



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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DECEMBER 2 & 4, 2008

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Employee Service Recognition Ceremony
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 3	9:30 a.m. Thursday Proclaiming Wednesday, December 10, 2008 Human Rights Day
Pg 4	9:53 a.m. Thursday Briefing and Discussion on Court Facilities Funding Status
Pg 4	10:15 a.m. Thursday Health Department Ordinance Relating to Smokefree Places of Employment and Public Places
Pg 4/ 5	10:45 a.m. Thursday Three Land Use Planning Ordinances Amending MCC 11, 29, 33-38

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

Thursday, 9:30 AM, (LIVE) Channel 30
Saturday, 10:00 AM, Channel 29
Sunday, 11:00 AM, Channel 30
Tuesday, 8:15 PM, Channel 29

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Tuesday, December 2, 2008 - 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 of the Multnomah County Board of Commissioners *may* be attending the Local Public Safety Coordinating Council Executive Committee meeting. This meeting is open to the public. For agenda topics and/or further information, contact LPSCC Executive Director Carol Wessinger at 503 988-5894.

Tuesday, December 2, 2008 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, December 2, 2008 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

EMPLOYEE SERVICE RECOGNITION

- B-1 Employee Service Recognition Ceremony for January 1 – December 31, 2008 Anniversary Dates for Employees with 15 or More Years of Service

Thursday, December 4, 2008 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-1 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody
- C-2 BUDGET MODIFICATION DCHS-17 Reclassifying a Vacant Case Manager 2 Position to Case Manager 1 Position in the Aging and Disabilities Services Division, as Determined by Class/Comp unit of Central Human Resources

DEPARTMENT OF COMMUNITY SERVICES

- C-3 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owners Jeffrey A. & Karen S. Mattsen
- C-4 Renewal of Non-Financial Intergovernmental Agreement 0310534 with the State of Oregon Department of Transportation for Oregon Public Works Emergency Response Cooperative Assistance

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

NON-DEPARTMENTAL - 9:30 AM

- R-1 PROCLAMATION Proclaiming Wednesday, December 10, 2008 Human Rights Day in Multnomah County, and Announcing Multnomah County's Participation in Celebrating 2009 as the United Nations International Year of Human Rights Learning. Presented by Dr. Herman Frankel.

DEPARTMENT OF COUNTY MANAGEMENT – 9:45 AM

- R-2 BUDGET MODIFICATION OVER-01 Appropriating \$2,147,633 for Labor Contract Settlement (FOPPO 2007-10) and Interest Arbitration Awards in the Department of Community Justice (JCSS 2007-10) and the Sheriff's Office (MCCDA Limited Reopener of 2007-08)

DEPARTMENT OF COMMUNITY JUSTICE – 9:50 AM

- R-3 BUDGET MODIFICATION DCJ-12 Appropriating \$25,968 from the Parental Access and Visitation Grant

NON-DEPARTMENTAL - 9:53 AM

- R-4 Briefing and Discussion on Court Facilities Funding Status. Presented by Commissioner Lisa Naito, Mark Pengilly, Phillip Kennedy-Wong, Presiding Judge Jean Maurer and Michael Dwyer. 30 MINUTES REQUESTED.

DEPARTMENT OF HEALTH – 10:15 AM

- R-5 First Reading of a Proposed ORDINANCE Amending MCC Chapter 21 Relating to Smokefree Places of Employment and Public Places
- R-6 BUDGET MODIFICATION HD-11 Appropriating \$10,000 in Revenue from Oregon Health and Science University for the Breast Health Promotion Among Women with Disabilities Project
- R-7 NOTICE OF INTENT to Approve Grant Funding from the Northwest Health Foundation for the Evaluation of Pizzicato's Early Adoption of the Chain Restaurant Nutrition Labeling Policy

DEPARTMENT OF COMMUNITY SERVICES – 10:45 AM

- R-8 First Reading and Possible Adoption of a Proposed ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the North Pearl District Plan in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-9 First Reading of a Proposed ORDINANCE Amending the Multnomah County Code Chapter 38, National Scenic Area, to Make Technical Corrections for Consistency with the Columbia River Gorge NSA Management Plan and to Update NSA Approval Criteria for Horse Boarding

R-10 First Reading of a Proposed ORDINANCE Amending MCC Chapter 37 Administration and Procedures, Chapter 29 Building Code, and Land Use Regulations Chapters 11.15, 33, 34, 35, 36, 38 Relating to Land Use Code Enforcement

BOARD COMMENT – 11:30 AM

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 11/12/08

Agenda Title: ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

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

Requested Meeting Date: December 4, 2008 Amount of Time Needed: N/A
Department: DCHS Division: MHASD
Contact(s): Jean Dentinger/Karen Zarosinski (X 26468)
Phone: (503) 988-5464 Ext. 27297 I/O Address: 167/1/520
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Requesting adoption of order and approval of designees. The Mental Health and Addiction Services Division is recommending approval of the designees in the accordance with ORS 426.215.

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.

Outpatient mental health agencies depend upon certain staff having the ability to assess clients for "Director Designee Custody". This certification allows the designee to direct a police officer or secure transportation provider to take into custody any individual with mental health issues who is found to be dangerous to self or to others. Police then transport the individual to a hospital or other approved treatment facility for further evaluation. As agencies experience staffing turnover or increases, new staff need to be trained and certified as designees.

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

None.

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

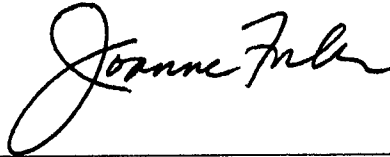
In accordance with ORS 426.215.

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

None.

Required Signature

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



A handwritten signature in cursive script, appearing to read "Joanne Feller", is written over a horizontal line.

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing a Designee of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) The designee listed below has been specifically recommended by the Mental Health Program Director and meets the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

- 1. The individual listed below is authorized as a designee of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
- 2. Added to the list of designees are:
Jennifer Obermeyer
Erin Schmidt

ADOPTED this 4th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

BY: _____
Patrick Henry, Assistant County Attorney

SUBMITTED BY:
Joanne Fuller, Director, Dept. of County Human Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 08-154

Authorizing a Designee of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) The designee listed below has been specifically recommended by the Mental Health Program Director and meets the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

1. The individual listed below is authorized as a designee of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:
Jennifer Obermeyer
Erin Schmidt

ADOPTED this 4th day of December, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

BY: 
Patrick Henry, Assistant County Attorney

SUBMITTED BY:
Joanne Fuller, Director, Dept. of County Human Services



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 12-04-08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 11/10/08

BUDGET MODIFICATION: DCHS - 17

**BUDGET MODIFICATION DCHS-17 Reclassifying a Vacant Case Manager 2
Agenda Position to Case Manager 1 Position in the Aging and Disabilities Services
Title: Division, 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 sufficient to describe the action requested.

Requested Meeting Date: December 4, 2008 Amount of Time: N/A

Department: County Human Services Division: Aging & Disabilities Services

Contact(s): Kathy Tinkle

Phone: (503) 988-3691 Ext. 26858 I/O Address: 167/620

Presenter(s): Consent Agenda

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-17 reclassifying 0.75 FTE (1.00 FTE on an annualized basis) in Aging and Disability Services Division (ADS) from Case Manager 2 (CM2) to a Case Manager 1 (CM1), as determined by the Class/Comp unit of Central Human Resources.

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

This modification reflects a Class/Comp decision on a reclassification request initiated by ADS management (program offer 25023 - Long Term Care).

This CM1 position in the Long Term Care program is required to address the eligibility caseload growth in the Mid County area within available resources. In order to accomplish this, the program will reclassify a vacant CM2 position to a CM1 position. Due to the lack of growth among the program's service clients, this action would not have a negative impact on client services.

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

This position being down graded to a lower job class will result in overall cost savings of \$11,825; of which, \$11,392 (\$15,189 annualized) from personnel costs, and \$433 from indirect costs. The cost savings will be offset with a like increase in temporary personnel costs. The pay scale for a CM2 is (\$42,929 - \$52,806) while the pay scale for a CM1 position is (\$37,020 - \$45,539). Personnel costs will decrease over time, as the pay scale for the CM1 is lower than a CM2.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

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

Risk fund revenue decreases by \$208, Federal/State service reimbursement to CGF decreases by \$236, and Department Director's indirect revenue decreases by \$197.

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

Permanent personnel decreases by \$11,392 and indirect decreases by \$433. Temporary personnel increases by \$11,825 .

Risk fund decreases by \$208, County Fund contingency by \$236 and Department Director's budget for supplies by \$197.

- **What do the changes accomplish?**

Approval of a classification decision from Human Resources Class/Comp allows for a classification that better reflects the functions and duties of the position involved, and moves resources within Long Term Care program to cover expanded workload.

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

Yes. The approval of this budget modification will result in reclassifying 0.75 FTE (1.00 FTE on an annualized basis) in the Long Term Care program from CM2 to CM1, as determined by the Class/Comp unit of Central Human Resources. The cost savings that results from this position reclassification will be utilized for temporary personnel.

- **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 & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 17

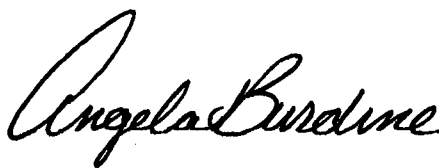
Required Signatures

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



Date: 11/06/08

Budget Analyst:



Date: 11/10/08

Department HR:



Date: 11/06/08

Countywide HR:

Date: _____

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

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

Budget/Fiscal Year: **2009**

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	30-55	26090	25023	40			ADSDIVLTCMCXIX	60000			(8,288)		Permanent
2	30-55	26090	25023	40			ADSDIVLTCMCXIX	60130			(2,607)		Salary Related
3	30-55	26090	25023	40			ADSDIVLTCMCXIX	60140			(497)		Insurance
4	30-55	26090	25023	40			ADSDIVLTCMCXIX	60350			(236)		Central Indirect
5	30-55	26090	25023	40			ADSDIVLTCMCXIX	60355			(197)		Dept Indirect
6													
7	30-55	26090	25023	40			ADSDIVLTCMCXIX	60100			10,678		Temporary
8	30-55	26090	25023	40			ADSDIVLTCMCXIX	60135			885		Non Base Fringe
9	30-55	26090	25023	40			ADSDIVLTCMCXIX	60145			262		Non Base Insurance
10													
11	72-10	3500		20		705210		50316		208	207		Svc Reimb F/S to Risk
12	72-10	3500		20		705210		60330		(208)	(207)		Claim Paid
13													
14	19	1000	20			9500001000		50310		236	236		Svc Reimb F/S to Gen Fund
15	19	1000	20			9500001000		60470		(236)	(236)		Contingency
16													
17	26-00	1000	40	2500			CHSDO.IND1000	50370		197	197		Dept Indirect
18	26-00	1000	40	2500			CHSDO.IND1000	60240		(197)	(197)		Supplies
19													
20													
21													
22													
23													
24													
25													
26													
27													
28													
29													
											0	0	Total - Page 1
											0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGEChange 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
1505	6297	62958	ADSDIV.LTCMCIX	Case Mgr 2	711804	(1.00)	(48,071)	(15,114)	(13,832)	(77,017)
1505	6298	62958	ADSDIV.LTCMCIX	Case Mgr 1	711804	1.00	37,020	11,639	13,169	61,828
										0
										0
										0
										0
										0
										0
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										0
										0
TOTAL ANNUALIZED CHANGES						0.00	(11,051)	(3,475)	(663)	(15,189)

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate 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
1505	6297	62958	ADSDIV.LTCMCIX	Case Mgr 2	711804	(0.75)	(36,053)	(11,336)	(10,374)	(57,763)
1505	6298	62958	ADSDIV.LTCMCIX	Case Mgr 1	711804	0.75	27,765	8,729	9,877	46,371
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	(8,288)	(2,607)	(497)	(11,392)



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 11/18/08

Agenda Title: RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owners Jeffrey A. & Karen S. Mattsen

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

Requested Meeting Date:	December 4, 2008	Amount of Time Needed:	Consent Item
Department:	Community Services	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.	22591
		I/O Address:	503/1/Tax Title
Presenter(s):	Gary Thomas		

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the former owners Jeffrey A. & Karen S. Mattsen.

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 subject property (as shown in Exhibit A) was foreclosed on for delinquent property taxes and came into County ownership on September 26, 2008. A letter dated October 7, 2008 was sent to the former owners of record, Jeffrey A. & Karen S. Mattsen, providing the opportunity to repurchase the property from the County. Karen S. Mattsen contacted the County on October 9 2007, requesting the payoff information to repurchase the property within the 30 days provided by Multnomah County Code Chapter 7.

This action affects our Vibrant Communities Program Offer by placing a tax foreclosed property back onto the tax roll.

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

The repurchase will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will

also reinstate the property on the tax roll (see Exhibit B).

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

Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes and expenses.

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

None is anticipated.

Required Signature

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

A handwritten signature in cursive script, reading "M. Cecilia Johnson". The signature is written in dark ink and is positioned above a horizontal line.

Date: 11/18/08

R183565



EXHIBIT B
PROPOSED PROPERTY LISTED FOR REPURCHASE
FISCAL YEAR 2009

LEGAL DESCRIPTION: Part of Lots 71 and 72 Homestake Gardens, and part of Tract 1, Everglade, in Section 3, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Portland, in Multnomah County, Oregon, described as follows:

Beginning at the Northeast corner of the L.W. Nelson Donation Land Claim in said Section 3, Township 1 South, Range 2 East of the Willamette Meridian; running thence North 89°54' West along the North line of said Nelson Donation Land Claim 76.56 feet to the West line of S.E. 111th Avenue; thence South along the West line of S.E. 111th Avenue, 37.46 to a point of curve to the right; thence Southwesterly along the arc of said curve to the right with a radius of 8.35 feet and through a central angle of 101°21'40" a distance of 14.77 feet to a point in the North line of S.E. Main Street, the long chord of said curve bears South 50°40'50" West and having a length of 12.92 feet; thence North 78°38'20" West along the North line of S.E. Main Street 55.64 feet to the true point of beginning of the tract herein described; thence from the above described true point of beginning, continue North 78°38'20" West along the North line of S.E. Main Street, 66.30 feet; thence North 0°10' East 102.30 feet to a point that is South 115.00 feet from the South line of S.E. Salmon Street; thence South 89°28' East parallel with the South line of S.E. Salmon Street, 65 feet; thence South 0°08'40" West 114.75 feet to the true point of beginning.

PROPERTY ADDRESS:	11011 SE Main ST
TAX ACCOUNT NUMBER:	R183565
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	7,000 SF
ASSESSED VALUE:	\$277,050

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

TAX TITLE MAINTENANCE COST & EXPENSES:

PENALTY & FEE:

MINIMUM PRICE REQUEST FOR REPURCHASE

	\$30,063.08
	\$500.00
	\$992.38
	\$31,555.46

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owners, Jeffrey A. & Karen S. Mattsen

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in the attached Exhibit A through the foreclosure of liens for delinquent property taxes, and Jeffrey A. & Karen S. Mattsen are the former owners of record.
- b. Jeffrey A. & Karen S. Mattsen timely applied to the County in compliance with MCC Section 7.402 to repurchase the property for \$31,555.46, which amount is not less than that required by ORS 275.180 and MCC Subsection 7.402(C); and it is in the best interest of the County that the property be sold to the former owners.
- c. The Tax Title Section has received payment in the amount of \$31,555.46 from HSBC representing Jeffrey A. & Karen S. Mattsen.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute a deed in substantial compliance with the attached deed; conveying to the former owners the real property described in the attached Exhibit A.

ADOPTED this December 4th, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

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

Exhibit A Resolution

Legal Description:

Part of Lots 71 and 72 Homestake Gardens, and part of Tract 1, Everglade, in Section 3, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Portland, in Multnomah County, Oregon, described as follows:

Beginning at the Northeast corner of the L.W. Nelson Donation Land Claim in said Section 3, Township 1 South, Range 2 East of the Willamette Meridian; running thence North $89^{\circ}54'$ West along the North line of said Nelson Donation Land Claim 76.56 feet to the West line of S.E. 111th Avenue; thence South along the West line of S.E. 111th Avenue, 37.46 to a point of curve to the right; thence Southwesterly along the arc of said curve to the right with a radius of 8.35 feet and through a central angle of $101^{\circ}21'40''$ a distance of 14.77 feet to a point in the North line of S.E. Main Street, the long chord of said curve bears South $50^{\circ}40'50''$ West and having a length of 12.92 feet; thence North $78^{\circ}38'20''$ West along the North line of S.E. Main Street 55.64 feet to the true point of beginning of the tract herein described; thence from the above described true point of beginning, continue North $78^{\circ}38'20''$ West along the North line of S.E. Main Street, 66.30 feet; thence North $0^{\circ}10'$ East 102.30 feet to a point that is South 115.00 feet from the South line of S.E. Salmon Street; thence South $89^{\circ}28'$ East parallel with the South line of S.E. Salmon Street, 65 feet; thence South $0^{\circ}08'40''$ West 114.75 feet to the true point of beginning.

Until a change is requested, all tax statements
Shall be sent to the following address:
JEFFREY A & KAREN S MATTSSEN
11011 SE MAIN ST
PORTLAND OR 97216

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

Deed D082169 for R183565

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to Jeffrey A. & Karen S. Mattsen, Husband and Wife, **Grantees**, the real property described in the attached **Exhibit A**.

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 paid for this transfer is \$31,555.46.

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 County Board.

Dated this 4th day of December, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 4th day of December 2008, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A

(Deed D082169 for R183565)

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-155

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owners, Jeffrey A. & Karen S. Mattsen

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in the attached Exhibit A through the foreclosure of liens for delinquent property taxes, and Jeffrey A. & Karen S. Mattsen are the former owners of record.
- b. Jeffrey A. & Karen S. Mattsen timely applied to the County in compliance with MCC Section 7.402 to repurchase the property for \$31,555.46, which amount is not less than that required by ORS 275.180 and MCC Subsection 7.402(C); and it is in the best interest of the County that the property be sold to the former owners.
- c. The Tax Title Section has received payment in the amount of \$31,555.46 from HSBC representing Jeffrey A. & Karen S. Mattsen.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute a deed in substantial compliance with the attached deed; conveying to the former owners the real property described in the attached Exhibit A.

ADOPTED this December 4th, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

Exhibit A Resolution

Legal Description:

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Exhibit A

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

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 11/18/08

Agenda Title: **Renewal of Non-Financial Intergovernmental Agreement 0310534 with the State of Oregon Department of Transportation for Oregon Public Works Emergency Response Cooperative Assistance**

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

Requested Meeting Date: December 4, 2008
Amount of Time Needed: Consent Calendar
Department: Community Services
Division: LUT – Road Services
Contact(s): Kim Peoples
Phone: (503) 988-5050 Ext. 26797 I/O Address: #425/2nd
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

The Department of Community Services recommends approval to renew the Oregon Public Works Emergency Response Cooperative Assistance Agreement for a third five-year term.

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

This is a renewal of Multnomah County's participation in a State-wide mutual aid agreement for response by Cities, Counties, or the State in times of emergency. The agreement enables public works agencies to voluntarily respond to support each other in an emergency, provides the mechanism for immediate response, and establishes the necessary documentation needed to seek maximum reimbursement possible from federal agencies. Multnomah County first entered into this agreement in 1998. The current commitment to the agreement expires January 27, 2009.

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

No regular or ongoing fiscal impact is anticipated. Multnomah County may respond or ask for assistance when/if it has the resources to do so. This agreement does not force the County to respond if resources are unavailable.

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

This agreement is authorized under ORS, Chapter 401.480 which provides for Cooperative Assistance Agreements among public and private agencies for reciprocal emergency aid and resources.

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

There are currently about 170 Cities and Counties participating in this agreement.

Required Signature

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



Date: 11/18/08

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

From: RYAN Matthew O

Sent: Wednesday, November 12, 2008 12:42 PM

To: HANSELL Tom J

Cc: KRAMER Cathey M

Subject: FW: Oregon Public Works ER Mutual Renewal

Tom,

The attached IGA has been reviewed for legal sufficiency and is authorized for submission to the BCC. However, the IGA shouldn't go forward until the County Emergency Management Office reviews it and if they have any comments or questions. As we discussed that Office should be in the loop on this particular IGA. Thanks.

Matthew O. Ryan

Assistant County Attorney

Office of Multnomah County Attorney

501 SE Hawthorne, Suite 500

Portland, Oregon 97214

Tel: 503-988-3138; Fax: 503-988-3377

matthew.o.ryan@co.multnomah.or.us

CONFIDENTIALITY: This email transmission may contain confidential and privileged information.

The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately.

From: HANSELL Tom J

Sent: Wednesday, November 05, 2008 3:19 PM

To: RYAN Matthew O

Cc: PEOPLES Kim E

Subject: Oregon Public Works ER Mutual Renewal

Matt,

I need your approval to submit this ODOT boiler plate mutual aid agreement to the BCC's, Dec 4th meeting. This will be our third commitment to this agreement. I didn't see any changes from the previous IGA you had approved. I did update the county signature page.

Please get back to me if you have questions. I intend to place this on the consent calendar since we are renewing for another 5 year term.

Thanks

Tom

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

From: HOUGHTON David B
Sent: Friday, November 14, 2008 4:42 PM
To: HANSELL Tom J
Cc: PEOPLES Kim E; KRAMER Cathey M
Subject: RE: Oregon Public Works ER Mutual Renewal

Thanks for providing the opportunity to review. It looks fine to me. We will keep a copy on file.
Dave

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

From: HANSELL Tom J
Sent: Wednesday, November 12, 2008 1:10 PM
To: HOUGHTON David B
Cc: PEOPLES Kim E; KRAMER Cathey M
Subject: FW: Oregon Public Works ER Mutual Renewal

Dave,

I wanted to let you know County Road Services is renewing a mutual aid agreement it has with ODOT and some 170 other local governments in the state. This agreement was initially signed by the county back in 1998 and this is our second renewal effort.

Road Service is working to place this on the BCC's Dec 5th Consent Calendar. I believe your office has been informed of our previous renewals so I wanted to again extend to you and your staff the opportunity to comment prior to it moving forward.

Please advance any comments or questions on this agreement to Kim Peoples..

<http://www.oregon.gov/ODOT/HWY/OOM/ERP/pwma.shtml>

Thanks
Tom Hansell

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0310534

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

Amendment #:

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

Department: Community Services

Division/

Program: Land Use & Transportation Program

Date: 11/14/08

Originator: Tom Hansell

Phone: (503) 988-5050 x29833

Bldg/Room: #425/Yeon

Contact: Cathey Kramer

Phone: (503) 988-5050 x22589

Bldg/Room: #425/Yeon

Description of Contract: Renewal of Oregon Public Works Emergency Response Cooperative Assistance Agreement.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) _____

EEO CERTIFICATION EXPIRES _____

PROCUREMENT
EXEMPTION OR
CITATION # _____

ISSUE
DATE: _____

EFFECTIVE
DATE: _____

END
DATE: _____

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

Contractor	ODOT Office of Maintenance & Operations		Remittance address (If different)	
Address	800 Airport Road SE			
City/State	Salem OR		Payment Schedule / Terms:	
ZIP Code	97301-4795		<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	(503) 986-3020/Fax: (503) 986-3032 (Rose Gentry)		<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	N/A		<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	1/30/2009	Term Date	01/29/2014*	
Amendment Effect Date		New Term Date		
Original Contract Amount	\$ 0	Original PA/Requirements Amount	\$ _____	
Total Amt of Previous Amendments	\$ 0	Total Amt of Previous Amendments	\$ _____	
Amount of Amendment	\$ 0	Amount of Amendment	\$ _____	
Total Amount of Agreement	\$ 0	Total PA/Requirements Amount	\$ _____	

REQUIRED SIGNATURES:

Department Manager

[Signature]

DATE

11/18/08

County Attorney

/s/ Matthew O. Ryan

DATE

11/12/08

CPCA Manager

N/A

DATE

County Chair

[Signature]

DATE

12-04-08

Sheriff

N/A

DATE

Contract Administration

N/A

DATE

COMMENTS: * Termination date is 5 years from the date of execution.

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-4 DATE 12-04-08

DEBORAH L. BOGSTAD, BOARD CLERK

OREGON PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT

THIS AGREEMENT is between the government agencies (local, county, or state) that have executed the Agreement, as indicated by the signatures at the end of this document.

WITNESSETH:

WHEREAS, parties to this agreement are responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

WHEREAS, each of the parties owns and maintains equipment, and employs personnel who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water; and related systems and other support;

WHEREAS, in the event of a major emergency or disaster as defined in ORS 40 1.025 (4), the parties who have executed this Agreement may need assistance to provide supplemental personnel, equipment, or other support; and

WHEREAS, the parties have the necessary personnel and equipment to provide such services in the event of an emergency; and

WHEREAS, it is necessary and desirable that this Agreement be executed for the exchange of mutual assistance, with the intent to supplement not supplant agency personnel;

WHEREAS, an Agreement would help provide documentation needed to seek the maximum reimbursement possible from appropriate federal agencies during emergencies;

WHEREAS, ORS Chapter 401.480 provides for Cooperative Assistance Agreement among public and private agencies for reciprocal emergency aid and resources; and

WHEREAS, ORS Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities;

NOW THEREFORE, the parties agree as follows:

1. Request

If confronted with an emergency situation requiring personnel, equipment or material not available to it, the requesting party (Requestor) may request assistance from any of the other parties who have executed this Agreement.

2. Response

Upon receipt of such request, the party receiving the request (Responder) shall immediately take the following action:

- A. Determine whether it has the personnel, equipment, or material available to respond to the request.
- B. Determine what available personnel and equipment should be dispatched and/or what material should be supplied.
- C. Dispatch available and appropriate personnel and equipment to the location designated by the Requestor.
- D. Provide appropriate access to the available material.
- E. Advise the Requestor immediately in the event all or some of the requested personnel, equipment, or material is not available.

NOTE: It is understood that the integrity of dedicated funds needs to be protected. Therefore, agencies funded with road funds are limited to providing services for road activities, sewer funds are limited to providing services for sewer activities and so on.

3. Incident Commander

The Incident Commander of the emergency shall be designated by the Requestor, and shall be in overall command of the operations under whom the personnel and equipment of the Responder shall serve. The personnel and equipment of the Responder shall be under the immediate control of a supervisor of the Responder. If the Incident Commander specifically requests a supervisor of the Responder to assume command, the Incident Commander shall not, by relinquishing command, relieve the Requestor of responsibility for the incident.

4. Documentation

Documentation of hours worked, and equipment or materials used or provided will be maintained on a shift by shift basis by the Responder, and provided to the Requestor as needed.

5. Release of Personnel and Equipment

All personnel, equipment, and unused material provided under this Agreement shall be returned to the Responder upon release by the Requestor, or on demand by the Responder.

6. Compensation

It is hereby understood that the Responder will be reimbursed (e.g. labor, equipment, materials and other related expenses as applicable, including loss or damage to equipment) at its adopted usual and customary rates. Compensation may include:

- A. Compensation for workers at the Responder's current pay structure, including call back, overtime, and benefits.
- B. Compensation for equipment at Responder's established rental rate.
- C. Compensation for materials, at Responder's cost. Materials may be replaced at Requestor's discretion in lieu of cash payment upon approval by the Responder for such replacement.
- D. Without prejudice to a Responder's right to indemnification under Section 7.A. herein, compensation for damages to equipment occurring during the emergency incident shall be paid by the Requestor, subject to the following limitations:
 - 1) Maximum liability shall not exceed the cost of repair or cost of replacement, whichever is less.
 - 2) No compensation will be paid for equipment damage or loss attributable to natural disasters or acts of God not related to the emergency incident.
 - 3) To the extent of any payment under this section, Requestor will have the right of subrogation for all claims against parties other than parties to this agreement who may be responsible in whole or in part for damage to the equipment.

- 4) Requestor shall not be liable for damage caused by the neglect of the Responder's operators.

Within 30 days after presentation of bills by Responder entitled to compensation under this section, Requestor will either pay or make mutually acceptable arrangements for payment.

7. Indemnification

This provision applies to all parties only when a Requestor requests and a Responder provides personnel, equipment, or material under the terms of this Agreement. A Responder's act of withdrawing personnel, equipment, or material provided is not considered a party's activity under this Agreement for purposes of this provision.

To the extent permitted by Article XI of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, within the limits of the Tort Claims Act, the other parties against liability for damage to life or property arising from the indemnifying party's own activities under this Agreement, provided that a party will not be required to indemnify another party for any such liability arising out of the wrongful acts of employees or agents of that other party.

8. Workers Compensation Withholdings and Employer Liability

Each party shall remain fully responsible as employer for all taxes, assessments, fees, premiums, wages, withholdings, workers compensation and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Likewise, each party shall insure, self-insure, or both, its own employees as required by Oregon Revised Statutes.

9. Pre-Incident Plans

The parties may develop pre-incident plans for the type and locations of problem areas where emergency assistance may be needed, the types of personnel and equipment to be dispatched, and the training to be conducted to ensure efficient operations. Such plans shall take into consideration the proper protection by the Responder of its own geographical area.

10. The Agreement

- A. It is understood that all parties may not execute this Agreement at the same time. It is the intention of the parties that any governmental entity in the State of Oregon may enter into this Agreement and that all parties who execute this Agreement will be

considered to be equal parties to the Agreement. The individual parties to this Agreement may be "Requestor" or "Responder's" as referred to in Section 1. and 2. above, to all others who have entered this Agreement.

- B. The Oregon Department of Transportation (ODOT) Office of Maintenance shall maintain the master copy of this Agreement, including a list of all those governmental entities that have executed this Cooperative Assistance Agreement. ODOT will make the list of participants available to any entity that has signed the Agreement. Whenever an entity executes the agreement, ODOT shall notify all others who have executed the Agreement of the new participant. Except as specifically provided in this paragraph, ODOT has no obligations to give notice nor does it have any other or additional obligations than any other party.
- C. This Agreement shall be effective upon approval by two or more parties and shall remain in effect as to a specific party for five years after the date that party executes this Agreement unless sooner terminated as provided in this paragraph. Any party may terminate its participation in this Agreement prior to expiration as follows:
 - 1) Written notice of intent to terminate this Agreement must be given to all other parties on the master list of parties at least 30 days prior to termination date. This notice shall automatically terminate the Agreement as to the terminating party on the date set out in the notice unless rescinded by that party in writing prior to that date.
 - 2) Termination will not affect a party's obligations for payment arising prior to the termination of this Agreement.

11. Non-exclusive

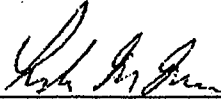
This Agreement is not intended to be exclusive among the parties. Any party may enter into separate cooperative assistance or mutual aid agreements with any other entity. No such separate Agreement shall terminate any responsibility under this Agreement.

12. Parties to This Agreement

Participants in this Agreement are indicated on the following pages, one party per page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

STATE OF OREGON
DEPARTMENT OF TRANSPORTATION



Lucinda Moore
Maintenance Engineer

12/10/07

Date

IN WITNESS WHEREOF, the parties hereto have caused this Agreement for Public Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

Multnomah County Transportation
Agency

Multnomah County, Oregon

Ted Wheeler
Ted Wheeler, County Chair

Date: 12.04.08

Designated Primary Contact:

Office: Contact:
County Road Services Kim Peoples

Phone Number:
(503) 988-5050

Emergency 24 Hour Phone Number:
911

FAX:
(503) 988-3389

E-Mail address (if available)
kim.e.peoples@co.multnomah.or.us

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
for Multnomah County, Oregon

By /s/ Matthew O. Ryan 11/12/08
Assistant County Attorney

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 12.04.08
DEBORAH L. BOGSTAD, BOARD CLERK

#1

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/4/08

SUBJECT: Elections Transparency

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Doug Youngman

ADDRESS: 1209 SW 6th Ave. #706

CITY/STATE/ZIP: Portland OR 97204

PHONE: DAYS: (503) 977-2235

EVE: _____

EMAIL: dyoungman@comcast.net

FAX: _____

SPECIFIC ISSUE: Lack of ability to watch ~~votes~~
elections work - as a Poll Watcher

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.

#2

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/04/08

SUBJECT: VOTER INTEGRITY

AGENDA NUMBER OR TOPIC: AUDIENCE TIME

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: RUTH BENDL

ADDRESS: 10980 SW MUIRWOOD DR 97225

CITY/STATE/ZIP: PRD 97225

PHONE: _____ DAYS: 503-644-0596 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.

ATTENTION: Chairman Wheeler, and Multnomah County Commissioners
FROM: Ruth Bendl, Republican Party Voter Integrity Chair
RE: Multnomah County Elections policies pertaining to election observers

12.4.08

I felt it necessary to draw your attention to the punitive policies affecting those of us who are stupid enough to volunteer time for the civic duty of being election observers.

Not only are we kept at such a distance that it is virtually impossible to see what we are there to watch. Such as when signatures on the outer envelopes of ballots are being compared with the voters' signature/s on the registration card, the observer is kept outside the door of the room where that process is underway, and can only look through a window which is far enough away to deny any visual access.

When ballots are being opened by election boards as early as 7 days prior to the election, it is again impossible to see why election board members are making adjustments on the ballots, because once again observers are behind a window several feet from the election board tables.

Not only is visual access unavailable, but seating is also denied for every process including the recent recount. of randomly selected precincts. I have been an observer at a number of recounts over the past years at a number of counties INCLUDING Multnomah County. At all times, observers, one from each side of the issue, were seated at the recount tables so that the process was TRANSPARENT. There was the same space availability, .so WHY THE CHANGE OF ATTITUDE AND ACCESS?

Please bear in mind that for the most part the only members of the public that can make themselves available for monitoring election related procedures (which are conducted between 8.30 a.m and 5.00 p.m). are seniors like myself.

Expecting people in our age group to stand for hours at a time, on a cement floor is not only punitive, it is also disrespectful! I appeal to you as elected representatives for the citizenry, to instruct your election administrators to accommodate election observers so that they can effectively fulfill their mission, and do so with significantly less discomfort!

Ruth Bendl, 10980 SW Muirwood Dr. Portland OR 97225 Ph. 503-644-0596
E-mail RuthFB2@netzero.com



cc Media

#3

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12-4-08

SUBJECT: Multnomah County Elections Observation

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Janice Delsing

ADDRESS: 32235 SE Pipeline Rd

CITY/STATE/ZIP: Gresham, OR 97080

PHONE: DAYS: 503 757 0670 EVES: _____

EMAIL: janice@liferoses.com FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: see attached

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.

December 04, 2008

To the Honorable Chairman Ted Wheeler and County Commissioners,

I spoke to you almost 2 months ago regarding concerns over the election process. Today I return to give you the results of our observation of the election process over the November 2008 cycle.

The Multnomah County Republicans fielded thirty-eight volunteers who were present in various posts though out the last election cycle. Our goal was to observe the process and have a presence in the ballot counting procedure. Election integrity is vital to our American government and our freedom demands it! Citizens of all parties-- be it Democrat, Republican, Green Pacific Party, Constitutional, Libertarian, Independent, Oregon Peace or Working Family Party, --or non at all agree that a fair election is our right as Americans. In order to insure a fair election, it must be documentable as accurately reflecting the determined will of the people.

After diligently observing the process in Multnomah County, we have 3 main areas of concern:

1. Observation Access

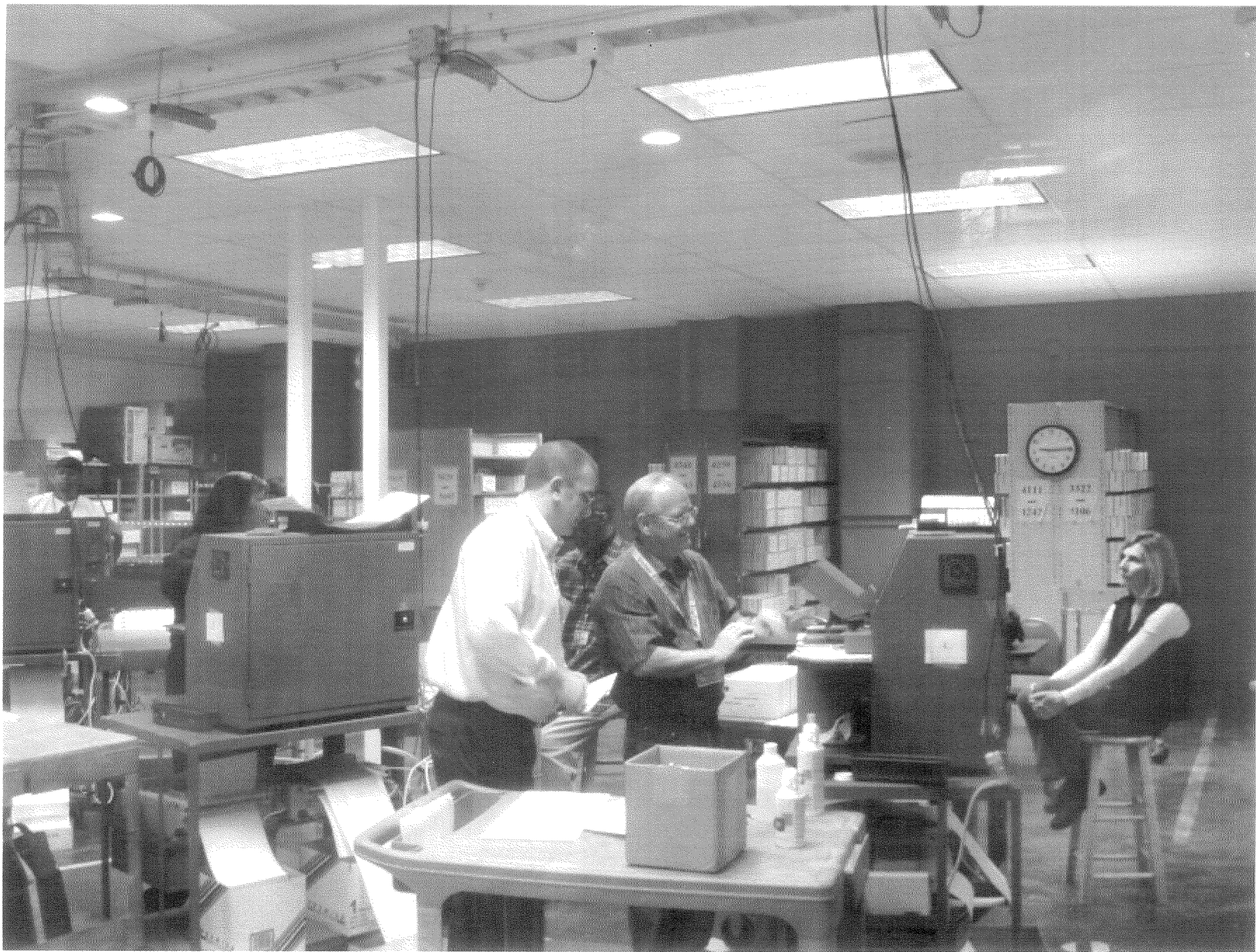
- Observation from such a distance that a reasonable view of the documents or their processing is not possible. At times we were able to observe only the backs or the heads of the workers.
- No access to part of the signature verification process because this was done though out of the building, some in secure areas where we were not allowed to go.
- Carts with boxes stacked so as to obstruct observation of over half of the election board tables.
- Forcing volunteers to stand for hours, making it difficult to continue the observation process.

2. Security of the ballots and counting process

- Extra contract workers (such as window washers and sewage clean up workers) near secured areas and at times when we could not see how the ballots were guarded.
 - Automatic garage doors to basement opening at random times.
 - Ballot counting machines continually jamming though out the process.
 - Choice of ballot size not matching the machines and of being double sided.
 - Adjustments made to the counting machines during the count without further testing.
 - Election workers (VAT Team leader) taking signature cards out of the building.
- Title 23 Sec 247.973. This may have been within the letter of the law, but it wasn't









#4

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/4/08

SUBJECT: Observing Election re-count

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Lisa Michaels

ADDRESS: 15410 S.W. Gull (F)

CITY/STATE/ZIP: Beaverton 97007

PHONE: DAYS: (503) 524-9022 EVES: (503) 936-9007

EMAIL: Lisa.Michaels@verizon FAX: _____

SPECIFIC ISSUE: Election observing at
the hand re-count

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.

#5

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12-4-08

SUBJECT: ELECTORAL BOARD PROCESS
& OBSERVATION

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: RENEE KIMBALL

ADDRESS: 2224 SE UMATILLA ST

CITY/STATE/ZIP: PDY OR 97202

PHONE: DAYS: 503-238-6973 EVES: _____

EMAIL: RENEE@ENUEWASTE.COM FAX: _____

SPECIFIC ISSUE: TESTIFYING ABOUT PROCESS
& TRANSPARENCY

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.

4 December 2008

Statement regarding Election Observation Process and Procedures

Renee Kimball

Because I have only 3 minutes this will be brief but will be submitting a more extensive discussion later.

Over the course of two weeks, I observed the electoral ballot process for between five and eight hours every day. I had ample opportunity to become extremely familiar with procedures and ask numerous questions about the process and reasoning behind what I observed.

While all the workers I observed, "watchers of the observers" and administration I dealt with were courteous, helpful and answered all my questions, I left feeling completely alienated from any definition of the word "transparency". Overall, there was the patina of compliance with rules and objectivity. However, since the vast majority of the process was unobservable, the appearance is just that; onionskin patina over what may very well be an extremely corrupt system.

The Process

Observation of signature verification was done outside the room with the 13 workers in a U shape with their backs to the observers and their body blocking the view of the screen. Unless the worker held the envelope up to their face (which seldom happened) there was virtually no ability to tell whether they were doing the job properly or had the entire box back to front. Even with binoculars, you could see absolutely nothing.

In the ballot opening area, 14 tables were observable to some degree, the remaining 14 to 16 tables were again, totally unobservable from behind the barriers – all we could see were heads behind boxes and absolutely nothing of what was going on at the tables. Only 7 tables were accessible to view even with binoculars and then only one or two tables at a time.

In the sorting area, again, you could see absolutely nothing from the tiny window yards and yards from the process. There was no way of telling of whether they were placing things in the correct precinct.

As for the machines, well, let's just say, that would take a couple of days to go over.

The People

Checking signatures is a mind numbing job and on more than one occasion it was apparent some workers were not focused ~~and~~.

In precinct 3177 I observed an Election Board member sitting right next to the windows. She placed a white sticky dot in the same location on four ballots in a row. When I called attention to this to the supervisor, I was told she would look at it but could not change anything she saw. So A) why bother even looking at it if you wouldn't change and B) I don't think she even bothered to check.

We noted again and again and again, Election Board Members changing ballots without conferring with other members at the table. They may or may not have been reprimanded but they had no problem going back to their "non-consultation practices".

The Excuses and Fixes

The same people have been used over and over for up to 20+ years. They have worked as the same team in many instances. Observers were removed from the room and close observation because it "bothered the workers".

Remove any observer who can be verified to have broken the rules.

Get new workers who can handle the pressure of being observed.

Get new workers who are:

Unfamiliar with the process they know how slack they can be and get away with,

Unfamiliar with their co-workers to where they feel comfortable not consulting and

Unfamiliar with having the luxury of being totally unobserved, vetted or comfortable to the exclusion of compliance.

Having people in the room would disrupt the process and we don't have the room.

Get new administration that is more in line with problem solving and able to think a little more outside the box when it comes to fixing an intolerable situation.

Conclusion

Before poll watching, I had a small degree of comfort with the system and vote by mail. After observing the process, I have absolutely NO faith in either the system or vote by mail. Nor is there any long a capability on my part to remain a "boiled frog" when it comes to those much higher up the food chain than the administration of the Multnomah County Elections Office.

This is the perfect system to obfuscate the process and encourage a complete lack of accountability all the way down the food chain.

Congratulations, those running this state have completely hoodwinked the public into thinking they are on their side in the electoral process.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 11/18/08

Agenda Title: **PROCLAMATION Proclaiming Wednesday, December 10, 2008 Human Rights Day in Multnomah County, and Announcing Multnomah County's Participation in Celebrating 2009 as the United Nations International Year of Human Rights Learning**

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

Requested Meeting Date: December 4, 2008 Amount of Time Needed: 15 minutes
Department: Non-Departmental Division: Chair's Office
Contact(s): Hector Roche
Phone: 503 988-5772 Ext. 85772 I/O Address: 503/600
Presenter(s): Herman Frankel, MD

General Information

1. What action are you requesting from the Board?

Approval of Proclamation acknowledging County observance of Human Rights Day (12/10/08); the celebration of the 60th anniversary of the UN Declaration of Human Rights; and recognizing 2009 as the Year of International Human Rights Learning.

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.

December 10, 2008 is the 60th anniversary of the UN Declaration of Human Rights. The UN has declared 2009 as the year of International Human Rights Learning.

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

None

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

The Chair's office and Commissioner Cogen's office, along with other commissioners, will work with County departments and affinity groups to implement appropriate events and training over the course of 2009.

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

The County will work with the City of Portland's Human Relations Committee to find ways to realize the goals of the Year of International Human Rights Learning.

Required Signature

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

TED WHEELER

Date: 11/18/08

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

PROCLAMATION NO. _____

**Proclaiming Wednesday, December 10, 2008 Human Rights Day in Multnomah County,
and Announcing Multnomah County's Participation in Celebrating 2009 as the United
Nations International Year of Human Rights Learning**

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has a diverse population, including immigrants, students and working people whose contributions to the community are vital to its character and function.
- b. Multnomah County has a long and distinguished tradition of protecting the dignity, rights, and liberty of all persons.
- c. It is the policy of the County to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or source of income. Such discrimination poses a threat to the health, safety, and general welfare of the citizens of the County and menaces the institutions and foundations of our community.
- d. Governments have an obligation to protect the rights and safety of all members of the public.
- e. The UN General Assembly Resolution has proclaimed 2009 as the Year of International Human Rights Learning.
- f. In 2008, the City of Portland established the Portland Human Rights Commission.
- g. Human Rights Day, celebrated annually all over the world on December 10, commemorates the United Nations General Assembly's adoption and proclamation of the Universal Declaration of Human Rights on that date in 1948. The Declaration and its core values, inherent human dignity, non-discrimination, and equality apply to everyone, everywhere, and always.

The Multnomah County Board of Commissioners Proclaims:

1. The year 2009 shall be celebrated in Multnomah County as the "Year of International Human Rights Learning," with the theme "Dignity and Justice for all of us."
2. The Multnomah County Board of Commissioners celebrates the establishment of the City of Portland's Human Rights Commission, and endeavors to work closely with the City to realize the values and vision of the UN Declaration of Human Rights.
3. December 10th, 2008 as Human Rights day in Multnomah County, Oregon.

ADOPTED this 4th day of December, 2008.

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

Ted Wheeler, County Chair

Maria Rojo de Steffey,
Commissioner District 1

Jeff Cogen,
Commissioner District 2

Lisa Naito,
Commissioner District 3

Lonnie Roberts,
Commissioner District 4

SUBMITTED BY:
Ted Wheeler, Multnomah County Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 08-156

Proclaiming Wednesday, December 10, 2008 Human Rights Day in Multnomah County, and Announcing Multnomah County's Participation in Celebrating 2009 as the United Nations International Year of Human Rights Learning

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County has a diverse population, including immigrants, students and working people whose contributions to the community are vital to its character and function.
- b. Multnomah County has a long and distinguished tradition of protecting the dignity, rights, and liberty of all persons.
- c. It is the policy of the County to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or source of income. Such discrimination poses a threat to the health, safety, and general welfare of the citizens of the County and menaces the institutions and foundations of our community.
- d. Governments have an obligation to protect the rights and safety of all members of the public.
- e. The UN General Assembly Resolution has proclaimed 2009 as the Year of International Human Rights Learning.
- f. In 2008, the City of Portland established the Portland Human Rights Commission.
- g. Human Rights Day, celebrated annually all over the world on December 10, commemorates the United Nations General Assembly's adoption and proclamation of the Universal Declaration of Human Rights on that date in 1948. The Declaration and its core values, inherent human dignity, non-discrimination, and equality apply to everyone, everywhere, and always.

The Multnomah County Board of Commissioners Proclaims:

1. The year 2009 shall be celebrated in Multnomah County as the "Year of International Human Rights Learning," with the theme "Dignity and Justice for all of us."
2. The Multnomah County Board of Commissioners celebrates the establishment of the City of Portland's Human Rights Commission, and endeavors to work closely with the City to realize the values and vision of the UN Declaration of Human Rights.
3. December 10th, 2008 as Human Rights day in Multnomah County, Oregon.

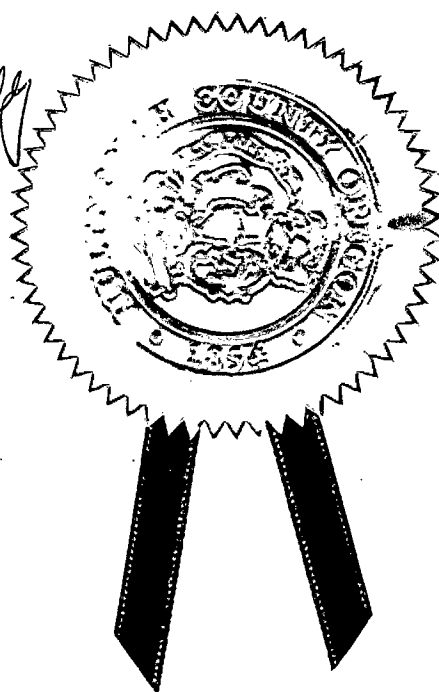
ADOPTED this 4th day of December, 2008.

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


Ted Wheeler, County Chair


Maria Rojo de Steffey,
Commissioner District 1


Lisa Naito,
Commissioner District 3




Jeff Cogen,
Commissioner District 2


Lonnie Roberts,
Commissioner District 4

SUBMITTED BY:
Ted Wheeler, Multnomah County Chair



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 12-04-08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-2
Est. Start Time: 9:45 AM
Date Submitted: 11/25/08

BUDGET MODIFICATION: OVER-01

BUDGET MODIFICATION OVER-01 Appropriating \$2,147,633 for Labor Contract Settlement (FOPPO 2007-10) and Interest Arbitration Awards in the
Agenda Department of Community Justice (JCSS 2007-10) and the Sheriff's Office
Title: (MCCDA Limited Reopener of 2007-08)

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

Requested Meeting Date:	<u>December 4, 2008</u>	Amount of Time Needed:	<u>5 Minutes</u>
Department:	<u>County Management</u>	Division:	<u>Budget Office</u>
Contact(s):	<u>Mark Campbell</u>		
Phone:	<u>503 988-6229</u>	Ext.	<u>86229</u>
		I/O Address:	<u>503/531</u>
Presenter(s):	<u>Mark Campbell</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Management recommends approval of budget modification OVER-1 to transfer \$2,147,633 of General Fund contingency for retroactive labor contract costs in DCJ and MCSO as well as UNET costs in MCSO.

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.

Several labor contract issues have been settled as follows:

FOPPO

The FOPPO agreement was approved by the Board on July 3, 2008. The length of this agreement is for July 1, 2007 through June 30, 2010 with a limited reopener for FY 2010.

MCCDA

The County prevailed in the interest arbitration award issued on September 15, 2008. The parties had jointly reopened wages and health insurance along with two additional articles for the FY 2008 reopener. The FY 2008 reopener was part of the 2004-2010 collective bargaining agreement (CBA).

The parties went to interest arbitration when they were unable to come to a negotiated agreement for the limited reopener. The County had reopened Article 10 (Sick Leave) for the purpose of addressing sick leave verification and sick leave abuse language. The County also opened Article 15 (Hours of Work) for the purpose of capping the total amount of compensatory time that an employee could use in the course of a year, in addition to curtailing the inequitable distribution of time off opportunities among bargaining unit members. With respect to wages, the County proposed a 2.7% increase for FY 2008. The County also proposed a 1.5% non-retroactive UNET premium for those members who obtain UNET certification which positively impacts safe operations of the jails. All of the above in addition to the County's health care proposal were reflected in the County's Last Best Offer which was upheld by the arbitrator in her award.

JCSS

The County prevailed in the interest arbitration award issued on October 14, 2008. The parties were unsuccessful in negotiating a successor CBA after the existing CBA expired on June 30, 2007. The parties did agree to a number of articles including health care, but wages and the term of the contract remained in dispute when the parties went to interest arbitration.

The County proposed a 2.7% wage increase for FY 2008 and a 3.8% increase for FY 2009. The County further proposed a 3rd year for the CBA with wages based on CPI-W Portland 2nd Half with a minimum of 2% and a maximum of 5%. The County also proposed shift differential increases of \$0.25/hour for both swing and graveyard/relief shifts. All of the above were reflected in the County's Last Best Offer which was upheld by the arbitrator in his award.

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

DCJ's General Fund budget is increased by \$481,321 and MCSO's by \$1,666,312 for a total of \$2,147,633.

The Risk Fund budget is increased by \$128,006 from service reimbursements.

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

N/A.

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

N/A.

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
- What budgets are increased/decreased?
- What do the changes accomplish?
- Do any personnel actions result from this budget modification? Explain.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
- 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?
- If a grant, what period does the grant cover?
- If a grant, when the grant expires, what are funding plans?

Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- Why was the expenditure not included in the annual budget process?
Labor contracts – MCCDA, FOPPO, and JCSS – had not been settled at the time the budget was adopted.
- What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
Departments are not responsible for absorbing funds related to contract settlements.
- Why are no other department/agency fund sources available?
- Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?
Ongoing funding for cost of living increases was provided in the FY 2009 budget. The additional UNET pay in the Sheriff's Office represents an ongoing cost that was not planned in the budget.
- Has this request been made before? When? What was the outcome?
No.

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

ATTACHMENT B

BUDGET MODIFICATION: BM – OVER-01

Required Signatures

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

Carol M. Ford

Date: 11/25/08

Budget Analyst:

J. Mark Campbell

Date: 11/25/08

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **OVER-1****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	19	1000		20		9500001000		60470			(2,147,633)		GF Contingency
2										0		1,666,312	MCSO GF Tap
3	60-30	1000	60033A	50		601450		60000		102,244	102,244		Base
4	60-30	1000	60033A	50		601450		60110		18,612	18,612		Overtime
5	60-30	1000	60033A	50		601450		60120		31,407	31,407		Premium
6	60-30	1000	60033A	50		601450		60130		54,693	54,693		Salary-Related
7	60-30	1000	60033A	50		601450		60140		13,704	13,704		Insurance
8										0			
9	60-30	1000	60033B	50		601455		60000		2,018	2,018		Base
10	60-30	1000	60033B	50		601455		60110		367	367		Overtime
11	60-30	1000	60033B	50		601455		60120		620	620		Premium
12	60-30	1000	60033B	50		601455		60130		1,079	1,079		Salary-Related
13	60-30	1000	60033B	50		601455		60140		270	270		Insurance
14										0			
15	60-30	1000	60036	50		601473		60000		48,687	48,687		Base
16	60-30	1000	60036	50		601473		60110		8,863	8,863		Overtime
17	60-30	1000	60036	50		601473		60120		14,956	14,956		Premium
18	60-30	1000	60036	50		601473		60130		26,044	26,044		Salary-Related
19	60-30	1000	60036	50		601473		60140		6,525	6,525		Insurance
20	60-30	1000		50		601476		60000		12,876	12,876		Base
21	60-30	1000		50		601476		60110		2,344	2,344		Overtime
22	60-30	1000		50		601476		60120		3,955	3,955		Premium
23	60-30	1000		50		601476		60130		6,888	6,888		Salary-Related
24	60-30	1000		50		601476		60140		1,726	1,726		Insurance

Budget Modification ID: **OVER-1****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
25	60-30	1000	60038	50		601477		60000		1,667	1,667		Base
26	60-30	1000	60038	50		601477		60110		303	303		Overtime
27	60-30	1000	60038	50		601477		60120		512	512		Premium
28	60-30	1000	60038	50		601477		60130		892	892		Salary-Related
29	60-30	1000	60038	50		601477		60140		223	223		Insurance
30										0			
31	60-30	1000	60032	50		601486		60000		34,764	34,764		Base
32	60-30	1000	60032	50		601486		60110		6,328	6,328		Overtime
33	60-30	1000	60032	50		601486		60120		10,679	10,679		Premium
34	60-30	1000	60032	50		601486		60130		18,596	18,596		Salary-Related
35	60-30	1000	60032	50		601486		60140		4,659	4,659		Insurance
36										0			
37	60-30	1000	60041A	50		601422		60000		238,709	238,709		Base
38	60-30	1000	60041A	50		601422		60110		43,453	43,453		Overtime
39	60-30	1000	60041A	50		601422		60120		73,326	73,326		Premium
40	60-30	1000	60041A	50		601422		60130		127,691	127,691		Salary-Related
41	60-30	1000	60041A	50		601422		60140		31,994	31,994		Insurance
42										0			
43	60-30	1000	60039	50		601428		60000		15,462	15,462		Base
44	60-30	1000	60039	50		601428		60110		2,815	2,815		Overtime
45	60-30	1000	60039	50		601428		60120		4,750	4,750		Premium
46	60-30	1000	60039	50		601428		60130		8,271	8,271		Salary-Related
47	60-30	1000	60039	50		601428		60140		2,072	2,072		Insurance
48										0			
49	60-30	1000	60040A	50		601410		60000		245,769	245,769		Base
50	60-30	1000	60040A	50		601410		60110		44,738	44,738		Overtime
51	60-30	1000	60040A	50		601410		60120		75,495	75,495		Premium
52	60-30	1000	60040A	50		601410		60130		131,468	131,468		Salary-Related
53	60-30	1000	60040A	50		601410		60140		32,940	32,940		Insurance

Budget Modification ID: **OVER-1****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
54	60-30	1000	60034	50		601480		60000		61,852	61,852		Base
55	60-30	1000	60034	50		601480		60110		11,259	11,259		Overtime
56	60-30	1000	60034	50		601480		60120		19,000	19,000		Premium
57	60-30	1000	60034	50		601480		60130		33,086	33,086		Salary-Related
58	60-30	1000	60034	50		601480		60140		8,290	8,290		Insurance
59										0			
60	60-10	1000	60062	50		601040		60000		3,744	3,744		Base
61	60-10	1000	60062	50		601040		60110		681	681		Overtime
62	60-10	1000	60062	50		601040		60120		1,150	1,150		Premium
63	60-10	1000	60062	50		601040		60130		2,003	2,003		Salary-Related
64	60-10	1000	60062	50		601040		60140		502	502		Insurance
65										0			
66	60-10	1000	60005	50		601080		60000		3,228	3,228		Base
67	60-10	1000	60005	50		601080		60110		588	588		Overtime
68	60-10	1000	60005	50		601080		60120		991	991		Premium
69	60-10	1000	60005	50		601080		60130		1,727	1,727		Salary-Related
70	60-10	1000	60005	50		601080		60140		433	433		Insurance
71										0			
72	60-10	1000	60005	50		601090		60000		1,077	1,077		Base
73	60-10	1000	60005	50		601090		60110		196	196		Overtime
74	60-10	1000	60005	50		601090		60120		331	331		Premium
75	60-10	1000	60005	50		601090		60130		576	576		Salary-Related
76	60-10	1000	60005	50		601090		60140		144	144		Insurance
77										0		481,321	DCJ GF Share
78	50-10	1000	50032	50		502101		60000	212,658	229,659	17,001		Salary
79	50-10	1000	50032	50		502101		60130	62,582	68,450	5,868		Fringe
80	50-10	1000	50032	50		502101		60140	68,563	69,668	1,105		Insurance



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-5758 fax
(503) 988-5170 TDD

TO: Board of County Commissioners

FROM: Mark Campbell, Deputy Budget Director

DATE: November 25th, 2008

SUBJECT: General Fund Contingency Request of \$2,147,633 for Labor Contract Settlement and Interest Arbitration Awards in the Department of Community Justice and the Sheriff's Office

The FY 2009 budget includes funds for retroactive pay and related costs for the negotiated labor agreement (2007-2010) with the Federation of Oregon Parole and Probation Officers (FOPPO). It also includes the interest arbitration awards for the Multnomah County Corrections Deputy Association (MCCDA) limited reopener of 2007-2008 and the AFSCME Local 88 Juvenile Custody Services Specialists Unit (JCSS) successor agreement of 2007-2010. The County prevailed on both of the interest arbitration decisions which were issued in September (MCCDA) and October (JCSS) 2008.

The total amount set aside is \$1,878,997. This request is for \$1,828,942 for FY 2008 retroactive costs. It also requests \$318,691 for FY 2009 costs for MCCDA personnel in the Sheriff's Office who are UNET certified, for a total of \$2,147,633.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency.

In particular,

- Criteria 1 states contingency requests should be for one-time-only purposes. If this is not judged to be one-time-only transition funding, the request essentially funds ongoing programs with one-time-only emergency contingency funds. **The retroactive pay is one-time-only. The UNET pay is an ongoing obligation established by the interest arbitration award.**
- Criteria 2 Addresses emergencies and unanticipated situations. **This request does not address this.**
- Criteria 3 addresses items identified in Board Budget Notes. **The retroactive pay was carried forward in the FY 2009 budget. As noted above, the UNET pay is an ongoing obligation established by the interest arbitration award.**



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

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 12-04-08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-3
Est. Start Time: 9:50 AM
Date Submitted: 11/12/08

BUDGET MODIFICATION: DCJ- 12

Agenda Title: BUDGET MODIFICATION DCJ-12 Appropriating \$25,968 from the Parental Access and Visitation (AV) Grant

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

Requested Meeting Date:	<u>December 4, 2008</u>	Amount of Time Needed:	<u>3 minutes</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Juvenile Services Division</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
	I/O Address:		<u>503 / 250</u>
Presenter(s):	<u>Janice Ashe</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to appropriate \$25,968 from the U.S. Department of Health and Humans Services which is passed through to Multnomah County from the State of Oregon, Department of Justice, Division of Child Support.

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 Parental Access and Visitation Grant funds are intended to increase contact between non-custodial parents and their children and thereby increase the likelihood that non-custodial parents will have greater financial responsibility for their children.

Family Court Services intends to serve 150 parent dyads by providing:

- o A qualified mediator 16 hours per week to complete up to four mediations per week with indigent parents who have an administrative child support order, but do not have a parenting plan on file with the Court. The mediator will conduct mediations, write parenting plans for parents who agree, provide copies of the filing forms to parents at the end of mediation, and

- provide referrals to parents who need additional help with filing.
- Parent education classes at no cost to 150 parent dyads.
- Limited legal assistance to some clients through a subcontract with St. Andrews Legal Clinic.

The Notice of Intent to apply for these grant funds was presented to and approved by the Board of County Commissioners on October 23, 2008. DCJ was notified by the granting agency that we had been awarded these funds on November 5, 2008.

This grant enhances FY 2009 program offer 50009 – Family Court Services.

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

This budget modification includes revenue and expenditures covering the period of October 1, 2008 through June 30, 2009. This includes \$24,179 in direct expenses and \$1,789 in indirect expenses for a total of \$25,968. This grant ends September 30, 2009 and will be included in the FY-2010 budget submittal.

A 10% non-Federal match, cash or in-kind, is required. A portion of the existing Program Manager's salary (which is already included in the FY 2009 DCJ budget) will be used to meet this match requirement by means of an in-kind match. This equals \$2,885 for FY-2009 and \$962 for FY-2010 for a total in-kind match in the amount of \$3,847.

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

The Subgrantee (DCJ) shall meet the following requirements:

- a. Ensure that no project activities result in a breach of a protective order of the court.
- b. Implement safeguards to ensure the safety to parents and children in the provision of project services.

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

N/A

ATTACHMENT A

Budget Modification

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

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

The Federal Parental Access & Visitation (AV) grant which is passed through the State of Oregon increases by \$25,968.

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

Juvenile Services Division budget increases by \$25,968.

Business Services increases by \$1,289.

- **What do the changes accomplish?**

Acceptance and use of the AV grant

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

Yes, funding for a temporary employee to provide custody and parenting time mediation services.

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

This grant allows for central and departmental indirect expenses.

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

The grant funding is one-time-only with the possibility to reapply the following year if funding is made available.

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

October 1, 2008 through September 30, 2009. The total grant award is \$34,624. The FY-2009 amount is \$25,968 (9 months) and the FY-2010 amount is \$8,656 (3 months).

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

Scale the program back to the original size.

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 12

Required Signatures

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

John McInerney for Scott Taylor

Date: 11/12/08

Budget Analyst:

Angela Bureline

Date: 11/12/08

Department HR:

James J. Opoka

Date: 11/12/08

Countywide HR:

Date:

Budget Modification ID: **DCJ-12****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	50-50	27042	50009	50			CJ053.ORDOJ.A&V	50190	0	(25,968)	(25,968)		IG-OP-Fed thru State
2	50-50	27042	50009	50			CJ053.ORDOJ.A&V	60100	0	14,915	14,915		Temporary
3	50-50	27042	50009	50			CJ053.ORDOJ.A&V	60135	0	1,236	1,236		Non-Base Fringe
4	50-50	27042	50009	50			CJ053.ORDOJ.A&V	60145	0	440	440		Non-Base Insurance
5	50-50	27042	50009	50			CJ053.ORDOJ.A&V	60170	0	6,838	6,838		Professional Services
6	50-50	27042	50009	50			CJ053.ORDOJ.A&V	60180	0	375	375		Printing
7	50-50	27042	50009	50			CJ053.ORDOJ.A&V	60260	0	375	375		Travel & Training
8	50-50	27042	50009	50			CJ053.ORDOJ.A&V	60350	0	500	500		Central Indirect 2.07%
9	50-50	27042	50009	50			CJ053.ORDOJ.A&V	60355	0	1,289	1,289		Department Indirect 5.33%
10										0		0	Add Access & Visitation Grant to JSD Family Court
11										0			
12	72-10	3500		20		705210		50316		(440)	(440)		Service Reimb, Insurance
13	72-10	3500		20		705210		60330		440	440		Claims Paid, Insurance
14										0			
15	19	1000		20		9500001000		50310		(500)	(500)		Incr CGF Reimb Rev
16	19	1000		20		9500001000		60470		500	500		Incr CGF Contingency Exp
17										0			
18	50-00	1000	50001	50		509600		50370		(1,289)	(1,289)		Incr Dept Indirect Revenue
19	50-00	1000	50001	50		509600		60170		1,289	1,289		Incr Prof Svc by Dept Indirect
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-4
Est. Start Time: 9:53 AM
Date Submitted: 11/24/08

Agenda Title: **Briefing and Discussion on Court Facilities Funding Status**

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

Date Requested: December 4, 2008 **Time Requested:** 30 minutes
Department: Non-Departmental **Division:** Commissioner Lisa Naito
Contact(s): Mark Pengilly
Phone: 503.988.5217 **Ext.** 85217 **I/O Address:** 503/600
Presenter(s): Commissioner Lisa Naito, Mark Pengilly, Phillip Kennedy-Wong, Presiding Judge Jean Maurer, Michael Dwyer

General Information

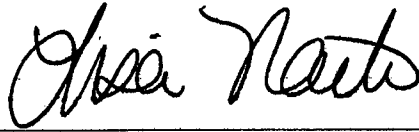
- What action are you requesting from the Board?**
Receive update on activities pursuant to court facilities funding resolution; discussion.
- Please provide sufficient background information for the Board and the public to understand this issue.**
In May, 2008, the Board of Commissioners passed a resolution in support of funding for court facilities. Presenters will brief the Board on progress pursuant to the resolution and answer questions.
- Explain the fiscal impact (current year and ongoing).**
No immediate fiscal impact. Future actions may result in increased revenues to County.
- Explain any legal and/or policy issues involved.**
The resolution pursued would lift a statutory preemption and enable Oregon counties to set document recording fees and retain the new fees for maintaining and constructing court facilities.

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

Commissioner Naito and staff have met with legislators and stakeholders, testified in Salem and proposed legislation.

Required Signature

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



Date: 11/24/08

Sheriff's Presentation to the County Board

Regarding the:

State of Oregon's

OREGON COURT FACILITIES ASSESSMENT

The Multnomah County Sheriff's Office appreciates the amount of dedication and work that went in to completing this study. The facts presented in the study are not disputed. The study confirms what we have always known; the main courthouse is a beautiful, historical building not designed to provide for the security and safety of our citizens. The Sheriff's Office recognizes, as do all of our partners in the judicial system, the importance of providing a safe and secure courthouse for the judicial process. The Sheriff's Office takes this responsibility seriously and believes we do a great job considering the facility design and structure we have to work with.

The internal architecture of the courthouse presents a security challenge due to the age and lay out of building. In a perfect security setting the public and judicial staff would not share the courthouse hallways with in custody defendants. We also recognize the business occurring within the courthouse is integral to our community.

One area the report does not address is the volume of public entry into the Courthouse. We average 2000 public entries into the main courthouse daily. This does not take in to account the number of entries into the Juvenile Justice Center and the Justice Center. It is not uncommon to see a line of citizens stretching from the front of the building and around the corners. To some this may seem incredulous. What is not widely known is number of dangerous items that are discovered during the screening process. The monthly average is 140 items forfeited (found during the screen), and there is also a monthly average of 40 found discarded/hidden items (items found in the foyer or hidden around the outside perimeter).

The report does not address the overwhelming difference in size and usage of our courthouse(s); only the vast cost differences. The financial cost associated with correcting the Multnomah County Courthouse is something that cannot be ignored. It is quite startling when compared to the cost for the other court facilities within our State.

The shared hallway system in our current courthouse does increase the cost of providing security to our citizens. It is not unheard of to assign three or four deputies to escort one in-custody defendant to court. The reasons for this may be a high profile court matter, serious security issues based on

defendant's behavior or mental status or because the hallway is crowded for other matter. On an average day there are 60 in-custody defendants transported to the courthouse for appearances, and on Fridays it is common to have close to 100 defendants.

The State Courts, Multnomah County and the Sheriff's office have recently partnered to upgrade and add additional security to the courthouse. A new camera system has been installed; the fire panel and annunciator systems have been upgraded. Additionally the emergency operations systems have been reviewed and steps are being taken to update and broaden these systems.

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12-04-08

SUBJECT: Count abuse

AGENDA NUMBER OR TOPIC: R-4

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Roger Weiden

ADDRESS: 3526 S.E. Franklin

CITY/STATE/ZIP: Portland OR 97202

PHONE: DAYS: 503-232-6691 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: ineligibility to make record

WRITTEN TESTIMONY: Newspaper story

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 (short form)

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-5
Est. Start Time: 10:15 AM
Date Submitted: 10/23/08

Agenda Title: First Reading of a Proposed ORDINANCE Amending MCC Chapter 21
Relating to Smokefree Places of Employment and Public Places

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

Requested Meeting Date: December 4, 2008
Amount of Time Needed: 20 mins
Department: Health
Division: CHP3, Chronic Disease Prevention
Contact(s): Sonia Manhas
Phone: 503-988-3674 **Ext.** 26221 **I/O Address:** 448/2
Presenter(s): Sonia Manhas, Rachael Banks

General Information

1. What action are you requesting from the Board?

Amend the Multnomah County's Smokefree Worksite Ordinance; First Reading

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.

Background: In 1999 Multnomah County enacted its own smokefree worksite ordinance (MCC § 21.500). Earlier this year, the Health Department received an increase in funding from the Oregon Tobacco Prevention and Education Program. As a requirement of this funding, all counties were required to sign an intergovernmental agreement that delegates enforcement of the Oregon's smoke-free worksite law (Oregon Indoor Clean Air Act ORS 433.835 to 433.875) to the local health department. The Multnomah County Board of Commissioners signed the IGA in January 2008. Signing the IGA resulted in minor changes to the Health Department's current enforcement procedures, and the county ordinance did not need to be amended in any way. The Health Department receives about \$300,000 annually from the State for its tobacco prevention initiatives, including enforcement of the Oregon Indoor Clean Air Act. The State and County laws are complaint-driven; therefore, the Health Department takes action to investigate potential violations

only when a public complaint is received.

Upcoming Changes: In January 2009, the Oregon Indoor Clean Air Act expands to cover the following worksites not currently covered by the law:

- Every enclosed area under the control of a public or private employer
- Bars and taverns, including bar areas of restaurants
- Bowling centers
- Bingo halls
- Hotels and motels (up to 25% of sleeping rooms designated by entity in charge)
- Work vehicles that are not operated exclusively by one employee
- The Act will also restrict smoking within 10 feet of workplace entrances, exits, windows, and air vents.

Only one section of the County Ordinance is more stringent than the Oregon Indoor Clean Air Act: the county's 20 foot doorway requirement for hospitals.

Action Needed: Because of these changes, the County Attorney's Office has advised the Health Department to remove any sections of the County Ordinance that are different from State law to minimize confusion and streamline policy documents.

In this briefing, we will 1) provide an overview of the changes in the law, 2) describe the work we are doing to reach out and educate employers in Multnomah County about the changes in the law, and 3) present the amended county ordinance.

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

Enforcement of the Oregon Indoor Clean Air Act is tied to on-going state funding for the Health Department's tobacco prevention activities. The county receives approximately \$300,000 in annual funding.

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

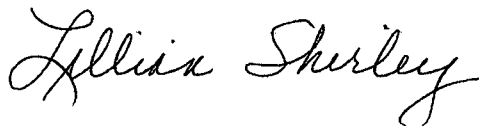
The County Attorney's Office has reviewed the current county ordinance as well as the state law, and then amended the county ordinance to remove any sections that were duplicative. Amendment of the county ordinance requires two readings by the Board.

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

The Oregon Public Health Division convened a public rule-making process to develop the administrative rules for implementation of the Oregon Indoor Clean Air Act.

Required Signature

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



Date: 10/23/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 21 Relating to Smokefree Places of Employment and Public Places

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

The Multnomah County Board of Commissioners Finds:

- a. The 2007 Legislature enacted Chapter 602 Oregon Laws 2007 amending the Oregon's Indoor Clean Air Act effective January 1, 2009.
- b. The 2007 legislation essentially brings state law in line with County ordinances. Therefore, most of the County code sections regarding smokefree places of employment and those violation penalties are duplicative and should be removed. The only requirement more stringent than the 2007 legislation that the County wishes to retain is the County's smoking ban within 20 feet of hospital entrances, exits, etc., rather than the statutory 10 feet.

Multnomah County Ordains as follows:

Section 1. MCC. § 21.510 is amended and §§ 21.520, 21.530 and 21.545 are unchanged as follows:

21.510 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

~~_____ **BILLIARD PARLOR.** An establishment in which income is primarily derived from pool/billiard table rental and other pool/billiard related sales and where the sale of other products or services is secondary.~~

~~_____ **BUSINESS.** Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including retail establishments where goods or services are sold, as well as professional corporations and other entities where professional services are delivered.~~

~~_____ **EMPLOYEE.** Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a non-profit entity.~~

~~_____ **EMPLOYER.** Any person or entity who employs the services of one or more individuals.~~

~~_____ **ENCLOSED AREA.** All space between a floor and a ceiling that is enclosed on all sides by solid walls or windows (exclusive of door or passageways) that extend from the floor to the ceiling, including all space therein screened by partitions that do not extend to the ceiling or are not solid, such as "office landscaping" or similar structures. Enclosed areas do not include breakrooms designated for smoking (smoking room) by employers if the following conditions are met:~~

1. ~~The smoking room is not accessible to minors.~~
2. ~~Air from the smoking room is exhausted directly to the outside by an exhaust fan and not recirculated to other parts of the building.~~
3. ~~The smoking room is in compliance with ventilation standards established by the Department of Health by administrative rule.~~
4. ~~The smoking room is located in a non-work area where no one, as part of his or her work responsibilities, is required to enter. For purposes of this paragraph, "work responsibilities" does not include custodial or maintenance work carried out in the smoking room when it is unoccupied.~~
5. ~~There are sufficient nonsmoking breakrooms to accommodate nonsmokers.~~

HOSPITAL. Any facility that meets the definition of "Hospital" in ORS 442.015.

OUTDOOR PUBLIC AREA. Any public area immediately adjacent to a Hospital building or buildings, including but not limited to sidewalks, walkways, seating areas and courtyards.

~~**PLACE OF EMPLOYMENT.** Any enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care facility as defined in ORS 442.015.~~

~~**RETAIL TOBACCO STORE.** A retail store utilized primarily for the sale of tobacco products and accessories and where the sale of other products is secondary.~~

~~**SMOKING.** Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, plant, or other tobacco-like product or substances in any manner or in any form.~~

~~**TOBACCO PRODUCT.** Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco or any other form of tobacco which may be utilized for smoking, inhalation, or other means of ingestion.~~

~~**TRUCK STOP.** A facility that provides all of the following: fuel service for vehicles up to ninety feet in length; off-street parking for trucks and trailers; a twenty-four hour restaurant; and driver support services, such as showers, laundry, and truck supplies.~~

21.520 Hospital Outdoor No Smoking Policy.

(A) Hospitals are required to adopt policies prohibiting smoking in outdoor public areas. These policies must meet the following minimum guidelines:

(1) Prohibits smoking within at least 20 feet of building entrances and exits, air intake vents, and windows that are capable of opening to the outside.

(2) Requires posting of signs that include the international no smoking symbol and the words "no smoking" in outdoor public areas where smoking is prohibited.

- (3) Includes a formal mechanism for the hospital to enforce the policy.

(B) Hospitals may adopt policies allowing smoking in designated outdoor smoking areas as long as they are at least 20 feet away from building entrances and exits, air intake vents, and windows that are capable of opening to the outside.

21.545 Other Laws.

This subchapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 2. MCC. §§ 21.515, 21.525, 21.530, 21.535 and 21.540 are repealed and deleted as follows:

~~21.515 Smoking Prohibited in Places of Employment.~~

~~Every employer shall provide a place of employment free of tobacco smoke for all employees.~~

~~21.525 Places Where Smoking Is Not Regulated.~~

~~Notwithstanding any other provision of this section to the contrary, the following areas shall not be subject to any smoking restrictions contained within this subchapter:~~

~~(A) Private residences, unless the private residence is used as a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care facility as defined in ORS 442.015;~~

~~(B) Rented motel or hotel rooms that are designated in some manner as smoking allowed rooms by the owners of the establishment renting the rooms;~~

~~(C) Private rooms rented for an occupancy that exceeds one month and that are not located in a private residence used as a child care, adult day care or health facility;~~

~~(D) Any facility or facility area licensed by the Oregon Liquor Control Commission to serve alcohol by the drink for consumption on the premises that is posted to prohibit the presence of minors at all times;~~

~~(E) Any facility or facility area licensed by the Oregon Liquor Control Commission to serve alcohol by the drink for consumption on the premises that is posted to prohibit the presence of minors during some hours, during those hours that minors are prohibited;~~

~~(F) Bingo operations licensed pursuant to ORS 464.250 et seq. and race courses operated by a licensee licensed under ORS chapter 462;~~

~~(G) Retail tobacco stores;~~

~~(H) Truck stops; and~~

~~———— (1) ——— Billiard parlors.~~

21.530 Posting "No Smoking" Signs.

~~———— "No smoking" signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across the cigarette) shall be clearly, sufficiently, and conspicuously posted in every building or other area where smoking is prohibited by this subchapter, by the owner, manager, or other person having control of such building or other area, including private residences used as a child care, adult day care or health care facility.~~

21.535 Other Violations.

~~———— It shall be a violation of this subchapter for every day any person, who owns, manages, operates or otherwise controls the use of any premises, subject to regulation under §§ 21.500 et seq., fails to comply with any provisions therein. Each day shall be a separate violation.~~

21.540 Smoking In Workplace Prohibited.

~~———— It shall be a violation of §§ 21.500 et seq. for any person to smoke in any area where smoking in the workplace is prohibited.~~

Section 3. MCC § 21.999 is amended to delete Smoke Free workplace violation penalties as follows:

21.999 Penalty.

* * * * *

~~(D) ——— Smoke Free workplace violations.~~

~~Any person who violates §§ 21.501 et seq. will be subject to the following penalties imposed by the Multnomah County Department of Health:~~

~~———— (1) ——— For a first complaint of a violation, a notice and warning, with educational materials and a referral phone number for the Tobacco Prevention Program. The Tobacco Prevention Program will provide technical assistance to achieve compliance upon request.~~

~~———— (2) ——— For a second complaint of a violation, the employer and Tobacco Prevention staff will jointly develop a smoke free workplace remediation plan if indicated. If a complaint indicates a person other than the employer committed the second violation, the Tobacco Prevention Program staff will provide additional services and referral information designed to achieve compliance by that person, if indicated.~~

~~———— (3) ——— For subsequent complaints, if the Health Department substantiates the violation through investigation, a civil fine consistent with the fine schedule adopted by the Director of the Department of Health by administrative rule.~~

~~———— (4) ——— Fines imposed under (3) may be appealed in writing to the Director of the Multnomah County Department of Health. The Director's decision shall be final.~~

Section 4. **This ordinance shall take effect on January 1, 2009.**

FIRST READING:

December 4, 2008

SECOND READING AND ADOPTION:

December 11, 2008

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:

Lillian Shirley, Director, Multnomah County Health Department



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (Budget Modification)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 12-04-08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-6
Est. Start Time: 10:35 AM
Date Submitted: 10/30/08

BUDGET MODIFICATION: HD-11

BUDGET MODIFICATION HD-11 Appropriating \$10,000 in Revenue from
Agenda Oregon Health and Science University for the Breast Health Promotion Among
Title: Women with Disabilities Project

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

Requested Meeting Date: December 4, 2008 **Amount of Time Needed:** 5 minutes
Department: Health **Division:** Community Health Promotion, Partnerships and Planning
Contact(s): Lester A. Walker, Finance and Budget Manager
Phone: (503) 988-3674 **Ext.** 26457 **I/O Address:** 167/2/210
Presenter(s): Noelle Wiggins, Manager, Community Capacitation Center

General Information

1. What action are you requesting from the Board?

Approval of appropriation of \$10,000 from Oregon Health & Science University for the "Breast Health Promotion Among Women with Disabilities Project."

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 Multnomah County Health Department (MCHD) is dedicated to improving health and eliminating health inequities among all people living in Multnomah County. Until recently, public health agencies have tended to overlook the specific health promotion needs of people with disabilities. MCHD is committed to improving our ability to conduct culturally competent health promotion for people with disabilities by involving members of the disability community as full partners and addressing the underlying social determinants of health.

Women with disabilities experience health inequities relative to women without disabilities.

Women with disabilities are less likely than women without disabilities to receive recommended screening for breast and cervical cancer. There is a need to build capacity within the disability community to address inequities in breast and cervical cancer screening.

Under contract to the Women with Disabilities Health Equity Coalition (WowDHEC), a project of the Center of Excellence in Women's Health at OHSU, the Community Capacitation Center (CCC) will adapt a Community Health Worker (CHW) training curriculum focusing on breast health promotion for women with disabilities. The curriculum will include 24 hours of initial training and 18 hours of follow-up training. The partners will also create a module on cross-disability health promotion. The CCC will provide the trainers and materials for all sessions and will evaluate the participants.

This action supports Program Offer 40038A, Health Promotion Coordination & Capacity Building.

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

Approval of this budget modification will increase the Health Department's federal/state FY09 budget by \$10,000.

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

This effort is in line with the policy statement on disability and health approved by the Board of the National Association of County and City Health Officials (NACCHO). Community Capacitation Center staff and partners at the Women with Disabilities Health Equity Coalition were involved in creating this policy statement.

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

This project is a partnership with the Women with Disabilities Health Equity Coalition (WowDHEC), which is composed of women from the disability community. We will work together to adapt and present the initial and follow-up training to assure that the training is culturally specific and culturally appropriate.

ATTACHMENT A

Budget Modification

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

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

The Health Department's federal/state revenue budget will increase by \$10,000 in FY09 as a result of the work performed under this award.

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

As a result of these changes the Health Department's budget will have the following changes:

- Temporary personnel budget will increase by \$6,963.
- Non-Base fringe budget will increase by \$2,017.
- Non-Base insurance budget will increase by \$209.
- Supplies budget will increase by \$39.
- Central indirect budget will increase by \$191.
- Departmental indirect budget will increase by \$581.

- **What do the changes accomplish?**

Under contract to the Women with Disabilities Health Equity Coalition (WowDHEC), a project of the Center of Excellence in Women's Health at OHSU, the Community Capacitation Center (CCC) will adapt a Community Health Worker (CHW) training curriculum focusing on breast health promotion for women with disabilities. The curriculum will include 24 hours of initial training and 18 hours of follow-up training. The partners will also create a module on cross-disability health promotion. The CCC will provide the trainers and materials for all sessions and will evaluate the participants.

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

This budget modification does not affect the Health Department's FY09 FTE.

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

The revenue covers these costs.

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

The funds are only assured for one year, but there may be additional funding available in the next fiscal year.

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

The contract covers budget period 4/01/08 – 03/31/09.

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

All activities directly related to the contract must be complete by 03-31-09. However, we will seek additional opportunities and funding to work with WowDHEC and other organizations to promote health in the disability community.

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 11

Required Signatures

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

Lillian Shirley

Date: 10/29/08

Budget Analyst:

Angela Burdine

Date: 10/30/08

Department HR:

Theresa Fuller Poe

Date: 10/23/08

Countywide HR:

Date:

Budget Modification ID: **HD-09-11****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	40-40	32301	40038A	30			4CA118-01-1	50210	0	(10,000)	(10,000)		OHSU - Breast Health Promotion
2	40-40	32301	40038A	30			4CA118-01-1	60100	0	6,963	6,963		Temporary
3	40-40	32301	40038A	30			4CA118-01-1	60135	0	2,017	2,017		Non Base Fringe
4	40-40	32301	40038A	30			4CA118-01-1	60145	0	209	209		Non Base Insurance
5	40-40	32301	40038A	30			4CA118-01-1	60240	0	39	39		Supplies
6	40-40	32301	40038A	30			4CA118-01-1	60350	0	191	191		Central Indirect
7	40-40	32301	40038A	30			4CA118-01-1	60355	0	581	581		Departmental Indirect
8													
9	19	1000	40038A	20		9500001000		50310	0	(191)	(191)		Indirect reimbursement rev in GF
10	19	1000	40038A	20		9500001000		60470	0	191	191		CGF Contingency expenditure
11													
12	40-90	1000	40038A	30		409050		50370	(4,597,837)	(4,598,418)	(581)		Indirect dept reimbursement rev in GF
13	40-90	1000	40038A	30		409001		60000	321,899	322,480	581		Off setting dept expenditure in GF
14													
15	72-10	3500	40038A	20		705210		50316	0	(209)	(209)		Insurance Revenue
16	72-10	3500	40038A	20		705210		60330	0	209	209		Offsetting Transaction
17										0			
18										0			
19										0			
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 12-04-08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-7
Est. Start Time: 10:40 AM
Date Submitted: 11/24/08

NOTICE OF INTENT to Approve Grant Funding from the Northwest Health Foundation for the Evaluation of Pizzicato's Early Adoption of the Chain Restaurant Nutrition Labeling Policy

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

Requested Meeting Date:	<u>December 4, 2008</u>	Amount of Time Needed:	<u>5 mins</u>
Department:	<u>Health</u>	Division:	<u>Program Design & Evaluation Services</u>
Contact(s):	<u>Nicole Hermanns, Dr. Myde Boles</u>		
Phone:	<u>503-988-3663</u>	Ext.	<u>26314</u>
	I/O Address:		<u>160/9</u>
Presenter(s):	<u>Dr. Myde Boles, Sonia Manhas</u>		

General Information

1. What action are you requesting from the Board?

Authorization to receive special grant funding in the amount of \$10,861 from the Northwest Health Foundation to support the evaluation of Pizzicato's early adoption of the Chain Restaurant Nutrition Labeling Policy.

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

On July 31, 2008, the Board of County Commissioners, acting as the County Board of Health, adopted the Chain Restaurant Nutrition Labeling Policy as recommended by the Chronic Disease Prevention Program, with several Amendments proposed by Commissioner Naito. On August 15, 2008, with approval by the Board of County Commissioners, Program Design & Evaluation Services (PDES) submitted, and was subsequently awarded, a grant application to the Robert Wood Johnson Foundation to support an evaluation of the policy implementation.

Since our last presentation to the Board, Pizzicato Gourmet Pizza (a local, family-owned business) has agreed to be an early adopter of the nutrition labeling policy and is very interested in evaluating

the process and impact of the policy on their business. After becoming aware of this unique public-private partnership, the Northwest Health Foundation expressed an interest in providing PDES funding to support the evaluation of this early implementation. Funding for this project would be given to the Health Department as a grant, but does not require a formal response to an advertised request for proposals. Due to the informal structure of this award the Northwest Health Foundation staff presented the idea to their Board of Directors before an official request was made through the Health Department Grant Development Team. The North West Heath Foundation Board approved funding for the evaluation at that time, and we are now asking for permission to officially apply for these funds and begin the evaluation of Pizzicato's early implementation of the nutrition labeling policy.

The evaluation of Pizzicato will include:

- Analysis of sales data in the year prior to implementation of menu labeling and again one year later on all Pizzicato restaurants;
- Customer point-of-purchase survey of awareness and use of nutrition information before and after implementation of menu labeling at two Pizzicato locations;
- Description of menu offerings and menu item reformulations before and after menu labeling;
- Semi-structured employee interviews to better understand the impact of nutrition labeling on employees, their perceptions of customers' receptivity, and difficulties or ease of implementation; and
- Descriptive case study of the implementation of menu labeling, including a detailed description of the implementation process and information gathered from key informant interviews on benefits, issues, and impact on the business.

The evaluation of this early adopter will provide valuable insight into this policy implementation that can inform the process during the county-wide implementation in early 2009.

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

This grant will provide \$10,861 to support the evaluation of the early adoption of the nutrition labeling policy in Pizzicato restaurants. There is no ongoing fiscal impact.

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

There are no legal or policy issues related to the research/evaluation project.

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

Pizzicato is very interested in being an early adopter of the nutrition labeling policy and in having the impact of the policy on its business evaluated. The Northwest Health Foundation has already agreed to support this project.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

The Northwest Health Foundation.

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

This funding is not in response to an official request for proposals. It is special funding specifically granted to support this project – the evaluation of the early adoption of the nutrition labeling policy in Pizzicato restaurants. There is no required match. Regular progress and financial reporting is required.

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

This grant will provide \$10,861 in one time only funding.

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

This request did not have a filing timeline, as it was not in response to an official request for proposals. The Board of the Northwest Health Foundation has already approved the request, and can release the funds as soon as we have obtained the proper permissions.

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

The grant would run from December 5, 2008 through June 30, 2009.

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

When the grant expires, the evaluation will have been completed.

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

Indirect costs have been included in the grant budget.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Lillian Shirley

Date: 11/21/2008

Budget Analyst:

Angela Burdine

Date: 11/24/08



R-B



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-8
Est. Start Time: 10:45 AM
Date Submitted: 11/18/08

First Reading and Possible Adoption of a Proposed ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the North Pearl District Plan in Compliance with Metro's Functional Plan and Declaring an
Agenda Title: Emergency

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

Date Requested:	<u>December 4, 2008</u>	Time Requested:	<u>2 minutes</u>
Department:	<u>Community Services</u>	Program:	<u>Land Use & 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 (11/24/08) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (12/05/08) as stated in the IGA. 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: 11/18/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the North Pearl District Plan in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On August 22, 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 1119.
- f. Since the adoption of Ordinance 1119, 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 land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 6. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

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

Exhibit No.	Description	Effective / Date
1	Ordinance adopting and implementing the North Pearl District Plan and amending the Comprehensive Plan Map and Zoning Map (PDX Ord. #182319)	11/05/08
2	Exhibit A: Planning Commission Recommendations to the Portland City Council regarding the North Pearl District Plan	6/08
3	Exhibit B: Resolution adopting the Action Charts and additional implementing measures of the North Pearl District Plan.	11/05/08
4	Exhibit C: North Pearl District Plan Zoning Code Amendments	11/05/08
5	Exhibit D: River District Design Guidelines	5/08
6	Exhibit E: North Pearl District Plan Transportation Analysis	

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

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

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

FIRST READING AND ADOPTION: December 4, 2008

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Department of Community Services
Page 2 of 3 – Ordinance Amending Land Use Code, Plans and Maps

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting and implementing the North Pearl District Plan and amending the Comprehensive Plan Map and Zoning Map (**PDX Ord. #182319**).
2. Exhibit A: Planning Commission Recommendations to the Portland City Council regarding the North Pearl District Plan
3. Exhibit B: Resolution adopting the Action Charts and additional implementing measures of the North Pearl District Plan
4. Exhibit C: North Pearl District Plan Zoning Code Amendments
5. Exhibit D: River District Design Guidelines
6. Exhibit E: North Pearl District Plan Transportation Analysis

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/). 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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1123

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the North Pearl District Plan in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On August 22, 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 1119.
- f. Since the adoption of Ordinance 1119, 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 land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 6. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

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

Exhibit No.	Description	Effective / Date
1	Ordinance adopting and implementing the North Pearl District Plan and amending the Comprehensive Plan Map and Zoning Map (PDX Ord. #182319)	11/05/08
2	Exhibit A: Planning Commission Recommendations to the Portland City Council regarding the North Pearl District Plan	6/08
3	Exhibit B: Resolution adopting the Action Charts and additional implementing measures of the North Pearl District Plan.	11/05/08
4	Exhibit C: North Pearl District Plan Zoning Code Amendments	11/05/08
5	Exhibit D: River District Design Guidelines	5/08
6	Exhibit E: North Pearl District Plan Transportation Analysis	

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

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

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

FIRST READING AND ADOPTION: December 4, 2008



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

Page 2 of 3 – Ordinance 1123 Amending Land Use Code, Plans and Maps Relating to North Pearl District

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting and implementing the North Pearl District Plan and amending the Comprehensive Plan Map and Zoning Map (**PDX Ord. #182319**).
2. Exhibit A: Planning Commission Recommendations to the Portland City Council regarding the North Pearl District Plan
3. Exhibit B: Resolution adopting the Action Charts and additional implementing measures of the North Pearl District Plan
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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/). 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.

ORDINANCE No. **1 823 19** **As Amended**

Adopt and implement the North Pearl District Plan (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The *North Pearl District Plan* (ordinance) amends the *Comprehensive Plan*, *Comprehensive Plan* map, and Zoning Map. The amendments do not change other land use regulations. Therefore, the following Comprehensive Plan goals, policies, and objectives apply to the amendments and the amendments satisfy the applicable goals, policies, and objectives for the reasons stated below.
2. Portland Comprehensive Plan Goal 10, Plan Review and Administration, states that the Comprehensive Plan will undergo periodic review to ensure that it remains an up-to-date and workable framework for land use development.
3. The Central City Plan District, adopted in 1992 by Ordinance 165376, the River District Plan, adopted in 1995 by Ordinance 168702, and the North of Lovejoy Project, adopted in 2005 by Ordinance 179303, combined to establish the current zoning, regulations, and policy framework for the North Pearl District plan area. Additionally, the Pearl District Development Plan, approved by City Council in 2001, provides additional policy guidance for the plan area.
4. In October 2006, with funding provided by the Portland Development Commission, the Bureau of Planning initiated the North Pearl District Plan (NPDP) process to evaluate requests to increase floor area ratio and height allowances in the north end of the Pearl District in a manner that was consistent with the City's transportation policies and the community's vision to create a complete and sustainable community in the Pearl.
5. Information used for the formulation of the NPDP included: a Planning Policy Framework Analysis; an Urban Design & Development Charrette Summary Report; a Transportation Analysis; and a Development Bonus System: FAR Bonus & Transfer Provisions Report.
6. The Bureau of Planning developed the NPDP with participation from a Project Advisory Group (PAG) composed of representatives from the neighborhood and business associations, property owners, developers, architects and other key stakeholders. The group served as an advisory body to consider the diverse interests of the community and represent a range of perspectives on planning and community development issues.
7. Technical advice was provided by representatives of state, regional, and city agencies that were consulted throughout the planning process to provide input on regulatory and public facility service issues affecting or affected by the plan. These individuals also assisted in evaluating the technical aspects of the plan to determine the feasibility of plan proposals.
8. The *Proposed North Pearl District Plan* was published February 2008 and contained (1) Zoning Map Amendments; (2) Zoning Code Amendments; and, (3) amendments to the River District Design Guidelines.
9. NPDP provisions implement or are consistent with the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Region 2040 Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in this ordinance. These rules, policies, plans, provide a basis for the amendments and policies proposed by the plan.
10. The Notice of Proposed Action and copies of the NPDP were mailed to the Oregon Department of Land Conservation and Development as required by ORS 197.610 on, January 24, 2008.
11. As per Title 33.740.020, written notice of the March 11, 2008, Portland Planning Commission public hearing on the *Proposed North Pearl District Plan* was mailed on February 8, 2008. Written notice of the March 20, 2008, Portland Design Commission public hearing on the *Proposed North Pearl District Plan* and updates to the *River District Design Guidelines* was mailed on February 20, 2008. Notice required by ORS

227.186 was sent to all property owners potentially affected by proposed Zoning Map and Zoning Code changes on February 20, 2008.

12. On March 11, 2008, the Portland Planning Commission held a public hearing on the NPDP. At the hearing, the Planning Commission accepted public testimony, proposed Zoning Code amendments, and directed staff to address issues raised at the hearing. On May 20, 2008, the Portland Planning Commission again met to review amendments to the NPDP, and then on June 10, 2008, the Planning Commission unanimously recommended that City Council adopt the North Pearl District Plan.
13. On March 20, April 17, and May 1, 2008, the Portland Design Commission held hearings on the design-related issues of the Proposed NPDP. The Design Commission also made recommendations to be shared with the Planning Commission regarding height and building massing requirements proposed for the plan area.
14. Written notice of the September 24, 2008 City Council public hearing on the Recommended North Pearl District Plan was mailed per title 33.740.030.B on August 25, 2008 to 2338 people, including the city-wide legislative list and the project mailing list, which is made up of CAG and technical advisors to the plan, those that have provided written or oral testimony at Planning and/or Design Commission public hearings, and self-selected citizens from open houses, emails, the project website, phone calls, etc.
15. During the course of public hearings, the Bureau of Planning, the Design Commission, and the Planning Commission provided interested parties opportunities to identify, orally or in writing, any other Comprehensive Plan goal, policy, or objective that might apply to the amendments. No additional provisions were identified.
16. It is in the public interest that the recommendations contained in the North Pearl District Plan be adopted to guide the location and character of new development and maximize the benefits that light rail can bring to this area, the City and the region as a whole.

Statewide Planning Goals Findings

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.

17. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. The amendments are supportive of this goal in the following ways:
 - a) On October 12, 2006, the first of 10 meetings of the Project Advisory Group (PAG) met to guide the development of the North Pearl District Plan (NPDP). The 19-member PAG included stakeholders from the development community, neighborhood and business associations, residents at-large, and other community stakeholders involved in urban design, architecture, and community development. The PAG provided input and advise that significantly shaped the staff recommended version of the NPDP, which was endorsed by the PAG at their last and tenth meeting held January 16, 2008.
 - b) In addition to regular PAG meetings, a neighborhood walk was conducted on November 4, 2006. PAG members and other interested stakeholders attended this event which involved a walking tour of the project area where stakeholders were encouraged to share perspectives and other input about how the NPDP should or could affected the neighborhood.
 - c) On September 27-28, 2007, an urban design charrette was conducted to explore potential urban design and development scenarios that should be considered by the NPDP. Twelve community stakeholders participated directly in the charrette, as did fourteen City staff members from various bureaus, and two Design Commissioners. Additionally, the proceedings were open to the public and other members of the public attended the charrette and participated through the two days the event was held. One media outlet, The Northwest Examiner, also attended portions of the event.
 - d) On November 15, 2007, a public open house was held at the offices of the Portland Development Commission. The event present preliminary concepts being considered for the NPDP and input was taken that helped to influence the final staff recommendation for the NPDP. The event was attended by approximately 25 people.

- e) During the development of the NPDP, a mailing list was produced for the project that included all people on the City of Portland's legislative mailing list, people on mailing lists for previous projects in the NPDP plan area, and people requesting to be on the new list for the NPDP. The mailing list contains 795 people.
- f) During the development of the NPDP, the Bureau of Planning maintained a website that tracked the development of the NPDP. The site was one source of information announcing PAG meetings, open house events, the design charrette, and briefings, work sessions, and hearings with the Portland Landmarks, Design, and Planning Commissions. The web site also was used to post PAG meeting agendas, meeting minutes, project reports and other background documents.
- g) During the development of the NPDP, the Bureau of Planning maintained an email mailing list that was used to send out regular updates of PAG meetings, open house events, the design charrette, and briefings, work sessions, and hearings with the Portland Landmarks, Design, and Planning Commissions. An interested party asking to be on the mailing list was added and various parties joined the list while the NPDP was developed and then when the plan was being reviewed by the Planning and Design Commissions.
- h) During the development of the NPDP, four briefings with the Portland Design Commission were held to provide background information on and take input on the development of the NPDP and Updated River District Design Guidelines. Notices of these briefings were posted by the Bureau of Development Service and Bureau of Planning as their web sites and members of the public were provided an opportunity to testify at each of these briefings.
- i) During the development of the NPDP, three briefings with the Portland Planning Commission were held to provide background information on and take input on the development of the NPDP and Updated River District Design Guidelines. Notices of these briefings were posted by the Bureau of Planning as their web sites.
- j) Throughout the development of the NPDP, staff attended meetings of land use and transportation subcommittees of the Pearl District Neighborhood Association, Pearl District Business Association, and Northwest District Association. Staff also attended a meeting with the Architectural Institute of America – Portland Chapter's Urban Design Advisory Group. At each of these meetings staff presented a status on the development of the NPDP and took stakeholder input.
- k) On January 24, 2008, a 45 day public notice was sent to the Oregon Department of Land Conservation and Development and Metro announcing the first evidentiary hearing of the NPDP. The hearing was with the Portland Planning Commission held March 11, 2008.
- l) On February 8, 2008, a public notice was sent to approximately 795 people announcing the first evidentiary hearing of the NPDP, a public hearing with the Portland Planning Commission that was held on March 11th.
- m) On February 20, 2008, a public notice was sent to approximately 795 people announcing the first public hearing of the NPDP with the Portland Design Commission that was held on March 20th.
- n) On February 20, 2008, a Measure 56 was sent to all affected property owners in the plan area. The noticed described how their individual properties would be affected by the NPDP and announced the date of the first Planning Commission hearing on the NPDP.
- o) On February 21, 2008, the staff recommended version of the North Pearl District Plan and NPDP Proposed Amendments to the Portland Zoning Code were published for public review.
- p) On March 10, 2008, the staff recommended version of the Updated River District Design Guidelines were published for public review.
- q) During the development of the NPDP, the planning effort was also the focus of articles in The Oregonian, The Portland Tribune, The Daily Journal of Commerce, and was covered by local newspapers including the Northwest Examiner.

18.

Goal 2, Land Use Planning, requires the development of a process and policy framework which acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because:

- a) The Zoning Code contains procedures that were followed and criteria that have been satisfied for the development and adoption of the NPDP and related implementing measures. The amendments are supportive of this goal because the required legislative process as described in Portland City Code 33.740 was followed. In addition, the applicable approval criteria for legislative Comprehensive Plan Map Amendments, described in 33.810; for Goal, Policy, and Regulation Amendments, described in 33.835; for Zoning Map Amendments, described in 33.855; and Adoption Criteria for establishment of a plan district, described in 33.500, have been evaluated and satisfied as described in the findings below.
- b) The amendments are also supportive of this goal because documents identifying existing conditions, community issues and desires, and documents analyzing economic and transportation issues affecting the plan area were prepared to assist in the creation of plan alternatives and a preferred alternative for the NPDP. These documents were available for public review throughout the planning process and include:

- *North Pearl District Plan;*
- *North Pearl District Plan: Proposed Amendments to the Portland Zoning Code, Versions 1-3;*
- *North Pearl District Plan: Design Commission Recommended Amendments – Alternative Height Bonus Provisions;*
- *North Pearl District Plan: Planning Policy Framework Analysis;*
- *North Pearl District Plan: Urban Design & Development Charrette Summary*
- *City of Portland Development Bonus System: FAR Bonus & Transfer Provisions Overview;*
- *2008 River District Design Guidelines Update;*
- *Evaluation of Entitlement Bonus and Transfer Programs Portland's Central City – Johnson & Gardner, LLC; and,*
- *Analysis of the Proposed Efficient Family Size Unit Bonus Option in the North Pearl Sub-district – Johnson & Gardner, LLC.*

- c) Portland Comprehensive Plan findings on Goal 1, Metropolitan Coordination, and its related policies and objectives also support this goal.

19. **Goals 3 and 4, Agricultural Lands and Forest Lands**, requires the preservation and maintenance of the state's agricultural and forest lands, generally located outside of urban areas. The amendments are supportive of this goal because the NPDP policies support the provision of additional housing, commercial, employment and recreational opportunities within an urbanized area, thereby reducing pressure on agricultural and forest lands and pressure to expand the urban growth boundary.

20. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because:

- a) The NPDP calls for strengthening the identity of the area through development and community activities that integrates and builds upon the area's distinctive history and architecture. The plan's also proposes new development transfer provisions applicable to historic landmarks, contributing structures in historic districts, and all ranked structures on the City's historic resources inventory that all located within the Pearl District. These new provisions are intended to facilitate the transfer of floor area from these resource sites in an effort to preserve these resourced in the long-term.
- b) Policy 1 (Complete Community) of the NPDP calls for the development of additional open space resources along the Willamette waterfront. The plan also expands the NW Triangle Open Area development standards (now to be called the North Pearl Subarea Open Area development standards) to more of the Pearl District. This will increase the amount of urban open space created in the plan area. Thus, the NPDP supports this goal.
- b) Policy 2 (Sustainable Community) of the *North Pearl District Plan* calls for the development and redevelopment of a built environment that fosters environmental quality and uses sustainable development practices. Specifically, the NPDP supports this goal as the plan proposes a new policy that encourages green building development, the creation of a carbon neutral buildings, transit oriented

development, the creation of "green collar" jobs and green development demonstration projects, a natural system approach to stormwater management, and increase mode splits and an expansion of a multi-modal transportation network. These combined objectives and goals are intended to reduce the impact of development in the plan area upon natural resources and the environment.

21. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water, and land resources. The amendments are consistent with this goal because the *North Pearl District Plan* policies encourage more compact mixed-use development of commercial and residential uses and emphasizes a balanced multi-modal transportation system by encouraging the use of alternative modes, such as walking, bicycling, and transit. Compact urban development emphasized in the *North Pearl District Plan* helps maintain natural resources by accommodating growth and development in urban areas, thereby protecting and conserving natural resources in rural areas. Compact mixed-use development with a balanced transportation system should reduce vehicle miles traveled in the study area and positively impact air quality. Portland Comprehensive Plan findings on Goal 8, Environment, and its related policies and objectives, also support this goal.
22. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments are consistent with this goal because the policies of the NPDP calls for the development of additional open space resources along the Willamette waterfront, expands regulations intended to create urban open space to more of the Pearl District, and provides incentives to create a community center and public school, which would include recreational amenities, within the plan area. Thus, the NPDP supports this goal.
23. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal. The Local Economy goals and objectives of the NPDP expands opportunities for mixed use development including office commercial, retail, and institutions land uses within the plan area. The plan does this by increasing allowable densities and promoting development bonuses that encourage mixed-use development that includes the land uses noted above. The plan also promoted sustainability goals that promote work programs, demonstration projects, and other actions that would support the expansion and diversification of the employment in the district. Base on this, the plan is supportive of this statewide goal.
24. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments are consistent with this goal as the plan increases density allowances to allow mixed-use development, including significant amounts of housing, within the plan area. The plan also adopts new development bonus provisions intended to encourage the creation of family compatible housing (two and three bedroom units) that could be available at affordable or market rates. Specific policies of the plan directly address housing as follows:
 - a) Policy 1 (Complete Community) promotes the creation of a more diverse housing stock, with multiple bedrooms, as well as housing for families with children available as affordable and market rate housing, for rent and for sale. This policy also promotes family compatible housing meaning that in addition to units with two or more bedrooms, housing projects include amenities such as indoor and outdoor play and gathering areas. Incentives to create public amenities that would support housing in the district, such as parks, public schools, community centers, daycare facilities, and libraries are also included in the plan.
 - b) Policy 2 (Sustainable Community) promotes the development of diverse housing stock available to residents at all income levels, as well as the development of affordable housing within green or healthy buildings.

The NPDP supports Goal 10 and related housing goals of Metro's Urban Growth Management Functional Plan and the City of Portland's Comprehensive Plan.

25. **Goal 11, Public Facilities and Services**, requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development. The plan contains implementing actions addressing expansion of pedestrian facilities, vehicle circulation, and transit amenities, supportive of this goal.

Goal 12, Transportation, requires provision of a safe, convenient, and economic transportation system. The NPDP promotes a multimodal transportation system that is consistent with the City's Transportation

System Plan, the Central City Plan and the Central City Transportation Management Plan. The NPDP is consistent with this goal because the plan contains implementing actions that promote higher non auto mode splits, expanded access to transit, the development of a transportation management association, new pedestrian and bicycle connections and routes, better vehicular circulation, and the creation of a railway quiet zone. These actions are supportive of this statewide goal.

Additionally, the Transportation Planning Rule (TPR), adopted in 1991 to implement State Goal 12 contains a section (660-012-0045) that requires local governments to adopt land use regulations that designate "types and densities of land uses adequate to support transit" and those that "reduce reliance on the automobile and allow transit-oriented developments on land along transit routes." The NPDP supports these requirements by increase the density allowed in portions of the plan area and within a zone intended to create mixed-use development. Because the plan facilitates the creation of housing, employment, and institutional land uses within the plan area the plan is consistent with these requirements. The plan further proposes the expansion of transit (bus and rail service), bicycle, and pedestrian circulation, a decrease in allowable parking ratios, and the creation of a new transportation management association, and transit oriented development.

Section 660-012-0060(1) of the TPR requires "amendments to functional plans, acknowledged comprehensive plans, and land use regulations, which significantly affect a transportation facility," to ensure that allowed uses are consistent with the identified function, capacity, and performance standards of the affected facility. This requirement can be met by "adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility."

Comprehensive plan and zoning amendments proposed by the plan have been analyzed by the City to ensure that significant impact to the transportation system will not occur. This analysis found no such impacts bases on the amendments proposed, and because the plan proposes decreasing allowable parking ratios, expanding transit and other multi-modal transportation improvements, and as the plan proposes circulation enhancements intended to ease existing congestion levels, the plan is found to be consistent with the requirements of Section 660-012-0060(1).

In particular, PDOT analyzed several land use and transportation scenarios using a transportation model especially calibrated to the study area, which incorporated expected 20-year regional growth based on existing Comprehensive Plan map designations. In terms of changes in the transportation network, the vast majority of traffic increases projected in the future is the result of population and employment growth in the region, City and study area, based on plans already adopted by the City via the Comprehensive Plan and Metro via the Regional Transportation Plan.

The proposed land use and transportation recommendations increase households by about 2,000 households by 2030, to about 8,200. Due to measures to increase non auto mode split levels in the area, total trips from the study area remain very similar to the 2030 Base case, with 7,500 trips (a less than one percent change). PDOT analyzed impacts to ODOT's facilities and found that there is no significant effect on the I-405 ramps at NW Everett and NW Glisan, the ramps closest to the study area, meaning that the land uses proposed are consistent with the identified function, capacity and performance standards for these facilities.

The City determines that the transportation system can support FAR increases in targeted areas of the plan area. This resulted in FAR increases over a small area with adequate street connectivity. Additionally, the plan contemplates measures to increase the use of non auto transportation modes, leading to approximately a no net increase in traffic generated from the district. Finally, the implementation of a couplet system for NW Lovejoy Street and NW Northrup Street and the extension of the street grid in the undeveloped part of the stud area south of the tracks helps relieve congestion on NW Lovejoy to levels above the City's performance standards. Any negligible impacts that the assumed growth and additional trips generated by the land use change are addressed by existing TSP and RTP strategies, projects, programs and plans. Additional strategies to address growth will be achieved through the implementation of the action items identified in the transportation chapter of the NPDP, which include the creation of a transportation management association, the reduction in the allowed maximum parking ratios, and actions to increase non auto mode splits in the study area.

Section 660-012-0060(6) of the TPR states that "in determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060 (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods"

The plan meets this requirement since the study area is located within the Central City, an area that has a managed transportation system and high density development. The Central City enjoys higher transit, bicycle and walking trips than elsewhere in the region as a result of excellent transit, bicycling and walking facilities. Maximum parking rations for new development that encourage the use of alternative transportation modes. The CCTMP has a goal of 30 percent (20 percent for transit and 10 percent for walk/bike trips) non auto commute trips in the area Northwest Triangle and 50 percent (40 percent transit and 10 percent for walk/bike commute trips) in the area North of Burnside in 2010. The non auto mode split for commute trips in the River District is 27 percent, according to the transportation model, higher than outside the Central City. The area enjoys high street connectivity and high household and employment densities, further encouraging short trips by alternative transportation modes. Survey results from a transportation survey in the Pearl District show that residents and workers rely less on the automobile than it is assumed in the transportation model. The implementation strategy section of the plan has a number of transportation strategies that will allow the City to further improve high non auto mode splits in the plan area.

27. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The NPDP contains implementing actions that promote the development of green, energy efficient buildings, the creation of a district energy system, the expansion of transit and development of a transportation management association, and numerous other actions intended to create a more sustainable district and development pattern in the plan area. These actions and the policies of the NPDP are support this statewide goal.
28. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition...to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The goal provides that expansion of urban growth boundaries should only be done to accommodate the growth necessary to supply land for housing, employment, schools, and other public amenities and land uses necessary to support urban areas. The NPDP is supportive of this goal because it increases density allowances within a mixed-use zone, promotes housing production, and encourages the creation of public amenities such as parks, schools, and community centers, all in an effort to support increased density within the urban center of Portland, consistent with this statewide goal.
29. **Goals 15, Willamette River Greenway**, requires that plans protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway. The NPDP supports this goal as the plan promotes the redevelopment of the waterfront with a mix of land uses, and a development pattern that although urban in nature promoted views to the river, the creation of public open space and parks, expansion of and enhanced access to the Willamette Greenway Trail, and sustainable development and construction techniques intended to reduce impacts on natural resources while increasing environmental health.

Findings on Metro Urban Growth Management Functional Plan (UGMP)

30. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. During the development of the *North Pearl District Plan* such an analysis was conducted, based on the land use designations of the existing zoning in the plan area and the how proposed increases to FAR within the area would increase jobs and housing potential. This analysis found that the proposed FAR increases would more than double the amount of housing potential on parcels subject to these increases. The analysis further concludes that additional FAR in the area could lead to increased employment opportunities as the increases affect EX (Central Employment) zoning which is a mixed use zone that allows both residential and commercial land uses. Thus, the amendments are consistent with this title.

31. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. This title is already addressed by the Portland Zoning Code and the City's Transportation System Plan which set limits for the number of parking spaces required and allowed for different uses and areas along transit corridors. The plan furthers this goal by promoting a compact urban form supported by enhanced transit system and pedestrian and bicycle circulation system. The plan further recommends reducing the total number of parking spaces allowable to development in the plan area to a level equal to that of the rest of the Pearl/River District. Thus, the amendments are consistent with this title.
32. **Title 3, Water Quality and Flood Management Conservation**, calls for the protection of the beneficial uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. This title is addressed by existing City policies and regulations. However, the plan furthers these objectives by promoting a natural system approach to stormwater management on private property and within the right-of-way that significantly reduces the amount of stormwater discharged and conveyed by piped infrastructure. Further, the plan does not promote development within the flood plain of the Willamette River or its tributaries. Thus, the amendments are not inconsistent with this title.
33. **Title 4, Retail in Employment and Industrial Areas**, limits retail and office development in Employment and Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a large market area. This plan is consistent with requirements of this title as the plan allows for addition development with the Central Employment (EX) zone which is intended for mixed-use development.
34. **Title 6, Central City, Regional Centers, Town Centers and Station Communities**, defines Metro's policy regarding areas outside of the Urban Growth Boundary. The intent of this title is to enhance Centers designated on Metro's 2040 Growth Concept Map by encouraging growth within Centers. The *North Pearl District Plan* and associated planning process are directly tied to this title as the plan promotes increased development potential with the Central City, a key node of the 2040 plan, and provides guidance for the development of a complete and sustainable mixed-use community, supported by public amenities, a multi-modal transportation system, and development pattern that expands the Central City in a manner that conserve energy, and reduces impacts upon the environment. Thus, the amendments are consistent with this title.
35. **Title 7, Affordable Housing**, recommends that local jurisdictions implement tools that provide opportunities for affordable housing at all income levels and calls for a choice in housing types. The NPDP direct relates to this title as the plan proposes new residential development bonus provisions intended to create family compatible housing projects, meaning projects with numerous two and three bedroom units and with on-site amenities that serve family needs. These bonus provisions have been tailored to be economically efficient in the production of affordable (subsidized) and market rate housing. The plan further proposed development bonuses intended to create public amenities that will better serve, support and encourage the development of family oriented and affordable housing within the Pearl District. Thus, the amendments are consistent with this title.

Findings on Portland's Comprehensive Plan Goals

36. The City's *Comprehensive Plan* was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, and again on January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with the statewide planning goals.
37. **GOAL 1, METROPOLITAN COORDINATION**, calls for the *Comprehensive Plan* to be coordinated with federal and state law and to support regional goals, objectives, and plans. Coordination with state and regional planning efforts has been undertaken with the development of the proposed amendments. The NPDP process included participation of representatives from city, regional, and state agencies, ensuring consistency with applicable local, regional, and state plans.
38. **Policy 1.4, Intergovernmental Coordination**, calls for continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize

the efficient use of public funds. The amendments support this policy because the NPDP process identified and included a variety of local, regional, and state agencies in the plan development process. Individuals from each of these agencies participated in the local planning process and reviewed and commented on different aspects of the plan.

39. **Policy 1.5, Compliance with Future Metro Planning Efforts**, calls for the review and update of Portland's Comprehensive Plan to comply with the Regional Framework Plan adopted by Metro. The amendments support this policy because they implement portions of the Metro UGMFP.
40. **GOAL 2, URBAN DEVELOPMENT**, calls for maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because the land use and zoning pattern proposed for the NPDP area increases opportunities for additional residential and commercial uses and mixed-use development within areas designated for these land uses.
41. **Policy 2.1, Population Growth**, calls for accommodating the projected increase in city households. The amendments support this policy because the Comprehensive Plan Map and Zoning Map amendments proposed by the NPDP expands the long-term potential to develop housing units in the plan area and adopts new development bonus provisions specifically intended to increase the supply of family compatible housing in the plan area.
42. **Policy 2.2, Urban Diversity**, calls for promotion of a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diverse population. The NPDP supports this policy because the plan provides incentives to create a more diverse housing stock in the plan area as well as a range of community amenities currently absent from the Pearl District, such as public schools, community centers, and daycare facilities, which will support both residents and employees of the district.
43. **Policy 2.9, Residential Neighborhoods**, calls for allowance of a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. NPDP adopts new development bonuses intended to create two and three bedroom units in an attempt to diversify the housing stock in the Pearl District and to create housing that supports the needs of families with children, consistent with this policy.
44. **Policy 2.10, Downtown Portland**, calls for the reinforcement of downtown's position as the principal commercial, service, cultural and high density housing center in the city and the region. The NPDP supports this policy as the plan increase the amount of development potential in the plan area within a mixed use zone (EX) that allows for a range of residential and commercial land uses.
45. **Policy 2.15, Living Closer to Work**, calls for locating greater residential densities, including affordable housing, near major employment centers, such as Metro-designated regional and town centers to reduce vehicle miles traveled per capita and maintain air quality. This policy also calls for encouraging home-based work where the nature of the work is not disruptive to the neighborhood. NPDP expands opportunities for residential and commercial/employment land uses within the Central City. This will result in expanded access for citizens to have their home and work place within close proximity.
46. **Policy 2.19, Infill and Redevelopment**, calls for encouraging infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. This policy also calls for infill and redevelopment within the Central City. The plan area for the NPDP is located in the northern most portion of the Central City and increases the development potential within mixed-use development while implementing new policies, objectives, and actions intended to create a more complete, sustainable and livable community in the Pearl District, consistent with this policy.
47. **Policy 2.20, Utilization of Vacant Land**, calls for providing for full utilization of existing vacant land except in those areas designated as Open Space. The NPDP expands development capacity as well as new development bonus provisions within vacant lands within the Central City, consistent with this policy.
48. **Policy 2.22, Mixed-use**, calls for continuation of a mechanism that will allow for the maintenance and enhancement of areas of mixed-use character where such areas act as buffers and where opportunities

exist for the creation of mixed-use nodes. The NPDP expands development capacity within a mixed-use zone in the Central City (the EX zone), consistent with this policy.

49. **Policy 2.25, Central City Plan**, calls for continued investment within Portland's Central City while enhancing its attractiveness for work, recreation and living. This policy further calls for implementation of the Central City Plan through coordinated development that provides aid and protection to Portland's citizens, and enhances the Central City's special natural, cultural and aesthetic features. The NPDP supports this policy because the plan provides incentives to create a more diverse housing stock in the plan area as well as a range of community amenities currently absent from the Pearl District, such as public schools, community centers, and daycare facilities, which will support both residents and employees of the district. Lastly, the plan contains actions and regulations intended to expand access to recreational amenities such as public parks and urban open space throughout the plan area.
50. **GOAL 3, NEIGHBORHOODS**, calls for preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The NPDP is consistent with this goal as the plan promotes a more diverse housing stock intended to serve residents at various ages and income levels. The plan also promotes the development of community/public amenities necessary to serve existing and increasing density levels in the River District.
51. **Policy 3.3, Neighborhood Diversity**, calls for promoting neighborhood diversity and security by encouraging a diversity in age, income, race and ethnic background within the city's neighborhoods. The NPDP supports this policy by adopting new development bonus provisions specifically intended to encourage the development of housing for families with children as well as public amenities, such as schools, daycare facilities, and community centers, that support residents of this housing and other residents across the demographic spectrum.
52. **Policy 3.4, Historic Preservation**, calls for the preservation and retention of historic structures and areas throughout the city. The NPDP supports this policy as the plan adopts a new development transfer provision applicable only to the Pearl District neighborhood. This transfer provision allows floor area to be transferred from designated historic resources sites within the district to other redevelopment sites in the Pearl. The long-term effect is that the redevelopment potential of historic properties is transferred to sites that may better utilize this potential while leaving the historic resources intact.
53. **Policy 3.5, Neighborhood Involvement**, provides for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood. An extensive public involvement process was used in the development of the NPDP (explained in more detail under the findings section on Statewide Planning Goal 1, Public Involvement) which engaged local neighborhood associations, other residents, business associations, local businesses, and numerous other stakeholders, consistent with this policy.
54. **Policy 3.6, Neighborhood Plan**, calls for maintaining and enforcing neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council. The findings in this report demonstrate that the NPDP is consistent with the Comprehensive Plan, the Central City Plan, the River District Plan, and North of Lovejoy Plan. The NPDP is also consistent with the Pearl District Development Plan, a plan developed by the Pearl District Neighborhood Association, PDC, City bureaus and other stakeholders, and which was approved by City Council in 2001. The NPDP further proposes a new neighborhood plan for the north end of the Pearl intended to further the goals of plans by implementing the development of a complete and sustainable community in the plan area.
55. **GOAL 4, HOUSING**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs, and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The NPDP is consistent with this goal because adopts new zoning provisions encouraging the development of a more diverse housing stock (family compatible housing) and public amenities that support housing and the diversifying population in the Pearl/River District. The plan also increases the development potential for housing by increasing floor area ratios and the potential to bonus floor area for residential and mixed-use development in the plan area.
56. **Policy 4.1, Housing Availability**, calls for ensuring that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future. Development bonuses encouraging family compatible housing proposed by the NPDP are tailored to work for the development of affordable (subsidized) and market-rate housing in the plan area, consistent

with this policy. The plan also increases the development potential to build these and other housing types in the plan area.

57. **Objective B**, calls for the development of new relationships and mechanisms that increase private investment in, and production of, housing. As noted, the NPDP adopts new development provisions intended to encourage private sector and nonprofits to development family compatible housing and public amenities that would support families with children who live and work in the plan area, consistent with this objective
58. **Objective C**, calls for considering the cumulative impact of regulations on the ability of housing developers to meet current and future housing demand. The amendments support this objective because they increasing development potential for mixed-use residential development and include provisions specifically tailored to encourage additional and a more diverse stock of housing than currently exists in the Pearl District.
59. **Objective E**, calls for the efficient use of infrastructure by focusing well-designed new and redeveloped housing on vacant, infill, or under-developed land. The NPDP expands the potential to develop mixed-use residential development on vacant and underutilized properties within the plan area.
60. **Policy 4.2, Maintain Housing Potential**, calls for retaining housing potential by requiring no net loss of land reserved for, or committed to, residential or mixed-use. The amendments support this policy because no changes to land use zones or zoning provisions that would reduce the ability to develop housing in the plan area. Further, the plan increases the potential to build housing and adopts new incentives to create more diverse housing. Thus, the NPDP is consistent with this policy.
61. **Policy 4.3, Sustainable Housing**, calls for encouraging housing that supports sustainable development patterns by promoting the efficient use of land; conservation of natural resources; easy access to public transit and other efficient modes of transportation; easy access to services and parks; resource efficient design and construction; and the use of renewable energy resources. The NPDP adopts new policies, objectives, and a series of implementing actions intended to result in the development of housing and a community that is more sustainable and complete. Specifically, these provisions and actions address green building design, district-energy, natural systems approach to stormwater management, waste stream management, reducing the impact of development on climate change, and social equity goals. The plan also proposes expansion of the multi-modal transportation system serving the Pearl District, as well as expanded access to public parks and open space, all consistent with this policy.
62. **Policy 4.6, Housing Quality**, encourages the development of housing that exceeds minimum construction standards. Objective A of this policy calls for housing that provides air quality, access to sunlight, and is well protected from noise and weather. The Sustainable Community policy of the NPDP includes development objectives and implementing actions intended to result in green building and neighborhood development, that exceeds minimum construction standards, consistent with this policy.
63. **Policy 4.7, Balanced Communities**, calls for striving for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures, and income levels of the region. The NPDP expands development potential in a mixed-use zone and adopts various development bonus provisions intended to encourage a diversity of housing types (for a range of income levels) as well as a range of public amenities that would serve the community and increase the livability and long-term sustainability of the Pearl District neighborhood.
64. **Objective A** calls for the City to achieve a distribution of household incomes similar to the distribution of household incomes found citywide, in the Central City...and in large redevelopment projects. The amendments proposed by the NPDP that encourage family compatible housing are tailored to work for a range of housing incomes (affordable/subsidized to market rate housing) consistent with this objective.
65. **Objective C** calls for the City to promote the development of mixed-income housing that may include a mix of housing types. As noted, the NPDP include housing incentives that are available for a range of incomes. The plan also includes policies, objectives, and implementing actions that promote mixed-income housing with the intent of creating a more diverse, complete and sustainable social environment in the plan area.

66. **Objective H** calls for amendments to improve the balance in the city's population by attracting a proportionate share of the region's families with children in order to encourage stabilized neighborhoods and vital public school system. The amendments speak directly to this objective by adopting new development bonus provisions intended to create housing compatible for families with children as well as provisions encouraging the development of public amenities that would support these families, such as a K-8 public school, community center, and daycare facilities.
67. **Policy 4.8, Regional Housing Opportunities**, calls for ensuring opportunities for economic and racial integration throughout the region by advocating for the development of a range of housing options affordable to all income levels throughout the region. As noted the NPDP adopts new development bonus provisions tailored to encourage the development of a more diverse housing stock and housing for a range of residential incomes, consistent with this policy.
68. **Policy 4.10, Housing Diversity**, calls for promoting creation of a range of housing types, prices, and rents to (1) create culturally and economically diverse neighborhoods; and (2) allow those whose housing needs change to find housing that meets their needs within their existing community. The amendments support this policy because they encourage the development of a more diverse housing stock and public amenities that support housing in the plan area. The amendments are also tailored to encourage housing for residents at a range of incomes, consistent with this policy.
69. **Objective A** calls for Portland to be inviting to households with children by ensuring through public and private action the availability of housing that meets their needs throughout the city. The NPDP is consistent with this objective as the plan includes incentives to create family compatible housing as well as the public amenities necessary to support families in the district (such as schools, community centers, and daycare facilities).
70. **Objective C** provides that the City should accommodate a variety of housing types that are attractive and affordable to potential homebuyers at all income levels. As noted, the NPDP contains incentives to build a more diverse housing stock available for residents at a range of income levels, consistent with this objective.
71. **Policy 4.11, Housing Affordability**, calls for promoting the development and preservation of quality housing that is affordable across the full spectrum of household incomes. As noted, the NPDP contains incentives to develop family compatible housing for residents at a range of income levels. The plan also expands the potential to build mixed-use residential development in the plan area, consistent with this policy.
72. **Policy 4.14, Neighborhood Stability**, calls for stabilizing neighborhoods by promoting: (1) a variety of homeownership and rental housing options; (2) security of housing tenure; and (3) opportunities for community interaction. The NPDP is consistent with this policy as it promotes increased housing potential and diversity as well as the creation of public amenities necessary to support this housing and the creation of a more sustainable and complete community.
73. **Objective A** calls for housing opportunities that build a sense of community, civic involvement and neighborhood pride. The amendments of the NPDP promote and encourage the development of public amenities, such as a K-8 public school, community center, daycare facilities, public parks, and library, supportive of this objective.
74. **GOAL 5, ECONOMIC DEVELOPMENT**, calls for promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they expand development potential within a mixed-use zone in the Central City and promote a mixed-use development pattern that includes diverse housing, employment opportunities, and public amenities that are intended to support residents and employees of the plan area.
75. **Policy 5.1, Urban Development and Revitalization**, calls for encouraging investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities. As noted, the NPDP expands development potential within a mixed-use zone that largely consists of vacant or under-utilized land and contains a plan for the development of a complete and sustainable community in the plan area, consistent with this policy.

76. **Objective A** calls for ensuring that there are sufficient inventories of commercially and industrially zoned, buildable land supplied with adequate levels of public and transportation services. The amendments support this objective because they expand development potential in those portions of the plan area that can be supported by the transportation system, while maintaining the existing potential in area where adverse potential transportation impacts have been identified if increase development potential occurs at this time. Thus, the NPDP is consistent with this objective.
77. **Objective D** calls for providing a diversity of housing types and price ranges to meet the varied needs of Portland citizens, including market, moderate and low income housing. The NPDP supports this objective because the plan promotes adopts new development bonus incentives intended to create family compatible housing (two and three bedroom units) available to residents at all income levels, consistent with this objective.
78. **Objective E** calls for defining and developing Portland's cultural, historic, recreational, educational and environmental assets as important marketing and image-building tools of the city's business districts and neighborhoods. The NPDP supports this objective because the plan: 1) includes incentives to create public amenities, such as a public school, community center, library, and daycare facilities, to support residents and employees of the district; 2) includes provisions and actions intended to create public parks and additional urban open space areas; and 3) contains provisions intended to preserve designated historic resources in the plan area.
79. **Policy 5.4, Transportation System**, calls for promotion of a multi-modal regional transportation system that encourages economic development. The amendments support this policy as they call the creation of a Transportation Management Association, expansion of transit service, bicycle and pedestrian circulation improvement, and street circulation enhancements intended to better serve residents and commercial development in the plan area, consistent with this policy.
80. **GOAL 6, TRANSPORTATION**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments are consistent with this goal for the reasons stated in the findings addressing Statewide Planning Goal 12 and the Transportation Planning Rule, and for the reasons stated below concerning applicable Goal 6 policies and objectives.
81. **Policy 6.1, Coordination**, calls for coordinating with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services. The NPDP supports this policy because other agencies, including TriMet, Metro, and ODOT, were involved in the planning process and staff of some of these agencies was directly consulted from their technical expertise. ODOT was further consulted in advance of the September 24 2008, hearing with City Council to confirm they support the transportation findings and conclusions of the analysis prepare for the NPDP. ODOT again confirmed they support of the findings and analysis in late August, 2008.
82. **Policy 6.2, Public Involvement**, supports a public involvement process that provides information about transportation issues and projects. The NPDP supports this policy because the a number of public involvement opportunities, including a neighborhood walk, 10 project advisory group meetings, and open house, and numerous briefings with stakeholder groups were included in the planning process. Briefings on transportation issues related to the project were presented to various stakeholder groups and at project advisory group meetings. The public involvement process is explained in more detail under the findings section on Statewide Planning Goal 1, Public Involvement.
83. **Policy 6.3 Transportation Education**, calls for providing education programs and activities that promote a multimodal transportation system. The NPDP proposes the establishment of a Transportation Management Association, consistent with this policy.
84. **Policy 6.17, Coordinate Land Use and Transportation**, calls for implementing the Comprehensive Plan Map and the 2040 Growth Concept through long-range transportation and land use planning and the development of efficient and effective transportation projects and programs. The NPDP supports this policy because development of the plan was a joint effort between the Bureau of Planning and Office of Transportation. The plan proposes both land use and transportation system changes that are consistent

with and supportive of the Transportation System Plan functional classifications for the plan area as well as the policies and map designations of the 2040 Growth Concept.

85. **Policy 6.18, Adequacy of Transportation Facilities**, calls for ensuring that amendments to the Comprehensive Plan (including goal exceptions and map amendments), zone changes, conditional uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities. The NPDP conforms to this policy because the plan only proposes density increases in areas where it has been found that congestion is not increased and where increased capacity can be addressed through enhancements to street circulation patterns and improvements to the multi-modal transportation network (bike, pedestrian, and transit improvements). Area where it was found that increased densities would result in more congestion than the transportation system can handle without negative impacts were removed from consideration.
86. **Policy 6.19, Transit-Oriented Development**, calls for reinforcing the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers. The NPDP supports this policy because it includes density (floor area) increases in a mixed use zone that allows residential and employment related development in the plan area.
87. **Policy 6.20, Connectivity**, supports development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods and other activity centers. The NPDP proposes bicycle and pedestrian circulation improvements as well as expanded access to transit, consistent with this policy.
88. **Policy 6.21, Right-of-Way Opportunities**, calls for preserving existing rights-of-way. The NPDP is consistent with this policy because it does not propose vacating any right-of-way.
89. **Policy 6.22, Pedestrian Transportation**, calls for planning and completing a pedestrian network. The NPDP is supportive of this policy as the plan proposes continued expansion and enhancement of the pedestrian network serving the plan area as well as new pedestrian connections to areas adjacent to the plan area.
90. **Policy 6.23, Bicycle Transportation**, calls for making the bicycle an integral part of daily life in Portland, particularly for trips of less than five miles, by implementing a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer. The NPDP supports this policy as the plan proposes expanded bicycle connections within the plan area and to adjacent areas, increased bike parking facilities, and the implementation of a transportation management association that will focus on bicycle trips as means to increase mode splits in the plan area. The plan also calls for the extension of a bicycle network within the plan area.
91. **Policy 6.24, Public Transportation**, supports development of a public transportation system that conveniently serves city residents and workers. The NPDP is supportive of this policy as the plan proposed continued work with TriMet and Portland Streetcar to expand transit service throughout the plan area, including Centennial Mills.
92. **Policy 6.25, Parking Management**, calls for managing the parking supply to achieve transportation policy objectives. The NPDP supports this policy as the plan proposed reducing parking rations throughout the plan area to levels more consistent with the rest of the Pearl/River District.
93. **Policy 6.28, Travel Management**, calls for reducing congestion, improving air quality, and mitigating the impact of development by supporting transportation choices through demand management programs and through education and public information. The NPDP supports this policy as the plan proposes the development of a transportation management association that would engage employers and residents in the plan area in discussions about various transit modes and in the development of strategies to increase mode splits in the plan area. The plan also calls for the continued work with TriMet and Portland Streetcar to expand transit service, as well as the expansion of pedestrian and bicycle circulation routes serving the plan area.
94. **GOAL 7, ENERGY**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000. The NPDP contains a Sustainable Community policy that includes objectives and implementing actions that promote green building development, a district

energy program, expansion of multi-mode transportation options, and buildings that use less than 20 percent energy current accepted standards for green building development. This, the plan is consistent with these policies.

95. **Policy 7.3, Energy Efficiency in Residential Buildings**, calls for encouraging energy efficiency in existing residences, focusing on the most energy-wasteful units, by helping to develop and promote public / private partnerships, utility, local, state, and federal programs. The policy also calls for the City to promote energy efficient new housing by enforcing energy saving standards in the state building code. The NPDP supports this policy as the plan promote green building design, buildings that use less energy than currently acceptable standards in green building design, and a district energy program for the plan area.
96. **Policy 7.4, Energy Efficiency Through Land Use Regulations**, calls for promoting residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources. As noted the NPDP contains policies, objectives, and implementing actions calling for green building design, reductions in energy usage within all building types, a district energy program, and other sustainability goals, including expanded use of renewable resources, consistent with this policy.
97. **Objective A**, calls for promoting land use patterns that increase energy efficiency in buildings and transportation systems by making energy efficiency a critical element when developing new zoning regulations and modifying old regulations and the comprehensive map. This objective applies to the following long-range planning efforts: (1) downtown, regional, and neighborhood commercial service centers and central industrial areas with a balance of complementary retail and employment activities. Locate them near major arterials and transit lines; (2) medium- and high-density residential zones in and adjacent to the downtown core. Develop other general commercial centers and medium-density residential zones adjacent to neighborhood service centers; (3) housing adjacent to employment areas; (4) planned unit developments to include mixed-uses; (5) zero lot line/common wall construction in designated low- and medium-density residential zones (6) buildable "substandard" lots; (7) secondary rental units in single-family, owner-occupied homes. The NPDP supports this objective in several ways: (1) it provides a comprehensive plan for expanded development within a subarea of the Central City; (2) it increase development potential within a high-density, mixed-use zone adjacent to the downtown core; (3) it increases housing potential in the area within the Central City; and (4) it increases development potential within a mixed-use zone.
98. **Objective B**, calls for promoting density, location, and mix of land uses that decrease the length of required daily trips and encourage the consolidation of related trips. The NPDP supports this objective because it proposed expanded development potential within the Central City, an area with numerous residential and employment opportunities, as well as an area well served by transit and where plans there are additional plans to expand transit and multi-modal transportation connects.
99. **Objective C** calls for promoting medium- to high-density residential development near proposed transit stations and medium-density residential development along major transit routes. The NPDP proposes increasing development potential within a high-density, mixed-use zone, supported by bus and streetcar service and with a half mile of a new light rail station on the transit mall. Thus, the plan is consistent with this objective.
100. **Policy 7.6, Energy Efficient Transportation**, calls for providing opportunities for non-auto transportation and for reducing gasoline and diesel use by increasing fuel efficiency. The NPDP supports this policy because proposes the establishment of a Transportation Management Association (TMA), expanded transit service, and expansion of the multi-modal transportation system serving the plan area.
101. **GOAL 8, ENVIRONMENT**, calls for maintaining and improving the quality of Portland's air, water, and land resources, as well as protecting neighborhoods and business centers from noise pollution. The NPDP contains a Sustainable Community policy including various goals, objectives, and implementing actions that support this policy and that will facilitate efficient use of land resources, through intensifying development opportunity in an area that is currently urbanized and served by public facilities.
102. **Policy 8.2, Central City Transportation Management Plan**, calls for the Central City Transportation Management Plan to guide future city efforts in maintaining air quality standards in the central business district and allow for expanded employment and housing opportunities throughout the Central City. The NPDP expands housing and employment opportunities in a mixed-use zone in the Central City, and the

plan proposes the creation of a TMA, expand multi-modal transportation service, and reductions in allowable parking ratios. Thus, the plan is consistent with the CCTMP and this policy.

103.

Policy 8.4, Ride Sharing, Bicycling, Walking, and Transit, calls for promoting the use of alternative modes of transportation such as ridesharing, bicycling, walking, and transit throughout the metropolitan area. The NPDP supports this policy because the plan promotes a development pattern that will enhance opportunities to reach destinations by walking, bicycling, or by transit. The NPDP proposes plans for expanded transit service as well as expansion and enhancements to bicycle and pedestrian network serving the area, consistent with this policy.

104.

GOAL 9, CITIZEN INVOLVEMENT, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the planning process included extensive opportunities for citizen involvement. NPDP citizen involvement and outreach activities are summarized below:

- a) On October 12, 2006, the first of 10 meetings of the Project Advisory Group (PAG) met to guide the development of the North Pearl District Plan (NPDP). The 19-member PAG included stakeholders from the development community, neighborhood and business associations, residents at-large, and other community stakeholders involved in urban design, architecture, and community development. The PAG provided input and advise that significantly shaped the staff recommended version of the NPDP, which was endorsed by the PAG at their last and tenth meeting held January 16, 2008.
- b) In addition to regular PAG meetings, a neighborhood walk was conducted on November 4, 2006. PAG members and other interested stakeholders attended this event which involved a walking tour of the project area where stakeholders were encouraged to share perspectives and other input about how the NPDP should or could affected the neighborhood.
- c) On September 27-28, 2007, an urban design charrette was conducted to explore potential urban design and development scenarios that should be considered by the NPDP. Twelve community stakeholders participated directly in the charrette, as did fourteen City staff members from various bureaus, and two Design Commissioners. Additionally, the proceedings were open to the public and other members of the public attended the charrette and participated through the two days the event was held. One media outlet, The Northwest Examiner, also attended portions of the event.
- d) On November 15, 2007, a public open house was held at the offices of the Portland Development Commission. The event present preliminary concepts being considered for the NPDP and input was taken that helped to influence the final staff recommendation for the NPDP. The event was attended by approximately 25 people.
- e) During the development of the NPDP, a mailing list was produced for the project that included all people on the City of Portland's legislative mailing list, people on mailing lists for previous projects in the NPDP plan area, and people requesting to be on the new list for the NPDP. The mailing list contains 795 people.
- f) During the development of the NPDP, the Bureau of Planning maintained a website that tracked the development of the NPDP. The site was one source of information announcing PAG meetings, open house events, the design charrette, and briefings, work sessions, and hearings with the Portland Landmarks, Design, and Planning Commissions. The web site also was used to post PAG meeting agendas, meeting minutes, project reports and other background documents.
- g) During the development of the NPDP, the Bureau of Planning maintained an email mailing list that was used to send out regular updates of PAG meetings, open house events, the design charrette, and briefings, work sessions, and hearings with the Portland Landmarks, Design, and Planning Commissions. An interested party asking to be on the mailing list was added and various parties joined the list while the NPDP was developed and then when the plan was being reviewed by the Planning and Design Commissions.
- h) During the development of the NPDP, four briefings with the Portland Design Commission were held to provide background information on and take input on the development of the NPDP and Updated River District Design Guidelines. Notices of these briefings were posted by the Bureau of Development Service and Bureau of Planning as their web sites and members of the public were provided an opportunity to testify at each of these briefings.

- i) During the development of the NPDP, three briefings with the Portland Planning Commission were held to provide background information on and take input on the development of the NPDP and Updated River District Design Guidelines. Notices of these briefings were posted by the Bureau of Planning as their web sites.
- j) Throughout the development of the NPDP, staff attended meetings of land use and transportation subcommittees of the Pearl District Neighborhood Association, Pearl District Business Association, and Northwest District Association. Staff also attended a meeting with the Architectural Institute of America – Portland Chapter's Urban Design Advisory Group. At each of these meetings staff presented a status on the development of the NPDP and took stakeholder input.
- k) On January 24, 2008, a 45 day public notice was sent to the Oregon Department of Land Conservation and Development and Metro announcing the first evidentiary hearing of the NPDP. The hearing was with the Portland Planning Commission held March 11, 2008.
- l) On February 8, 2008, a public notice was sent to approximately 795 people announcing the first evidentiary hearing of the NPDP, a public hearing with the Portland Planning Commission that was held on March 11th.
- m) On February 20, 2008, a public notice was sent to approximately 795 people announcing the first public hearing of the NPDP with the Portland Design Commission that was held on March 20th.
- n) On February 20, 2008, a Measure 56 was sent to all affected property owners in the plan area. The noticed described how their individual properties would be affected by the NPDP and announced the date of the first Planning Commission hearing on the NPDP.
- o) On February 21, 2008, the staff recommended version of the North Pearl District Plan and NPDP Proposed Amendments to the Portland Zoning Code were published for public review.
- p) On March 10, 2008, the staff recommended version of the Updated River District Design Guidelines were published for public review.
- q) During the development of the NPDP, the planning effort was also the focus of articles in The Oregonian, The Portland Tribune, The Daily Journal of Commerce, and was covered by local newspapers including the Northwest Examiner.

- 105. **Policy 9.1, Citizen Involvement Coordination**, calls for encouraging citizen involvement in land use planning projects through coordination with community organizations, availability of planning reports and notice of public hearings. The amendments support this policy because the plan was developed with feedback and input from representatives of local neighborhood associations and business associations. Other community organizations were informed of the process and given plan updates; participation from these groups and individuals was also solicited.
- 106. **Policy 9.3, Comprehensive Plan Amendment**, calls for allowing for the review and amendment of the adopted *Comprehensive Plan* which ensures citizen involvement opportunities for the city's residents, businesses, and organizations. The amendments support this policy because they are a review and amendment to the *Comprehensive Plan* that was conducted with input and feedback from local neighborhood and business associations and other groups and individuals.
- 107. **Goal 10, Plan Review and Administration**, requires that Portland's *Comprehensive Plan* undergo a periodic review. The amendments support this policy because they are a review and amendment to the *Comprehensive Plan*. The proposed amendments have been sent to the Department of Land Conservation and Development for review.
- 108. **Policy 10.2, Comprehensive Plan Map Review**, calls for implementing a community and neighborhood planning process for review and update of the *Comprehensive Plan Map*. The amendments support this policy because they are a review and amendment to the *Comprehensive Plan*, at the area and neighborhood plan level.
- 109. **Policy 10.5, Corresponding Zones and Less Intense Zones**, requires that base zones either correspond to the *Comprehensive Plan Map* designation or be a zone less intense than the corresponding zone. The amendments consistent this policy because the amendments are consistent with the *Comprehensive Plan Map* designation and associated zoning.

110. **Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures**, requires that all proposed amendments to implementing ordinances be reviewed by the Planning Commission prior to action by the City Council. The amendments support this policy because the Planning Commission reviewed the proposed amendments and took public testimony at a public hearing on March 11, 2008. The Planning Commission held a subsequent work session on May 20, 2008. The Planning Commission finalized its recommendation to Portland City Council on June 10, 2008, which was forwarded to City Council for a public hearing on September 24, 2008.
111. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy because they offer clear and concise standards and direction for development. The amendments include zoning code amendments that include new development bonus and transfer provisions as well as height bonus provisions. The NPDP process also updates the River District Design Guidelines and reformatted these guidelines to make them easier for applicants and administrators to use. Thus, the NPDP is consistent with this policy.
112. **Objective A**, calls for promoting good planning by: effectively and efficiently implementing the *Comprehensive Plan*; addressing present and future land use problems; balancing the benefits of regulations against the costs of implementation and compliance; and assuring that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business. The amendments support this objective because they: analyzed future land use needs and issues to provide for housing and commercial needs in this part of Portland; propose new Comprehensive Plan policies intended to foster land use pattern that includes a diversity of housing choices and as well as sustainable development pattern.
113. **Objective B**, calls for assuring good administration of land use regulations by: keeping regulations simple; using clear and objective standards wherever possible; maintaining consistent procedures and limiting their number; establishing specific approval criteria for all land use reviews; emphasizing administrative procedures for land use reviews; and avoiding overlapping reviews. The amendments support this objective because they use the existing design review process to implement base zone development standards, regulations, and development incentives, consistent with the existing review process.
114. **Policy 10.13, Design Review**, calls for development of recommendations for City Council consideration for additional areas where design review would be appropriate and preparation of design review standards for both existing and proposed areas. The NPDP supports this policy because the planning effort also updated the River District Design Guidelines and reformatted these guidelines to make them easier for applicants and administrators to use.
115. **GOAL 11 A, PUBLIC FACILITIES, GENERAL**, calls for provision of a timely, orderly, and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The NPDP is consistent with this goal because the plan proposes tools intended to result in the development of a range of public amenities necessary to support the plan area and Pearl District as a whole. These amenities include public open space, a K-8 public school, community center, daycare facilities, and a library.
116. **Policy 11.2, Orderly Land Development**, calls for urban development to occur only where urban public facilities and services exist or can be reasonably made available. The amendments support this policy because they focus transit-oriented and supportive development in the Metro 2040 designated Division Street main street area, where many urban public facilities and services currently exist. The plan further provides tools intended to create public amenities/facilities that do not exist, but which will be necessary as density levels increase in the plan area.
117. **Policy 11.3, Orderly Service Extension**, calls for improvement and expansion of urban public facilities or services to not stimulate development that significantly precedes the ability to provide all other necessary urban public facilities and services at uniform levels. The amendments support this policy because they do not propose public facilities and services at levels likely to stimulate development that may create a disproportionate demand for other public facilities and services.

118. **Policy 11.4, Capital Efficiency**, calls for supporting maximum use of existing public facilities and services by encouraging higher density development and development of vacant land within already developed areas. The amendments support this policy because they focus development at higher densities within vacant and redevelopable lands within the Central City Plan District.
119. **GOAL 11 B, PUBLIC RIGHTS-OF-WAY**, supports improving Portland's transportation system by carrying out projects to implement the 2040 Growth Concept, preserving public right-of-way, implementing street plans, maintaining and improving the city's streets, and allocating limited resources to identified needs of neighborhoods, commerce, and industry. The NPDP supports this policy because it includes proposed transportation improvements, including enhancements to circulation routes, expanded access to transit, bicycle and pedestrian improvements, and the creation of a TMA to better serve the plan area and to implement the 2040 growth concept.
120. **Policy 11.8, Environmental Sustainability in Transportation**, calls for working toward the city's sustainability goals by designing, constructing, installing, using, and maintaining the transportation system in efficient, innovative, and environmentally responsible ways. The NPDP includes various implementing actions, including a reduction in parking ratios, multi-modal transportation enhancements, and the development of green streets, all intended to incorporate sustainable transportation solutions.
121. **Policy 11.9, Project Selection**, calls for giving priority to transportation projects that will contribute to a reduction in vehicle miles traveled per capita while supporting economic vitality and sustainability. The NPDP supports this policy because it proposed increased density within high-density, mixed-use, land use zones that are served by transit as well as pedestrian and bicycle routes. Additionally, the plan proposed expansion and enhancements to the multi-modal transportation system serving the plan area, consistent with this policy.
122. **Policy 11.10, Street Design and Right-of-Way Improvements**, calls for designing improvements to transportation facilities to implement transportation and land use goals and objectives. The NPDP supports this policy because the multi-modal transportation improvements proposed by the plan are specifically intended to support the land use pattern called for by the plan.
123. **Policy 11.11, Street Plans**, promote a logical, direct, and connected street system. There is no conflict with this policy because the plan area is within the well-developed grid of the Central City.
124. **Policy 11.12, Maintenance**, supports activities and programs that preserve, maintain, and prevent deterioration of the existing transportation system. The NPDP is supportive of this policy because the plan proposes enhancements to the transportation system necessary to support the density increased proposed by the plan. Further, the plan does not support density increases in area where such increases would negatively impact the existing and proposed transportation system for the plan area.
125. **Policy 11.13, Performance Measures**, calls for evaluating the performance of the transportation system at five-year intervals, using a set of benchmarks. The NPDP is supportive of this policy because it includes baseline transportation data that will be used to measure the effectiveness of the goals of the plan in achieving greater mode split targets called for by the Regional Transportation Plan and the city's TSP.
126. **GOAL 11 C, SANITARY AND STORMWATER FACILITIES**, calls for an efficient, adequate, and self-supporting wastewater collection treatment and disposal system which will meet the needs of the public and comply with federal, state, and local clean water requirements. The amendments are consistent with this goal. The NPDP calls for the implementation of natural system approach to stormwater management in public and private development. Additionally, wastewater systems are in place and are either currently adequate or can be made adequate to accommodate future development.
127. **GOAL 11 E, WATER SERVICE**, calls for an efficient, adequate, and self-sustaining water supply and delivery system that will meet the future needs of the community. The amendments are consistent with this goal. Water supply systems are in place and are either currently adequate or can be made adequate to accommodate future development.
128. **GOAL 11 F, PARKS AND RECREATION**, calls for maximizing the quality, safety, and usability of parklands and facilities through the efficient maintenance and operation of park improvements, preservation of parks and open space, and equitable allocation of active and passive recreation opportunities for the citizens of Portland. The amendments of the NPDP are consistent with this goal.

because existing parks and designated open space areas are preserved within the plan area, provisions that create additional open space in the plan area have been maintained, and the creation of additional public open space is proposed by the plan.

129. **GOAL 11 G, FIRE**, calls for the development and maintenance of facilities that adequately respond to the fire protection needs of Portland. The amendments are consistent with this goal, as they do not call for a change to police service in the area.
130. **GOAL 11 H, POLICE**, calls for the development and maintenance of facilities that allow police personnel to respond to public safety needs as quickly and efficiently as possible. The amendments are consistent with this goal, as they do not call for a change to police service in the area.
131. **GOAL 12, URBAN DESIGN**, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality, private developments and public improvements for future generations. The NPDP is consistent with this goal because it proposes new development bonus incentives designed to preserve and restore historic buildings in the Pearl District, proposes a new urban design and development framework plan for the plan area, updates and enhances the existing design guidelines for the River Districts, and proposes various height and building massing and setback requirements intended to enhance the urban form and design of the plan area.
132. **Policy 12.1, Portland's Character**, calls for enhancing and extending Portland's attractive identity by building on design elements, features, and themes identified within the city. The amendments support this policy because the NPDP proposes new development bonus incentives designed to preserve and restore historic structures in the Pearl District, proposes a new urban design and development framework plan for the plan area, updates and enhances the existing design guidelines for the River Districts, and proposes various height and building massing and setback requirements intended to enhance the urban form and design of the plan area. The plan also maintains and expands the use of open space and waterfront development standards intended to create open space areas, maintain visual and physical conductivity to the river, and maintain and enhance the urban form of the district.
133. **Policy 12.2, Enhancing Variety**, calls for promoting the development of areas of special identity and urban character. The NPDP support this policy as the plan proposed special setbacks along NW 13th Avenue intended to preserve the pedestrian scale and character of this special street, height limits intended to preserve views to the Fremont Bridge, and building height and massing requirements intended to create a more a dynamic skyline and urban form, visual permeability, access to light in air within the public realm.
134. **Policy 12.3, Historic Preservation**, calls for enhancing the city's identity through the protection of Portland's significant historic resources. The NPDP supports this policy by proposing new development transfer provisions that allow floor area to be transferred from designated historic resources in the plan area to redevelopment sites in the Pearl District. These provisions are intended to preserve these structures by the sale of development potential of these sites to other locations. Further, funds raised through the sale of floor area from these sites can be used to restore or enhance these historic structures when appropriate..
135. **Policy 12.4, Provide for Pedestrians**, calls for providing a pleasant, rich, and diverse experience for pedestrians which includes comfortable, safe, and attractive pathways. The NPDP supports this policy because the plan proposes numerous enhances to pedestrian circulation, including new green streets and pedestrian bridges to the river and Naito Parkway. Further, the plan proposes building height and massing requirements intended to allow light and air to penetrate to the pedestrian environment, and the plan proposes special setback requirements intended to preserve and enhance pedestrian scale.
136. **Policy 12.6, Preserve Neighborhoods**, calls for preserving and supporting the qualities of individual neighborhoods that help to make them attractive places. The NPDP supports this policy because during the development of the plan an urban design charrette was conducted which resulted in the creation of an urban design framework that builds upon, enhances, and makes connections with the urban form of the developed portions of the Pearl and NW Districts immediately adjacent to the plan area.
137. **Policy 12.7, Design Quality**, calls for enhancing Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of

the built environment. The NPDP supports this policy as the plan updates and enhances the River District Design Guideline, which are applicable to public and private projects, and the plan calls for the development of sustainable buildings and infrastructure. The plan also adopts an urban design framework plan intended to guide public and private investment in the plan area in a manner that creates a dynamic and well designed urban environment.

138. **Policy 12.8, Community Planning**, calls for considering urban design issues as part of area plans. The NPDP supports this policy because during the development of the plan an urban design charrette was conducted resulting in the creation of an urban design framework. This framework plan is intended to guide public and private investment in the plan area and influence urban design direction in the plan area. The plan also proposes new development standards that regulate building height and massing, and incentives to preserve smaller scale historic structures in the district, all in an effort to address urban design considerations identified by the community during the development of the plan.

Findings on Central City Plan and River District Plan

139. **Policy 1, Economic Development**, calls for the City to build upon the Central City as the economic heart of the Columbia Basin, and guide its growth to further the City's prosperity and livability. The NPDP is consistent with this goal as the plan proposes density increases within a portions of the plan area that have a mixed-use base zone, and where additional development capacity can be served by and not impact existing infrastructure serving the Central City's employment and residential land uses. Furthermore, the plan proposed various incentives to create a more diverse housing stock to serve residents a various income and age levels as well as various public amenities, such as a public school, daycare facilities, and community center, which would benefit residents and employees of the Central City. The housing options and public amenities proposed by the plan will serve increase residential and employment densities in the Central City and make the area a more livable as well as an attractive place for long-term investment and economic development.
140. **Policy 2, Willamette Riverfront**, calls for the enhancement of the Willamette River as the focal point for views, public activities, and development which knits the city together. The NPDP supports this policy by maintaining and extending the NW Triangle Waterfront and Open Area development standards (to be renamed North Pearl Subarea standards) to the entire waterfront within the plan area. These standards replicate the grid pattern of the Central City on the larger blocks located along the riverfront and Naito Parkway and Front Avenue, and they require open areas created between buildings, additional building setbacks for taller buildings along the greenway, and visual and physical connections to the riverfront. The plan also proposes the creation of a new public park or open space feature at the northern terminus of the Willamette Greenway Trail on a site within the plan area.
141. **Policy 3, Housing**, calls for the maintenance of the Central City's status as Oregon's principle high density housing area by keeping housing production in pace with new job creation. The NPDP supports this policy as the plan proposes increased densities within a portion of the plan area where there is mixed-use zoning which will allow both increase residential and employment uses in the plan area. The plan also proposed new development bonuses intended to diversify the type of housing produced as well as public amenities that will support tenants of this housing and employees working in the plan area.
142. **Policy 4, Transportation**, calls for improvements to the Central City's accessibility to the rest of the region and its ability to accommodate growth, by extending the light rail system and by maintaining and improving other forms of transit and the street and highway system, while preserving and enhancing the City's livability. The NPDP is consistent with this policy as the plan proposes enhancements to the multi-modal transportation system serving the plan area and the larger Central City area, street circulation improvements, and increased mixed-use densities within one half mile of new light rail service soon to open on the transit mall.
143. **Policy 10, Education**, calls for the expansion of educational opportunities to meet the needs of Portland's growing population and businesses, and establish the Central City as a center of academic and cultural learning. The plan supports this policy by proposing the creation of a new K-8 public school in the River District to support growing densities in the district as well as the increasing population of families with children. The plan also proposed facilities and programs to support continuing adult education in various fields of study, including sustainable development.

144. **Policy 11, Historic Preservation**, calls for the preservation and enhancement of historically and architecturally important buildings and places and promote the creation of our own legacy for the future. The NPDP supports this policy by proposing a new development transfer provision that allows floor area to be transferred from designated historic resources with the Pearl District to redevelopment sites within the district, allowing existing structures to be preserved and potential enhances with proceeds from the sale of unused floor area.
145. **Policy 12, Urban Design**, calls for the enhancement of the Central City as a livable, walkable area which focuses on the river and captures the glitter and excitement of city living. Objectives of this goal include the formation of districts and the stepping down of densities towards the Willamette River. The NPDP is consistent with this policy in several ways. The plan proposes a urban design and development framework plan intended to guide public and private investment in the district. The plan identifies preferred land use patterns, street hierarchies, sites for public investment, and new pedestrian connections between the district and the waterfront. The plan also proposes numerous development standards intended to enhance urban form, protect and enhance the pedestrian/public realm, and maintains floor area ratios and heights near the waterfront to ensure that development in these areas is not out of scale with the rest of the district and allows for a step down to the river.
146. **Policy 17, River District**, calls for extending downtown development throughout the River District that is highly urban in character and which creates a unique community because of its diversity; its existing and emerging neighborhoods housing a substantial resident population, providing jobs, services and recreation; and most important, its embrace of the Willamette River. This policy is supported by the plan in numerous ways, such as: the plan proposes increasing development capacity within a high-density, mixed-use zone; the plan provided incentives for more diverse housing, including family compatible housing; the plan promotes the development of public services necessary to support high-density residential and employment land uses; the plan proposes expansion of the multi-modal transportation system serving the Central City; the plan proposes a sustainable and social equitable development pattern; and lastly, the plan proposes the adoption of an urban design framework plan to guide public and private investment in the plan area in manner that builds upon and enhances the urban form of the Central City.

CITY COUNCIL ACTION

NOW, THEREFORE, the Council directs:

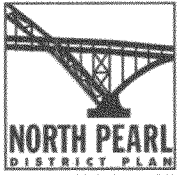
- a. Exhibit A, Recommended North Pearl District Plan, dated August 2008, is hereby adopted;
- b. Exhibit B, Resolution 36642, adopting the objectives and action items of the North Pearl District Plan is hereby adopted;
- c. Exhibit C, Amendments to Title 33, Planning and Zoning, is hereby adopted;
- d. Exhibit D, River District Design Guidelines, are hereby adopted as amended;
- e. The commentary and discussion in Exhibit C is hereby adopted as legislative intent and further findings;
- f. Exhibit E, *North Pearl District Plan Transportation Analysis* is accepted as supporting documentation to the this ordinance and findings.

Passed by the Council,
Mayor Tom Potter
Troy Doss
September 1, 2008

NOV 05 2008

GARY BLACKMER
Auditor of the City of Portland
By

Susan Parsons
Deputy

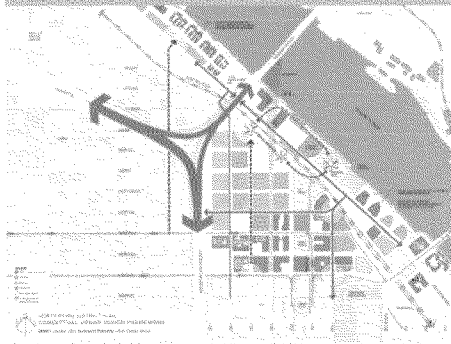


NORTH PEARL DISTRICT PLAN

PLANNING COMMISSION RECOMMENDATIONS JUNE 2008



CITY OF PORTLAND
BUREAU OF
PLANNING





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Randy Leonard, Commissioner
Dan Saltzman, Commissioner
Nick Fish, Commissioner

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Mike McCulloch, Former Design Commissioner
Douglas Capps, Portland Public Schools
Cathy Minberg, Portland Public Schools
Pearl District Neighborhood Association
Northwest District Association

The Bureau of Planning is committed to providing equal access to information and hearings. If you need special accommodation, please call 503-823-7700 (TTY 503-823-6868).

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Executive Summary & Recommendations



The North Pearl District Plan is a neighborhood plan intended to direct public and private development and investment in the portion of the Pearl District north of NW Lovejoy Street. The plan was developed over an 18-month period through extensive public outreach process, engaging a diverse group of stakeholders in the evaluation of what began as the request by developers for additional floor area and height allowances within the plan area.

This evaluation process soon merged into a community-wide discussion about the type of neighborhood and community that should be developed in the north end of the Pearl and the larger district as a whole. The following issues all became a focus of the plan: urban form and design; green building and community design; public realm enhancements; a need for a range of community-serving public amenities; a need for more diverse housing options; and the ability to make the public and private investments necessary to serve the growing and diversifying population in the Pearl, especially families with children.

As a result of this conversation this plan proposes an urban design and development concept intend to guide future development decisions, a series of new policies addressing community development, sustainability, and multi-modal transportation, and various Zoning Code amendments intended to implement the urban design plan and policies.

To ensure the plan and its various elements achieve their intended purpose, the Portland Planning Commission recommends the following actions by the Portland City Council:

1. Adopt the ordinance which:

- Approves the *North Pearl District Plan* and *North Pearl District Plan Proposed Zoning Code Amendments*;
- Approves proposed amendments to the *River District Design Guidelines*;
- Amends the applicable policies of the *Portland Comprehensive Plan*; and
- Amends Title 33: Planning and Zoning Code and zoning maps.

2. Adopt the resolution which:

- Approves the urban design concept; and
- Approves the action charts of the *North Pearl District Plan*.

Resolution No. 36642

Adopt the Action Charts and additional implementing measures of the *North Pearl District Plan* (Resolution)

The City of Portland resolves:

WHEREAS, neighborhood and area plans are intended to promote patterns of land use, urban design, public and community facilities and services that encourage and contribute to the economic, social, and physical health, welfare, and safety of neighborhoods and the City as a whole; and

WHEREAS, the *North Pearl District Plan* was developed by the City of Portland Bureau of Planning in cooperation with other City bureaus and agencies and with participation from property owners, business persons and other interested citizens; and

WHEREAS, the *North Pearl District Plan* directs and manages change over time, and as such the adopted policies, objectives, *Zoning Code* provisions, and design guidelines associated with the *North Pearl District Plan* are adopted by Ordinance and will guide decision-making, public deliberation, and investments; and

WHEREAS, the policy and objective elements of the *North Pearl District Plan* are adopted by Ordinance as part of the *Comprehensive Plan*, the action charts included in attached Exhibit A are not adopted as part of the *Comprehensive Plan*;

WHEREAS, the action charts describe the recommended implementation projects and programs of the *North Pearl District Plan*, and identify appropriate time frames for implementation and identify public, nonprofit and private agencies and partnerships to lead or oversee implementation of each action; and

WHEREAS, the Portland Planning Commission recommends that the City Council adopt the action charts of the *North Pearl District Plan*;

WHEREAS, it is in the public interest that the recommendations contained in the *North Pearl District Plan* and outlined below in directives c.1 through c.3, be adopted to direct and manage change in the North Pearl District Plan area;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Portland, a municipal corporation of the State of Oregon, that the City Council adopt the action charts of the *North Pearl District Plan*, as shown in Exhibit A, and that:

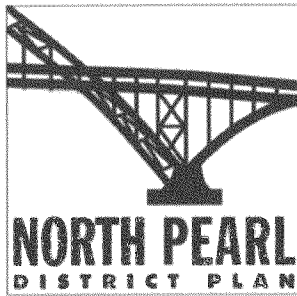
- a. The implementation actions associated with the *North Pearl District Plan* action charts are approved by City Council as a starting place for projects and programs that will help implement the policies of the plan;
- b. All actions are adopted with the understanding that they may need to be adjusted or replaced with more feasible alternatives. Identification of an implementor for an action is

an expression of interest and support with the understanding that circumstances may change over time and may affect the implementation leader's ability to take action; and

- c. The City Council authorizes the City agencies identified on the action charts as implementors, to engage in activities aimed at implementing the projects and programs called for in the action charts of the *North Pearl District Plan*, specifically:
1. The City Council directs the Portland Development Commission to work with Parks and Recreation, Portland Office of Transportation, Environmental Services, Office of Sustainable Development, Planning, Tri-Met and other relevant agencies to identify funding sources and strategies to implement projects, programs and activities listed in the action charts of the *North Pearl District Plan* over the next five and twenty years;
 2. The City Council directs the Portland Office of Transportation to work with Environmental Services, Planning, Portland Development Commission and other relevant agencies to update the River District Right-of-Way Standards, including updates to the Transportation Element of the *Comprehensive Plan*, the street plan maps, street standards and street plan principles, to be consistent with the Multi-Modal Transportation policies and objectives of the *North Pearl District Plan*;
 3. The City Council directs the Bureau of Planning, in cooperation with other city bureaus and agencies, to monitor and evaluate implementation of the *Zoning Code*, Sustainability goals and actions, and other implementation actions of the *North Pearl District Plan*. In addition, the Bureau of Planning is directed to report back to Council within five years on these implementation items to ensure that the city is achieving the goals described in the *North Pearl District Plan*.

Adopted by the Council,
Mayor Tom Potter
Troy Doss
September 1, 2008

GARY BLACKMER
Auditor of the City of Portland
By _____
Deputy



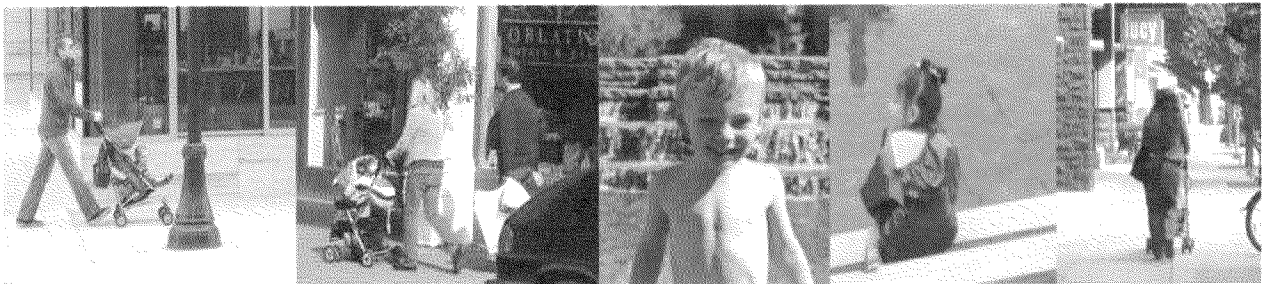
North Pearl District Plan

Zoning Code Amendments

Adopted November 5, 2008

Effected December 5, 2008

Ordinance No. 182319



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Al Solheim, *Property Owner*
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Amendments to Title 33, Planning and Zoning

This document presents the City Council's adopted amendments to the Portland Zoning Code, Title 33, to implement elements of the North Pearl District Plan. This package of amendments also includes proposed amendments recommended to and accepted by City Council during its review of the plan.

Generally the amendments create a new subarea of the Central City Plan District. This new subdistrict is called the North Pearl Subarea which would replace and amend the boundaries of the existing Northwest Triangle Subarea, which is in the River District Subdistrict. The existing development standards of the Northwest Triangle Subarea are not proposed to be amended; however, additional development standards in this subarea are proposed. These amendments implement the proposed policies of the North Pearl District Plan.

Commentary is included throughout this document that addresses specific amendments. Existing code sections where no change is being made have not been included unless the information they contain is needed for better understanding of the amendments being made in other sections.

Code language to be added is underlined. Code language to be removed is shown in ~~strikethrough~~.

**CHAPTER 33.293
SUPERBLOCKS**

33.293.020 Where the Superblock Regulations Apply

A. Central City plan district.

References to the *Northwest Triangle* in this section, and in all other sections of the Zoning Code, are to be changed to reference the *North Pearl Subarea*.

**CHAPTER 33.293
SUPERBLOCKS**

33.293.020 Where the Superblock Regulations Apply

Superblocks are subject to the regulations of this chapter as stated below.

- A. Central City plan district.** The superblock regulations apply to all new development and major remodelings on sites that include 5,000 square feet or more of vacated street. The regulations apply in all of subdistricts of the Central City plan district except the Downtown and ~~Northwest Triangle~~ subdistricts and North Pearl Subarea.

Chapter 33.510
Central City Plan District

The Table of Contents page for this chapter is being changed to reflect:

- A name change for the *Northwest Triangle Subarea* to the *North Pearl Subarea*
- The addition of a new section to the Central City Plan District which identifies additional standards specific to the North Pearl Subarea. These additional standards are described in detail later in this document. This section also contains the North Pearl Subarea Open Area and Waterfront Development standards.

**CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT**

Sections:

General

- 33.510.010 Purpose
- 33.510.020 Where the Regulations Apply
- 33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

Use Regulations

- 33.510.100 Vehicle Repair Uses
- 33.510.105 Vehicle Sales or Leasing
- 33.510.110 Mixed Use Waterfront Development
- 33.510.112 Commercial Parking
- 33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone
- 33.510.114 Exemptions for Portland State University
- 33.510.115 Additional Uses Allowed in the Open Space Zone
- 33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones
- 33.510.117 Retail Sales And Service and Office Uses in the RX Zone
- 33.510.118 Use Regulations for Specified Sites in the West End Subarea
- 33.510.119 Retail Sales And Service and Office Uses in Specified Historic Resources in the IG2 and IH Zones

Development Standards

- 33.510.200 Floor Area Ratios
- 33.510.205 Height
- 33.510.210 Floor Area and Height Bonus Options
- 33.510.215 Required Building Lines
- 33.510.220 Ground Floor Windows
- 33.510.221 Required Windows Above the Ground Floor
- 33.510.223 Exterior Display and Storage
- 33.510.224 Mechanical Equipment along the Portland Streetcar Alignment
- 33.510.225 Ground Floor Active Uses
- 33.510.226 Minimum Active Floor Area
- 33.510.230 Required Residential Development Areas
- 33.510.240 Drive-Through Facilities
- 33.510.242 Demolitions
- ~~33.510.245 Northwest Triangle Open Area Requirement~~
- ~~33.510.250 Northwest Triangle Waterfront Development~~
- 33.510.251 Additional Standards in the North Pearl Subarea
- 33.510.252 Additional Standards in the South Waterfront Subdistrict
- 33.510.253 Greenway Overlay Zone in the South Waterfront Subdistrict

Development Standards

33.510.200 Floor Area Ratios

C. Limit on increased floor area.

The Zoning Code typically limits the amount of additional floor area that can be achieved on a site either through bonus, transfers, or a combination of both, to 3:1 over the base floor area ratio (FAR) allowed by right. Throughout the portions of the North Pearl subarea located south of the railroad right-of-way, the base FAR will be either 4:1 or 5:1 as a result of the amendments proposed by the North Pearl District Plan (see Map 510-2). Thus, there exists the potential for sites with a base entitlement of 4:1 to be increased to 7:1 and those with a base entitlement of 5:1 may be able to be increased to 8:1 if specific conditions are met.

The primary method for earning additional FAR is through the use of development bonus or development transfer provisions. During the development of the North Pearl District Plan (NPDP) stakeholders expressed an interest in adding additional bonus and transfer provisions to the NPDP plan area (explained in more detail later in this document) which are intended to create public amenities, create a diversity of housing, and to preserve historic resources in the Pearl District. The basis for these additional provisions is to ensure that some level of public benefit to the Pearl District is derived from the granting of additional development potential in the district.

Thus, the amendments to Section 33.510.200 are proposed to allow development bonus and transfer provisions to be used to earn additional FAR on sites within the NPDP plan area. However, because there is concern that buildings could become too massive or tall if too much FAR is made available, projects are limited to a maximum utilization of 9:1 FAR through a combination of base entitlements, development bonuses, and transfer provisions. In limited situations, FAR above the 9:1 limit may be earned if FAR is earned through Central City Master Plan provisions or through the transfer of FAR from designated historic resource sites within the Pearl District.

To ensure that buildings do not become too massive, height and building massing provisions are also proposed for the North Pearl Subarea. These development standards are intended to guide how additional floor area and height can be used in a manner that protects views, provides access to light and air in the public realm, and generally protects and enhances the pedestrian environment in the district.

Setting a limit to FAR utilization in the plan area is also important to ensure that the transportation system serving the plan area can handle the additional capacity/demand that would be created due to new development. Also, within the portion of the plan area located south of Naito Parkway, no maximum height limit is proposed for projects that use development bonus and transfer provisions to exceed the maximum height of the plan area (100 feet or 225 feet depending on location), thus the maximum FAR available to a project becomes the limiting factor to how tall a building may ultimately be constructed.

Development Standards

33.510.200 Floor Area Ratios

A.-B. [No Change]

C. Limit on increased floor area.

1. Generally. Except as provided under C.2 through C.5, 3. and 4., below, increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited.

2.-4. [No change.]

5. North Pearl Subarea. In the North Pearl Subarea bonus options target area, shown on Map 510-4, the following applies:

- a. An FAR increase of more than 3 to 1 may be earned on a site through the following provisions. However, the total floor area on a site, may not be more than 9 to 1, except as allowed under 5.b. below. Adjustments to the regulations of this paragraph are prohibited:

- (1) Floor area bonuses;

- (2) Transfers from the site of a historic resource meeting Subsection H. below.

- b. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if the floor area above the 9 to 1 ratio is transferred from the site of a historic resource as specified in Subsection H. below.

D.-G. [No Change]

33.510.200 Floor Area Ratios (cont.)

H. Transfer of floor area from Historic Resources in specified areas.

During the development of the North Pearl District Plan, stakeholders expressed a concern that various older buildings, buildings typically smaller than new development and of an architectural character that reflects the districts industrial past, could be lost as redevelopment continues in the Pearl District. These buildings are prized because of their local architectural and historic significance and also because they help to break up the urban form that may result if all sites in the district fully use the development entitlement and bonus provisions available.

Thus, a new development transfer provision is proposed that could be used only for sites located within the Pearl District. Through this provision, floor area can be transferred from sites designed as a historic landmark, contributing structure in a historic district, or ranked historic resource to development sites within the Pearl Development Transfer Opportunity Area (see new Map 510-20 at the back of this document).

Within this area, floor area can be transferred only from and to sites within the Pearl District if the floor area originates at a site designated as a contributing structure in a historic district or ranked historic resource. Floor area from designated historic landmarks can be transferred within the Pearl Development Transfer Opportunity Area or to sites outside of the area, as is currently allowed by the Zoning Code. In short, these provisions extend the ability to transfer floor area from landmarks to other structures or sites of historic importance within the NPDP plan area.

The ability to transfer floor area from landmarks to sites outside the Pearl Development Transfer Opportunity Area has been retained so as not to disrupt the existing practice and intent behind these provisions. However, the existing and new provisions will be further examined during the development of the Central Portland Plan to determine their applicability to other subdistricts of the Central City Plan District.

33.510.200 Floor Area Ratios

H. Transfer of floor area from Historic Resources in specified areas.

1. Where these regulations apply. These regulations apply to sites located in the Pearl Development Transfer Opportunity Area on Map 510-20.
2. Sites eligible to transfer floor area. Sites eligible to transfer floor area must be located within the area shown on Map 510-20 and must contain:
 - a. A landmark
 - b. A contributing resource in a Historic District; or
 - c. A Rank I, II, or III resource listed in the City's Historic Resource Inventory.
3. Sites eligible to receive floor area. A site within the area shown on Map 510-20 is eligible to receive floor area from the historic resources listed above in H.2.
4. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City that is attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenants must include the following:
 - a. Both sites. The covenant for each site must reflect the respective increase and decrease of potential floor area. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.
 - b. Sending site. The covenant for the sending site must state that the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review.
5. Exception for Landmarks. Landmarks located in the Pearl Development Transfer Opportunity Area on Map 510-20 may elect to transfer floor area to a receiving site outside of the area on Map 510-20 if they meet the standards of 33.130.205.C or 33.140.205.C.
6. Adjustments. Adjustments and modifications to these regulations are prohibited.

33.510.200 Floor Area Ratios (cont.)

I. Neighborhood facilities within the North Pearl Subarea

As noted earlier in this document, the NPDP proposes changing the name and boundary of the existing *Northwest Triangle Subarea* to the new *North Pearl Subarea*. The new boundary includes lands north of NW Lovejoy in the Central City Plan District and extends north to the riverfront. Along the riverfront the boundary for this subarea extends between the Fremont and Broadway Bridges (See Map 510-1). The existing development standards specific to the Northwest Triangle Subarea (sections 33.510.245-250) remain in effect for the subarea but have been moved to a new section (33.510.251). A few additional standards intended to implement the NPDP will also be adopted.

One of the new provisions proposed addresses the need to develop specific community-supportive public amenities in the Pearl District. These amenities are deemed critical in the development of a sustainable and livable high-density neighborhood in the Central City as they provide basic services typical in other neighborhoods of the city. These amenities include a K-8 public school, community center, daycare facilities, and public library.

Many if not all of these uses are small enough that they could be incorporated into a mixed-use residential or commercial project within the plan area. A typical block in the Pearl is approximately 40,000 sq. ft. in area, and many recent projects in the Pearl have developed using approximately 280,000 to 320,000 sq. ft. or 7:1 to 8:1 FAR on a 40,000 sq. ft. site. The largest of the targeted facilities, a K-8 public school, could be built using between 60,000 and 80,000 square feet. Thus, a school would require an FAR of between 1.5:1 to 2:1. Other amenities such as daycare could be built using much less floor area.

To encourage the creation of these amenities as part of a mixed-use project, Section 33.510.200.I, provides that if one or more of the targeted amenities identified above are included within a project or on a site in the plan area, the FAR used to construct the amenity is not counted against the FAR used to develop the sites. The following two examples describe how these provisions could be used:

Example 1: Imagine a site that has a base FAR of 5:1 and an additional 3:1 FAR is earned through development bonuses or transfers (8:1 FAR total) to construct a mixed-use residential project on the site. As part of the project the developer proposes building a K-8 public school that would require an additional 2:1 FAR to develop (bringing the total use of FAR on the site to 10:1). The developer would only need to provide or earn the 8:1 FAR required to build the portion of the project that did not include a school.

Example 2: A developer provides a site to build a public school as a stand-alone project. Let's say the site had a base entitlement of 4:1 FAR and the school requires 2:1 FAR to develop. In this case the developer could arrange to have the base entitlement of 4:1 transferred for use on other sites in the plan area.

[Continued on next commentary page...]

33.510.200 Floor Area Ratios

I. Neighborhood Facilities within the North Pearl Subarea

1. Purpose. This regulation encourages creation of facilities to serve those who live and work in the North Pearl Subarea. These facilities are necessary elements of a neighborhood.
2. Standards. In the North Pearl Subarea, floor area used for specified neighborhood facilities is not counted towards maximum FAR for the site. The specified neighborhood facilities are public schools, public community centers, daycare facilities for children, and public libraries. To qualify for this provision, the following requirements must be met:
 - a. Schools. Floor area to be used for public schools does not count towards maximum FAR for the site if the school will be operated by or for a public school district.
 - b. Daycare. Floor area to be used for daycare facilities for children does not count towards maximum FAR for the site. Applicants may choose to either earn bonus FAR under 33.510.210.C.2, or to have the daycare not counted towards maximum FAR for the site under this subsection. Both provisions may not be used on a site.
 - c. Libraries. Floor area to be used for public libraries does not count towards maximum FAR for the site if the library will be operated by the Multnomah County Library or does not charge membership fees.

33.510.200.I Neighborhood facilities within the North Pearl Subarea (cont.)

Public Community Centers

Lastly, public community centers are intended to mean uses such as community centers ran by Portland Parks and Recreation and those ran by private or non-profit entities such as the Zimmerman Community Center, Friendly House, the Boys and Girls Club, etc. A public community center may provide spaces for active recreation, meetings, special events, or other recreational or community gathering functions. They may serve children, families with children, residents of all ages or seniors. These centers should be open to the general public whether for free or a fee, but are not intended to serve primarily residents or tenants of the buildings they located within.

For example, common rooms are often developed in some larger residential and office projects. These would not qualify as a public community center. Further, uses developed as an accessory use to a Group Living facility also would not qualify as these uses primarily serve the residents of the facility, not the broader community. In short, this provision is intended to create a public amenity that serves the Pearl District at large and not an individual site. It is in return for this public benefit that the floor area used to create the amenity is not counted against the project housing the amenity. If the use created primarily serves the residents or tenants of the site, unless the amenity is a stand along project, then the floor area used to create the use should be counted against the site.

- d. Public community centers. Floor area to be used for community centers does not count towards maximum FAR for the site. Public community centers are not for exclusive use by residents of a site and their guests.
- e. All facilities. All neighborhood facilities must meet the following:
 - (1) The floor area of the facility must be reserved for the exclusive use of the neighborhood facility for at least 10 years from the date a certificate of occupancy is issued for the qualifying floor area. No uses other than those listed in this subsection are allowed.
 - (2) The applicant must document that there is a binding agreement with an operator for each facility. This documentation must be submitted with the application for design review; and
 - (3) The property owner must execute a covenant with the City which is attached to and recorded with the deed of the site. The covenant must ensure that the owner will reserve the floor area as specified in I.2.e.(1). The covenant must comply with the requirements of Section 33.700.060.

33.510.205 Height

E. Open space height transfers.

References to the *Northwest Triangle* in this section, and in all other sections of the Zoning Code, are to be changed to reference the *North Pearl Subarea*.

Also, this subarea is no longer subject to these height transfer provisions, rather the new regulations of Section 33.510.205.H now regulate how additional height is earned in the subarea. These new provisions are less restrictive in terms of the methods in which height may be earned.

33.510.205 Height

E. Open space height transfers.

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.
2. Requirements for open space areas eligible for the height transfer.
 - a. The proposed open space area must be in the Central City plan district outside of the South Waterfront Subdistrict. If the open space is at a Proposed Open Space location, as shown on the Central City plan map, the site is eligible by right. If the site is not a Proposed Open Space location, the site is subject to the review requirements stated in Paragraph 4., below. Open space sites resulting from the ~~Northwest Triangle~~ North Pearl Subarea open area requirement are not eligible for the height transfer.
 - b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.
 - c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a major design review using the specific area's design guidelines. The Parks Bureau will provide advice to the Design Commission.
3. – 4. [No change.]

33.510.205.H North Pearl Subarea Height Opportunity Area

INTRODUCTION

During the development of the NPDP, stakeholders expressed a desire to allow the development of taller buildings within the plan area, so long as:

- taller buildings would be built in a manner that protected the pedestrian realm;
- buildings granted more height and/or FAR are of a high design quality;
- buildings do not become so massive that they are completely out of character with the Pearl District; and
- building heights along the greenway is set to maintain views and protect the pedestrian experience along the greenway.
- that be a public benefit is derived when additional height and/or floor area is granted to developers both by right and through the use of development bonuses.

To address these desires, the North Pearl *height opportunity area* was proposed as an area where bonus height may be granted when: 1) bonus height is approved as a modification through design review; 2) the floor area used in the portion of the building subject to bonus height has been earned via development bonuses or FAR transfers using the Central City Master Plan provisions or Pearl District historic resource provisions (33.510.200.H); and, 3) specific building façade length and floor plate dimensions are met.

Within the *height opportunity area* bonus height is granted when FAR bonus and transfer provisions are used to create the floor area that will occupy the portion of the building subject to bonus height. This ensures that a public benefit is derived as each of the bonus and transfer provisions used result in the creation or preservation of amenities that the community has deemed important (such as family housing, public open space, green roofs, or the preservation of historic structures).

HEIGHT OPPORTUNITY AREA

Map 510-16 (page 47) illustrates the boundary of the *height opportunity area*. It should be noted that these provisions regulate height differently east of Naito Parkway / Front Avenue than they do west of the right-of-way. Specifically, east of the right-of-way the regulations allow for an additional 75' in height (allowing buildings up to 175' maximum); however, the portion of buildings taller than 100' is limited to floor plates of 12,500 sq. ft. maximum and facades no longer than 120'. Facades up to 150' maximum are possible if approved as a modification through design review.

In the area west of the right-of-way the base height is generally 100'; however, a number of parcels adjacent to the Tanner Creek park blocks have a base height of 225'. In this area there is a two tiered approach to granting bonus height. Buildings between 101' and 175' have no maximum floor plate requirement but the facade above 100' may be no longer than 150'. Facades greater than 150' may be approved as a modification through design review up to a maximum of 180'. A second approach allows buildings taller than 175', or 225' when this is the base height, so long as the portion of buildings taller than 100' is limited to floor plates of

(Continued on Page 18)

H. North Pearl Subarea height opportunity area.

1. Purpose. In the North Pearl Subarea, additional building height may be appropriate to support the goals of the North Pearl Plan. The regulations of this subsection:
 - Promote the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees in the Central City;
 - Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;
 - Encourage the development of taller buildings that may accommodate a range and diversity of land uses;
 - Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living;
 - Shape building massings that allow light and air to penetrate to the street level, enhance pedestrian scale, and create a pleasant, versatile, and active public realm; and
 - Provide flexibility to allow a range of uses and building types to be developed in a manner that fulfills the design objectives of this purpose statement.

Additionally, along the waterfront of the North Pearl Subarea the regulations of this subsection also:

- Increase access to sunlight along the greenway and within public and private open space areas developed along the waterfront;
- Develop a dense, active urban waterfront with a vibrant public realm;
- Work with the open area and waterfront development provisions of the North Pearl subarea in the creation of well designed public and private urban open space amenities;
- Facilitate visual and physical access to and along the riverfront for all members of the public;
- Create expanded opportunities for views of the river as viewed from Naito Parkway and Front Avenue, landward portions of the subarea, and locations west of the subdistrict.
- Ensure bonus height granted to sites adjacent to the Fremont Bridge does not significantly affect views of or diminish the aesthetic qualities of the bridge or it's iconic stature in the Portland skyline.

12,500 sq. ft. maximum and facades no longer than 120'. And once again, facades up to 150' maximum are possible if approved as a modification through design review.

PURPOSE STATEMENT

As noted in the purpose statement, these regulations are intended to result in taller, more slender buildings by restricting tall building walls or facades that expand an entire block length and the full height of a building. The basis for this is that tall full block development can have a negative impact on urban form and livability if not properly designed. Specifically, tall, bulky buildings can significantly block views through the district, can prevent sun and air from penetrating the street level, and negatively impact pedestrian scale and the public realm.

It is hoped that by allowing more opportunities to use height, developers and architects will choose to use the FAR they have available to them to build taller and sleeker buildings as well as buildings with more complex massings that help to enhance the skyline and add diversity and variety to the urban form of the district. However, it will not be possible in all cases for buildings to comply strictly with the dimensional standards of these provisions so there exists the ability to modify these standards when necessary to address site constraints or essential building programming needs so long as they resulting in a building design that on balance is consistent with the various provisions of the purpose statement.

BUILDING MASSING PROVISIONS

The provisions regulating maximum building façade lengths are intended to set a baseline for all development. Specifically, one subsection of the regulations state that buildings between 100' and 175' in height are subject to a maximum façade length of 150' for the portion of the building above 100'. The intent behind this is to prevent long and tall building walls that may impact views, shade the public realm, or may have a negative impact on pedestrian scale. However, in some situations it may be advisable to allow longer building walls or larger floor plates when necessary to make specific land uses or building types feasible.

Specifically, in some situations it may be advisable to allow modifications to these requirements so that certain building efficiencies can be achieved that may be necessary to make a commercial development, mixed use development, affordable housing, family housing, or senior living project feasible. In some cases longer linear floor plate configurations than the regulations allow, may be necessary to realistically make a project feasible. In many other situations design solutions may exist that would not require a modification. Therefore, modifications to the maximum façade length requirements should only be considered when it is necessary to allow uses envisioned for the plan area but for which design solutions are not possible without a modification.

Furthermore, although the provisions allow for modifications, adjustments to the development standards should not be granted in all situations. Modifications should be granted when design solutions that comply with the standards are not available to address site conditions, programming needs, or other significant constraints. Modifications should not be granted to make development conditions simply more tolerable or comfortable for developers. Thus, the burden of proof falls upon applicants seeking a modification to these provisions and applicants must demonstrate why each additional linear foot of façade length is necessary. In other words, just because longer facades can be approved, the granting modifications to the full length achievable should not be done without just cause.

2. Additional building height above the maximum height limits shown on Map 510-3 may be approved as a modification through design review if H.2.a and b are met, and either H.2.c or d. Except as specifically allowed, adjustments and modifications to this paragraph are prohibited.
- a. The site must be in the height opportunity area shown on Map 510-16;
- b. The floor area of the building above the maximum height limit shown on Map 510-3 must be:
- (1) Earned through bonus FAR provisions;
 - (2) Transferred by a Central City Master Plan; or
 - (3) Transferred from a Historic Resource in conformance with 33.510.200.H. Transfer of floor area from Historic Resources in specified areas.
- c. The regulations of this subparagraph apply to sites northeast of SW Naito Parkway. Building heights may be increased to 175 feet in the height opportunity area if the following are met:
- (1) The floors of the building above 100 feet are limited to 12,500 square feet in area or less; and
 - (2) The length of any façade above 100 feet may not exceed 120 feet. However, a dimension of up to 150 feet may be requested as a modification through design review.
- d. The regulations of this subparagraph apply to sites southwest of SW Naito Parkway. For sites in the height opportunity area where the maximum height allowed for the site by Map 510-3 is 100 feet, applicants may choose to increase height using one of the options of this subparagraph.
- (1) Option One: The height may be increased to 175 feet if the length of any façade above 100 feet in height does not exceed 150 feet. However, a dimension of up to 180 feet may be requested as a modification through design review; or
 - (2) Option Two: There is no maximum height limit if the following are met:
 - The floors of the building above 100 feet are limited to 12,500 square feet in area or less; and
 - The length of any façade above 100 feet may not exceed 120 feet. However, a dimension of up to 150 feet may be requested as a modification through design review.

33.510.210 Floor Area and Height Bonus Options

C. Bonus floor area options.

1. Residential bonus option.

The residential bonus option has been used successfully to create a tremendous number of housing units in the Pearl/River District over the last decade. However, the majority of this housing consists of studio and 1-bedroom units. Only 25 to 30 percent of the housing in the district is made up of units with 2 bedrooms or more. As the population of the Pearl District continues to diversify there will be a demand for more 2-bedroom and larger units. This is especially true for the growing number of existing residents who are beginning to have children in the district.

Thus, the NPDP proposes that the ability to use the residential bonus option within the plan area be limited to a maximum FAR utilization of 2:1. Currently this provision can be used to earn 3:1 FAR.

The plan further recommends that portions of the plan area within the residential Bonus Options Target Area (see Map 510-4) and the Required Residential Development Area (see Map 510-5) be removed from these areas. The basis for this is that projects within the residential Bonus Options Target Area are required to use the residential bonus option to earn the first 1.5:1 additional FAR before other development bonus options can be used. Additionally, projects within the Required Residential Development Area are required to develop one dwelling unit for every 1,000 sq. ft. of site area. These two provisions were adopted over a decade ago and were intended to result in the production of housing. Now that residential development has taken place in the district, the need for these provisions has passed.

By removing the requirement to build dwelling units, while at the same time removing the requirement to use the residential bonus option before all other provisions, it is hoped that other development bonus and transfer provisions intended to result in new community amenities, a diversity of housing options, and historic resource protection will be more fully utilized in the plan area.

33.510.210 Floor Area and Height Bonus Options

C. Bonus floor area options. Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.

1. Residential bonus option.

a. In specified areas, the CX and EX zones outside of the South Waterfront Subdistrict, projects providing housing proposals that include Residential uses receive bonus floor area. New development and alterations to existing development are eligible for this bonus.

(1) In the CX and EX zones outside of the South Waterfront Subdistrict and the North Pearl Subarea, for each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3 to 1. Sites in the required residential opportunity areas are eligible for this bonus.

(2) In the CX and EX zones in the North Pearl Subarea, for each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 2 to 1.

b. through d. [No Change]

2. - 18. [No Change]

33.510.210 Floor Area and Height Bonus Options (cont.)

C. Bonus floor area options.

19. Efficient family size unit housing bonus option.

As noted earlier in this document, the majority of dwelling units in the Pearl District consists of studio units and 1 bedroom units with, approximately, only 25 to 30 percent of the housing in the district being made up of units with two bedrooms or more. Because the birth rate of families in the Pearl has increased dramatically over the last 10 years and due to the fact that studio and 1-bedroom units are not compatible with the needs of families with children, many more 2-bedroom or larger units will be necessary as the population of the district continues to grow.

Therefore, a new development bonus option is proposed that is intended to create a critical mass (at least 20 units at sites that use this bonus option) of 2- and 3 bedroom units to ensure that enough units of this size are created to be available to families with children as well as residents who seek units with more than 1 bedroom. These units are required to remain relatively small to ensure that this provision could be used to create both market-rate and affordable housing.

Additionally, when this option is used, applicants are required to develop common interior and exterior spaces on sites to allow for residents, especially families with children, to gather and play on site. Such spaces would become extensions of the home especially when units are of a smaller size. These spaces should be designed as a secondary use as part of a storage area or exterior parking or vehicle use area. Rather, they should be designed with the singular objective of providing a safe play area for residents to gather and play in a well designed and safe environment that facilitates their intended purpose.

In exchange for developing these types of units, additional floor area would be earned at a sliding scale. Specifically for every sq. ft. of 2-bedroom units created an additional 2:1 FAR is earned and for every sq. ft. of 3-bedroom units created an additional 3:1 FAR is earned. This bonus option is intended to serve as an alternative to the existing residential bonus option.

33.510.210 Floor Area and Height Bonus Options

C. Bonus floor area options.

19. Efficient family size unit housing bonus option. In the North Pearl Subarea shown on Map 510-1, new development that is designed for family housing receives bonus floor area. Adjustments and modifications to these standards are prohibited.
- a. Number of units. The proposal must include at least 20 efficient family size units.
 - b. Size and bonus. The bonus earned varies with the size of the unit, as follows:
 - (1) Units with three bedrooms that have no more than 1,200 square feet of floor area earn an additional 3 square feet of floor area for each square foot of area in the unit.
 - (2) Units with two bedrooms that have no more than 1,000 square feet of floor area earn an additional 2 square feet of floor area for each square foot of area in the unit.
 - c. Outdoor play area. The proposal must include an outdoor play area that is at least 1,400 square feet in area and is designed so that a 25-foot x 25-foot square will fit entirely within it. No portion of this area may be shared with any vehicle area. Outdoor play areas may be sited within plazas, courtyards, rooftop gardens, or similar open area features and may contain play equipment, sports courts, hard or soft surface areas, or other features that accommodate or facilitate play.
 - d. Indoor common rooms. The proposal must include at least 400 square feet of indoor occupiable common space that is provided in one or more rooms that are not used for mechanical equipment or storage. These rooms must be accessible to all residents and each room must at least 200 square feet in area.

33.510.251 Additional Standards in the North Pearl Subarea

A. Special building height corridors and building step-backs.

During the development of the NPDP, stakeholders noted that the pedestrian scale of development along NW 13th Avenue should be preserved and enhanced as redevelopment continues in the portions of the Pearl located north of NW Lovejoy Avenue. Thus a new provision requiring that the portion of buildings constructed within the first 20 feet of the right-of-way be limited to a maximum height of 75 feet. This provision is intended to ensure that the scale of development immediately along the street enhances the pedestrian environment by allowing access to sunlight, and that the overall scale of development is not imposing upon the streetscape, allowing the streetscape to be the primary driver of character and urban form along this street. This scale of development combined with the right-of-way standards for the street—which call for the development of loading docks and pedestrian stairs in-lieu of sidewalks—creates a character and urban form unique to this area.

B. Northwest Triangle / North Pearl Subarea Open Area Requirement.

The amendment on the following page would change the name of the *Northwest Triangle* to the *North Pearl Subarea*. This amendment also moves existing section 33.510.245 and places it in new section 33.510.251. The provisions of this section would remain the same; however, the boundary of the subarea would be modified as illustrated on Map 510-1 at the back of this document.

33.510.251 Additional Standards in the North Pearl Subarea Sites in the North Pearl Subarea south of the Fremont Bridge must meet the following standards:

A. Special building height. A special building height corridor shown on Map 510-19 is designated along NW 13th Avenue. In this corridor the portion of a building that is within 20 feet of the property line along NW 13th Avenue may be no more than 75 feet in height. Adjustments and modifications to this requirement are prohibited.

B. Open area requirement.

1. Purpose. The open area requirement promotes adequate amounts of light and air, year-round opportunities for outdoor active and passive recreation, visual relief from the built environment, and facilitates circulation for pedestrians to and throughout the ~~Northwest Triangle~~ North Pearl subarea. The open area requirement is intended to produce open areas at a scale comparable to what large sites would have if divided by the 200 foot street grid pattern.
2. The open area requirement.
 - a. On sites over 40,000 square feet in the ~~Northwest Triangle~~ North Pearl subarea, a minimum of 30 percent of the area over 40,000 square feet must be devoted to open area. The boundaries of the subarea are shown on Map 510-1 at the end of this chapter.
 - b. Sites where at least one-half the site area is in industrial use are exempt from the open area requirement. However, changes resulting in more than one-half of the site area being in non-industrial uses require compliance with the open area requirement.
 - c. Open areas may include parks, plazas, covered or uncovered walkways, public fountains, and landscaped features or areas. Open areas do not include areas used for parking or loading, or landscaping within parking areas.
 - d. Developments which utilize the Central City master plan option may consolidate the required open area of this section and locate it within the boundary of the master plan.

C. Northwest Triangle / North Pearl Subarea Waterfront Development Requirement.

The amendment on the following page would change the name of the *Northwest Triangle* to the *North Pearl Subarea*. This amendment also moves existing section 33.510.250 and places it in new section 33.510.251. References to NW Front Avenue would be changed to Naito Parkway because the name of Front Avenue was changed to Naito along sections of the right-of-way several years ago.

Note:

It should be noted that neither the North Pearl Subarea Open Area nor Waterfront Development requirements apply to lands north of the Fremont Bridge. The basis for this is two fold. First, these regulations have never been applicable to the area north of the Fremont Bridge. Second, the waterfront parcels north of the bridge are regulated by a set of "conditions of approval" established during an earlier land division process. These conditions were modeled on the prior NW Triangle Open Area and Waterfront Development requirements and they better meet the intent of these standards as they were crafted to address on-site conditions specific to this area.

C. North Pearl Subarea Waterfront Development

1. Purpose. These standards are intended to assure both frequent views of the river and physical connections to the river and its activities.
2. Where these standards apply. This section applies only to lands between Naito Parkway and the Willamette River.
3. Development standards:

 - a. View corridors. At least 25 percent of the width of the site (as measured along NW ~~Front Avenue~~ Naito Parkway) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.
 - b. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the Greenway Overlay zones; see Chapter 33.440. In addition, buildings or portions of buildings over 35 feet in height must be set back from the Greenway setback line 1 foot for every 1 foot of height above 35 feet.
 - c. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.
 - d. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Front Avenue Naito Parkway and the Greenway trail.

33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2.

A. Growth Parking - Table 510-16

Table 510-16 is proposed to be amended to reduce the maximum parking ratios for River District Sectors 1 and 2. Specifically, the ratios would be reduced to allow 2 parking spaces for every 1,000 sq. ft. of net building areas creating an office use. This reduction brings the ratios to a level consistent with the rest of the River/Pearl District including areas more heavily developed with office uses. The basis for this reduction is to ensure that the existing transportation system can handle the growth of additional office uses in the district, which typically produce more peak hour trips than other uses allowed in the plan area. Also, this supports some of the sustainability goals of the North Pearl District Plan that call for a reduction in the total number of vehicle trips to and from the plan area and greater reliance on transit, pedestrian, and bicycle commute trips. It should be noted that the existing ratios were set at a time when the area was primarily a mix of light and heavy industrial sites and was zoned for intense uses, less access to transit was available and fewer pedestrian and bicycle connections existed to the plan area. Recent and future proposed transit and transportation enhancements reduce the need to promote vehicle trips to the plan area.

E. Residential/Hotel Parking.

This amendment is intended to set maximum parking ratios for residential development in the plan area consistent with the ratios used elsewhere in the River/Pearl District. The basis for this amendment is to support some of the sustainability goals of the North Pearl District Plan that call for a reduction in the total number of vehicle trips to and from the plan area and greater reliance on transit, pedestrian, and bicycle trips. It should be noted that the existing ratios were set at a time when the area was primarily a mix of light and heavy industrial sites and was zoned for intense uses, less access to transit was available and fewer pedestrian and bicycle connections existed to the plan area. Recent and future proposed transit and transportation enhancements reduce the need for vehicle trips to the plan area.

Table 510-16 In the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2 Growth Parking: Maximum Number of Parking Spaces Per 1,000 Square Feet of Net Building Area in Office Use					
District/Sector (See Map 510-8):					
Central Eastside 2 and 3	Central Eastside 1, 4, 5 and 6	Goose Hollow	Lower Albina	River District 2	River District 1
2.5	3.4	2.0	2.5	2.5 2.0	3.4 [1] 2.0

[1] The maximum ratio for Preservation Parking in River District 1 is 4.1.

E. Residential/Hotel Parking. The regulations of this subsection apply to Residential/Hotel Parking.

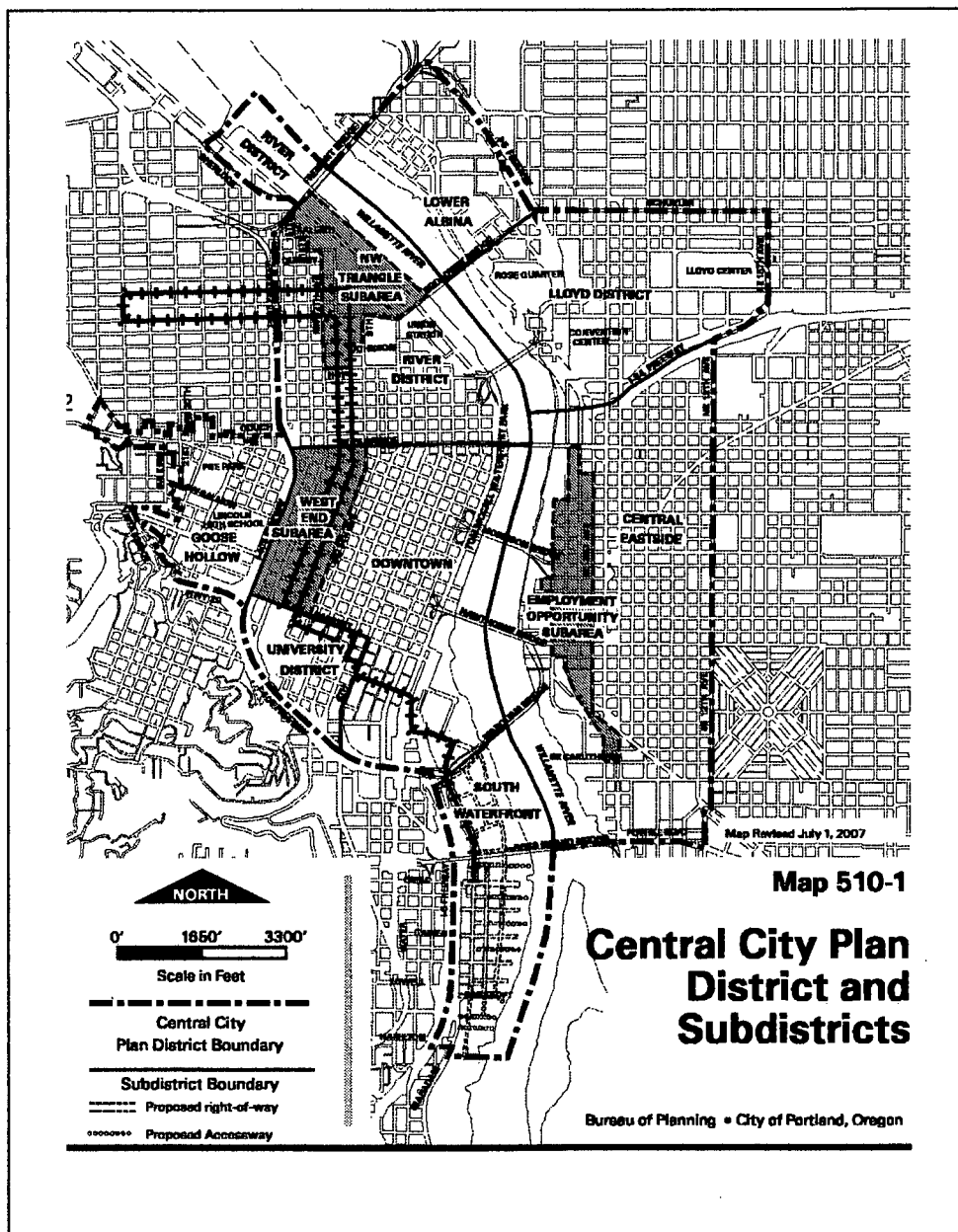
1.-2. [No Change]

3. **Maximum ratios.** There are no maximum ratios, except in River District Sectors 1 and 2 where the maximum ratio is 1.7 spaces for each dwelling unit.

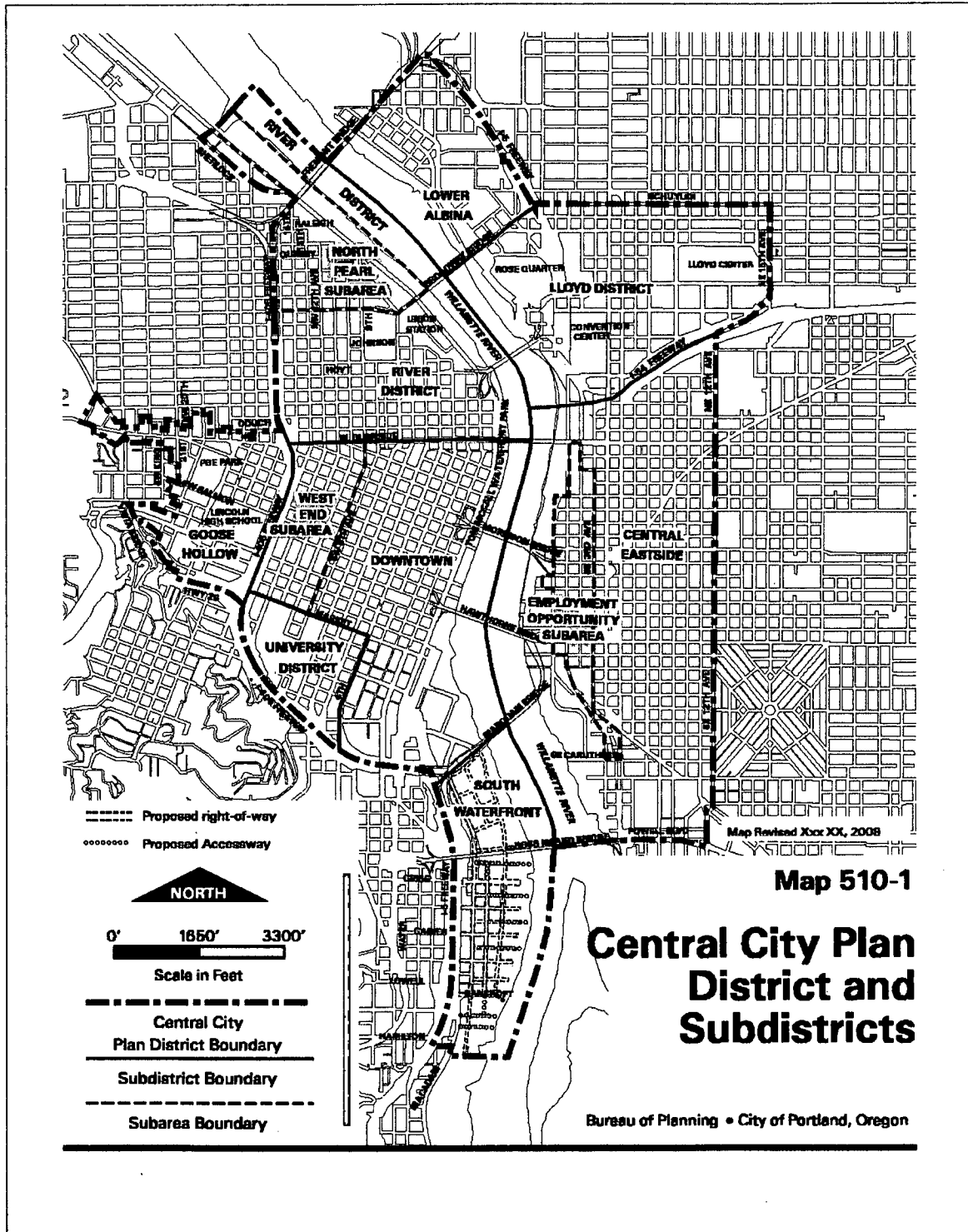
Map 510-1
Central City Plan District and Subdistricts

The Northwest Triangle Subarea of the River District has been renamed and reconfigured. The new North Pearl Subarea includes all of the Northwest Triangle Subarea except for that area south of NW Lovejoy Street, and adds an area north of Lovejoy Street between NW 12th Avenue and I-405. The areas to be brought into the subarea were previously excluded because they were at the time Industrial Sanctuary and not subject to redevelopment efforts now occurring in this area. The areas removed by this amendment have recently been developed and no further significant redevelopment potential exists at these sites.

Existing Map:



**Proposed Map 510-1
Central City Plan District and Subdistricts**



Map 510-2

Floor Area Ratios (Map 1 of 2)

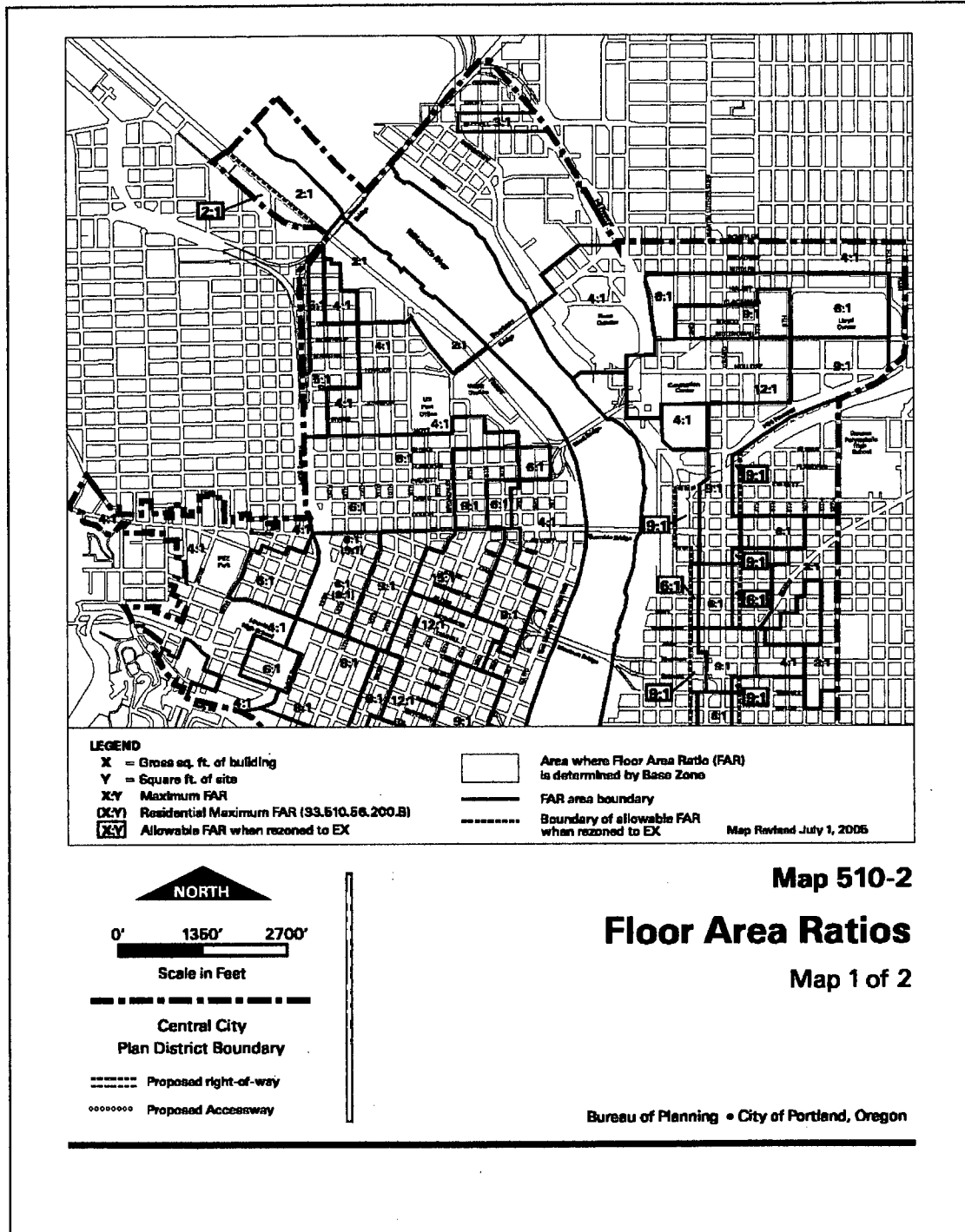
EXISTING MAP:

In March 2005, the Portland City Council adopted a series of Zoning Code and Comprehensive Plan Map amendments applicable to a limit area within the River District that immediately surround the three parks identified by the 2001 *River District Park System Urban Design Framework* (also known as the Walker Master Plan). These amendments emerged from the Bureau of Planning's North of Lovejoy planning effort completed the third in a series of refinements to Pearl District development entitlements and standards.

One of the primary changes emerging from this effort was to increase of development capacity of a limited number of parcels that were intended to be developed with residential land uses. These parcels had a base floor area ratio (FAR) of 2:1. However, estimates demonstrated that 1:1 FAR on a typical downtown Portland block (40,000 sq. ft.) generates on average 25 housing units. Thus a 2:1 ratio would only produce about 50 units which is far lower than what is intended for this part of the Central City. The amendments adopted by Council increased maximum FAR to 4:1 for a limited number of parcels. The remainder of the Pearl north of Lovejoy was to be reviewed through a more comprehensive planning effort that considered overall neighborhood and community development and a thorough analysis of transportation impacts associated with increasing FAR entitlements in this area. The North Pearl District Plan constitutes this larger effort called for by the North of Lovejoy Plan.

Map 510-2
Floor Area Ratios (Map 1 of 2)

Existing map:



Map 510-2

Floor Area Ratios (Map 1 of 2)

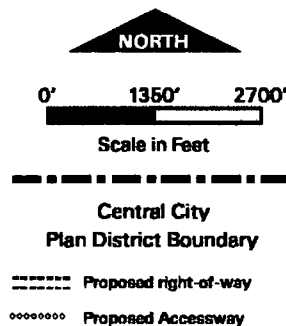
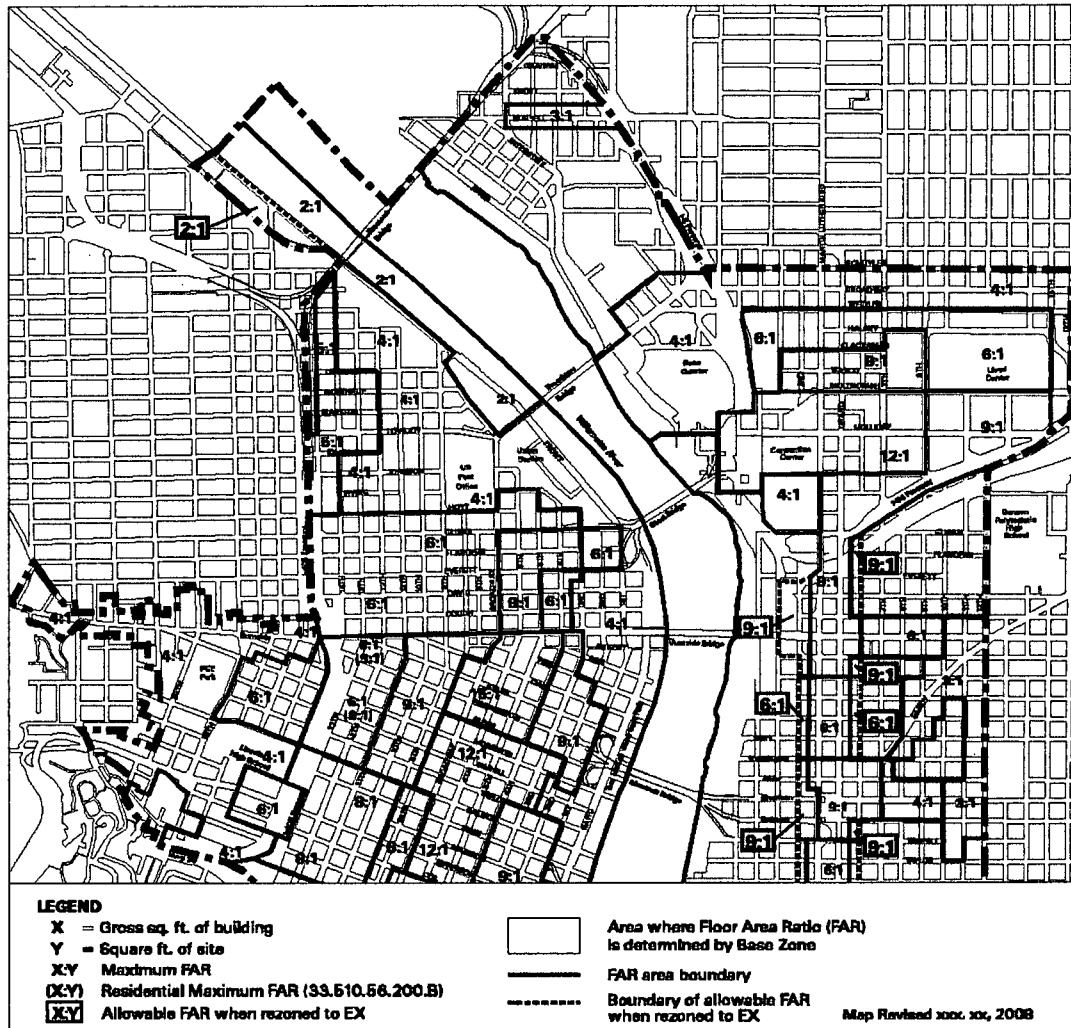
PROPOSED MAP

One of the primary changes emerging from the North Pearl District Plan is a proposal to increase the base FAR of the remainder of the Pearl District located south of the railroad right-of-way from 2:1 to 4:1. These blocks are 40,000 sq. ft. on average and this will allow housing densities of 100 to 175 units per block when bonus FAR is also earned to increase development capacity. Further, this increase allows a continued pattern of residential and mixed-use residential projects to continue throughout the north end of the district.

Additional increases to base FAR considered for properties fronting Naito Parkway were rejected at this time. This was in part due to transportation impacts identified by PDOT. Also, conceptual modeling analysis identified potential impacts to urban form and character that could result if development capacity is increased at this time. Specifically, the relatively large size of these sites and built form that results from the North Pearl Subarea waterfront and open area development standards create a situation whereby even the existing amount of development potential currently available to these sites could result in buildings far out of scale from that envisioned for the plan area.

Thus, the Planning Commission has directed further analysis to be conducted as part of the Central Portland Plan to consider how FAR and height could be increased at these sites along Naito Parkway. This analysis will consider how to address transportation capacity constraints and potential new master planning procedures to ensure that increases in development potential have a positive affect on urban form and demonstrate a public benefit in exchange for increased development capacity.

**Proposed Map 510-2
Floor Area Ratios (Map 1 of 2)**



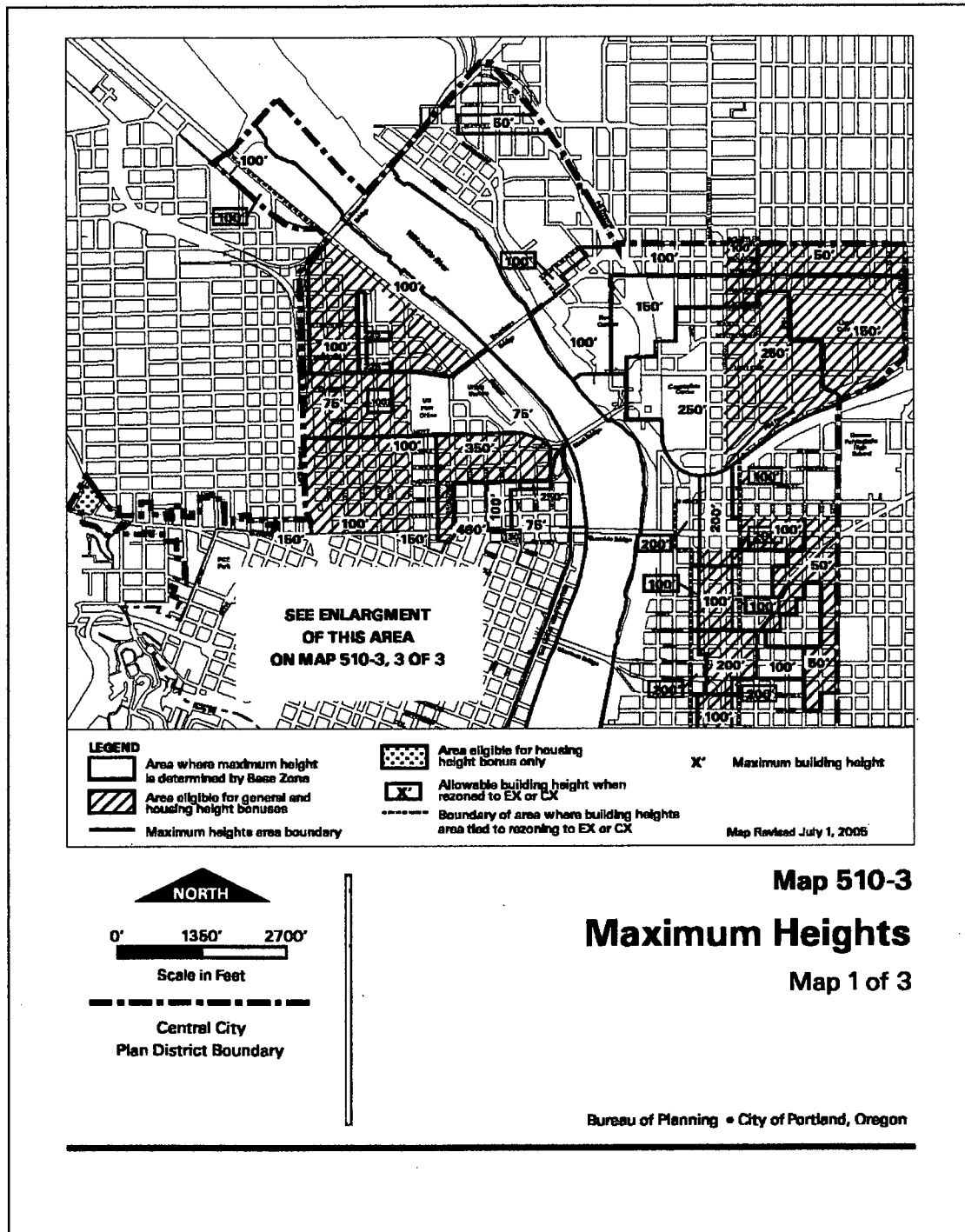
**Map 510-2
Proposed Floor Area Ratios
Map 1 of 2**

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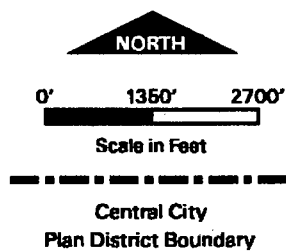
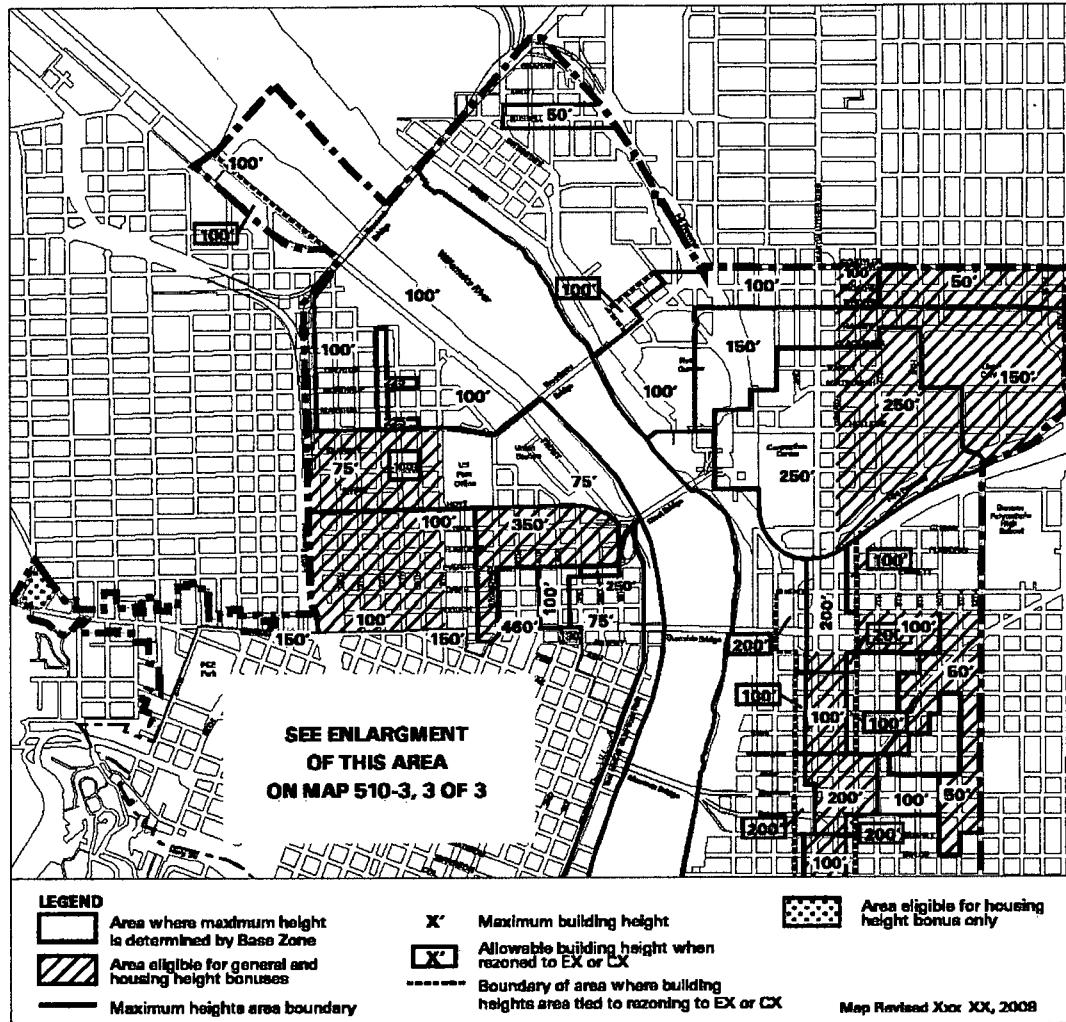
Map 510-3
Maximum Heights (Map 1 of 3)

Map 510-3 is proposed to be amended to implement the intent behind the amendments to Sections 33.410.205.E and H, as well as 33.510.210.

Existing map:



**Proposed Map 510-3
Maximum Heights (Map 1 of 3)**



**Map 510-3
Proposed Maximum Heights
Map 1 of 3**

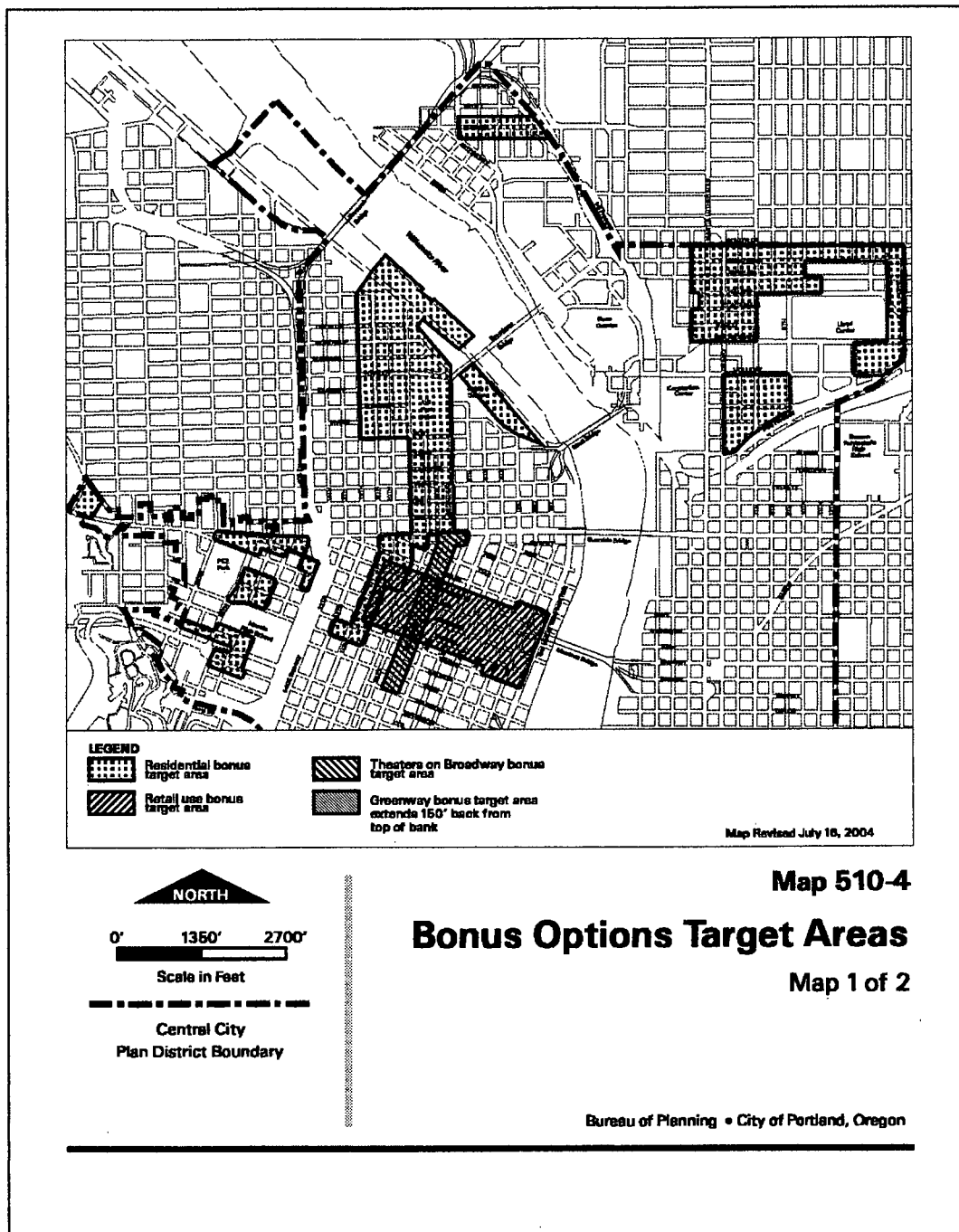
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Map 510-4

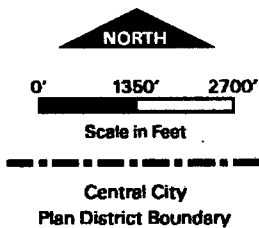
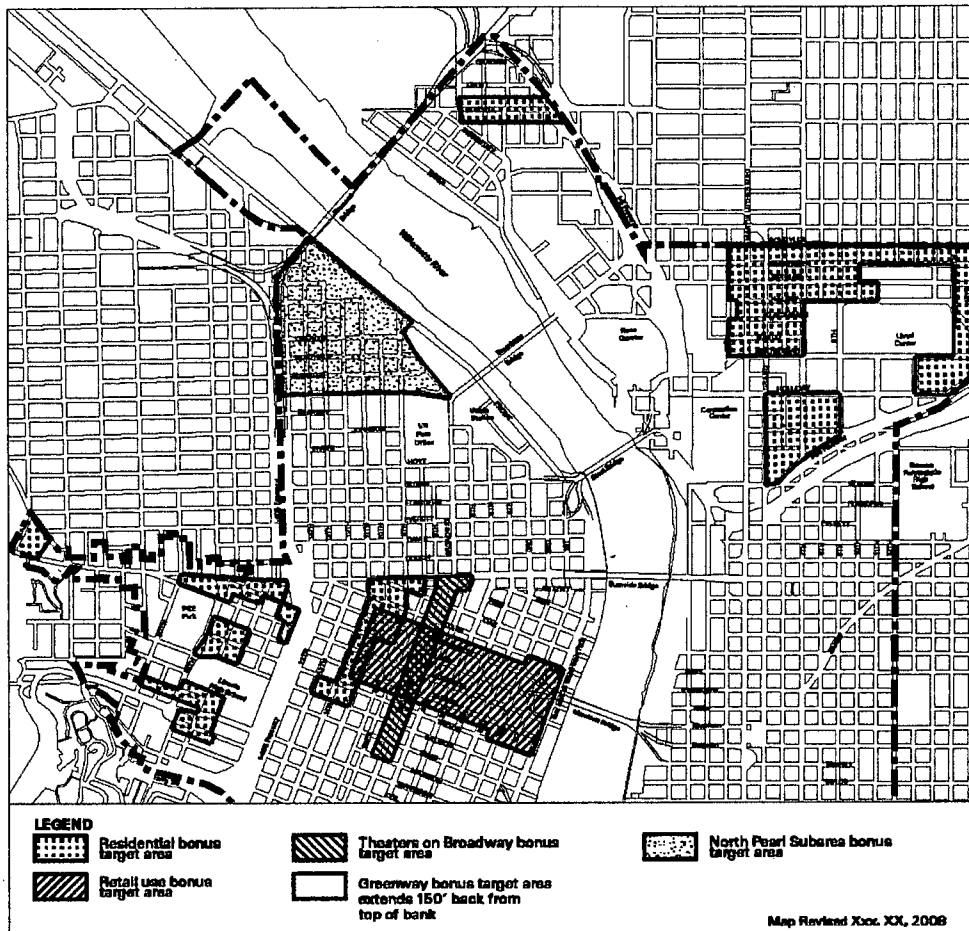
Proposed Bonus Options Target Areas (Map 1 of 2)

Map 510-4 is proposed to be amended to implement the intent behind the amendments to Section 33.510.210.C. The Residential Bonus Target Area has been removed from other portions of the River District as these areas are either built out or housing is not desired as the primary use. Map 510-4 would also be amended to identify portions of the North Pearl Subarea where bonus or transferred floor area, in excess to the 3:1 maximum, could be earned consistent through amended code Section 33.510.200.C.

Existing map:



Proposed Map 510-4
Bonus Options Target Areas (Map 1 of 2)



Map 510-4
Proposed Bonus Options
Target Areas

Map 1 of 2

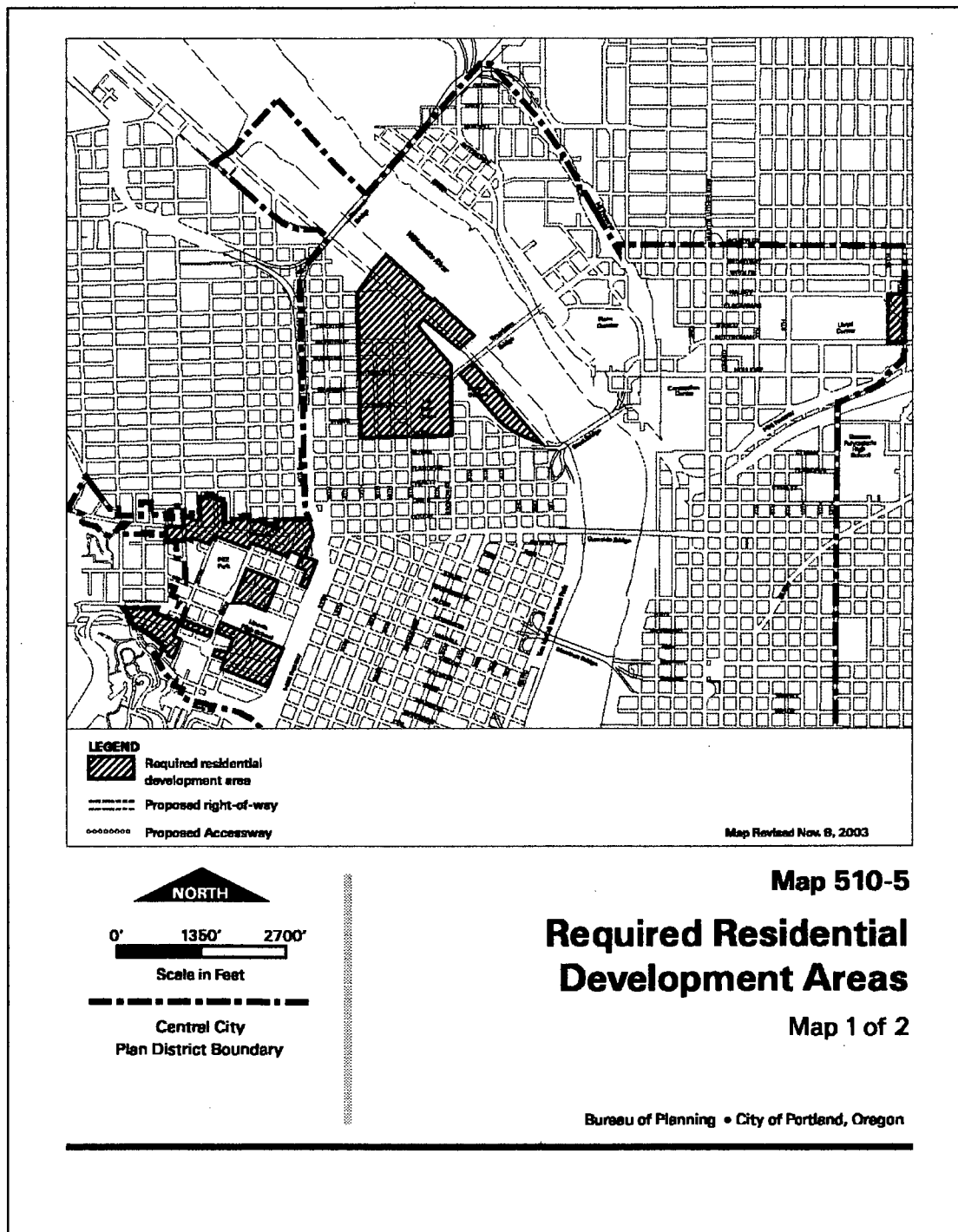
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Map 510-5

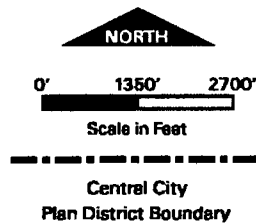
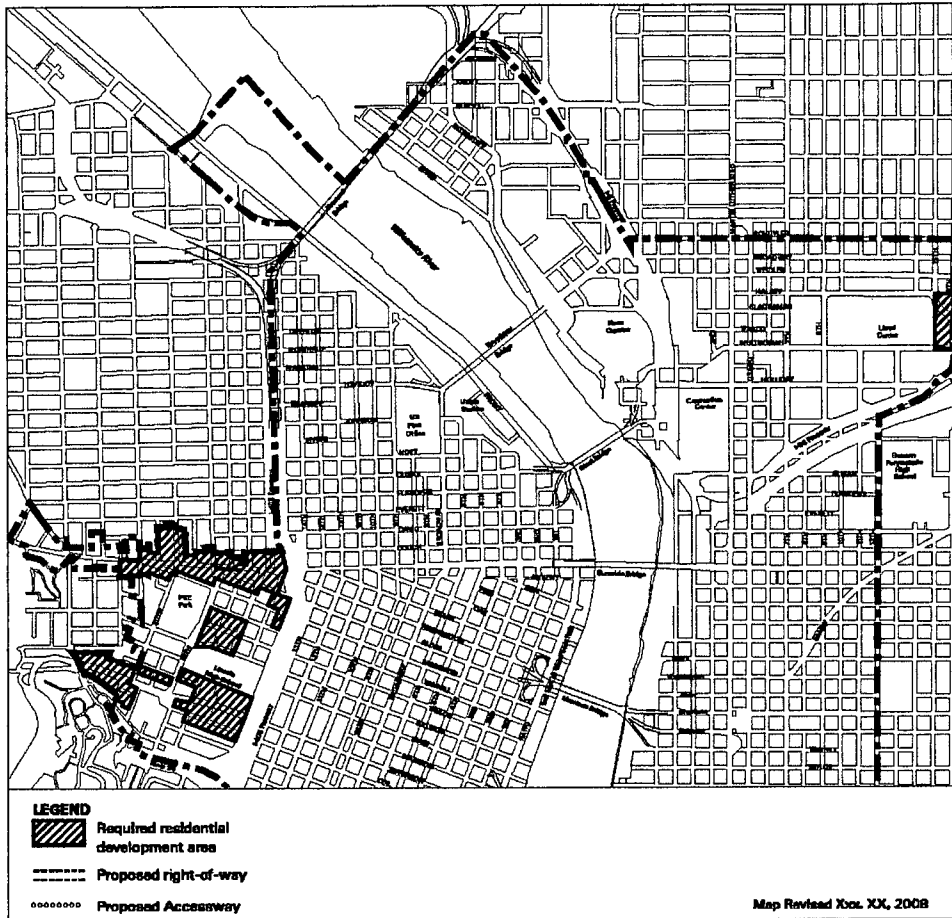
Required Residential Development Areas (Map 1 of 2)

Map 510-5 is proposed to be amended to implement the intent behind the amendments to Section 33.510.210.C. The Required Residential Development Area has been removed from other portions of the River District as these areas are either built out or housing is not desired as the primary use

Existing map:



**Proposed Map 510-5
Required Residential Development Areas (Map 1 of 2)**



**Map 510-5
Proposed Required Residential
Development Areas**

Map 1 of 2

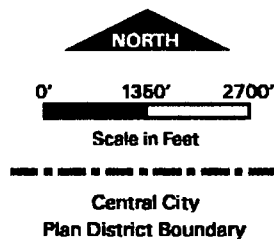
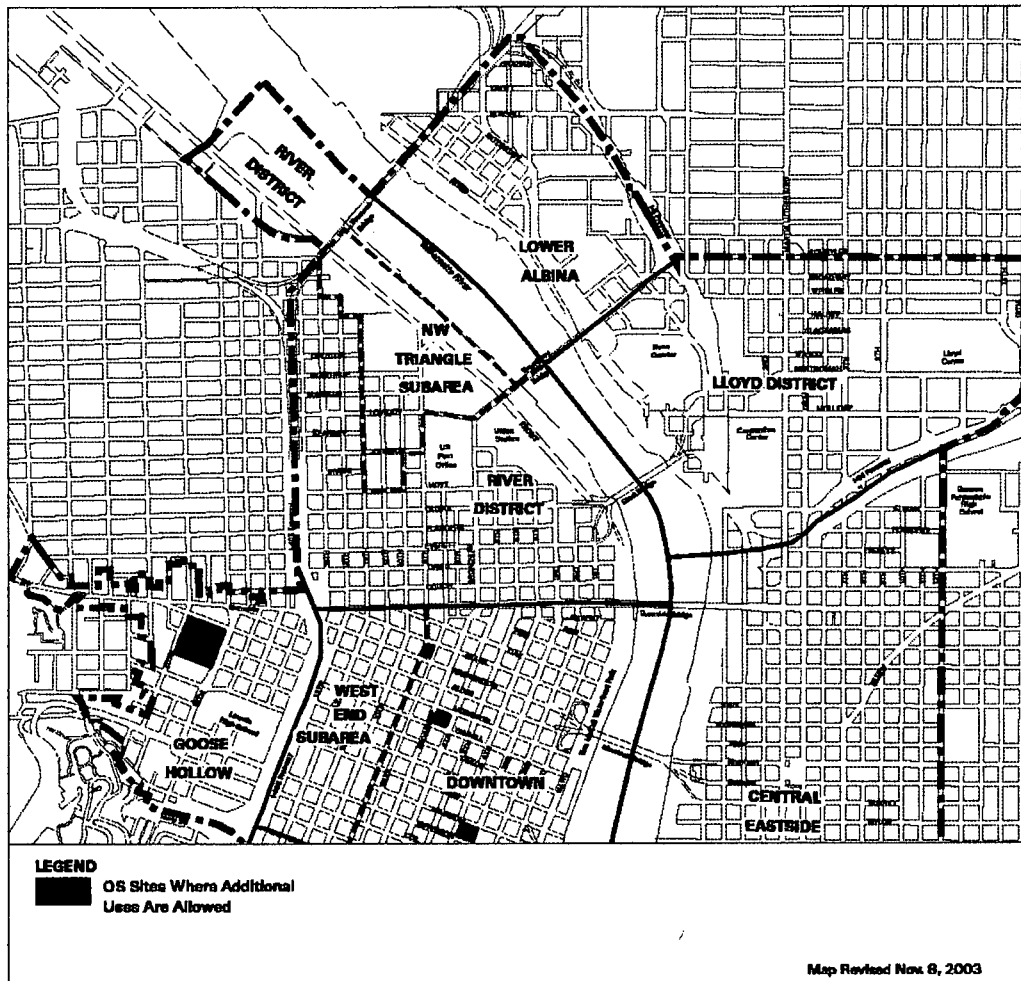
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Map 510-10

Areas Where Additional Uses are Allowed in the OS Zone

All references to the *Northwest Triangle Subarea* in the Zoning Code have now been changed to *North Pearl Subarea*.

Existing map:



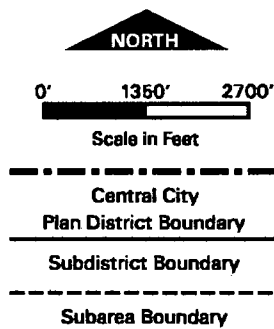
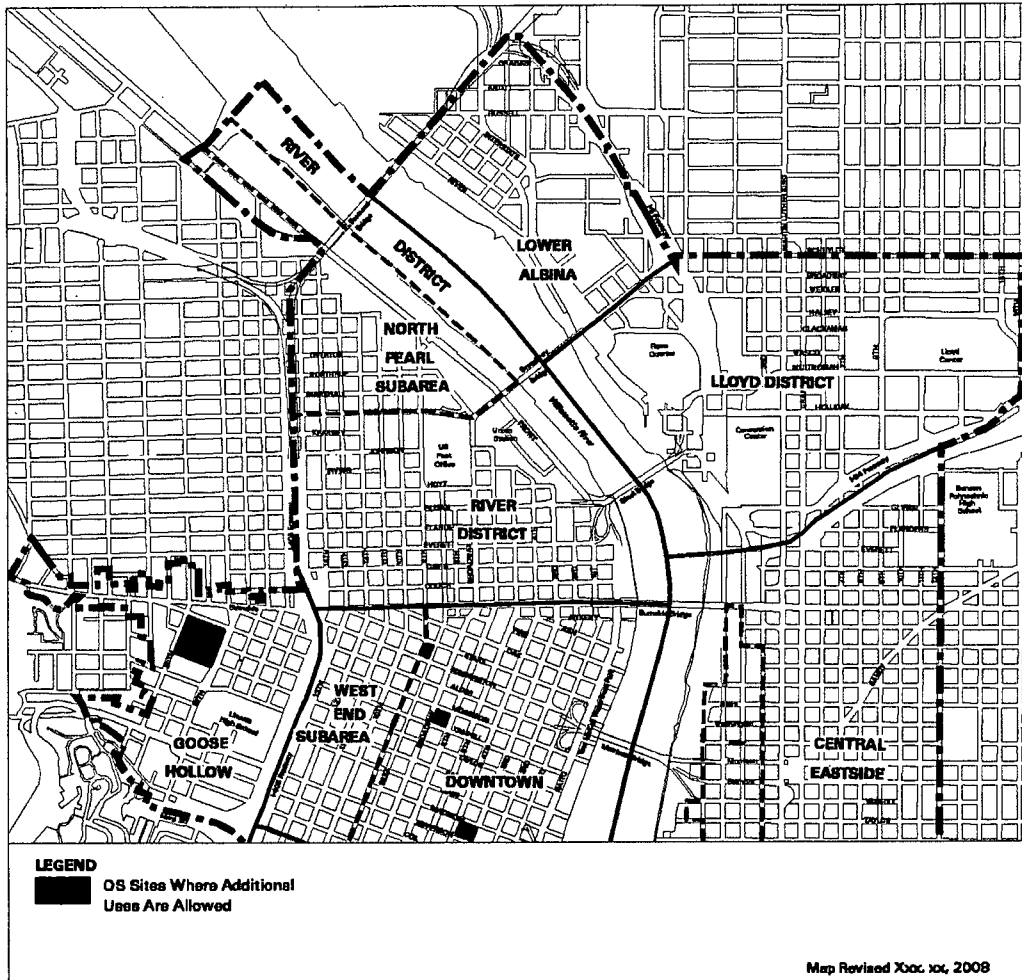
Map 510-10

**Areas Where Additional Uses
are Allowed in the OS Zone**

Map 1 of 2

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Proposed Map 510-10 (Map 1 of 2)
Areas Where Additional Uses are Allowed in the OS Zone



Map 510-10
Areas Where Additional Uses
are Allowed in the OS Zone

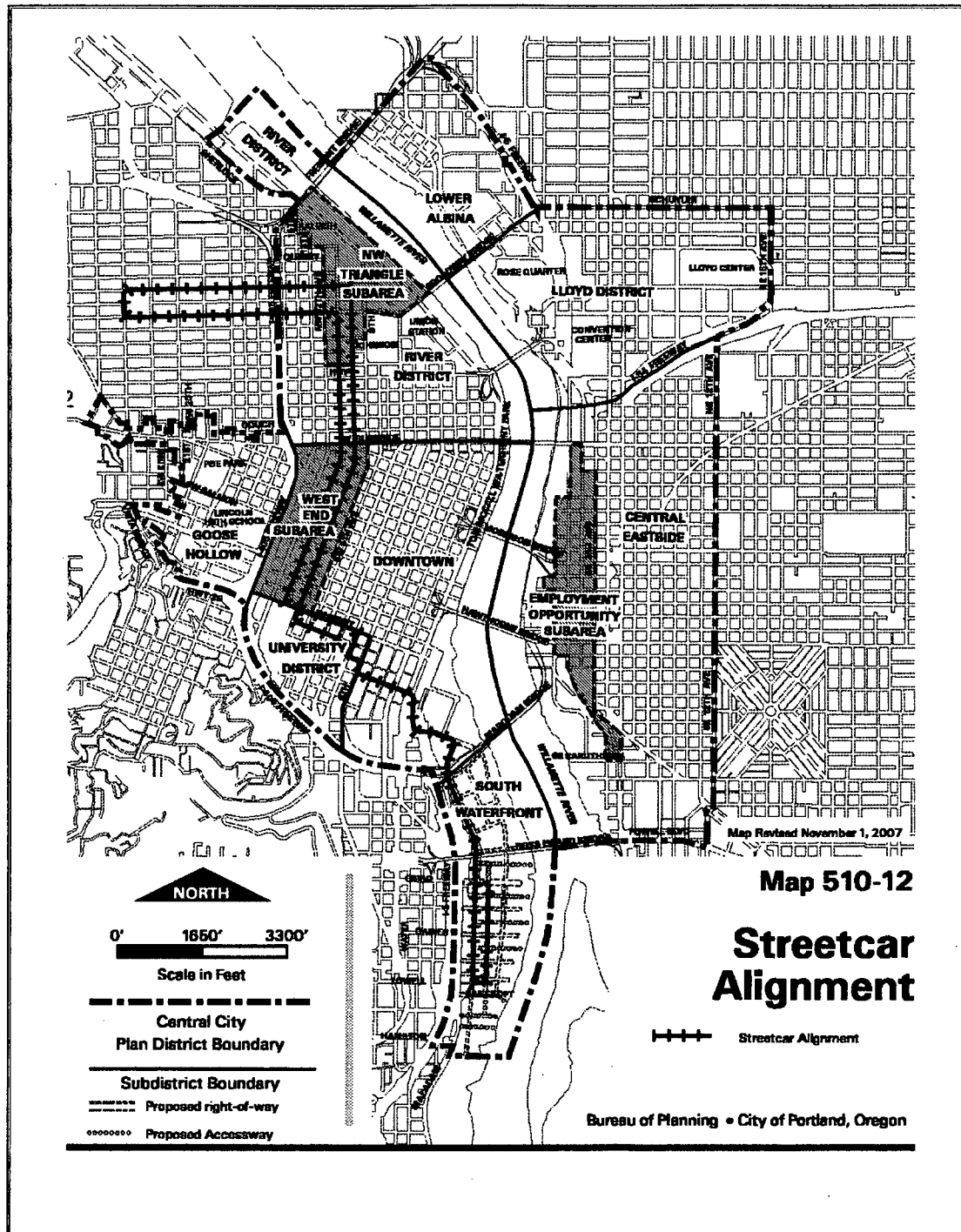
Map 1 of 2

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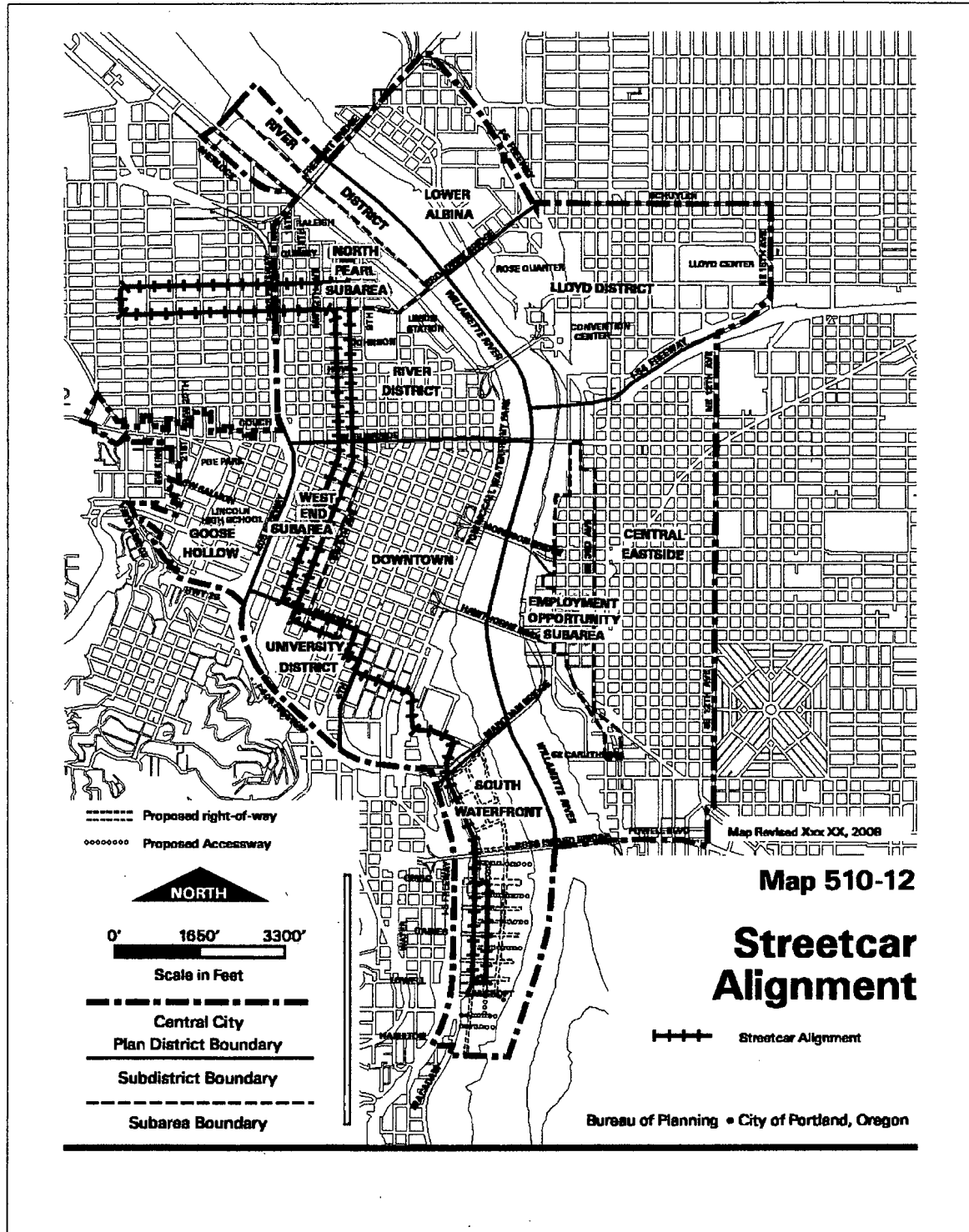
**Map 510-12
Streetcar Alignment**

All references to the Northwest Triangle Subarea in the Zoning Code have now been changed to North Pearl Subarea.

Existing map:



**Proposed Map 510-12
Streetcar Alignment**

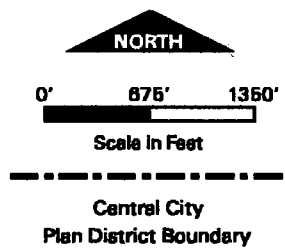
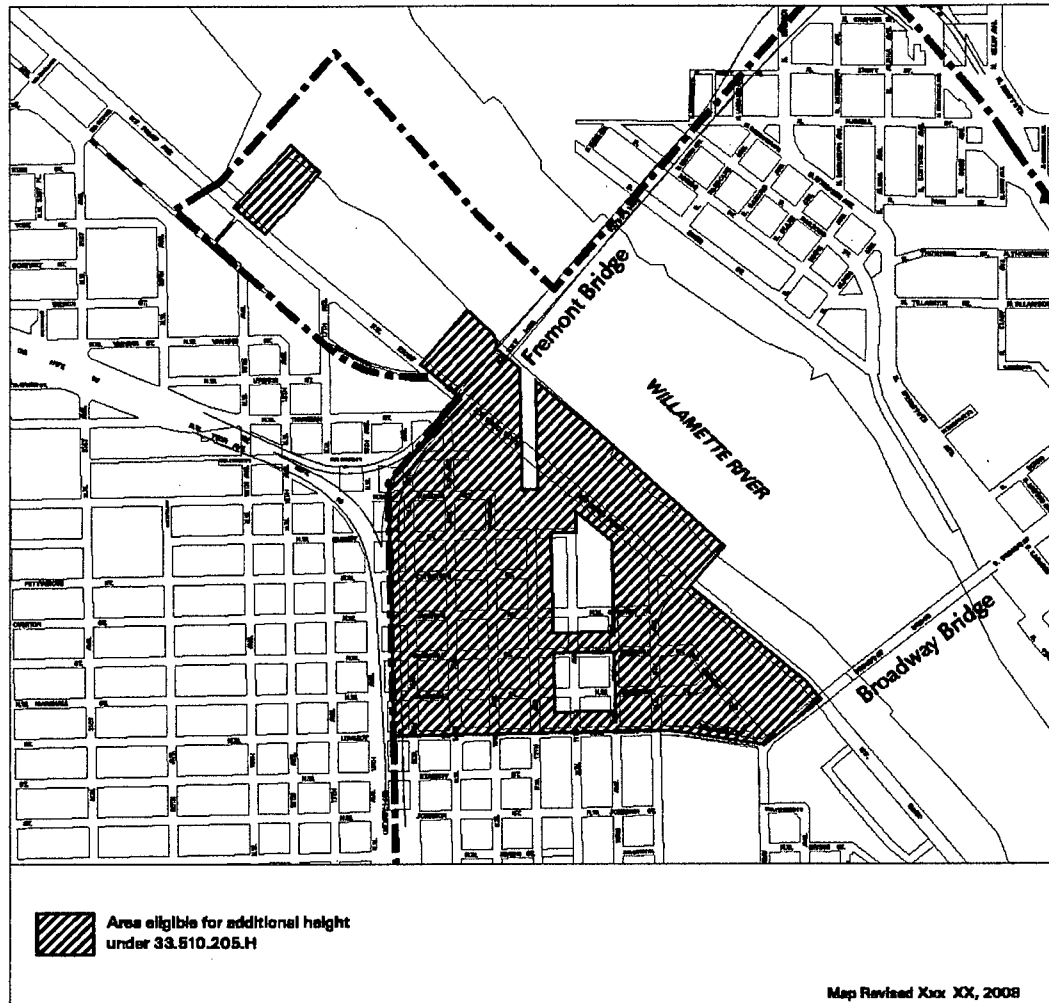


Map 510-16 (1 of 2)

Height Opportunity Area North Pearl

A new map, Map 510-16, illustrates the proposed Height Opportunity Area for the North Pearl Subarea, as described in proposed Section 33.510.205.H.

Proposed New Map 510-16 (1 of 2)
Proposed Height Opportunity Area North Pearl



Map 510-16
Height Opportunity Area
Proposed North Pearl
Map 1 of 2

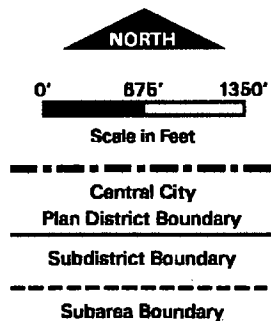
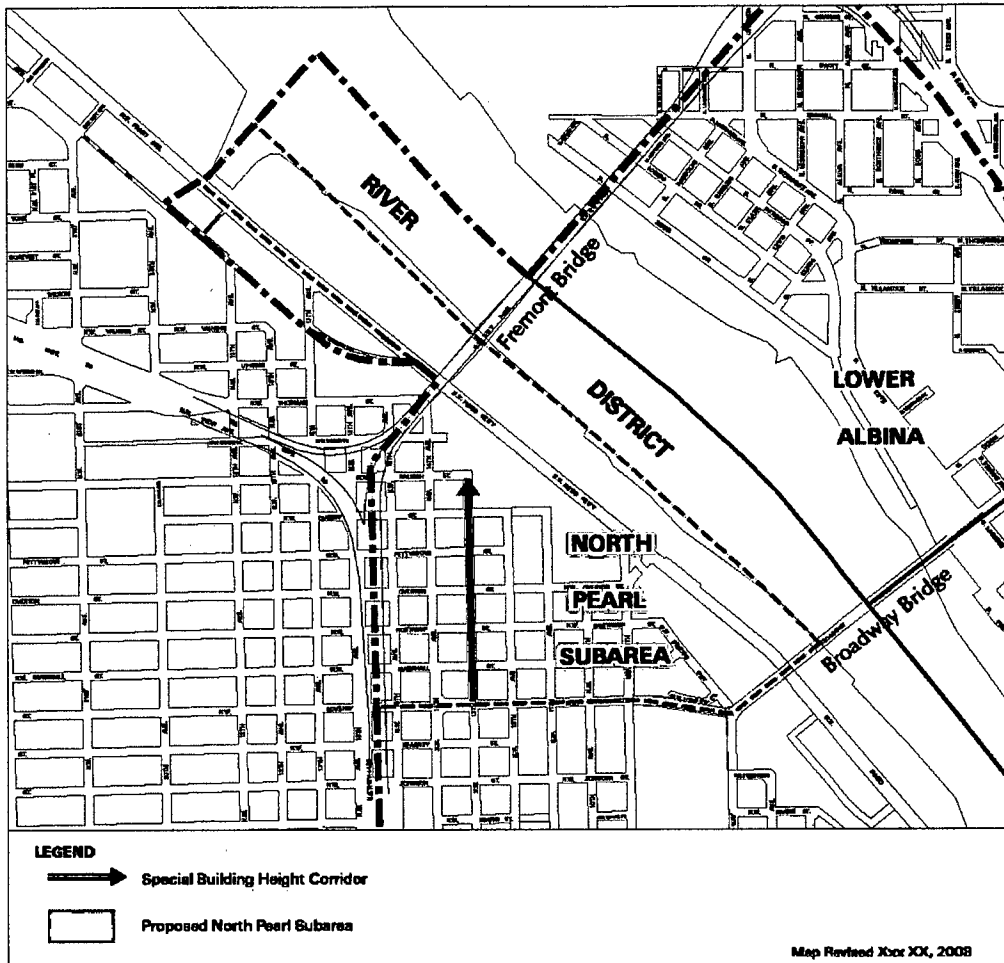
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New Map 510-19

North Pearl Subarea Special Building Height Corridor

This new map reflects the building height corridor along 13th Avenue from NW Lovejoy St to the southern edge of the intersection of NW Savier and NW 13th Avenue as required by Section 33.510.251.A.

**Proposed New Map 510-19
North Pearl Subarea Special Building Height Corridor**



**Map 510-19
Proposed North Pearl Subarea
Special Building Height Corridor**

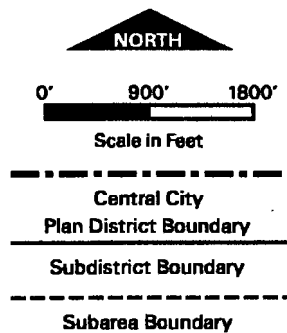
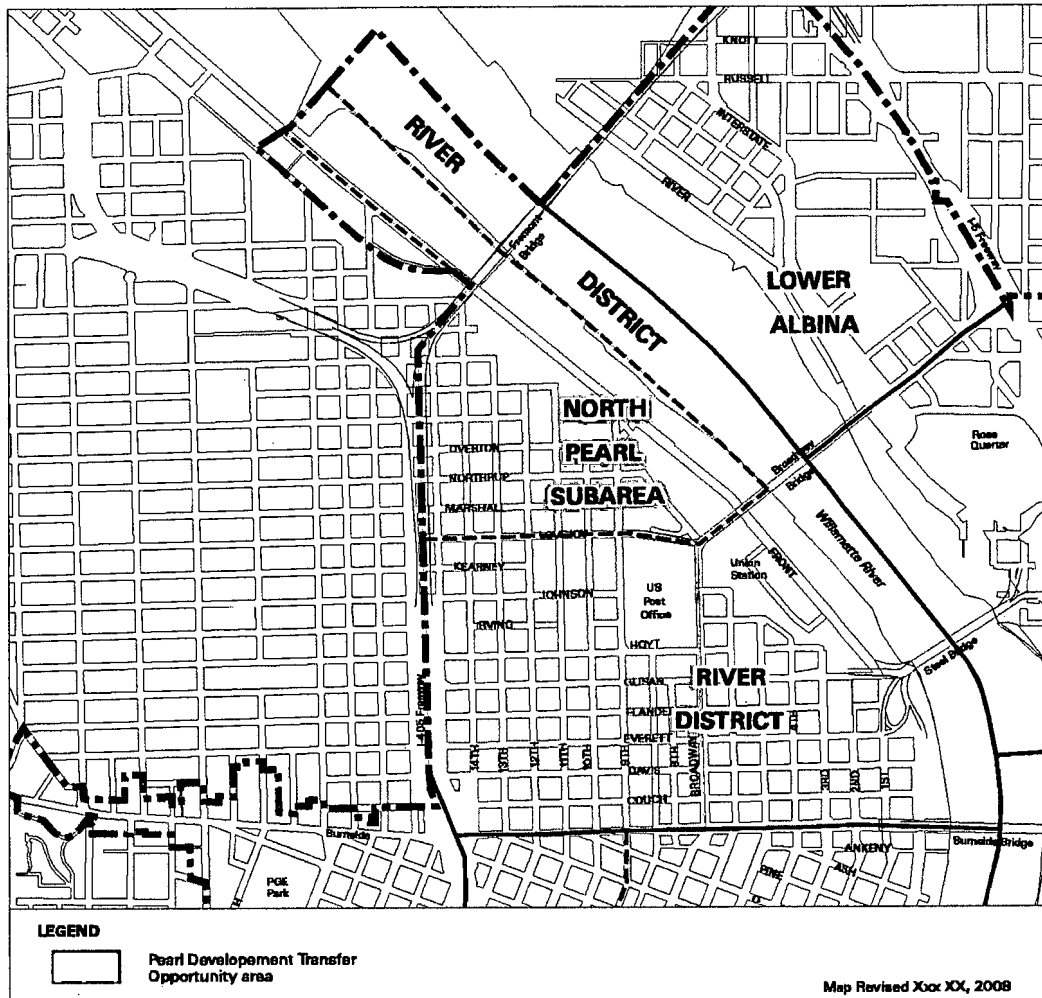
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New Map 510-20

Pearl Development Transfer Opportunity Area

Map 510-20 illustrates the propose Pearl Development Transfer Opportunity Area, as described in proposed Section 33.510.200.H

**Proposed New Map 510-20
Pearl Development Transfer Opportunity Area**



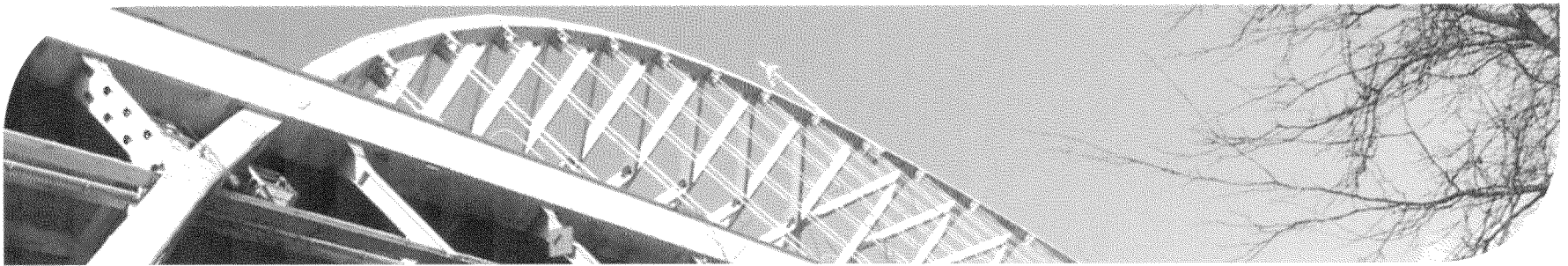
**Map 510-20
Proposed Pearl Development
Transfer Opportunity Area**

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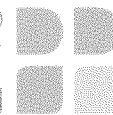
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RIVER DISTRICT DESIGN GUIDELINES



ADOPTED BY THE PORTLAND CITY COUNCIL 1996
AMENDED 1998
MAY 2008

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Chapter 2: Design Guidelines

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Introduction

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

When changes are considered to the design guidelines, these changes must enhance understanding of, or implementation of, the goals. The second and most common instance that will require reference to the goals occurs when an applicant requests waiver of one or more of the design guidelines. Requests for waiver of a design guideline will be granted when the applicant has demonstrated to the review body, in their application, that granting the waiver will better meet the goals than would a design that meets the specific guideline for which the waiver is sought. In cases where a waiver is requested, the goals act as the approval criteria for consideration of the requested waiver. If the design does not accomplish each of the goals, waiver of the design guideline will not be approved. Both the Central City and River District Goals must be addressed when considering a request for waiver of a design guideline.

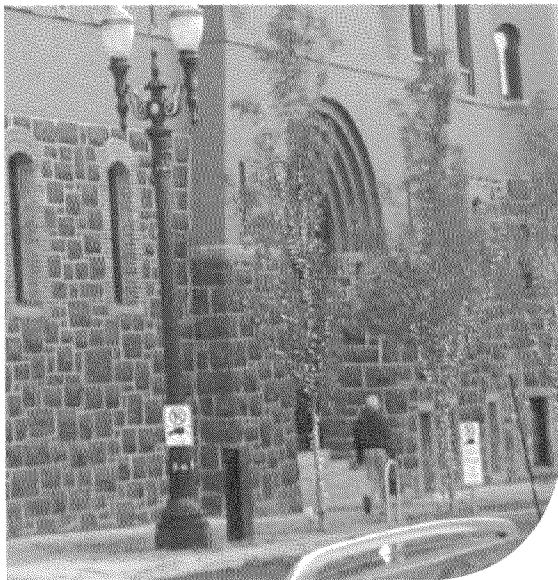
Central City Design Goals

The Goals for Central City Design Review are located within the Central City Fundamental Design Guidelines, which are to be used in conjunction with this document. They apply within the River District as well as to the other Central City policy areas.

River District Design Goals

An additional set of goals for the design review process augment the Central City Fundamental Goals. These goals for design review are specific to the River District. River District Goals design goals are:

1. **Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.**
2. **Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.**
3. **Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.**
4. **Strengthen connections within the River District, and to adjacent areas.**



Tiers of Design Guidelines

CENTRAL CITY FUNDAMENTAL DESIGN GUIDELINES

Because the River District is a subdistrict of Portland's Central City Plan District, the *Central City Fundamental Design Guidelines* apply throughout the River District. The fundamentals serve as the base set of design guidelines for all subdistricts of the Central City and address basic issues about the design of buildings in an urban environment. The Introduction chapter of the *Central City Fundamental Design Guidelines* contains a detailed description of the Central City's design guideline system and design review process.

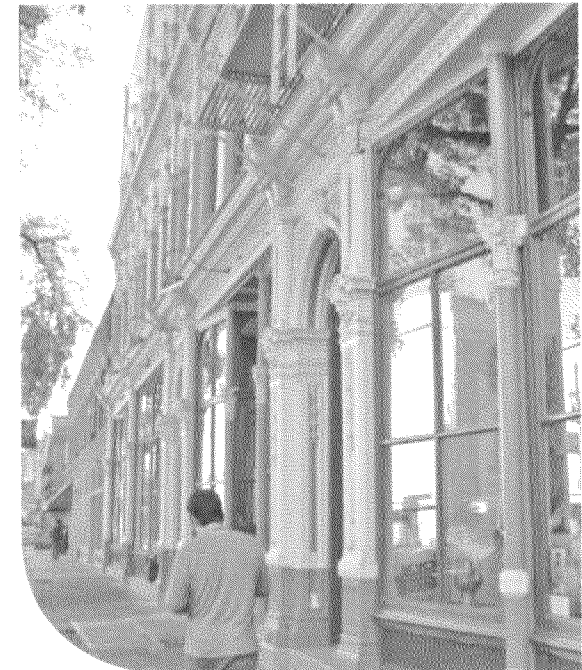
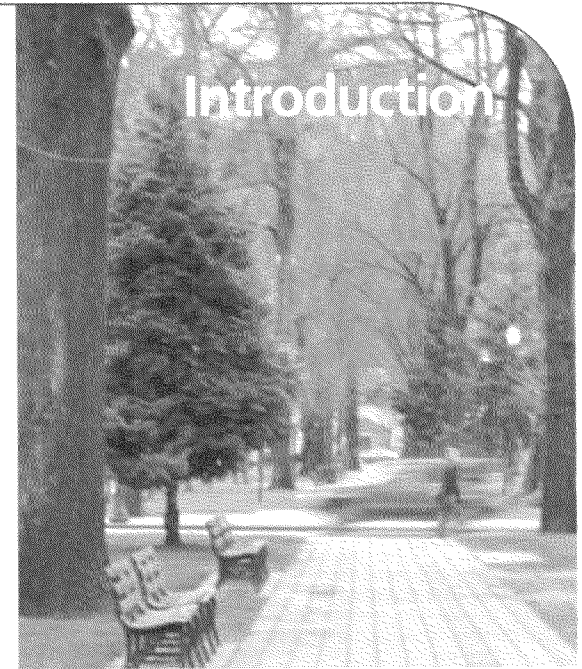
RIVER DISTRICT DESIGN GUIDELINES

This document contains the *River District Design Guidelines*, a supplement to the *Central City Fundamental Design Guidelines*. These guidelines add specificity to the fundamentals, addressing design issues unique to the River District.

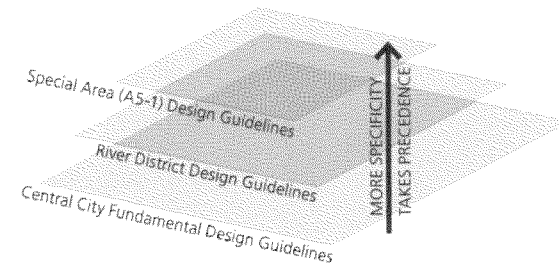
Compliance with the design guidelines in this document can take many different forms for different proposals - discussion of proposed designs among the applicant(s), design review staff, and the Portland Design Commission is encouraged. Design guidelines are intended to state broad design objectives and to provide guidance; they should not be construed as prescriptive standards.

Special Area Design Guidelines. The River District is divided into several special areas (see map on page 7). For each of these special areas, additional guidelines have been created. Special area design guidelines are applied within the special area only, and are listed within A5-1 in this document.

In general, these tiers of guidelines build on each other. The *River District Design Guidelines* elaborate on themes established in the fundamental guidelines and provide guidance about how the fundamentals should be applied to sites within the River District. The special area guidelines also elaborate on the fundamentals, and to some extent the *River District Design Guidelines*. If there is a conflict between any of the *Central City Fundamental Design Guidelines*, *River District Design Guidelines*, or special area design guidelines, it will be resolved in favor of the more local or area-specific guideline. *River District Design Guidelines* take precedence over *Central City Fundamental Design Guidelines*. Special area guidelines take precedence over River District guidelines.



Introduction



Layering of Design Guidelines. This diagram shows tiers of guidelines within this document, and how they relate to the *Central City Fundamental Design Guidelines*. *Special Area* guidelines are more specific than *River District* guidelines, which are more specific than the fundamentals. Guidelines with higher degrees of specificity take greater precedence for approval.

HISTORIC DISTRICTS

There are historic districts within the River District (see map on page 7). *River District Design Guidelines* will not be applied to design review within historic districts if the historic district contains its own set of design guidelines. Historic design review will use the *Central City Fundamental Design Guidelines* and the historic district design guidelines specifically adopted for each historic district. Guidelines for historic districts are listed in separate documents. The review of proposals that include historic landmarks may require the application of additional approval criteria that are listed in Title 33 of Portland's Zoning Code.



Copies of the *Central City Fundamental Design Guidelines*, historic district design guideline documents, and Title 33 of the Portland Zoning Code are available at the Bureau of Planning.

Please call 503-823-7700, or visit our web page at

www.portlandonline.com/planning

Copies of the documents can also be obtained from the City's Development Services Center, at 503-823-7526.

Introduction

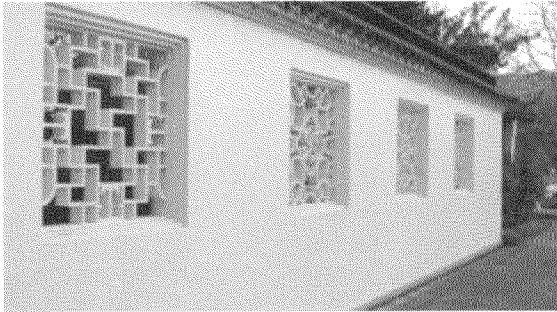


Right-of-Way Standards

The *River District Design Guidelines* make reference to and describe the desired character of the various streets in the River District in a way that supports private development. However, specific design treatment and use of the public right-of-way is found in the *River District Right-of-Way Standards*.

The criteria, developed by the Office of Transportation with guidance and recommendations from the Design Commission, establish specific design parameters which provide for design consistency, coordination of public improvements and support for adjacent private development. Their intent is to establish a distinct urban character, expand and enhance the transportation system and provide an enjoyable and active pedestrian and bike environment. These Right-of-Way standards must be met by all new proposals.

The criteria are organized by functions of the streets and detail use and materials to enhance circulation, transit, the pedestrian and bike environment, street furniture, street trees, lighting and underground facilities. The document may be obtained from the Portland Office of Transportation.



Other Relevant Documents

Other documents which may provide useful information and insight to the applicant are listed below. These documents are a resource only, and will not be used as approval criteria:

- ***North Pearl District Plan, 2008***
- ***North Pearl District Plan Policy Framework Analysis, 2007***
- ***North Pearl District Plan Urban Design & Development Charrette Summary, 2007***
- ***Pearl District Development Plan and Appendix, 2001 (PDC)***
- ***River District Park System Urban Design Framework Study (also known as Peter Walker Master Plan), 2001 (PDC)***



Copies of these documents are available at the Bureau of Planning, unless otherwise noted.

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or visit our web page at www.portlandonline.com/planning

Introduction

How To Use This Document

Each guideline addresses a single issue and has the same structural components:

Where a River District Design Guideline has not been identified, the Fundamental Design guideline will serve as the approval criteria.

The Central City Fundamental Design Guideline states the broad objective.

The River District Guideline builds on the fundamental guideline.

Guideline may be accomplished by: Examples of some of the various methods that can be used to address the intent of each guideline.

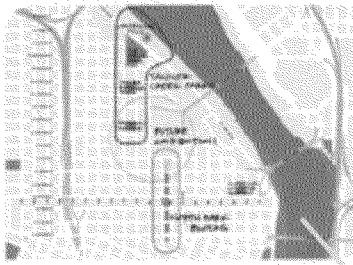
Heading identifies the guideline within the page

BS-1 RECOGNIZE THE ROLES OF THE TANNER CREEK PARKS

B2 PROTECT THE PEDESTRIAN
B3 BRIDGE PEDESTRIAN OBSTACLES
B4 PROVIDE STOPPING & VIEWING PLACES
B5 MAKE PLAZAS, PARKS & OPEN SPACE SUCCESSFUL
BS-1 RECOGNIZE THE ROLES OF THE TANNER CREEK PARKS

Background

In 2001, an Urban Design Framework Study was developed for the park system centered around Tanner Creek. The Framework plan creates a strong and positive metaphor of historic Tanner Creek, addressing the relationship between water and land and the natural and social life that they support. It identifies a variety of spaces in use and state, promotes a strong relationship between civic and private uses, and relies on simple elements both common and unique to the city to establish a special sense of place.



The Framework describes design concepts that promote neighborhood identity and form, adjacent active uses, a venue for the arts community, and flexibility of use. Jackson Square, Tanner Springs Park, and the future Swift Park are linked together by a boardwalk along Tanner Avenue, to bridge across Nicks Parkway and the railroad tracks to the Centennial Mills development site.

The Tanner Creek Parks function as both a neighborhood park system and as one of Portland's primary promenades, including the North Park Blocks, northward to the Willamette River. Adjacent private development to the parks should support and enhance these roles.

Where private development is directly adjacent to or faces a park across the street, ground floors should include building entrances, windows, and outdoor seating to activate the park edges and contribute to "eyes on the street." Private development across the street should also create a sense of enclosure facing the park to strengthen the public amenity. Ground floor retail or outdoor seating that highlights or focuses on the park will ensure that the significance of the public amenity is reflected in the building.

Private development that directly abuts public space should incorporate semi-private transition zones. Landscaped areas, seating areas, artwork, or movement areas create a physical and visual separation between the private development and the public amenity. Transition zones enhance the quality of the public amenity while also drawing upon its ambience and character. Successful transition zones help to differentiate public from private spaces while blending characteristics of both.

The character of development along the Tanner Creek Parks must strike a balance between fostering a distinct identity and strengthening a sense of continuity with the North Park Blocks character. Some design features could repeat or refer to elements in the North Park Blocks. These might include paving materials, low-walls, lighting fixtures and benches. Other features should be unique to the Tanner Creek Parks system.

Guideline

Strengthen and enhance the Tanner Creek Parks as both a neighborhood park system and an extension of the North Park Blocks.

MAY 2008 | RIVER DISTRICT DESIGN GUIDELINES

Background: The background statement describes the design problem or issue necessitating the design guideline.

Images which support the background statement


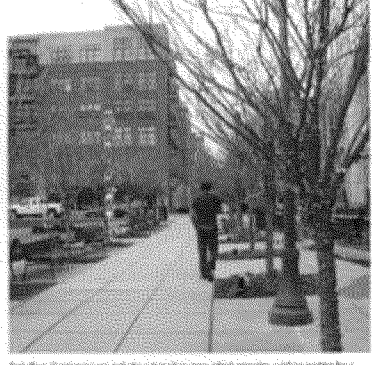
Guideline: The design guideline language serves as the approval criteria. It is the only part of the design guideline that is adopted by ordinance.

Graphic and written descriptions of the examples. The images provided are intended to illustrate a possible solution for each example, but should not be seen as the *only* solution.

BS-1 RECOGNIZE THE ROLES OF THE TANNER CREEK PARKS

Guideline BS-1 may be accomplished by:

1. Providing an "eyes on the street" approach with active ground floors where private development faces public open space.
2. Creating a semi-private transition zone where private development directly abuts public open spaces. Seating areas, landscaping, artwork, or movement areas can be used within the transition zone to create a physical and visual separation between public and private spaces.

The corner entry and orientation of windows and balconies of the temporary station apartment building acknowledge and reflect the significance of Tanner Springs Park.

Park Plaza Condominiums include a transition zone which provides outdoor seating for a ground-floor restaurant that faces Jackson Square. A seating flanked by trees and benches further buffers the outdoor seating area and building by allowing movement to occur in the transition zone.

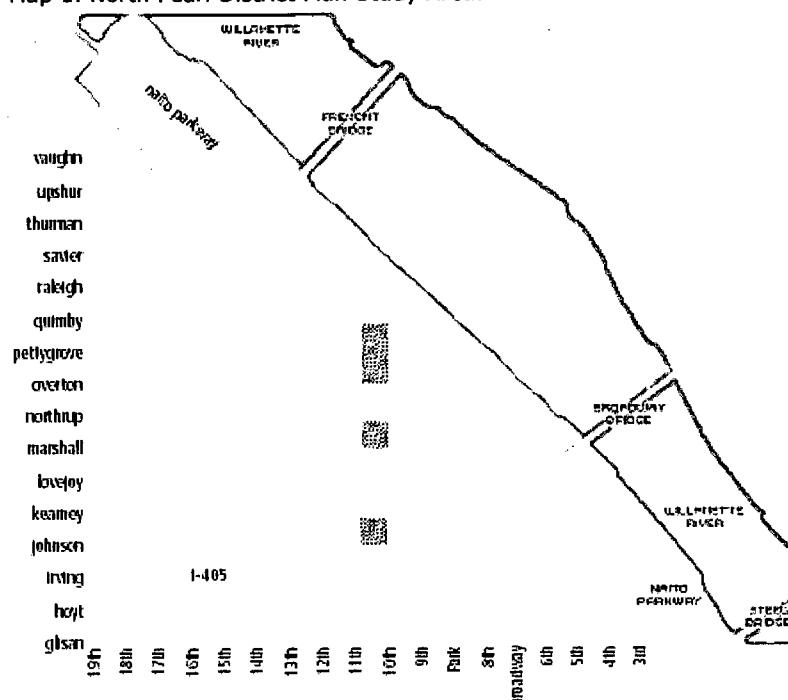
RIVER DISTRICT DESIGN GUIDELINES | MAY 2008

North Pearl District Plan Transportation Analysis

1. Project Purpose

The North Pearl District Plan is a neighborhood plan intended to direct public and private development and investment in the portion of the Pearl District north of NW Lovejoy Street. Map 1 below indicates the study boundary, with NW Lovejoy St to the south, the Willamette River to the north and I-405 to the west. A section of the area west of the Fremont Bridge along Naito Parkway is also included.

Map 1. North Pearl District Plan Study Area.



The plan was developed over an 18 month period through and extensive public outreach process, engaging a diverse group of stakeholders. As part of the planning process, several land use and transportation scenarios were tested, including additional floor area in different parts of the study area. Additionally, the plan included a strong emphasis on sustainability, and as such it recommends increasing the area's mode split goals for non auto trips and the creation of a balanced multimodal system via an updated street hierarchy map and action items calling for changes to the parking section of the zoning code to decrease the reliance on the automobile.

PDOT completed transportation analysis of the proposed zoning amendments recommended in the plan based on different land use scenarios. The following summarizes the analysis.

2. Background

This section addresses transportation analysis, including the description of the transportation model used and the basic assumptions built into the model.

a. Transportation Model Information

PDOT relied on Metro's Regional Travel Forecasting 2005-2030 Model for the analysis, which is a macro level regional demand model used for regional projects. The model included household and employment land use assumptions for the 2005 Base year and 2030 Forecast year. The land use information is distributed geographically in the model by transportation analysis zones (TAZ's).

The North Pearl District Plan relied on the Metro model developed for the South Corridor Phase II Light Rail Project: Portland to Milwaukie. PDOT staff customized and calibrated this model for the North Pearl District Plan to have a finer level of transportation analysis zones (TAZs) and a more detailed street network in the study area.. The model is calibrated and tested using the year 2005 as a base. The model forecasts traffic volumes for the two-hour peak period (PM-2) and assigns traffic onto the street network to analyze the impacts.

Operational level traffic engineering analysis were performed at different intersections, including at ODOT's I-405 on and off ramps and the City's main portals, including NW Lovejoy St, NW 14th Ave, NW Everett St, and NW Glisan St.

b. Transportation Infrastructure Assumptions

Below are the main transportation infrastructure assumptions used in the model as it impacts the study area. In the year 2030, the transportation system will have implemented the following projects:

- Milwaukie Light Rail
- Eastside Streetcar
- Burnside Couch Project
- Bus transit improvements identified in the RTP. For the study area, no additional bus service is expected.
- Transportation projects included in the financially constrained Regional Transportation Plan

c. Transportation Policies

Table 1 below lists the street classifications in the study area based on the Transportation System Plan (TSP). The TSP guides how streets in the City, including the Central City, should function. As can be seen, many of the streets are local (intended for local use within the River District). A number of streets serve as portal, bringing people in and out of the River District by way of different transportation modes. They are classified as Major City Traffic Access Streets and Traffic Access Streets. Through traffic (non local) is discouraged in Traffic Access Streets.

The major portals into the study area include Naito Parkway, NW 14th and NW 16th, NW Thurman, NW 10th, NW 11th, NW Lovejoy and the Broadway ramp and Bridge, NW 9th north of NW Lovejoy and NW Broadway.

Table 1. City of Portland Street Classifications

Street	Traffic	Transit	Bicycle	Pedestrian	Freight	Emergency	Design
Broadway Bridge	Major City Traffic	Transit Access	Off-Street Path	City Walkway	Major Truck	Major Emergency	Regional Corridor
NW Broadway	Traffic Access	Transit Access	City Bikeway	City Walkway		Major Emergency	Community Main Street
NW 8 th	Local	Local	Local	Local	Local	Local	Local
NW 9 th	Local	Transit Access	City Bikeway	City Walkway		Major Emergency	Local
NW 10th	Traffic Access	Transit Access	Local	CC Transit/Pedestrian	Local	Major Emergency	Community Main Street
NW 11th	Traffic Access	Transit Access	Local	CC Transit/Pedestrian		Local	Community Main Street
NW 12th	Local	Local				Local	Local
NW 13th	Local		Local	City Walkway		Local	Local
NW 14th	Major City Traffic	Local	City Bikeway	Local	Truck Access	Major Emergency	Local
NW 15th	Local	Local		Local			Local
NW 16th	Major City Traffic	Community Transit	City Bikeway	Local	Truck Access	Major Emergency	Local
NW Naito Parkway	Traffic Access	Transit Access	City Bikeway	City Walkway	Local	Major Emergency	Community Main Street
NW Thurman	Major City Traffic	Community Transit	City Bikeway	Local	Local	Local	Local
NW Savier	Local	Local	Local	Local	Local	Local	Local
NW Raleigh	Local	Local	City Bikeway	Local	Local	Local	Local
NW Quimby	Local	Local	Local	Local	Local	Local	Local
NW Pettygrove	Local	Local	Local	Local	Local	Local	Local
NW Overton	Local	Local	City Bikeway	Local	Local	Local	Local
NW Northrup	Local	Transit Access	Local	City Walkway	Local	Local	Community Main Street
NW Marshall	Local	Local	Local	Local	Local	Local	
NW Lovejoy	Traffic Access	Transit Access	City Bikeway	City Walkway		Major Emergency	Community Main Street
Waterfront			Bike and Ped Path	Bike and Ped Path			

3. Land Use Scenarios

The transportation analysis compared the transportation impacts of the proposed land use concepts with Metro's household and employment for the 2005 Base Year and the 2030 Forecast Year that were used for the Metro's Milwaukie LRT Project.

a. 2005 and 2030 Land Use Assumptions

Table 2 below summarizes the land use assumptions assumed in Metro's Milwaukie model for the study area, the City of Portland, and the Portland region. The allocation is based on an econometric model called Metroscope as well as an allocation of jobs and households agreed upon by the different jurisdictions. In 2005 the model indicates that there are about 1,800 households and 4,500 employees in the study area. By 2030 the model predicts a doubling of the number of employees and more than a tripling in the number of households.

Table 2. Land Use Model Projections.

	2005		2030		2030-2005	
	Households	Employment	Households	Employment	Households	Employment
North Pearl District	1,806	4,455	6,160	8,724	241%	96%
City	234,740	442,742	299,526	603,110	28%	36%
Region	766,849	1,031,982	1,134,069	1,691,874	48%	64%

The North Pearl Land Use Scenarios were developed by the Bureau of Planning and the Portland Office of Transportation. The scenarios were based upon technical evaluation of development capacity, forecast development trends to 2030, and community inputs. Two land use concepts evolved from the project's urban design charrette, held in November of 2007. Refer to Appendix C more information about the land use assumptions. The scenarios are included in Table 3 below, with households and employment numbers by TAZ. The land use scenarios focused on additional housing development in the study area.

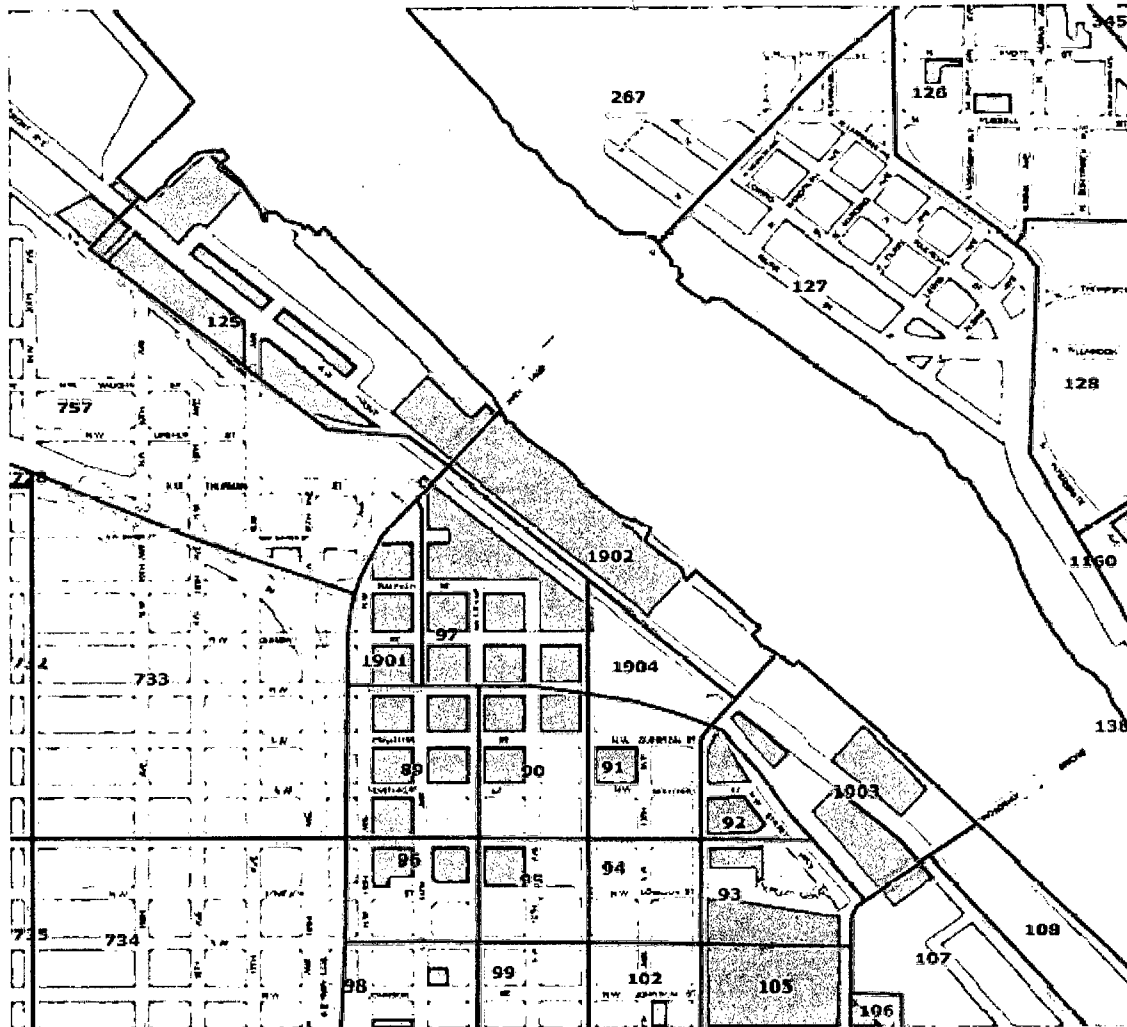
Table 3. Land Use Scenarios

TAZ	2030 Base		2030 Scenarios	
	Employment*	Households	Land Use 1 Households	Land Use 2 Households
89	604	929	890	1,027
1901	281	232	536	603
90	472	620	502	616
91	434	569	160	205
92	213	280	334	429
97	1,218	300	1,632	2,099
1902	1,096	270	1,527	1,527
1903	1,259	310	863	1,028
1904	487	120	0	0
125	1,164	570	1,575	1,575
96	432	574	574	574
95	336	436	436	436
94	329	431	431	431
93	399	519	519	519
Total	8,724	6,160	9,979	11,069

*Note: Employment remains unchanged for 2030 scenarios.

Map 2. Transportation Analysis Zones.

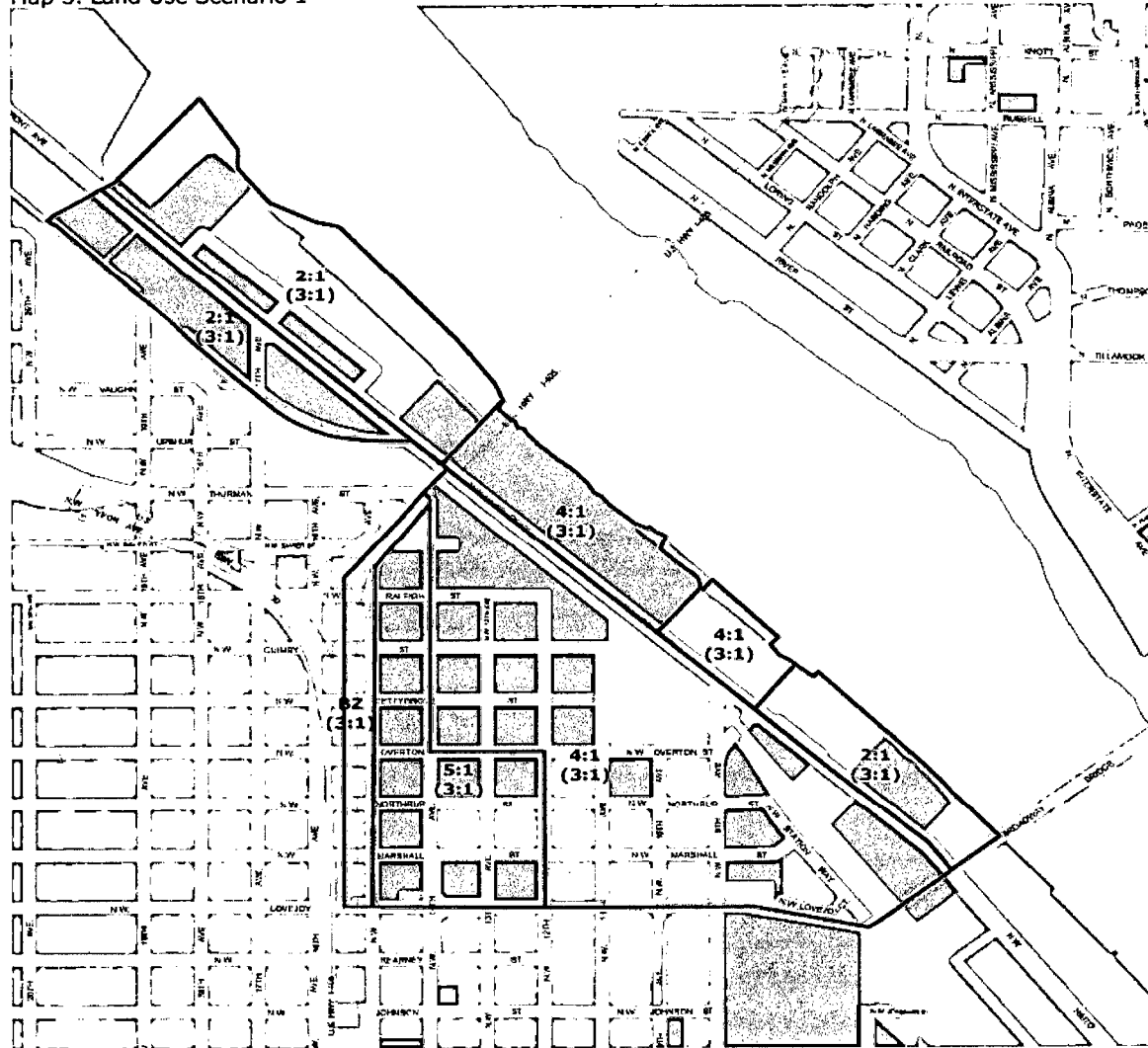
PDOT TAZs



b. Land Use Scenario 1

Land Use Scenario 1 would provide for a maximum 8:1 FAR, which would include a base FAR plus bonuses. Map 3 below shows the distribution of FAR in the study area by TAZ. The 8:1 scenario resulted in a total of about 10,000 households.

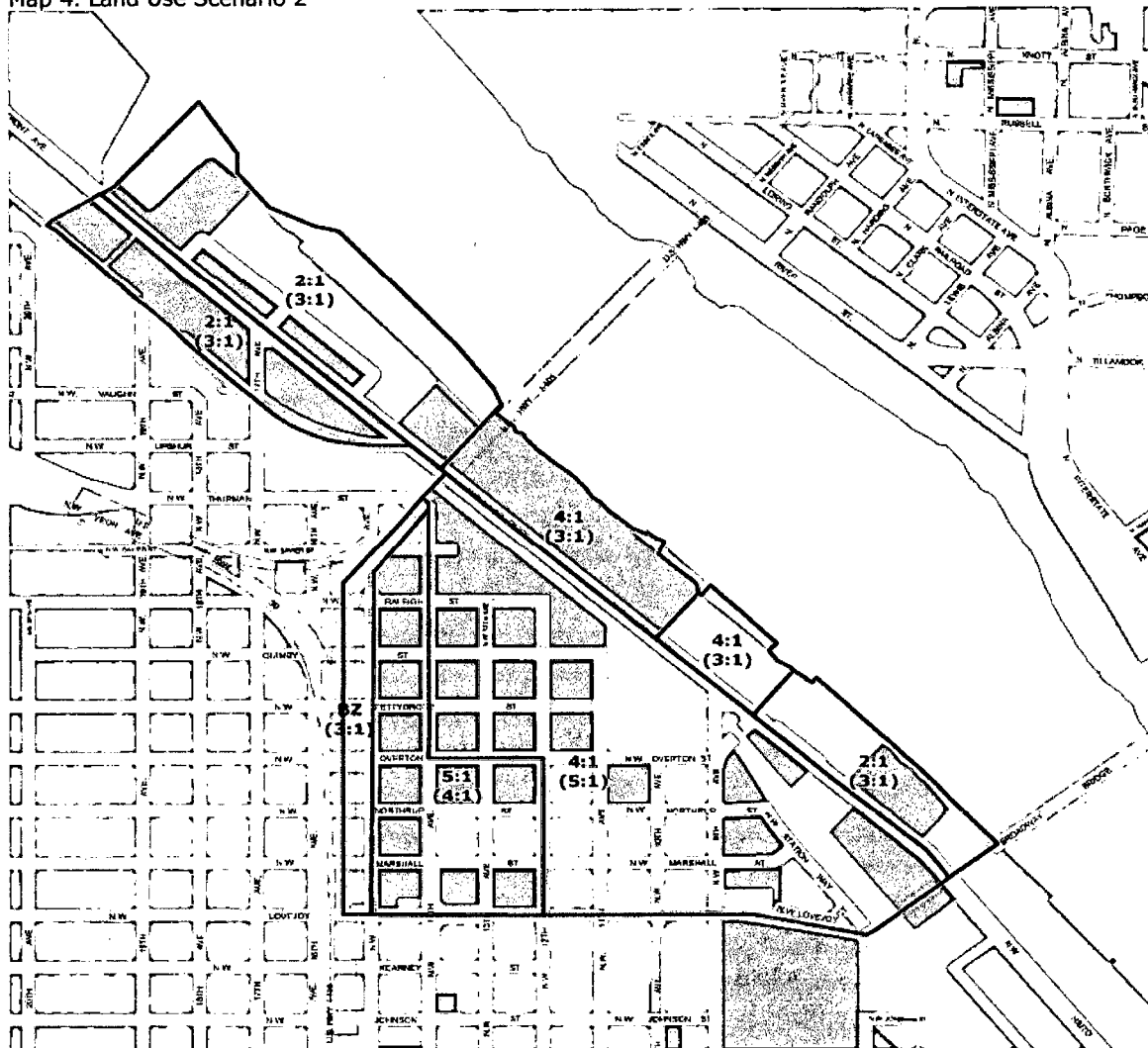
Map 3. Land Use Scenario 1



c. Land Use Scenario 2

Land Use Scenario 2 tested a 9:1 FAR scenario, again, using the bonus system to go beyond the base FAR. Map 4 below shows the distribution of FAR in the study area by TAZ.

Map 4. Land Use Scenario 2



4. Modeling Results

The information below summarizes the transportation results of the different land use scenarios, including the 2005 and 2030 Base scenarios which set the foundation for comparing land use changes.

a. 2005 and 2030 Land Use Base Transportation Analysis

Mode Split

Metro's Regional Forecasting Model includes a Travel Mode Model that distributes the travel demand by transportation modes. Table 4 shows the daily trips by different modes in 2005 and 2030. The 2030 forecasts over 200% increase in trips, with non auto trips showing the greatest increase, with transit, bike nearly tripling and walk trips almost quadrupling while auto trips will increase by approximately 180 percent.

Table 4: Daily Trips

	Auto		Transit		Bike		Walk		Total
	Trips	%	Trips	%	Trips	%	Trips	%	Trips
2005	19,108	74.6	2,581	10.1	540	2.1	3,382	13.2	25,611
2030	54,038	65.2	10,200	12.3	2,013	2.4	16,596	20.0	82,847
% Growth	183%		295%		272%		391%		223%

Table 5 shows the mode share for commute trips to different districts in 2005 and 2030. In the study area in 2005, only 17 percent of trips were by transit, reflecting the transition from industrial use to mixed use and the lack of transit service in the area. In 2030, the transit mode split increases to 26 percent. Despite the increase, the transit mode share in 2030 is significantly lower (26 percent) than the transit mode split for the area of the River District south of the study area (40 percent).

Table 5. 2005 MODE SPLIT FOR DAILY HBW ATTRACTIONS TO THE CENTRAL CITY (per person trips, includes all regional and inter-district trips)

2005	SOV		Transit		Bike		Walk		HOV		TOTAL
District	Trips	%	Trips	%	Trips	%	Trips	%	Trips	%	Per Trips
CBD	61,894	52.7%	39,057	33.3%	2,818	2.4%	2,198	1.9%	11,464	9.8%	117,431
Albina	3,106	83.3%	284	7.6%	18	0.5%	14	0.4%	307	8.2%	3,729
Lloyd	21,303	71.4%	5,080	17.0%	319	1.1%	272	0.9%	2,871	9.6%	29,845
Central East Side	22,193	82.1%	2,144	7.9%	202	0.7%	206	0.8%	2,280	8.4%	27,025
North Macadam	8,002	85.4%	474	5.1%	47	0.5%	29	0.3%	814	8.7%	9,367
Goose Hollow	7,811	76.9%	1,148	11.3%	107	1.1%	253	2.5%	841	8.3%	10,161
River District*	15,595	60.2%	6,309	24.4%	598	2.3%	874	3.4%	2,528	9.8%	25,904
River District South*	11,979	58.7%	5,334	26.1%	477	2.3%	692	3.4%	1,942	9.5%	20,423
North Pearl*	3,616	66.0%	975	17.8%	121	2.2%	182	3.3%	586	10.7%	5,480
Central City Total	139,903	62.6%	54,497	24.4%	4,110	1.8%	3,845	1.7%	21,106	9.4%	223,461

NOTE: Intra-district trips are excluded

Table 6. 2030 MODE SPLIT FOR DAILY HBW ATTRACTIONS TO THE CENTRAL CITY (per person trips, includes all regional and inter-district trips)

2030	SOV		Transit		Bike		Walk		HOV		TOTAL
District	Trips	%	Trips	%	Trips	%	Trips	%	Trips	%	Per Trips
CBD	56,406	35.9%	75,126	47.9%	4,957	3.2%	6,058	3.9%	14,399	9.2%	156,945
Albina	3,658	77.8%	538	11.4%	32	0.7%	46	1.0%	426	9.1%	4,699
Lloyd	21,260	55.8%	11,687	30.6%	604	1.6%	504	1.3%	4,079	10.7%	38,135
Central East Side	24,916	68.2%	6,776	18.6%	491	1.3%	466	1.3%	3,871	10.6%	36,521
North Macadam	13,152	61.7%	4,622	21.7%	452	2.1%	201	0.9%	2,879	13.5%	21,306
Goose Hollow	6,207	47.1%	4,244	32.2%	393	3.0%	883	6.7%	1,457	11.1%	13,184
River District*	15,233	42.6%	13,207	36.9%	1,244	3.5%	2,596	7.3%	3,515	9.8%	35,794
River District South*	10,359	40.6%	10,281	40.3%	832	3.3%	1,634	6.4%	2,380	9.3%	25,486
North Pearl*	4,873	47.3%	2,926	28.4%	412	4.0%	962	9.3%	1,135	11.0%	10,308
Central City Total	140,834	45.9%	116,199	37.9%	8,172	2.7%	10,754	3.5%	30,626	10.0%	306,584

NOTE: Intra-district trips are excluded

*River District is a combination of River District South and North Pearl.

Origins and Destinations

Table 7 summarizes the anticipated growth in trips that originate and trips that are attracted to the North Pearl Study area.

Table 7. Origins and Destinations

	2005		2030		2030-2005 (O&D)	
	Origin	Destination	Origin	Destination	Total	Growth
North Pearl District	1,305	870	3,831	3,683	5,340	245%

The results of growth in the Portland region, City of Portland and within the North Pearl area include increase vehicle traffic. Table 8 summarizes the traffic growth along screen-lines that border the study area.

Table 8. Network screen-line traffic growth (PM peak 2-hours)

	Line 1		Line 2		Line 3	
	Outbound/EB	Inbound/WB	Outbound/SB	Inbound/NB	Outbound/WB	Inbound/EB
2005	5,410	3,750	4,040	4,650	3,050	2,820
2030	6,060	5,480	6,540	6,600	4,290	4,870
Growth	650	1,730	2,500	1,950	1,240	2,050
	12%	46%	62%	42%	41%	73%

Line 1 – Broadway and Steel Bridges

Line 2 – S/ Lovejoy from Naito PKWY to 16th Ave.Line 3 – w/ 16th St. from Front to Lovejoy

Table 9 shows the top five districts with the highest traffic origin and destination patterns in the study area, from 23 districts region-wide. These areas are the downtown, the Northwest district, the River district south of the study area, Northeast Portland and Beaverton/Hillsboro. Compared to other districts, these districts (except for Beaverton/Hillsboro) are relative very small areas. This indicates a concentration of close-in traffic.

Table 9. Origin and Destinations by District

2005			2030		
Area	Volume	%	Area	Volume	%
Downtown	2,500	13	Downtown	8,700	16
NW District	2,100	11	NW District	700	13
Beaverton/Hillsboro	1,800	9	River District	6,600	13
NE Portland	1,800	9	Beaverton/Hillsboro	4,700	8
River District	1,600	8	NE Portland	4,200	8

Table 10 shows that the North Pearl Study area traffic uses mainly three routes to access other areas of the City and region. The three routes are: NW 16th Ave. and NW 14th Ave. couplet, the Broadway Bridge, and NW Naito Parkway. In 2005 the three routes carry about 62 percent of district's total in-out PM peak 2-hour traffic. The model estimates that in 2030 the traffic could reach 71 percent. The district traffic would take a larger share of the total traffic on those portal streets and occupy more percentage of their total capacity. Of the three main access routes, only the traffic on NW 14th and 16th is mainly freeway bound traffic. For example, about 80% of the traffic on NW 14/16th Ave. is coming from or going to I-405, while only about 29% of the Broadway Bridge traffic was connecting to I-5/I-84.

Table 10.

		District related Volumes	% of the district traffic	% of the link total traffic
2005	NW 16 th & 14 th n/ Glisan	545	25.1%	20.6% SB 18.3% NB
	Broadway bridge	484	22.3%	9.5% EB 7.0% WB
	NW Naito PKWY s/ Broadway	316	14.5%	7.4% SB 7.4% NB
2030	NW 16 th & 14 th n/ Glisan	1282	24.0%	36.2% SB 46.5% NB
	Broadway bridge	1289	24.1%	16.2% EB 20.4% WB
	NW Naito PKWY s/ Broadway	1201	22.5%	36.2% SB 29.3% NB

Through traffic impact to the district

According to the City of Portland's Transportation System Plan's traffic street classifications, only NW 14th and 16th couplet streets and Broadway Bridge within the district are Major City Traffic Streets. Naito Pkwy, NW Lovejoy St., NW Overton St, and NW 9th St. are Traffic Access Streets, intended for trips beginning and ending in the River District (and discouraging through trips). The 2005 model estimates that about three-fourths of the total traffic within the district boundary are through traffic (meaning outside the study area). On the three main access route links, the through traffic accounts for 80 to 93 percent. In 2030, the percentage of the through traffic on the district streets would be reduced to 60 percent as local traffic increases.

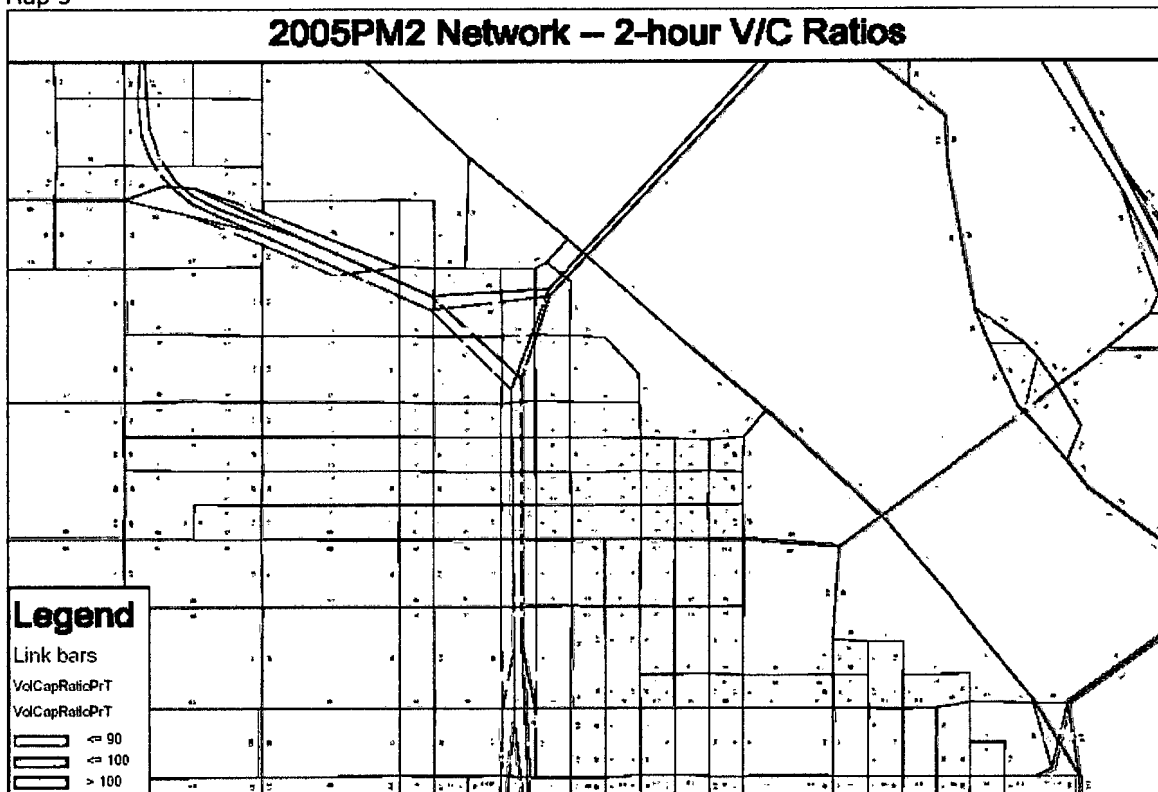
Congested segment links

The 2030 Base will result in over 7,500 trips to and from the district, with 33,800 auto trips on the district's street network. As such, the majority of trips would be external to the study area. Total vehicle miles in the study area are over 10,400, with about 2,800 vehicle-miles being under congested conditions, or about 27 percent. As a comparison, in 2005 only one percent of vehicle-miles were congested, and the district generated only 2,100 trips.

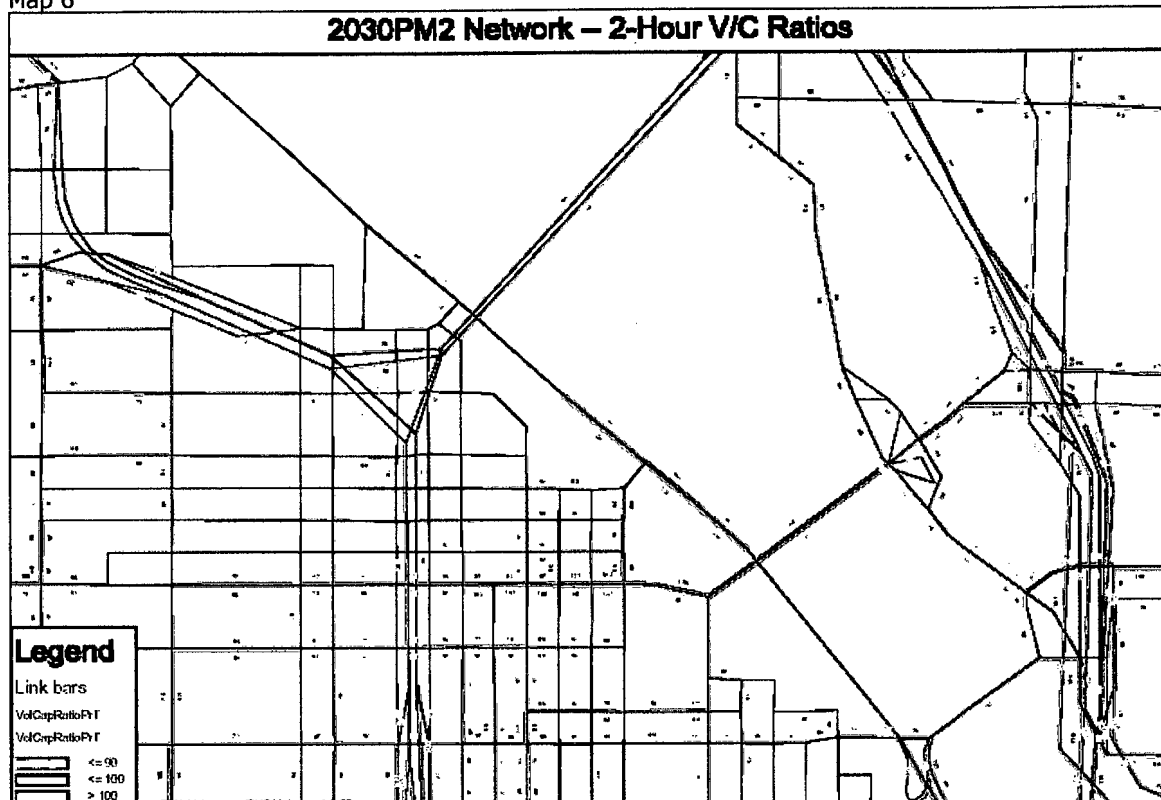
Volume to Capacity Ratios

Map 5 and 6 show the volume to capacity ratios for 2005 the 2030 Base. Generally speaking, volume to capacity ratios (v/c ratio) higher or equal to 1 indicates congestion as auto demand meets and exceeds the link's capacity to handle traffic. In 2030, NW Lovejoy St. would become increasingly more congested, with congested links eastbound extending from the Broadway Bridge to NW 14th St. The area of highest congestion would be the intersection of NW Lovejoy St and NW 9th St. and the Broadway Bridge ramp, with v/c ratios of 1.31 eastbound and 1.23 westbound. Naito Parkway at NW 9th Avenue also shows congested links, with v/c ratios ranging from 1.01 to 1.05. As a comparison, in 2005 only one link was over capacity, eastbound at the intersection of NW Lovejoy St and NW 9th St, at the end of the Broadway ramp.

Map 5



Map 6



NW Lovejoy Street between NW 9th Ave. and NW 16th Ave.

The section of NW Lovejoy St. in the study area is classified as a Traffic Access Street under the City's TSP, functioning as the east-west portal to the district. Currently, it is a two-lane street, one for each direction, with short intersection distance, heavy pedestrian flow, and parking on both sides. Retail stores are located along the street.

PDOT used a Synchro model to analyze traffic operation conditions along the corridor. The existing traffic demands of the model are from balanced field counts at the intersections, and links, and the future demands are derived from adding the growth volumes projected by the City's North Pearl District macro model. The results from the Synchro model are listed in Table 11.

At three intersections NW Lovejoy shows LOS F, at NW 9th, NW 10th and NW 15th in 2030 under the 2030 Base Case.

Table 11.

	LOS					95 th Queue (ft)*	
	Intersections		Movement			EB	WB
	LOS	Delay(s)	LOS	Delay(s)	Move.		
2005PM2							
Lovejoy @ 9th	C	31.8	E	61.9	SBL	535	230
Lovejoy @ 10th	B	13.2	B	16.0	EBT	385	45
Lovejoy @ 11th	B	12.1	B	16.5	SBT	370	235
Lovejoy @ 12th	A	8.8	C	21.7	SBL	10	65
Lovejoy @ 13th	A	5.6	B	14.9	NBL	55	165
Lovejoy @ 14th	B	13.1	C	26.4	NBT	35	120
Lovejoy @ 15th	A	1.6	C	16.5	SBT		
Lovejoy @ 16th	B	15.9	B	18	SBT	230	249
2030PM2							
Lovejoy @ 9th	F	105.8	F	187.8	SBL	M#640	#665
Lovejoy @ 10th	E	78.2	F	225.1	NBT	M455	M30
Lovejoy @ 11th	C	30.4	D	44.7	SBT	460	M285
Lovejoy @ 12th	B	19	D	51.5	SB	300	150
Lovejoy @ 13th	A	8.5	B	14.7	NB	50	170
Lovejoy @ 14th	B	13.7	C	26.6	NB	90	120
Lovejoy @ 15th	D	12	F	59.3	SB		
Lovejoy @ 16th	C	20.1	C	26	WB	305	#335

* 95th Queue Length = the longest queue among all movements from an approach link

b. 2030 Land Use Scenario 1 Transportation Analysis

Congested segment links

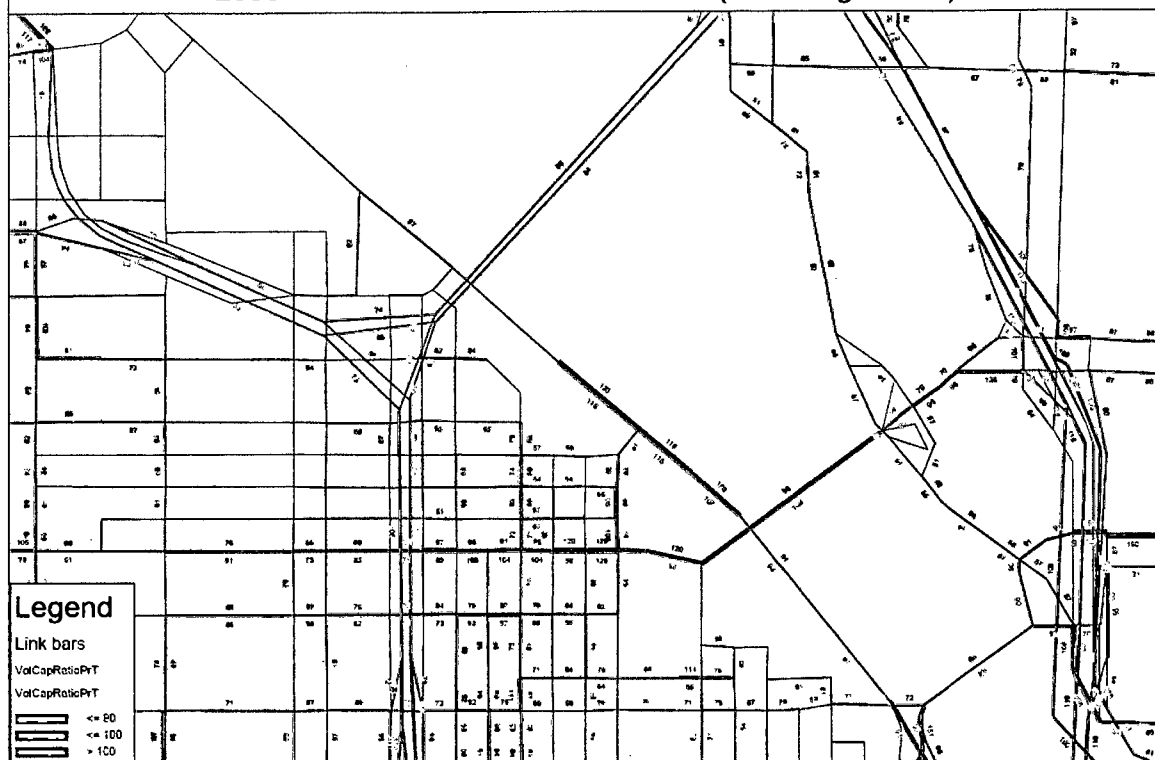
The 2030 Land Use 1 could result in about 11,000 trips from and to the district. This represents a 45 percent over the 2030 base. This scenario could result in approximately 30 percent of the links with a volume to capacity ratio equal or higher than 1.0.

Volume to Capacity Ratios

Map 7 shows volume to capacity ratios for 2030 Land Use Scenario 1. The link at NW Lovejoy St at NW 9th remains significantly congested, with a volume to capacity of 1.28 and congestion spreading to NW 14th St. As land uses intensify in the areas north of Lovejoy and particularly north of NW Naito, there is forecasted additional demand on NW Naito Parkway and NW 9th St. Volume to capacity ratios at NW 9th and NW Lovejoy (southbound) increase to 1.08 from the 2030 Base (v/c of 0.95) and v/c ratios at Naito Parkway at and near NW 9th increase significantly, ranging from 1.02 to 1.22. Auto volumes increase by about 100 additional trips at NW 9th St (southbound) and by 200 on Naito Parkway from the 2030 Base.

Map 7

2030PM2 Network -- Link V/C Ratios (Rezoning - Alt. 1)



c. 2030 Land Use Scenario 2 Transportation Analysis

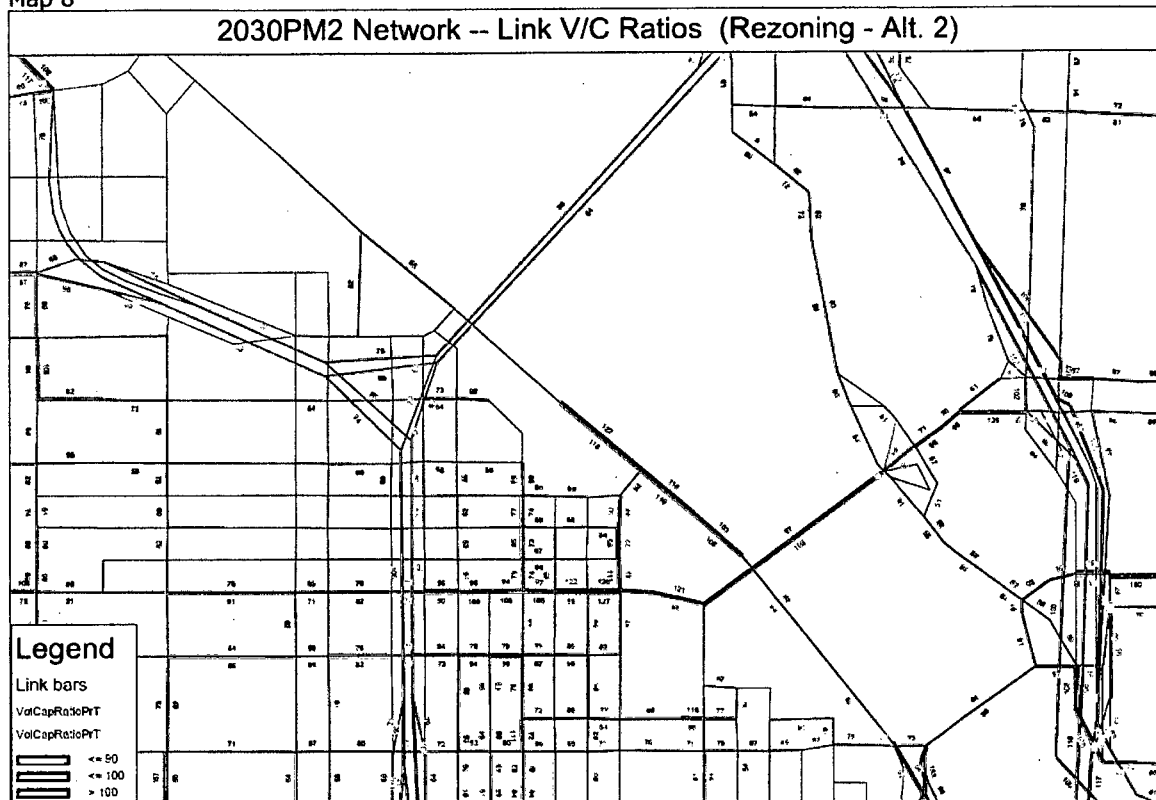
Congested segment links

The 2030 Land Use 1 could result in close to 12,000 trips from and to the district. This represents a 55 percent increase to the 2030 Base. This scenario could result in approximately 30 percent of the links with a volume to capacity ratio equal or higher than 1.0

Volume to Capacity Ratios

Map 8 shows volume to capacity ratios for 2030 Land Use Scenario 2. The link at NW Lovejoy St at NW 9th remains significantly congested, with a volume to capacity of 1.27 and congestion spreading to NW 14th St. As with Land Use Scenario 1, this scenario results in an intensification of land uses in the areas north of NW Lovejoy and particularly north of NW Naito, resulting in additional demand on NW Naito Parkway and NW 9th St. Volume to capacity ratios at NW 9th and NW Lovejoy (southbound) increase to 1.11 and from NW Marshall St to NW Overton St reach the 0.9-1.0 range. V/c ratios at Naito Parkway at and near NW 9th increase significantly, ranging from 1.03 to 1.23. Auto volumes increase by about 150 additional trips at NW 9th St (southbound) and by 250-300 on NW Naito Parkway from the 2030 Base.

Map 8



5. Land Use and Transportation Mitigation

The analysis of the land use scenarios above reveal that even in the 2030 Base case there is significant congestion on much of the study area's links, primarily due to non-local or through traffic. As the area redevelops, the percentage of congested links increases from 2005 to 2030, going from one percent to 27 percent of the study area's street network. NW Lovejoy St. becomes increasingly congested under the 2030 Base case, and under Land Use Scenarios 1 and 2 congestion extends northward along NW 9th and Naito Parkway. The auto demands for those links under each scenario in the mentioned links are significantly higher than the capacity of the links to accommodate the additional demand. The result is heavy congested portals at the eastern end of the district, with congestion on NW Lovejoy St extending westward.

a. Transportation Mitigation Options

In reaction to the forecasted v/c ratios exceeding 1.0 as identified in the 2030 Base and Land Use 1 and 2 scenarios, two transportation scenarios were introduced to mitigate traffic impacts. They included:

- **Couplet Concept.** A couplet system from NW 16th to NW 10th, using NW Lovejoy St. one-way eastbound and NW Northup St. one-way westbound. This concept allows for operational capacity improvements (as with two lanes generally provide for more traffic throughput) to relieve future traffic on NW Lovejoy. The couplet's added operational capacity is not expected to shift trips from transit to the automobile, as the actual number of lanes in the district remains unchanged and portal capacity (in and out of the district) remains unchanged. Furthermore, the capacity improvements also help transit operations on NW Lovejoy St., including the Portland Streetcar.

- **Transportation Demand Management.** As indicated above, there is a significant difference in transit use between the study area and the area of the River District south of NW Lovejoy St. The project's urban development framework and the plan calls for an extension of the character of the Pearl District northward, with mixed use development at higher densities than current uses. As such, the plan expects that transit service is significantly improved as redevelopment occurs. This scenario assumes that the transit mode split in the area north of NW Lovejoy St for commute trips will be equal to the rest of the Pearl District, with about 40 percent of trips by transit (see the implementation section below for actions that help achieve this mode split level). This leads to a reduction of traffic on the street network. The plan includes action items to achieve this goal.

b. Land Use Mitigation Options.

In addition to the transportation mitigation options, a new land use scenario was developed. Land Use Scenario 3 that maintains the FAR increase to 9:1 south of the railroad and offers no change from the 2030 Base north of the railroad tracks. This is achieved by using a combination of the 2030 Base north of Naito Parkway and Land Use 2 south of the railroad tracks. This scenario could result in an increase of 8,209 households. Table 12 compares the three alternatives.

Table 12. Land Use

TAZ	2030 Base		2030 Scenarios		
	Employment*	Households	Land Use 1 Households	Land Use 2 Households	Land Use 3 Households
89	604	929	890	1,027	1,027
1901	281	232	536	603	603
90	472	620	502	616	616
91	434	569	160	205	205
92	213	280	334	429	429
97	1,218	300	1,632	2,099	2,099
1902	1,096	270	1,527	1,527	270
1903	1,259	310	863	1,028	310
1904	487	120	0	0	120
125	1,164	570	1,575	1,575	570
96	432	574	574	574	574
95	336	436	436	436	436
94	329	431	431	431	431
93	399	519	519	519	519
Total	8,724	6,160	9,979	11,069	8,209

*Note: Employment remains unchanged for 2030 scenarios.

6. Alternatives analysis

a. Traffic and Land Use Alternatives Analysis

Table 13 summarizes the three land use scenarios including the summary traffic indicators.

Table 13

Land Use	2005 Base	2030							
		Base	Alternatives						
			Base + Couplet	Land Use 1	Land Use 2	Couplet + Land Use 1	Couplet + Land Use 2	Couplet + Land Use 1 + TDM ⁵	Couplet + Land Use 3+TDM ^{5,6}
Households	1,810	6,160	6,160	9,980	11,070	9,980	11,070	9,980	8,210
Employment	4,460	8,720	8,720	8,720	8,720	8,720	8,720	8,720	8,720
District Veh PM2 Demand									
Total Trips to/from district ¹	2,200	7,500	n/c	10,900	11,700	10,900	11,700	8,800	7,600
Average link traffic ²	410	680	670	790	820	780	800	730	670
cutline total traffic ³	23,700	33,800	33,500	36,800	37,400	35,700	36,300	34,200	33,500
District Link Traffic									
total vehicle- miles	6,900	10,400	10,400	11,900	12,000	11,900	12,100	11,200	10,500
congested vehicle-miles ⁴	70	2,780	350	3,570	3,610	3,250	3,350	2,940	2,090
% of congested links	1%	27%	3%	30%	30%	27%	28%	26%	20%

1. District defined as above.

2. Links included in district area.

3. Cutlines included the area just west of I-405, the area just south of NW Lovejoy St and the Broadway Bridge

4. Congested links defined as link v/c \geq 1.0

5. TDM assumes PM2 40% of total district trips use transit with couplet network

6. Also referred as "recommended concept."

Note: Numbers are rounded.

a. 2030 Base + Couplet

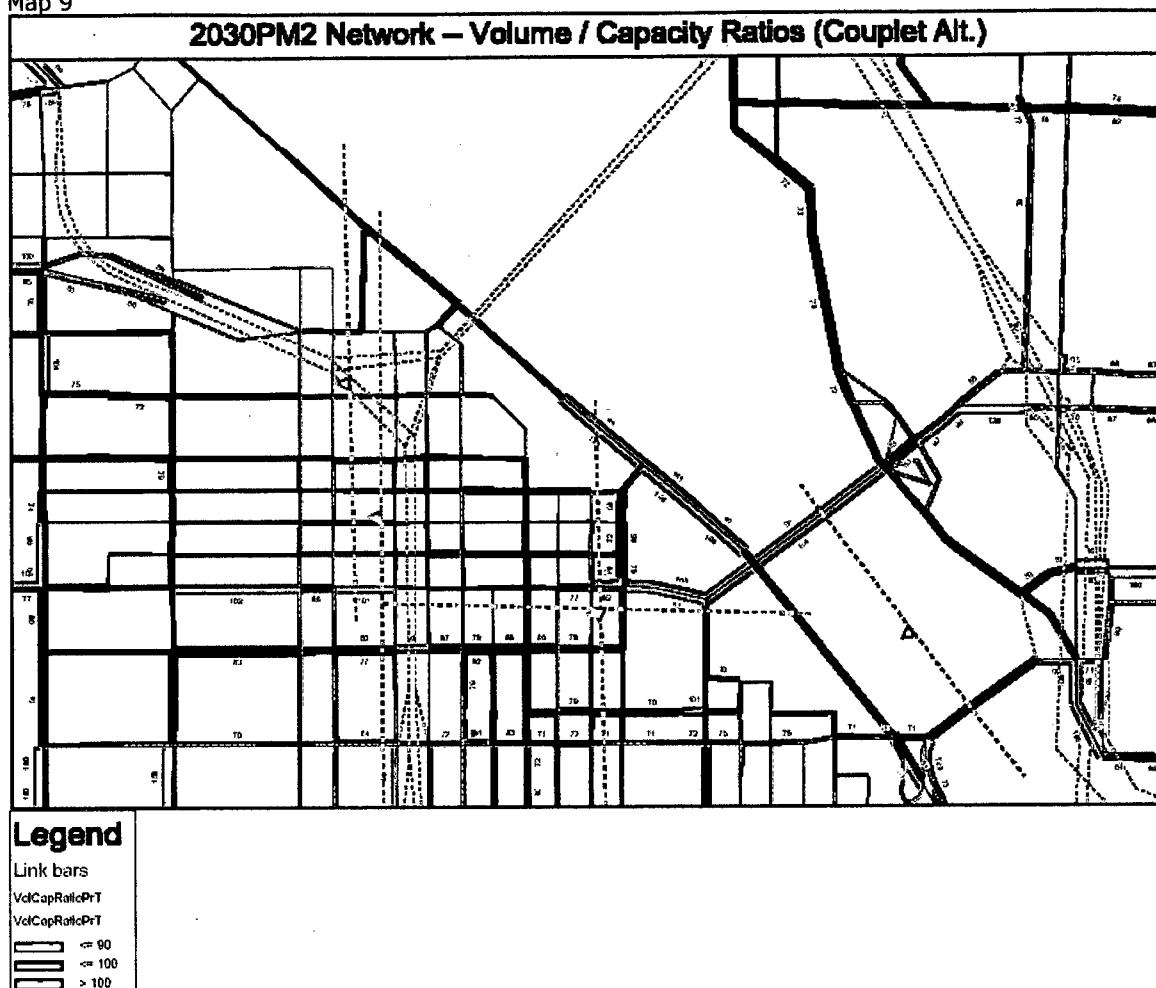
Congested segment links

Compared to the 2030 Base, the 2030 Base + Couplet scenario could result in the same number of total trips to and from the district, and about 33,500 auto trips on the district's street network. As such, the majority of trips will be external to the study area. Total vehicle miles in the study area are over 10,400, like the 2030 Base, but with about significantly fewer vehicle-miles being under congested conditions, 351 vehicle-miles, or about 3 percent.

Volume to Capacity Ratios

Map 9 shows volume to capacity ratios for the 2030 Base + Couplet scenario. As can be seen, in 2030 the congestion on NW Lovejoy St. is greatly decreased with the couplet, with only the block eastbound between NW 9th St. and NW 10th St. congested and the bridge ramp, with a v/c ratio of 1.04. Naito Parkway at NW 9th Avenue also shows congested links of about the same magnitude as the 2030 Base. As a result of the couplet, NW Lovejoy St. becomes congested west of I-405 and at NW Vaughn/NW 23rd/I-405 ramp. This is analyzed further in a subsequent section.

Map 9



b. Couplet with Land Use 1 and TDM

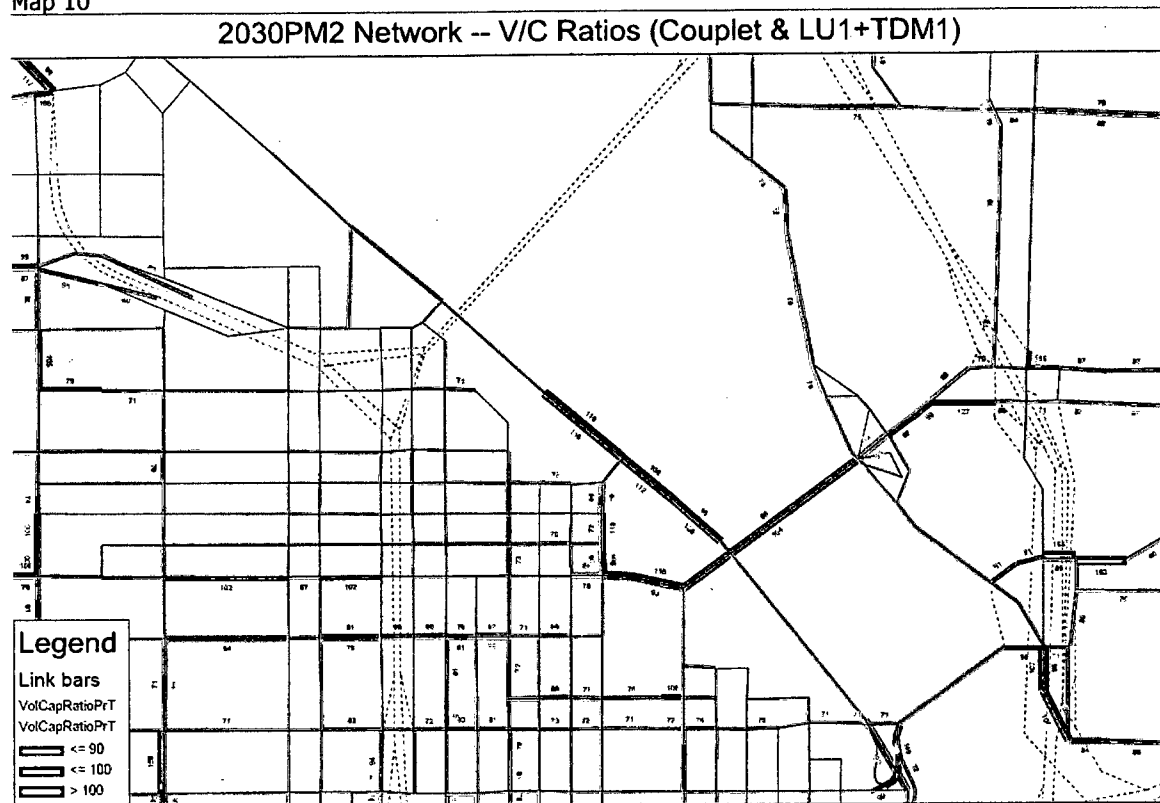
This scenario tested a land use concept, about 8:1 FAR in the study area. This translated in over 11,000 households, or 80 percent over the 2030 base case. It also relied on transportation demand management strategies (increase transit service, less allowable parking) to encourage alternative modes of transportation and decrease the traffic impact in the study area.

Model results indicate that, while the total number of trips from and to the study area decreased from almost 11,000 to about 8,900, the cutline traffic was over 34,000, which was about 1 percent higher than the 2030 Base. In terms of percentage of congested links, the scenario had almost 3,000 congested vehicle-miles, or 26 percent of total vehicle-miles- or 5.5 percent increase over the 2030 base.

Volume to Capacity Ratios

In terms of volume to capacity ratios, Map 10 shows that congestion levels remained high in the corridor from the Broadway ramp, to NW 9th north of NW Lovejoy St. to the intersection of Naito Parkway and NW 9th Ave. Naito Parkway experiences the highest congestion levels, with 1.19 and 1.16 north of NW 9th. NW 9th at NW Lovejoy St. shows congestion levels between 1.06 and 1.13. The Broadway ramp continues to be over capacity, with a v/c of 1.15.

Map 10



Intersection level analysis at Naito/NW 9th Avenue and NW 9th Avenue at NW Lovejoy Street.

Additional analysis was performed using intersection level analysis. Results indicated that there is capacity at Naito in the present street configuration to handle additional traffic. However, the future street configuration of Naito is yet to be determined.

While Naito is wide, with about 87 feet of right-of-way, it is possible that street capacity may be reduced as a result of future improvements on Naito. PDOT recommends that FAR increases not be granted until the future street classification and street design of Naito are determined, which will be examined as part of the Central Portland Plan.

The City's transportation model indicates that 20 percent of trips generated north of the railroad tracks head to NW 9th and NW Lovejoy. PDOT estimates that adding FAR increases over the 38-acre area north of the railroad tracks would lead to increases in traffic on NW 9th Avenue headed to NW Lovejoy and the Broadway Bridge.

Intersection level analysis showed significant congestion at NW 9th Avenue at NW Lovejoy St. The intersection in 2030 would perform at a LOS F (failing to meet City standards, see table 11 above) even without the recommended land use changes. There are more trips heading south on NW 9th (and particularly making a left turn onto the Broadway Bridge) than the intersection's ability to clear them. As a result, cars queue, eventually blocking additional streets (NW Marshall eastbound, NW 10th northbound and NW Lovejoy east and westbound), leading to gridlock in this critical portal to the River District.

To address the congestion issues in the Lovejoy corridor and NW 9th, PDOT recommends that land use changes do not add additional trips to the southbound NW 9th Avenue.

c. Land Use Scenario 3 with TDM Strategies and Couplet

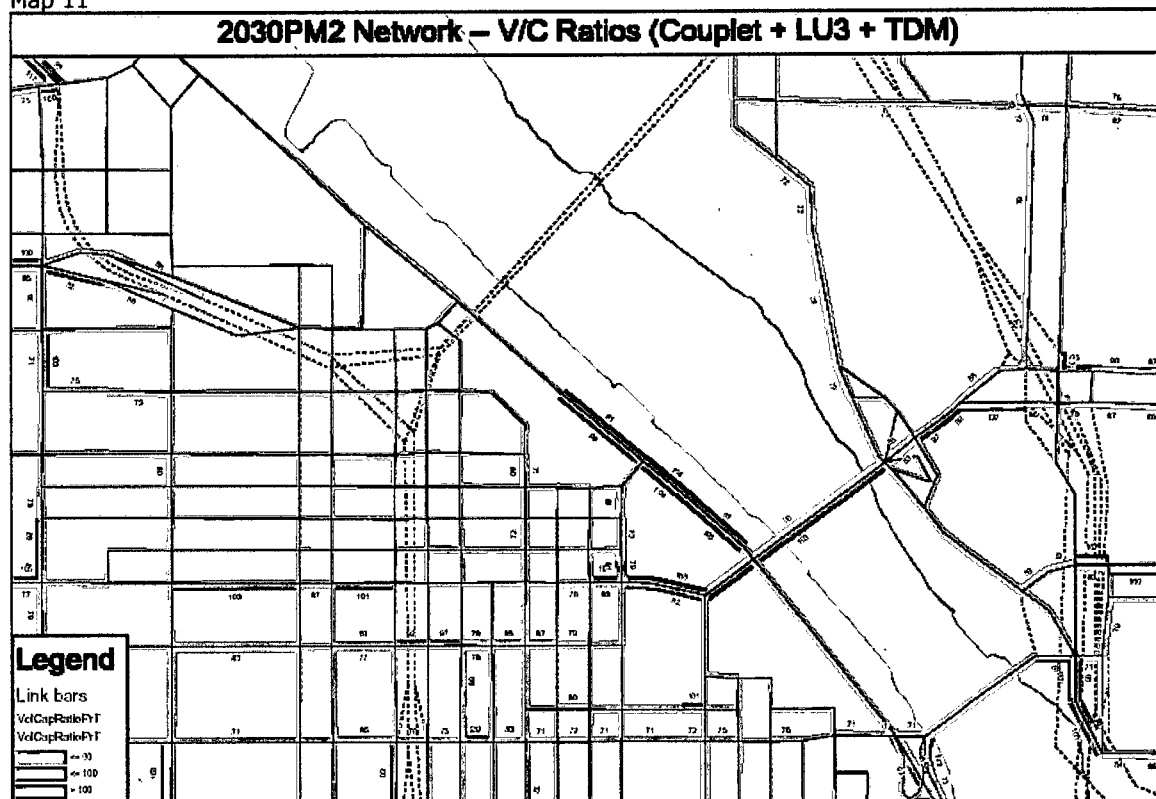
Land Use 3 with TDM strategies and the couplet increases households in the area to about 8,200. It represents a maximum FAR of 9:1 south of the railroad tracks and no FAR increase north of the tracks. Due to a shift to transit, total trips to and from the area remain very similar to the 2030 Base case, with 7,500 trips (a change of less than one percent). Total traffic in the study area's street network is 33,500, below the 2030 Base case (a decrease of about one percent).

The area experiences about 10,500 total vehicle-miles, only about 110 additional vehicle-miles from the 2030 Base. The scenario shows 2,094 congested vehicle-miles, or 20 percent of total vehicle-miles. This is an improvement over the 2030 Base.

Volume to Capacity Ratios

In terms of v/c ratios, the recommended concept shows v/c ratios and traffic volumes very similar to the 2030 Base case with couplet along NW Lovejoy St and like the 2030 Base case along NW 9th St and Naito Parkway. As such it does not worsen the situation in the NW 9th St-Naito Parkway corridor while greatly improving NW Lovejoy St over the 2030 Base. Map 11 shows the v/c ratios for this alternative.

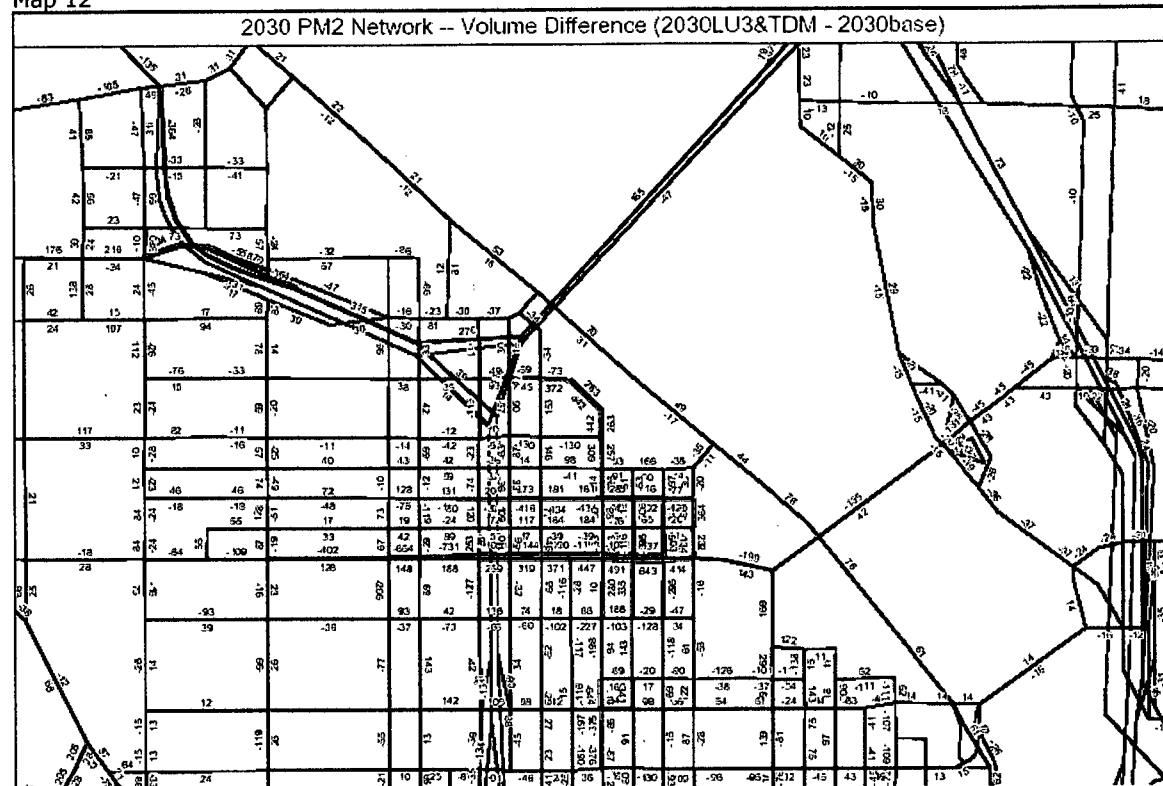
Map 11



7. System wide Traffic Impacts

Map 12 shows the volume difference between this scenario and the 2030 Base case.

Map 12



Based upon the analysis above, the Land use scenario 3 with TDM Strategies and the Lovejoy-Northrup Couplet is recommended as the preferred option for the North Pearl District Plan.

The following are the findings for this recommended scenario.

a. Transportation Planning Rule Compliance

Impacts on the I-405 Freeway ramps connecting the River District are negligible, with about 35 additional trips for the I-405/NW Glisan St. off ramp and 90 fewer trips for the on-ramp. For the I-405 off ramp at NW Everett St, the model shows no significant change, with about 10 additional trips. All ramps mentioned have sufficient storage capacity to handle the impact of the Recommended Concept, based on the Synchro analysis for the 2030 Base (see Appendix A). About 70 trips are added on I-405 off ramp/NW Vaughn/NW 23rd intersection and about 20 additional trips at the NW Nicolai I-30 off ramp in the 2 hour PM peak period. The added trips do not originate or terminate in the study area. Therefore, PDOT finds that there is no significant effect on ODOT's transportation facilities as a result of the Plan's recommendations. The following section addresses these issues.

b. Redistribution of trips to and from Northwest Portland

Due to the forecasted growth in the Portland region, and very little infrastructure investments in the freeway and arterial system, the overall traffic system is congested. The proposed couplet system redistributes trips to and from the Northwest District based on the regional transportation model. Additionally, the couplet also affects NW Lovejoy St. west of I-405, leading to congested segments between NW 18th St and NW 16th eastbound.

Below are the key impacts.

Traffic from River District to Northwest District. PDOT analyzed the difference in traffic between the 2030 Base case and the recommended concept to estimate traffic impacts to the Northwest district. Using a cutline analysis (which measured along the west of I-405 from south Naito Parkway to NW Burnside, without including freeway links), the model indicates that the recommended concept results in a net decrease of traffic from the 2030 base, with about 700 fewer trips, from 13,900 trips in the PM peak 2 hour to 13,200 trips.

- **NW Lovejoy St. at NW 16th and NW 18th St.**

The operational improvement of the couplet improves the travel time on NW Lovejoy in the Pearl District by about 40+/- seconds eastbound from NW 16th to NW Broadway during the PM peak. This draws more trips from the Northwest district to the study area headed east, resulting in some links reaching congestion level in NW Lovejoy St. west of I-405. The volume increase is very similar with or without land use changes in the study area. As can be seen in table 14, the couplet results in about 11 to 18 percent more traffic on NW Lovejoy St. over the 2030 Base, resulting in about 100 to 200 additional vehicles in the two hour pm peak period.

Table 14

	Lovejoy @ NW 16th		Lovejoy @ NW 18th	
	Volume	% Increase from Base	Volume	% Increase from Base
2030 Base	1,026	N/A	1,104	N/A
2030 Base with Couplet	1,207	18%	1,223	11%
Recommended Concept	1,215	18%	1,232	12%

Note: Recommended concept includes TDM strategies, Land Use scenario 3 and the couplet.

The Recommended Concept is very similar to the 2030 Base with the couplet. On NW Lovejoy at NW 18th, volumes are slightly higher, 1,232 (or 9 additional vehicles) for the two hour PM peak period. On NW Lovejoy at NW 16th St. volumes are slightly higher, with 1,215 or 8 additional vehicles. This indicates that the couplet is causing additional through trips from the northwest district onto NW Lovejoy St, not the land use changes proposed under the Recommended Concept.

Traffic using the I-30 off ramps

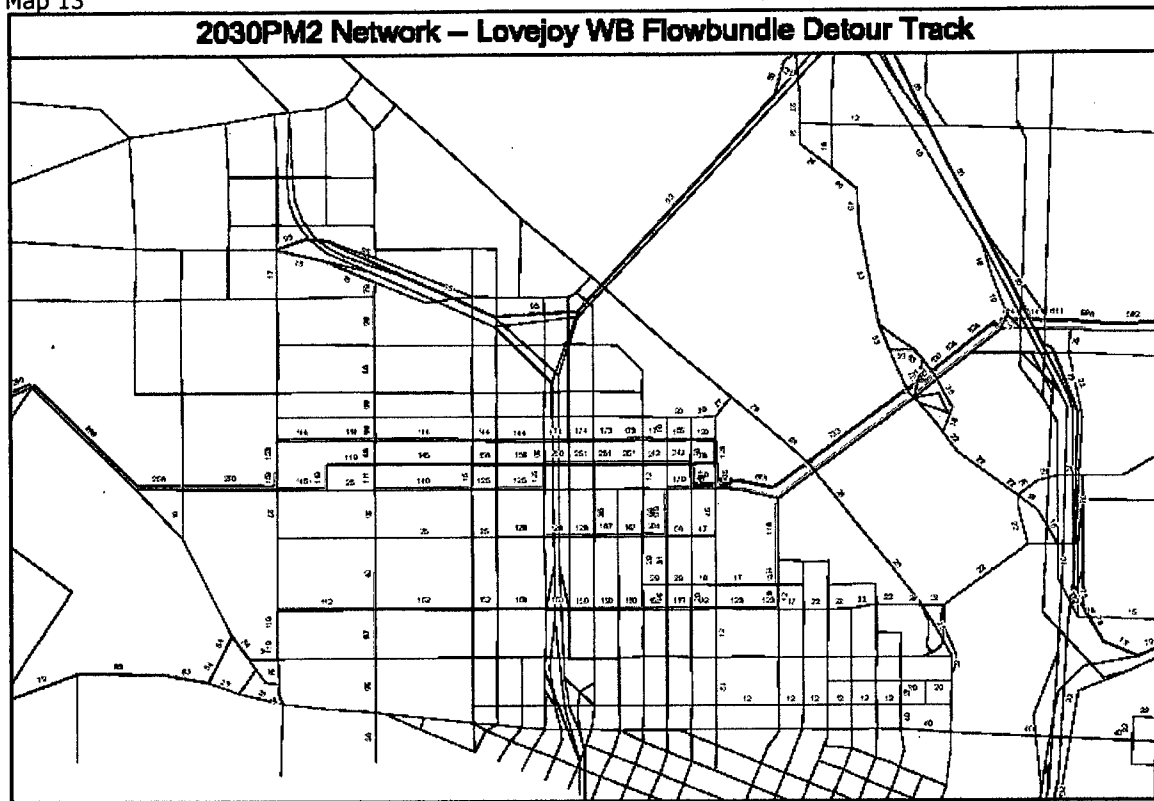
The recommended concept, as result of the couplet, shows a redistribution of through traffic compared to the 2030 Base without the couplet. Non-local River District traffic that previously relied on NW Lovejoy as a short-cut to the Northwest area and Northeast Portland, among others, redistributed on the freeway system, according to the forecast model. This affected the I-30 ramps in the Northwest District.

Select link analysis indicated that the great majority of diverted trips are local to the Northwest district that previously were on I-84 and exited at the Rose Quarter to use NW Lovejoy. Based on the transportation evaluation, these trips continue onto I-5/Fremont Bridget to access NW Portland. This redistribution of trips is consistent with Regional and City policy.

- **I-30 Off Ramp at NW Vaughn/NW 23rd**

The majority of the increased westbound traffic on I-30 off-ramp east of NW 23rd Ave in the Recommended Concept does not directly come from the westbound NW Lovejoy traffic in 2030PM2 base network. It is the ripple effect of the congested regional transportation system. Of the new cars at the link, about 100 are from the original Lovejoy westbound traffic (see map 13).

Map 13



The model indicates that travel westbound under the couplet (via NW Northup) adds marginal travel time (less than 20 seconds). This leads vehicles to divert and use the freeway system instead to NW 23rd into the Northwest District. Traffic from the I-30 off ramp disperses within the Northwest District, mainly via NW 21st. In real life conditions, this small level of delay may not be perceived by drivers. It is likely that the model is over estimating the traffic diversion.

From a policy perspective, NW Lovejoy St is designated a Traffic Access Street, intended to serve traffic from and to the River District and discourage through traffic. The recommended concept, by decreasing the amount of through traffic, is consistent with City policy.

Table 15 shows the impact of the couplet in redistributing traffic to the intersection. The volume increase at this off ramp is very similar with or without recommended land use changes in the study area. As can be seen, the couplet results in 19 percent more traffic at the ramp and about 13 percent on NW Vaughn St, or about 3,500 trips. Under the Recommended Concept, an additional 624 vehicles (about 21 percent), or 3,600 total vehicle trips use the intersection. This is an increase of 64 trips over the 2030 Base with the couplet. The model does not identify the I-30 ramp link as congested under any of the scenarios (V/C .92).

Table 15

	NW Vaughn @ NW23rd		I-30 off ramp at NW 23rd		I-30 off ramp at NW Nicolai	
	Volume	% Increase from Base	Volume	% Increase from Base	Volume	% Increase from Base
2030 Base	1,590	N/A	2,968	N/A	4,400	N/A
2030 Base with Couplet	1,793	13%	3,528	19%	4,021	-9%
Recommended Concept	1,800	13%	3,592	21%	4,036	-8%

Note: Recommended concept includes TDM strategies, Land Use scenario 3 and the couplet.

This indicates that the couplet is causing additional through trips from the northwest district onto NW Lovejoy St, not the land use changes proposed under the Recommended Concept.

- **I-30 off ramp at NW Nicolai**

In comparing traffic volume changes, the model shows that network changes lead to an increase in traffic at this ramp and a significant reduction of traffic using I-30 north of NW Vaughn, at the I-30 ramp at NW Nicolai. At that link, the recommended concept shows a decrease of 364 vehicles, or 8 percent below the 2030 Base.

Comparing the net changes on ODOT's I-30 ramps serving the Northwest District traffic, the recommended concept increases vehicle traffic by 260 vehicle trips, a 3.5 percent increase over the almost 7,400 vehicles using the two ramps in the 2 hour PM peak under the 2030 Base.

- **NW Vaughn at NW23rd**

The recommended concept increased the v/c ratio for one leg of the intersection to 1.0 (NW Vaughn westbound). It should be mentioned that while the model flags this link as congested, in reality the one block link would not be congested as the block has two lanes westbound (or double the assigned capacity in the model). At NW Vaughn St, the 2030 Base with couplet leads to a 13 percent increase in traffic, to 1,793. Under the Recommended Concept, traffic increases negligibly, by 7 trips over the 2030 with couplet.

- **Additional analysis using the NW Remand land use model assumptions**

As part of the transportation model developed for the NW Remand plan process, PDOT fine tuned the land use side of the transportation model in the areas west of I-405. This resulted in new, smaller TAZs than the ones used for the North Pearl District Plan, allowing for more precise analysis of transportation impacts. PDOT reran the North Pearl District Plan model using this new TAZ system. The new results showed a significantly smaller impact on the Vaughn and Nicolai I-30 ramps during the 2 hour PM period. The model calculated about 70 additional vehicles over the 2030 base case at the Vaughn/I-30 off ramp, about a two percent increase. On the Nicolai ramp, there was an increase of 20 trips, less than a one percent increase over the 2030 base case. As in the previous model run, the additional trips do not generate or terminate in study area.

8. Implementation of Recommended Concept

Appendix B below contains the transportation policy language for the North Pearl District Plan. Included are specific recommendations to achieve a mode split consistent with the transportation findings in this report. They include goals and action items that address the following:

- Increase non auto share of travel for commute trips in 2030 to 40 percent transit, 20 percent for pedestrian trips and 10 percent for bicycle trips.

- Initiation of a Transportation Management Association.
- Working with TriMet to increase transit service in the study area.
- Limiting parking ratios in the area in the zoning code to levels equal to the rest of the Pearl District.
- Improving the bicycle network and bicycle parking in the area.
- Improving pedestrian and bicycle connections in the area, including the creation of a green street and improved rail crossings.
- Limiting on-street parking to short term uses.
- Implementation of an operations plan to improve circulation in the Pearl district and implement the couplet concept.

Please refer to Appendix B for the actual policy language.

9. Conclusion

PDOT, after analyzing transportation impacts of different land use alternatives in the study area, considers that the Recommended Concept (using Land Use 3, the couplet, and TDM strategies) meets the needs of the project goals, is consistent with The Transportation System Plan and the Central City Transportation Management Plan in maintaining system wide capacity in the district, meeting street connectivity standards and increasing alternative mode split goals and transportation choices within as well as to and from the district. The project complies with the state's TSP and Transportation Planning Rule by reducing the amount of parking per capita and by not directly affecting regional facilities as a result of the proposed land use changes and transportation infrastructure and projects. The North Pearl District Plan contains policy directives and action items that implement the Recommended Concept.

Appendix

A. Traffic Operation Conditions

As described above, the majority vehicles on NW 14th and 16th Ave. are bounded for I-405. Most use the Everett ramps, and only very small percentage rely on the NW Glisan St ramps. According to PM peak model assignment, of 299 NW 16th SB traffic, 261 vehicles use I-405 SB Everett entry ramp heading to south, while 248 NW 14th NB traffic, 174 are from I-405 south.

All other freeway ramps spend a very small share of their capacity to serve the North Pearl District traffic, and the percentage of the district's traffic to total link traffic is less than 5 percent. It is determined that the impacts from the district traffic to those freeway facilities are not significant.

2005 PM Peak 2-Hour Freeway Ramp Usages of N Pearl traffic

	2005 conditions			Projected 2030 dist. Volumes
	District traffic	Total link volumes	%	
I-405 SB Everett entry	261	2139	12%	547
I-405 NB Everett Exit	174	2153	8%	674
I-405 NB Glisan Entry	28	937	3%	63
I-405 SB Glisan Exit	16	705	2%	44
I-5 SB Wheeler Entry	109	2780	4%	68
I-5 SB Vancouver Exit	30	1939	2%	99
I-5 NB Weidler Exit	52	2483	2%	32
I-405 EB Vaughn/23 rd Entry	6	2308	<1%	64
I-405 WB Vaughn/23 rd Exit	57	2577	2%	180

The State's Transportation Planning Rules (TPR) requires that local plans, including the North Pearl District Plan, do not significantly affect ODOT's regional facilities. Based on above data, the most likely traffic impacts of the North Pearl land use changes could only happen to the I-405 NB Everett exit ramp, with the possibility of northbound delay and spillback to block freeway flow on mainstream. I-405 NB off-ramp at the intersection of NW Everett St. and NW 14th Ave. is a 2-lane facility of about 470 feet in length. It merges with NW 14th Ave. at about 150 feet south of NW Everett Street and becomes a three-lane urban street before it reaches the intersection. There are no traffic control signs at the merge point on either freeway ramp or NW 14th Ave.

NW Everett St. between NW 14th Ave. and 16th Ave. was modeled using Synchro to evaluate the traffic operational conditions at freeway I-405 entry and exit ramps. The evaluation is based on the signal timing plan currently applied at the intersection. The results are shown in the table below.

	2005	2030
@ 14 th / Exit ramp		
Total approach volumes	1960	2275
Intersection LOS	B	B
Intersection delay (s)	10.4	11.2
NB movement total vol	1195	1290
NB total delay (s)	12.9	14.3
NB LOS	B	B

NB V/C ratio	0.58	0.63
NB 95 th Queue Length (ft)	143	167
@ 16 th / Entry ramp		
Total approach volumes	2350	2835
Intersection LOS	B	C
Intersection delay (s)	16.0	22.2
EB Approach total vol	1085	1265
EB total delay (s)	20.1	30.9
EB LOS	C	C
NB V/C ratio	0.80	0.93
NB 95 th Queue Length (ft)	248	370

The results indicate that under current 2030 land use plan, the impacted freeway ramps will operate at LOS C or better conditions during average weekday PM peak hours. No northbound exit traffic will be expected to spillback to the main stream of I-405 northbound lanes in 2030. So long as the land use changes resulting from the plan do not significantly increase volumes at this intersection, the plan should not affect ODOT's facilities.

B. North Pearl District Plan language

Transportation Policy

Create a transportation system that provides a full range of options for the movement of people, goods and services, supports livability and development of the area, and meets the sustainability goals of reducing gas emissions, energy consumption, environmental degradation and the reliance of the automobile.

Objectives

1. Achieve a mode split goal for commute trips for the year 2030 of at least 40 percent transit, 20 percent walking and 10 percent bicycle trips.
2. Provide for a safe and convenient access to transit.
3. Promote increased use of transit by residents, employees and visitors by increasing transit options and provide better transit coverage, quality and level of service.
4. Promote incentives and education to residents, employees and visitors to use non-auto means of travel.
5. Enhance main streets, green streets, pedestrian bridges and the streetcar alignment as key pedestrian corridors.
6. Support increased bicycle use in the district by providing better facilities from, to and within the district, such as an expanded bicycle network, parking and signage.
7. Preserve local circulation to meet the residential, commercial, cultural and social needs of the district.
8. Prohibit private-access only streets in the district.
9. Encourage the use of on-street parking for retail and visitor purposes and discourage it for commute parking.
10. Regulate off street parking policy to encourage alternative means of travel to the automobile.
11. Strive for the highest design standards for the public right-of-way as a space to accommodate all users and encourage public gatherings.

Action Chart: Transportation

No.	Action	Timeline				Implementers
		Adopt with Plan	On-Going	Next 5 Years	6 to 20 Years	
PROJECTS						
T1	<u>Update modal target for Study area:</u> For commute trips to the area, establish targets for non auto modes of transportation for the year 2030 Transit trips: 40 percent Walk trips: 20 percent Bicycle trips: 10 percent	✓				PDOT, Planning
T2	<u>Transit improvements:</u> Work with TriMet to explore expanding bus service to the area, including Centennial Mills.		✓			PDOT, TriMet

No.	Action	Timeline				Implementers
		Adopt with Plan	On-Going	Next 5 Years	6 to 20 Years	
PROJECTS						
T3	<u>Long range transit improvements:</u> Explore new rail connections as part of Central Portland Plan and Portland Streetcar System Plan.			✓		PDOT, Planning, TriMet
T4	<u>Create Transportation Management Association (TMA):</u> Encourage employers, employees, residents and visitors to use alternative modes of transportation to reach a 10 percent reduction in auto trips.			✓		PDOT, Private sector
T5	<u>Pedestrian/bicycle bridges:</u> Build connections across railroad tracks and Naito via pedestrian and bicycle bridges, one over Fields Park and tracks (extension of the Boardwalk) and one from NW Marshall across railroad tracks.		✓			PDOT, PDC, Planning
T6	<u>NW Pettygrove Green Street:</u> Work with the community to design street standard for NW Pettygrove as a green street and explore green street concept for NW Raleigh Street.		✓			PDOT
T7	<u>Extension of NW 13th Avenue:</u> Work to implement extension of NW 13 th Avenue north with bridge connection over Naito to waterfront area.				✓	PDOT, PDC, Planning

No.	Action	Timeline				Implementers
		Adopt with Plan	On-Going	Next 5 Years	6 to 20 Years	
PROJECTS						
T8	<u>Extend bicycle network in the study area:</u> Use the Platinum Bicycle Master Plan, the Central Portland Plan and the Capital, Circulation and Operations plan for the Pearl District to further explore bicycle connections identified in this plan. Explore NW Pettygrove, NW Marshall, NW 15 th , NW 12 th as bikeways.			✓		PDOT
T9	<u>Circulation and operations:</u> Circulation, operations and capital improvement plan for Pearl District area.			✓		PDOT
T10	<u>Circulation and operations improvements:</u> Recommend couplet concept with Northrup Lovejoy from NW 16 th to NW 10 th .			✓		PDOT
T11	<u>Circulation and operations improvements:</u> Extension of one way on NW 10 th and NW 11 th to NW Overton.			✓		PDOT
T12	<u>On-street parking:</u> Transition long-term (4 hours or more) on-street parking to short-term parking and metered parking.			✓		PDOT
T13	<u>Bicycle Parking:</u> Provide more on-street and off-street bicycle parking in the study area as the area develops.		✓			PDOT

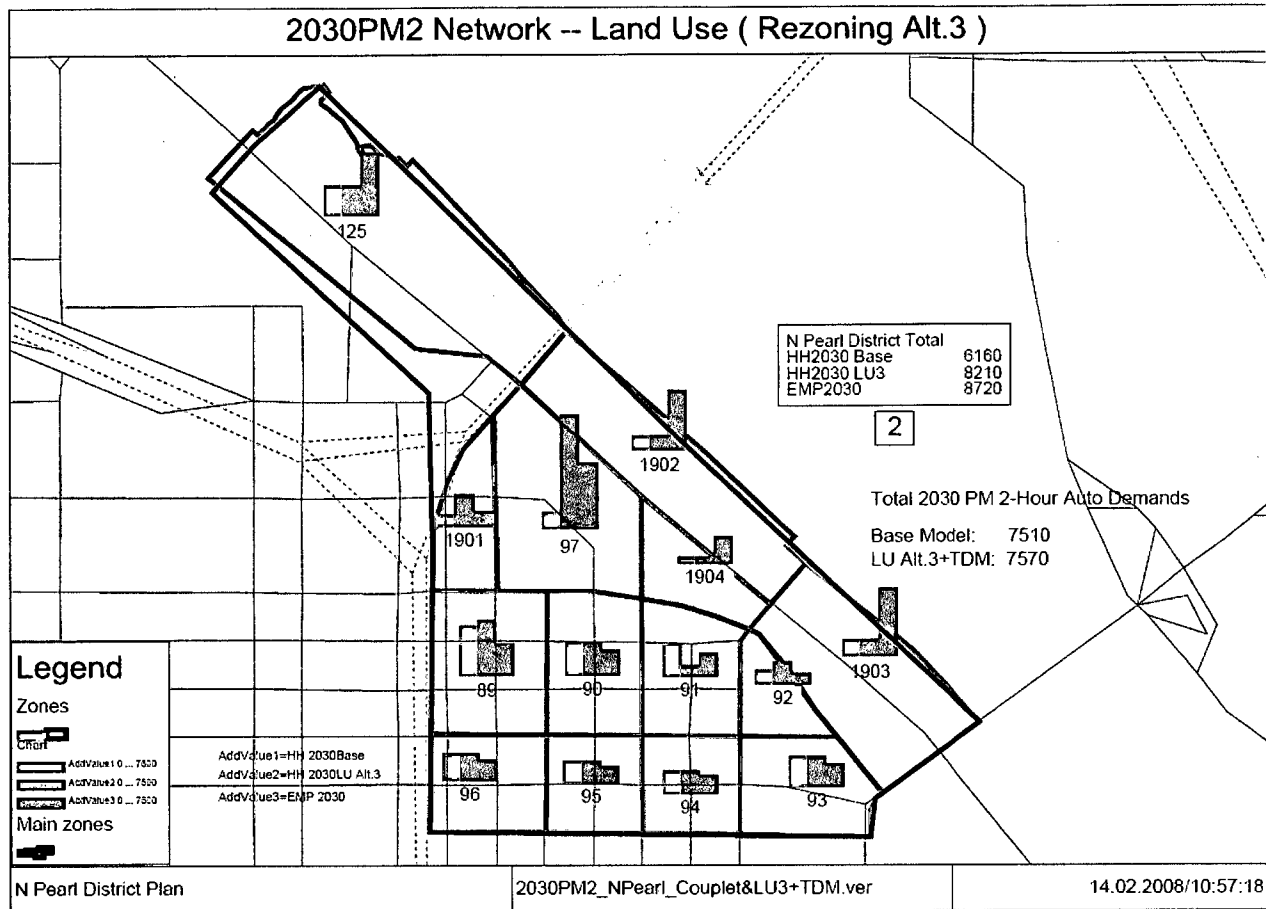
No.	Action	Timeline				Implementers
		Adopt with Plan	On-Going	Next 5 Years	6 to 20 Years	
PROJECTS						
T14	<u>Quiet Zone program:</u> Explore and implement Quiet Zone program in the study area to regulate train horns at railroad crossings.			✓		PDOT
REGULATIONS						
T15	<u>Title 33 Amendment:</u> Amend to adjust parking ratios in study area.	✓				PDOT, Planning
T16	<u>Transportation System Plan (TSP) Amendments:</u> Recommend amendments of streets in the study area.			✓		PDOT, Planning
T17	<u>River District Right-of-Way (ROW) Standards:</u> Explore alternative ROW design standards for identified streets.			✓		PDOT, Planning

Specific Recommended Regulation Changes

1. Amend Title 33 Central City Plan to reduce the number of parking spaces allowed for residential growth parking in parking sectors River District 1 and 2 to levels equal to parking district River District 4 (1.7 spaces per dwelling unit).
2. Amend Title 33 Central City Plan to reduce the number of parking spaces allowed for commercial growth parking in parking sectors River District 1 and 2 to levels equal to parking district River District 4 (Office 2.0, Retail 2.0, Medical and Schools 2.0).
3. Recommend amendments of Transportation System Plan (TSP) to include:
 - NW Northup Street: Traffic Access Street from NW 10th to NW 16th
 - NW Pettygrove Street: City bikeway and City walkway
 - NW Marshall Street: City bikeway
 - NW 15th Street: City bikeway
 - NW Overton Street: remove bikeway designation from NW 12th to NW 16th
 - NW 12th Avenue: City bikeway from NW Lovejoy to NW Pettygrove
4. Explore alternative River District Right-of-way (ROW) Standards. Street candidates include:
 - NW Pettygrove Street as green street.
 - NW Raleigh Street as green street.
 - NW 15th Street as bikeway.
 - Naito Boulevard/Front Street north of NW 9th Street as a boulevard.

C. Land use Assumptions

Recommended Concept





MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-9
Est. Start Time: 10:50 AM
Date Submitted: 11/18/08

Agenda Title: First Reading of a Proposed ORDINANCE Amending the Multnomah County Code Chapter 38, National Scenic Area, to Make Technical Corrections for Consistency with the Columbia River Gorge NSA Management Plan and to Update NSA Approval Criteria for Horse Boarding

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

Requested Meeting Date: December 4, 2008 Amount of Time Needed: 15 minutes
Department: Community Services Division: Land Use Planning
Contact(s): Lisa Estrin
Phone: 503.988.3043 Ext. 22597 I/O Address: 455/116
Presenter(s): Lisa Estrin

General Information

1. What action are you requesting from the Board?

Adopt the amendments to the Multnomah County Code Chapter 38, National Scenic Area, to Make Technical Corrections for Consistency with the Columbia River Gorge National Scenic Area (NSA) Management Plan and to Update NSA Approval Criteria for Horse Boarding.

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 Long Range Planning is located within the Land Use and Transportation Planning Program, part of the Vibrant Communities Program Offer. These amendments incorporate changes made to the National Scenic Area Management Plan and help to coordinate with the Gorge Commission. These changes will strengthen the County's ability to protect the Columbia River Gorge National Scenic Area and promote a vibrant sense of community.

NSA Horse Boarding – The proposed code language will implement a recent update to the National Scenic Area Management Plan to ensure that horse boarding uses do not impact adjacent property owners, adjacent and on-site natural & cultural resources and key viewing areas. The proposed changes add to certain zones non-profit horse rescue facilities in addition to the current for-profit horse boarding uses. Adds approval criteria and requires the development of a stewardship plan to

establish a maximum number of horses to be boarded.

NSA Technical Corrections - The proposed amendment corrects cross-reference, typographical and grammatical errors and outdated non-regulatory text language in the various sections of Chapter 38 Columbia River Gorge National Scenic Area Zoning Ordinance. These changes were missed in the 2005 Update to bring Chapter 38 into compliance with the 2004 National Scenic Area Management Plan Update.

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

NSA Horse Boarding - There is no significant fiscal impact anticipated either now or in the future. Land Use Planning staff currently process administrative decisions and conditional use permits for the National Scenic Area and will continue to do so.

NSA Technical Corrections - There is no significant fiscal impact anticipated either now or in the future. The proposed amendments typically clarify code language. Land Use Planning staff currently process land divisions and administrative decisions for these areas of the County. Staff will continue to process land use applications in these areas.

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

NSA Horse Boarding - There are no legal issues identified. Policy 4 of the Comprehensive Framework Plan states that, "It is the County's Policy to participate in intergovernmental coordination efforts..." Policy 4C states, "The County has a responsibility to support the planning process for unincorporated areas..." The County may choose whether or not to add horse boarding and non-profit horse rescue facility uses to the Gorge General Management Residential - 10 (GGR-10) zone. The Planning Commission has recommended that these two uses be added as conditional uses. The adoption of the proposed horse boarding ordinance will help to achieve the goals and policies on the National Scenic Area Management Plan.

NSA Technical Corrections - There are no legal issues identified. It is Multnomah County's policy to amend Chapter 38 of the Multnomah County Code as needed to be consistent with the Management Plan.

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

NSA Horse Boarding - On May 5, 2008 the Planning Commission held a work session with planning staff on the NSA Horse Boarding ordinance. On June 2, 2008 and September 8, 2008, the Planning Commission held a public hearing on the subject; oral testimony was given by one individual on September 8th. The proposed ordinance addresses the concerns he outlined. At the conclusion of the September 8th hearing, the Planning Commission voted to recommend approval of the proposed code amendments. See attached Planning Commission Resolution.

NSA Technical Corrections - On April 7, 2008 the Planning Commission held a work session with planning staff on the NSA technical corrections. On June 2, 2008 the Planning Commission held a public hearing on the subject; there was no public testimony either orally or in writing. At the conclusion of the hearing the Planning Commission voted to recommend approval of the proposed code amendments. See attached Planning Commission Resolution.

Required Signature

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



Date: 11/18/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending the Multnomah County Code Chapter 38, National Scenic Area, to Make Technical Corrections for Consistency with the Columbia River Gorge NSA Management Plan and to Update NSA Approval Criteria for Horse Boarding

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

Multnomah County Ordains as follows:

Section 1. **§ 38.0030 is amended as follows:**

38.0030 Existing Uses and Discontinued Uses

* * *

(C) Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

* * *

(5) The replacement structure shall be subject to (B)(1), ~~and (B)(2)~~, and (B)(3) above if it would not comply with (C)(2) and (C)(3) above.

* * *

Section 2. **§ 38.0045 is amended as follows:**

38.0045 Review and Conditional Use Applications - Submittal Requirements

(A) The following additional information shall be submitted for all review and conditional uses:

* * *

(4) In the General Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes ~~between greater than 10 and 30~~-percent shall include a grading plan. In the Special Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan. Grading plans shall include the following:

* * *

Section 3. **§ 38.0080 is amended as follows:**

38.0080 Signs

(A) The following signs may be permitted without review in the General Management Area, and in the Special Management Area subject to MCC 38.0080 (E):

* * *

(4) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided:

(a) signs are not greater than 6 square feet in the General Management Area ~~and the Special Management Area Open Space zone district.~~

(b) signs are not greater than 2 square feet in all Special Management zones, ~~except the Open Space zone district.~~

* * *

Section 4. **§ 38.1005 is amended as follows:**

38.1005 Allowed Uses

(A) The following uses may be allowed without review in all zone districts except General Management Area Open Space (GGO, GGO-GW, and GGO-SP) and Special Management Area Open Space (GSO) zone districts.

* * *

(4) Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, transportation facilities, or utility facilities.

(5) Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (posts and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

* * *

Section 5. § 38.1010 is amended as follows:

38.1010 Expedited Uses.

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

(1) Except in Open Space zoning districts, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

* * *

(13) Removal/Demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.

* * *

Section 6. § 38.2025 is amended as follows:

38.2025 Review Uses

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(17) The following uses when found to comply with MCC 38.7310:

* * *

(g) Boarding of horses or non-profit horse rescue facility, subject to MCC 38.7385.

* * *

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(13) Removal/Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

* * *

Section 7. **§ 38.2030 is amended as follows:**

38.2030 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and 38.7300:

* * *

(4) Life Estates ~~on lands designated GGF—20,~~ pursuant to MCC 38.7355.

* * *

Section 8. **§ 38.2225 is amended as follows:**

38.2225 Review Uses

* * *

(B) The following uses may be allowed on lands designated GSA— 40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(19) ~~Removal/D~~demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(20) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

Section 9. **§ 38.2625 is amended as follows:**

38.2625 Review Uses

* * *

(D) The following uses may be allowed on lands designated GSO, pursuant to MCC 38.0530 (B), when consistent with an open space plan approved by the U.S. Forest Service and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(6) ~~Removal/D~~demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

* * *

Section 10. § 38.3025 is amended as follows:

38.3025 Review Uses

* * *

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(10) ~~Removal/~~Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

* * *

Section 11. § 38.2825 is amended as follows:

38.2825 Review Uses

* * *

(C) The following uses are allowed on all lands designated GS- PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) ~~Forest-u~~Uses and practices in the Gorge Special Forestry (GSF) district as allowed in MCC 38.2025 (B), except (B)(8) and (B)(9).

* * *

(7) ~~Agricultural-u~~Uses in the gorge Special Agriculture (GSA) district as allowed in MCC 38.2225(B), except (B)(7) and B(8).

* * *

(11) ~~Removal/~~Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Consolidation of Parcels and Lots pursuant to MCC 38.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 38.7797.

Section 12. § 38.7035 is amended as follows:

38.7035 GMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

* * *

(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

* * *

(13) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors specified in the landscape setting for the subject property.

* * *

(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

* * *

(6) Village

* * *

(f) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:

1. Parking or loading areas for 10 or more spaces shall include a landscaped strip at least 5 feet in width between the new use and the Scenic Travel Corridor roadway.
2. The landscape strip required in subsection (ef) 1. above shall include shrubs, vegetative ground cover and, at minimum, one tree spaced as appropriate to the species and not to exceed 25 feet apart on the average.

* * *

(8) Gorge Walls, Canyons and Wildlands

* * *

(d) All ~~structures~~ buildings shall be limited in height to 1 1/2 stories.

* * *

(D) All Review Uses and Conditional Uses within scenic travel corridors:

* * *

(6) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the

vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) (~~2829~~).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (~~2526~~). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (~~2728~~).

Section 13. § 38.7040 is amended as follows:

38.7040 SMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

(A) All Review Uses and Conditional Uses visible from KVAs. This section shall apply to proposed development on sites topographically visible from KVAs:

* * *

(5) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

* * *

(b) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for ~~are visually subordinate to~~ their setting as seen from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements),

* * *

(11) The exterior of ~~buildings structures~~ on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. The *Scenic Resources Implementation Handbook* will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval thresholds in the "Visibility and Reflectivity Matrices" in the *Implementation Handbook*. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure meeting the scenic standard. Recommended square footage limitations for such surfaces will be provided for guidance in the *Implementation Handbook*.

* * *

Section 14. § 38.7045 is amended as follows:

38.7045 GMA Cultural Resource Review Criteria

* * *

(H) An Assessment of Effect shall meet the following standards:

(1) The Assessment of Effect shall be based on the criteria published in *Protection of Historic Properties* (36 CFR Part 800.9~~5~~) and shall incorporate the results of the Reconnaissance or Historic Survey and the Evaluation of Significance. All documentation shall follow the requirements listed in 36 CFR Part 800.8~~11~~.

(a) Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR Part 800.9(a)~~5~~].

(b) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR Part 800.9(b)~~5~~]. Adverse effects on cultural resources include, but are not limited to:

1. Physical destruction, damage, or alteration of all or part of the cultural resource;
2. Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant;
3. Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting;
4. Neglect of a significant cultural resource resulting in its deterioration or destruction except as described in 36 CFR 800.5; ~~or~~
5. ~~Transfer, lease, or sale of the cultural resource.~~

* * *

(J) Mitigation plans shall meet the following standards:

* * *

(3) Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR Part 800.8(d)~~11~~, including, but not limited to:

* * *

(L) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to

the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

* * *

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (~~see ORS 273.705 and~~ ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).

* * *

Section 15. § 38.7050 is amended as follows:

38.7050 SMA Cultural Resource Review Criteria

* * *

(G) If the U.S. Forest Service or Planning Director determines that a cultural resource survey is required for a new development or land use on all Federal lands, federally assisted projects and forest practices, it shall consist of the following:

* * *

(4) Assessment of Effect

(a) For each significant (*i.e.*, National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9-5 *Assessing Effects*. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for subsections (b) through (d) below. The U.S. Forest Service shall review each determination for adequacy and appropriate action.

(b) If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.84) to a significant cultural resource, documentation for that finding shall be completed, following the "~~Documentation Requirements Standards~~" of 36 CFR 800.8(a)11. If the proposed development or change in use will have an effect, then the Resolution of Adverse Effects criteria of adverse effect must be applied (36 CFR 800.5).

(c) If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.9(b)5 to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented 36 CFR 800.6 "Resolution of Adverse Effects." This documentation shall follow the process outlined under 36 CFR 800.5(e)11 "Failure to Resolve Adverse Effects."

(d) If the "effect" appears to be beneficial (*i.e.*, an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the significant cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.8-11 Documentation Requirements Standards.

(5) Mitigation

(a) If there will be an effect on cultural resources, measures shall be provided for mitigation of effects pursuant to 36 CFR 800.6 "Resolution of Adverse Effects." These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, or other measures which are proposed to mitigate effects.

* * *

Section 16. § 38.7055 is amended as follows:

38.7055 GMA Wetland Review Criteria

* * *

(C) The following uses may be allowed in wetlands and wetland buffer zones when approved pursuant to the provisions of MCC 38.0045, MCC 38.7055 (E), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

(1) The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

(a) Increase the size of an existing structure by more than 100 percent,

(b) Result in a loss of wetlands acreage or functions, ~~or~~ and

(c) Intrude further into a wetland or wetlands buffer zone.

* * *

Section 17. § 38.7075 is amended as follows:

38.7075 SMA Natural Resource Review Criteria

All new developments and land uses shall be evaluated using the following standards to ensure that natural resources are protected from adverse effects. Comments from state and federal agencies shall be carefully considered.

* * *

(H) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 4-2 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge", including all Priority Habitats Table. Sensitive Plants are listed in Table 7-3 of the Management Plan, titled "Columbia Gorge and Vicinity Endemic Plant Species." The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

* * *

Section 18. § 38.7090 is amended as follows:

38.7090 Responses to an Emergency/Disaster Event

Responses to an emergency/disaster event are allowed in all zoning districts within the Columbia River Gorge National Scenic Area when in compliance with the following standards:

* * *

(E) Post-Emergency/Disaster Response Site Review Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Scenic Resources

(a) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable, except for actions located in the Corbett Rural Center zoning district. In the SMA, such actions shall meet the scenic standard to the greatest extent practicable.

* * *

Section 19. § 38.7100 is amended as follows:

38.7100 Expedited Development Review Criteria

(A) Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

(1) Scenic

(a) In the General Management Area, the scenic resource protection provisions MCC 38.7100 (A)(1)(b) through (f) shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(b) Except signs, ~~The~~ colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

(c) Except signs, ~~S~~structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

* * *

(2) Cultural

(a) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA

Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)(1), (2), and (3) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.

* * *

Section 20. **§ 38.7355 is amended as follows:**

38.7355 Life Estates

A landowner who sells or otherwise transfers real property on lands designated GGA or GGF may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in MCC 38.0015. A second dwelling may be allowed subject to compliance with MCC 38.7000 to 38.7085, and upon findings that:

(A) The proposed dwelling is in conjunction with agricultural use as determined by MCC 38.2225 (A) (5) (c); or

(B) On lands designated GGF—20, one single-family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of the dwelling shall comply with MCC 38.7305 and 38.7315. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF— 80, GGF— 20, GGA— 40, or GGA— 20.

(C) Upon termination of the life estate, either the original or second dwelling shall be removed.

Section 21. **§ 38.7360 is amended as follows:**

38.7360 Cluster Development

* * *

(C) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR— 5 or GGR— 10 and up to 50 percent more on parcels (rounded to the nearest whole number) on lands designated GGA— 20, GGF— 20, or GGF-40.

* * *

Section 22. **§ 38.7970 is amended as follows:**

38.7970 Property Line Adjustment (Lot Line Adjustment)

* * *

(B) In the Special Management Area:

* * *

(6) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

Section 23. **§ 38.0015 is amended as follows:**

38.0015 Definitions

As used in MCC Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

* * *

Agricultural use: The current employment of land for the primary purpose of obtaining a profit in money by the raising, harvesting and selling of crops, or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other agricultural or horticultural use including Christmas trees. Agricultural use does not include livestock feedlots, the boarding of horses or non-profit horse rescue facility and their accessory uses. Current employment of land for agricultural use includes:

- (a) The operation or use of farmland subject to any government agricultural program;
- (b) Land lying fallow for one year as a normal and regular requirement of good agricultural management;
- (c) Land planted to orchards or to other perennial crops prior to maturity; and
- (d) Land under buildings supporting accepted agricultural practices.
- ~~(e) Current employment does not include livestock feed lots.~~

* * *

Animal-unit-month: The amount of forage or feed required to feed one horse, one cow/calf pair, 5 sheep/ 5 goats, 4 llamas/alpacas or other livestock for 30 days.

* * *

~~Horses,~~ **Boarding of Horses (GMA):** The stabling, feeding and grooming for a fee, or the renting of stalls and related facilities, such as training arenas, corrals and exercise tracks, for the care of horses not belonging to the owner of the property. The leasing, renting or use of a pasture for horses by an individual or family does not constitute the boarding of horses provided the use of the pasture is for a single individual or family's animals.

* * *

Non-profit Horse Rescue Facility (GMA): The stabling, feeding, grooming, and provision of care for sick, abandoned, or rescued horses, operated by a non-profit organization to facilitate the rehabilitation, adoption, and permanent placement of abused, neglected or unwanted horses.

* * *

Section 24. § 38.2230 is amended as follows:

38.2230 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 ~~and 38.7300 (A)~~ and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied.

* * *

(9) Boarding of horses or non-profit horse rescue facility, subject to MCC 38.7385.

* * *

Section 25. § 38.3030 is amended as follows:

38.3030 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.7300 (C):

* * *

(14) Special uses in historic buildings, subject to MCC 38.7380.

(15) Boarding of horses or non-profit horse rescue facility on lands designated GGR-10, subject to MCC 38.7385.

Section 26. § 38.7385 is added as follows:

38.7385 Boarding of Horses or Non-Profit Horse Rescue Facility

(A) The boarding of horses or a non-profit horse rescue facility may be established as authorized in various districts provided the approval authority finds that the property characteristics, parcel size and impacts to neighbors are considered in establishing the use on the proposed property and setting a maximum number of horses that may be boarded at any one time.

(B) The applicant shall submit the following information with related supporting evidence to demonstrate compliance with the criteria under (A):

(1) A description of the proposed horse facility with all accompanying accessory uses shall be provided. This shall include the maximum number of horses to be boarded on site, number of employees, accessory uses and services to be provided and hours that the facility will be available to the horse owners. The description shall include a site plan identifying the uses intended for a specific area, and floor plans and building elevations for all proposed buildings.

(2) A Stewardship Plan consisting of an Operations Plan and Maximum Usage Plan shall be created by the applicant in consultation with the Oregon Department of Agriculture, East

Multnomah Soil and Water Conservation District or Oregon Extension Service for the proposed site of the horse boarding facility.

(a) The Operation Plan shall include the following:

1. Soil types and its animal-unit-month rating for all pastures to be used as part of the operation;
2. Irrigation techniques, if proposed;
3. Off-stream stock watering;
4. Pasture management;
5. Manure, waste and compost management;
6. Mud, dust and fly control;
7. Dedicated all-weather paddock;
8. Stream bank and riparian vegetation preservation;
9. Capture and reuse rainwater and snowmelt on the site from areas of animal confinement and impervious surfaces.

(b) The Maximum Usage Plan shall specify the maximum number of horses to be boarded based upon the animal-units-month rating of the site.

1. The plan shall:

- a. Consider all livestock to be pastured on the site in establishing the number of horses to be boarded.
- b. Maintain adequate ground cover and vegetation for all areas to be used as part of the horse boarding use to prevent soil erosion.
- c. Provide basic measurements to verify that the operation plan is achieving the necessary impact reductions for erosion & sediment control, dust control and insect control.

(C) The following accessory uses, if proposed, shall be evaluated as part of the boarding of horses use or non-profit horse rescue facility:

- (1) Riding arena, covered or uncovered;
- (2) Lessons to boarders (minor component)
- (3) Training tracks;
- (4) Hot walkers, covered or uncovered;

(5) Horse pool, covered or uncovered;

(6) Storage building for hay and grains;

(7) Farrier services & veterinarian services on an intermittent basis provided only for the use of owners of horses boarded at the facility;

(8) Horse trailer storage only for the use of owners of horses boarded at the facility. The area where the horse trailers are to be stored shall be screened by evergreen vegetation or topography from the public road, adjacent properties and from all key viewing areas.

(9) The hosting of fund-raising events for a non-profit horse rescue operation.

FIRST READING:

December 4, 2008

SECOND READING AND ADOPTION:

December 11, 2008

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/4/08
SUBJECT: ① MCC 36 REVISIONS

② MCC 37 REVISIONS

AGENDA NUMBER OR TOPIC: R-9 & R10

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Michael Lang, Friends of the Columbia Gorge

ADDRESS: 522 SW 5th Ave., Ste 120 Portland 97204

CITY/STATE/ZIP: Portland OR 97204

PHONE: DAYS: 503 490 3979 EVES: none

EMAIL: michael@gorgefriends.org FAX: _____

SPECIFIC ISSUE: MCC 36 CODE REVISIONS

MCC 37 CODE REVISIONS

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.

guidelines for cluster development in "Land Divisions and Cluster Development" (Part II, Chapter 7: General Policies and Guidelines).

- G. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources).
 - H. Land divisions, subject to the guidelines for minimum parcel sizes.
 - I. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).
 - J. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
 - K. Agricultural structures, except buildings, in conjunction with agricultural use.
 - L. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).
 - M. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
 - N. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).
 - O. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 - P. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).
 - Q. Special uses in historic buildings, subject to the guidelines in "Special Uses in Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines).
2. The following uses may be allowed on lands designated Residential, subject to compliance with the guidelines for protection of scenic, cultural, natural, and recreation resources and "Approval Criteria for Specified Review Uses," below.

- A. Accredited childcare centers within lands designated 1-acre Residential or 2-acre Residential. A childcare center may be allowed in other Residential designations within an existing church or community building.
- B. Schools within an existing church or community building.
- C. Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.
- D. Utility facilities and railroads.
- E. Home occupations or cottage industries in an existing residence or accessory structure, subject to the guidelines in "Home Occupations and Cottage Industries" (Part II, Chapter 7: General Policies and Guidelines).
- F. Fire stations.
- G. Recreation development, subject to the guidelines established for recreation intensity classes (Part I, Chapter 4: Recreation Resources).
- H. Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities.
- I. Bed and breakfast inns in single family dwellings located on lands designated 5-acre Residential or 10-acre Residential, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines).
- J. Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.
- K. Wine sales/tasting rooms in conjunction with an on-site winery, under the following conditions:
 - (1) The use shall comply with the guidelines in "Home Occupations and Cottage Industries" (Part II, Chapter 7: General Policies and Guidelines), with the following exceptions:
 - (a) The use may employ an unlimited number of outside employees.
 - (b) The wine sales/tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

- (c) The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine sales/tasting room.
- (d) The exterior space may be a veranda, patio, or other similar type of structure.
- L. Small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).
- M. Boarding of horses on lands designated 10-acre Residential. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.

Approval Criteria for Specified Review Uses

1. The uses identified in Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria:
 - A. The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area; traffic generation; and noise, dust, and odors.
 - B. The proposed use will not require public services other than those existing or approved for the area.
 - C. If the subject parcel is located within 500 feet of lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use comply with the buffer guidelines in "Agricultural Buffer Guidelines" (Part II, Chapter 1: Agricultural Land).
 - D. If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use comply with the fire protection guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).

SMA PROVISIONS

SMA Goal

Allow concentrated residential development only at Rowena Dell and Latourell.

SMA Policies

1. New land divisions shall be prohibited.
2. New multifamily dwellings shall be prohibited.
3. Construction of new dwelling units shall be allowed on privately owned existing subdivision lots at Rowena Dell. New structures shall not adversely affect scenic, cultural, recreation, or natural resources.
4. At Latourell, contiguous lots under the same ownership as of November 17, 1986, are considered consolidated into a single parcel. Splitting of these consolidated parcels, including lot line adjustment, shall be prohibited.
5. New structures shall not adversely affect scenic, cultural, recreation, or natural resources.
6. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan, as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.

SMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Residential.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Residential.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 12/04/08
Agenda Item #: R-10
Est. Start Time: 11:05 AM
Date Submitted: 11/18/08

**First Reading of a Proposed ORDINANCE Amending MCC Chapter 37
Administration and Procedures, Chapter 29 Building Code, and Land Use
Agenda Regulations Chapters 11.15, 33, 34, 35, 36, 38 Relating to Land Use Code
Title: Enforcement**

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

Requested Meeting Date: December 4, 2008 Amount of Time Needed: 30 minutes
Department: Community Services Division: Land Use & Transportation
Contact(s): Karen Schilling and Michael Grimmatt
Phone: 988-3043 29635 988-5050 Ext. 29604 I/O Address: 455/116
Presenter(s): Michael Grimmatt, Karen Schilling, Jed Tomkins

General Information

1. What action are you requesting from the Board?

Adopt an ordinance amending the Multnomah County Code Amending MCC Chapter 37 Administration and Procedures, Chapter 29 Building Code, and Land Use Regulations Chapters 11.15, 33, 34, 35, 36, 38 Relating to Land Use Code Enforcement.

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 Code Compliance office is located within the Land Use and Transportation Planning Program, part of the Vibrant Communities Program Offer. An amended enforcement code will strengthen the County's ability to ensure clean, healthy neighborhoods and promote a vibrant sense of community.

The Ordinance includes revisions to sections of the MCC Chapter 37 Administration and Procedures, Chapter 29 Building Code, and Land Use Regulations Chapters 11.15, 33, 34, 35, 36,

and 38 relating to Land Use Code Enforcement, as discussed during the September 8, 2008, Planning Commission work session and the November 3, 2008 hearing.

The Code Compliance Program has been in operation since May 2004. As the program has developed and operated over the past few years, we have noted specific areas of the enforcement code that need clarification to improve consistency between the code and Code Compliance program operations. The proposed amendments cap the maximum fine amount and provide new authority to the Planning Director to adjust fine amounts to reflect the County's policy choice of prioritizing voluntary compliance as the preferred remedy.

The proposed revisions to the Code Enforcement provisions of Multnomah County Code Chapters 11.15, 29, 33, 34, 35, 36, 37, and 38 would:

- (1) Add a title for the code section, define *Violation*, and remove language that is inaccurate or inconsistent with the code enforcement program operations;
- (2) Incorporate urban plan areas and land division regulations within the enforcement code authority;
- (3) Provide Director Authority to settle a fine amount;
- (4) Clarify the Notice of Violation Appeal process and fine limits;
- (5) Remove the code violation fine amounts in Chapter 29 transportation and plumbing code regulations and remove the enforcement related language in Chapters 11.15, 33, 34, 35, 36, 37, and 38 for consistency with the Chapter 37 enforcement code for consistency with the Chapter 37 enforcement code.

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

There is no expected increase in County expenditures for this program related to the amended ordinance. Funds may be generated by civil fines assessed and collected, or liens placed by the County for non-compliance with County regulations, however significant new revenue is not expected.

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

The authority of the Director to adjust fine amounts before or after a Hearings Officer decision may reduce litigation costs for resolving appeals of violations and provides another tool consistent with the County's philosophy of seeking voluntary compliance before litigation. The fine amount cap of \$10,000 per violation is a new policy decision.

In their hearing on this matter, the Planning Commission directed staff to make the Board aware of reservations the Commission had on the adequacy of the \$10,000 fine cap per violation amount. The Commission felt the fine cap was an appropriate policy change. However, the Commission had reservations on whether the \$10,000 cap per violation amount would be incentive enough for higher income property owners to voluntarily comply with County regulations, or if paying a \$10,000 fine per violation would be considered a business cost for a high profit non-permitted commercial activity instead of voluntarily ceasing the commercial use.

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

September 4, 2008: Copy of proposed enforcement code amendment provided to the Columbia River Gorge commission for review and comment.

September 5, 2008: Notice of proposed enforcement code amendment sent to the Oregon Department of Land Conservation and Development. The Department had no official concerns or recommendations.

September 8, 2008: First review of proposed enforcement code amendments by the Planning Commission.

September 17, 2008: Receipt of written public comment on proposed revisions.

November 3, 2008: The Planning Commission held a Public Hearing and received public comments on the proposed enforcement code amendments. During this meeting the Planning Commission adopted a Resolution to recommend the Board of County Commissioners adopt the proposed enforcement code amendments.

If adopted by the Board of County Commissioners, the revised enforcement related codes will be reviewed by the Columbia River Gorge Commission to ensure the revisions are compatible with the National Scenic Area regulations.

Required Signature

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



Date: 11/18/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 37 Administration and Procedures, Chapter 29 Building Code, and Land Use Regulations Chapters 11.15, 33, 34, 35, 36, 38 Relating to Land Use Code Enforcement

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

The Multnomah County Board of Commissioners Finds:

- a. The proposed revisions to the Code Enforcement provisions of Multnomah County Code Chapters 11.15, 29, 32, 33, 34, 35, 36, 37, and 38 would:
- (1) Add a title for the code section, define *Violation*, and remove language that is inaccurate or inconsistent with the code enforcement program operations;
 - (2) Incorporate urban plan areas and land division regulations within the enforcement code authority;
 - (3) Provide Director Authority to settle a fine amount;
 - (4) Clarify the Notice of Violation Appeal process and fine limits;
 - (5) Delete the requirement to provide a Notice of Hearing to surrounding properties when a Notice of Violation is appealed; and
 - (6) Remove the code violation fine amounts in transportation and plumbing code regulations, and the enforcement related language in Chapters 11.15, 33, 34, 35, 36, 37, and 38 for consistency with the Chapter 37 enforcement code.
- b. The proposed code revisions are in the best interests of the County.

Multnomah County Ordains as follows:

Section 1. A new § 37.0905 is added as follows:

37.0905 _____ **Title**

This subchapter, MCC 37.0905–MCC 37.0970, shall be known as the Enforcement Code and may be so cited and referred to.

Section 2. § 37.0910 is amended as follows:

37.0910 _____ **Definitions**

As used in MCC 37.0910 – 37.0970, the following words mean:

* * *

Violation: Any act or failure to act that is prohibited or not allowed, including any failure to take any required action, under the goals, laws, rules, regulations or permits specified in MCC § 37.0915.

Section 3. **§ 37.0915 is amended as follows:**

37.0915 **Violations**

Any use of land, land division, adjustment to property boundaries, work within a County right-of-way, or other activity by a person in violation of any provision of:

(A) MCC Chapters 11.15, 11.45, 33, 34, 35, 36 and 38; §§ 29.001 through 29.365 and 29.500 through 29.611; Multnomah County Road Rules or the terms and conditions of any permit issued under those code provisions; or

(B) Any statute adopted by the Oregon Legislature and those land use planning goals and rules of the Land Conservation and Development Commission (LCDC) that apply directly to the County through ORS 197.646

may be subject to enforcement and fines as provided in this subchapter.

Section 4. **§ 37.0920 is repealed and §37.0925 is amended as follows:**

37.0920 Policy and Purpose

~~Multnomah County's policy shall be to seek voluntary compliance in addressing code violations and use an enforcement approach when voluntary compliance fails. The purpose of these code compliance provisions is to implement this policy and provide prompt, effective and efficient enforcement of the County's land use and transportation codes~~

37.0925 **Rules; Code Compliance Specialist; Policy; Purpose; Powers of Director**

It is county policy and the Director shall be charged with the responsibility to:

(A) Seek voluntary compliance in addressing violations and to use an enforcement approach when voluntary compliance fails or is not practicable. The purpose of the Enforcement Code is to implement this policy in a prompt, effective and efficient manner.

~~(AB) The Director may adopt rules necessary for the administration of the code compliance~~Enforcement ~~Program.~~

(BC) Exercise the county's authority under the Enforcement Code and all rules adopted under it. The Director may appoint one or more Code Compliance Specialists (CCS) for purposes of administering the program administering the county's authority under the Enforcement Code and all rules adopted under it. The Director may delegate the duties of the CCS to other staff of the Department of Community Services. When an alleged violation is reported to, or discovered by the County, the CCS will evaluate the complaint and conduct a preliminary investigation to identify the priority level of the

violation. The CCS will not proceed further if it is determined that there is not sufficient evidence to support the allegation. If it is determined that a violation exists, the CCS will first seek voluntary compliance and may issue a Notice of Violation and fine when voluntary compliance fails.

Section 5. **§ 37.0930 is repealed as follows:**

37.0930 Enforcement Levels

- (A) Voluntary compliance;
- (B) Stop Work Order;
- (C) Correction Notice;
- (D) Notice of Violation and fine;
- (E) Petition for injunction and other remedies in state court.

Section 6. **§ 37.0935 is amended as follows:**

37.0935 Voluntary Compliance Agreement

(A) The County may enter into a written voluntary compliance agreement with respondent, and the property owner, if different, before or after a Notice of Violation is issued. The agreement shall include the applicable code provision(s), required corrective action, time limits for compliance, fines if applicable and shall be binding.

(B) As part of a voluntary compliance agreement, the Director may agree to accept in full satisfaction of any fine, costs, fees or other debt due and owing to the County under the Enforcement Code payment in an amount less than the total amount due and owing and may agree to terms of payment. The Director shall establish factors to be considered prior to making the agreement authorized in this paragraph.

(B) The fact that a person alleged to have committed a violation enters into a voluntary compliance agreement shall not be considered an admission of having committed the violation.

(C) The CCS will delay further processing of the alleged violation during the time allowed in the voluntary compliance agreement for the completion of the required corrective action.

(D) Failure to comply with any term of the voluntary compliance agreement constitutes a separate violation, and shall be handled in accordance with the procedures established by these provisions, except no further notice after the voluntary compliance agreement has been signed need be given before further enforcement proceedings are initiated. The CCS may also proceed on the alleged violation that gave rise to the voluntary compliance agreement.

Section 7. § 37.0940 is amended as follows:

37.0940 Notice of Violation, Abatement, Fine and Right to Appeal

* * *

(C) ~~An appeal, if any, from a Notice of Violation If the violation is disputed, respondent or property owner may file~~ shall be made in accordance with MCC 37.0955(A) and by submitting to the CCS a written request for an appeal hearing together with the appeal fee indicated in the Notice of Violation with the CCS within 14 days of the date ~~when of service of the Notice of Violation was served or mailed.~~ Such appeal requests must be accompanied by the appeal fee as indicated in the Notice to help defray the cost of the appeal

* * *

Section 8. § 37.0955 is amended as follows:

37.0955 Appeal

* * *

(C) Appeal Hearing

* * *

(3) The Hearing Officer's order shall be in writing ~~or stated in the record~~ and may be accompanied by an opinion.

Section 9. § 37.0965 is amended as follows:

37.0965 Civil Fine

Violations as defined in MCC 37.0915 may be subject to fines and liens. Fines may be assessed for each violation each day.

(A) ~~The Mmaximum fines per violation shall not exceed \$3,500 for each day of noncompliance, and shall not exceed \$10,000 in total, exclusive of interest; the minimum fine per violation shall not be less than \$45 for each day of noncompliance.~~

962 12-04-08
Amendment

(B) The Director shall set criteria for determining the fines, appeal fees and administrative fees as appropriate.

Section 10. §§ 33.0915, 34.0915, 35.0915, 36.0915 and 38.0915, Penalties, are repealed as follows:

~~33.0915 Penalties~~

~~Violations as defined in MCC 33.0910 shall be subject to a fine of up to \$500.00 per day.~~

~~34.0915 Penalties~~

~~Violations as defined in MCC 34.0910 shall be subject to a fine of up to \$500.00 per day.~~

35.0915 Penalties

~~Violations as defined in MCC 35.0910 shall be subject to a fine of up to \$500.00 per day.~~

36.0915 Penalties.

~~Violations as defined in MCC 36.0910 shall be subject to a fine of up to \$500.00 per day.~~

38.0915 Penalties

~~Violations as defined in MCC 38.0910 shall be subject to a fine of up to \$500.00 per day.~~

Section 11. § 29.999 is amended as follows:

29.999 Penalty.

~~——— (A) ——— *Plumbing Code violations.* A person who violates § 29.206 of this chapter will be subject to a civil penalty of not to exceed \$100 per violation. In the case of a continuing violation, every day's continuance of the violation is a separate violation. (ORS 456.885) ('90 Code; § 9.30.090) (Ord. 362, passed 1983)~~

~~——— (B) ——— *Street standards violations.* No person shall violate any requirement of §§ 29.500 through 29.583 of this chapter or rule adopted under it. Each violation is subject to a civil penalty not to exceed \$500. It is a separate violation for each day during any portion of which a violation of any provision of this subchapter or rule adopted under it occurs.~~

~~——— (C) ——— *Bridge Special Events violations.* No person shall violate any requirement of Bridge Special Events §§ 29.700 et. seq. or rule adopted under it. Each violation is subject to a civil penalty not to exceed \$500.00. It is a separate violation for each day during any portion of which a violation of any provision of this subchapter or rule adopted under it occurs.~~

Section 12. § 11.15.9045 - .9055 are repealed as follows:

Interpretations, Prior Permits, Violations, Enforcement and Savings Clause

11.15.9045 Planning Commission Duty

~~It shall be the duty of the Planning Commission to interpret the Zoning Ordinance. These interpretations shall be in writing and shall be established as policy of the Planning Commission.~~

11.15.9050 Effect of Prior Permits

~~A building or structure for which a permit was issued prior to the effective date of this Chapter shall be permitted to be constructed or erected in accordance with such permit.~~

11.15.9052 Violations and Enforcement

Any use of land in violation of any provision of MCC 11.15, MCC 11.45, Chapter 29 or the terms and conditions of any permit issued under those code provisions by a person shall be subject to penalties as provided by MCC 11.15.9053.

(A) Definitions

- (1) ~~"County Ordinance" means all ordinances duly enacted by Multnomah County, including but not limited to zoning, planning, and building ordinances, as specified above.~~
- (2) ~~"Notice of Violation": A written notice given to a person or persons whose action, conduct or omission constitutes a violation of any provision of the Multnomah County Code or the terms and conditions of a development permit. A stop work order constitutes a Notice of Violation, notwithstanding any subsequent notice or letter given to a person or persons. A Notice of Violation does not constitute a "land use decision" under ORS Ch. 197.~~
- (3) ~~"Violator" means any person who has admitted violation of a County Ordinance or a person who has been found to have violated a County Ordinance.~~
- (4) ~~"Person" includes:~~
 - (a) ~~The owner, title holder, contract seller, contract buyer, possessor or user of the land upon which the violation is occurring; or, the person taking the action, or responsible for the conduct or omission which constitutes a violation of any County Ordinance; and~~
 - (b) ~~The United States or agencies thereof, any state, public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof. For the purposes of this ordinance, "person" also includes those residing in or conducting business or activities in the unincorporated areas of Multnomah County.~~
- (5) ~~"Decision of Appeal": The decision of the Planning Director in the appeal of the Notice of Violation. A Decision of Appeal does not constitute a land use decision under ORS Ch. 197.~~
- (6) ~~"Grace Period": Time allotted to a person by the Code Enforcement Planner to correct a violation without assessment of additional penalties, or legal action being taken for the cited violation during that assigned time period. A Grace Period begins from the date the written Notice of Violation is mailed or given. Unless otherwise specified by the Code Enforcement Planner, the grace period for a Notice of Violation shall be 30 days and the grace period for a stop work order shall be 15 days. If notice is mailed, the grace period shall be extended by an additional three days. A grace period for a noticed violation does not grant a property owner the right to continue a use for the time period specified or prevent inspection or citation of new or other land use violations.~~

(B) Compliance Required

No application for use or development of land shall be approved for a site which is subject to an enforcement action pursuant to the provisions of this section. A permit for the use or development of

~~land may only be issued if it is necessary to correct the land use violation contained in the Notice of Violation.~~

(C) Code Enforcement Planner

~~The Planning Director shall appoint one or more persons to act as the code enforcement planner(s) for purposes of issuing Notices of Violation, and for the enforcement of MCC 11.15, MCC 11.45, MCC 9.10 and MCC 9.40 or the terms and conditions of any permit issued under those code provisions.~~

(D) Enforcement Action

~~1. An enforcement action may be initiated by the Code Enforcement Planner(s) on their own action, when the Division of Transportation and Land Use Planning receives a complaint, known or anonymous or receives a directive from the Board of County Commissioners. All complaints are confidential, until such time as the violation is closed.~~

~~2. If the Code Enforcement Planner determines the existence of a violation, the Code Enforcement Planner shall provide a written Notice of Violation to the person(s) suspected of committing a violation and the property owner if different. The notice shall:~~

- ~~a. Outline the nature of the violation(s), including cites to the applicable county code sections, and set forth options to correct the violation(s);~~
- ~~b. Notify the property owner and the operator/tenant that failure to comply with the Ordinance within the grace period will result in enforcement under MCC 11.15.9052(D)(3) and that a penalty of up to \$500.00 per day may be assessed per MCC 11.15.9053; and~~
- ~~c. Notify the property owner and the operator/tenant of the right to appeal the determination of a land use violation and the time limits established by this section.~~

~~3. If the person(s) notified fails to correct the violation within the grace period, the Code Enforcement Planner may impose a penalty in accordance with MCC 11.15.9053. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notification of the property owner and operator/tenant of the issuance of the penalty.~~

~~4. A person who receives a notice of violation may file a written appeal of the Notice of Violation with the Land Use Planning section to the Planning Director within the grace period as stipulated in the Notice of Violation. The following procedures apply to the appeal of the Planning Director:~~

- ~~a. The appellant has 45 days from the date of filing the written appeal to provide written documentation to the Planning Director in support of the appeal;~~
- ~~b. All enforcement actions, except for emergency actions taken under MCC .9052(E), shall be stayed until the Planning Director decides the appeal. In the event that the Planning Director finds in the favor of the appellant, the Notice of Violation will be rescinded.~~
- ~~c. Upon filing of an appeal by the property owner, written notice and opportunity to comment on the appeal of the Notice of Violation shall be provided to the complainant, if known, and the surrounding property owners within:~~

- i. ~~100 feet of the subject property when inside the Urban Growth Boundary; or~~
 - ii. ~~250 feet of the subject property where the subject property is outside the Urban Growth Boundary and not within a farm or forest resource zone; or~~
 - iii. ~~500 feet of the subject property where the subject property is within a farm or forest resource zone.~~
 - d. ~~The Planning Director shall consider any other written testimony submitted in support of and in opposition to the Notice of Violation;~~
 - e. ~~The Planning Director shall review all written evidence and determine by a preponderance of the evidence whether a violation has occurred;~~
 - f. ~~After review of the written testimony, the Planning Director shall serve the appellant and anyone who submitted evidence with a Decision of Appeal;~~
 - g. ~~If the Notice of Violation is upheld, penalties as provided in MCC.9053 shall be assessed by the Planning Director;~~
 - h. ~~The Planning Director may delay additional penalties at the time of the Decision of Appeal by specifying an additional grace period to allow the property owner to remove the violation from the property. If an additional grace period is granted, it shall not be less than five days; and~~
 - i. ~~The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notifying of the property owner and violator of the issuance of the penalty.~~
5. ~~If the property owner chooses to correct the violation by applying for a required permit, penalties shall accrue during the application process time period as provided in MCC.9053.~~
- a. ~~Penalties assessed from the date of application, not including any Pre-Initiation Conference, for a required permit to completion of the project, including final inspection, may be waived by the Planning Director provided the property owner completes the application process within 180 days of filing and complies with all timelines established as conditions of approval of the project and if no additional violations occur during the completion of the conditions of approval.~~
 - b. ~~Timelines for compliance with the land use permit shall be included as a condition of approval of the land use permit and, if possible, shall not extend past a single construction season.~~

(E) Emergency Enforcement

- 1. ~~If the Code Enforcement Planner determines, as a result of a site visit by the Code Enforcement Planner or Code Enforcement Inspector, that the violation is such that irreparable harm will result, will be difficult to correct if allowed to continue, or presents an immediate health and safety danger, the Code Enforcement Planner may, without notice, issue a Stop Work Order which shall also serve as the Notice of Violation.~~

~~2. The Stop Work Order shall require the property owner to immediately discontinue the use and shall impose a fine as provided in MCC .9053 pursuant to which the property owner must cease all uses listed in the Stop Work Order. Penalties may be imposed pursuant to MCC .9053 for each 24 hour period in which work continues in violation of the Stop Work Order. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notifying the property owner and violator of the issuance of the penalty.~~

~~3. The property owner shall submit an application or correct the violation within the grace period. If the property owner fails to submit an application or correct the violation within the grace period, the Code Enforcement Planner may impose a penalty in accordance with MCC 11.15.9053. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notifying the property owner and violator of the issuance of the penalty.~~

~~4. If the property owner files an appeal under MCC .9052(D)(4), the property owner shall not resume the use(s) subject to the stop work order until such time as a Decision of Appeal has been issued and the Stop Work Order is removed from the property by the Planning Director.~~

~~5. The Planning Director or Code Enforcement Planner may require the placement of erosion and sediment control devices and/or other health and safety corrections to occur at his discretion.~~

(F) Notice of Violation; Occurrence; Other Remedies

~~1. Except as otherwise specifically provided in this ordinance, a Notice of Violation shall be used for violation of MCC 11.15, 11.45, 9.10 and 9.40.~~

~~2. Each day (24 hour period) a violation exists shall be a separate citable offense.~~

~~3. The remedies and procedures provided in this ordinance shall be in addition to any other remedy or procedure provided by any applicable law. In addition to any other remedy provided by law to the County, the County shall be entitled to its reasonable administrative costs and attorney fees. [Amended 1998, Ord. 908 § III]~~

(G) Judicial Review

~~Review of the Decision of Appeal of the Planning Director under this section by any aggrieved party, including the County of Multnomah, shall be by writ of review as provided in ORS 34.010—34.100 [1998].~~

(H) Comprehensive Framework Plan and Zoning or Land Division Ordinance Interpretations

~~If the Notice of Violation involves a Comprehensive Framework Plan, Zoning or Land Division Ordinance interpretation by the Planning Staff, not previously decided by the Planning Commission or the Board of County Commissioners, in order to appeal Planning staff's interpretation, the property owner must include the request for interpretation by the Planning Commission in the appeal of the Notice of Violation. The property owner shall deposit with the Land Use Planning section at the time of appeal, the fee established for a Planning Commission Interpretation. The Planning Director shall initiate an action for an interpretation per MCC 11.15.9045 prior to the Decision of the Appeal. An interpretation by the Planning Commission shall be rendered within 45 days of initial Planning~~

~~Commission meeting in which the item was presented. The Planning Director shall utilize the Planning Commission's Interpretation in making the determination of the Decision of Appeal.~~

~~(I) Reporting to the Planning Commission~~

~~The Land Use Planning section shall report to the Planning Commission on code enforcement activities every six months.~~

~~11.15.9053 Penalties~~

~~Violations as defined in MCC .9052 shall be subject to a fine of up to \$500.00 per day.~~

~~11.15.9055 Savings Clause~~

~~If the article, section, subsection, subdivision, phrase, clause, sentence or work in the ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, subsection, subdivision, phrase, clause, sentence or work held invalid or unconstitutional.~~

Section 13. The amendments to Chapter 38 Columbia River Gorge National Scenic Area shall be effective upon notification of approval by the Columbia River Gorge Commission and, if necessary, concurrence by the Secretary of Agriculture.

FIRST READING:

December 4, 2008

SECOND READING AND ADOPTION:

December 11, 2008

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jed R. Tomkins, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/4/08

SUBJECT: ① MCC 36 REVISIONS

② MCC 37 REVISIONS

AGENDA NUMBER OR TOPIC: R-9 & R10

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Michael Lang, Friends of the Columbia Gorge

ADDRESS: 522 SW 5th Ave, Ste 720 Portland 97204

CITY/STATE/ZIP: Portland OR 97204

PHONE: DAYS: 503 490 3979 EVES: none

EMAIL: michael@gorgefriends.org FAX: _____

SPECIFIC ISSUE: MCC 36 CODE REVISIONS

MCC 37 CODE REVISIONS

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.



FRIENDS OF THE COLUMBIA GORGE

Proposed Changes to Multnomah County Enforcement Code (Item R-10)

Testimony of Friends of the Columbia Gorge

Presented by Michael Lang, Conservation Director

December 4, 2008

Good morning, Chair Wheeler and Members of the County Commission.

For the Record, my name is Michael Lang, and I am the Conservation Director of Friends of the Columbia Gorge. Friends of the Columbia Gorge (Friends) is a nonprofit organization with approximately 5,000 members. Friends is dedicated to protecting and enhancing the scenic, natural, cultural and recreation resources of the Columbia River Gorge through education, advocacy and responsible stewardship.

Thank you for the opportunity to testify on the proposed amendments to the enforcement provisions of the County Code. Friends would like to give recognition to the hard work and responsiveness of the Multnomah County Planning Staff, County Counsel and Planning Commission on developing the draft code revisions. Friends supports most of the proposed changes.

There is only one proposed change that Friends strongly opposes, and that is the proposed inclusion of a \$10,000 cap on total fines per violation, which is proposed to be included in section 37.0965(A).

According to County Staff, the stated purpose for the proposed \$10,000 cap is to prevent situations where the fine exceeds the value of the property. However, it is not necessary to legislatively impose a cap to accomplish that purpose. Proposed section 37.9035(B) would give express authority to the Director to reduce the amount of the fine actually collected, and thus would provide a means of avoiding disproportionate or unfair economic penalties. In addition, section 37.9035(B) authorizes the Director to set criteria for determining appropriate fine amounts. One such criterion could be the property value.

A legislative cap is unnecessary, and would have the undesirable effect of reducing the County's flexibility and discretion. Specifically, there may be situations where a \$10,000 fine is not a significant deterrent. It is not difficult to imagine such scenarios. They include particularly substantial or egregious violations, violations that last for a lengthy period of time, or violations caused by developers with deep pockets. In all three scenarios, violators may not take enforcement actions as seriously if they know that their total liability would be limited to a maximum of \$10,000.

The County Staff Reports state that the National Scenic Area Act limits fines to \$10,000. There are three important things to keep in mind about this limit. First, the limit applies only to fines assessed by the Gorge Commission—not fines assessed by the County. Second, the Gorge Commission's rules treat each day as a separate violation,¹ and thus allow the Gorge Commission to impose fines of up to \$10,000 *per day*. Third, the \$10,000 limit for the Gorge Commission originated in the Scenic Area Act, which was adopted in 1986, twenty-two years ago. Converting \$10,000 in 1986 dollars to 2008 dollars, based on the annual average change in

¹ Commission Rule 350-30-015(3) states that "Each day of continuing violation is a separate and distinct violation."

the consumer price index, yields \$19,635.04 as of July 2008. (See http://www.cdrpc.org/CPI_PPI.html for data and conversion formula.)

In conclusion, the County should not adopt a regulatory cap on total fines per violation. Adopting such a cap could undermine the County's flexibility and discretion, as well as the County's ability to effectively enforce against all violations.

If the County chooses to adopt a cap on total fines per violation, then the cap should be significantly higher than \$10,000 in order to serve as a deterrent to potential violators.

Thank you very much for considering these comments and recommendations.