\$44,484	N
346	Historic Columbia Highway: 244 <sup>th</sup> Ave –Halsey St	6	65	\$902,598	Y
367	Troutdale Rd: SE 40 <sup>th</sup> St-Sweetbriar Road	7	64	\$320,608	Y
325	64 <sup>th</sup> Pl: Bucharest Ct – Dead End	5	47	\$129,729	N
326	Arata Road: 223 <sup>rd</sup> Ave—238 <sup>th</sup> Ave	6	46	\$1,188,512	Y
205	257th Ave: Pedestrian Crossings (Columbia Vista, 26th St.)		45	\$100,000	N
204	257th Ave: Pedestrian Lighting		45	\$208,280	N
327	Bucharest Ct: Dead End – County Line	5	45	\$122,573	N
340	Glisan St: 204th Ave – 223rd; north side	7	43	\$522,691	Partially
314	48 <sup>th</sup> Pl: Windsor Ct—Downsview Ct	5	41	\$288,408	N
203	257th Ave: Sidewalk Improvements	9	40	\$1,307,685	N
320	55 <sup>th</sup> Dr: County Limit – Patton Rd	5	40	\$493,898	N
338	Fairview Blvd: Knights Blvd – Kingston Ave	5	38	\$52,916	N
735	Stark St: Evans St to 35 <sup>th</sup> Street	6	36	\$305,649	Y
356	Scholls Ferry Ct: Scholls Ferry Road – Dead End	5	36	\$261,165	N
362	Sweetbriar Ct: 64 <sup>th</sup> Pl –Scholls Ferry Rd	5	36	\$138,776	N
369	Windsor Ct: SW 52 <sup>nd</sup> Pl –Shattuck Rd	5	35	\$392,955	N
364	Thomas St: SW 52 <sup>nd</sup> Pl – SW 54 <sup>th</sup> Pl	5	35	\$254,159	N
337	Downsview Ct: 57 <sup>th</sup> Ave –55 <sup>th</sup> Dr	5	35	\$216,306	N
368	Westdale Dr: 57 <sup>th</sup> Ave –Dead End	5	35	\$255,873	N
317	54 <sup>th</sup> Pl: Thomas St – Dead End	5	34	\$106,350	N
316	52 <sup>nd</sup> Pl: Thomas St – Downsview Ct	5	33	\$483,083	N
318	55 <sup>th</sup> Ave: Patton Rd – 55 <sup>th</sup> Dr	5	33	\$194,675	N
319	55 <sup>th</sup> Dr: 55 <sup>th</sup> Ave – Dead end	5	33	\$511,924	N
321	57 <sup>th</sup> Ave: County Limits—Windsor Ct	5	32	\$151,414	N
322	57 <sup>th</sup> Ave: Westdale Dr—Patton Rd	5	32	\$189,268	N
361	Sundial Rd: Marine Drive – Graham Cl	7	32	\$517,877	Y
336	Downview Ct.: 52 <sup>nd</sup> Pl—48 <sup>th</sup> Pl	5	32	\$223,516	N



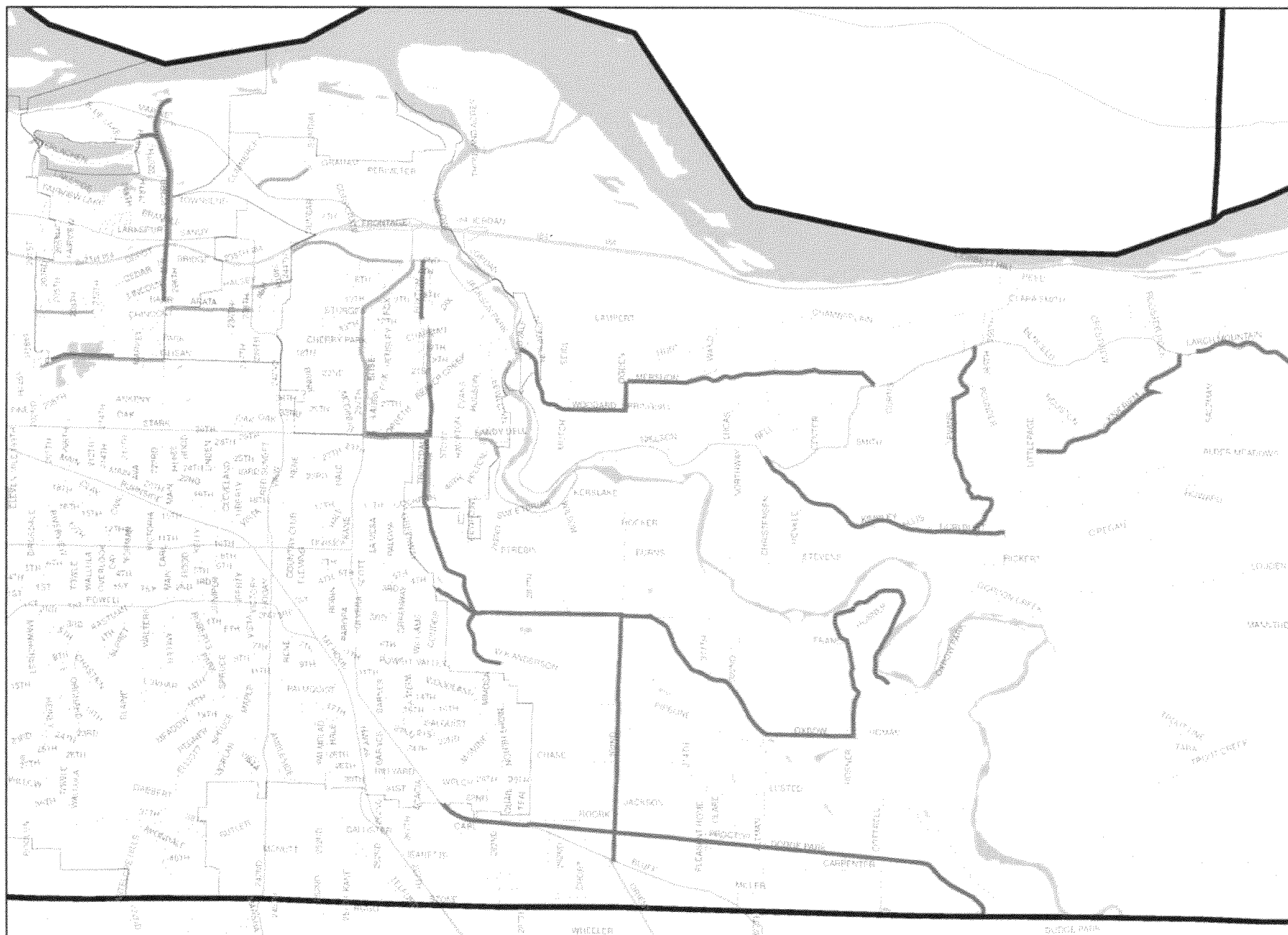
Project Number	Project Name	Sidewalk Width (feet)	Score	2010-2014 CIPP Project Cost	Included in Roadway Capital Project
343	Grover Ct: Dead End –55 <sup>th</sup> Dr	5	32	\$93,732	N
371	Woods Ct: 55 <sup>th</sup> Dr – Dead End	5	31	\$156,822	N
315	50 <sup>th</sup> Ave: Windsor Ct—Downsview Ct	5	31	\$483,083	N
370	Windsor Ct: 54 <sup>th</sup> Pl—Dead End	5	31	\$248,752	N
	Halsey St: 201st - 207th	6	NA	\$50,000	N
<b>Total:</b>				<b>\$12,971,315.00</b>	



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— Bikeway Projects — County Boundary  
 - - - Pedestrianway Projects - - - City Boundary





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 East Multnomah County  
 Public Review Draft

— Bikeway Projects

--- Pedestrianway Projects

— County Boundary

--- City Boundary



## **Multnomah County Fish Passage Culvert Program FY 2010-2014 Capital Improvement Plan**

The Endangered Species Act requires all responsible parties to correct problems that hinder listed fish species from traveling freely within their natural habitat. Multnomah County, with the Oregon Department of Fish and Wildlife (ODF&W), has identified 48 of the county's 1400 culverts that need improvement for fish passage. Characteristics of typical culvert failure for fish passage include outfall heights that are too high for the fish to jump, flat concrete box culvert bottoms that make the flows too shallow, or water flows that are too fast.

### **The County's Stream Passage Design**

The County wants to forward solutions that minimize restrictions on streams by designing stream passage concepts. Current fish passage engineering calculations determine what the proper size, shape, baffles, and gradient of a culvert need to be to pass fish according to seasonal hydrology. Innovative stream passage designs do not restrict the stream and its natural hydrology; rather, it accommodates the natural course of the waterway. The bottomless structure is usually 2 to 4 times wider than the normal local stream width. Design materials include prefabricated concrete or arched corrugated steel which bridge the stream. With the larger and higher openings, natural light can enter, making it more suitable for fish navigation. The larger openings accommodate stream banks allowing passage for wildlife and an enhancement for natural riparian development. If the stream changes its course in the future and takes a meandering path, the new wide berth structure will sustain it. By duplicating these solutions within the County's culvert improvement program, savings will be generated in design and construction cost. Implementing long-life stream passage structures will diminish maintenance costs. The reduction of normal culvert maintenance activities and in-stream work will aid fish habitat.

### **Watershed Basins and Funding Needs**

The County will need to partner with other public agencies and private entities to address the liability identified by the culvert inventory. Potential community and financial partners include the Governor's Fish Recovery Plan working with the Oregon Watershed Enhancement Board, ODF&W, other Oregon State agencies, Congressional Representatives, National Oceanic and Atmospheric Administration, Army Corps of Engineers, Metro, private groups, and local watershed councils.

Fish culvert improvements need to be addressed in the context of their respective watershed basins. The fish passage culverts under Multnomah County's jurisdiction are located in the following seven (7) sub-basins:

- Tualatin Watershed - a sub-basin of the Willamette River
- Tributaries of the Willamette River - a sub-basin of the Columbia River
- Johnson Creek Watershed - a sub-basin of the Willamette River
- Fairview Creek Watershed - a sub-basin of the Columbia Slough
- Beaver Creek Watershed - a sub-basin of the Sandy River
- Sandy River Watershed (excluding the Beaver Creek Watershed) - a sub-basin of the Columbia River

- Tributaries of the Columbia River

*Criteria:* The County developed a system to score projects for the 48 County culverts identified as needing improvement for fish passage. The scoring system considers five factors:

- Environmental Evaluation (see next paragraph)
- Fish Species Recovery
- Construction Cost
- Maintenance Schedule
- Overall Project Impact

Each potential culvert project is evaluated and scored using ranking criteria for each of the five factors, as shown in Table 7. The Final Score is determined by multiplying the Environmental Evaluation score by the Fish Species Recovery, Construction Cost, Maintenance Schedule, and Overall Project Impact factors, as shown in Table 8. Using this scoring tool, priorities are established for fish passage improvements.

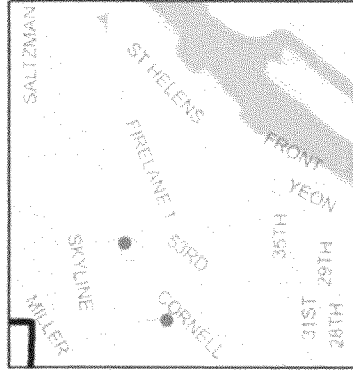
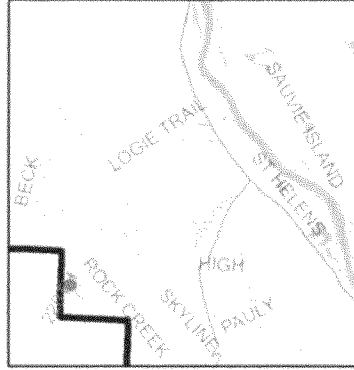
**Table 7**  
**Criteria for Culvert Replacement**

Criteria	Criteria Explanation	Point Range
Environmental Evaluation	Assesses: Stream's riparian vegetation Stream shade cover Quality of buffer zone Known fish species present Streambed characteristics Quality of stream flow rates Stream temperature Bank erosion and slope stability	3 – 15 2 – 10 3 – 15 0 – 15 3 – 15 0 – 5 0 – 10 3 – 15
Fish Species Recovery (factor in %)	Length of upstream recovered (distance to next barrier) Acreage of upstream watershed recovered Downstream barriers	0 – 25% 0 – 25% 0 – 50%
Construction Cost (factor in %)	\$0 \$1 – 5,000 \$5,001 – 75,000 \$75,001 – 1,000,000 Over \$1,000,000 +	100% 95% 85% 66%
Maintenance Schedule (factor in %)	Culvert needs to be replaced within 3 years Culvert does not need to be replaced within 10 years	100% 75%
Overall Project Impact (factor in %)	High positive impact Medium positive impact Low overall impact	100% 75% 50%

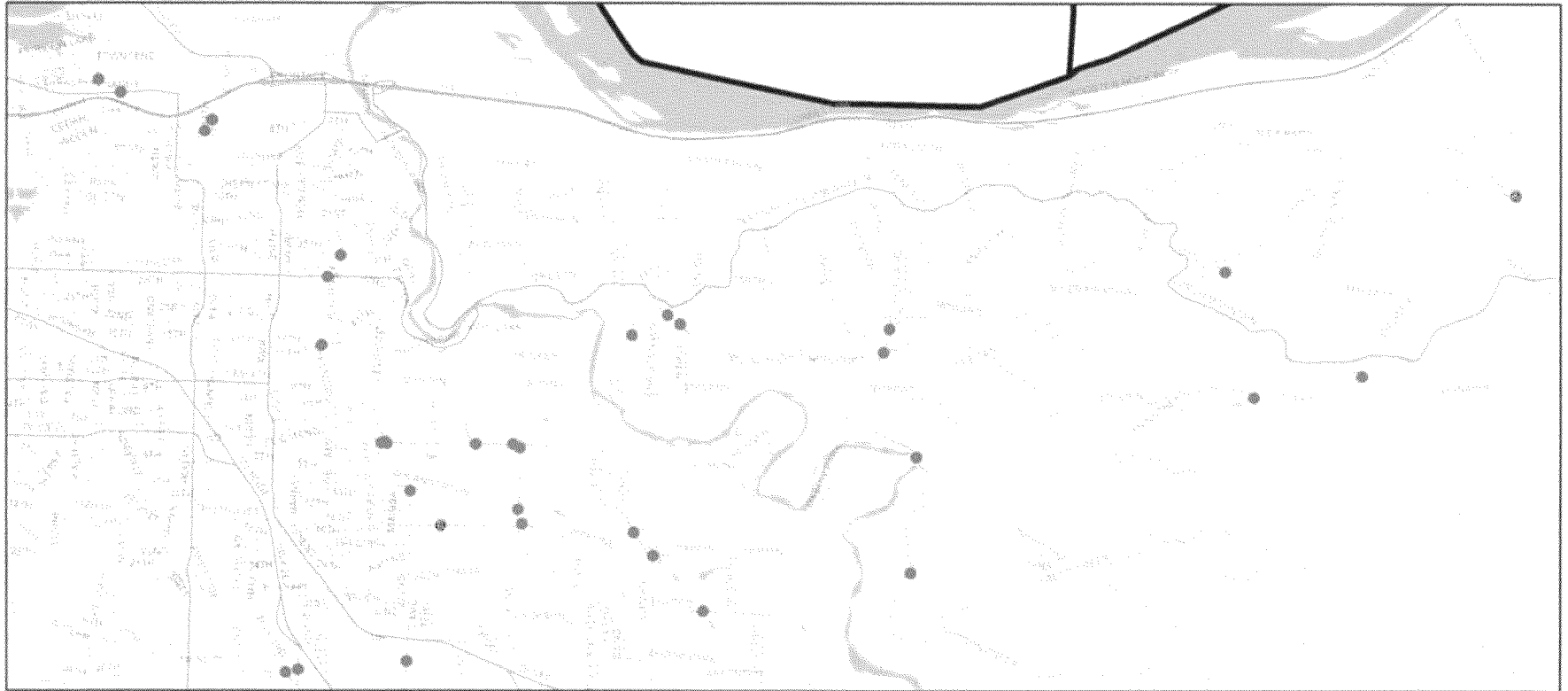
TABLE 8: Fish Passage Culvert Project Ranking Report					
Culvert Number	Basin / Creek	Stream MP	Road Name / Road Milepost	Project Cost	Total Score
404-01	SR Beaver	2.4	Stark St, SE - MP: 1.129	\$1,668,744	36
450-12	SR Beav.Trib	0.6	Division Dr, SE - MP: 0.881	\$502,016	32
450-17	SR Beaver	3.2	Division Dr, SE - MP: 2.109	\$154,038	31
466-02	SR Beav.Trib	1.4	Lusted Rd, SE - MP: 0.285	\$431,032	30
493-01	SR Beav.Trib	0.5	282nd Av, SE - MP: 0.031	\$987,013	28
450-15	SR Beaver	3.2	Division Dr, SE - MP: 1.763	\$233,624	27
506-10	SR Buck	4.0	Gordon Creek Rd, SE - MP: 1.271	\$2,952,394	25
493-05	JC N. Fork	0.8	282nd Av, SE - MP: 1.593	\$462,114	24
143-18	TR Rock	5.7	Rock Creek Rd, NW - MP: 2.473	\$38,509	21
447-07	JC N. Fork	0.1	Telford Rd, SE - MP: 0.682	\$354,287	21
445-01	JC N. Fork	2.0	262nd Av, SE - MP: 0.156	\$354,287	14
458-01	SR Beaver	3.3	Cochrane Rd, SE - MP: 0.044	\$1,283,649	13
411-09	SR Beaver	6.1	302nd Av, SE - MP: 2.066	\$96,274	13
489-12	SR Beaver	2.0	Troutdale Rd, SE - MP: 2.476	\$1,668,744	12
452-18	SR Beaver	0.0	Oxbow Dr, SE - MP: 1.228	\$96,274	11
452-22	SR Beaver	7.6	Oxbow Dr, SE - MP: 1.513	\$96,274	10
466-13	SR Beaver	8.3	Lusted Rd, SE - MP: 3.015	\$96,274	9
489-06	SR Beaver	4.6	Troutdale Rd, SE - MP: 0.615	\$2,224,565	8
450-13	SR Beaver	4.6	Division Dr, SE - MP: 0.94	\$1,155,285	6
<b>Anadromous ESA Listings: Highest Priority</b>				<b>\$ 14,855,397</b>	
323-02	FC Fairview	1.1	223rd Av, SE/NE - MP: 2.303	\$154,038	57
411-07	SR Beav.Trib	1.0	302nd Av, SE - MP: 1.492	\$154,038	54
503-08	SR Unknown	0.9	Littlepage Rd, SE - MP: 0.421	\$354,287	53
318-01	FC Fairview	2.1	Sandy Bl, NE - MP: 0.97	\$770,190	49
533-16	CR Young	1.6	Brower Rd, NE - MP: 2.838	\$354,287	49
505-11	SR Pounder	1.3	Pounder Rd, SE - MP: 0.018	\$354,287	48
291-02	WR Balch	1.0	Thompson Rd, NW - MP: 0.22	\$231,057	41
506-24	SR Trout	10.4	Gordon Creek Rd, SE - MP: 2.73	\$231,057	40
468-01	SR Beav.Trib	1.5	Pipeline Rd, SE - MP: 0.1	\$462,114	38
580-15	CR Latourell	2.6	Haines Rd, E - MP: 0.801	\$231,057	36
537-06	SR Smith	0.2	Christensen Rd, SE - MP: 0.745	\$354,287	32
275-04	WR Balch	0.2	Cornell Rd, NW - MP: 1.434	\$231,057	32
534-02	SR Buck	3.0	Deverell Rd, SE - MP: 1.879	\$354,287	27
410-02	CR Arata	0.5	Halsey St, NE - MP: 0.236	\$154,038	20
534-11	SR Buck	1.0	Deverell Rd, SE - MP: 0.248	\$354,287	17
535-01	SR Smith	0.3	Northway Rd, SE - MP: 0.262	\$354,287	16
520-03	SR Smith	1.9	Hurlburt Rd, SE - MP: 0.38	\$231,057	15
439-01	CR Arata	0.2	244th Av, NE - MP: 0.098	\$154,038	5
<b>Non-Anadromous ESA Listings</b>				<b>\$ 1,601,995</b>	
<b>Total Fish Passage Culvert Program Cost</b>				<b>\$20,339,147</b>	

Basin Legend: CR = Columbia River, FC = Fairview Creek, JC = Johnson Creek, SR = Sandy River,  
TR = Tualatin River, WR = Willamette River

NOTE: The construction costs were generated by adjusting the costs included 2005-2009 Capital Improvement Plan for inflation using a factor of 1.28.



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Fish Passage Culvert Projects  
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## **Willamette River Bridges Capital Improvement Plan**

This section of the plan addresses the capital needs of the six (6) Willamette River Bridges: Sellwood, Hawthorne, Morrison, Burnside, Broadway, and Sauvie Island. With the exception of the Sauvie Island Bridge, these bridges are located in the City of Portland and provide regional connections between the east and west sides of the metropolitan area.

**Willamette River Bridges:** Capital projects, which can include replacement, rehabilitation, and preservation for Willamette River bridges, are evaluated using a rating system that relies heavily on component evaluation criteria. The components consider:

- National-standard bridge sufficiency rating
- Corrosion rating
- Bridge historical significance
- Ability to leverage non-County funds
- Project type
- Time-lines

Each potential bridge construction project is evaluated and scored using the ranking system shown in Table 9, and bridge corrosion control projects are scored with the criteria shown in Tables 10 and 11. Using these scoring tools, priorities are established for bridge capital and preservation projects.

**Table 9**  
**Criteria for Bridge Construction**

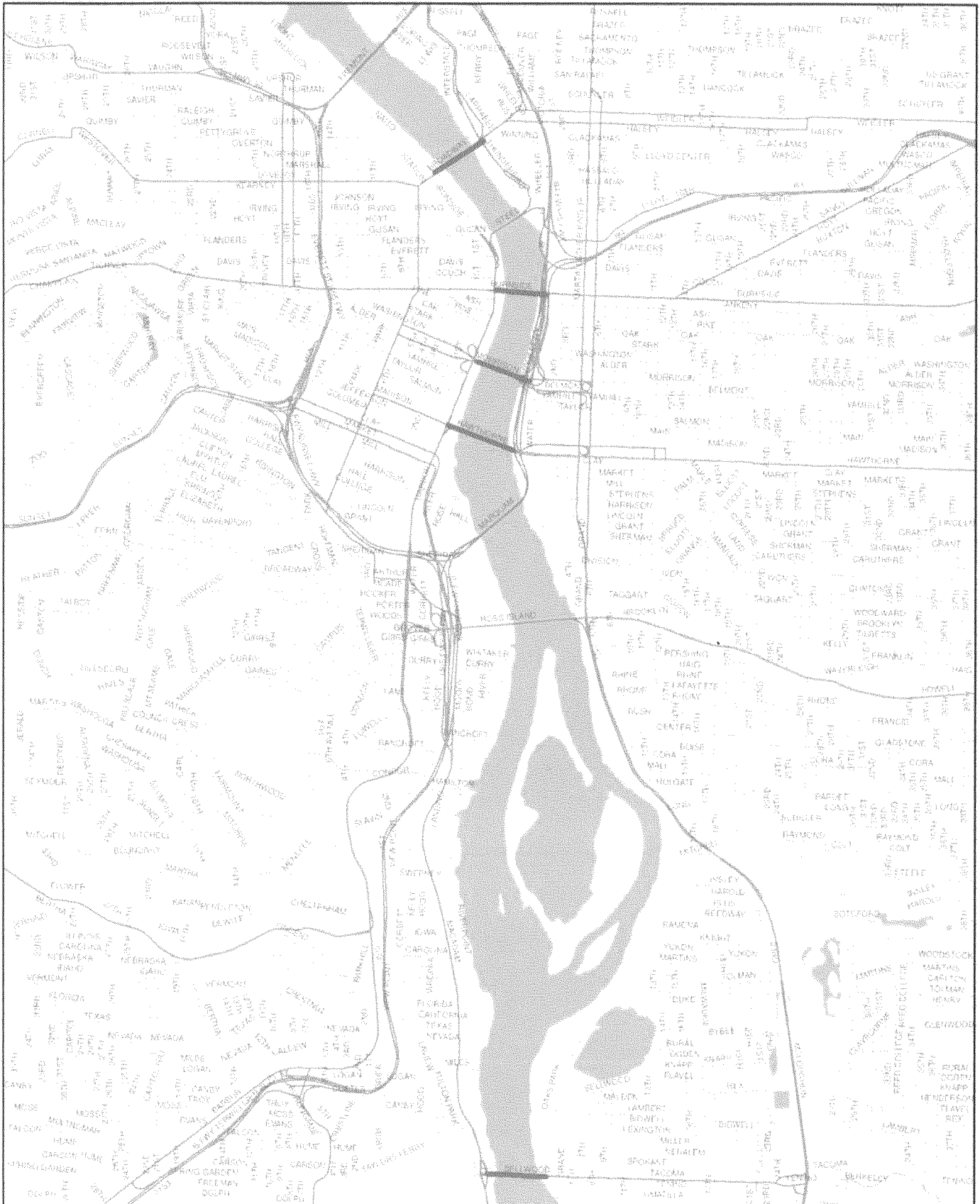
Criteria	Criteria Explanation	Point Range
Bridge Sufficiency Rating	ODOT Sufficiency Rating <sup>1</sup> 0 – 25 26 – 50 51 – 80 81 – 100	20 points 10 points 5 points 0 points
Bridge Historical Significance	Ranked on National and/or State Historic Register Not Ranked on National and/or State Historic Register	5 points 0 points
Non-County funding available	Secured Anticipated Not available	10 points 5 points 0 points
Bridge Component	Critical Item Structural Item Mechanical Item Electrical Item Deck Illumination Component Life Extension Traffic Control Pedestrian/Bicycle	60 points 40-50 points 40-50 points 40-50 points 40 points 40 points 35 points 20 points 20 points
Recommended Replacement/Repair Time-line	0 – 4 years 5 – 9 years 10 – 14 years 15 – 20 years	40 points 30 points 20 points 10 points
<b>Total Possible Points</b>		<b>105</b>

<sup>1</sup> Factors assessed include Structural Adequacy; Serviceability and Functional Obsolescence; Essential for Public Use; Special Reductions.

**Table 10**  
**Criteria for Bridge Corrosion Control**

Criteria	Criteria Explanation	Point Range
Corrosion Damage	Severe Moderate Light None	4 points 3 points 2 points 0 points
Area Rust Breakthrough	Heavy Moderate Scattered None	4 points 3 points 2 points 0 points
Quality of Paint	Loose Dead Moderate Live	3 points 2 points 1 points 0 points
Weather Exposure	Wet Moderate Dry	3 points 2 points 1 point
Visual (Public, Exposure)	High Low None	2 points 1 point 0 points
<b>Total Possible Points</b>		<b>16 points</b>

TABLE 11: Willamette River Bridges Project Ranking Report			
Bridge	Project Description	Score	Cost
Broadway	Replace Centerlocks	100	\$1,133,000
Broadway	Paint Above Deck Fixed Spans	100	\$9,000,000
Broadway	Replace Equalizers	90	\$1,618,000
Broadway	Rail Wheel Rehabilitation	65	\$5,825,000
Broadway	Emergency Drive System	60	\$1,942,000
Broadway	Seismic Ph.1 Upgrade	60	\$5,223,000
Broadway Approach Ramp	Deck and Joint Rehabilitation	90	\$2,236,000
Broadway Approach Ramp	Paint Steel Framing and Columns	90	\$7,931,000
Burnside	Paint Steel Deck Truss/Bascule - Entire Bridge	95	\$10,470,000
Burnside	Main Trunion Rehabilitation	70	\$6,473,000
Burnside	Emergency Drive System	65	\$1,942,000
Burnside	Seismic Ph.2 Upgrade	15	\$53,249,000
Hawthorne	Tower Trunion Rehabilitation	100	\$1,942,000
Hawthorne	Roadway Approach/Deck Overlay	85	\$5,777,000
Hawthorne	Paint Steel I-Beams	63	\$6,942,000
Hawthorne	Seismic Ph. 1 Upgrade	10	\$6,725,000
Morrison	Bike/Ped Facility	85	\$2,215,801
Morrison	Eastside Deck and Lift Span Grating Rehabilitation	85	\$12,816,000
Morrison	Ph. II Replace Centerlocks	85	\$1,812,000
Morrison	Gear Reducer Replacement	85	\$2,346,000
Morrison	Paint Steel Ideck Truss/Bascule	74	\$7,333,000
Morrison	Emergency Drive System	55	\$1,295,000
Morrison	Fender Replacement	55	\$1,489,000
Morrison	Seismic Ph. 1 Upgrade	5	\$10,735,000
Morrison St. Viaduct (WB)	Bearing Repair	80	\$2,913,000
Morrison St. Viaduct (WB)	Paint Steel I-Beams	54.5	\$10,154,000
Morrison Transition	Paint Steel I-Beams	78	\$14,159,000
Sellwood	Replace Structure	120	\$321,000,000
WR Bridges	Accessibility Improvements		\$2,427,000
WR Bridges	OR-OSHA Facility Compliance		\$3,770,000
WR Bridges	Inspections		\$3,236,000
<b>TOTAL</b>			<b>\$526,128,801</b>



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 Willamette River Bridge Projects  
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## **FY 2010-2014 Transportation Capital Improvement Program**

The Transportation Capital Improvement Program has been developed to implement the capital plan. Where the Capital Improvement Plan identifies and scores 20-year project needs for Multnomah County's transportation system, the Capital Improvement Program identifies anticipated revenue and schedules projects for construction for a 5-year period.

The County attempts to leverage external funds whenever possible. Partially-funded projects are those where some funds are available but are insufficient to complete the project. County staff has identified potential sources to leverage and has committed County transportation revenues for that purpose. In addition, funds are set aside to cover other expenses -- remedying safety concerns, repairs, ADA improvements, leveraging private development activities, etc.

Constantly changing community needs will alter County transportation program priorities over time before all projects can be constructed. The Transportation Capital Improvement Program is reviewed by the Program on an annual basis and fully revised with public input biennially. The current CIP is based on the best available revenue and cost information and, by clear and objective means, establishes a strategy for addressing the highest priority transportation needs.

The total capital need identified in the Transportation Capital Improvement Plan for over 160 candidate projects totals more than an estimated \$1.04 billion.

Those projects with the most critical need and no development constraints are programmed for priority development. Total cost of the projects in the 2010-14 Capital Improvement Program is approximately \$56.7 million, excluding the Sellwood Bridge Replacement. The County's transportation capital funding capacity for these projects is approximately \$38.5 million, based on projected revenues and secured external funds. Multnomah County will need to leverage approximately \$18 million from external funding sources to complete the Program, excluding the Sellwood Bridge Replacement. Potential sources of external funds include development-related improvements, inter-governmental agreements, regional funds, Federal authorizations and grants.

The Sellwood Bridge Replacement cost is programmed for \$330 million, with completion scheduled in 2016. The funding strategy for the Sellwood Project is based on Multnomah County's adopted vehicle registration fee (\$130 million), secured federal (approximately \$8 million) and state Jobs-Transportation Act (\$30 million) funds, anticipated contributions from the City of Portland (\$100 million) and Clackamas County (\$22 million), and a request from the federal Transportation Reauthorization Bill (\$40 million).

TABLE 12: FY 2010-2014 TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM

		FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
Capital Debt Service											
257th Avenue@Orient Drive			\$288,000		\$288,000		\$288,000		\$288,000		\$145,762
Sauvie Island Bridge Replacement			\$1,300,000		\$1,000,000						
223rd Ave Railroad Undercrossing			\$175,000		\$200,000		\$475,000		\$413,000		\$413,000
Sellwood Bridge Replacement							\$11,700,000		\$11,700,000		\$11,700,000
Capital Projects and Programs	Total Project Cost	County Funds	External Funds*	County Funds	External Funds*	County Funds	External Funds*	County Funds	External Funds*	County Funds	External Funds*
ROADS											
Anticipated Capital Revenue		\$ 315,000		\$ 600,000		\$ 600,000		\$ 600,000		\$ 600,000	
Developer Payment In Lieu Of Funds (PILO)				\$ 354,700		\$ 140,000					
Road Projects											
Category: Road											
223rd Ave Railroad Undercrossing at I-84	\$ 11,534,500		\$ 3,300,000								
Wood Village Blvd. Extension (PILO)	\$ 3,294,764			\$ 375,000		\$ 1,000,000		\$ 1,919,764			
Stark Street Reconstruction - 257th – Troutdale Rd (PILO)	\$ 12,340,800			\$ 204,700		\$ 100,000		\$ 25,000	\$ 4,000,000	\$ 75,000	\$ 7,936,100
Sandy Blvd. COG limits to 1800 ft e of 207th (PILO)	\$ 4,100,000					\$ 190,000		\$ 100,000	\$ 1,710,000	\$ 100,000	\$ 2,000,000
Category: ADA/Sidewalks Infill											
Annual Allotment	\$ 25,000										
NE Halsey St. 201st-207th	\$ 50,000	\$ 25,000		\$ 25,000							
SE Troutdale Rd. SE 17 <sup>th</sup> – SE 19 <sup>th</sup>	\$ 75,000					\$ 25,000		\$ 25,000		\$ 25,000	
Category: Preservation and Safety											
Cornelius Pass Road (ARRA)	\$ 1,744,655	\$ 40,000	\$ 304,655			\$ 100,000					\$ 1,300,000
238th Dr Safety Project (HEP)	\$ 346,000		\$ 20,000		\$ 326,000						
282nd Avenue Overlay Project (ARRA)	\$ 100,000		\$ 100,000								
Urban Overlay Project (ARRA)	\$ 580,000		\$ 580,000								
Safety and Repair Annual Allotment		\$ 50,000		\$ 50,000		\$ 50,000		\$ 50,000		\$ 50,000	
Overlay Program Annual Allotment								\$ 100,000		\$ 100,000	
Category: Contingency Reserve											
Annual Allotment		\$ 200,000		\$ 200,000		\$ 150,000		\$ 150,000		\$ 150,000	
Category : Fish Passage Culverts											
Beaver Creek Culverts (MTIP, USCOE)	\$ 7,000,000			\$ 100,000	\$ 1,000,000	\$ 125,000	\$ 2,000,000	\$ 150,000	\$ 1,500,000	\$ 100,000	\$ 2,025,000
Category: Bicycle and Pedestrian											
Carry-over Funds		\$ 657,563		\$ 370,000		\$ 370,000		\$ 370,000		\$ 370,000	
Anticipated Annual Revenue		\$ 60,000		\$ 60,000		\$ 60,000		\$ 60,000		\$ 60,000	
Bicycle and Pedestrian Projects											
Morrison Bridge Bike/Ped Facility (MTIP) (TE)	\$ 2,215,801	\$ 227,583	\$ 1,988,238								
Halsey/Stark Street Sidewalks Project (ARRA)	\$ 529,960	\$ 120,000	\$ 409,960								
NE Halsey south Sidewalk, Birch Ave to City Park (ARRA, CDBG)	\$ 154,000		\$ 154,000								
NE Glisan Street north sidewalk, 203rd - 207th	\$ 483,958			\$ 30,000	\$ 83,958	\$ 30,000		\$ 60,000		\$ 60,000	\$ 250,000
Local Match; Annual Contingency				\$ 30,000		\$ 30,000					
WILLAMETTE RIVER BRIDGES (WRB)											
Anticipated Capital Revenue		\$ 1,400,000		\$ 10,600,000		\$ 13,100,000		\$ 13,100,000		\$ 13,100,000	
Carry-over Funds		\$ 1,200,000		\$ 1,600,000				\$ 1,400,000		\$ 2,800,000	
WRB Projects											
Sauvie Island Bridge (contract completion)		\$ 1,000,000									
Sellwood Bridge (HBP) (FHWA) (ODOT) (CoPtd) (Clack. Co.)**	\$ 330,000,000		\$ 5,000,000	\$ 26,000,000	\$ 39,000,000	\$ 25,600,000	\$ 38,400,000	\$ 25,600,000	\$ 38,400,000	\$ 25,600,000	\$ 38,400,000
Morrison Bridge Main Span (HBP)	\$ 10,000,000			\$ 1,000,000	\$ 9,000,000						
Broadway Bridge - Replace Centerlocks (FTA)	\$ 1,133,000				\$ 1,133,000						
Broadway Bridge Painting (HBP)	\$ 9,000,000									\$ 900,000	\$ 8,100,000

**TABLE 12: FY 2010-2014 TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM**

		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<p>External Funding Programs:</p> <p>ARRA=American Recovery and Reinvestment Act</p> <p>CBDG=Community Development Block Grant</p> <p>FTA=Federal Transit Administration Portland Streetcar Project</p> <p>HBP=Highway Bridge Program</p> <p>HEP=Hazard Elimination Program</p> <p>MTIP=Metropolitan Transportation Improvement Program</p> <p>PILO=Developer Payment In Lieu Of Improvement</p> <p>TE=Transportation Enhancement</p> <p>STIP=State Transportation Improvement Program</p> <p>USCOE=US Army Corps of Engineers</p> <p><b>Notes:</b> * indicates external funding is not fully secured and is contingent on grants, authorizations, development agreements, intergovernmental agreements and/or other external actions.</p> <p><b>BOLD</b> indicates external funding is secured.</p> <p><b>**</b> \$30M secured from JTA Earmark for Sellwood Bridge Replacement. Project completion is expected in 2016.</p>						





# Multnomah County Fiscal Years 2010-2014 Transportation Capital Improvement Plan and Program

Multnomah County Land Use  
and Transportation Program  
April 8, 2010



# CIPP Process

- System needs identified by citizens, partner cities, Bike/Ped CAC, County engineering staff, modal and transportation system plans.
- Priorities based on project merits, available County revenues and ability to leverage external funds.
- CIPP is based on comments received through the 60-day public comment period.




# 2010-14 Capital Improvement Plan and Program

- Two Part document:
  - Plan inventories 20-year transportation needs and sets priorities.
  - Program matches anticipated revenues with project expenditures for a 5-year period.
- Updated every 2 years.



## **Capital Improvement Plan** **20-Year timeframe**

- identifies and establishes priorities projects for road, bicycle, pedestrian, bridge and preservation capital improvements necessary to *sustain and enhance* the County's transportation system necessary to support its land uses and economy.



# How Projects are Identified

- Public Input – meetings, website
- Bicycle-Pedestrian Citizen Advisory Committee
- EMCTC
- Regional Transportation Planning
- CCRD
- Transportation System Plans
- Master Plans
- Conceptual Design Plans



# Project Evaluation Criteria

- Safety
- Preservation
- Supports priority Land Uses:
  - ☐ Industrial and Employment Areas,
  - ☐ Community Centers, Schools and Parks
- Completes a Corridor, closes gaps
- Secured external funds



# Top Road Priorities - Urban

## ■ Arterials:

- ☐ Stark Street: 257<sup>th</sup> Avenue to Troutdale Rd.
- ☐ Sandy Blvd.: G/F city limits to 238<sup>th</sup> Avenue
- ☐ Halsey Street: 238<sup>th</sup> Drive to HCRH
- ☐ Glisan Street: 202<sup>nd</sup> Avenue to 207<sup>th</sup> Avenue

## ■ Collectors:

- ☐ 223<sup>rd</sup> Avenue: Halsey Street to Sandy Blvd.
- ☐ Arata Road: 223<sup>rd</sup> Avenue to 238<sup>th</sup> Drive
- ☐ 223<sup>rd</sup> Avenue: Sandy Blvd. to Marine Drive
- ☐ 223<sup>rd</sup> Northern Railroad Undercrossing



# Top Road Priorities - Urban

## ■ Bicycle/Pedestrian Facilities

- ☐ Stark Street: 257<sup>th</sup> Avenue to Troutdale Road
- ☐ 223<sup>rd</sup> Avenue: Bridge Street to Halsey Street
- ☐ Glisan Street: 203<sup>rd</sup> Avenue to 207<sup>th</sup> Avenue
- ☐ 223<sup>rd</sup> Avenue: Blue Lake Park to Sandy Blvd.





# Other Road Priorities

- Fish Passage Culverts

- Beaver Creek – Stark Street, Troutdale Road

- Rural Road Priority

- Cornelius Pass Road

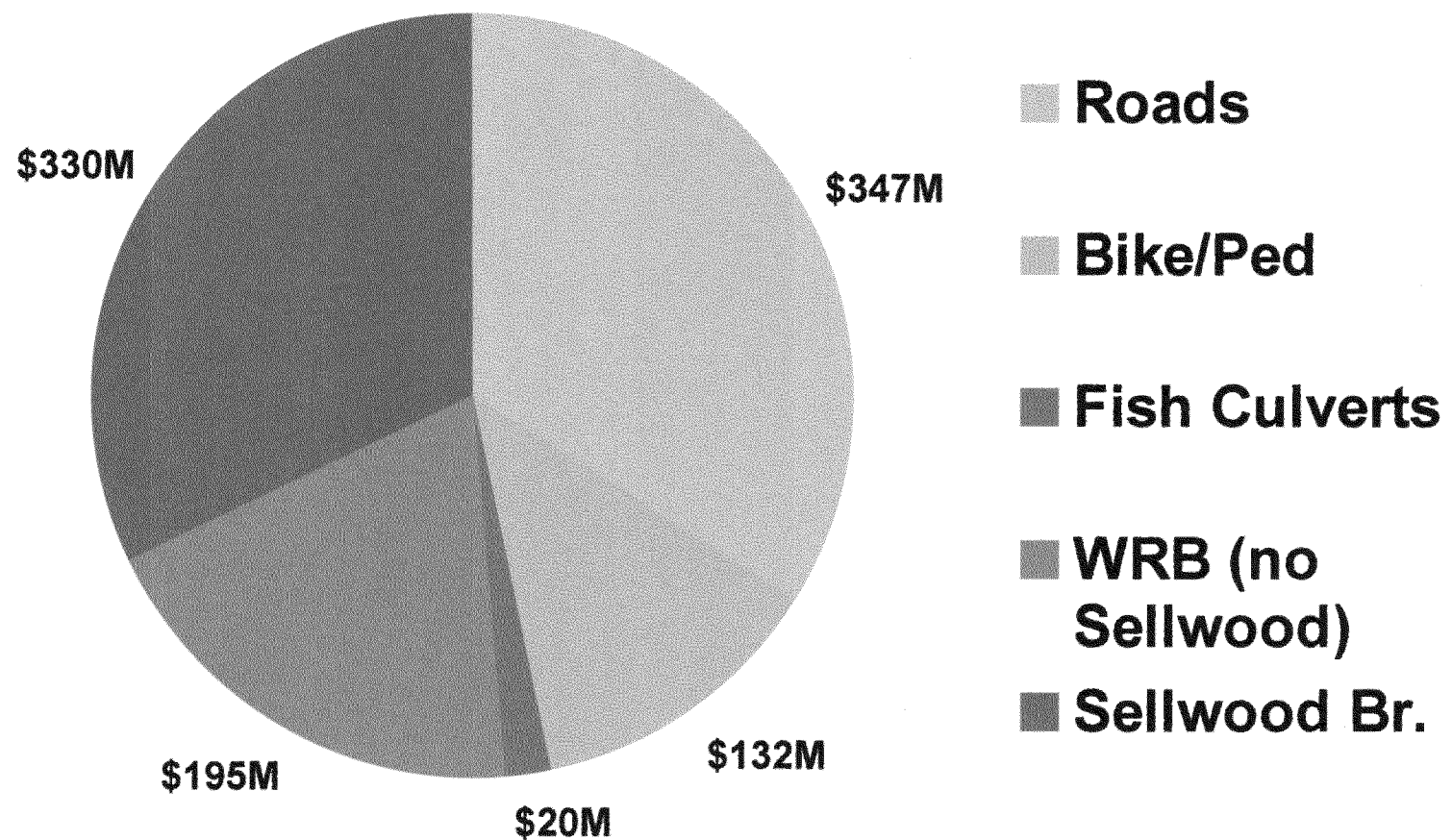


# Willamette River Bridge Priorities

- Sellwood Replacement
- Broadway– Centerlocks Replacement
- Broadway– Preservation Painting
- Hawthorne – Tower Trunnion Replacement
- Morrison – Main Deck

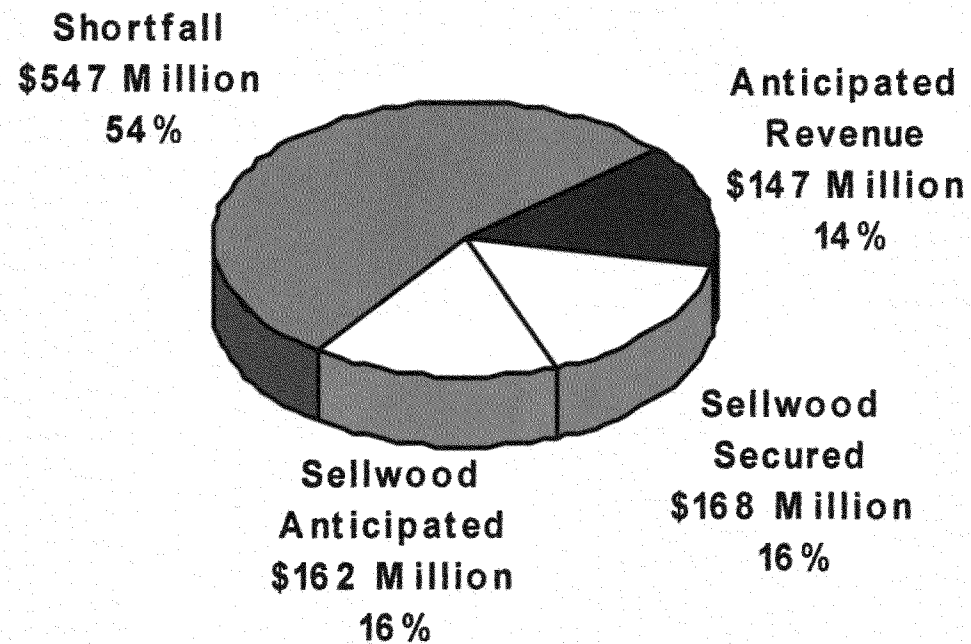
# Capital Improvement Plan

Total: \$1.04B



## 20 Year CIP Plan Funding Gap

Total Need is \$1.040 Billion





## **Capital Improvement Program 5 Year Revenue/Expenditure**

- Implements the Plan by assigning anticipated revenue to high scoring projects.



## **2005-2009 Capital Improvement Program**

### **Projects Completed:**

- 223rd & Sandy Blvd Signal and Intersection \$1.5M
- 282nd & Stone Rd. Safety and Culvert \$1.7M
- Stark Street Viaduct \$603k
- Corbett Hill Viaduct \$1.5M
- Annual Pavement Overlay Program \$1.1M
- Burnside Bridge \$11.1M
- Sellwood Bridge Strengthening \$310k



## **Capital Projects**

### **Accomplished with ARRA Funds**

- Cornelius Pass Safety Enhancements \$345k
- East County Sidewalks \$684k
- Pavement Preservation (Overlay) \$680k



## **FY 2010-14 Capital Improvement Program**

- 5-year Revenue Projections matched with Priority Project identified in the Plan






## **FY 2010-14 Roads 5-Year Capital Program**

### **■ Debt Service**

- |  |         |
|--|---------|
| <input type="checkbox"/> 257 <sup>th</sup> Ave. @ Orient Dr. | \$1.3M  |
| <input type="checkbox"/> 223 <sup>rd</sup> RR Undercrossing  | \$1.68M |

### **■ Road Projects:                      Total Project Cost**

- |  |         |
|--|---------|
| <input type="checkbox"/> 223 <sup>rd</sup> RR Undercrossing  | \$11.5M |
| <input type="checkbox"/> Wood Village Blvd. Extension        | \$ 3.3M |
| <input type="checkbox"/> Stark St. Reconstruction            | \$4.04M |
| <i>Corbeth Lane – Troutdale Rd.</i>                          |         |
| <input type="checkbox"/> Sandy Blvd. Reconstruction          | \$ 4.1M |
| <i>G/F city limits – 1800' east of 207<sup>th</sup> Ave.</i> |         |



## **FY 2010-14 Roads**

### **5-Year Capital Program (continued)**

- | <b>■ Bicycle and Pedestrian</b>  | <b>Total Project Cost</b> |
|--|---------------------------|
| <input type="checkbox"/> <i>Morrison Br. Path</i>                                | \$ 2.2M                   |
| <input type="checkbox"/> <i>Halsey St./Stark St.</i>                             | \$ 734k                   |
| <input type="checkbox"/> <i>Troutdale Rd.</i>                                    | \$ 75k                    |
| <input type="checkbox"/> <i>Glisan St. (203<sup>rd</sup> – 207<sup>th</sup>)</i> | \$ 484k                   |
- 
- | <b>■ Preservation and Safety</b>                               |          |
|--|----------|
| <input type="checkbox"/> <i>Cornelius Pass Road</i>            | \$1.745M |
| <input type="checkbox"/> <i>238<sup>th</sup> Avenue</i>        | \$ 346k  |
| <input type="checkbox"/> <i>Overlay</i>                        | \$ 200k  |
| <input type="checkbox"/> <i>Safety Repair (\$50k annually)</i> | \$ 250k  |
- 
- |   |                 |
|---|-----------------|
| <b>■ Beaver Cr. Culvert Replacement</b> | <b>\$ 7.0 M</b> |
|---|-----------------|



# **FY 2010-14 WRB**

## **5-Year Capital Program**

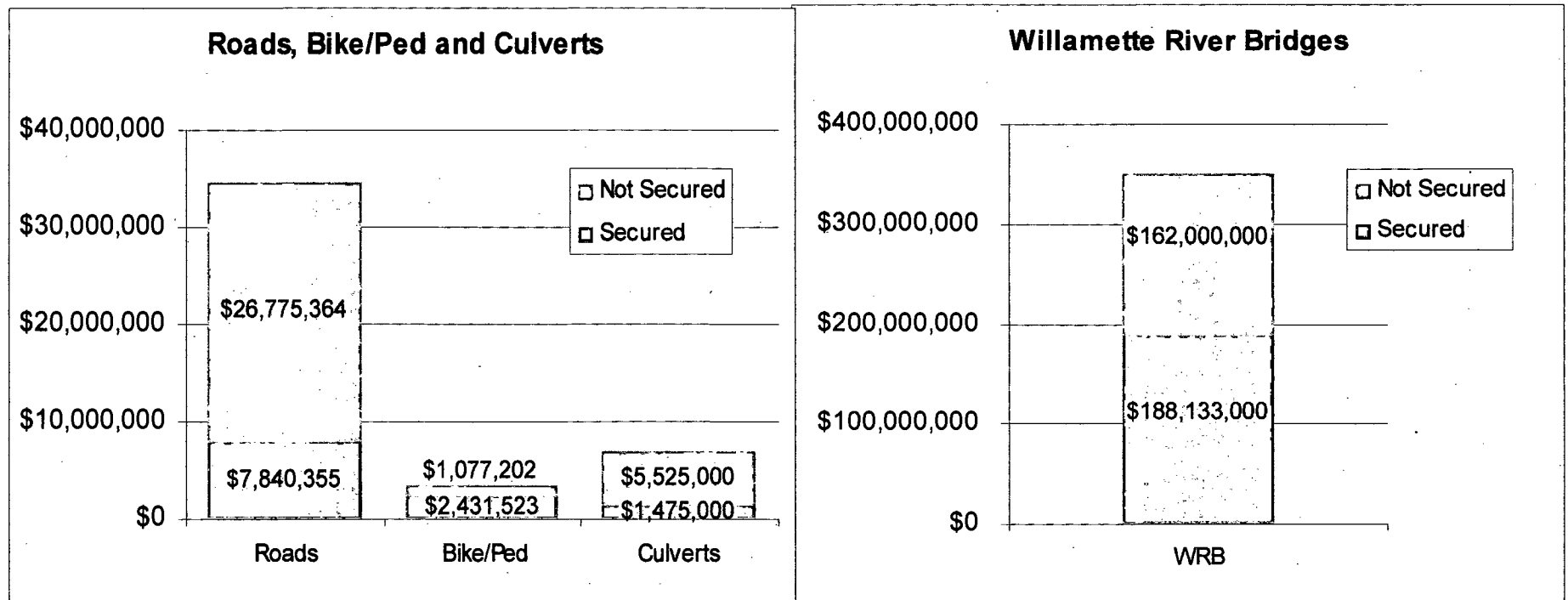
### ■ **Debt Service**

- |                          |                             |                |
|--------------------------|-----------------------------|----------------|
| <input type="checkbox"/> | <i>Sauvie Island Bridge</i> | <i>\$2.3M</i>  |
| <input type="checkbox"/> | <i>Sellwood Bridge</i>      | <i>\$35.1M</i> |

### ■ **Willamette River Bridges Project Cost**

- |                          |  |                  |
|--------------------------|--|------------------|
| <input type="checkbox"/> | <i>Broadway Bridge</i>                               | <i>\$ 10.13M</i> |
|                          | <i>Centerlocks Replacement/Preservation Painting</i> |                  |
| <input type="checkbox"/> | <i>Morrison Bridge</i>                               | <i>\$ 10.0M</i>  |
|                          | <i>Main Span Rehabilitation</i>                      |                  |
| <input type="checkbox"/> | <i>Sauvie Island Bridge</i>                          | <i>\$ 53.7M</i>  |
|                          | <i>Replacement Project Completion</i>                |                  |
| <input type="checkbox"/> | <i>Sellwood Bridge Replacement</i>                   | <i>\$ 330.0M</i> |

# 2010-14 Capital Program Revenue Gap



**TABLE 12: FY 2010-2014 TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM**

Capital Debt Service  
257th Avenue/Orient Drive  
Sauvie Island Bridge Replacement  
223rd Ave Railroad Undercrossing  
Sellwood Bridge Replacement

FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
\$288,000	\$288,000	\$288,000	\$288,000	\$145,762
\$1,300,000	\$1,000,000			
\$175,000	\$200,000	\$475,000	\$413,000	\$413,000
		\$11,700,000	\$11,700,000	\$11,700,000

Capital Projects and Programs	Total Project Cost	County Funds	External Funds*	County Funds	External Funds*	County Funds	External Funds*	County Funds	External Funds*	County Funds	External Funds*
<b>ROADS</b>											
Anticipated Capital Revenue		\$ 315,000		\$ 600,000		\$ 600,000		\$ 600,000		\$ 600,000	
Developer Payment in Lieu Of Funds (PILO)				\$ 354,700		\$ 140,000					
<b>Road Projects</b>											
<u>Category: Road</u>											
223rd Ave Railroad Undercrossing at I-84	\$ 11,534,500		\$ 3,300,000								
Wood Village Blvd. Extension (PILO)	\$ 3,294,764			\$ 375,000		\$ 1,000,000		\$ 1,919,764			
Stark Street Reconstruction - Corbett Ln. - Troutdale Rd. (PILO)	\$ 4,004,700			\$ 204,700		\$ 100,000	\$ 1,200,000	\$ 25,000	\$ 1,200,000	\$ 75,000	\$ 1,200,000
Sandy Blvd. COG limits to 1800' east of Fairview Parkway (PILO)	\$ 4,100,000					\$ 190,000		\$ 100,000	\$ 1,710,000	\$ 100,000	\$ 2,000,000
<u>Category: ADA/Sidewalks Infill</u>											
Annual Allotment	\$ 25,000										
NE Halsey St. East of 201st-west of Fairview Parkway	\$ 50,000	\$ 25,000		\$ 25,000							
SE Troutdale Rd. SE 17 <sup>th</sup> - SE 19 <sup>th</sup>	\$ 75,000					\$ 25,000		\$ 25,000		\$ 25,000	
<u>Category: Preservation and Safety</u>											
Cornelius Pass Road (ARRA)	\$ 1,744,655	\$ 40,000	\$ 304,655			\$ 100,000					\$ 1,300,000
238th Dr Safety Project (HEP)	\$ 348,000		\$ 20,000		\$ 328,000						
282nd Avenue Overlay Project (ARRA)	\$ 100,000		\$ 100,000								
Urban Overlay Project (ARRA)	\$ 580,000		\$ 580,000								
Safety and Repair Annual Allotment		\$ 50,000		\$ 50,000		\$ 50,000		\$ 50,000		\$ 50,000	
Overlay Program Annual Allotment								\$ 100,000		\$ 100,000	
<u>Category: Contingency Reserve</u>											
Annual Allotment		\$ 200,000		\$ 200,000		\$ 150,000		\$ 150,000		\$ 150,000	
<u>Category: Fish Passage Culverts</u>											
Beaver Creek Culverts (MTIP, USCOE)	\$ 7,000,000			\$ 100,000	\$ 1,000,000	\$ 125,000	\$ 2,000,000	\$ 150,000	\$ 1,500,000	\$ 100,000	\$ 2,025,000
<u>Category: Bicycle and Pedestrian</u>											
Carry-over Funds		\$ 657,563		\$ 370,000		\$ 400,000		\$ 400,000		\$ 400,000	
Anticipated Annual Revenue		\$ 60,000		\$ 60,000		\$ 60,000		\$ 60,000		\$ 60,000	
<b>Bicycle and Pedestrian Projects</b>											
Morrison Bridge Bike/Ped Facility (MTIP) (TE)	\$ 2,215,801	\$ 227,563	\$ 1,988,238								
Halsey/Stark Street Sidewalks Project (ARRA)	\$ 529,960	\$ 120,000	\$ 409,960								
NE Halsey south Sidewalk, Birch Ave to City Park (ARRA, CDBG)	\$ 154,000		\$ 154,000								
NE Glisan Street north sidewalk, 203rd - west of Fairview Parkway	\$ 483,958			\$ 30,000	\$ 63,958	\$ 30,000		\$ 60,000		\$ 60,000	\$ 250,000
<b>WILLAMETTE RIVER BRIDGES (WRB)</b>											
Anticipated Capital Revenue		\$ 1,400,000		\$ 10,600,000		\$ 13,100,000		\$ 13,100,000		\$ 13,100,000	
Carry-over Funds		\$ 1,200,000		\$ 1,600,000				\$ 1,400,000		\$ 2,800,000	
<b>WRB Projects</b>											
Sauvie Island Bridge (contract completion)		\$ 1,000,000									
Sellwood Bridge (HBP) (State JTA)**	\$ 330,000,000		\$ 5,000,000	\$ 28,000,000		\$ 25,600,000		\$ 25,600,000	\$ 30,000,000	\$ 25,600,000	
Sellwood continued: FHWA, Portland, Clackamas Co.					\$ 39,000,000		\$ 38,400,000		\$ 38,400,000		\$ 38,400,000
Morrison Bridge Main Span (HBP)	\$ 10,000,000			\$ 1,000,000	\$ 9,000,000						
Broadway Bridge - Replace Centerlocks (FTA)	\$ 1,133,000				\$ 1,133,000						
Broadway Bridge Painting (HBP)	\$ 9,000,000									\$ 900,000	\$ 8,100,000

Revised Item for 4-8-2010 Board Packet  
Revised Table 12 behind  
CIPP Board Report

External Funding Programs:

ARRA=American Recovery and Reinvestment Act

CDBG=Community Development Block Grant

FTA=Federal Transit Administration Portland Streetcar Project

HBP=Highway Bridge Program

HEP=Hazard Elimination Program

MTIP=Metropolitan Transportation Improvement Program

PILO=Developer Payment In Lieu Of Improvement

TE=Transportation Enhancement

STIP=State Transportation Improvement Program

USCOE=US Army Corps of Engineers

**Notes:** \* Indicates external funding is not fully secured and is contingent on grants, authorizations, development agreements, intergovernmental agreements and/or other external actions.

**BOLD** indicates external funding is secured.

**\*\* \$30M secured from JTA Earmark for Sellwood Bridge Replacement. Project completion is expected in 2016.**

**GROW Lynda**

---

**From:** MCFARLAND Jane  
**Sent:** Tuesday, April 06, 2010 5:10 PM  
**To:** GROW Lynda  
**Subject:** RE: 2010-14 CIPP w/corrected Table 12

Hi Lynda,  
 12 copies is probably good. Also, I love your idea of just copying the 1 page with the note label.  
 If asked by Counsel:

The change on Table 12 is:

Under ROADS – Stark Street Reconstruction: the project limits have changed from 257<sup>th</sup> to Troutdale to Corbeth Lane to Troutdale Road. The total project cost is reduced from \$12.3M to \$4.004M. Due to funding challenges, we are not carrying the whole \$12M project in this 5-year program, only a \$4M segment. We will need to address the balance of the project in a future program cycle.

Please let me know if you have any additional questions.

*jane*

Jane McFarland  
 Multnomah County Principal Planner  
 x- 29620

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

**From:** GROW Lynda  
**Sent:** Tuesday, April 06, 2010 3:14 PM  
**To:** MCFARLAND Jane  
**Subject:** RE: 2010-14 CIPP w/corrected Table 12

Good Afternoon, Jane! It was nice to see you today. I hope you didn't get soaked returning to your office. As to the change on Table 12, I hope you don't mind. I'm just copying/distributing that one sheet w/a little note label on top corner "changes on table 12" etc. and let it go with that.

That will save a little on the photocopying. I don't know how many copies to have for folks – Deb always said 12 copies of any ordinances, etc. at first reading. Do you think we should have more?? Just let me know and I'll print whatever we need.

Lynda

---

**From:** MCFARLAND Jane  
**Sent:** Tuesday, April 06, 2010 2:19 PM  
**To:** GROW Lynda; WIREN Corie  
**Cc:** MADRIGAL Marissa D; LASHUA Matthew; LEE Beckie; BROWN Dana  
**Subject:** RE: 2010-14 CIPP w/corrected Table 12

My typo; there is no Table 13 only Table 12.  
 Lynda -

*jane*

Jane McFarland  
 Multnomah County Principal Planner  
 1600 S.E. 190th Avenue  
 Portland, OR 97233  
 t - (503) 988-5050 x- 29620#  
 f - (503) 988-3389  
[jane.mcfarland@co.multnomah.or.us](mailto:jane.mcfarland@co.multnomah.or.us)

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

**From:** GROW Lynda  
**Sent:** Tuesday, April 06, 2010 10:41 AM

**To:** MCFARLAND Jane; WIREN Corie  
**Cc:** MADRIGAL Marissa D; LASHUA Matthew; LEE Beckie  
**Subject:** RE: 2010-14 CIPP w/corrected Table 12

Jane: the attachment I received (2<sup>nd</sup> document) says Table 12. Can you send us Table 13 as well?

---

**From:** MCFARLAND Jane  
**Sent:** Tuesday, April 06, 2010 10:23 AM  
**To:** GROW Lynda; WIREN Corie  
**Cc:** MADRIGAL Marissa D; LASHUA Matthew; LEE Beckie  
**Subject:** 2010-14 CIPP w/corrected Table 12

Hi Corie and Lynda:

Attached is the full CIPP document with the correct **Table 12** (last 2 pages).

I've also attached a pdf of just the **corrected Table 13**. Please advise me on the protocol of having that introduced appropriately at the Board to amend the document associated with the resolution at the Board hearing on Thursday.

Thanks for you help on this.

Jane McFarland  
X29620



**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

---

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: APRIL 8 2010

SUBJECT: \_\_\_\_\_

AGENDA NUMBER OR TOPIC: CIP R-4

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: MAJOR MIKE WEATHERS

ADDRESS: P.O. BOX 626

CITY/STATE/ZIP: FARVIEW OR 97024

PHONE: \_\_\_\_\_ DAYS: 503-644-6212 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-5 DATE 4-8-2010  
LYNDA GROW, BOARD CLERK

## Board Clerk Use Only

Meeting Date: 4/8/2010  
Agenda Item #: R-5  
Est. Start Time: 10:00 am  
Date Submitted: 3/25/010

**Findings of Fact supporting an Exemption (FFE) from competitive bidding requirements and allowing the use of the Construction Manager/General Contractor (CM/GC) competitive selection process for the Sellwood Bridge Replacement Project.**

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

Requested Meeting Date:	<u>April 8, 2010</u>	Amount of Time Needed:	<u>25 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use &amp; Transportation</u>
Contact(s):	<u>Ian Cannon</u>		
Phone:	<u>503-988-3757</u>	Ext.	<u>223</u>
		I/O Address:	<u>446</u>
Presenter(s):	<u>Ian Cannon</u>		

## General Information

### 1. What action are you requesting from the Board?

- a. The Department of Community Services is seeking direction from the Board to employ the Construction Manager/General Contractor method of project delivery for the Sellwood Bridge Replacement Project. The Construction Manager/General Contractor (CM/GC) method of project delivery offers advantages that make it more appropriate for the Sellwood Bridge Replacement Project than the Design-Bid-Build method. More specifically CM/GC:
  - Allows a robust public involvement process;
  - Allows flexibility to work with other agencies on evolving design elements;
  - Lets the County retain significant control over the project design;
  - Incorporates construction contractor input and knowledge into the project design;
  - Provides opportunities to understand risk issues and to explicitly manage risk issues;
  - Frequently results in fewer disputes and claims at the end of a project;
  - Provides good cost certainty at the time that the contractor provides a Guaranteed Maximum Price;
  - Provides opportunities to maximize contractor diversity.

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

The Sellwood Bridge is deteriorated after approximately 80 years of service, and the bridge has a vehicle weight limit of 10 tons maximum. TriMet buses and most trucks are excluded from using the bridge. Approximately 30,000 vehicles cross the narrow two-lane bridge each day.

Multnomah County, which owns the bridge, has conducted a planning process for replacement of the bridge. An Environmental Impact Statement will be submitted shortly to the Federal Highway Administration for their approval. After the Record of Decision is given, the County may proceed with design of the bridge.

ORS 279C.335(1) requires, with certain exceptions, that all public improvement contracts be based on competitive bidding and, under ORS 279C.375, be awarded to the lowest responsive and responsible bidder. ORS 279C.335(2) permits the a Local Contracting Review Board, in this case the Multnomah County Board of County Commissioners (County), to grant, under certain conditions, specific exemptions to a contracting agency from the requirement for competitive bidding, upon the approval of specified findings.

The CM/GC project delivery system is unlike the low-bid project delivery method. In a low-bid, the project is designed, then contractors compete by trying to bid the lowest price. In the CM/GC method, a contractor is hired based on qualifications and lowest percent profit margin. The contractor has beneficial input during design. At an agreed upon point, the contractor gives a quote for a Guaranteed Maximum Price (GMP). This price is analyzed and may be negotiated. However, the County has the right to let the construction contract low-bid if the County and the CM/GC do not agree on a GMP.

In the Low-Bid method, issues that arise after the contract or is selected may result in change orders and claims for additional compensation, resulting in cost growth after the contract is let. In the CM/GC method, the contractor is part of the design. The additional review that the contractor performs and the contractors input into the design decreases the probability of change orders and claims later in the project. The CM/GC method also allows for design and construction to occur simultaneously, decreasing the duration of the overall project.

An exemption from competitive bidding requirements is justified under the criteria outlined in ORS 279C.330. Findings have been developed in compliance with ORS 279C.335(2) through 279C.335(4), and ODOT will perform the post project evaluation required by ORS 279C.355.

Based upon the findings (attached to this document), the Department of Community Services recommends that Multnomah County specifically conclude that:

- A. Following the described selection process, an exemption is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.
- B. Award of a public contract pursuant to the exemption will result in substantial cost savings to Multnomah County and the public.

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

The resolution to use the CM/GC method will result in substantial cost savings to Multnomah County and the public.

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

State law permits alternative project delivery methods other than low-bid, including CM/GC. FHWA must authorize any Federal Aid project to use any alternative delivery methodology. State and federal law require an exception process prior to final implementation of CM/GC.

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

The project has had an extensive public involvement process that will continue into the Design and Construction Phases.

Under ORS 279C.335(5) a public hearing must be held before these findings are adopted, allowing the opportunity for all interested parties to comment on the draft findings. This request for exemption was advertised in the *Daily Journal of Commerce* on March 25, 2010 and was also posted on the County website at: [www.multcopurch.org](http://www.multcopurch.org)

The hearing for review of these findings was held on April 8, 2010, at the Multnomah County Building, 501 SE Hawthorne Blvd., Portland OR 97214. The public had opportunities to make comments, either oral or written, during this hearing

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



Date:

3/24/10

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

**RESOLUTION NO. 2010-040**

Approving an exemption to use the Construction Manager/General Contractor (CM/GC) method of contracting for construction of the Sellwood Bridge Project

**The Multnomah County Board of Commissioners Finds:**

- a. In planning for the Sellwood Bridge Project, the Department of Community Services (DCS) Bridge Section analyzed the separate project delivery and contracting methods as part of the NEPA planning process.
- b. The DCS Bridge Section recommends to the Board that the Construction Manager/General Contractor (CM/GC) method of contracting be used for the construction of the Sellwood Bridge Project based on the findings attached hereto as Exhibit 1.
- c. Public Contracting Board Rule 49-0620 and ORS 279C.335 require an exemption from the competitive bidding requirements of ORS Chapter 279 in order to use an alternate contracting method and further require adoption of findings to support the exemption after notice and a public hearing.
- d. Notice of the hearing to consider the exemption and the attached findings was published in the Daily Journal of Commerce on March 25, 2010, 14 days before the hearing.
- e. The Board finds, based on the attached findings, that it is in the best interest of the County to utilize a CM/GC contracting method in lieu of a competitive low bid process for the construction of the Sellwood Bridge Project.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves and adopts the findings attached as Exhibit 1 in support of using a Construction Manager/General Contractor for the Sellwood Bridge Project.
2. The Board approves an exemption from the competitive bidding requirements to allow use of a Construction Manager/General Contractor contracting method for construction of the Sellwood Bridge Project.

ADOPTED this 8th day of April, 2010.

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

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Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By /s/ John S. Thomas  
John S. Thomas, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director  
Department of Community Services

# EXHIBIT 1

## FINDINGS OF FACT AND CONCLUSIONS SUPPORTING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS AND ALLOWING THE USE OF THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) COMPETITIVE SELECTION PROCESS FOR THE SELLWOOD BRIDGE PROJECT

### I. BACKGROUND

#### A. The Construction Manager/General Contractor Project Delivery Method

On January 7, 2010, the Board of County Commissioners (BCC) adopted Resolution No. 2010-004 directing the Department of Community Services to investigate alternative project delivery methods including the Construction Manager/General Contractor (CM/GC) method. The Department of Community Services provided an analysis of alternative contracting methods to the BCC on March 4, 2010. The Department of Community Services recommended that the County use the CM/GC method to deliver the Sellwood Bridge Replacement Project.

The CM/GC method is a modern construction delivery method used by both public and private organizations. In the CM/GC method, the Owner hires an engineering design firm to perform the bridge, road, and other design elements of the project, and also hires a CM/GC contractor during the design phase to provide construction expertise to the Owner and the design firm. The Project Team is made up of Owner, Designer, and CM/GC. This Team continues throughout the duration of the project.

Near the completion of design, the CM/GC contractor negotiates a Guaranteed Maximum Price (GMP) with the owner. During construction, the CM/GC contractor is responsible for self-performing a percentage of the work and subcontracts out the remaining work elements.

In general the expected benefits of this delivery method are:

- Cost savings
- Higher quality plans and construction
- Faster completion of the project
- Greater flexibility for adapting to change

The CM/GC process, as an alternative to the competitive bid process, is becoming a more common approach for certain types of projects by public agencies within Oregon. The Oregon Public Contracting Coalition (PCC), composed of a diverse group of professionals involved with public contracting, developed a guide for those considering the CM/GC process. Some recommendations contained in the document were incorporated into ORS 279C by the legislature. A publication called the Oregon Public Contracting Coalition Guide to CM/GC Contracting, written by the PCC and the Construction Engineering Management Program, Department of Civil, Construction, and Environmental Engineering, at Oregon State University, February 2002, available on-line at [http://www.agc-oregon.org/public/resource\\_center/publications/CM\\_GC\\_Guide\\_05.pdf](http://www.agc-oregon.org/public/resource_center/publications/CM_GC_Guide_05.pdf)

The guide suggests that the CM/GC method is most likely to benefit the Owner for projects that:

- are high risk,
- are technically complex,
- have unusual site conditions,
- have schedule constraints,
- require complex phasing schemes,
- have budget limitations,
- may realize cost savings resulting from value engineering,
- are greater than \$2 million in cost.

## **B. Project Description – Sellwood Bridge Project**

In 2004, Multnomah County discovered extensive cracking in the Sellwood Bridge. In 2005, a weight limit of 10 tons was posted that forced trucks, transit buses, and emergency vehicles to use alternate routes. Also, the existing 4' sidewalk has been identified as inadequate for bicyclists and pedestrians.

Multnomah County undertook a federally funded planning process that considered many viable alternatives including the “no-build” alternative. The Sellwood Bridge project produced a Draft Environmental Impact Statement in November 2008. The Board of County Commissioners selected a preferred alternative in February 2009. The project team has refined the preferred alternative and drafted a Final Environmental Impact Statement (FEIS). The FEIS draft is currently being reviewed by the Federal Highway Administration (FHWA). In addition, several other documents and processes are in progress that are essential before FHWA will issue a Record of Decision (ROD) for this project. The ROD is expected in late summer or early fall of 2010. The ROD signifies the end of the planning phase of the project. Until the ROD is granted, the Sellwood Bridge Project is not authorized to begin final the Preliminary Engineering, acquisition of Right of Way, and Construction phases.

Multnomah County considers completing this project of highest priority. The existing bridge is at risk of further subsidence and shifting of the ground due to the landslide at the west end and is not designed to withstand earthquakes.

Although the Preferred Alternative defines major elements of the project, there are several areas of the project where decisions remain. These include:

- The exact configuration and scope of facilities on the Westside;
- How the Lake Oswego to Portland Streetcar project will be accommodated;
- What accommodations will be made for streetcar accessing the new bridge;
- What type of bridge will be built;
- What architectural features will be included in the new bridge and other elements of the project;
- What streetscape amenities will be included;
- The exact extent of right of way necessary for the project (either temporary or permanent);
- How surface water from the project area will be managed.

Some of these elements will be determined through a public involvement process managed by the project team. Other elements will be decided through negotiations between Multnomah County and other agencies (sponsors of other projects) as the designs of the other projects develop. The Lake Oswego to Portland Streetcar and the



possible Tacoma Street Streetcar are at different stages of project development from the Sellwood Bridge project. The Lake Oswego to Portland project is starting its environmental phase and has not yet issued a Draft Environmental Impact Statement. The planning for the streetcar line across the Sellwood Bridge and along Tacoma Street is at the very early conceptual stage. Neither of these projects is as advanced in their development as is the Sellwood project. This creates challenges for the design of the Sellwood Bridge project.

The timing of ROW certification (the time when all necessary ROW has been secured) adds another area of schedule uncertainty to the project. Right of Way (ROW) acquisition for the project has not started. As mentioned earlier, this effort cannot begin until after the FHWA has issued the ROD for the project. This project, as defined by the preferred alternative, will necessitate the acquisition of numerous properties. Some of the property will be needed permanently for the project; other parcels will only be required during construction of the project. It is not known at this time if any of the parcels will be unusually difficult to acquire. However, the timing of ROW acquisitions is uncertain due to the many variables and the sensitive nature of ROW acquisition.

The Sellwood Project is a large project with a high level of technical complexity. In the preferred alternative the County committed to only minimal closures of the Tacoma Street Corridor to traffic. It is anticipated that the bridge will be constructed in phases so that traffic can be maintained throughout the project. The South half will be built first, then the old bridge will be demolished, and the North half of the bridge will be constructed. In addition to the bridge, the interchange at Highway 43 will also need to be constructed in phases to coordinate with the construction of the bridge and to coordinate with the modifications to Highway 43.

The west hillside also presents complex technical issues. The site is a historic landslide. The west slope moved approximately 3 feet between 1925 and 1960. Measurements indicate that the slope continues to move between 1/8" and 1/4" per year. Mitigating this slide condition will require advance geotechnical engineering and construction. This work must be sequenced appropriately with other work on the project.

Additional complexity is added by the congestion on the west side of the project. Demands in the constrained area include the bridge and interchange, streetcar tracks and station, a multi-use path, a habitat park, riparian areas, access for the floating home community, and Highway 43.

The project will require permits from numerous agencies including the Army Corps of Engineers, National Marine Fisheries Service, City of Portland, United States Coast Guard, and Oregon Department of State Lands. The requirements included in these permits will need to be negotiated with the various agencies and will increase the technical complexity of the project. These requirements are frequently specific to particular means and methods of construction.

## **II. FINDINGS REGARDING COMPETITION**

**ORS 279C.335(2) requires that an agency make certain findings as a part of exempting certain public contracts or classes of public contracts from competitive bidding. ORS 279C.335(2)(a) requires an agency to find that: *"It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts."***

The County's procedures for procurement of the CM/GC contractor will be designed to encourage competition. It is anticipated that many qualified candidates will compete for this contract due to the size of the project.

The CM/GC contractor will be selected through the County's standard Request for Proposal ("RFP") process which is an open competitive process. The RFP sets out guidance for how a proposal should be structured and what the potential contractors should submit. The selection criteria are clearly stated in the RFP and will include: experience in delivering similar projects, evidence of quality in previous work; innovative ideas for improving and streamlining construction, available resources to meet schedule requirements; experience in CM/GC contracting, evidence of successful schedule and budget management, references from previous owners they have worked for, and their fee statement.

After the proposals are submitted, the evaluation process will include the following steps:

- a) Proposals will be evaluated by an Evaluation Panel consisting of at least five County and non-County professionals well acquainted with the Sellwood Bridge Project.
- b) Proposals will be checked for completeness and compliance with the minimum requirements listed in the RFP. Complete and responsive proposals will then be evaluated under the criteria stated within the RFP.
- c) Members of the Evaluation Panel will independently score the proposals. The independent scores of each panel member will be combined into overall scores for each proposer.
- d) The Evaluation Panel will identify a group of the highest scoring proposers that will be short-listed to move on to the next phase of the evaluation process. This group of proposers will receive an invitation to a face-to-face interview after an appropriate protest period.
- e) The Evaluation Panel will conduct interviews with the short-listed proposers.
- f) The Evaluation Panel will score the interviews, and these scores will be combined with the written proposal scores to yield a total score for each of the short listed proposers. Based upon these final scores, the Evaluation Panel will rank the Proposers and provide an award recommendation.
- g) Upon expiration of the mandatory award protest period, the County will attempt to negotiate a contract with the top ranked firm. If negotiations are not successful, negotiations will be conducted with the next ranked firm. At the successful conclusion of negotiations, the County will enter into a contract with the successful CM/GC proposer.

**Multnomah County finds that selecting a CM/GC contractor pursuant to the exemption is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.**

### **III. FINDINGS REGARDING SUBSTANTIAL COST SAVINGS**

ORS 279C.335(2) requires that a public agency make certain findings as part of exempting certain public contracts or classes of public contracts from competitive bidding. ORS 279C.335(2)(b) requires an agency to find that *“The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency,” or, if the contracts are for public improvements as described in ORS 279A.050(3)(b) (such as this one), to the contracting agency or to the public.*

ORS 279C.330 provides that: *“‘Findings’ means the justification for an agency conclusion that includes, but is not limited to, information regarding: (a) Operational, budget and financial data. (b) Public benefits. (c) Value Engineering. (d) Specialized expertise required. (e) Public safety. (f) Market conditions. (g) Technical complexity. (h) Funding sources.”*

This section presents a series of findings that describe how cost savings accrue to Multnomah County and the general public, by means of employing the CM/GC method of project delivery.

#### **A. Operational, Budget, and Financial Data**

The total project cost is estimated to be \$330 million. Multnomah County has committed to raise a projected \$127 million bond for the Sellwood Bridge Project funded through a \$19 per year vehicle registration fee. The rest of the project funding plan is described in Section III.H.

Multnomah County's General Fund is not likely to be able to contribute to the project. The current general economic recession has caused the County to cut general fund programs, reduce staff, and freeze salaries to stay within its overall budget.

**Multnomah County's financial resources for the Sellwood Bridge Project are constrained.**

#### **B. Public Benefits**

The Sellwood Bridge project is expected to provide a number of long term public benefits including:

- A structurally sound bridge with capacity for all legal loads;
- Facilities that will enable vehicles, bicyclists, and pedestrians to access and use the bridge safely;
- An enhanced interchange with Oregon Highway 43; and
- Enhancements in the parks near the west end of the bridge.

When compared to the typical low bid method of project delivery, the CM/GC method is expected to provide the added benefits of expediting the schedule and improving overall project quality.

In CM/GC, the construction contractor is selected before the design is complete. This allows the contractor to have input into the design and assist the County and designer in structuring the project for an optimal schedule. In addition, the contractor can start work on elements of the project that can be designed early. Elements of the project that are not decided early may be phased to start later in the schedule. The ability to give the work to the contractor in packages that are subsets of the project allows significant scheduling

flexibility. It is expected that the CM/GC method will allow the Sellwood project to be delivered approximately a year sooner than if the traditional project delivery method were used.

In the CM/GC method, quality decisions are made throughout design and into construction. The design incorporates input and review from the designer, the County, and the contractor. Decisions about cost and quality tradeoffs are made in a more collaborative environment based on the best information that the designer, County, and contractor can provide. The design and specifications are reviewed by the owner and contractor for errors, omissions, and constructability. The contractor is selected based primarily on qualifications, so there is opportunity to seek information about work quality and past performance during the selection process. Since the contractor is involved during the design phase and in discussions about quality expectations, there is an expectation that the bridge construction work in the field will reflect this understanding. The County also performs quality assurance to make sure that field work conforms to the specifications and plans. The CM/GC method is well suited to provide a quality product on a project like the Sellwood Bridge with a high level of technical complexity and an aggressive schedule. The County will have the best control over the tradeoffs between cost and quality as the project moves forward.

**The CM/GC process will benefit the public by delivering wanted features, expediting construction, and improving quality.**

### **C. Value Engineering**

Value Engineering (VE) is encouraged by Multnomah County and has resulted in both initial savings as well as long-term savings for many other County projects. On a CM/GC method project, the relationship of the owner, construction contractor, and designer fosters a team approach to value engineering. Multiple options for high cost or impact items, specific construction methods, optimal material choices, environmental permitting, and local design requirements can be analyzed at various times during the project to evaluate costs and benefits. Under the traditional design/bid/build method, value engineering typically occurs just once during the design phase.

With design-bid-build, savings from value engineering measures suggested by the construction contractor are divided between Multnomah County and the contractor. Under CM/GC, those savings accrue mostly to the County.

**The CM/GC method facilitates ongoing value engineering throughout the project.**

#### **D. Specialized Expertise Required**

This project will require a construction team with specialized expertise due to the numerous complexities described in section I.B and listed briefly here:

- Traffic management and phasing to keep traffic flowing on both the Tacoma Street and Highway 43 corridors;
- Construction of a major bridge in two halves;
- Construction of the interchange during continued traffic;
- Modifications to Highway 43 during continued traffic;
- Buildings adjacent to the bridge at the east end;
- West hill side slide;
- Congestion on the west side from Highway 43, Bike/Ped path, Park uses, Streetcar;
- Complex permitting; and
- In-water work limitations.

The CM/GC selection process is based on qualifications, with price as a major factor. The fee is, however, less important than the overall qualifications and specialized expertise.

The County may score proposers by such factors as:

- their established experience in building similar projects;
- their experience working on projects with high public involvement;
- their qualifications in the areas of bridge construction, foundations and landslides;
- their references from previous owners and engineering firms; and
- their ideas for how to efficiently stage and construct this specific project.

A low bid process does not provide the opportunity to obtain the most qualified contractor with the specialized expertise needed for the project.

**The CM/GC process allows the County to select a contractor based on qualifications as well as price to acquire necessary specialized expertise.**

#### **E. Public Safety**

Safe traffic flow must be maintained across the Willamette River and along Highway 43 during the four to five years of construction. It is crucial that all work be highly coordinated to avoid unnecessary delay and safety risks to the traveling public and to ensure efficiency in construction. The CM/GC process may reduce safety risks by:

- screening potential contractors based on their safety record and approach;
- cooperatively planning the work sequencing with input from the owner, designer, and contractor; and
- encouraging ongoing safety input from the entire Project Team.

**A Project Team approach including the County, designer, and contractor (such as the CM/GC approach) is well suited to provide for public safety while avoiding delays.**

## **F) Market Conditions**

The current economic conditions have created a market for construction services and materials that is favorable to project owners. The prices of materials such as timber, concrete, and steel are down compared with a few years ago. Less construction has led to competitive pricing from contractors with many projects being bid for significantly less than expected. It is expected that CM/GC will enable the County to benefit from these market conditions in several ways:

- CM/GC will enable the County to start construction sooner than the traditional method of contracting would because of the ability to start construction before all elements of the project are designed;
- CM/GC will allow the project to be delivered in a shorter overall time than would the traditional method; and
- CM/GC facilitates the early purchase of certain project elements (such as large steel fabrications) if appropriate to take advantage of market prices.

**The CM/GC approach provides opportunities to shorten construction duration and to take advantage of the current favorable market conditions which will result in a lower overall cost for the project.**

## **G) Technical Complexity**

During the design process using the CM/GC method, a contractor will contribute valuable practical knowledge of how things may be put together. But this project is complex both in a technical sense (large bridge construction, traffic management, landslides) and also in terms of coordination with many public entities. The ability to coordinate and manage this project, while working with and responding to several distinct local governments and major stakeholders, is highly complex in nature.

The CM/GC process enables the County to competitively select a prime contractor based on qualifications and cost factors. The selection process will allow contractors the opportunity to explain how their experience qualifies them to deal with the technical complexities, work cooperatively with outside jurisdictions, provide quality workmanship, quote fair and reasonable prices and provide efficient management all to the benefit of the Project Team.

Adaptability is about the ability of the particular contracting method to incorporate changes and evolving developments. On the Sellwood project there are a number of potential areas where change may be anticipated, including:

- Developing understanding of complicated site conditions;
- The public involvement process;
- Desires from other public agency stakeholders;
- Evolution of the adjacent streetcar projects;
- Updated permitting requirements.

Due to the significant probability of change during the Sellwood project, a method that provides maximum adaptability to change may be most appropriate.

CM/GC can accommodate change until 100% design. Since the work can be separated into several construction packages, work that is 100% designed early may be let for construction early. Work that is not 100% designed until later in the project can be

packaged for construction later in the project. Areas of uncertainty, such as the exact alignment of the Portland to Lake Oswego streetcar through the Sellwood project area, can be left until later in the project, while areas that need to be designed and constructed early, such as the in-water bridge foundations, can be designed and packaged for construction early in the project. In addition, since the contractor has input into the project decisions, the work can be scheduled and packaged to minimize cost and schedule impacts. The work packaging and areas of uncertainty are not surprises for the contractor, so claims for change are less likely. The flexibility of CM/GC is well suited to a project with an aggressive schedule, technical complexity, and stakeholder public engagement like the Sellwood project.

**The CM/GC process enables the County to evaluate the qualifications of the contractor during the selection process. This ensures that the County will get a technically competent contractor who is adaptable and allows the project to be responsive to public input.**

#### **H) Funding Sources**

The Sellwood Bridge Project has an estimated cost of \$330 million, which is expected to be funded from a combination of sources:

• Carry forward from Planning Phase (Federal)	\$ 11 Million
• Multnomah County Vehicle Registration Fee	\$127 Million
• City of Portland Transportation Grant	\$100 Million
• State of Oregon	\$ 30 Million
• Reauthorization (Federal)	\$ 40 Million
• Clackamas County	\$ 22 Million

The variety of funding sources can create more uncertainties and more varied expectations than a typical project with fewer funding sources. Selecting a CM/GC contractor that has a history of working with a wide range of public agencies on projects brings additional expertise to the Project Team. Having them involved early on in the design phase creates a deeper understanding of the milieu and a greater flexibility when it comes to problem solving.

**A variety of funding sources adds uncertainty and complexity to a project. The CM/GC approach is more able to adapt to change.**

#### **I) Substantial cost savings**

The Sellwood Project is a technically complex project with difficult site conditions and adjacent projects that are evolving. Technical complexities include construction of a major bridge in two halves which must be joined together; construction of the project while maintaining traffic on the Tacoma Street corridor and on Highway 43; construction of a complicated interchange during continuous traffic; construction in close proximity to residences, and the land slide on the west side of the river. In addition, the Portland to Lake Oswego streetcar project is being designed, but the design is not as developed as the Sellwood project. There is a potential Tacoma Street streetcar project.

CM/GC does not include as direct an element of cost competition during the selection process as does the traditional method. There is usually not enough project design completed at the time of selection for a firm bid. Profit margin may be a factor in selection. Pricing for the construction packages is negotiated. On a technically complex project with an aggressive schedule and elements that are still uncertain CM/GC offers several

benefits that could lead to a lower overall project cost. The design incorporates input from the contractor and can be optimized for the selected contractor. The ongoing input from owner, designer, and contractor into the design can result in fewer design errors or omissions. Knowledgeable cost estimating and strong auditing from the owner can provide a check against inflated prices through negotiations when work packages are assigned. Additionally, the owner can reserve the right to bid a work package if a satisfactory price can not be negotiated. An area where CM/GC can potentially provide a major benefit on a project like the Sellwood is in the avoidance of costly changes. Areas of uncertainty can be identified early in the project and managed proactively through such measures as additional investigation, appropriate schedule or cost contingency, or placing work where uncertainties exist into later work packages to allow time for issues to be resolved. These factors combine to suggest that CM/GC will yield a lower total price at completion than the other methods on a complex, schedule constrained project like the Sellwood.

While it may be impossible to predict exactly how much lower the cost will be, there is some historical data: The Oregon Department of Corrections has significant experience with the CM/GC process and has identified achieved savings of 5% of the construction costs. On a project of this size (\$330 million) a cost savings of 5% is \$16,500,000. In addition, as mentioned earlier, shortening the project duration by a year through overlapping design and construction would save another \$14.2 million in annual inflation.

**The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the County.**





# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

## Board Clerk Use Only

Meeting Date: 4/8/2010  
Agenda Item #: R-6  
Est. Start Time: 10:30 am  
Date Submitted: 3/23/2010

Agenda Title:	Accepting the American Road & Transportation Builders Association (ARTBA) Community Relations Award for 2009 to Multnomah County for the Public Involvement process developed for the Sellwood Bridge Project.
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date: April 8, 2010 Amount of Time Needed: 15 minutes  
Department: Community Services Division: Land Use & Transportation  
Contact(s): Ian Cannon  
Phone: 503-988-3757 Ext. 223 I/O Address: 446  
Presenter(s): Ian Cannon

## General Information

### 1. What action are you requesting from the Board?

Acknowledge and accept the American Road & Transportation Builders Association (ARTBA) 2009 Community Relations Award. This award recognizes programs and activities that demonstrate positive civic involvement of an agency and its community.

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

Originally built in 1925, the Sellwood Bridge is the busiest two-lane bridge in the state with an average daily traffic flow of 30,000 vehicles. Nearing the end of its service life and deteriorating, the Multnomah County Bridge Section organized a 6-step planning process that was conducted by a Community Task Force and Policy Advisory Group for the purpose of finding a long term solution to the bridge's problems. The result, called the Locally Preferred Alternative (LPA), had general consensus among the community and unanimous endorsement by four jurisdictional councils: Multnomah and Clackamas Counties, the City of Portland, and Metro.

The Public Involvement program for the Sellwood Bridge Project was developed by the Project Team composed of the Multnomah County Bridge Section, CH2M Hill (planning consultant), and Jean Lawson Associates (community relations consultant). The Project Team engaged the public in helping design a new bridge, including soliciting their ideas through an interactive web-based "Building a Bridge Tool" completed by 6,500 people, and an online survey completed by 3,000 local residents. The result was strong public, government, and stakeholder agreement on a

replacement bridge design. The American Road and Transportation Builders Association (ARTBA) PRIDE Awards annually recognizes extraordinary efforts of individuals, companies, public agencies, and industry-related associations that serve to enhance the image of the United States transportation design and construction industry.

Established by the ARTBA Board of Directors in October 1999, the PRIDE Awards honor outstanding programs that enhance the image of the transportation design and construction industry. An independent panel of public relations professionals and journalists reviewed nominations and selected winners.

Transportation design and construction firms and public agencies from across the country were recognized for "excellence in community relations and public education" during the ARTBA 2009 PRIDE Awards ceremony held May 19, 2009.

The Sellwood Bridge Project won second place in the Community Relations (Private Sector) category.

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

The resolution has no direct cost implication.

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

None.

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

Over the past 3½ years the County has conducted 24 open Community Task Force Meetings; coordinated 4 public surveys, and held 6 open House events to solicit public concerns and issues that need to be addressed during the environmental (NEPA) planning process. The County is planning to continue the public involvement process through design and construction.

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



Date: 3/24/10



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

## Board Clerk Use Only

Meeting Date: \_\_\_\_\_  
Agenda Item #: \_\_\_\_\_  
Est. Start Time: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_

<b>Agenda Title:</b>	<b>Accepting the American Road &amp; Transportation Builders Association (ARTBA) Community Relations Award for 2009 to Multnomah County for the Public Involvement process developed for the Sellwood Bridge Project.</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** April 8, 2010 **Amount of Time Needed:** 15 minutes  
**Department:** Community Services **Division:** Land Use & Transportation  
**Contact(s):** Ian Cannon  
**Phone:** 503-988-3757 **Ext.** 223 **I/O Address:** 446  
**Presenter(s):** Ian Cannon

## General Information

### 1. What action are you requesting from the Board?

Acknowledge and accept the American Road & Transportation Builders Association (ARTBA) 2009 Community Relations Award. This award recognizes programs and activities that demonstrate positive civic involvement of an agency and its community.

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

Originally built in 1925, the Sellwood Bridge is the busiest two-lane bridge in the state with an average daily traffic flow of 30,000 vehicles. Nearing the end of its service life and deteriorating, the Multnomah County Bridge Section organized a 6-step planning process that was conducted by a Community Task Force and Policy Advisory Group for the purpose of finding a long term solution to the bridge's problems. The result, called the Locally Preferred Alternative (LPA), had general consensus among the community and unanimous endorsement by four jurisdictional councils: Multnomah and Clackamas Counties, the City of Portland, and Metro.

The Public Involvement program for the Sellwood Bridge Project was developed by the Project Team composed of the Multnomah County Bridge Section, CH2M Hill (planning consultant), and Jean Lawson Associates (community relations consultant). The Project Team engaged the public in helping design a new bridge, including soliciting their ideas through an interactive web-based "Building a Bridge Tool" completed by 6,500 people, and an online survey completed by 3,000 local residents. The result was strong public, government, and stakeholder agreement on a



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

## Board Clerk Use Only

Meeting Date: 4/8/2010  
Agenda Item #: R-7  
Est. Start Time: 10:45 am  
Date Submitted: 3/23/2010

<b>Agenda Title:</b>	<b>Resolution directing the Department of Community Services to Appoint a Community Advisory Committee for the Sellwood Bridge Replacement Project</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

<b>Requested Meeting Date:</b>	April 8, 2010	<b>Amount of Time Needed:</b>	15 minutes
<b>Department:</b>	Community Services	<b>Division:</b>	Land Use & Transportation
<b>Contact(s):</b>	Ian Cannon		
<b>Phone:</b>	503-988-3757	<b>Ext.</b>	223
<b>Presenter(s):</b>	Ian Cannon	<b>I/O Address:</b>	446

## General Information

### 1. What action are you requesting from the Board?

Appointment of the named 10 private citizens to form a Community Advisory Committee (CAC) for the Sellwood Bridge project:

Barbara Barber, Tom Brown, Marie Dodds, Laura Jackson, Ken Love, Richard Marantz, Scott Thayer, Lidwien Rahman, Paddy Tillett, and Sharon Wood Wortman.

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

The Sellwood Bridge has deteriorated after approximately 80 years of service and now has a vehicle weight limit of 10 tons maximum. TriMet buses and most trucks are excluded from using the bridge. Approximately 30,000 vehicles cross the narrow two-lane bridge each day.

Multnomah County, which owns the bridge, has conducted a Federally mandated process for long term resolution of the bridge problems. An Environmental Impact Statement containing a Locally Preferred Alternative (endorsed by Multnomah and Clackamas Counties, the City of Portland and Metro) will be submitted shortly to the Federal Highway Administration (FHWA) for their approval. After the FHWA Record of Decision (ROD) is given, the County may proceed with design of the bridge. The ROD is expected in late summer of 2010.

The establishment of the CAC and the Public Stakeholder Committee provide for the necessary public and community involvement on behalf of the County to comply with federal regulations applicable to the Sellwood Bridge Project.

Screening Phase: In preparation for the potential Design Phase, the Project will develop information about Bridge Types. The CAC has been recruited to assist the County with establishing criteria and developing alternatives. The CAC will begin meeting after being appointed by the Multnomah County Board and will work through the Screening Phase and, if the FHWA approves a build alternative, will then continue to meet as needed throughout the project.

The CAC members were selected based on their interest, commitment to the project, and involvement with constituencies impacted by the bridge. They represent the following interests in the project:

Commuters, Sellwood neighborhood, South Portland Neighborhood, Adjacent Residents, Regional Business, Southeast businesses, Southwest businesses, Bicyclists, Pedestrians, Transit, Disabled users, River Users, and Aesthetics/Design.

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

The resolution has no direct cost implication. Costs related to the work of the CAC will be funded by Sellwood Bridge Project funds already secured.

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

Because this project is federally funded, the County is required to follow requirements of the National Environmental Policy Act (NEPA). NEPA states that the impacts of the project on the built and natural environment must be assessed. NEPA requires that there be a public process component. The CAC will help the County meet this obligation and will assist the County with building consensus in the community and with our partner jurisdictions around project decisions.

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

Over the past 3½ years, the County has conducted 24 open Community Task Force Meetings, coordinated 5 public surveys, and held 6 Open House events to solicit public concerns and issues that need to be addressed during the environmental (NEPA) planning process. The County will continue to provide information to the public throughout the Screening Phase by newsletter, website, public meetings, and through the CAC members and meetings.

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



Date: 3/24/10



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

## Board Clerk Use Only

Meeting Date: \_\_\_\_\_  
Agenda Item #: \_\_\_\_\_  
Est. Start Time: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_

<b>Agenda Title:</b>	<b>Resolution directing the Department of Community Services to Appoint a Community Advisory Committee for the Sellwood Bridge Replacement Project</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** April 8, 2010 **Amount of Time Needed:** 15 minutes  
**Department:** Community Services **Division:** Land Use & Transportation  
**Contact(s):** Ian Cannon  
**Phone:** 503-988-3757 **Ext.** 223 **I/O Address:** 446  
**Presenter(s):** Ian Cannon

## General Information

### 1. What action are you requesting from the Board?

Appointment of the named 10 private citizens to form a Community Advisory Committee (CAC) for the Sellwood Bridge project:

Barbara Barber, Tom Brown, Marie Dodds, Laura Jackson, Ken Love, Richard Marantz, Scott Thayer, Lidwien Rahman, Paddy Tillett, and Sharon Wood Wortman.

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

The Sellwood Bridge has deteriorated after approximately 80 years of service and now has a vehicle weight limit of 10 tons maximum. TriMet buses and most trucks are excluded from using the bridge. Approximately 30,000 vehicles cross the narrow two-lane bridge each day.

Multnomah County, which owns the bridge, has conducted a Federally mandated process for long term resolution of the bridge problems. An Environmental Impact Statement containing a Locally Preferred Alternative (endorsed by Multnomah and Clackamas Counties, the City of Portland and Metro) will be submitted shortly to the Federal Highway Administration (FHWA) for their approval. After the FHWA Record of Decision (ROD) is given, the County may proceed with design of the bridge. The ROD is expected in late summer of 2010.

The establishment of the CAC and the Public Stakeholder Committee provide for the necessary public and community involvement on behalf of the County to comply with federal regulations applicable to the Sellwood Bridge Project.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-041**

Appointing a Community Advisory Committee for the Sellwood Bridge Project

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County maintains the Sellwood Bridge in the City of Portland, which is nearing the end of its service life and is in need of replacement.
- b. The County has secured funds to perform the National Environmental Policy Act (NEPA) planning process for replacement of the Sellwood Bridge. The County has produced Draft and Final Environmental Impact Statements and is expecting the Federal Record of Decision (ROD) on its plan in late summer 2010.
- c. Currently, in advance of the ROD, the County is performing the following activities as part of the NEPA compliance process: environmental studies, related engineering studies, agency coordination, and public involvement.
- d. To fulfill the public involvement component, the County is proposing a Community Advisory Committee (CAC) made up of local citizens representing different points of view and interests be established. County staff has recruited ten (10) interested local citizens to participate in the CAC.
- e. The County is, in addition, developing a screening process that is intended to produce information about alternative approaches that could be incorporated into a bridge replacement project. The CAC members will assist in this screening process. The County has also developed a structured decision-making process to help build consensus among different groups with an interest in the Sellwood Bridge, of which the CAC will play a key part as well.
- f. The County will also, in the near future, convene a Public Stakeholder Committee (PSC) made up of elected and appointed representatives of jurisdictions with an interest in the Sellwood Bridge Project to review the recommendations of the Community Advisory Committee and provide oversight and policy guidance to the Community Advisory Committee. The Public Stakeholder Committee will provide direct advice to the Board of County Commissioners.
- g. The establishment of the Community Advisory Committee and the Public Stakeholder Committee provide for the necessary public and community involvement on behalf of the County to comply with federal regulations applicable to the Sellwood Bridge Project.

**The Multnomah County Board of Commissioners Resolves:**

1. That a Community Advisory Committee be convened to assist the County with establishing criteria and developing information about alternatives for the Sellwood Bridge Project.
2. To appoint Barbara Barber, Tom Brown, Marie Dodds, Laura Jackson, Ken Love, Richard Marantz, Lidwien Rahman, Scott Thayer, Paddy Tillett, and Sharon Wood Wortman to the Sellwood Bridge Project Community Advisory Committee.

ADOPTED this 8th day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By /s/ Matthew O. Ryan  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director  
Department of Community Services



R-7

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-041**

Appointing a Community Advisory Committee for the Sellwood Bridge Project

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County maintains the Sellwood Bridge in the City of Portland, which is nearing the end of its service life and is in need of replacement.
- b. The County has secured funds to perform the National Environmental Policy Act (NEPA) planning process for replacement of the Sellwood Bridge. The County has produced Draft and Final Environmental Impact Statements and is expecting the Federal Record of Decision (ROD) on its plan in late summer 2010.
- c. Currently, in advance of the ROD, the County is performing the following activities as part of the NEPA compliance process: environmental studies, related engineering studies, agency coordination, and public involvement.
- d. To fulfill the public involvement component, the County is proposing a Community Advisory Committee (CAC) made up of local citizens representing different points of view and interests be established. County staff has recruited ~~ten (10)~~ fifteen (15) interested local citizens to participate in the CAC.
- e. The County is, in addition, developing a screening process that is intended to produce information about alternative approaches that could be incorporated into a bridge replacement project. The CAC members will assist in this screening process. The County has also has developed a structured decision-making process to help build consensus among different groups with an interest in the Sellwood Bridge, of which the CAC will play a key part as well.
- f. The County will also, in the near future, convene a Public Stakeholder Committee (PSC) made up of elected and appointed representatives of jurisdictions with an interest in the Sellwood Bridge Project to review the recommendations of the Community Advisory Committee and provide oversight and policy guidance to the Community Advisory Committee. The Public Stakeholder Committee will provide direct advice to the Board of County Commissioners.
- g. The establishment of the Community Advisory Committee and the Public Stakeholder Committee provide for the necessary public and community involvement on behalf of the County to comply with federal regulations applicable to the Sellwood Bridge Project.

**From:** PULLEN Mike J  
**Sent:** Tuesday, April 06, 2010 10:47 AM  
**To:** RYAN Matthew O; KINOSHITA Carol  
**Cc:** MADRIGAL Marissa D; JOHNSON Cecilia; CANNON Ian B; EATON Michael J  
**Subject:** Proposed amended text for R-7

Matt,

As I mentioned, staff wishes to propose amended text for R-7 on this Thursday's Board calendar (Resolution Appointing a Community Advisory Committee for the Sellwood Bridge Project). Amended text is shown in track changes.

**Background:** We have confirmed five additional individuals to serve on the committee since the Resolution was submitted. The amended text includes these additional names. In addition, we propose adding a sentence indicating the County Chair or his designee may appoint additional members. We are waiting for three organizations to identify members to serve on the committee. The amended language would allow the Chair or his designee to make these appointments after the resolution is adopted.

Thank you for reviewing the amended text and forwarding the approved text to the Board Clerk for the Board's consideration.

Michael Pullen  
Multnomah County Public Affairs Office  
W: 503-988-6804 C: 503-209-4111  
[mike.j.pullen@co.multnomah.or.us](mailto:mike.j.pullen@co.multnomah.or.us)  
Visit our newsroom:  
<http://www.co.multnomah.or.us>  
On Twitter: [SellwoodBridge](#), [MultCoBridges](#), [MultCoRoads](#)

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**From:** KINOSHITA Carol  
**Sent:** Tuesday, April 06, 2010 5:54 PM  
**To:** GROW Lynda  
**Cc:** PULLEN Mike J; RYAN Matthew O  
**Subject:** RE: Proposed amended text for R-7

~~Here's the revised resolution for this Thursday's meeting.~~ The text is highlighted to show the changes from the published version that will need to be amended by interlineation at this week's meeting – I believe Deb normally handled these changes, including the script. Please let us know if we can be of any further assistance. Thank much!

*Carol*

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**From:** GROW Lynda  
**Sent:** Tuesday, April 06, 2010 5:50 PM  
**To:** PULLEN Mike J; RYAN Matthew O  
**Cc:** KINOSHITA Carol; GROW Lynda  
**Subject:** RE: Proposed amended text for R-7

Mike and Matthew: There is no revised Resolution attached. Did you mean to send one? Otherwise, I don't know what you want me to do with this. Text for what??  
Lynda

---

**From:** PULLEN Mike J  
**Sent:** Tuesday, April 06, 2010 11:34 AM  
**To:** KINOSHITA Carol; GROW Lynda  
**Cc:** MADRIGAL Marissa D; RYAN Matthew O  
**Subject:** RE: Proposed amended text for R-7

Thank you. The new version looks fine. Let me know if there is anything else you need from me.

Michael Pullen  
Multnomah County Public Affairs Office  
W: 503-988-6804 C: 503-209-4111  
[mike.j.pullen@co.multnomah.or.us](mailto:mike.j.pullen@co.multnomah.or.us)  
Visit our newsroom:  
<http://www.co.multnomah.or.us>  
On Twitter: [SellwoodBridge](#), [MultCoBridges](#), [MultCoRoads](#)

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**From:** KINOSHITA Carol  
**Sent:** Tuesday, April 06, 2010 11:20 AM  
**To:** PULLEN Mike J; GROW Lynda  
**Cc:** MADRIGAL Marissa D; JOHNSON Cecilia; CANNON Ian B; EATON Michael J; RYAN Matthew O  
**Subject:** RE: Proposed amended text for R-7  
**Importance:** High

Hi Mike & Lynda!  
Here's a slightly revised amended resolution (Matt deleted the designee reference as the Chair has inherent authority to designate authority by executive order).

*Carol*

**The Multnomah County Board of Commissioners Resolves:**

1. That a Community Advisory Committee be convened to assist the County with establishing criteria and developing information about alternatives for the Sellwood Bridge Project.
2. To appoint Barbara Barber, Tom Brown, Marie Dodds, Patricia Gallagher, Laura Jackson, Heather Koch, Ken Love, Richard Marantz, Lidwien Rahman, Marissa Seiler, Jeff Swanson, Scott Thayer, Paddy Tillett, Daniel Weiland, and Sharon Wood Wortman to the Sellwood Bridge Project Community Advisory Committee.
3. The County Chair is authorized to appoint new members to the Community Advisory Committee as necessary.

ADOPTED this 8th day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By /s/ Matthew O. Ryan  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director  
Department of Community Services

## GROW Lynda

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**From:** SCHOLES Rhys  
**Sent:** Monday, April 12, 2010 2:36 PM  
**To:** GROW Lynda  
**Subject:** FW: BCC agenda item info

Can you send Kevin this file?

**Rhys Scholes**  
Multnomah County Chair's Office  
503-988-5273

---

**From:** Kevin Harden [mailto:[kevinharden@portlandtribune.com](mailto:kevinharden@portlandtribune.com)]  
**Sent:** Monday, April 12, 2010 2:34 PM  
**To:** SCHOLES Rhys  
**Subject:** BCC agenda item info

*Matt Ryan  
has this*

Did the board approve items R-5, R-6 and R-7 on Thursday's agenda (all related to the Sellwood Bridge bid exemption)?

Could you send me the R-7 RESOLUTION 2010-041 Appointing a Community Advisory Committee for the Sellwood Bridge Project?

Thank you.

Kevin Harden  
Web editor  
Portland Tribune/Pamplin Media Group  
[kevinharden@portlandtribune.com](mailto:kevinharden@portlandtribune.com)  
503/546-5167

*MARINA  
PLEASE SEND THEM*

*2010-040*

*7*

*2010-041*

*EMAIL TO KEVIN  
COPY RHY'S SCHOLES*

*↓  
sent!*



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

*Sent Original  
Proclamation  
4/20/2010 - [Signature]*

## Board Clerk Use Only

Meeting Date: 4/8/2010  
Agenda Item #: R-8  
Est. Start Time: 11:00 am  
Date Submitted: \_\_\_\_\_

**Agenda Title:** **PROCLAMATION Proclaiming April 5th through April 11th, 2010 Public Health Awareness Week in Multnomah County, Oregon; and Presentation of Multnomah County's Annual Public Health Heroes Celebration**

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

Requested Meeting Date: April 8, 2010 Amount of Time Needed: 60 minutes  
Department: Health Division: \_\_\_\_\_  
Contact(s): May-Lynn Chu  
Phone: (503) 988-3674 Ext. \_\_\_\_\_ I/O Address: 160/8  
Presenter(s): Lillian Shirley and Invited Others

## General Information

### 1. What action are you requesting from the Board?

The Health Department is requesting Board approval of a PROCLAMATION Proclaiming April 5 through April 11, 2010 Public Health Awareness Week in Multnomah County, Oregon, and that the Board honor Multnomah County Public Health Heroes and celebrate the ways that health professionals and community members promote the health and wellbeing of Multnomah County. We are requesting that the Board, along with Lillian Shirley, acknowledge the 2010 Public Health Heroes.

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

National Public Health Week was established by the American Public Health Association in 1995 as a way to recognize the contributions of public health and prevention services to America's well-being. For the past several years, Multnomah County Health Department, with the support of the Board of County Commissioners, has recognized and celebrated our local public health heroes. Over fifty community members, organizations, businesses, youth, county employees, and policy makers have been given the distinguished honor of Public Health Hero to honor their efforts to promote the health and wellbeing of Multnomah County. The recognition of numerous community partners has been a public acknowledgement of the many diverse ways that everyday citizens, as

well as highly trained professionals, contribute to the overall health of Multnomah County.

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

There is no fiscal impact – the budget for this recognition is minimal.

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

There are no legal or policy issues involved.

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

Citizens participate as nominators, nominees, and heroes in the Public Health Heroes celebration.

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**Required Signature**

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**Elected Official or  
Department/  
Agency Director:**

*Lillian Shirley*

---

**Date:** 1-25-10  
WL/lp

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 2010-042**

Proclaiming April 5th through April 11th, 2010 Public Health Awareness Week in Multnomah County, Oregon which this Year Highlights the theme A Healthier America – One Community at a Time.

**The Multnomah County Board of Commissioners Finds:**

The Multnomah County Board of Commissioners recognizes the contributions of community members and health professionals who promote the health and well being of the citizens of Multnomah County. The contributions of these dedicated individuals help achieve ten essential services of public health in communities:

- Monitor health status to identify community health problems
- Diagnose and investigate health problems and health hazards in the community
- Inform, educate and empower people about health issues
- Mobilize community partnerships to identify and solve health problems
- Develop policies and plans that support individual and community health efforts
- Enforce laws and regulations that protect health and ensure safety
- Link people to needed personal health services and assure the provision of health care when otherwise unavailable
- Assure a competent public health and personal health care workforce
- Evaluate effectiveness, accessibility and quality of personal and population-based health services
- Research for new insights and innovative solutions to health problems

**The Multnomah County Board of Commissioners Proclaims:**

The Week of April 5th through April 11th, 2010 as Public Health Awareness Week in Multnomah County, Oregon, where working in partnership with diverse communities promotes Healthy People in Healthy Communities.

ADOPTED this 8th day of April, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY OREGON

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Jeff Cogen, County Chair

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Deborah Kafoury,  
Commissioner District 1

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Barbara Willer,  
Commissioner District 2

---

Judy Shiprack,  
Commissioner District 3

---

Diane McKeel,  
Commissioner District 4



## GROW Lynda

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**From:** MILECHMAN Althea M  
**Sent:** Thursday, April 01, 2010 10:52 AM  
**To:** #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; #ALL AUDITORS; #ALL PAO STAFF; FROCHTZWAJG Jonathan; STIENSTRA Sanne; SHIRLEY Lillian M; JOHNSON KaRin R; CHU May-Lynn  
**Subject:** Multnomah County Health Department announces 2010 Public Health Heroes

## NEWS RELEASE

April 1, 2010

**Contact:** May-Lynn Chu, Multnomah County Health Department, 503-988-3674 Ext. 26113,  
Cell 503- 901-2121

### **Multnomah County Health Department announces 2010 Public Health Heroes**

Multnomah County Health Department's tenth annual Public Health Heroes award celebration recognizes the contributions that community members make through their work or volunteerism to protect and promote the health of all of us in Multnomah County.

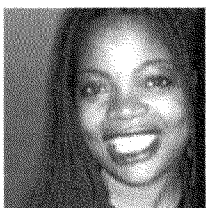
The ceremony will be held:

**Thursday, April 8, 2010  
11:00 a.m. to 12:00 p.m.  
501 SE Hawthorne Blvd.  
First floor Board Room  
Portland, Oregon 97214**

Public Health Hero awards are given in six categories (listed with winners on page two and three), three of which have been named for individuals who have made outstanding contributions to public health. Multnomah County established the **Josiah Hill Community Leadership Award** to honor his legacy as a powerful and dedicated champion in the fight for social, racial, health, and environmental justice. The **Governor John Kitzhaber Public Health Leadership Award** honors those in our community who have worked unceasingly to create policy solutions that assure, promote, and protect health for every member of the community. The **Katharine Jeans-Gail Award for Youth Heroes** memorializes a young woman who was a champion for public health. She worked both locally and internationally to assure that the most vulnerable in our world could be healthy.

"The public health system's ability to serve the working poor, uninsured, and medically under-served depends on the commitment of an extensive network of community organizations and individuals, or 'Public Health Heroes.' We're honoring those who work to make Multnomah County a healthier place to live," states Health Department director Lillian Shirley.

## 2010 Public Health Heroes



### Josiah Hill Community Leadership Award:

**S. Renee Mitchell** – S. Renee Mitchell is a Pulitzer Prize-nominated former newspaper columnist, poet, playwright, teacher and small business owner and speaks passionately against verbal, sexual and physical violence. Since leaving her career as an award-winning journalist, Renee has been on the ground serving her community by healing and empowering women through poetry, plays, writing workshops and spoken word presentations to a variety of audiences, from low-income teenage girls to professional women to Rotary Club

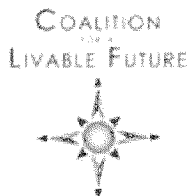
members, in order to help raise awareness and encourage others to start talking about their experiences. A domestic and sexual violence survivor herself, Renee co-founded the Healing Roots Center, a four-year-old referral center for black women who are experiencing domestic violence. She co-chairs the center's advisory committee and has helped raised thousands of dollars to support outreach and awareness campaigns.



### Katie Jeans – Gail Award for Young Heroes:

**Multnomah Youth Commission** - The Multnomah Youth Commission (MYC), the official youth policy body for both Multnomah County and the City of Portland, is a group of young people, ages 13-21, that strives to provide a voice for youth in the County and City's work. In 2006, the MYC created Our Bill of Right: Children + Youth, the nation's first Bill of Rights written by and for youth and adopted by local government as official policy which

gives the youth of Multnomah County the right to access appropriate physical, mental and spiritual wellness. The MYC also developed the YouthPass program which expanded in 2009 and provided free Trimet passes to all high school students in the Portland Public School district. The MYC continuously works to change policy affecting young people and is committed to expanding access to school-based health care for young people and engaging the delivery of health services and promotion as well as increasing access to public transportation for youth.



### Community-Based Organization or Program Award:

**Coalition for a Livable Future** – Coalition for a Livable Future (CLF) unites 100 diverse organizations to promote health and wellness in the Portland-Vancouver region by working to improve physical and social environments at a systemic level so that exposure to health risks decline, making it easier for individuals to adopt healthier behaviors in the future.

Through research, policy advocacy and public education, CLF works to create and preserve affordable housing; ensure clean water; protect open space, wildlife habitat and farmland;

create living wage jobs; provide real transportation choices; and end hunger in our community. CLF has a 15-year track record of public policy wins and community building and strives to promote "regionalism", which recognizes that the community within our urban area is interdependent and that cooperation will improve the economic, social and environmental health of the metropolitan region as a whole.



### John Kitzhaber Public Health Leadership Award:

**Renee Hackenmiller-Paradis** - Renee Hackenmiller-Paradis is the Environmental Health Program Director at the Oregon Environmental Council and works to unite health professionals and environmental advocates in developing and promoting policies to protect children's health from toxic pollution. She works tirelessly to reduce sources of exposure by educating decision-makers and citizens about the costs of contaminants; organizing Healthy Environment Forum series; and rallying support behind policies such as fitting diesel school

buses with filters and instituting safer pest management policies in schools. In 2009, Renee championed the "Children's Safe Products Act" which included a bill that tackled Bisphenol A (BPA). She created a successful campaign that put pressure on lawmakers and manufacturers to find solutions to reduce children's exposure to this dangerous chemical, opening the door to further discussion with businesses and health care providers.

### Business/Corporation Award:

**OMSI** – OMSI's mission to make science accessible and meaningful through exhibits,

programs and hands-on experiences to all community members has recently focused on ensuring public health work is front and center in their community-based work. Beginning in 2007, OMSI has collaborated with the Multnomah County Health Department through the SciencePub Program in bringing important public health topics to the community. This collaboration began on the subject of the pandemic influenza far before anyone was concerned about the 2009 H1N1 influenza virus. This continued with hosting community panels on H1N1 and this year, OMSI chose a public health book entitled, "The Ghost Map" to encourage a community dialogue about public health through partnerships with the Multnomah County Library and the Health Department



Multnomah County Employee Award:

**Susan Kirchoff** – Susan Kirchoff is responsible for overseeing the operations at the Department's health centers where approximately 60,000 Multnomah County residents, representing the county's most vulnerable communities, depend on high quality care delivered at these sites. Susan is the architect of the Building Better Care model, which promotes a patient-centered approach to health care services. She has led the campaign for significant improvements to the health center program with funding provided by the county and through the 2009 Recovery Act. Her leadership in the county's dental program has led to an increase in access by at least 9% per year for the past 2 years. Susan is a champion for assuring that every client has a high quality experience with the county's primary care services by identifying and removing barriers to care so that clients can have strong personal relationships with their care team.

###

## Katie Jeans-Gail Award for Young Heroes

*Katharine Jeans-Gail lived a life driven by a service to people in need. She worked with Mother Theresa in Calcutta, India and helped build a clinic in Morocco. Our community lost a young public health hero in December 2003. The Health Department has named this award the Katharine Jeans-Gail Award for Young Heroes to honor her life and acknowledge the way she inspired others to promote health in our community. This award will be presented annually to young public health heroes or organizations that strive to promote healthy lifestyle practices for youth.*



### Multnomah Youth Commission

The Multnomah Youth Commission (MYC), the official youth policy body for both Multnomah County and the City of Portland, is a group of young

people, ages 13-21, that strives to provide a voice for youth in the County and City's work. In 2006, the MYC created Our Bill of Right: Children + Youth, the nation's first Bill of Rights written by and for youth and adopted by local government as official policy which gives the youth of Multnomah County the right to access appropriate physical, mental and spiritual wellness. The MYC also developed the YouthPass program which expanded in 2009 and provided free Trimeter passes to all high school students in the Portland Public School district. The MYC continuously works to change policy affecting young people and is committed to expanding access to school-based health care for young people and engaging the delivery of health services and promotion as well as increasing access to public transportation for youth.

## Josiah Hill, III Community Leadership Award

*Multnomah County lost a powerful and dedicated champion in the fight for social, racial, health, and environmental justice when Josiah Hill III passed away October 12, 2000. To honor his legacy, the Health Department has established the Josiah Hill Community Leadership Award to be presented annually to outstanding community members.*



**S. Renee Mitchell** — S. Renee Mitchell is a Pulitzer Prize-nominated former newspaper columnist, poet, playwright, teacher and small business owner and speaks passionately against verbal, sexual and physical violence. Since leaving her career as an award-winning journalist, Renee has been on the ground serving her community by healing and empowering women through poetry, plays, writing workshops and spoken word presentations to a variety of audiences, from low-income teenage girls to professional women to Rotary Club members, in order to help raise awareness and encourage others to start talking about their experiences. A domestic and sexual violence survivor herself, Renee co-founded the Healing Roots Center, a four-year-old referral center for black women who are experiencing domestic violence. She co-chairs the center's advisory committee and has helped raised thousands of dollars to support outreach and awareness campaigns.

## Business

*This award is given to a business/corporation that promotes public health through their business practices.*



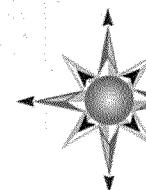
### Oregon Museum of Science and Industry (OMSI)

OMSI's mission to make science accessible and meaningful through exhibits, programs and hands-on experiences to all community members has recently focused on ensuring public health work is front and center in their community-

based work. Beginning in 2007, OMSI has collaborated with the Multnomah County Health Department through the SciencePub Program in bringing important public health topics to the community. This collaboration began on the subject of the pandemic influenza far before anyone was concerned about the 2009 H1N1 influenza virus. This continued with hosting community panels on H1N1 and this year, OMSI chose a public health book entitled, "The Ghost Map" to encourage a community dialogue about public health through partnerships with the Multnomah County Library and the Health Department.

## Community Based Organization or Program

*This award is given to a community based organization that promotes extraordinary health and wellness throughout Multnomah County through the services they provide.*



### Coalition for a Livable Future

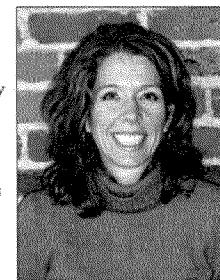
**Coalition for a Livable Future** — Coalition for a Livable Future (CLF) unites 100 diverse organizations to promote health and wellness in the Portland-Vancouver region by working to improve physical and social

environments at a systemic level so that exposure to health risks decline, making it easier for individuals to adopt healthier behaviors in the future. Through research, policy advocacy and public education, CLF works to create and preserve affordable housing; ensure clean water; protect open space, wildlife habitat and farmland; create living wage jobs; provide real transportation choices; and end hunger in our community. CLF has a 15-year track record of public policy wins and community building and strives to promote "regionalism", which recognizes that the community within our urban area is interdependent and that cooperation will improve the economic, social and environmental health of the metropolitan region as a whole.

## Governor John Kitzhaber Public Health Policy Leadership Award

*Governor Kitzhaber leveraged his medical school education and political influence into significant policy solutions that have improved the public health environment for all members of our community in Multnomah County and the State of Oregon. To honor his contributions, the Health Department has established the Governor John A. Kitzhaber Public Health Leadership Award to be presented annually to outstanding policy leaders/organizations who work to influence policy solutions that have improved the public health environment for all members of our community in Multnomah County and the state of Oregon.*

**Renee Hackenmiller-Paradis** — Renee Hackenmiller-Paradis is the Environmental Health Program Director at the Oregon Environmental Council and works to unite health professionals and environmental advocates in developing and promoting policies to protect children's health from toxic pollution. She works tirelessly to reduce sources of exposure by educating decision-makers and citizens about the costs of contaminants; organizing Healthy Environment Forum series; and rallying support behind policies such as fitting diesel school buses with filters and instituting safer pest management policies in schools. In 2009, Renee championed the "Children's Safe Products Act" which included a bill that tackled Bisphenol A (BPA). She created a successful campaign that put pressure on lawmakers and manufacturers to find solutions to reduce children's exposure to this dangerous chemical, opening the door to further discussion with businesses and health care providers.



## Multnomah County Employee

*Everyday, Multnomah County employees work tirelessly to serve the community with compassion and outstanding service. This award was established to recognize the best of the best.*

**Susan Kirchoff** — Susan Kirchoff is responsible for overseeing the operations at the Department's health centers where approximately 60,000 Multnomah County residents, representing the county's most vulnerable communities, depend on high quality care delivered at these sites. Susan is the architect of the Building Better Care model, which promotes a patient-centered approach to health care services. She has led the campaign for significant improvements to the health center program with funding provided by the county and through the 2009 Recovery Act. Her leadership in the county's dental program has led to an increase in access by at least 9% per year for the past 2 years. Susan is a champion for assuring that every client has a high quality experience with the county's primary care services by identifying and removing barriers to care so that clients can have strong personal relationships with their care team.



◆ ◆ ◆  
*Special thanks to the following individuals for their time and assistance:*

Esther Leckie	Amy Anderson	Jennifer Snarski
Barb McClendon	Harold Odhiambo	Tameka Brazile
Jill Holden	Aron Stephens	Loren Hiatt
Jonathan Potkin		

◆ ◆ ◆  
*The Multnomah County Health Department is pleased to honor all the deserving nominees for their compassion and dedication to making Multnomah County a healthier place to live:*

Christine Bernsten	Compassion Connect	Dr. Yuen Chan
Food Works	211info Information and Referral Staff	Althea Milechman
S. Renee Mitchell	Coalition for a Livable Future	Jane Harold
Dr. Athena Bettger		Kaiser Permanente
Dr. Jill Ginsberg	Mary Orr	Ride Connection and the American Cancer Society's Road to Recovery Program
The Tooth Taxi Mobile Dental Clinic	Benjamin Duncan	
	William E. King	
Kathy Venator	Project Access NOW	Cathy Olsen-Dennis
Distribution Service Drivers	Tim Barnhart	Oregon Prevention, Education and Recovery Association
Team in Training of Oregon and SW Washington	Susan Kirchoff	
	Russian Oregon Social Services	OMSI
Assistance League of Portland Dental Clinic	Julio Vazquez	Kateri Eagle Staff
Jessica Guernsey Camargo	DCM/FREDS/Materiel Management	North by Northeast Community Health Center
John Duke and Outside In	Multnomah Youth Commission	Sexual Minority Youth Resource Center
Neighborhood House		Reverend Renee Ward
Eco-Healthy Child Care	Lila Wickham	Dr. Peter Mahr
Alison Goldstein	Dale Jackson	The Oregonian
Lorna Loomis	Women of Wisdom	Mila F. Castro
Renee Hackenmiller-Paradis	Dr. Kirk Wolfe	Morrison Child and Family Services
	Jo Brody	

# Celebrating Our Public Health Heroes



**Public Health**  
 Prevent. Promote. Protect.

## *April is Public Health Month*

### Multnomah County Health Department Public Health Heroes Celebration

### April 8, 2010 • 11:00 a.m. – 12:00 p.m.

◆ ◆ ◆  
*Honoring Our Public Health Heroes  
 In Celebration of 2010 National Public Health Week*

## GROW Lynda

---

**From:** GROW Lynda  
**Sent:** Tuesday, April 06, 2010 5:30 PM  
**To:** PICKTHORNE Linda K  
**Subject:** RE: PowerPoint (updated) for April 8

Sounds good! I'll load it in the weekly board packet that is on line right now, in case any of our folks are reviewing their packet on the web, plus I'll print out copies, and load it on the Presenter's computer.

Are you coming Thursday?? I hope so!!  
Lynda

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

**From:** PICKTHORNE Linda K  
**Sent:** Tuesday, April 06, 2010 5:00 PM  
**To:** GROW Lynda  
**Subject:** PowerPoint (updated) for April 8

Lynda, I am submitting an updated PowerPoint. I just became aware of updates to the PowerPoint for Health Department April 8 event entitled:

PROCLAMATION Proclaiming April 5th through April 11th, 2010 Public Health Awareness Week in Multnomah County, Oregon; and Presentation of Multnomah County's Annual Public Health Heroes Celebration

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

**From:** CHU May-Lynn  
**Sent:** Tuesday, April 06, 2010 4:09 PM  
**To:** PICKTHORNE Linda K  
**Subject:** RE: Update H1N1 powerpoint

Hi Linda:

Here's the updated powerpoint presentation. It has an intro slide and photo credits added. This is the finalized form. Thanks.

May-Lynn Chu  
Program Supervisor: Public Health Heroes  
Multnomah County Health Department  
(503)988-3674 x26113  
work cell: 503-901-2121  
may-lynn.chu@co.multnomah.or.us





Multnomah County  
Health Department

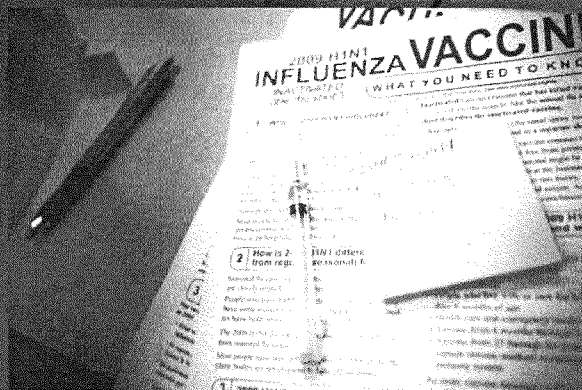
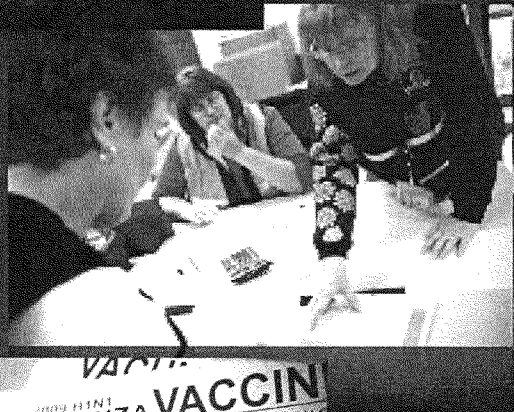
# *2010 Public Health Heroes Celebration*

Revised Item for 4-8-2010 Board Packet  
Revised Powerpoint behind  
R-4 Public Health Heroes





# Thank you to all of our H1N1 Response Community Partners



© Photos by Leah Nash

- African-American Health Coalition
- Albertina Kerr Center
- Asian Family Center
- Asian Health & Services Center
- Cascade Aids Project
- Catholic Charities: El Programa Hispano & Kateri Park
- Central Bible Church
- La Clinica de Buena Salud
- Compassion Connect
- Concordia University
- Downtown Chapel
- Ecumenical Ministry of Oregon – Russian Oregon Social Service
- Emmanuel Temple
- Head Start Program



- IRCO (Immigrant & Refugee Community Organization)
- La Clinica de Buena Salud
- Lewis & Clark College
- MESD administrators, nurses, students and families
- Mexican Consulate
- Montavilla Baptist Church
- Mt. Hood Community College
- Multnomah County Aging and Disabilities Services
- Multnomah University Wellness Center
- Native American Rehabilitation Association (NARA)
- Native American Youth Association (NAYA)
- Oregon Red Cross
- Outside In (clinic and outreach sites)
- Portland Community College
- Portland Food Bank
- Portland Rescue Mission
- Red Sea Church
- Reed College
- Salvation Army – Harbor Light & White Shield
- Self Enhancement, Inc.
- Shepherd's Door
- Transition Projects International: Clark Center, Glisan Shelter and Jean's Place
- Tremont Evangelical Church
- Union Gospel Mission
- University of Portland
- Walla Walla University
- West Women's & Children's Shelter
- Women, Infants & Children's (WIC) sites at East County, Gateway, Gresham and NE Health Center



- Central Stores Material Management
- Corrections Emergency Response Team (CERT) Volunteers
- City of Portland Risk Management Office
- Department of Criminal Justice
- Multnomah County Detention Center
- Multnomah County Inverness Jail
- Portland Fire Bureau
- Portland Police
- Gresham Fire
- Gresham Police
- Troutdale Police
- Fairview Police



**Thank you for all your efforts in  
helping to protect our  
community!!**

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

---

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 4/8/10

SUBJECT: CASE No - 061273229  
COURT RESTRAINING ORDER

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: PAUL, ADOLPH, PHILLIPS

ADDRESS: 1212 SW CLAY STREET apt #217

CITY/STATE/ZIP: PORTLAND, OREGON 97201

PHONE: \_\_\_\_\_ DAYS: — EVES: —

EMAIL: — FAX: —

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

## GROW Lynda

**From:** Multnomah County Chair  
**Sent:** Tuesday, March 23, 2010 4:14 PM  
**To:** #MULTNOMAH COUNTY ALL EMPLOYEES  
**Subject:** Chair and County Commissioner Changes



Office of Interim Chair Jana McLellan

---

### MULTNOMAH COUNTY OREGON

---

3 Hawthorne, Suite 600  
Portland, Oregon 97214  
503-3308 phone  
503-3093 fax

March 23, 2010

Dear fellow Multnomah County employees:

I would like to provide an update on the leadership changes at the county. At the April 1, 2010 board meeting, the Multnomah Board of County Commissioners will vote to finalize the Chair and Commissioner appointments. Commissioner Jeff Cogen will ask the Board to approve Barbara Willer as his designee for District 2 Commissioner, followed by his appointment to fill the remaining term as Chair. Upon Board approval, Jeff and Barbara will be immediately sworn in.

Commissioner Cogen will issue the executive budget in mid-May and will lead the county through the budget process. Any adjustments to the budget timeline will be posted on the [budget website](#).

You may remember Barbara Willer as former Chair Ted Wheeler's Chief of Staff. After her appointment by the Board, she will serve as District 2 Commissioner, bringing her extensive experience in county government and community service.

I am confident that the county will be well-served by these appointments and I have been honored to act as "caretaker" during the transition.

Thank you for your continued good work and focus on what is important: innovative, cost-effective and compassionate service to the citizens of Multnomah County.

Sincerely,

Jana McLellan  
Multnomah County Interim Chair

JM/ml

3/23/2010



## **Commissioner Jeff Cogen, District 2**

---

### **MULTNOMAH COUNTY OREGON**

---

501 SE Hawthorne, Suite 600

Portland, Oregon 97214

(503) 988-5219 phone

(503) 988-5440 fax

[www.co.multnomah.or.us/cc/ds2/](http://www.co.multnomah.or.us/cc/ds2/)

[district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

## **MEMORANDUM**

TO: Chair Jana McLellan  
Commissioner Deborah Kafoury  
Commissioner Judy Shiprack  
Commissioner Diane McKeel  
Clerk of the Board Lynda Grow

FROM: Commissioner Jeff Cogen

DATE: 3/18/2010

RE: Interim Designee

---

In accordance with Charter Section 4.50(3) and MCC 5.005, I am designating Barbara Willer as interim Commissioner should I leave my office for any reason after March 18, 2010. Ms. Willer is a resident of Multnomah County's District 2 and has served as Chief of Staff to former Chair Ted Wheeler. She is qualified to assume these responsibilities until a new Commissioner is appointed or elected.

**GROW Lynda**

---

**From:** PICKTHORNE Linda K  
**Sent:** Thursday, April 01, 2010 12:32 PM  
**To:** GROW Lynda  
**Subject:** RE: Submitting APR, Proclamation for Public Health Week and Public Health Heroes

I believe you have everything now. I checked my log and other submittals for April meetings are Bud-Mods 27, 28, 29, 30 and 31 and the Resolution I submitted today.

---

**From:** GROW Lynda  
**Sent:** Thursday, April 01, 2010 12:14 PM  
**To:** PICKTHORNE Linda K  
**Cc:** SHIRLEY Lillian M; MADRIGAL Marissa D  
**Subject:** RE: Submitting APR, Proclamation for Public Health Week and Public Health Heroes

Ok, Linda, we had our board meeting this morning, but I got your message, thank you. Please bear with us during this transition. Before March 4<sup>th</sup>, Deb managed the agenda and she has resigned. That's why Tom sent out an e-mail asking all departments to re-send anything they had pending for the Board on to me. If you have anything else pending, for any week at all, would you let me know? Thanks.

I will include your information in the board's packet that I'm assembling this afternoon.

When you get a chance, I still need a small amount of clarification so I can write the Script for the Chair.

Can you please let me know how this will flow so I can get it written correctly. Since you'll be last on the agenda, do we read it in, get them to vote, then adjourn and complete the ceremonies, that sort of thing. Any feedback you can provide is appreciated. Enjoy our sunbreak!

Thanks.

---

**From:** PICKTHORNE Linda K  
**Sent:** Thursday, April 01, 2010 8:43 AM  
**To:** GROW Lynda  
**Subject:** FW: Submitting APR, Proclamation for Public Health Week and Public Health Heroes  
**Importance:** High

Lynda, I left you a voice mail. Here is the original submittal for the April 8 event. Note this was submitted in January, far in advance of the deadline.

---

**From:** PICKTHORNE Linda K  
**Sent:** Monday, January 25, 2010 2:56 PM  
**To:** RINEHART Tom  
**Cc:** BOGSTAD Deborah L; CHU May-Lynn; SHIRLEY Lillian M; JOHNSON KaRin R; LENNON Karolin M  
**Subject:** Submitting APR, Proclamation for Public Health Week and Public Health Heroes

Tom, please accept this APR and Proclamation for placement on the **April 8** Board agenda.

<b>Agenda Title:</b>	<b>PROCLAMATION Proclaiming April 5th through April 11th, 2010 Public Health Awareness Week in Multnomah County, Oregon; and Presentation of Multnomah County's Annual Public Health Heroes Celebration</b>
----------------------	---

## GROW Lynda

---

**From:** ELLIOTT Gerald T  
**Sent:** Wednesday, March 24, 2010 2:05 PM  
**To:** MADRIGAL Marissa D  
**Cc:** JOHNSON Cecilia; ISLEY Sheila L; SCHILLING Karen C; MCFARLAND Jane; FARMER Stuart L; COLEMAN RILEY Monique A; GROW Lynda  
**Subject:** APR for Transportation CIPP  
**Attachments:** APR\_CIPP2010-14\_submitted.doc; CIPP\_ Reso\_submitted.doc; CIPP\_Board\_Report\_03\_24\_10.pdf

Marissa,

Since Sheila Isley is out of the office today, I am submitting this APR and related documents for your review and approval for the April 8<sup>th</sup> Board Agenda. I have signed the hardcopy and will forward it to Lynda.

Thanks  
Jerry Elliott  
Business Manager  
Department of Community Services  
(503) 988-4624



APR\_CIPP2010-1  
\_submitted.doc



CIPP\_  
\_submitted.doc



CIPP\_Board\_Rep  
(4t\_03\_24\_10).pdf.

## NAVA Megan M

---

**From:** GRACE Becky J  
**Sent:** Wednesday, March 24, 2010 2:41 PM  
**To:** NAVA Megan M  
**Subject:** FW: Order Authorizing the Public Sale of Tax Foreclosed Property

---

**From:** RYAN Matthew O  
**Sent:** Wednesday, March 24, 2010 10:31 AM  
**To:** GRACE Becky J  
**Cc:** WALRUFF Randy P; SANDERMAN Richard A; BROWN Sally A; KINOSHITA Carol; SOWLE Agnes  
**Subject:** FW: Order Authorizing the Public Sale of Tax Foreclosed Property

Becky,  
Here is our tweak of the Public Sale Order; with the additional delegation to the Chair to execute the earnest money agreement (EMA) and/or deed as the case may be. You need to include a sample EMA and deed, as Exhibits B & C respectively. The attached Order is approved for submission to the BCC for its consideration. Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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---

**From:** GRACE Becky J  
**Sent:** Tuesday, March 23, 2010 3:35 PM  
**To:** RYAN Matthew O  
**Cc:** BROWN Sally A  
**Subject:** FW: Order Authorizing the Public Sale of Tax Foreclosed Property

Hi Matt,  
Will you have time to approve the attached board order in time for the Thursday deadline? Sally just asked me for an update since she has a meeting with the director tomorrow.  
Thank you,  
Becky

---

**From:** GRACE Becky J  
**Sent:** Tuesday, March 16, 2010 1:50 PM  
**To:** RYAN Matthew O  
**Cc:** KINOSHITA Carol  
**Subject:** Order Authorizing the Public Sale of Tax Foreclosed Property

3/24/2010



Hi Matt,

Attached for your review and approval is the order authorizing the public sale of tax foreclosed property. I met with Randy, Sally, and Richard on this board order and they asked me if we have to go back to the board after the sale to authorize the deed. Is there anyway we can combine the 2<sup>nd</sup> step we have done in the past? Thank you,

Becky Grace  
Tax Title  
503-988-3590

3/24/2010

## GROW Lynda

---

**From:** GRACE Becky J  
**Sent:** Wednesday, March 24, 2010 2:41 PM  
**To:** NAVA Megan M  
**Subject:** FW: Order Authorizing the Public Sale of Tax Foreclosed Property  
**Attachments:** AuthorizingPublicSale3 24 10 ck.doc

---

**From:** RYAN Matthew O  
**Sent:** Wednesday, March 24, 2010 10:31 AM  
**To:** GRACE Becky J  
**Cc:** WALRUFF Randy P; SANDERMAN Richard A; BROWN Sally A; KINOSHITA Carol; SOWLE Agnes  
**Subject:** FW: Order Authorizing the Public Sale of Tax Foreclosed Property

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Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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Thank you,  
Becky

---

**From:** GRACE Becky J  
**Sent:** Tuesday, March 16, 2010 1:50 PM  
**To:** RYAN Matthew O  
**Cc:** KINOSHITA Carol

4/1/2010

**Subject:** Order Authorizing the Public Sale of Tax Foreclosed Property

Hi Matt,

Attached for your review and approval is the order authorizing the public sale of tax foreclosed property. I met with Randy, Sally, and Richard on this board order and they asked me if we have to go back to the board after the sale to authorize the deed. Is there anyway we can combine the 2<sup>nd</sup> step we have done in the past? Thank you,

Becky Grace  
Tax Title  
503-988-3590

4/1/2010

## GROW Lynda

---

**From:** HARRIS Mindy L  
**Sent:** Monday, March 22, 2010 1:40 PM  
**To:** BANGERT Carla J; GROW Lynda; MADRIGAL Marissa D; MCLELLAN Jana E  
**Cc:** THOMAS Bob C; BOWLES Colleen; RYAN Matthew O; WADDELL Mike D; NEBURKA Julie Z  
**Subject:** FW: APR Approving the Justice Center Condo Agreement with City of Portland  
**Attachments:** Justice Center Condo Agreement APR.doc

My signature is affixed. Thanks Carla.

---

**From:** BANGERT Carla J  
**Sent:** Monday, March 22, 2010 7:01 AM  
**To:** HARRIS Mindy L  
**Cc:** GROW Lynda; THOMAS Bob C; BOWLES Colleen; RYAN Matthew O  
**Subject:** APR Approving the Justice Center Condo Agreement with City of Portland

Mindy - I am attaching an APR for the 4/08/10 Board meeting agenda requesting approval for the Justice Center Condo Agreement with the City of Portland. This agreement is for building management services for the condo unit owners and calls out Multnomah County as managing agent.

If agreeable, would you please forward electronic approval to Lynda Grow and me so that this item can be placed on the 4/08/10 agenda.

Please let me know if there are any questions.  
Thank you,  
Carla

Carla Bangert  
Senior Property Management Specialist  
Multnomah County  
Facilities & Property Management  
(503) 988-4128  
[carla.j.bangert@co.multnomah.or.us](mailto:carla.j.bangert@co.multnomah.or.us)

Please take a moment and complete our survey. Thanks!

<http://www.zoomerang.com/Survey/?p=WEB22A7DV3BJ95>

*Attendance 4/6***GROW Lynda**

**From:** JOHNSON Cecilia  
**Sent:** Monday, March 29, 2010 2:49 PM  
**To:** #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4  
**Cc:** ELLIOTT Gerald T; PEOPLES Kim E; CANNON Ian B; SCHILLING Karen C  
**Subject:** April 6th Briefing RE: Transportation Funding and Capital Needs

Dear Chair and Commissioners,

DCS was originally scheduled to provide the policy briefing regarding the structural deficit in transportation and our Capital needs in February. Because we also are needing to present the update Capital plan and program for BCC approval, we requested a later date so that the two could be scheduled in close proximity to one another.

The result of rescheduling means the BCC briefing will be on next Tuesday, April 6<sup>th</sup> and the Capital plan and program hearing and resolution for adoption will occur next Thursday, April 8<sup>th</sup>. However, I regret that I will not be in attendance on April 6<sup>th</sup> as I will be returning from a wedding in Jamaica on that day. Jerry Elliott, Kim Peoples, Ian Cannon and Karen Schilling will be providing you the briefing.

I apologize for having to miss the briefing, but made the commitment to the wedding trip in December of last year. Thanks in advance for your understanding.

Cecilia

3/29/2010

**GROW Lynda**

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**From:** MCFARLAND Jane  
**Sent:** Friday, April 02, 2010 12:00 AM  
**To:** FARMER Stuart L; MULLEN Greg; FISHER Kathy  
**Cc:** GROW Lynda; ELLIOTT Gerald T  
**Importance:** High

Hi Stuart, and Greg (and Kathy):

I'm sending this request to all of you, as I'm not sure who will be able to help in the morning. Hopefully Greg or Stuart is, because they've made similar production edits for me recently.

I have some changes that need to be made to the CIPP Board Report and sent to Lynda Grow, the board clerk – **ASAP.**

On the yeon shared drive, in the PUBLISH folder, CIPP 2010-14\April 1, 2010 subfolder G:\PUBLISH\CIPP 2010-2014\April 1, 2010 you will find:

A pdf file of CIPP Board Report

Word files for *Pages 3 and 30*. These need to be pdf'd and replace the current pages in the Board Report.

Excel Spreadsheet: worksheets named *ProgramRevised0410*, *Roads - Plan* and *Bike - Plan* need to pdf'd and inserted in the CIPP Board Report, replacing the current sheets. The Roads-Plan is pages 8-9, the Bike Plan is pages 14-15, and the Program is the last 2 pages of the document.

Please save a copy of the revised document in the April 1, 2010 folder.

I will be in a workshop from 8 a.m. on tomorrow, but give me a call at (971) 222-6673 with any questions. I may have to call you right back.

Thanks for your help on this! I know I owe somebody something big time for this. No Fooling!

Jane



## **Commissioner Barbara Willer**

**MULTNOMAH COUNTY, District 2**

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501 SE Hawthorne, Suite 600

Portland, Oregon 97214

(503) 988-5219 phone

(503) 988-5440 fax

<http://multco.us/portal/site/ds2>

[district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

### **MEMORANDUM**

TO: Chair Jeff Cogen  
Commissioner Deborah Kafoury  
Commissioner Judy Shiprack  
Commissioner Diane McKeel  
Clerk of the Board Lynda Grow

FROM: Warren Fish

DATE: 4/8/2010

RE: Board Meeting 4-8-10 Excused Absence

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Commissioner Barbara Willer will not be able to attend the Board meeting today, April 8<sup>th</sup>, 2010. She apologizes for the late notice and thanks you for your understanding during this difficult time for her and her family.