



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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NOVEMBER 6-20, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Wednesday Executive Session
Pg 4	9:30 a.m. Thursday Public Comment Opportunity
Pg 4	9:30 a.m. Thursday Briefing on Portland - Lake Oswego Transit and Trail Alternatives Analysis
Pg 4	9:50 a.m. Thursday First Reading and Possible Adoption of Two Ordinances Amending County Land Use Code
Pg 5	11:00 a.m. Thursday Proclamation Honoring County Employees who are Veterans or are Currently Serving in the Military, Reserves or National Guard
Pg 6	1:00 p.m. Tuesday Joint County Meeting
	No November 13, 15 and 22, 2007 Meetings
	No December 4, 25 and 27, 2007 Meetings

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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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or: <http://www.metroeast.org>

Tuesday, November 6, 2007 - 7:30 AM to 9:00 AM
Multnomah Building, Third Floor Conference Room 315
501 SE Hawthorne Boulevard, Portland

LOCAL PUBLIC SAFETY COORDINATING COUNCIL EXECUTIVE COMMITTEE MEETING

A quorum or more of the Multnomah County Board of Commissioners may attend the Local Public Safety Coordinating Council Executive Committee meeting. This meeting is open to the public. For further information contact Carol Wessinger at (503) 988-5217.

Tuesday, November 6, 2007 – 7:30 AM to 4:00 PM
Red Lion Hotel on the River at Jantzen Beach
909 N. Hayden Island Drive, Portland

2007 CITY/COUNTY DIVERSITY DEVELOPMENT CONFERENCE

A quorum or more of the Multnomah County Commissioners may attend portions of the 2007 City of Portland, Multnomah County and Clackamas County Diversity Development Conference, including a session reserved for City/County Executives.

Wednesday, November 7, 2007 - 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. 90 MINUTES REQUESTED.

Thursday, November 8, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

- C-1 Appointment of Alexander Ben-Israel to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE
- C-2 Appointments of Olga Bahzinova, Jonath Colon, Natalie Mitchell, David Wang and Thomas Wright to the Multnomah County COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY
- C-3 Appointment Helen Strong and Edna Williams to the ELDERS IN ACTION COMMISSION
- C-4 Appointment of Ruth Gundle and Reappointment of Mark Garber to the Multnomah County LIBRARY ADVISORY BOARD

DEPARTMENT OF COMMUNITY SERVICES

- C-5 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Charles J. Kunert and Patricia L. Kunert
- C-6 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Roger J. & Ann M. Miracle

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-7 Budget Modification DCHS-16 Reclassifying a Program Manager 1 Position to a Program Supervisor in Mental Health and Addiction Services Administration, as Determined by the Class/Comp Unit of Central Human Resources

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.

DEPARTMENT OF COMMUNITY SERVICES – 9:30 AM

- R-1 **9:30 A.M. TIME CERTAIN:** Briefing on the Portland - Lake Oswego Transit and Trail Alternatives Analysis Recommendation. Presented by Ed Abrahamson and Ross Roberts. 20 MINUTES REQUESTED.
- R-2 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 Adoption and Implementation of the Regulatory Improvement Package 3 in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-3 First Reading and Possible Adoption of a Proposed ORDINANCE Amending MCC Chapter 37, Administration and Procedures, and Chapter 38, Columbia River Gorge National Scenic Area to Incorporate and Amend the Street Naming and Property Numbering Provisions of MCC Chapter 11.05, Enabling Application of the City of Gresham Street Naming and Property Numbering Scheme to Certain Areas of Unincorporated Multnomah County, and Repealing MCC §§11.05.500 through 11.05.575 and Declaring an Emergency

DEPARTMENT OF HEALTH – 10:00 AM

- R-4 Budget Modification HD-16 Appropriating \$54,315 from the Department of Health and Human Services National Cancer Institute for the Impact of School Policy on Risk Factors for Youth Obesity Project
- R-5 Budget Modification HD-17 Appropriating \$128,214 from the Department of Health and Human Services National Institute On Drug Abuse for the Reducing HIV Risk Among Methamphetamine IDUs through Peer Education Project

COUNTY ATTORNEY'S OFFICE – 10:05 AM

- R-6 RESOLUTION Authorizing Settlement of a Bankruptcy Court Matter and Approval of First Amended Lease for the Rocky Butte Tower Facility

NON-DEPARTMENTAL - 10:15 AM

- R-7 RESOLUTION Approving the Purchase of Real Property from BRCP/Unico Lincoln, LLC, Located at 421 SW Oak Street, Portland, Oregon, Authorizing County Chair to Execute Appropriate Documents to Complete the Purchase, and Approving the Lincoln Building Project Proposal Creating a Capital Improvement Project in Conformance with Administrative Procedure FAC-1
- R-8 RESOLUTION Amending the Financial and Budget Policies Adopted in Resolution 07-115 to Increase the Debt Limit from an Annual Payment of Not More than 5% to an Annual Payment of Not More than 7% of the County's General Fund Budgeted Revenues
- R-9 PROCLAMATION in Observance of Veterans' Day November 11, 2007, Honoring County Employees who are Veterans or are Currently Serving in the Military, Reserves or National Guard

BOARD COMMENT – 11:15 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.

Monday-Friday, November 12 through 16, 2007
Portland Marriott Downtown Waterfront
1401 SW Naito Parkway, Portland

AOC 2007 ANNUAL CONFERENCE

A quorum or more of the Multnomah County Board of Commissioners may attend portions of the 2007 Association of Oregon Counties Annual Fall Conference, including general sessions, steering committee meetings, and a District 8 Meeting with Clackamas and Washington County Commissioners.

Friday, November 16, 2007 - 9:30 AM to 11:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

PUBLIC NOTICE

A quorum or more of the Multnomah County Board of Commissioners may attend a briefing sponsored by Multnomah County's Department of Community Justice and Department of County Human Services and the Robert Wood Johnson Foundation's Reclaiming Futures Initiative regarding new adolescent treatment data from Multnomah County and across the nation. For additional information contact Benjamin Chambers at (503) 725-8955.

Tuesday, November 20, 2007 - 1:00 PM
Beaverton City Hall, Council Chambers
4755 SW Griffith Drive, Beaverton

JOINT COUNTY MEETING

JM-1 The Multnomah County Board of Commissioners will meet jointly with the Washington County Board of Commissioners for the purpose of a public process and Board appointment to fill a vacancy in the Legislative Assembly, Oregon State Senate District 14 from Democratic Precinct Committee approved candidates Elizabeth Ann Bode, Mike Bohan, Mark Hass and Shantu Shah.

Members of the Multnomah County Board will participate in person in the Beaverton City Hall Council Chambers, 4755 SW Griffith Drive, Beaverton, and via speakerphone from the Multnomah Building, Sixth Floor Commissioners Conference Room 635, 501 SE Hawthorne, Portland. This is a public meeting. The action of the Multnomah County Board will be ratified at its Regular Board meeting on November 29, 2007.



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 S.E. HAWTHORNE BLVD., Room 600
PORTLAND, OREGON 97204
(503) 988-5213

Lonnie Roberts • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Chair Ted Wheeler
Commissioner Maria Rojo de Steffey
Commissioner Jeff Cogen
Commissioner Lisa Naito
Board Clerk Deb Bogstad

FROM: Sam Peterson
Staff Assistant to Commissioner Lonnie Roberts

DATE: October 31, 2007

RE: Wednesday November 7 Executive Session

Due to a prior appointment Commissioner Roberts will not be attending the Executive Session on Wednesday November 7, 2007.

Thank you,

Sam Peterson

Executive Committee Agenda



DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Tuesday, November 6, 2007

7:15am Coffee

7:30am to 9:00am

Multnomah Building

501 SE Hawthorne Blvd.

Horsetail Falls Room – 3rd Floor

Introductions & Announcements/Updates **5 Minutes**

Child Abuse Task Force **5 minutes**

Chief Carla Piluso & Commissioner Lisa Naito

CJIS Update **5 minutes**

Jail Oversight Committee **10 minutes**

Project Clean Slate

District Attorney Michael Schrunk **20 minutes**

Representative Chip Shields, Judge Edward Jones & Roy Jay

Domestic Violence Fatality Review **15 Minutes**

Chiquita Rollins, Director, Domestic Violence Coordination

Ballot Measures/Legislation **25 minutes**

Judy Shiprack, Director, LPSCC

Craig Prins, Director, Criminal Justice Commission

Commissioner Naito

NEXT MEETINGS

“What Works” Conference

Re-Entry: Successful Transitions Back into the Community

Tuesday, December 4, 2007 - 8:30am to 3:30pm

Embassy Suites Downtown Hotel - 319 SW Pine St

January 15, 2007 – 10:00am

Board of County Commissioners Meeting

501 SE Hawthorne Blvd. – Main Floor

Public Safety Plan Completion & Report

**Serving
Public
Safety
Agencies in
Multnomah
County**

The Fourteenth Annual City/County Diversity Conference

Agenda

Theme: Understanding Power, Privilege and Perception:
A Dialogue to Affect Change in the Workplace

Tuesday, November 6, 2007
Red Lion Hotel On The River At Jantzen Beach
909 N. Hayden Island Drive
Portland, OR 97217
503.283-4466



7:30am – 1:00pm	Registration Open
8:00am – 8:15am	Welcome and Opening Announcements Grand Ballroom Donny R. Adair, Master of Ceremonies Joseph Quinones, Manager of Diversity Development and Affirmative Action
8:30am – 9:50am	Workshop Period 1
9:50am – 10:00am	Break
10:00am – 11:20am	Workshop Period 2
9:00am – 11:00am	Executive Session – By Invitation Only Grand Ballroom – Salon 3 West
11:30am – 1:30pm	Conference Luncheon Grand Ballroom Donny Adair, Master of Ceremonies Song – National Anthem Ms. Tamara Stephens
12:05pm – 12:15pm	Greetings from Participating Municipalities Ted Wheeler, Chair, Multnomah County Commission Lynn Peterson, Clackamas County Commissioner Sam Adams, City of Portland Commissioner
12:15pm – 12:35pm	Lunch Served
12:35pm – 12:45pm	Song Ms. Tamara Stephens City of Portland, Diversity Champion Awards Employee Award Presented by Yvonne L. Deckard, Director of the Bureau of Human Resources Committee Award Presented by Kenneth L. Rust, Chief Administrative Officer Bureau Award Presented by City of Portland Commissioner (to be announced)
12:45pm – 1:15pm	Introduction of Keynote Speaker Keynote Speaker Tim Wise
1:15pm – 1:30pm	Afternoon Announcements and Closing Remarks Donny Adair, Master of Ceremonies Emmett Wheatfall, Clackamas County Diversity Manager Monique Coleman Riley, Multnomah County, Senior Administrative Analyst Return to Afternoon Workshops
1:30pm – 4:00pm	Workshop Period 3

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[Diversity Development Ctr](#) → **City/County Diversity Conference**

Information will be posted about this year's conference as it becomes available.

Search

Diversity Conference

Workshops & Schedules
 Conference workshop schedules & descriptions, agenda, and Executive Session details.

Conference Logistics
 Maps, transportation options, and registration.

Conference Schedule

Workshop Schedule

Registration for CITY Employees, Bureau Directors & Executives

The City of Portland, Multnomah County and Clackamas County Present:

The Fourteenth Annual City/County Diversity Conference



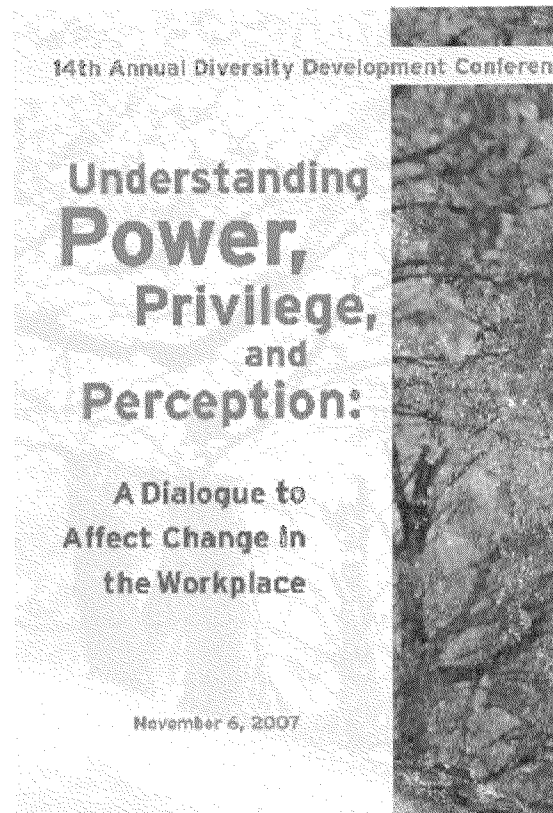
Tim Wise, Keynote Speaker

Keynote Presentation:
 Perception and Reality in The Workplace: Framing the Dialogue

****City Employees: Register Here!****

Three leading municipalities, the City of Portland, Multnomah County, and Clackamas County have combined resources to present the Fourteenth Annual City/County Diversity Development Conference. The one-day conference will take place on Tuesday, November 6, 2007, at the Red Lion Hotel on the River Jantzen Beach.

This partnership presents a unique opportunity to cross diverse boundaries for common purpose of promoting our diversity values of inclusiveness, respectful environments, equal opportunity for all, and culturally responsive services.



Understanding Power, Privilege, and Perception: A Dialogue to Affect Change in the Workplace is this year's theme. It has a powerful meaning for those of us who serve the public and reminds us that open and honest communication is needed, if we are going to translate our diversity aspirations into tangible practices.

The conference will focus on moving forward individually and institutionally by shifting from awareness to action and accountability. The City of Portland, Multnomah County, and Clackamas County have invested resources in raising awareness about diversity issues, including the establishment of an infrastructure to support diversity development, and training employees in cultural competence.

Every employee who attends this conference will gain tools and information that will help them to make a difference in the workplace.

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MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/07/07
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 10/31/07

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

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

Requested Meeting Date: November 7, 2007 **Amount of Time Needed:** 90 minutes
Department: Non-Departmental **Division:** County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 **Ext.** 83138 **I/O Address:** 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

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.

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

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

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

ORS 192.660(2)(d),(e)and/or(h)

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

Required Signature

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

Date: 10/31/07



LINCOLN BUILDING - FINANCIAL DETAIL

Spring 2007 Estimates

Fall 2007 Estimates

Buildings		Lincoln		Lincoln	
		Lease w/ Option to Purchase at Lincoln Building. Sell both McCoy and Mead		Purchase at Lincoln Building. Sell both McCoy and Mead	
Description			Comments		Comments
Consistent with 2005 Facilities Strategic Plan		Yes		Yes	
County Occupancy in Square Feet		256,454		256,454	
UPFRONT CAPITAL					
Available Capital from Building Sales	1	(\$2,000,000)	\$57.50/SF w/2007 Debt	(\$5,566,879)	\$65.00/SF w/ updated Debt
Purchase Price	3	\$40,600,000		\$44,100,000	
Project Wide Contingency	5	\$1,000,000		\$0	Construction & FFE Also Have Contingency
Seismic Code Requirements	6	\$8,000,000	Worste Case	\$6,100,000	
Deferred Maintenance and Emergency Work	7	\$0		\$0	
Tenant Improvements (Interior/finishes)	8	\$14,015,161		\$16,455,000	
Health Department		\$9,686,437	8% Contingency	\$11,687,000	10% Contingency
DCJ		\$1,881,560	10% Contingency	\$2,430,000	10% Contingency
DCHS		\$1,713,164	10% Contingency	\$2,088,000	10% Contingency
New Storefront Windows		\$484,000		Included in TI Budget	10% Contingency
X-Ray Machine		\$250,000		\$250,000	
1.33% for the Arts	9	\$832,782		\$886,512	May be able to make dual purpose
Furniture, Fixtures, Equipment (FFE) + Move	10	\$4,500,000		\$4,500,000	High degree of confidence
Health Department		\$2,575,000	5% Contingency	\$2,575,000	10% Contingency
DCJ		\$1,607,000	10% Contingency	\$1,607,000	10% Contingency
DCHS		\$318,000	10% Contingency	\$318,000	10% Contingency
Qwest Termination Payment		\$0		(\$175,000)	Due April 1, 2008
Total Upfront Capital Outlay	11	\$66,947,943		\$66,299,633	Money required for project
Financing Costs					
"New Money" Capitalized Interest Fund	12	\$5,740,000		\$700,000	
"New Money" Capitalized Interest Fund		\$1,985,788		\$0	
"New Money" Bond Issuance Cost & Continency		\$504,212		\$700,000	
"Qwest Loan" (Existing Lincoln Debt) Net Cost		\$3,250,000	\$17.65M - \$14.4M	\$0	
Total Financing Required	13	\$72,687,943		\$66,999,633	
Total Estimated Cost Difference	14			\$5,688,310	



SUMMARY OF OPTIONS FOR DOWNTOWN HUB

	Base Case	Option 1	Option 2	Option 3	Option 4
	McCoy, Mead & Lincoln	McCoy, Mead & Lincoln	New Clinic, Mead & Lincoln	Lincoln	Lincoln
FINANCIAL SUMMARY	Unsustainable Option - Do Nothing Except Ongoing Emergency Work at Mead and McCoy	Make Mead and McCoy Tier I, No Service Expansion, Retain Lincoln Lease	Build a New Clinic to Replace McCoy, Improve Mead, Retain Lincoln Lease	Purchase Lincoln, Consolidate Health, DCJ, DCHS, ADS, DUII & IT	Option 3 with \$14.65 Million Upfront Contribution, 25 Year Amortization, 2.5% Annual Increases
Square Footage Required	287,574	287,574	264,929	256,464	256,464
15 Year Cost	\$89,279,389	\$131,579,536	\$127,251,359	\$114,670,850	\$88,620,567
Average Annual Cost	\$5,951,959	\$8,771,969	\$8,483,424	\$7,644,723	\$5,908,038
PROS and CONS:					
Facilities Strategic Plan	Does not comply	Partially Complies	Partially Complies	Fully Complies	Fully Complies
Health and Safety	This option is not sustainable, the buildings will be unusable at some point without improvement	Buildings are brought to Tier I status and will be safer and healthier	Buildings are brought to Tier I status and will be safer and healthier	Lincoln will be a Tier I building and will provide improved health and safety	Lincoln will be a Tier I building and will provide improved health and safety
Space Efficiency	Inefficient use of space and retains three buildings rather than one	Inefficient use of space and retains three buildings rather than one	More efficient for Health, but inefficient for DCJ and still retains three buildings rather than one	Most efficient use of space and consolidates into one building providing program efficiencies as well	Most efficient use of space and consolidates into one building providing program efficiencies as well
Work Environment	No improvement to work environment	Modest improvement to work environment	Significant improvement for Health and modest improvement for DCJ	Significant improvement in the work environment	Significant improvement in the work environment
Construction Disruption	No construction disruption	Significant disruption over 3 - 4 years	Limited disruption for Health and significant disruption for DCJ over 3 - 4 years	Modest disruption due to construction in Lincoln	Modest disruption due to construction in Lincoln
HIPAA and ADA Compliance	Not fully compliant with either HIPAA or ADA	Complies with both HIPAA and ADA	Complies with both HIPAA and ADA	Complies with both HIPAA and ADA	Complies with both HIPAA and ADA
Service Level Improvement	No service improvement to clients	No service improvement to clients	50% increase in service delivery for Health. Provider/exam ratio is improved to 1:3.1 from 1:2. Improved environment for DCJ clients.	50% increase in service delivery for Health. Provider/exam ratio is improved to 1:3.1 from 1:2. Improved environment for DCJ clients.	50% increase in service delivery for Health. Provider/exam ratio is improved to 1:3.1 from 1:2. Improved environment for DCJ clients.



OPTIONS FOR DOWNTOWN HUB - FINANCIAL DETAIL

		Base Case	Option 1	Option 2	Option 3	Option 4
Buildings		McCoy, Mead & Lincoln	McCoy, Mead & Lincoln	New Clinic, Mead & Lincoln	Lincoln	Lincoln
Description		Unsustainable Option - Do Nothing Except Ongoing Emergency Work at Mead and McCoy	Make Mead and McCoy Tier I, No Service Expansion, Retain Lincoln Lease	Build a New Clinic to Replace McCoy, Improve Mead, Retain Lincoln Lease	Purchase Lincoln, Consolidate Health, DCJ, DCHS, ADS, DUII & IT	Option 3 with \$14.65 Million Upfront Contribution, 25 Year Amortization, 2.5% Annual Increases
Consistent with 2005 Facilities Strategic Plan		No	Partially	Partially	Fully	Fully
County Occupancy in Square Feet		287,574	287,574	264,929	256,464	256,464
UPFRONT CAPITAL						
Available Capital from Building Sales	1	\$0	\$0	(\$3,480,925)	(\$5,566,879)	(\$5,566,879)
Qwest Termination Payment	2	\$0	\$0	\$0	(\$175,000)	(\$175,000)
Purchase Price or Shell/Core Const. + Land	3	\$0	\$0	\$20,000,000	\$44,100,000	\$44,100,000
Seismic Code Requirements	4	\$0	\$12,700,000	\$5,400,000	\$6,100,000	\$6,100,000
Deferred Maintenance and Emergency Work	5	\$0	\$4,120,000	\$800,000	\$0	\$0
Tenant Improvements (Interior/finishes)	6	\$0	\$14,367,000	\$16,180,000	\$16,455,000	\$16,455,000
Health Department	7	\$0	\$11,687,000	\$13,500,000	\$11,687,000	\$11,687,000
DCJ	8	\$0	\$2,430,000	\$2,430,000	\$2,430,000	\$2,430,000
DCHS	9	\$0	\$0	\$0	\$2,088,000	\$2,088,000
X-Ray Machine	10	\$0	\$250,000	\$250,000	\$250,000	\$250,000
1.33 % for the Arts	11	\$0	\$414,787	\$563,654	\$866,515	\$866,515
Furniture, Fixtures, Equipment (FFE) + Move	12	\$0	\$4,500,000	\$4,500,000	\$4,500,000	\$4,500,000
Total Upfront Capital Outlay	13	\$0	\$36,101,787	\$43,962,729	\$66,279,636	\$66,279,636
15 YEAR COSTS						
Rent (includes Op Ex)	14	\$39,826,338	\$39,826,338	\$39,826,338	\$3,738,275	\$0
Debt Payments	15	\$5,733,111	\$47,161,070	\$55,147,753	\$76,058,009	\$53,746,001
Income from 3rd Party Tenants	16	\$0	\$0	\$0	(\$5,668,444)	(\$5,668,444)
Outside Lease for Construction	17	\$0	\$3,346,902	\$1,673,451		
Operating Expenses for Owned	18	\$43,719,940	\$41,245,226	\$30,603,817	\$40,543,010	\$40,543,010
Total Costs Over 15 Year Term	19	\$89,279,389	\$131,579,536	\$127,251,359	\$114,670,850	\$88,620,567
Average Annual Cost	20	\$5,951,959.23	\$8,771,969	\$8,483,424	\$7,644,723	\$5,908,037.81



McCoy/Mead/Lincoln

November 8, 2007



Facilities Strategic Plan

- Both the McCoy and Mead Buildings Identified as Tier III (disposition/replacement) in Board-approved Disposition Strategy
- This strategy subsequently confirmed in Board-approved Facilities Strategic Plan
- Because of the cost of building medical clinics and the controversial nature of siting probation offices, must be in owned rather than leased facilities

Our Capital Priorities – what is “within” current resources

- Courthouse – Need State assistance and/or GO Bond (2010)
- Sellwood Bridge and other Willamette River Bridges - Vehicle Registration Fee or GO Bond (May, 2008?)
- Hansen to East County Justice - in progress – manageable within sales proceeds and GF resources including one time contribution
- McCoy/Mead/Lincoln – manageable within GF resources including possible one time contribution

Our Current Situation

- McCoy and Mead are Tier III Buildings, in need of considerable maintenance/repairs
- Health Department clinics are inefficient and out of compliance with both ADA & HIPAA
- Though somewhat less problematic operationally, the DCJ space is very inefficient
- DCHS has a 10 year lease (plus two five year options) in Lincoln Bldg. for 104,978 sf
- Good Neighbor Agreement calls for County to make best efforts to get out of McCoy and Mead

McCoy Building

- 97,645 sf
- Substantial deferred maintenance and continuing operational problems
- Building is not up to seismic standards
- Hugely expensive and very disruptive to try to address these issues while the building is occupied
- The required investment is greater than the cost of replacing the building and would be far in excess of the market value of the building when complete

Mead Building

- 76,201 sf
- Similar to the McCoy Building, substantial deferred maintenance and seismic work required
- Very challenging to do the work while the building is occupied though not as problematic as McCoy
- The required investment is greater than the cost of replacing the building and would be far in excess of the market value of the building when complete
- Two years ago, solicited proposals from more than 600 real estate professionals for replacement space; NO responses

Terms of Lincoln Lease

- County has 8.5 years remaining on a 10 year lease for more than 100,000 sf in the Lincoln Building for DCHS (plus two 5 year options)
- Lease provides for two 5-year options for extending as well as the option to cancel the lease if we create alternate space in connection with the Courthouse construction
- Lease covers approx. 40% of the building

Options considered

- Have considered every building which has been offered for sale in the core in past 2 years (including the Federal Reserve, Port, and numerous others)
- Considered and approached a number of owners if we believed they might consider selling
- Analyzed building new space (primary focus on clinic; office uses considered when appropriate)
- Discussed possibilities for a partnership with Central City Concern in potential Hooper replacement; no longer an option
- Considered renovating McCoy and Mead

The Lincoln Building

- Formerly the Qwest Building
- Qwest sold to UNICO for less than \$12 million
- Assessed Real Market Value: \$39.5 million
- Appraised at \$44.5 – 46.8 million
- Our long-term lease adds to the value of the building
- With our lease and Qwest's, the building is currently profitable

The Offer Last Winter

- $\$40.6 + \$3.250 \text{ Loan} + \$0.5 \text{ Improvements} = \44.350 million
- Comparisons with Other Options Then – see charts
 - Comparable average annual cost
 - Addresses basic facilities health and safety issues
 - Increased efficiencies

The Offer Now

- \$44.1 million (seller assumes \$3.250 existing debt – otherwise similar offer)
- Total Cost of Ownership lower now – estimated at approximately \$5.6 million lower (see next slide)
- Comparisons with Other Options - see charts
- Terms - \$1 million for two months

Spring v. Fall Changes

- Projected \$5.688 million less based on:
 - Higher value for Mead and McCoy (-\$3.2 based on recent sales data & reduced debt)
 - Higher contingency (+\$2.8)
 - Existing Lincoln debt assumed by seller (-\$3.250)
 - Lower Seismic estimate (-\$1.9)

Prior Board Involvement

- Board approved 10 year lease for DCHS in 2005
- Board discussed potential of additional long term lease on same favorable lease terms
- Board gave direction to explore purchase options (e.g. own, rather than lease)
- Executive session (2-13-07) and public meeting (4-12-07) to enter into lease of health space with option to purchase
- Seller withdrew offer

Public Process – Rhys

- Public Review process used
 - Developed a fact sheet.
 - Met face to face with neighbors.
 - Attended downtown public safety meeting.
 - Held an informational open house.
 - Discovered no substantial concerns.

Process with Development Community

- Four diverse real estate experts who work on downtown Portland real estate
- Comments
 - Not relevant what someone else paid
 - Owners made their money at purchase time
 - Glass slipper
 - Lease creates value
 - Couldn't reproduce elsewhere downtown
 - Hard to speculate on downtown real estate
 - Services and worker productivity should increase
 - Without the County they may not be able to sell, but they don't need to sell

Due Diligence

- In February, deal would have given us 90 days. We had the advantage of most of that time to proceed with due diligence.
- In October, we were offered less than 30 days.
- We had already completed much of what we needed on the building.

Due Diligence Issues #1 – Seismic

- KPFF developed conceptual plans for seismic upgrade
- Consulted with City of Portland Bureau of Development Services
- Contractor provided estimates for these plans of \$6.1 million (=~\$24/sq ft)

Due diligence – #2 Legal – John

- Negotiations completed
- Potential “deal breakers” involving liability
- Recommendation: Follow recommendations of County Attorney and leave it up to Seller to accept/reject

Due diligence #3 - Increase in County debt capacity policy - Mindy and Mark

- Current policy – 5% of budgeted general fund revenues (at 4.2% now)
- Would be at 6.7% with the Lincoln, Columbia Pacific Plaza, and A&T
- Self imposed limitation
- Conservative
- Comparisons with City of Portland (10%) and other counties – see chart

Comparison with other counties- Mindy and Mark

- Stated in terms of % of debt capacity used under ORS 287.053 (allows 1% of RWV within County)
- Washington 15.75%
- Deschutes 19.30%
- Lane 6.58%
- Multnomah (now) 10.36%
- Multnomah with A&T,
Columbia Pacific & Lincoln 19.02%

Required action on Debt Limit

- Raise to 7% to accommodate Lincoln, A & T system purchase and possible purchase of Columbia Pacific Building (N. Portland Parole and Probation office)
- Delay action to determine how use of one time only money might impact and whether Columbia Pacific purchase will be approved
- Enact any time prior to actual borrowing

Due Diligence #4 – Potential Impact on Moody's Bond Rating

- Not expected to trigger credit rating downgrade from Aa2 to Aa3
- Moody's may request an "informal review" if debt limit is increased
- Downgrade would have negligible impact on cost of borrowing

Due diligence #4 con't– potential impact on Moody's bond rating

- Other factors will also impact bond rating
- More favorable revenues
- Reducing ongoing expenditures in FY09, as per current plan
- Stable labor contracts, including health care cost containment
- Our ability to turn unplanned expenditures for emergency repairs on two facilities into planned expenditures on one facility

Due diligence #5 – ongoing expenditures

- Worst case – increase of approximately \$1.7 million annually (currently \$5.9; would increase to \$7.6) for Health, DCHS, DCJ; assumes flat rate
- Possible mitigation – use of one time only funds to lower debt service costs and make costs comparable; also % for Art of \$.886 may be removed

Due diligence #6 – Department Operations and Services

- Health, DCHS and DCJ Directors planned together on how to use floor plan
- Benefits
 - Increased productivity and client access for Health
 - Synergy among units – improved work environment
 - Long term facility stability for the three Depts.

A “Good Deal” in Real Estate

- Willing buyer and willing seller
- Purchaser must measure worth and options
- Property may be worth more to us than other buyers
- This proposed deal addresses current facility risks

If decision is no,

- The County will spend more on other comparable options
- County could invest more in Mead and McCoy than buildings are worth and not solve underlying problems
- \$34.3 will still be “invested” in Lincoln if we continue for 15 years on our lease
- May be forced to reevaluate having a presence in downtown Portland; will have client impact for both DCJ and DH

Role of CRESA consultants

- CRESA is our broker and will receive a \$600,000 commission which is typical for a deal of this size
- Background – CRESA selected after a competitive process 3 years ago to provide expert assistance in developing a strategic plan, developing a state of the art lease management system, and negotiating large scale transactions (which was beyond staff capacity/expertise)

Services provided by CRESA

- Terms – with payment of commission, CRESA will provide at no additional cost the next 18 to 24 months of project management, relocation, and planning management services
 - completing the seismic upgrade
 - completing tenant improvements and preparing the site for occupancy
 - managing the move from Mead and McCoy

Multiple external parties involved on due diligence

- Who else involved in reviewing this proposed transaction
 - Appraisal
 - Due diligence review
 - Seismic
 - Space Planning
 - Cost Estimates
 - Bond Financing
 - Legal
 - Integra Realty Resources
 - Mackenzie Group
 - KPFF Engineering
 - GBD Architects
 - Howard S. Wright
 - Seattle Northwest
 - Davis Wright Tremaine

Real Estate in the Public Sector

- Private v. public negotiations; deserves extra scrutiny based on past fears
- Don't have to like your seller
- Compare apples to apples; money spent on ongoing building operations over time can't be equated to ongoing operational needs
- Comparing long vs. short term costs and benefits

Next Steps

- What needs to be done in order to move forward?



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 10/31/07

Agenda Title: **Appointment of Alexander Ben-Israel to the Multnomah County Citizen Involvement Committee**

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

Requested Meeting Date: November 8, 2007 Amount of Time Needed: Consent Agenda
Department: Non-Departmental Division: Chair's Office
Contact(s): Ted Wheeler, Tara Bowen-Biggs
Phone: (503) 988-3308 Ext. 83953 I/O Address: 503/600
Presenter(s): N/A

General Information

1. What action are you requesting from the Board?

Request approval of appointment of Alexander Ben-Israel to the Multnomah County Citizen Involvement Committee.

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 purpose of the Citizen Involvement Committee (CIC) is to inform residents of their opportunities and rights in the decision making process of all branches of County government. The CIC creates meaningful citizen involvement opportunities and integrates citizens into the decision making process. There are 15 volunteer members – 12 from specific commission districts and 3 recommended from County Boards and/or civic groups (at large). Nominees are passed forward by the Citizen Involvement Committee and appointed to 3-year terms by the County Chair with approval of the Board of County Commissioners. Mr. Ben-Israel will fill and At-Large Position. Citizen Involvement Committee members have a 2-term limit. Kathleen Todd is the Executive Director of the Multnomah County Office of Citizen Involvement.

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

No current year/ongoing fiscal impact.

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

No legal and/or policy issues involved.

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:

TED WHEELER

Date: 10/31/2007



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 10/31/07

Agenda Title: **Appointments of Olga Bahzinova, Jonath Colon, Natalie Mitchell, David Wang and Thomas Wright to the Multnomah County Commission on Children, Families and Community**

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

Requested Meeting Date: November 8, 2007 Amount of Time Needed: Consent Agenda
Department: Non-Departmental Division: Chair's Office
Contact(s): Tara Bowen-Biggs
Phone: (503) 988-3308 Ext. 83953 I/O Address: 503/600
Presenter(s): N/A

General Information

1. What action are you requesting from the Board?

Request board approval of appointment of Olga Bahzinova, Jonath Colon, Natalie Mitchell, David Wang and Thomas Wright to the Multnomah County Commission on Children, Families and Community.

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

The purpose of the Multnomah county Commission on Children, Families and Community (CCFC) is to develop and prepare in accordance with State law a comprehensive plan for the delivery of services to be provided for children and families in the county. The CCFC oversees implementation of the plan and monitors the outcomes, including State and County benchmarks. They receive and distribute Federal and State community services funds for the County and ensure the effectiveness of community involvement in the poverty program planning process. The CCFC reviews and approves local poverty program policy, and monitors and evaluates poverty program effectiveness. The CCFC has a board of at least

nine but no more than 33 members that reflect the diverse County population. One-third of the CCFC board members are elected public officials or their designees. At least one-third of the CCFC board members represent persons in poverty in the County. The remainder of the CCFC board members have a commitment to the well-being of children, youth and families. Members are appointed by the County Chair with approval of the Board of County Commissioners.

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

No fiscal impact.

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

No legal and/or policy issues involved.

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:

TED WHEELER

Date: 10/31/2007



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 10/31/07

Agenda Title: Appointment Helen Strong and Edna Williams to the Elders in Action Commission

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

Requested Meeting Date: November 8, 2007 Amount of Time Needed: Consent Agenda
Department: Non-Departmental Division: Chair's Office
Contact(s): Ted Wheeler, Tara Bowen-Biggs
Phone: (503) 988-3308 Ext. 83953 I/O Address: 503/600
Presenter(s): N/A

General Information

1. What action are you requesting from the Board?

Recommend board approval of appointments of Helen Strong and Edna Williams to the Elders in Action Commission.

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 Chair appoints, with approval of the Board of County Commissioners: 1 consumer from each of the District Advisory Councils (East County, Southwest, Northeast and Southeast, Mid-County); 3 representatives from retired persons organizations; 6 at-large members; 1 consumer representing the disabled. Other members, not appointed by the County Chair include 1 consumer from each of the 4 District Advisory Councils; 1 elected official; 5 representatives from retired persons' organizations; 6 at-large members. Membership includes at least 51% of persons over the age of 60, low income persons, racial minorities and adult disabled, at least proportionate to their numbers county-wide, and persons from urban and rural areas of the County. Members are appointed to 3-year terms. The seniors being requested for approval today have unique backgrounds and interests and will contribute greatly to the work of Elders in Action Commission.

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

No fiscal impact

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

No legal and/or policy issues involved.

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:

TED WHEELER

Date: 10/31/2007



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 10/31/07

Agenda Title: Appointment of Ruth Gundle and Reappointment of Mark Garber to the Multnomah County Library Advisory Board

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

Requested Meeting Date: November 8, 2007 Amount of Time Needed: Consent Agenda
Department: Non-Departmental Division: Chair's Office
Contact(s): Ted Wheeler, Tara Bowen-Biggs
Phone: (503)988-3308 Ext. 83953 I/O Address: 503/600
Presenter(s): N/A

General Information

1. What action are you requesting from the Board?

Request the Board approve appointment of Ruth Gundle and reappointment of Mark Garber to the Multnomah County Library Advisory Board.

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 Library Advisory Board advises the board of County Commissioners on matters relating to library services, policies and funding. It also serves as the Citizen Budget Advisory Committee for the County's Library Department. There are 17 members including two youth members (between the ages of 13 and 17). Non-youth members are appointed to 4-year terms by the county Chair with approval of the board of County Commissioners. Youth members are appointed to 2-year terms by the County Chair with approval of the Board of County Commissioners. Yvonne Chambers is liaison to the Multnomah County Library Advisory Board.

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

No fiscal impact.

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

No legal and/or policy issues involved.

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:

TED WHEELER

Date: October 31, 2007



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST short form

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: C-5
Est. Start Time: 9:30 AM
Date Submitted: 10/24/07

Agenda Title: **RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Charles J. Kunert and Patricia L. Kunert**

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

Date Requested: November 8, 2007 **Time Requested:** Consent Item
Department: Community Services **Division:** Tax Title
Contact(s): Gary Thomas
Phone: 503-988-3590 **Ext.** 22591 **I/O Address:** 503/4/TT
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 private sale of a tax foreclosed property to CHARLES J & PATRICIA L KUNERT.

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 is a small strip more or less 0.98' x 82' in dimension that came into county ownership through the foreclosure of delinquent tax liens on September 26, 2000. The area of the strip is approximately 80 square feet. It is located adjacent to the north property line of 3137 NE Rosa Parks Way.

The strip was created when the property at 3137 NE Rosa Parks Way sold in October 1960 and the legal description on the deed omitted the description for the subject strip. Property taxes were paid on the strip by the former owner for a number of years until 1994 and six years later it was foreclosed and came into county ownership. A 1954 survey shows the north/south dimensions of the 3137 Rosa Parks Way property and the adjacent property to be 100.98' which includes the subject strip. This is another reason to conclude that the strip should belong to the 3137 Rosa Parks Way property and we propose to sell the strip to the owner of that property.

The attached Exhibit A shows the location of the strip. An aerial photo, Exhibit B, shows the strip and the surrounding properties.

Tax Title Division is confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

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 private sale will allow for the recovery of a portion of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit C).

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

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

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

No citizen or government participation is anticipated.

EXHIBIT A

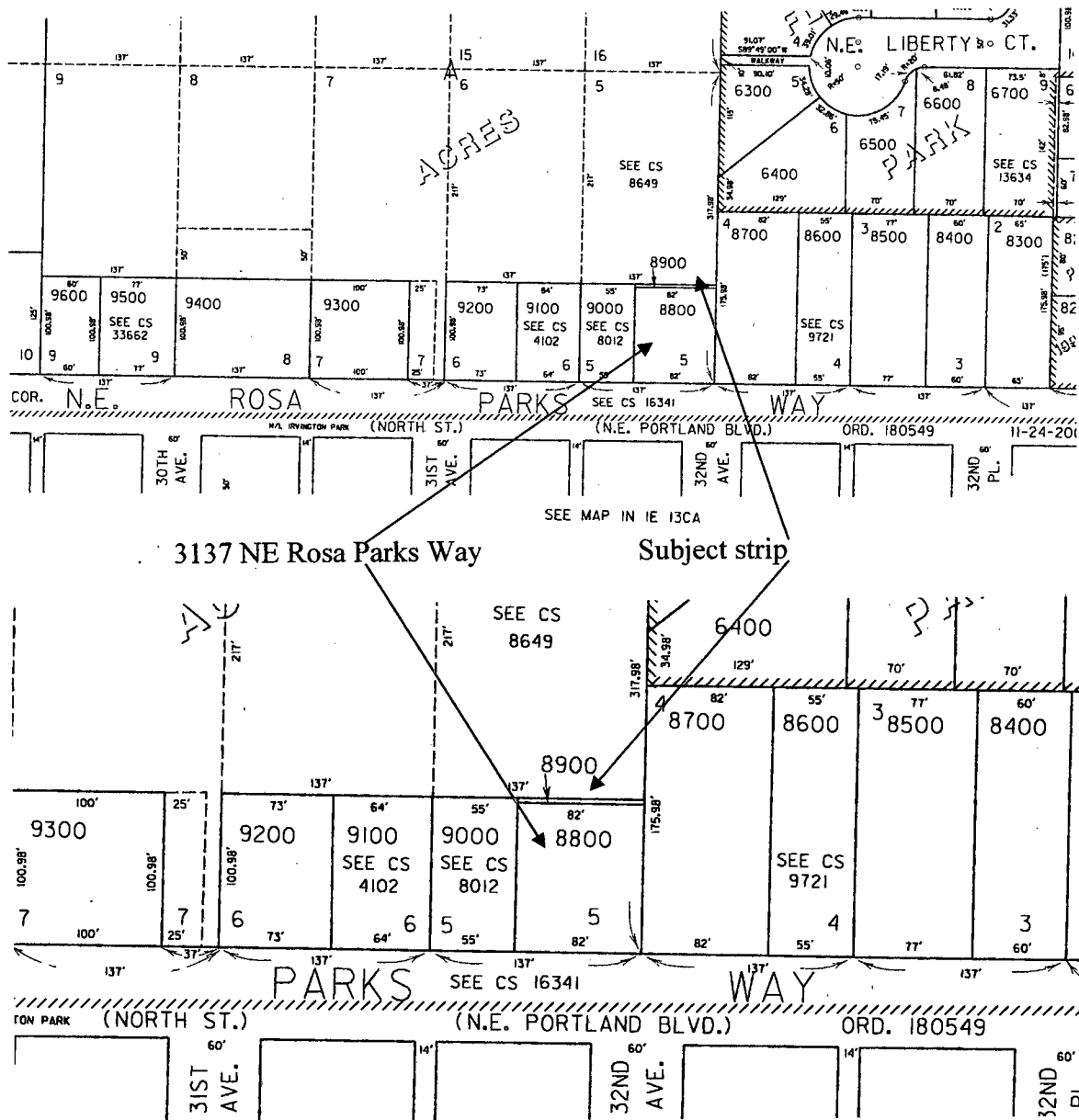


EXHIBIT B



Subject strip

3137 NE Rosa Parks Way

EXHIBIT C

LEGAL DESCRIPTION:

EXC N 217' & EXC S 100' E 82' OF LOT 5 BLOCK A SUNDERLAND AC & PLAT 3

ADJACENT PROPERTY ADDRESS: 3137 NE Rosa Parks Way
TAX ACCOUNT NUMBER: R279887
GREENSPACE DESIGNATION: No designation
SIZE OF PARCEL: More or less 80 square feet
ASSESSED VALUE: \$100

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

TAX TITLE MAINTENANCE COST & EXPENSES:

RECORDING FEE:

SUB-TOTAL

MINIMUM PRICE REQUEST OF PRIVATE SALE

	\$65.20
	\$-0-
	\$26.00
	\$91.20
	\$26.00

Required Signature

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 10/23/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to Charles J. Kunert and Patricia L. Kunert

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following real property:

EXC N 217' & EXC S 100' E 82' OF LOT 5 BLOCK A SUNDERLAND AC &
PLAT 3

- b. The property has an assessed value of \$100.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. Tax Title has received a \$26 payment from Charles J. Kunert and Patricia L. Kunert, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. The Chair on behalf of Multnomah County is authorized to execute a deed substantially in compliance with the attached deed conveying to Charles J. Kunert and Patricia L. Kunert the above described real property.

ADOPTED this 8th day of November, 2007.

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

Until a change is requested, all tax statements shall be sent to the following address:
CHARLES J KUNERT AND
PATRICIA L. KUNERT
3137 NE ROSA PARKS WAY
PORTLAND OR 97211

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION 503/4

Deed D072145 for R279887

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to Charles J. Kunert and Patricia L. Kunert, Grantee, the following real property:

EXC N 217' & EXC S 100' E 82' OF LOT 5 BLOCK A SUNDERLAND AC & PLAT 3

The true consideration paid for this transfer is \$26.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES 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 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 8th day of November 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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 8th day of November 2007, 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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-175

Authorizing the Private Sale of a Tax Foreclosed Property to Charles J. Kunert and Patricia L. Kunert

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following real property:

EXC N 217' & EXC S 100' E 82' OF LOT 5 BLOCK A SUNDERLAND AC &
PLAT 3

- b. The property has an assessed value of \$100.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. Tax Title has received a \$26 payment from Charles J. Kunert and Patricia L. Kunert, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. The Chair on behalf of Multnomah County is authorized to execute a deed substantially in compliance with the attached deed conveying to Charles J. Kunert and Patricia L. Kunert the above described real property.

ADOPTED this 8th day of November, 2007.

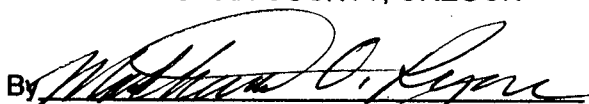


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


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

Until a change is requested, all tax statements shall be sent to the following address:
CHARLES J KUNERT AND
PATRICIA L. KUNERT
3137 NE ROSA PARKS WAY
PORTLAND OR 97211

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION 503/4

Deed D072145 for R279887

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 8th day of November 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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 8th day of November 2007, 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

Until a change is requested, all tax statements shall be sent to the following address:
CHARLES J KUNERT AND
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After recording, return to:
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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

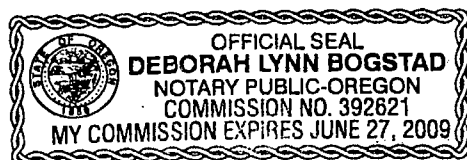
REVIEWED:

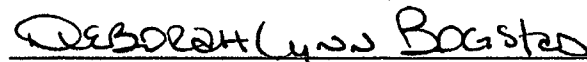
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 8th day of November 2007, 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



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST short form

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: C-6
Est. Start Time: 9:30 AM
Date Submitted: 10/24/07

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Roger J. & Ann M. Miracle

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

Date Requested:	November 8, 2007	Time Requested:	Consent Item
Department:	Community Services	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.	22591
Presenter(s):	Gary Thomas		
I/O Address:	503/4/TT		

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to ROGER J. & ANN M. MIRACLE.

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 is a strip more or less 10' x 100' in dimension that came into county ownership through the foreclosure of delinquent tax liens on October 26, 1992. The area of the strip is approximately 1,000 square feet. It is located between 826 SW 8th ST and 806 SW Wilson CT in Gresham.

A property division shows that the strip was created in 1983. It was divided out of Tax Lot #4600 a vacant lot at the time which is now 826 SW 8th ST. A survey completed in 1983 (see Exhibit C) shows that the strip was meant to be a part of the property at 806 SW Wilson CT. The house on Wilson CT was constructed in 1983 whereas the house at 826 SW 8th ST was not constructed until 1991.

In 1983 the Guntharps purchased the house at 806 SW Wilson CT from Collins Custom Construction. On June 17, 1986 American Savings & Loan sold the subject strip to the Guntharps. In December 1986 the Guntharps sold the 806 Wilson CT property to the Miracles. The legal description on the deed to that transaction failed to include the legal description for the subject strip.

The strip remained in the name of the Guntharps. Property taxes were not paid and the strip came into county ownership through foreclosure in 1992.

Our file shows that Roger Miracle, the owner of the Wilson Ct property, contacted Multnomah County in November 1992 regarding the subject strip saying that an error had occurred in the recording of the deed to his property. According to Mr. Miracle he also contacted the county's Appraisal Section and had an appraiser come out and inspect his property. He said that over the years he has contacted numerous other people at the county but nothing has ever been resolved. In talking with Mr. Miracle he said that when he purchased the property in 1986 the realtor represented to him that the subject strip was a part of the property he was purchasing. The strip is located within a fenced area so it looked to be a part of the property he was purchasing. He has maintained the strip since 1986 and considered it a part of the property he owns.

Some concerns were expressed by Mr. Miracle that he has been paying property taxes on the strip for the last 20+ years. I assured him that the area of the strip was not included in the area of his lot and that no one has paid property taxes on the 1,000 square foot strip since 1986. Although Mr. Miracle has been able to use the strip the last number of years he also has been maintaining it. It is unfortunate that the issue resolving ownership of the strip could not have been resolved years ago when it was discovered that the description for the strip was left off the deed when he purchased the property. After going back and forth a few times, Mr. Miracle has agreed to purchase the strip for \$400. This appears to be an equitable price considering his early and numerous attempts to resolve the strip ownership issue. We will highly recommend that once he owns the strip that he consolidate it with his main parcel to avoid a separation occurring in the future.

The attached Exhibit A shows the location of the strip. An aerial photo, Exhibit B, shows the strip and the surrounding properties.

Tax Title Division is confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

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 private sale will allow for the recovery of a portion of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit D).

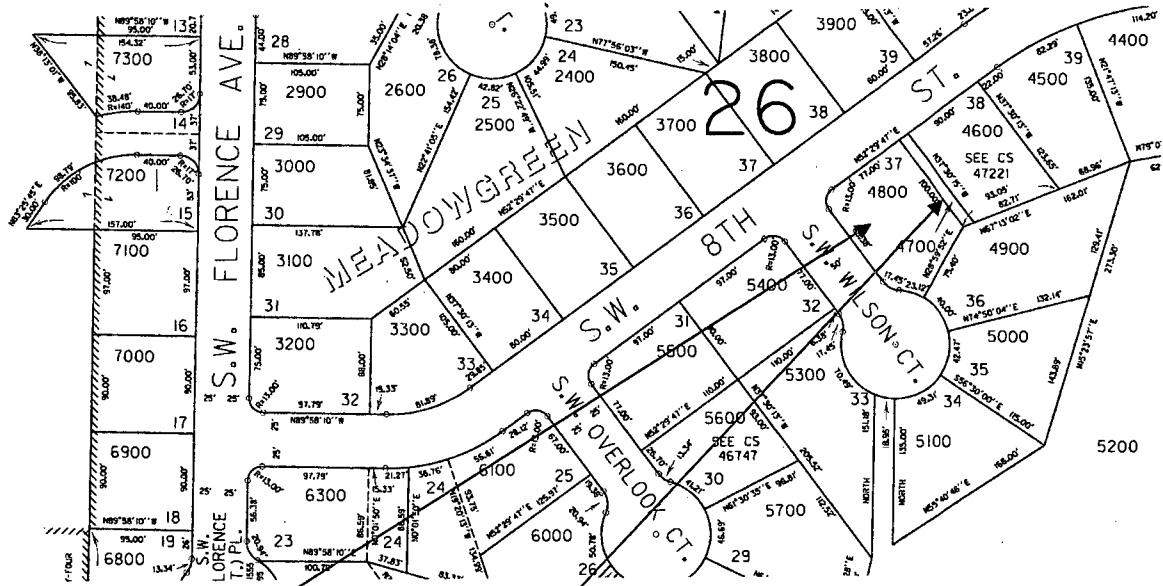
4. Explain any legal and/or policy issues involved.

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

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

No citizen or government participation is anticipated.

EXHIBIT A



806 SW
Wilson CT

Subject Strip

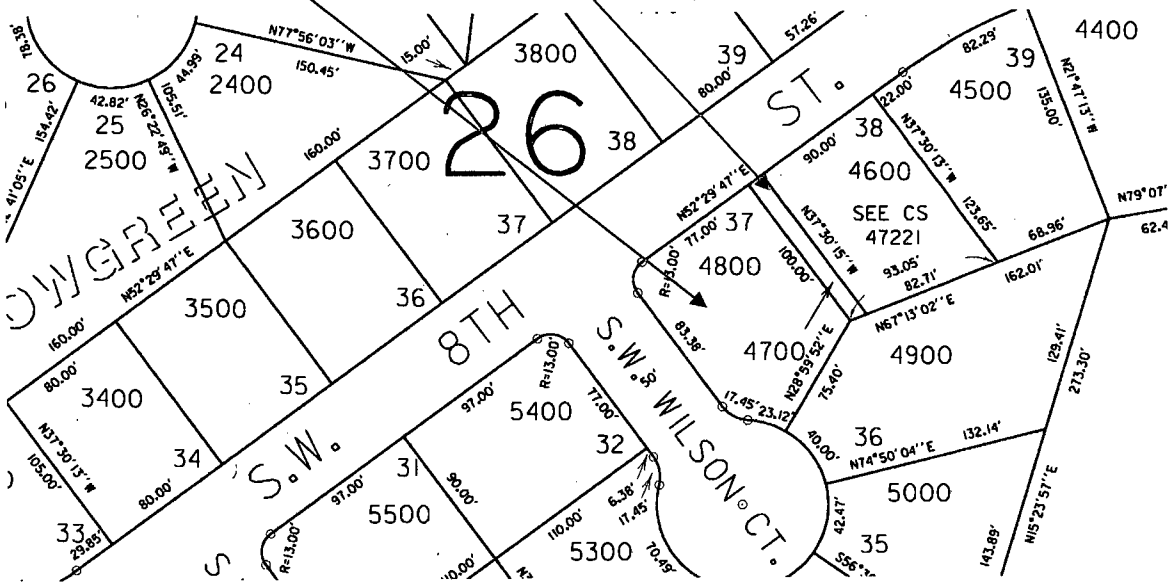


EXHIBIT B



806 SW Wilson CT

Subject Strip

727



EXHIBIT D

LEGAL DESCRIPTION:

MEADOWGREEN PARK West 10ft of LOT 38 BLOCK 1

ADJACENT PROPERTY ADDRESS: 806 SW Wilson CT

TAX ACCOUNT NUMBER: R216188

GREENSPACE DESIGNATION: No designation

SIZE OF PARCEL: More or less 1,000 square feet

ASSESSED VALUE: \$1,000

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

\$737.34

TAX TITLE MAINTENANCE COST & EXPENSES:

\$-0-

RECORDING FEE:

\$26.00

SUB-TOTAL

\$763.34

MINIMUM PRICE REQUEST OF PRIVATE SALE

\$400.00

Required Signature

Department/
Agency Director:



Date: 10/23/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to Roger J. & Ann M. Miracle

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following real property:

MEADOWGREEN PARK West 10ft of LOT 38 BLOCK 1

- b. The property has an assessed value of \$1000.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. Roger J. & Ann M. Miracle have agreed to pay \$400, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$400, the Chair on behalf of Multnomah County is authorized to execute a deed conveying to Roger J. & Ann M. Miracle the above described real property.

ADOPTED this 8th day of November, 2007.

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

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION 503/4

Page 2 of 2 - Resolution and Deed Authorizing Private Sale

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-176

Authorizing the Private Sale of a Tax Foreclosed Property to Roger J. & Ann M. Miracle

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following real property:

MEADOWGREEN PARK West 10ft of LOT 38 BLOCK 1

- b. The property has an assessed value of \$1000.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. Roger J. & Ann M. Miracle have agreed to pay \$400, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$400, the Chair on behalf of Multnomah County is authorized to execute a deed conveying to Roger J. & Ann M. Miracle the above described real property.

ADOPTED this 8th day of November, 2007.



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

Until a change is requested, all tax statements shall be sent to the following address:
ROGER J. & ANN M. MIRACLE
806 SW WILSON CT
GRESHAM OR 97080-5311

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION 503/4

Deed D072146 for R216188

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to Roger J. & Ann M. Miracle Grantee, the following real property:

MEADOWGREEN PARK West 10ft of LOT 38 BLOCK 1

The true consideration paid for this transfer is \$400.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES 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 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 8th day of November 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

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 8th day of November 2007, 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

Until a change is requested, all tax statements shall be sent to the following address:
ROGER J. & ANN M. MIRACLE
806 SW WILSON CT
GRESHAM OR 97080-5311

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION 503/4

Deed D072146 for R216188

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to Roger J. & Ann M. Miracle Grantee, the following real property:

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The true consideration paid for this transfer is \$400.

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 8th day of November 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

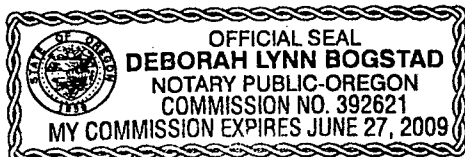
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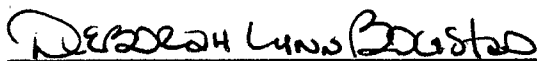
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 8th day of November 2007, 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



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-7 DATE 11-08-07
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: C-7
Est. Start Time: 9:30 AM
Date Submitted: 10/31/07

BUDGET MODIFICATION: DCHS - 16

Budget Modification DCHS-16 Reclassifying a Program Manager 1 Position to a
Agenda Program Supervisor in Mental Health and Addiction Services Administration,
Title: as Determined by the Class/Comp Unit of Central Human Resources

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

Requested Meeting Date:	<u>November 8, 2007</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>County Human Services</u>	Division:	<u>Mental Health</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26858</u>
	I/O Address:		<u>167/620</u>
Presenter(s):	<u>Consent Agenda</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-16 which reclassifies a Program Manager 1 position to a Program Supervisor in Mental Health and Addiction Services Administration, 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 management. Management determined that the classification of Manager was not appropriate to the job duties of the position, but best reflected the responsibilities of a supervisor. Class/Comp reviewed the submitted job duties and description and agreed that a Program Supervisor was the best fit for the position.

The purpose of the position is to provide technical assistance to behavioral health providers in obtaining reimbursement from Medicaid/Oregon Health Plan and assist the business operations of

service providers. The position assists providers in developing services compliant with Medicaid/Oregon Health Plan regulations and state legislation regarding evidence-based practices. Position also assists providers in development of clinical and business models used by the county in a fee for service system. The position also assists in identifying areas of unmet consumer need that could be fulfilled by collaboration with other divisions or departments. This budget modification impacts program offer #25050A – MHADS Administration.

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

No, fiscal impact for current year. Ongoing personnel costs will be lower as the pay scale for a Program Supervisor [\$47,876 - \$73,884] is lower than a Program Manager 1 [\$55,405 - \$85,528].

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?

N/A

- What budgets are increased/decreased?

N/A

- What do the changes accomplish?

Approval of a classification decision from Human Resources Class/Comp.

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

Yes, reclassification of a Program Manager 1 position to a Program Supervisor.

- 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 - 16

Required Signatures

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

Kathy Linker for Joanne Fuller

Date: 10/30/07

Budget Analyst:

CEE

Date: 10/31/07

Department HR:

Joi E. Orr

Date: 10/30/07

Countywide HR:

Date:

Budget Modification ID: **DCHS-16****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Program Offer	Cost Center	WBS Element						
1									0			
2									0			
3									0			
4									0			
5									0			
6									0			
7									0			
8									0			
9									0			
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25									0			
26									0			
27									0			
28									0			
29									0			
										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 Center	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-80	9615	63279	Program Manager 1	713145	(1.00)	(71,553)	(20,808)	(14,298)	(106,659)
20-80	9361	63279	Program Supervisor	713145	1.00	71,553	20,808	14,298	106,659
									0
									0
									0
									0
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									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	0	0	0	0

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 Center	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	0	0	0	0

#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: 11-8-07

SUBJECT: Transit Alternatives: Portland to Lake Oswego

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Elizabeth English

ADDRESS: 11639 SW Riverwood Rd.

CITY/STATE/ZIP: Portland, OR 97219

PHONE: _____ DAYS: 503.699.8866 EVES: _____

EMAIL: elizabeth.e@comcast.net FAX: _____

SPECIFIC ISSUE: Include BOTH LOPAC recommendations for further study (i.e. DEIS); fair consideration of

WRITTEN TESTIMONY: permanent streetcar terminus at Johns Landing and enhanced bus service b/t Portland and Lake Oswego.

Letter from Superintendent of Riverdale School District 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.



Riverdale School District 51J
Dr. Thomas Hagerman, Superintendent
11733 S.W. Breyman Avenue
Portland, Oregon 97219-8409
503.636.8611
503.635.6342 (fax)

Superintendent's Office
503.636.8611
503.635.6342 (fax)

Kathy Jacobson
Assistant to the Superintendent

October 10, 2007

Metro Council President David Bragdon
Lake Oswego Mayor Judie Hammerstad

Dear President Bragdon and Mayor Hammerstad:

As Superintendent of Riverdale School District, I place a priority on the well-being and success of all our students, from kindergarten through 12th grade, and I believe their safety would be at risk with any plan that includes running a streetcar on the Willamette Shoreline trolley tracks.

Our students are served by school buses that run down Military and Riverwood Roads (with a turn around at the end of Riverwood). Buses would have to repeatedly navigate this area with a streetcar and could be stuck on the river-side of Riverwood with no way out from the dead end street, both increasing student risk and slowing bus service.

Additionally, children have a natural curiosity about train tracks in general, and our trolley tracks specifically. The current trolley service only runs a few times between Thursday and Sunday in the summer months, but a streetcar would travel with a few feet of many homes and yards every 12 minutes every day of the year.

It makes no sense to run a streetcar through a quiet residential neighborhood when there are better and safer alternatives to link Portland and Lake Oswego communities. One alternative that has been suggested by the Dunthorpe community and which deserves further consideration is extending the streetcar on Macadam Avenue from South Waterfront to SW Nevada Street in John's Landing. This would serve a very dense, urban area and provide maximum development and commuter potential. In conjunction with this, other improvements might include increased bus service between the two cities and improved signal timing throughout the corridor to address traffic concerns.

For the safety of our all children, I urge you to proceed carefully and thoughtfully on this issue, examining all possibilities, as well as the intended and unintended consequences of the decisions that are made.

Please feel free to contact me with questions or concerns.

Sincerely,

Dr. Thomas E. Hagerman

#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: Nov. 8th, 2007

SUBJECT: Lake Oswego to Portland Transit Study
and letter of Recommendation to Metro

AGENDA NUMBER OR TOPIC: R-1

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: David Reinhart

ADDRESS: 12700 Fielding Road

CITY/STATE/ZIP: Lake Oswego, OR 97034 (unincorporated

PHONE: DAYS: 503-684-3691 EVES: 503-704-1811 Multnomah County

EMAIL: drreinhart@crespartners.com FAX: 503-598-0860

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: I am a co-chair of the citizen
advisory committee relating to this issue. I would like
to see the citizens recommendations included
in the draft EIS. The County Commissioners letter
~~supper~~ should recommend inclusion of the citizens
recommendations.

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.

**Please Include Both LOPAC Hwy 43 Corridor Recommendations
in Further Study!**

We, the undersigned, support the Metro Council including *both* of the alternatives recommended by the Lake Oswego Portland Advisory Committee (LOPAC) in any draft environmental impact study or other analysis addressing transportation needs along the Hwy 43 Corridor. Both recommendations should be studied along with any other recommendations.

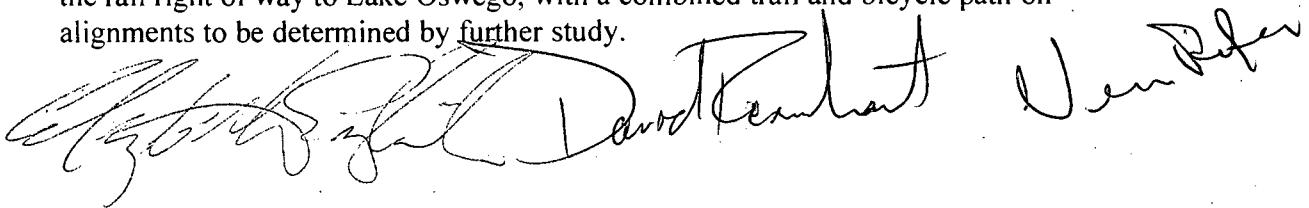
The Lake Oswego Portland Advisory Committee was appointed by Metro and is comprised of concerned citizens, business people and interest groups from the Oregon Highway 43 corridor between Portland's South Waterfront and downtown Lake Oswego. Over the past two years, the Committee members reviewed on-the-ground conditions, participated in numerous public meetings and reviewed a wide range of staff and consultant reports concerning a dozen different transit alternatives.

After consideration of all the information, LOPAC as a whole recommended that two distinct alternatives move forward for further study by Metro and local governments. The individual members of the Committee voted their preferences between the two alternatives. A majority preferred the "Streetcar through John's Landing and enhanced bus to Lake Oswego" alternative.

After two years of thoughtful, considered evaluation and cooperative consensus, it is only fair that both alternatives move forward to further study. **We encourage the Metro Council to support the input from hundreds of citizens and the consensus of the citizen group it convened, and to include both LOPAC recommendations in any future DEIS:**

A: Streetcar through John's Landing and enhanced bus to Lake Oswego. This proposal consists of an extension of the existing Portland Streetcar line from its current loop in the South Waterfront District to the vicinity of the intersection of SW Macadam Avenue and SW Nevada Street. The alignment should be on SW Macadam Avenue for as much of the length of the route as possible, specifically entering SW Macadam Avenue in the vicinity of SW Bancroft Street. The current Willamette Shoreline (WSL) right of way would be converted from rail use to a bike trail with a separate trail for pedestrians along the river. South of the vicinity of SW Nevada Street, the WSL right of way would be converted into a combined bike and pedestrian trail to Lake Oswego. Enhanced bus service would include more frequent service between Portland and Lake Oswego by lines 35 and 36, more and improved bus shelters along the route, peak hour express service, bus traffic signal preemption and bus passing queues where feasible.

B: Streetcar to Lake Oswego. This proposal consists of an extension of the existing Portland Streetcar line from its current loop in the South Waterfront District to the Albertsons' lot in downtown Lake Oswego. The alignment should be on SW Macadam Avenue for as much of the length of the route as possible from the South Waterfront to the vicinity of the intersection of SW Macadam Avenue and SW Nevada Street. The current WSL right of way from South Waterfront to the vicinity of SW Nevada Street would be converted from rail use to a bike trail with a separate trail for pedestrians along the river. South of the vicinity of SW Nevada Street, the streetcar would continue along the rail right of way to Lake Oswego, with a combined trail and bicycle path on alignments to be determined by further study.



#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: 11/8/07

SUBJECT: LO / Portland transit analysis

AGENDA NUMBER OR TOPIC: R-1

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Vern Rifer

ADDRESS: 4280 SW Corbett Ave #404 Portland 97239

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: 503 517-2400

EVES: 503 228-1971

EMAIL: Vern@riferdev.com

FAX: 503 517-2467

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: I am the LOFAC co-chair for the north section of the alignment, LOFAC asks the Commission to support the two year citizen process and include the two excluded alternatives in the EIS. This includes the Macadam alignment in Johns Landing and the termination at the Sellwood Bridge

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: 11/08/07
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 09/26/07

Agenda Title: **Briefing on the Portland - Lake Oswego Transit and Trail Alternatives Analysis Recommendation [Rescheduled from October 11, 2007]**

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

Requested Meeting Date: November 8, 2007 Amount of Time Needed: 20 minutes
Department: Community Services Division: LUT
Contact(s): Ed Abrahamson
Phone: 503-988 5050 Ext. 29620 I/O Address: 455
Presenter(s): Ed Abrahamson, Multnomah County and Ross Roberts, Metro

General Information

1. What action are you requesting from the Board?

Briefing on the Portland—Lake Oswego Transit and Trail Alternatives Analysis recommendation; and requesting the Board to prepare a letter of recommendation of alternatives to be advanced in to a Draft Environmental Impact Statement to Metro.

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

The 2004 Regional Transportation Plan (RTP) identified the need for a corridor refinement plan for a high capacity transit option between Lake Oswego and Portland corridor. In 1988, a consortium of seven government agencies purchased the Willamette Shore Line right of way connecting Lake Oswego to Portland for the purpose of preserving the rail right of way for future rail transit service. The Lake Oswego to Portland Corridor Project would be the region's next priority for Federal Transportation Authority funding. In order to fit into the regional sequence of projects, the Steering Committee recognized that the Portland to Lake Oswego Corridor Draft Environmental Impact Statement needs to be initiated in Fall 2008.

The study highlights the alternate modes of transportation and available choices in the alternatives.

The mode alternatives include for bus rapid transit, street car, bike/pedestrian trail, bike lanes and sidewalks. This study also discussed the alternative alignments on Willamette Shoreline, SW Macadam Avenue and terminus alternatives for each transit proposal. Work program considerations included in the analysis for considering the items that need to be taken care prior to the advancing the project into the Draft Environmental Impact Statement phase.

Proposal supports Thriving Economy and Vibrant Communities in the Land Use and Transportation Program Offer.

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

Not Applicable.

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

Not Applicable.

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

The public has been informed of the study by Open House meetings and a website. A continuous process of public involvement at every stage of planning process has occurred. A Steering Committee of public officials and the Lake Oswego to Portland (Citizen) Advisory Committee that included a wide range of citizen groups has helped to guide this process.

Required Signature

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



Date: 09/24/07

Lake Oswego to Portland Transit and Trail Alternatives Analysis

Steering Committee Recommendation

Alternatives to be Advanced into a
Draft Environmental Impact Statement

Work Program Considerations

Adopted September 10, 2007



METRO

Steering Committee Recommendation

Alternatives to Advance into a Draft Environmental Impact Statement

Adopted September 10, 2007

I. OVERVIEW

This document presents the recommendations of the Steering Committee to the Metro Council for alternatives to be advanced into a *Draft Environmental Impact Statement* for the Lake Oswego to Portland corridor. The transit alternatives and their accompanying trail components have been fully evaluated against the project's purpose and need and goals and objectives, and this evaluation is documented in the *Lake Oswego to Portland Transit and Trail Alternatives Analysis Evaluation Summary Public Review Draft* dated July 12, 2007. The Steering Committee recommendations also consider recommendations from the Lake Oswego to Portland Project Advisory Committee (LOPAC) dated July 31, 2007, the findings of the Project Management Group dated September 3, 2007, public input received during the two public open houses held on June 27 and 28, 2007 and the public hearing held on July 16, 2007 as well as all other comments received as described in the *Public Comment Summary* dated September 10, 2007.

This recommendation discusses transit mode, terminus of the transit project and specific alignments. In addition, a strategy is presented for further development of a trail connection in the corridor. The **mode** section presents findings and recommendations regarding the No-Build, Bus Rapid Transit (BRT) and Streetcar alternatives. The **terminus** section presents findings and recommendations about the three terminus options including the Trolley, Safeway and Albertsons termini sites. The **alignment** section describes findings and recommendations for the three potential streetcar alignments within the John's Landing area; the Willamette Shore Line right of way, SW Macadam Avenue and the John's Landing Master Plan alignment.

II. FINDINGS AND RECOMMENDATIONS

Context

The Lake Oswego to Portland corridor is environmentally, topographically and physically constrained. Future roadway expansion is not anticipated and previous planning studies have concluded that a high capacity transit improvement is needed to provide additional capacity. In 1988, a consortium of seven government agencies purchased the Willamette Shore Line right of way connecting Lake Oswego to Portland for the purpose of preserving the rail right of way for future rail transit service. The 2004 Regional Transportation Plan (RTP) identified the need for a corridor refinement plan for a high capacity transit option for this corridor, which was the genesis of this alternatives analysis.

Existing and future traffic conditions in this corridor are projected to worsen as population and employment projections for Portland, Lake Oswego and areas south of Lake Oswego in Clackamas County continue to grow. The corridor already experiences long traffic queues, poor levels of service and significant capacity constraints at key locations. Travel times in the corridor are unreliable due to congestion on Highway 43.

Project Sequencing

A transit project in the Lake Oswego to Portland Corridor is one of several regional projects that would seek funding through FTA's New Starts and Small Starts funding programs. The financial analysis prepared during this alternatives analysis evaluated the sequencing of funding for this project based on current regional commitments. The Milwaukie to Portland Light Rail Project is the region's top priority for FTA New Starts funding following projects currently funded and under construction. The Columbia Crossing Project would also include a New Starts transit component and is proceeding concurrently with the Milwaukie to Portland LRT Project. The Portland Streetcar Loop project is the region's priority project for FTA Small Starts funding.

The Lake Oswego to Portland Corridor Project would be the region's next priority for FTA funding, with construction funding capacity becoming available starting in 2012 and continuing through 2017. In order to fit into the regional sequence of projects, the Steering Committee recognizes that the Portland to Lake Oswego Corridor Draft Environmental Impact Statement would need to be initiated in Fall 2008 as the Milwaukie to Portland Light Rail Project Final Environmental Impact Statement nears completion. In the Work Program Considerations section of these Steering Committee findings and recommendations, a number of steps are outlined which would need to be taken prior to the initiation of the DEIS, including preparation of a more detailed schedule that identifies key New Starts milestones and deliverables for the project.

Willamette Shoreline Right of Way

The Willamette shoreline rail right of way was purchased from the Southern Pacific Railroad in 1988 for \$2 million dollars by a consortium of local governments including Metro, the cities of Lake Oswego and Portland, Clackamas and Multnomah counties, the Oregon Department of Transportation (ODOT) and TriMet. Knowing that the Highway 43 corridor is very constrained; the purchase was made with the intent of preserving the corridor for future transit use.

The value of the right-of way has increased dramatically over 20 years. TriMet estimates currently value the right-of-way at \$75 million in 2007 dollars. This value is critical to a transit project that would use the right-of-way because the value of the right of way can be counted as local match for federal funds. A request for New Starts project funding from the Federal Transit Administration would typically be for 60 percent of a project's capital cost leaving 40 percent to be supplied locally. If \$75 million in right of way value were applied as part of local match, the remaining share of local funds required would be significantly reduced.

For the reasons stated above, whether an alternative uses the Willamette Shore Line right-of-way is a significant factor in project funding. For the Streetcar alternative, the \$75 million value of the Willamette Shore Line right of way could leverage as much as \$112.5 million in federal funds. Because it would not be using the right of way, the BRT alternative would not be able to leverage value of the right of way as part of its funding plan.

A. Transit Mode: Streetcar

Streetcar is the transit mode that best meets the project's purpose and need and the goals and objectives for the Lake Oswego to Portland Transit and Trail Alternatives Analysis.

The Steering Committee recommends that the **Streetcar mode** advance for further study in a Draft Environmental Impact Statement (DEIS) because:

- Streetcar would have the highest ridership of all the transit alternatives.
- Streetcar travel times would be up to 18 minutes faster between key corridor destinations and would be more reliable than the other transit alternatives. In peak travel periods, the Streetcar would provide faster travel times than autos between downtown and Lake Oswego. Faster travel time and higher reliability is gained through operation of streetcar in exclusive right of way on the Willamette Shore Line.
- Streetcar would have the lowest operating and maintenance costs of any alternative, including the No-Build. This is due to the marginal cost of extending a line that already operates in the corridor, the carrying capacity of the Streetcar vehicles compared to buses and the travel time advantage over BRT and No-Build. The Streetcar also replaces some corridor bus service, which results in a cost savings.
- The Streetcar alternative could leverage up to 3.3 million square feet of total new transit supportive development within three blocks of the proposed alignments.
- Streetcar is compatible with the existing transit system and would operate as an extension of the existing streetcar line that operates between NW 23rd Avenue and the South Waterfront.
- The \$75 million of value in the Willamette Shoreline right of way could leverage as much as \$112.5 million in federal funds if the project proceeds as a Federal Transit Administration (FTA) New Starts project.

The Steering Committee recommends that the **Bus Rapid Transit (BRT) mode** not advance for further study in a DEIS because:

- It may not be a practical option to achieve the travel time and ridership as modeled in this alternatives analysis. The queue bypass lanes used to bypass congestion at key intersections in the BRT alternative would have to be extended to between 500 and 1,000 feet instead of the 200 feet in the current designs and cost estimates.
- The BRT alternative would include property impacts at the key intersections where transit improvements are constructed. There would be additional property impacts associated with the additional queue jump length required to bypass congestion. This also would include removal of trees within the sidewalk area.
- Initial BRT capital costs were the lowest of all the transit alternatives, however, these do not include the additional costs of the longer queue jump lanes, which would be required.
- The BRT alternative would have the highest operating cost due to the greater number of vehicles required to meet demand, and the fact that the BRT line would require added service, unlike the Streetcar alternative which would replace existing bus service.
- For the entire length of the corridor, BRT travel times are subject to the same delays and congestion as the general traffic in areas where queue jump lanes are not provided, resulting in decreased reliability.
- The BRT alternative would not leverage transit supportive economic development beyond what would be expected with the No-Build alternative.
- The BRT alternative would not leverage the \$75 million value of Willamette Shore Line right of way, which could match federal transit funding of up to \$112.5 million.

The Steering Committee recommends that an **enhanced bus** alternative be studied as a more practical option for this constrained corridor. Such an option would avoid the property impacts of the BRT while providing improved service, bus pullouts where possible and better shelters and lighting at stations. Enhanced bus would act as the base case for comparison

to Streetcar alternatives in the DEIS. It would operate in mixed traffic, though this has implications for travel time, reliability and long-term efficiency of the line.

B. Alignments: Willamette Shore Line and SW Macadam Avenue

During the alternatives analysis process three alignments were evaluated in the John's Landing area: the Willamette Shore Line right of way, SW Macadam Avenue and the John's Landing Master Plan alignment. The Steering Committee recommends that two alignment options be studied further in the John's Landing area north of the Sellwood Bridge: the Willamette Shore Line right of way alignment and the SW Macadam Avenue alignment.

In addition, combinations of the two alignments should be evaluated to maximize the potential benefits and minimize impacts in the John's Landing area. The Steering Committee recognizes that alignments, which would avoid or minimize impacts through John's Landing, may need to be developed that are not part of either the Macadam Avenue or Willamette Shoreline alignments. These could include all or portions of the John's Landing Masterplan alignment or other rights of way.

The Steering Committee recommends that the **Willamette Shore Line right of way alignment** advance for further study for the following reasons:

- Streetcar on the Willamette Shore Line right of way would yield higher reliability and faster travel times than the other alignments due to the 100% exclusive right of way.
- The Willamette Shore Line right of way is in public ownership and could potentially be used as local match towards the capital cost of the project. Current estimates value the entire right of way at \$75 million. For the portion north of SW Nevada Street, the value of the right of way is estimated at approximately \$35 million, which could leverage an additional \$58 million in federal funds.
- The Willamette Shore Line Right-of-Way alignment has received public support from Lake Oswego residents because it has faster travel time, better reliability and less impact to Highway 43 traffic operations and safety than an alignment that would use Macadam Avenue in John's Landing.

The Steering Committee recommends that the **SW Macadam Avenue alignment** advance for further study for the following reasons:

- The SW Macadam Avenue alignment would leverage the most potential transit supportive development, approximately 2.2 million square feet of total new development in John's Landing.
- The SW Macadam Avenue alignment would avoid some of the potential property impacts associated with use of the Willamette Shore Line right of way.
- The SW Macadam Avenue alignment has emerged with the most public support from residents and businesses in John's Landing.

Note: The Steering Committee recognizes ODOT's expressed concerns regarding the SW Macadam Avenue alignment option and will ensure that questions related to potential streetcar operations in mixed traffic on SW Macadam Avenue are addressed.

South of the John's Landing area and north of the Trolley Terminus site in Lake Oswego, the Willamette Shore Line right of way was the only alignment to advance to the completion of the alternatives analysis. As part of its design option narrowing decision, The Steering Committee eliminated Highway 43 south of John's Landing from consideration as a

Streetcar alignment for safety and operational reasons, making the Willamette Shore Line alignment the only option in this segment of the corridor. The *Evaluation Summary Report* contains a description of the alternative and design option narrowing decisions that were made during the alternatives analysis.

C. Termini: Albertsons and Safeway

The Steering Committee recommends that the Albertsons and Safeway termini should advance into the DEIS. The Trolley terminus should not be advanced into the DEIS. These termini options are preferred because they would serve more population and employment, have higher ridership, disperse park and ride spaces, and have greater potential for transit-supportive development while demonstrating similar traffic impacts.

The Steering Committee recommends that the **Albertsons terminus** advance for further study for the following reasons:

- The Albertsons terminus would allow for the possible future extension of Streetcar south to West Linn or Oregon City.
- The Albertsons terminus has strong public support from the residents south of Lake Oswego and citizens within Lake Oswego. In 2006, Lake Oswego's Downtown Transit Alternatives Analysis Committee (DTAAC) recommended the Albertsons terminus site, partly because it would intercept traffic from the south before it reaches the center of downtown.
- The Albertsons terminus could generate substantial transit supportive development in Lake Oswego (0.9 million square feet).

The Steering Committee recommends that the **Safeway terminus** advance for further study for the following reasons:

- The Safeway terminus would allow for the possible future extension of Streetcar to the west.
- The Safeway terminus could provide park and ride access west of downtown Lake Oswego, intercepting traffic before it reaches the center of downtown.
- The Safeway site could leverage the most potential transit supportive development (1.1 million square feet in Lake Oswego), as compared to the Albertsons or Trolley terminus options.
- The Safeway site would allow the Streetcar to act as a circulator for trips within downtown Lake Oswego between the Foothills district and the west end of downtown.

The Steering Committee acknowledges that an at-grade crossing of streetcar with Highway 43 under the Safeway terminus option would require additional study and coordination with ODOT and the City of Lake Oswego to ensure that a safe and efficient crossing is feasible.

Additionally, the Steering Committee acknowledges that it may be necessary to construct a project that would utilize the **Trolley Terminus** as a **temporary interim terminus** while joint development construction plans are finalized at either the Albertsons or Safeway terminus sites.

D. Minimum Operable Segment (MOS)

If a full-length project cannot be built for financial or other reasons, the FTA allows for Minimum Operable Segments (MOS) to be considered as interim termini for a project. In this corridor, preliminary analysis was done for a MOS for Streetcar that would terminate in the vicinity of Nevada Street in John's Landing on either the Willamette Shore Line right-of-way or the Macadam Avenue alignments. The Steering Committee recommends that this alternative advance for further study for the following reasons:

- Significant public support was expressed for this option from participants in the process all through the corridor.
- A minimum operable segment (MOS) provides flexibility to initiate a project with available funding while pursuing additional funding to complete the remainder.

III. TRAIL CONSIDERATIONS

Context

As part of the Willamette River Greenway vision, a trail was proposed to run along the Willamette Shore Line right of way from Willamette Park in Portland to downtown Lake Oswego between Highway 43 and the Willamette River. As part of this Alternatives Analysis, the feasibility of a continuous trail between Portland and Lake Oswego was evaluated. Each transit alternative carried with it a complementary trail component. The BRT alternative would have used the Willamette Shore Line right of way for exclusive trail use. The Streetcar alternative, which the Steering Committee recommends further study, would require shared use of the Willamette Shoreline between Streetcar and a trail. The discussion below focuses on the trail components that would accompany the Streetcar alignments.

A. Trail Component

The bike and pedestrian trail component of this study has received tremendous community support. A trail in the corridor would provide a critical link in the regional transportation system, connecting other regional and local trails. A continuous, safe and level trail component is a desired outcome in this corridor.

However, as currently designed, the trail component may not be practical to build for its entire length because of the high capital costs associated with shifting the Streetcar alignment to accommodate the trail in a tightly constrained right of way and very difficult topography. Because some portions of the trail are more easily implemented than others, and because funding for the entire trail may not be available at one time, the trail may need to be developed in phases.

B. Trail Component Refinement Next Steps

The Steering Committee recommends that a trail component advance for further study. However, additional refinement is needed to determine how to advance the trail and the

transit alternatives, either together or separately. The following identifies additional considerations for the trail and next steps:

- Further consideration is required to determine trail project sponsors and potential funding sources. Metro may or may not be the appropriate agency to lead the effort to advance a trail in the corridor.
- Additional design work is needed to identify ways to design and construct a trail in this corridor with lower capital costs and impacts while still accommodating the transit project. The trail design should change and adapt to constraints in the corridor. The width of the trail does not need to be the same for the entire alignment and flexibility will be required with regard to various jurisdictions design standards and requirements.
- Trail phasing should be considered so that the most cost-effective segments could move forward. The additional design work required for the more difficult and expensive portions will take more time and effort.
- Additional study is needed to evaluate the potential for the Portland and Western railroad bridge and an eastside connection to the Sellwood Bridge to provide a useful pedestrian and bike trail connection between Lake Oswego and Portland
- Further study is needed regarding the outstanding legal questions in order to facilitate decisions about the Willamette Shore Line right of way and its use for a trail.

IV. WORK PROGRAM CONSIDERATIONS

Several actions are needed prior to advancing the project into the *Draft Environmental Impact Statement* phase of project development. Because a DEIS for the Lake Oswego to Portland Corridor is not included in Metro's current fiscal year budget, it is recognized that there will be a gap before the DEIS can commence.

1. The following actions are recommended by the Steering Committee to advance the project into the *Draft Environmental Impact Statement*:
 - a. Metro should work with the FTA to Publish a *Notice of Intent to Prepare a Draft Environmental Impact Statement* in the Federal Register, and initiate the DEIS Scoping Process. The FTA has recommended that this action be taken immediately. This action would ensure that all of the work completed during the alternatives analysis would be documented under the National Environmental Policy Act (NEPA). Public comment received prior to the Metro Council action on advancing the project into the DEIS phase would also be included as part of the NEPA record. The Scoping phase of a DEIS includes meetings with the public as well as local, state and federal agencies and affected tribal jurisdictions. The dates of the public, agency and tribal meetings would be published along with the notice of intent. The Scoping meetings present proposed alternatives and solicit input on potential additional alternatives that could be included in a DEIS.
 - b. Metro should prepare a work scope, budget and schedule for the DEIS. In order to secure funding for a DEIS, a cost estimate is required. The estimate is based on a scope of work and schedule that meet all appropriate FTA and NEPA requirements. This DEIS will need to meet new requirements for public and agency participation covered under Section 6002 of the SAFETEA-LU Act.

Metro staff will convene the PMG to discuss and review the scope of work, schedule and budget, including agency roles and responsibilities during the DEIS phase.

- c. **Metro should work with project partners, through the Project Management Group, to identify and secure funding for the DEIS.** Along with the scope, schedule and budget, Metro will work with project partners to identify potential sources of funding for the DEIS, as well as the next phases of project development, Preliminary Engineering and the Final Environmental Impact Statement. Potential sources of funding include FTA Section 5339 or other funds through the MTIP process, and local jurisdiction, TriMet, or ODOT contributions.
2. **In order to advance the goal of implementing a bicycle and pedestrian trail that connects Portland and Lake Oswego, the Steering Committee recommends that the following steps should be taken:**
 - a. **Metro, with assistance from project partners through the TAC and PMG, should develop a process to undertake the *Trail Refinement Next Steps* listed above.** The result of this process would be to resolve key issues and determine the relationship of the trail and the transit project during the DEIS phase. Of particular importance are:
 - i. Involvement of the public and advocacy groups in improving the trail concept
 - ii. Definition of the lead agency for advancement of a trail
 - iii. Development of an approach to reduce capital costs
 - iv. Analysis of possible phasing of trail segments
 - v. Identification of potential trail capital funding sources
3. **Prior to initiation of the DEIS, Metro, with the assistance of the PMG, should develop actions or conditions for each participating agency that would help to ensure that the project can meet FTA thresholds with regard to ridership and financing and achieve the important development objectives for the Corridor.** These could include:
 - a. Development of local funding mechanisms
 - b. Demonstrated progress toward development objectives
 - c. Resolution of technical issues, e.g. ODOT concerns regarding the SW Macadam Avenue alignment
 - d. Threshold criteria for selecting a full-length option over an MOS or vice versa
4. **The following Steering Committee concerns need to be addressed by Metro and its project partners as the project moves forward into a DEIS:**
 - a. The alternative should be constructed in such a manner as to allow coordination with transportation alternatives across the Sellwood Bridge or its replacement.
 - b. Maximize the alternative to establish a safe and attractive transit, pedestrian and bicycle route from Lake Oswego to Portland. Minimize negative impacts to residents and property values.



Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

DRAFT

David Bragdon, President
Metro Council
600 NE Grand Ave.
Portland, OR 97232-2736

Dear President Bragdon:

The Multnomah County Board of Commissioners has reviewed the Steering Committee Recommendation to advance alternatives into a Draft Environmental Impact Statement and concurs with this recommendation.

After reviewing the Steering Committee Recommendation we agree with the need to continue to study a Streetcar as the preferred mode, especially recognizing the limitations of bus rapid transit. That said, we encourage that the enhanced bus alternative continue to be studied as a viable option for this corridor. Regarding the alignments through the South Waterfront area we support continued study of the Willamette Shore Line right of way and SW Macadam alignments. We recognize the value of the Willamette Shore Line right of way, but we do not wish to see its value as the driving force, only that it and the SW Macadam Avenue alignments be given full consideration.

In some ways it is difficult for Multnomah County to weigh-in on which terminus we prefer as we feel the local jurisdictions impacted should select their priority, allowing us to render support. We recognize that there are several advantages that accompany streetcar development: 1) the transit demand at the terminus, as well as the potential for continuation of the line, and 2) the potential for economic development that might occur along an alignment. Therefore, consideration of a Trolley Terminus is also important to allow some flexibility before committing to one terminus or the other.

Providing a bicycle/pedestrian component is very important to Multnomah County. We recognize the physical constraints involved as well as the possible legal issues of the Willamette Shore Line right of way. We encourage establishing a subcommittee to closely review the options and make recommendations as appropriate.

Multnomah County supports moving ahead with the DEIS as recommended by the Steering Committee and thank you for this opportunity to lend our support.

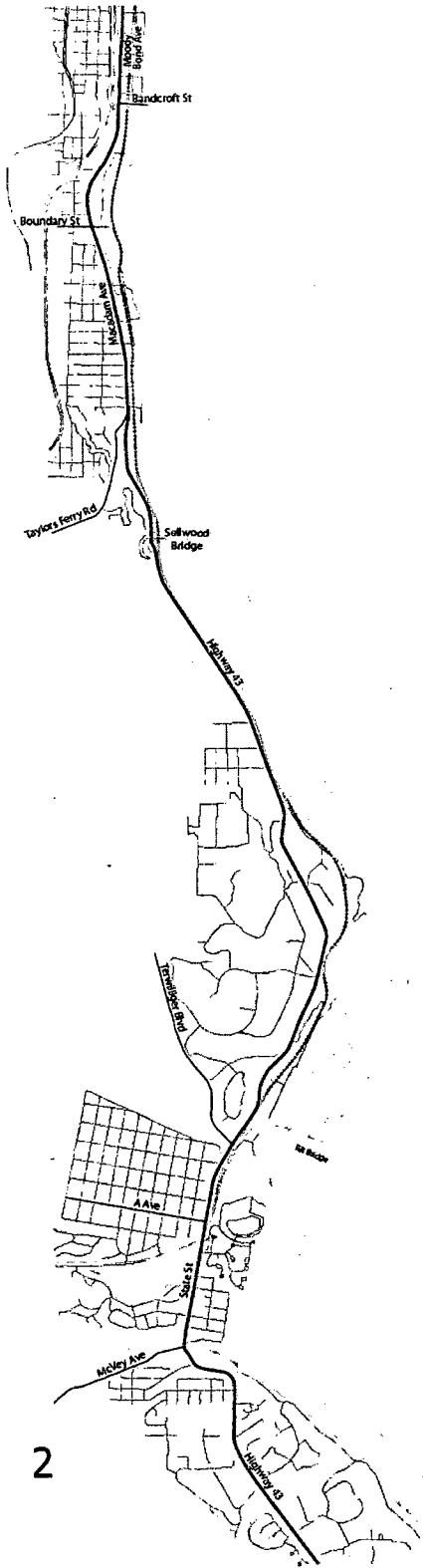
Sincerely,

Ted Wheeler
Multnomah County Chair

Lake Oswego Portland

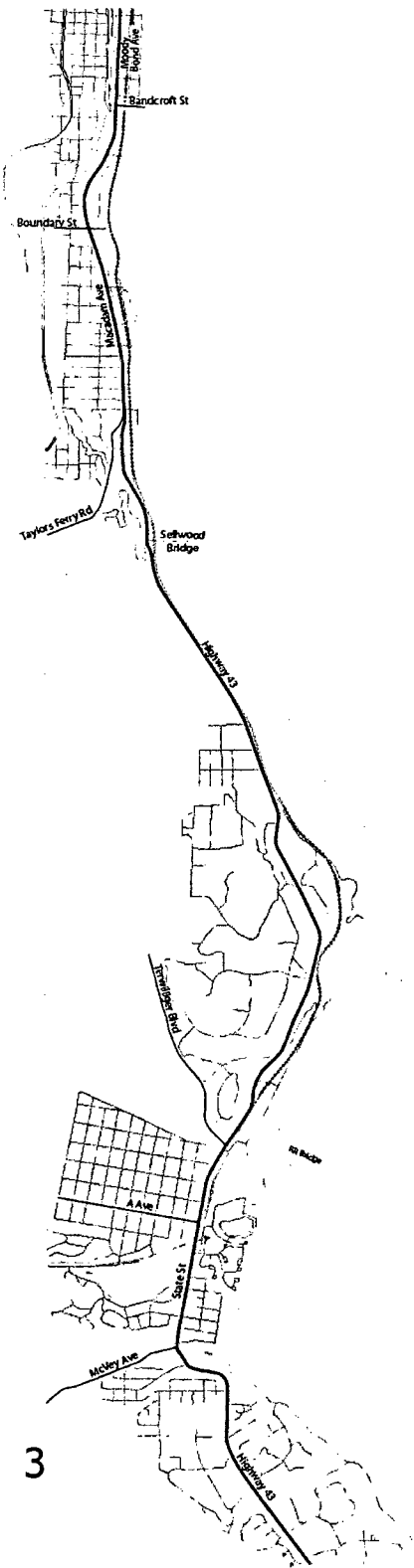
TRANSIT AND TRAIL STUDY

Multnomah County Commission Briefing
November 8, 2007



Today's Briefing

- Alternatives Considered
- Evaluation of Alternatives
- Steering Committee Recommendation

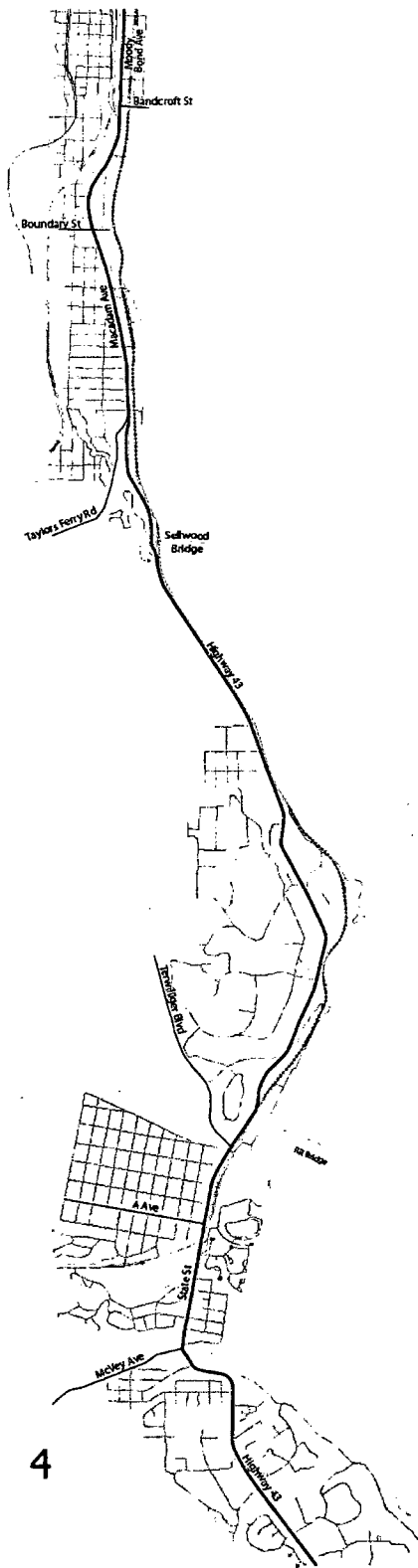


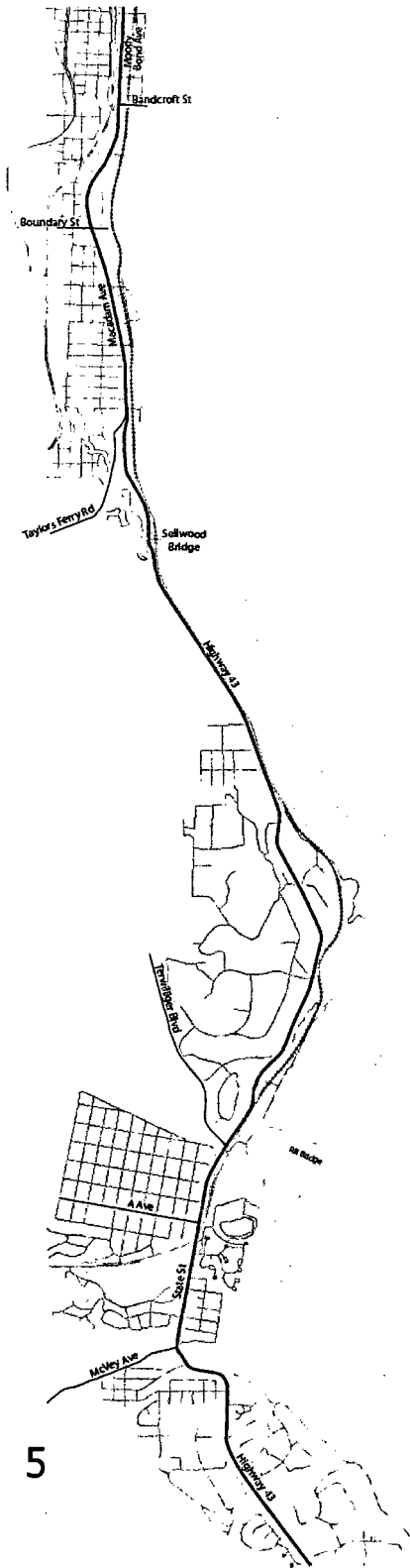
Process

- Steering Committee recommendation to Metro Council adopted on September 10th
 - Public Comment
 - PMG Findings
 - LOPAC Recommendations
- Local jurisdictions submitting letters in support
- Metro Council will consider recommendation on December 13th.

Sellwood Bridge Coordination

- Sellwood EA is further along than the Lake Oswego to Portland process
- Design coordination occurred during the alternatives analysis
 - Streetcar under west end of bridge
 - Bus transit transfer connections
- Currently working on horizontal and vertical clearance required for Streetcar at the west end of the bridge

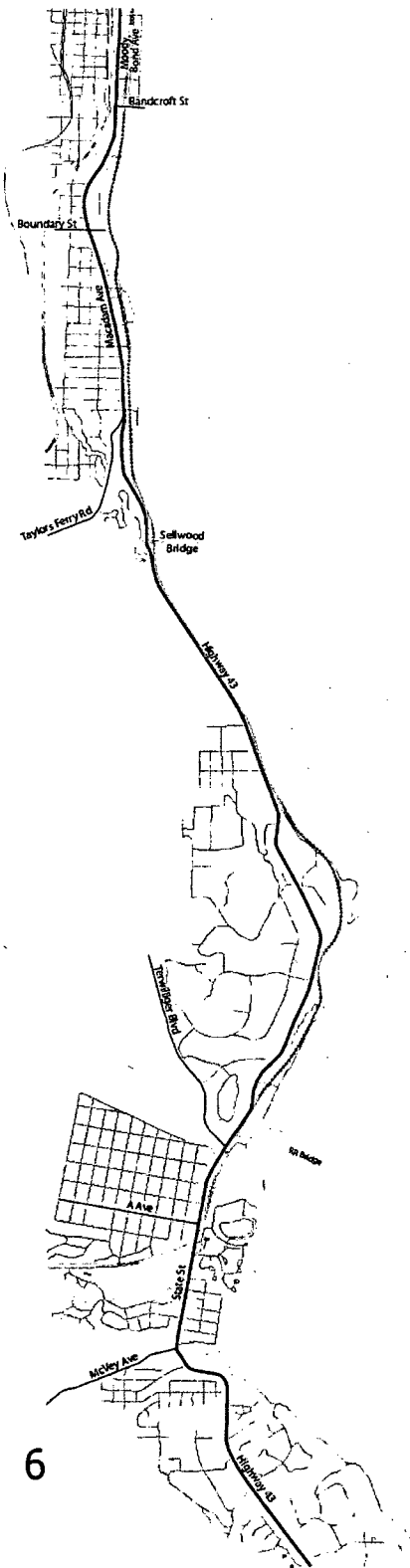




Alternatives

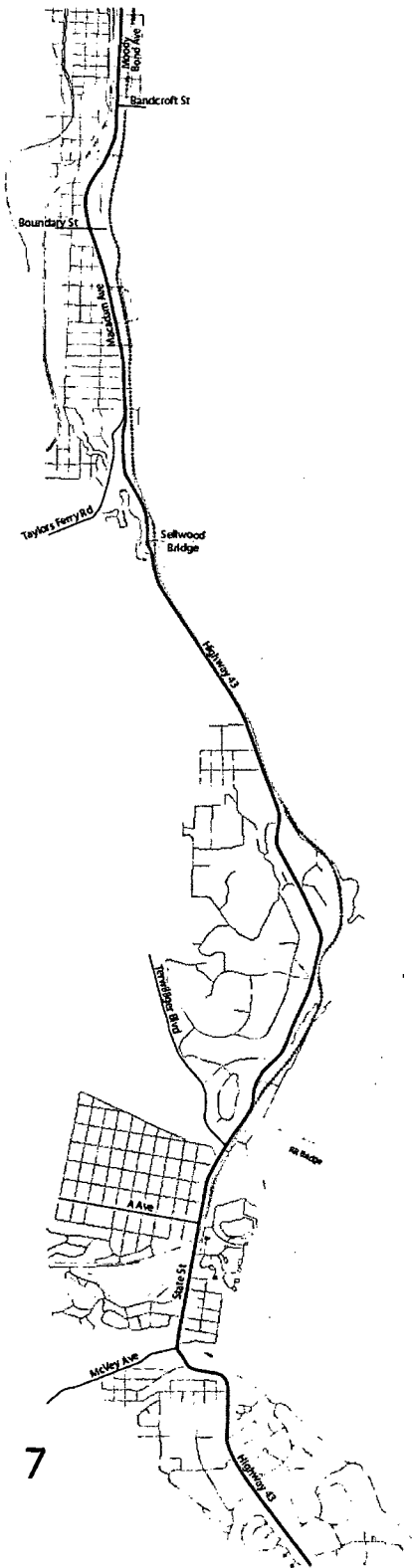
Wide Range of Alternatives

- No-Build
- Bus Rapid Transit with Trail
- Streetcar with Trail
- River Transit
- Reversible Lane
- Highway 43 Widening



Wide Range of Alternatives

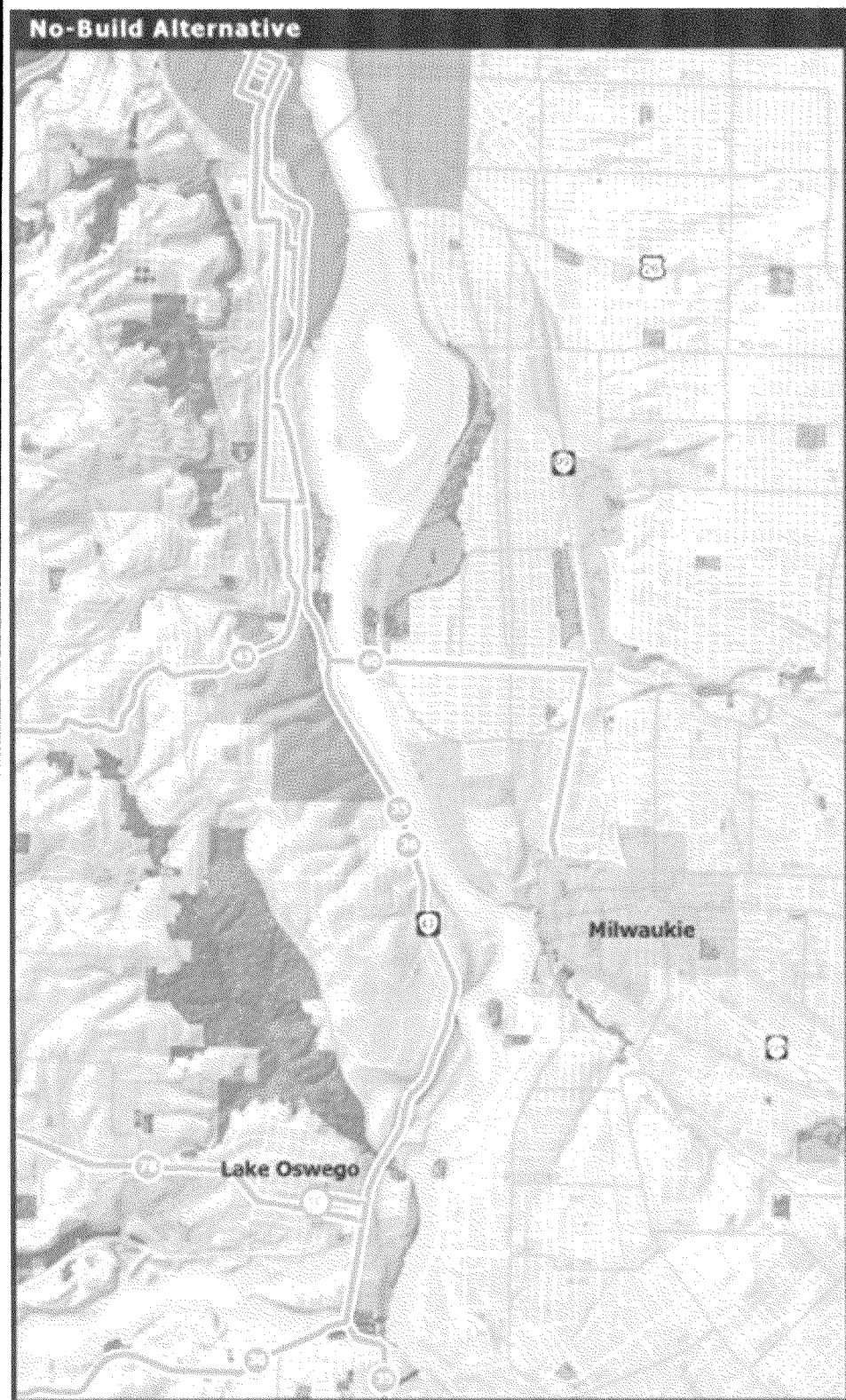
- No-Build
- Bus Rapid Transit with Trail
- Streetcar with Trail
- ~~River Transit~~
- ~~Reversible Lane~~
- ~~Highway 43 Widening~~



No-Build

Modest service increases – no capital improvements

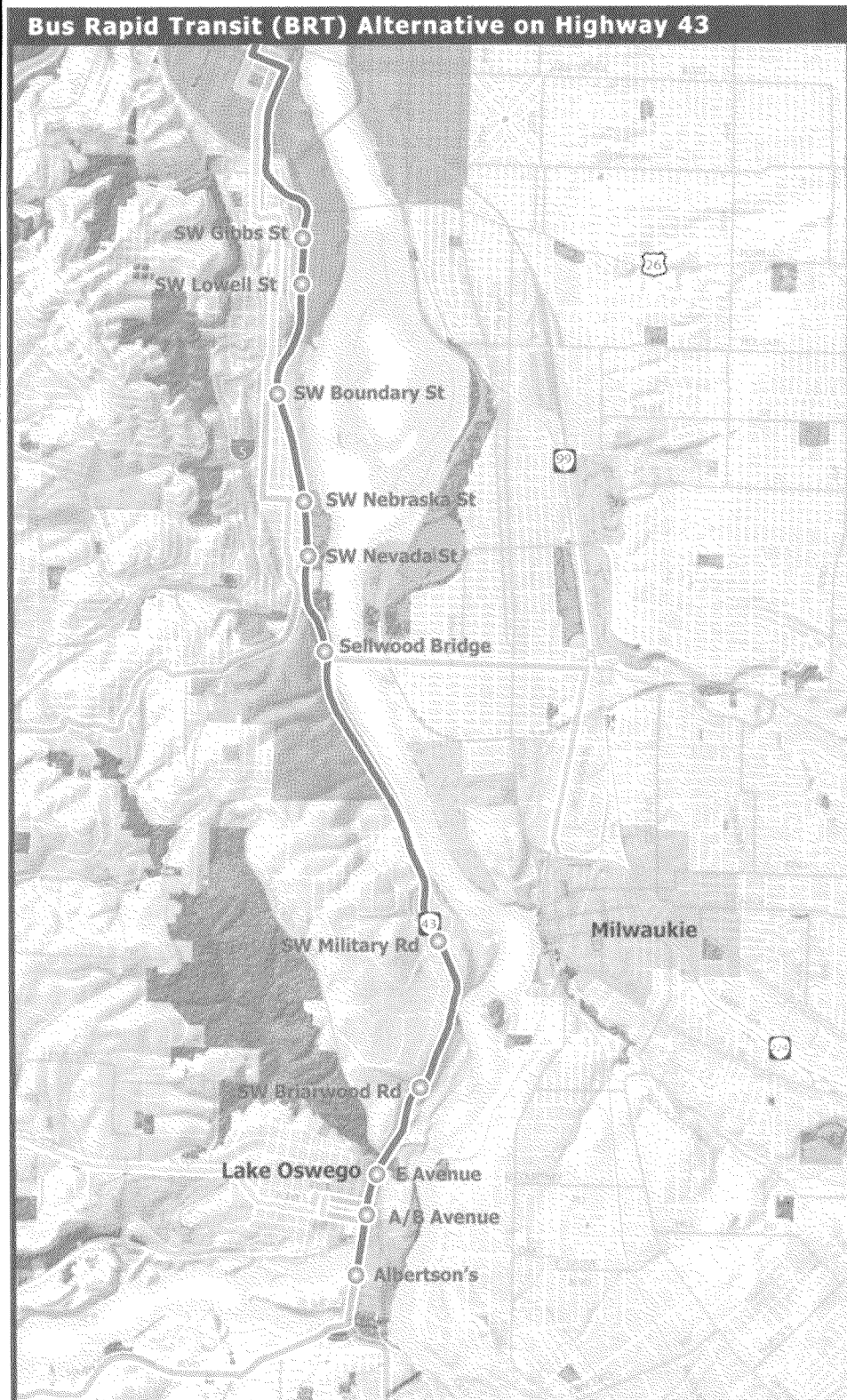
- TriMet Bus Line #35 & #36
 - Bus from Oregon City to Portland
 - 15 minutes headways during peak and 15 minute headway during off-peak periods
 - Frequent stops along Highway 43
 - No transfers in Lake Oswego
 - Connects to the Transit Mall like current service



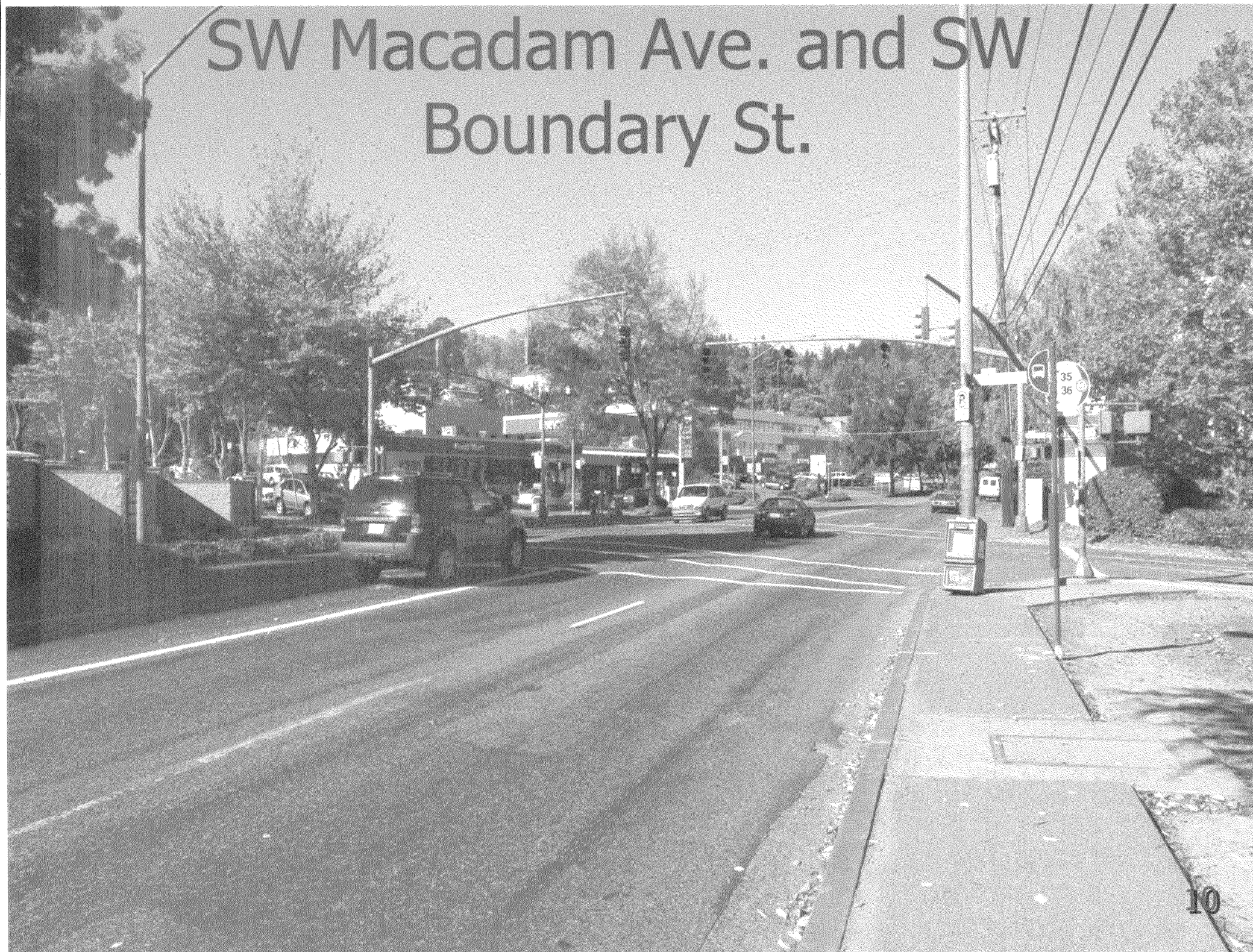
Bus Rapid Transit

Capital and service improvements intended to speed transit

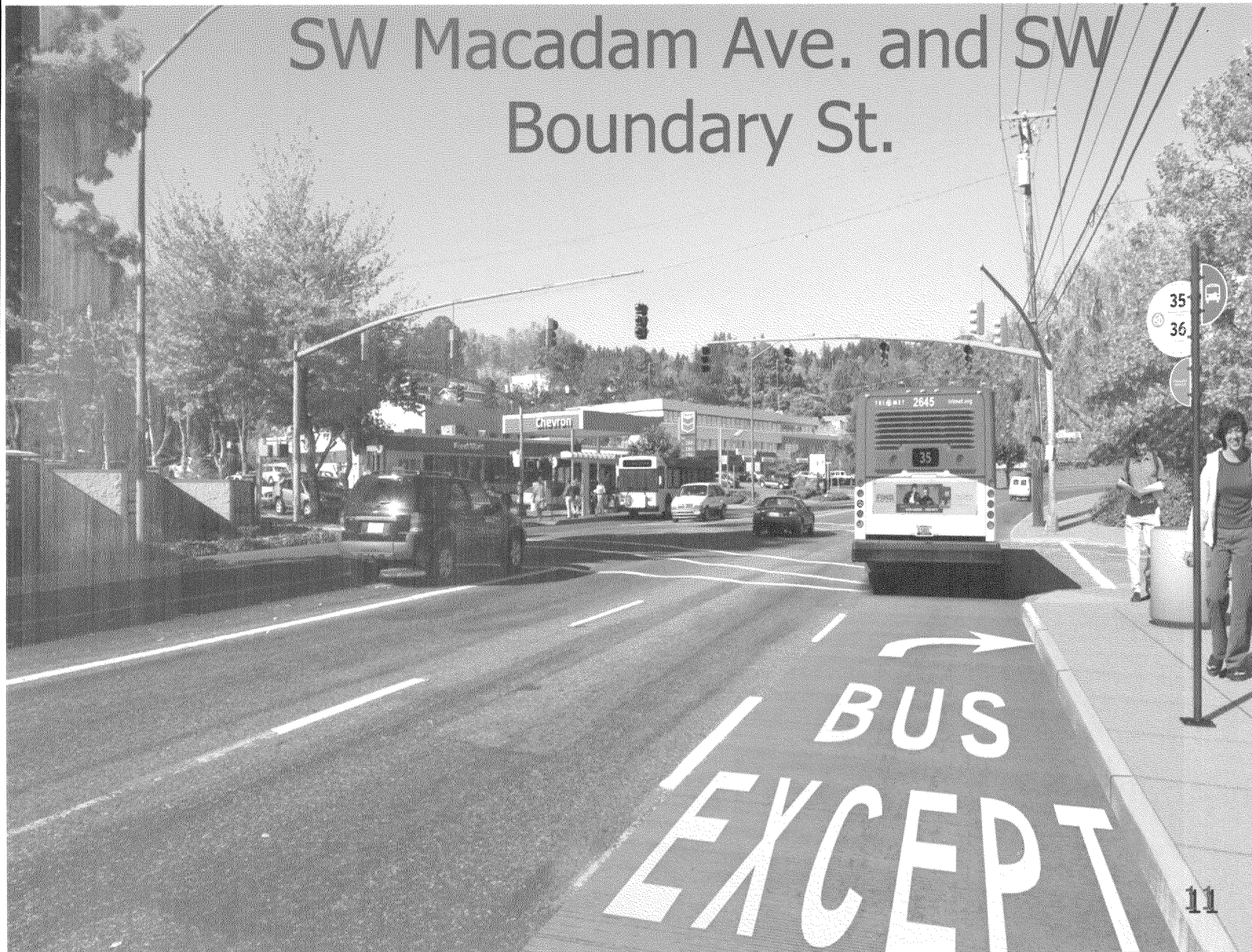
- Improved headways to 12 min. peak, 15 min. off-peak
- 8 intersection on SW Macadam Avenue with worst traffic congestion
 - Queue Bypass Lanes
 - Signal Priority treatment
 - Higher Quality Shelters and amenities
 - Bus pullouts
- Safety improvements along Highway 43
- 400 park and ride spaces



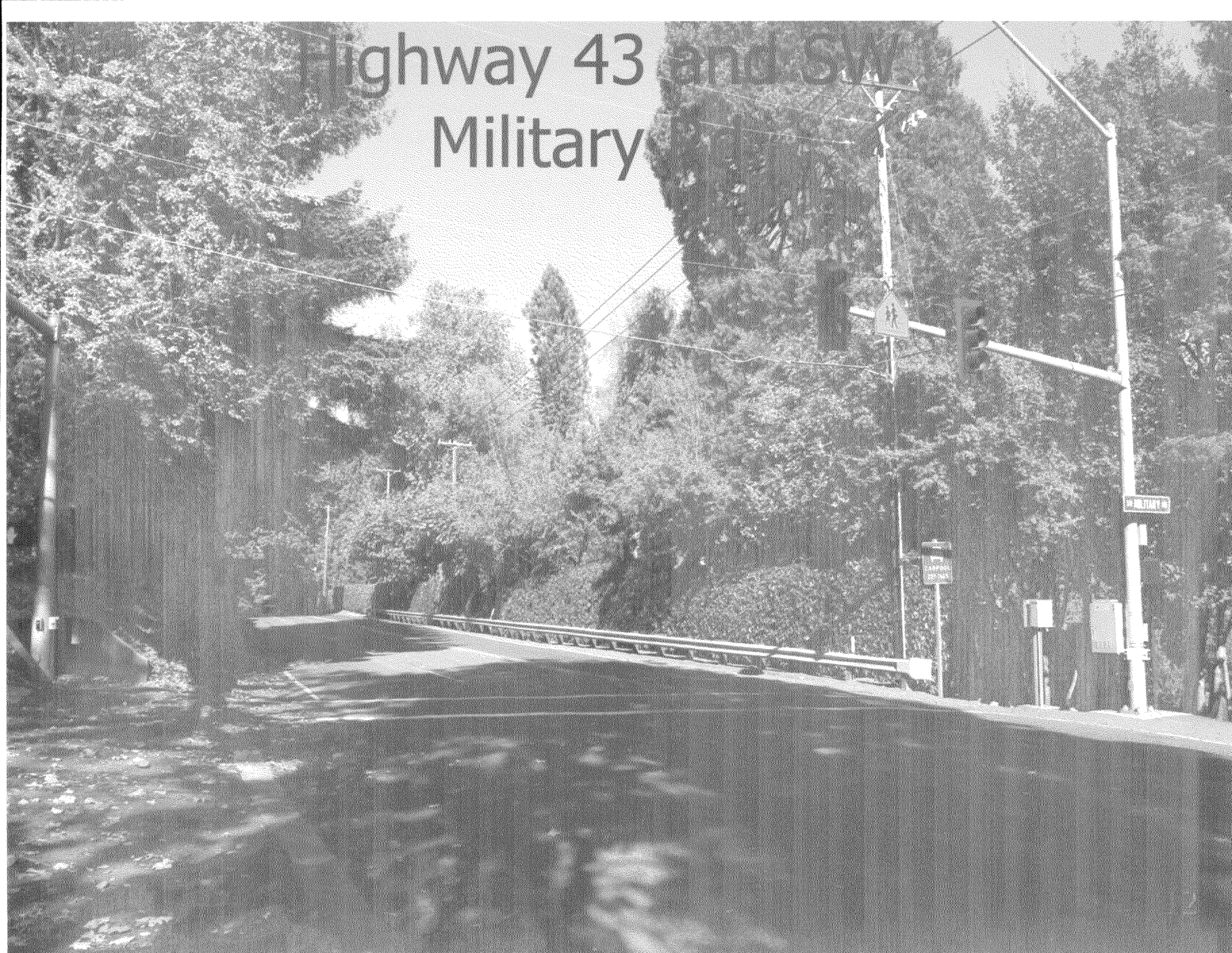
SW Macadam Ave. and SW Boundary St.



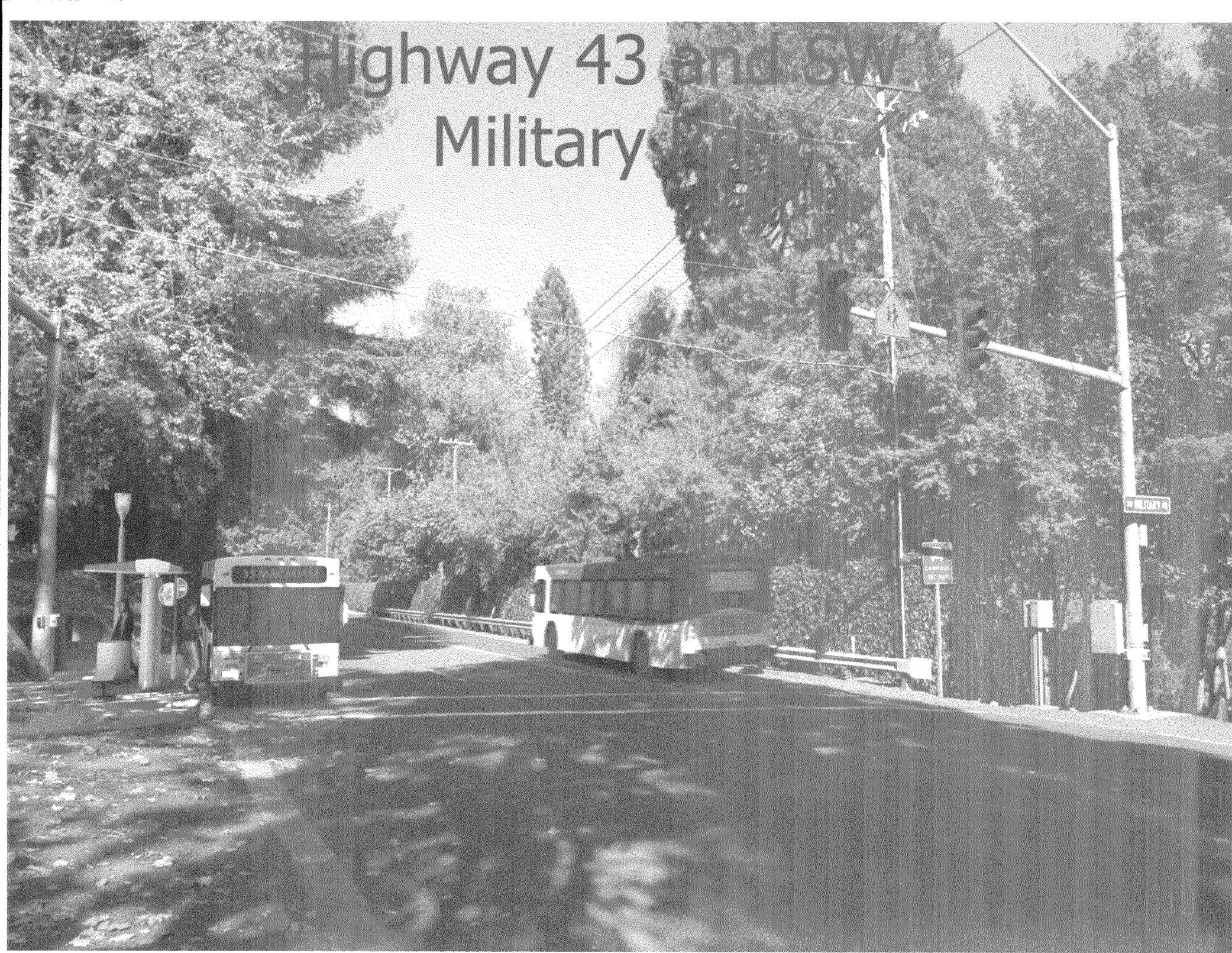
SW Macadam Ave. and SW Boundary St.



Highway 43 and SW Military Bridge

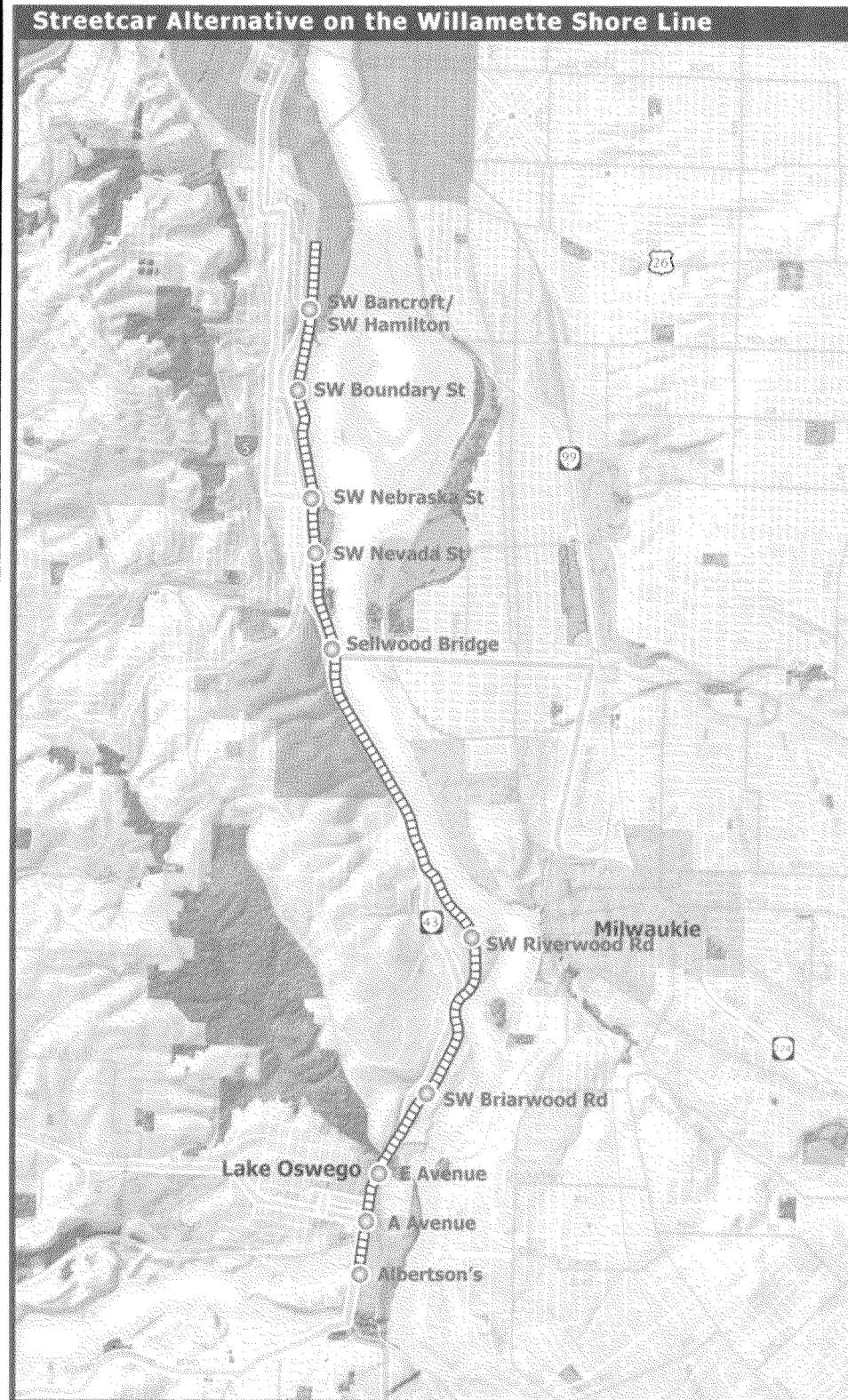


Highway 43 and SW Military Highway

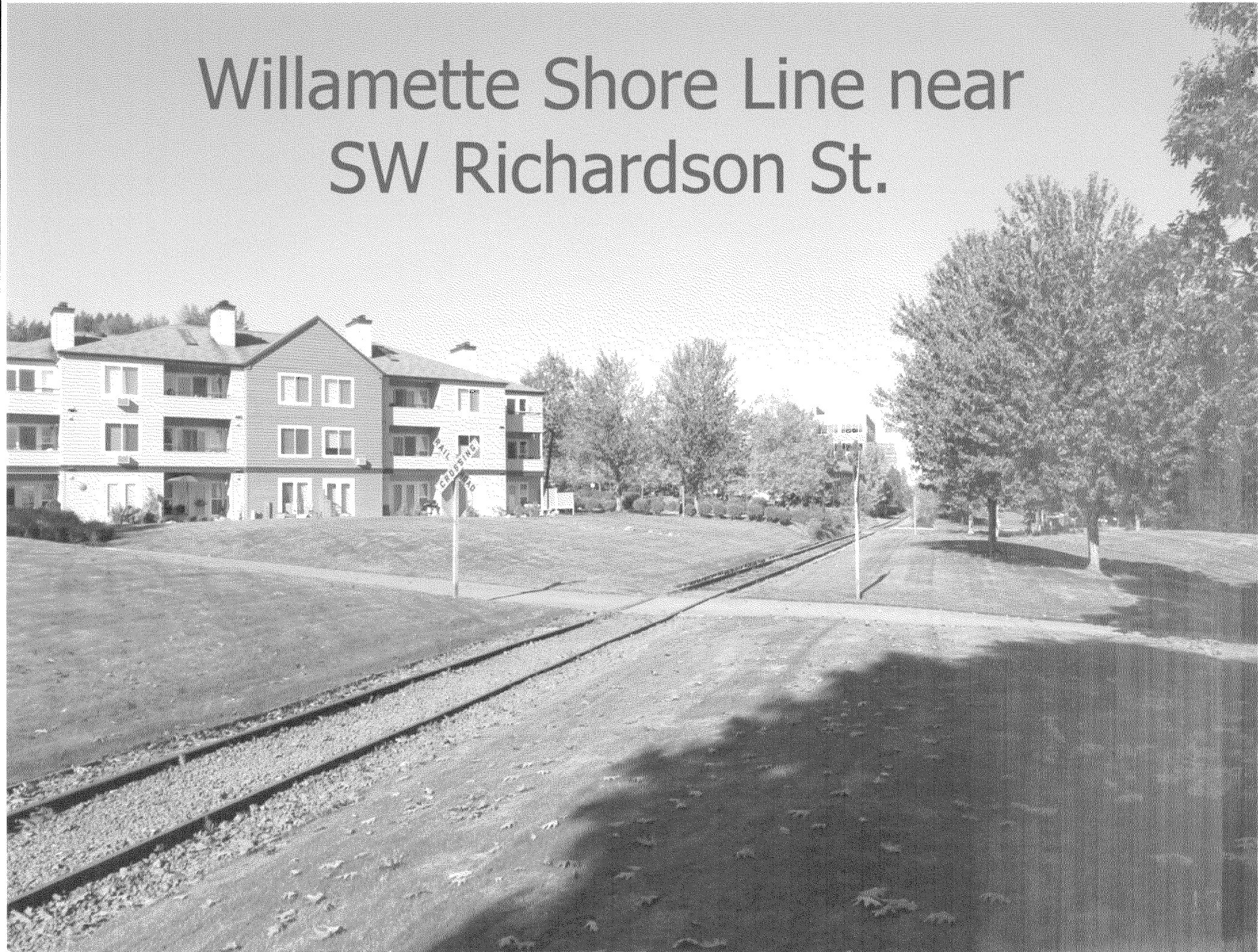


Streetcar

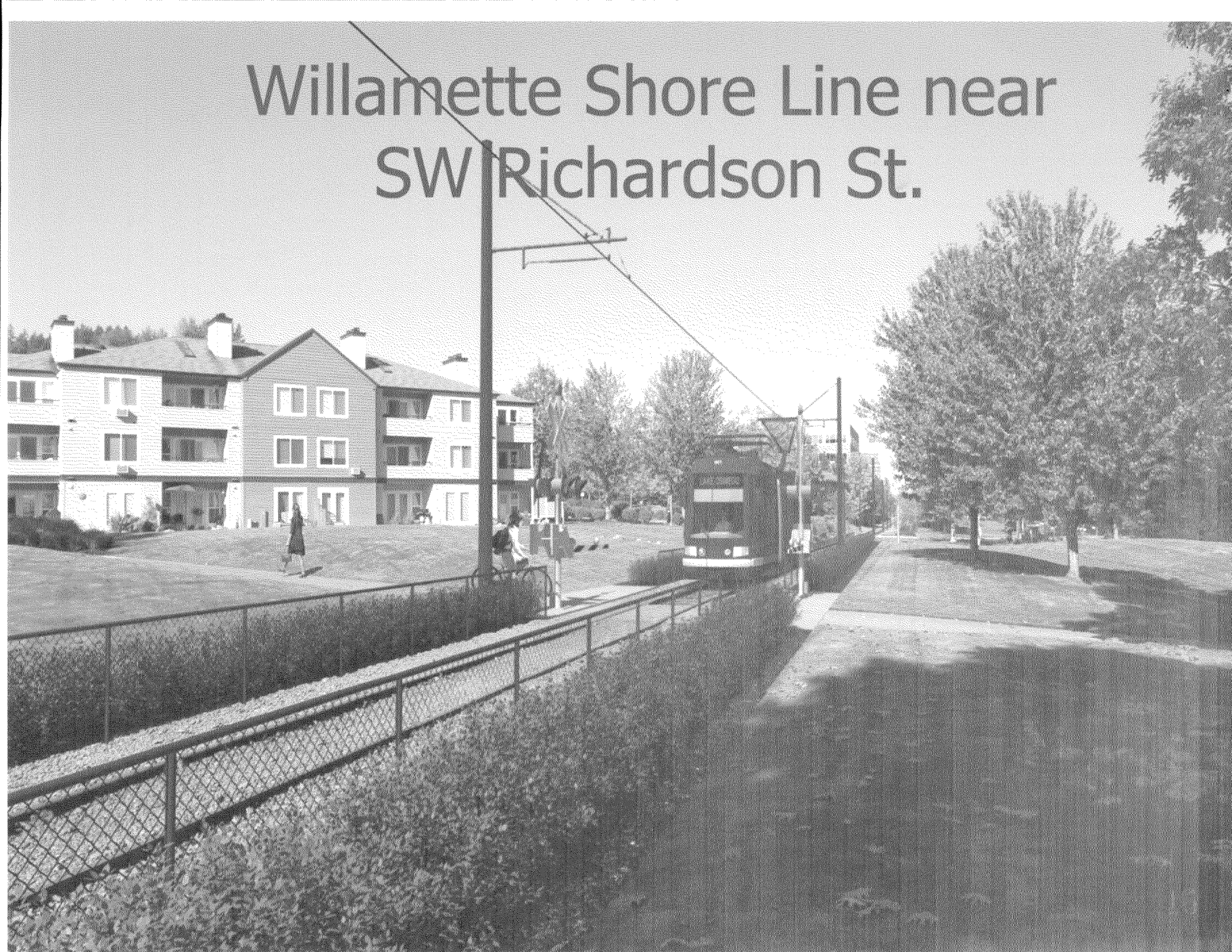
- 12 minute peak, 15 minute off-peak
- Johns Landing Alignment Options
 - SW Macadam Alignment
 - Willamette Shoreline R-O-W
 - Johns Landing Masterplan
- South of Sellwood Bridge
 - Willamette Shoreline R-O-W
- Lake Oswego Terminus Options
 - Trolley Terminus
 - Albertson Terminus
 - Safeway Terminus



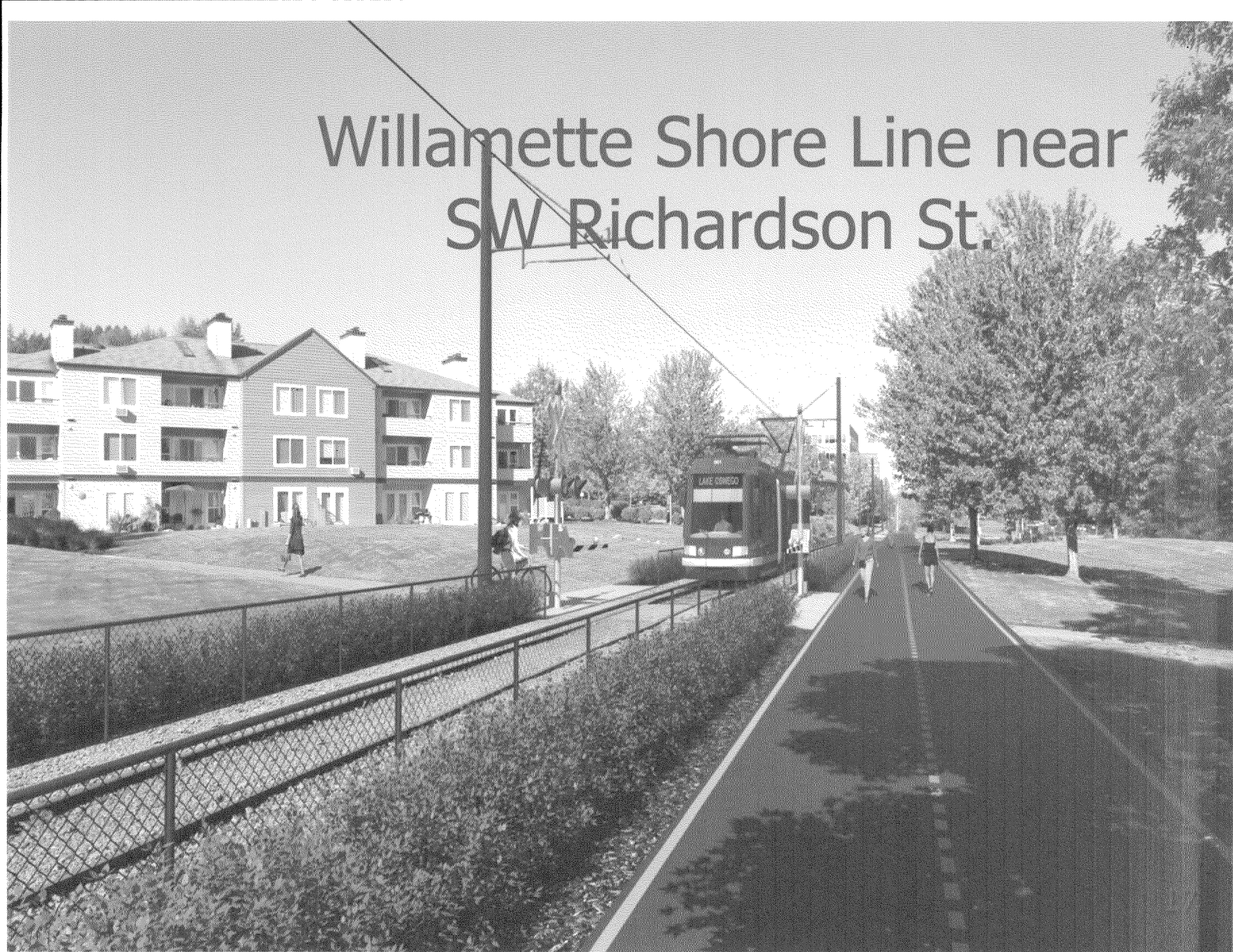
Willamette Shore Line near SW Richardson St.



Willamette Shore Line near SW Richardson St.



Willamette Shore Line near SW Richardson St.



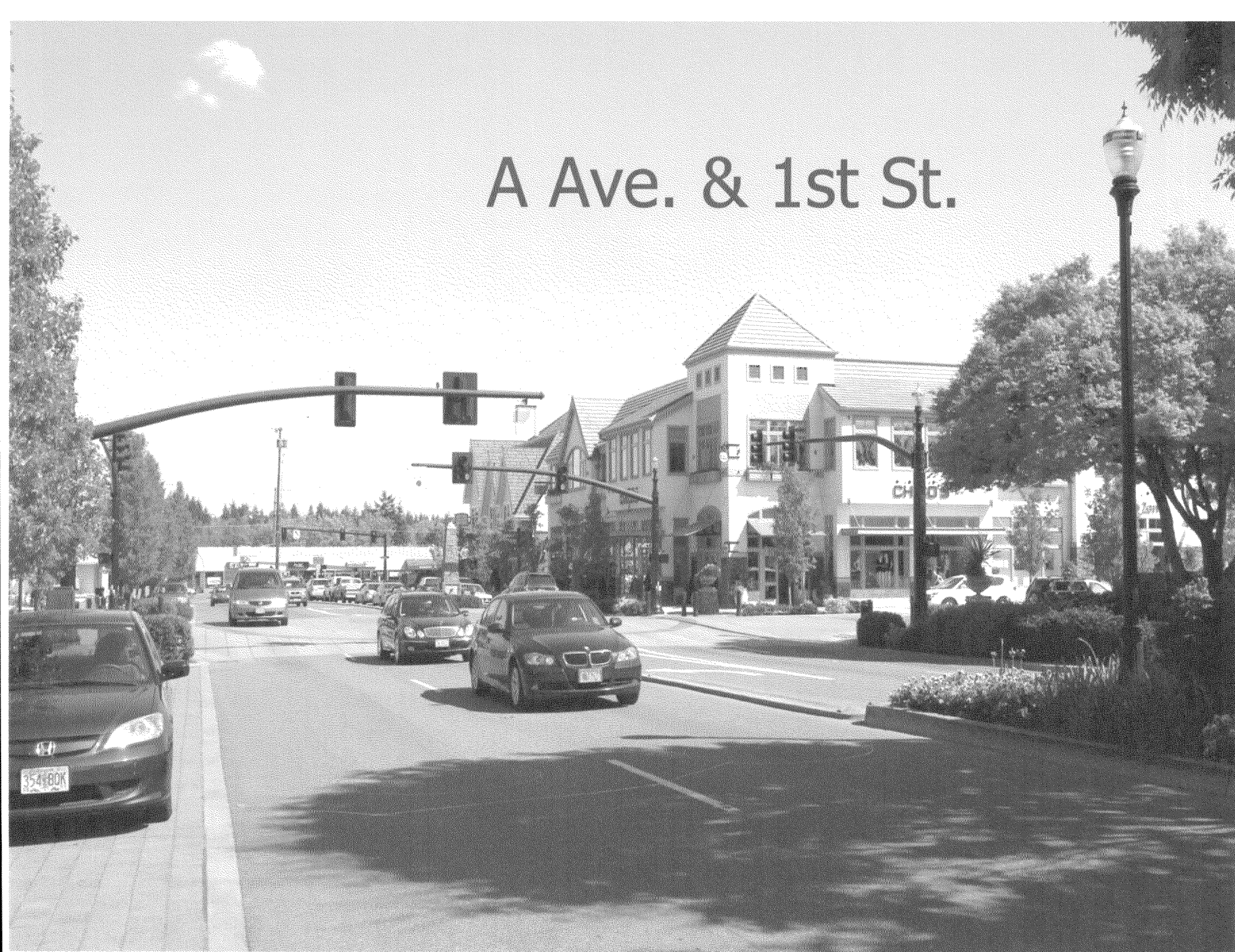
SW Riverwood Rd



SW Riverwood Road



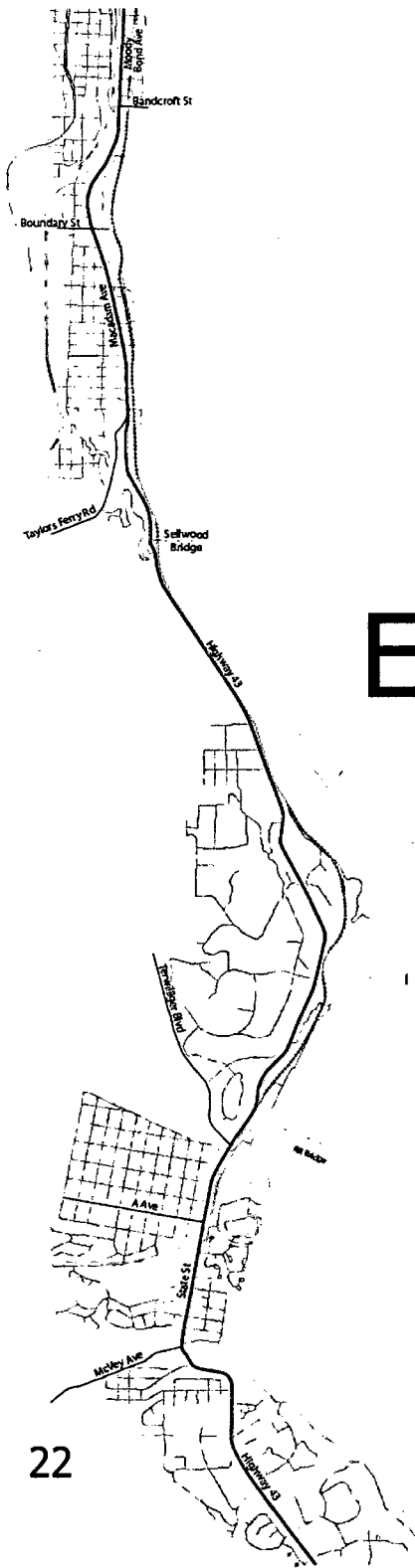
A Ave. & 1st St.



A Ave. & 1st St.

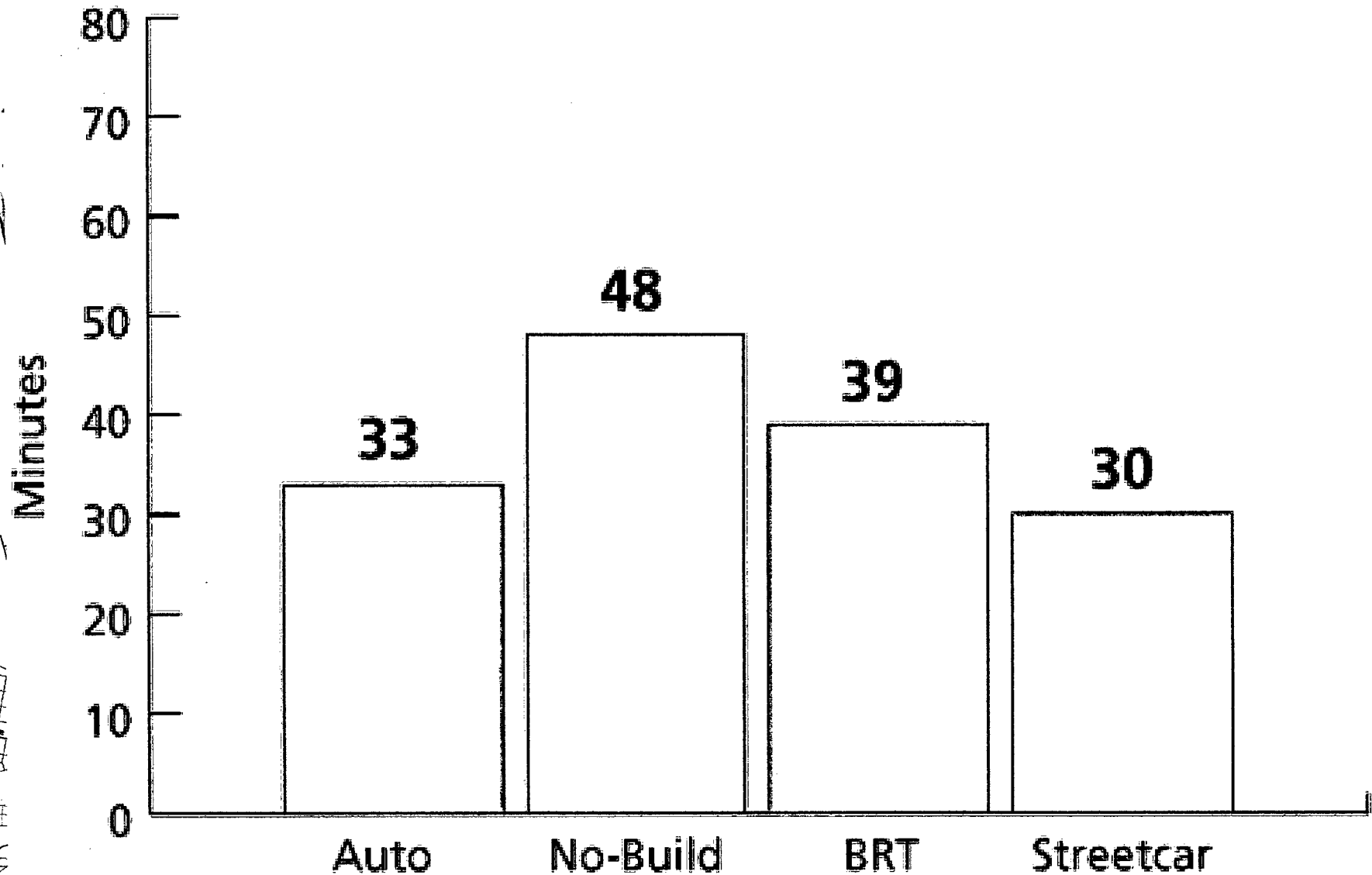


Evaluation of Alternatives



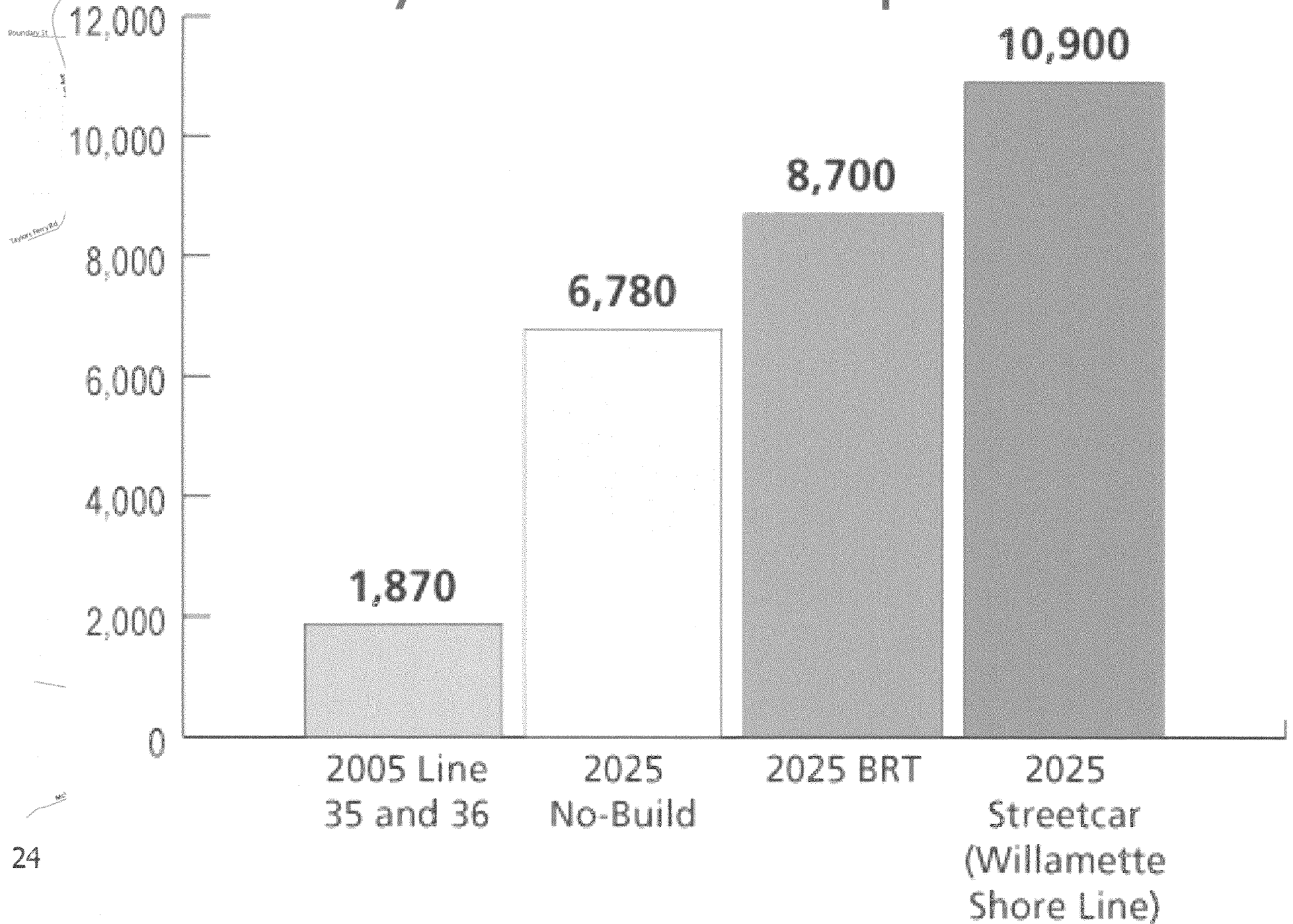
2025 Total Travel Time

Between Lake Oswego and Portland State University (PSU)



* Total Travel Times include in-vehicle travel time plus walk time, initial wait time and transfers. Total Travel Time for BRT and Streetcar to West Linn include transfer and bus travel time from Lake Oswego.

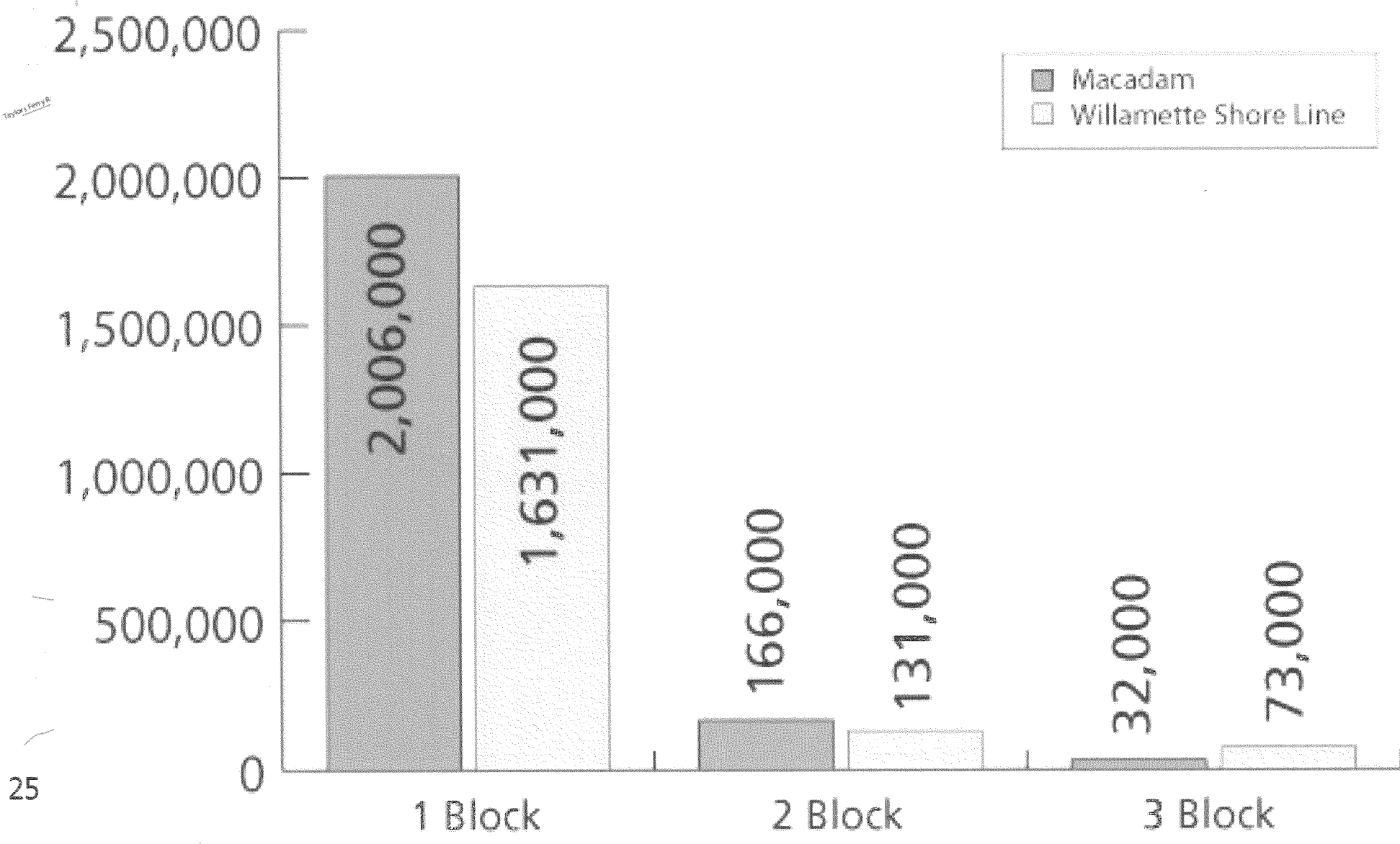
Daily Line Ridership

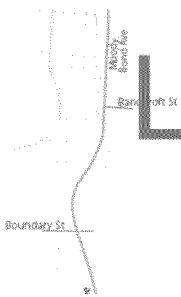


Moody Road Ave
Bancroft St
Boundary St
Macadam Ave
Taylor's Ferry Rd

John's Landing Development Potential

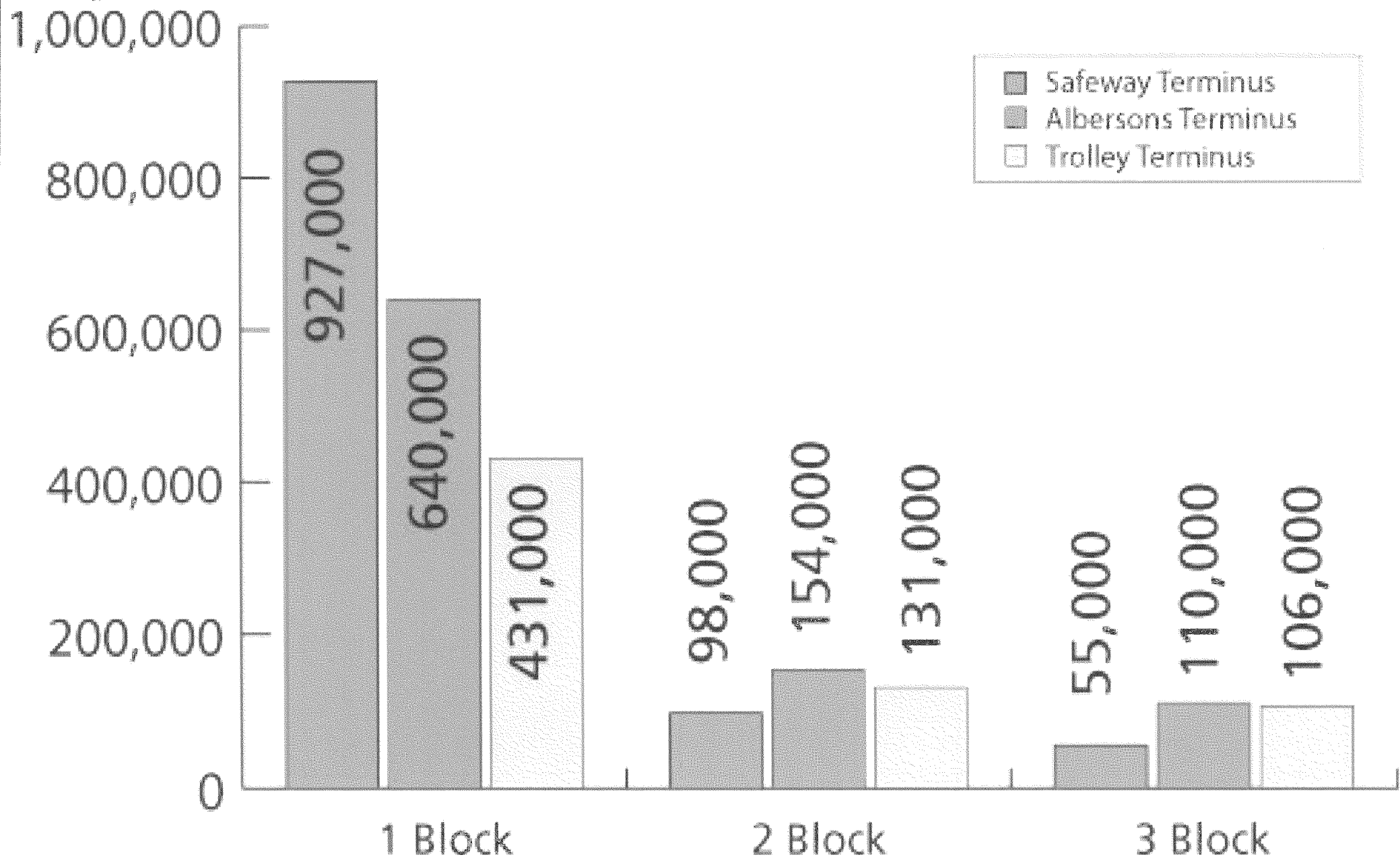
(Square feet of development by 2025)

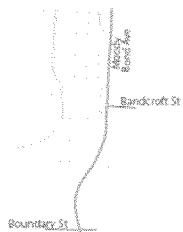




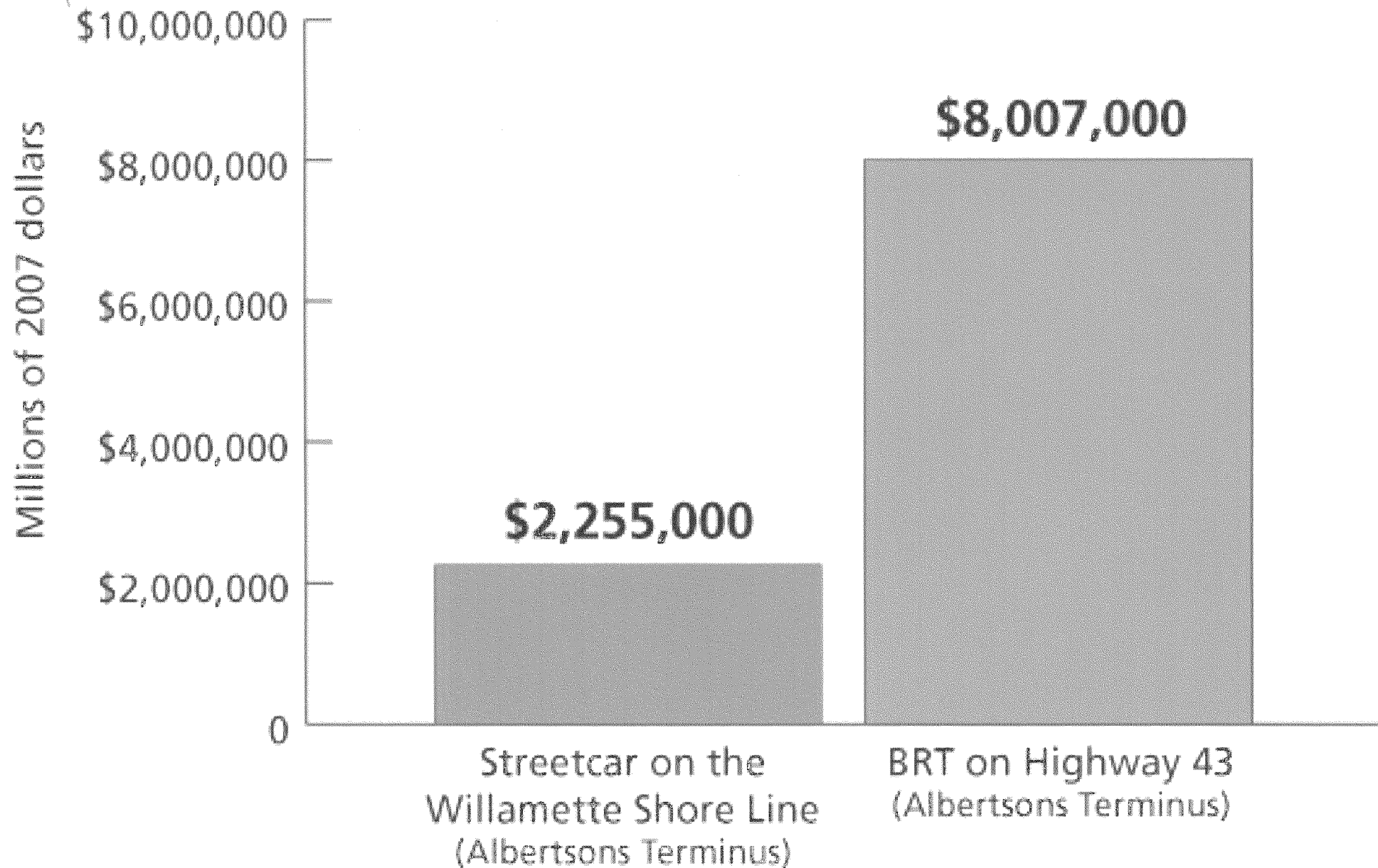
Lake Oswego Development Potential

(Square feet of development by 2025)



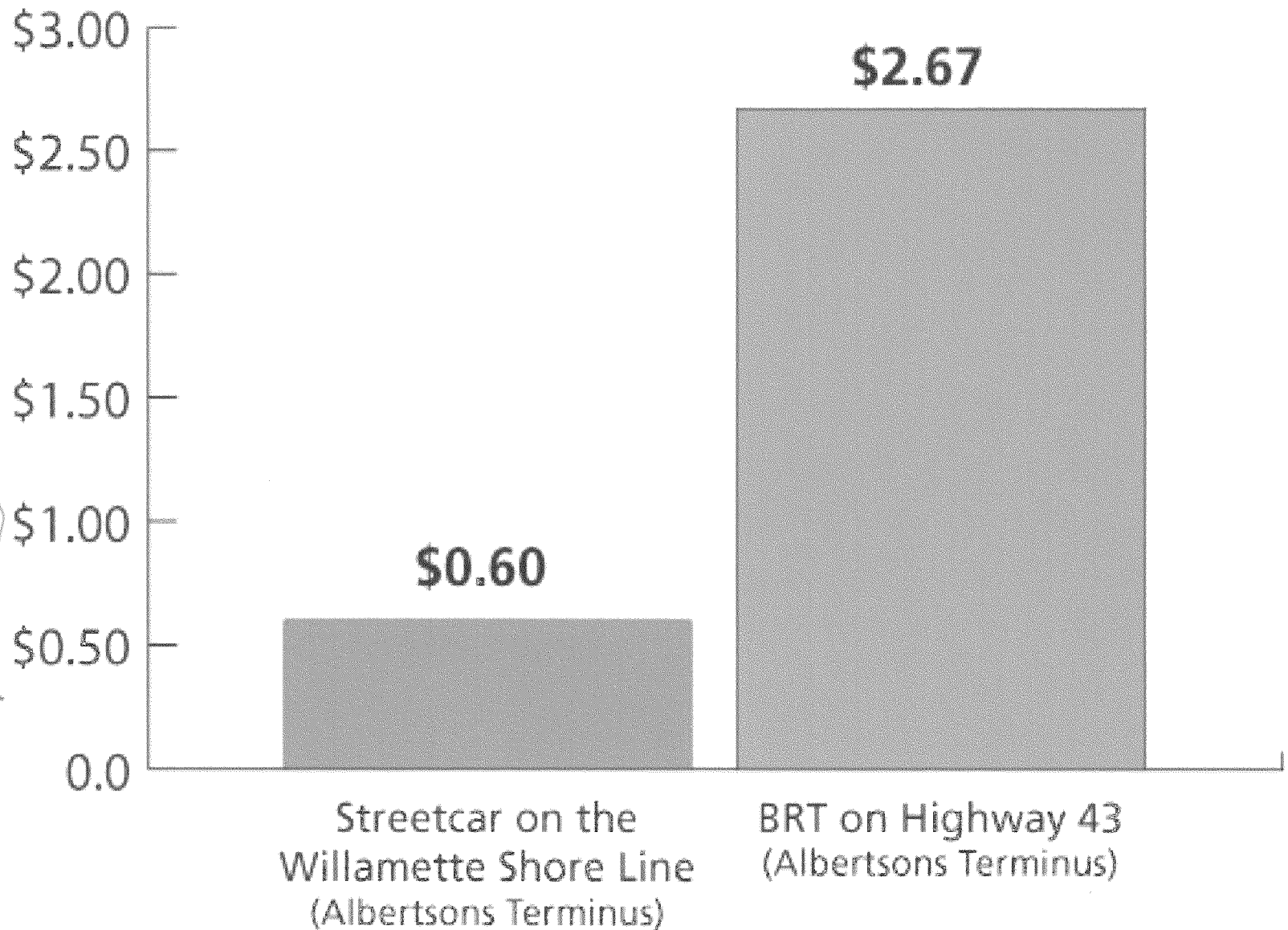


Operating and Maintenance Costs



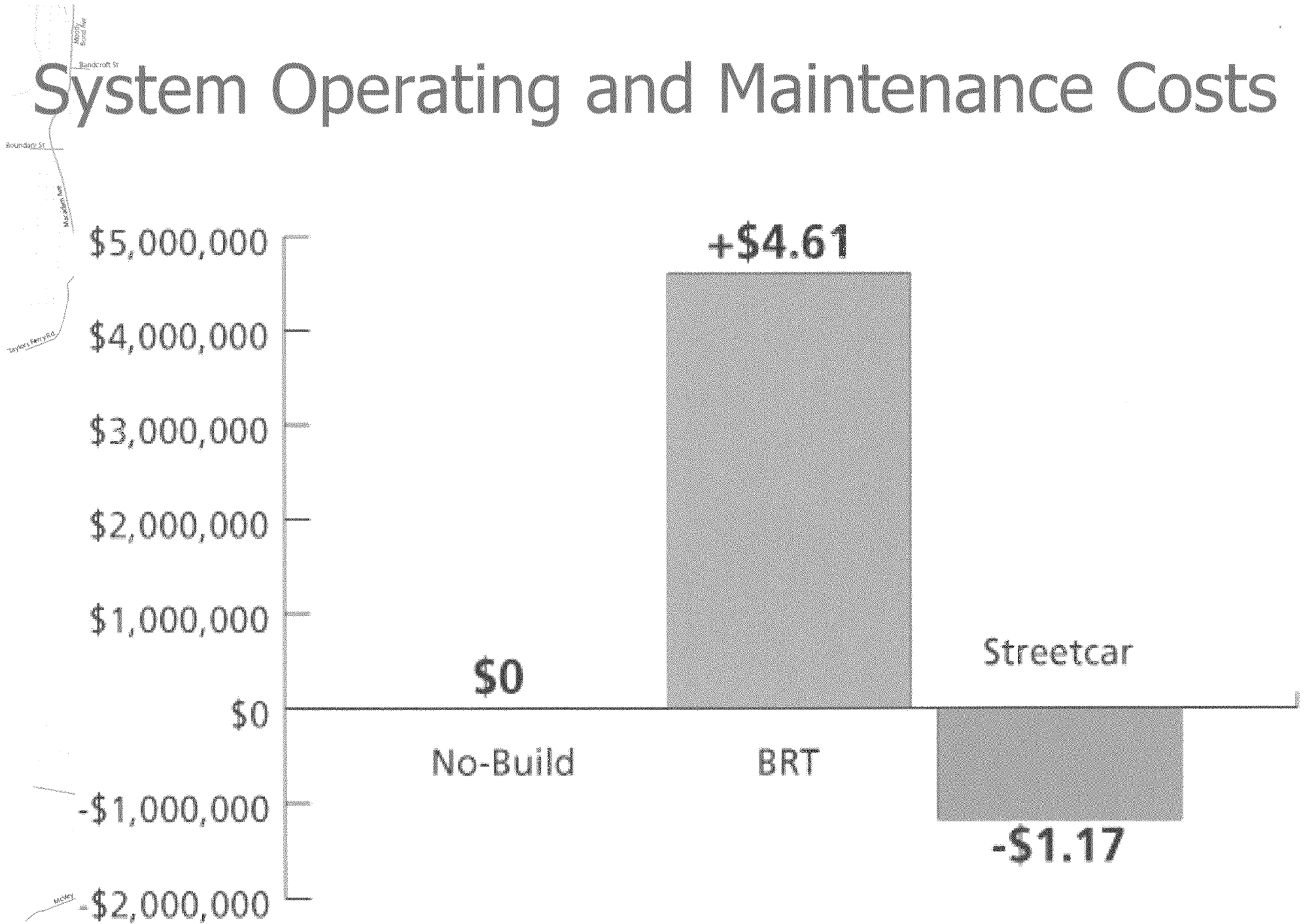
Costs are in 2007 Dollars

Operating and Maintenance Cost Per Ride

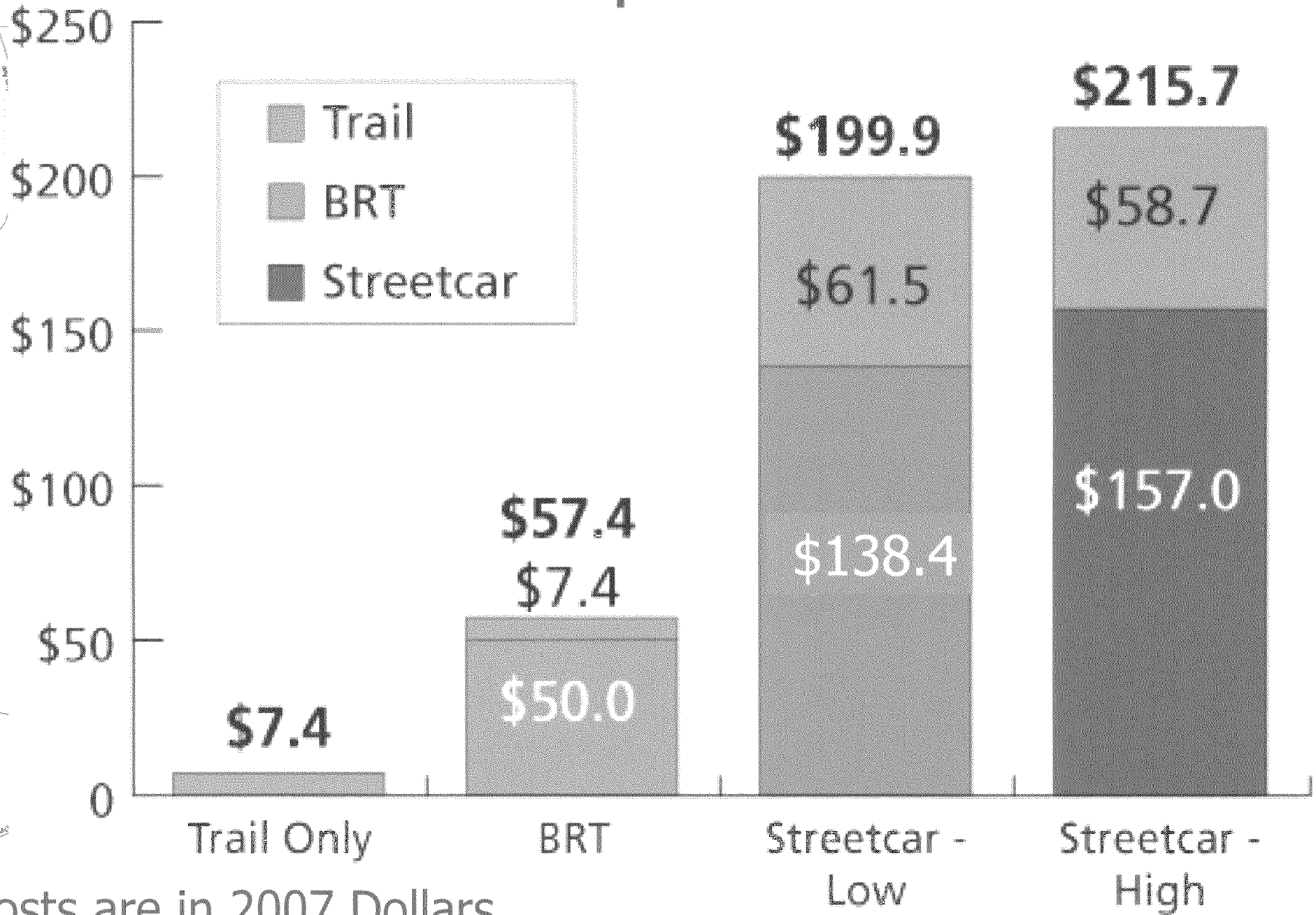
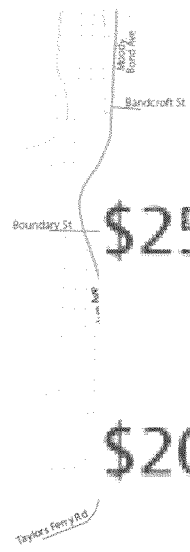


28 Costs are in 2007 Dollars

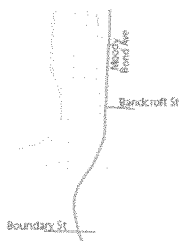
System Operating and Maintenance Costs



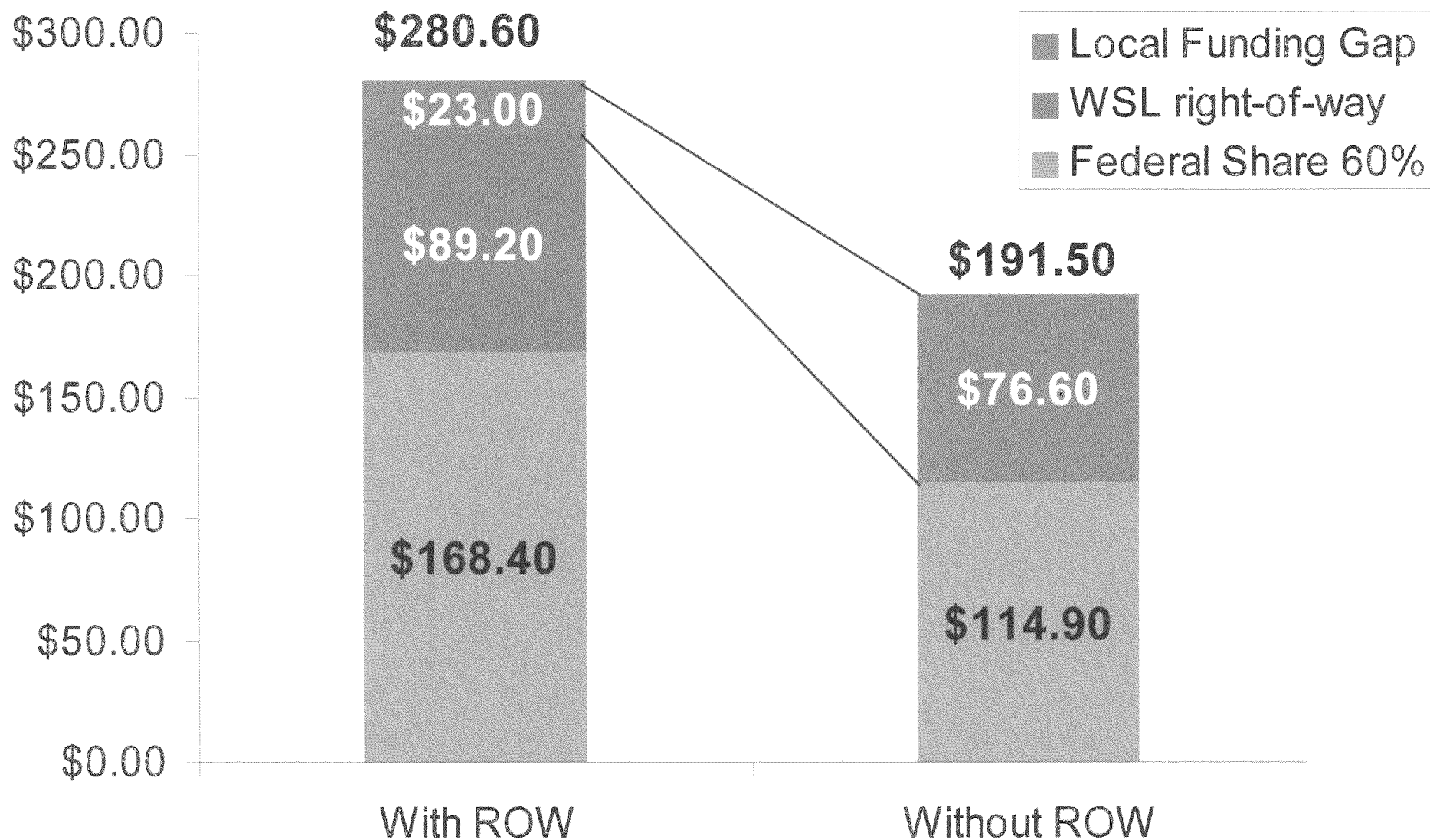
Capital Costs



Costs are in 2007 Dollars




Funding Scenarios



New Starts Sequencing

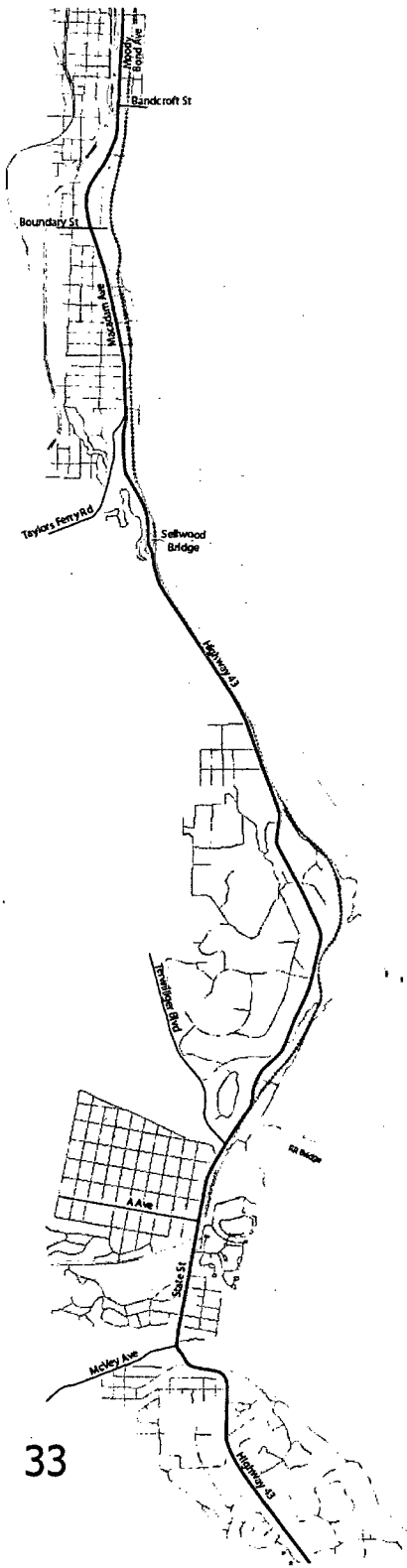
Willamette Shoreline w/ Albertsons Terminus Example



	SAFETEA-LU			SAFETEA-LU (2)						SAFETEA-LU (3)			
Federal Fiscal Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	TOTAL
I-205/Mall LRT	\$80	\$80	\$80	\$80	\$25								\$345
Eastside Streetcar			\$38	\$38									\$75
Milwaukie LRT					\$55	\$90	\$90	\$90	\$90	\$90	\$35		\$540
Lake Oswego							\$20	\$20	\$20	\$20	\$75	\$13	\$168
CRC													
Total Annual Funding	\$80	\$80	\$118	\$118	\$80	\$90	\$110	\$110	\$110	\$110	\$110	\$13	\$1,129

Public Comment Summary

- Summary of outreach activities
 - Two open houses – 215 attendees, 122 comment cards
 - Public Hearing – 21 testified
 - Comment cards (13), letters (15), e-mail (75), phone calls (1) received
 - More than 1200 direct citizen contacts
- Public comment period findings
 - Streetcar received the strongest support though there are outstanding questions about the alignment location in Johns Landing
 - Support was also strong for a bicycle and pedestrian connection in the corridor



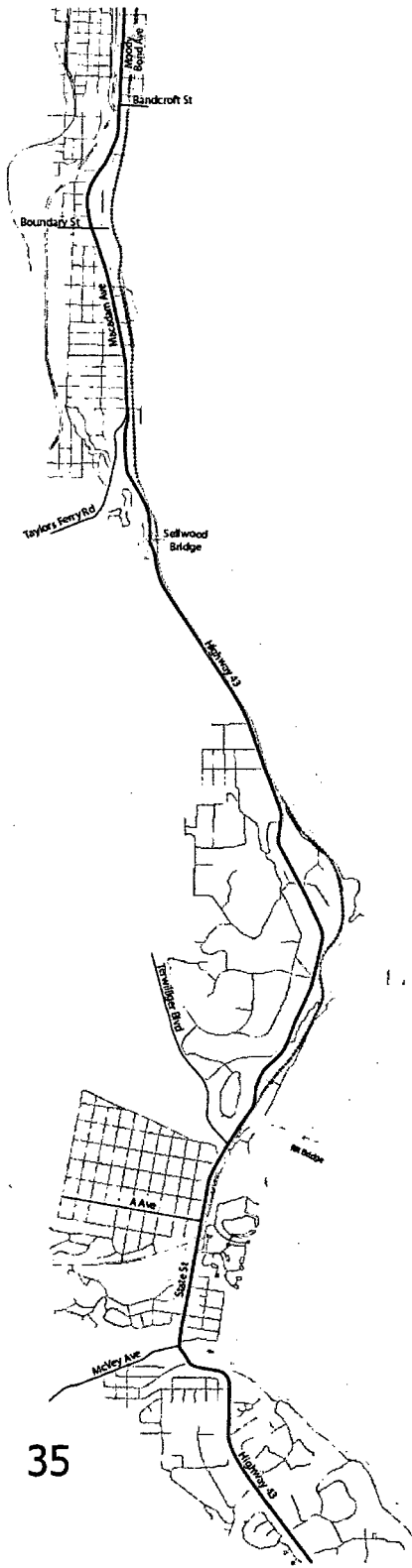


Steering Committee Recommendations

Adopted September 10, 2007

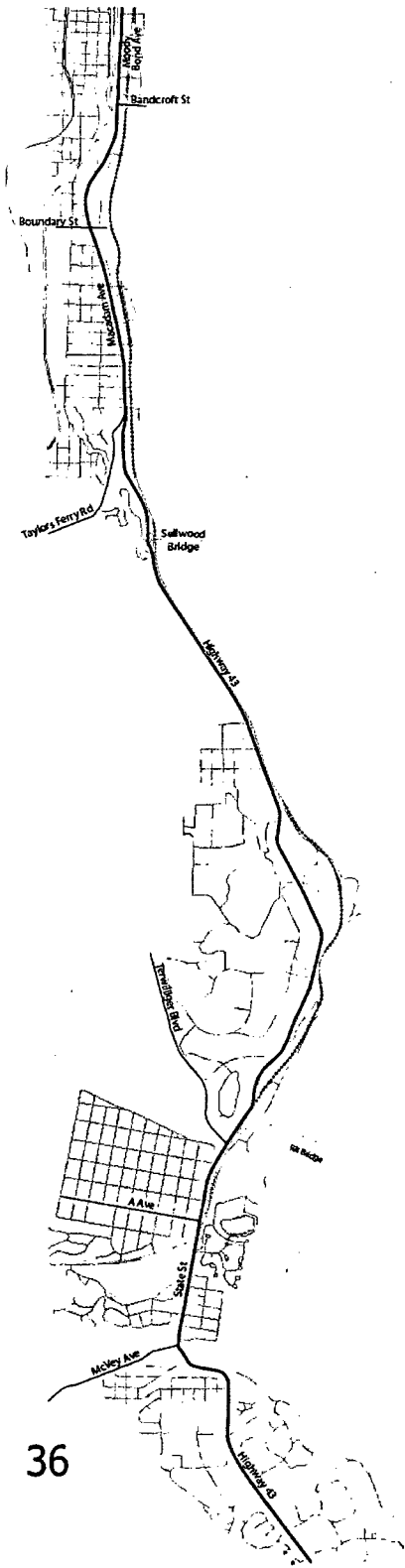
Mode Recommendations

- **Advance Streetcar** into DEIS
 - Highest Ridership
 - Fastest travel times
 - Highest Reliability
 - Lowest Operating and Maintenance Costs
 - Would support Johns Landing and Lake Oswego development
 - Could leverage Willamette Shore Line ROW as local match



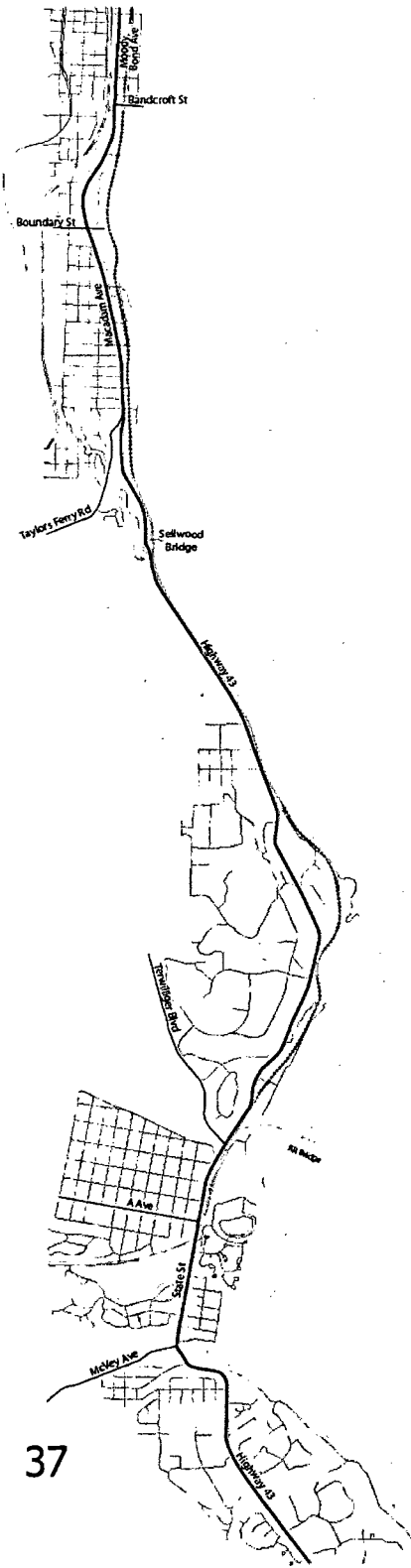
Mode Recommendations

- **Do Not Advance Bus Rapid Transit** into the DEIS
 - Queue bypass lanes impractical
 - Travel times not achievable
 - Higher operating and maintenance costs
 - Less reliable due to traffic congestion

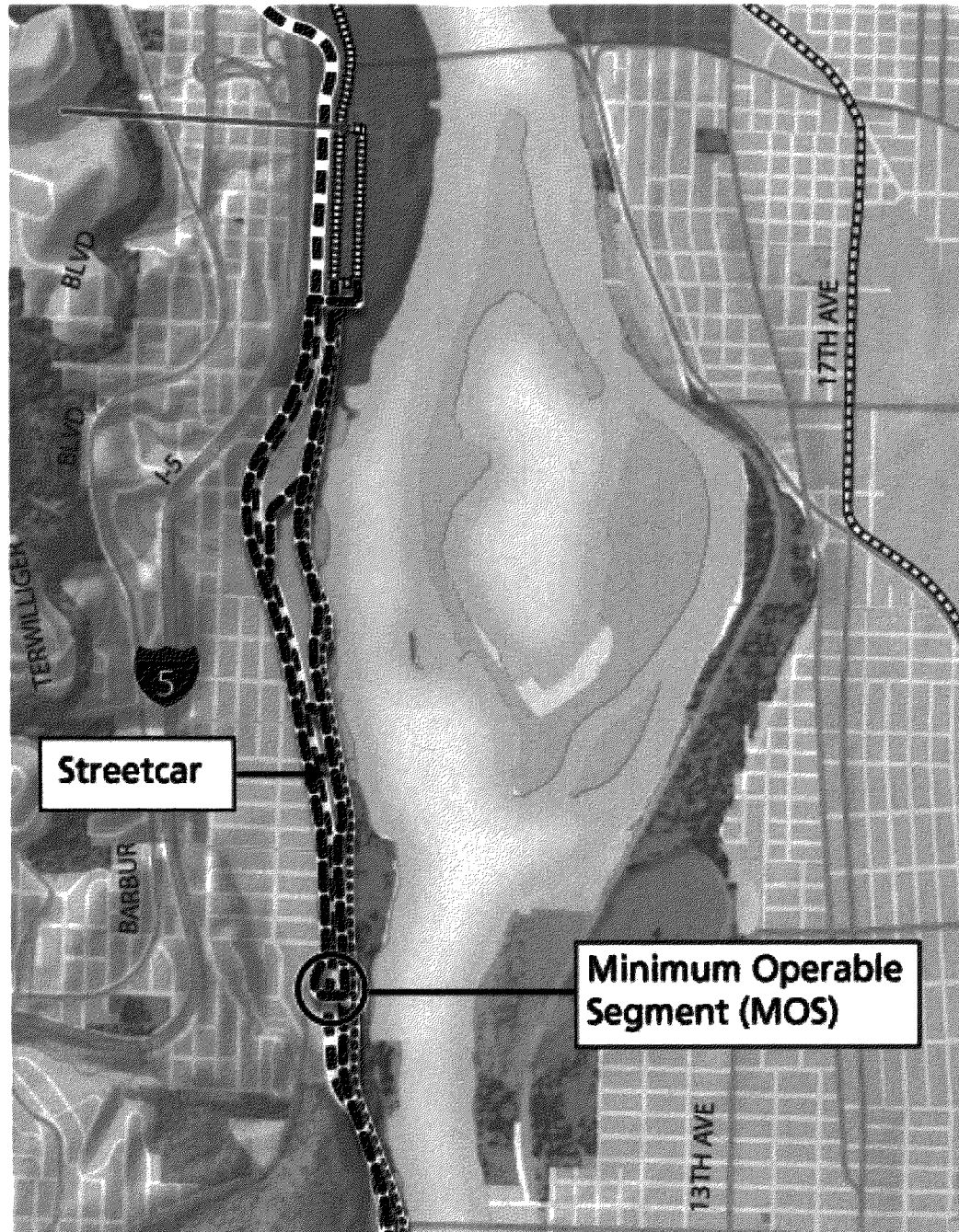
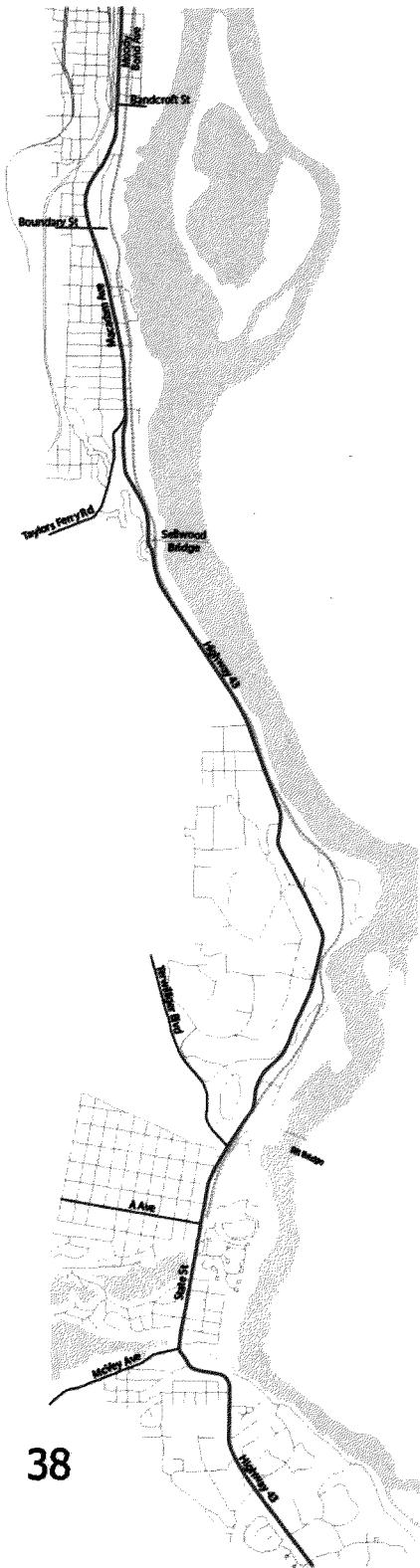


Mode Recommendations

- **Advance an Enhanced Bus Alternative** into the DEIS
 - Advance less capital intensive bus alternative than BRT into DEIS
 - Avoid impacts of BRT
 - Serve as base case to compare Streetcar

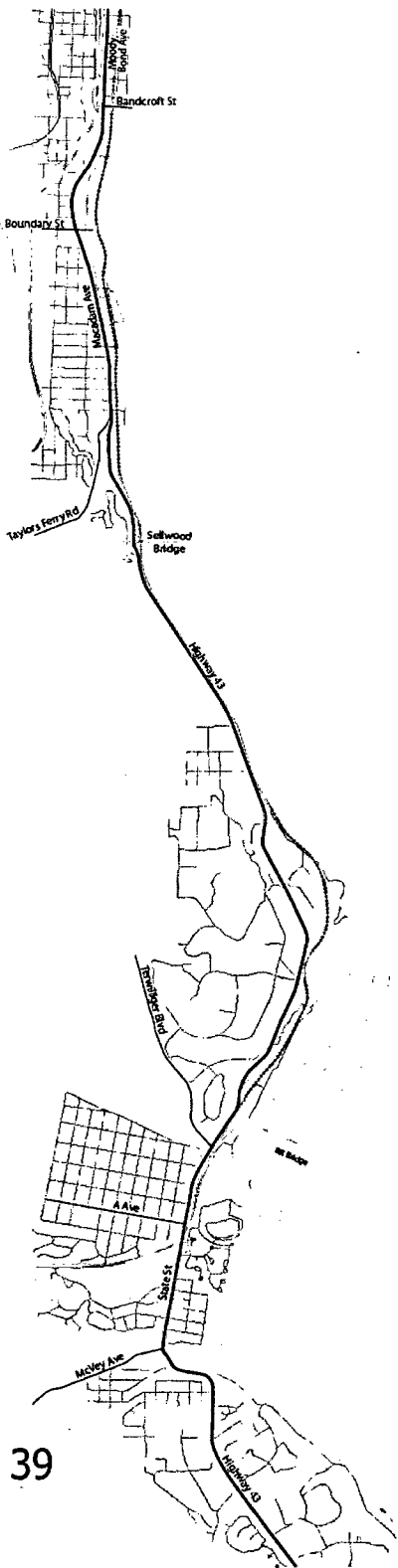


Steering Committee Recommendation



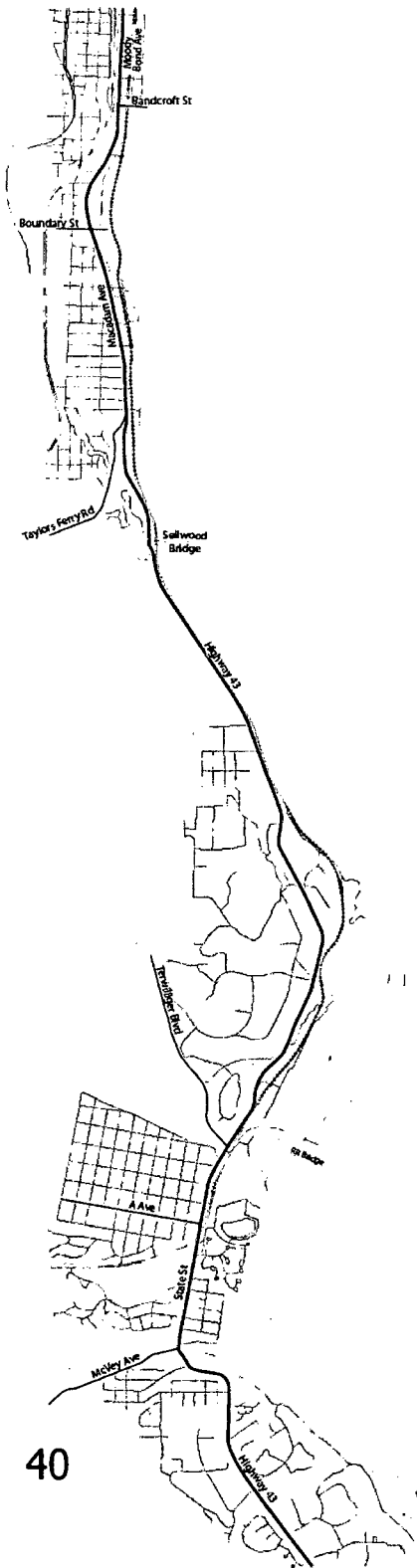
Alignment Recommendations

- **Advance Willamette Shore Line Alignment** into DEIS
 - High reliability in exclusive right of way
 - Leverage value of right of way as local match
 - Fastest travel times
 - Public support from Lake Oswego residents



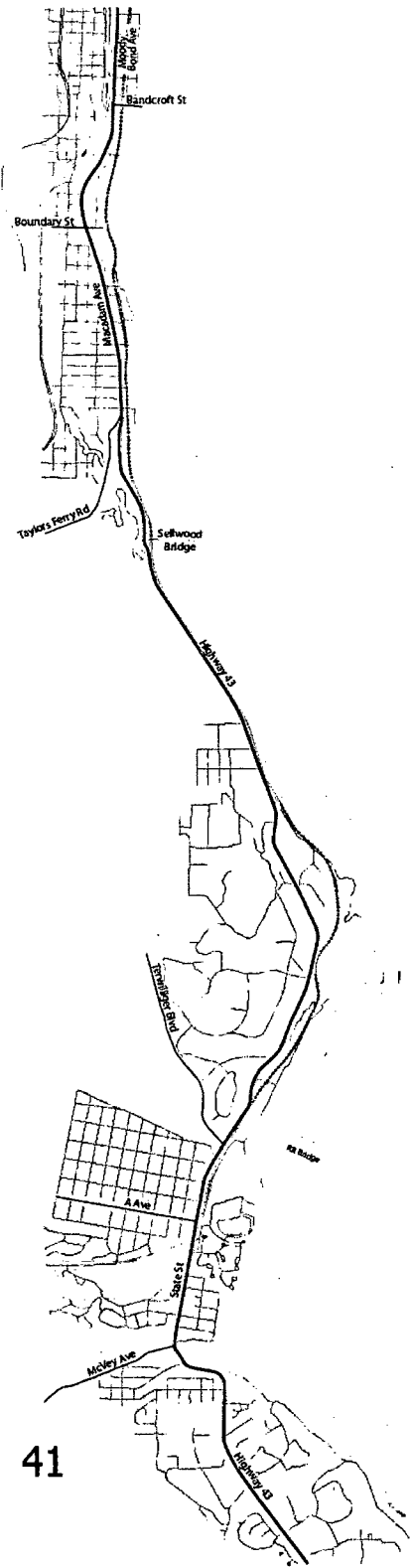
Alignment Recommendations

- **Advance Macadam Avenue Alignment** into the DEIS
 - Leverage greatest development potential
 - Public support from Johns Landing residents and businesses
 - Avoids proximity issues of Willamette Shore Line
 - Acknowledge ODOT concerns regarding mixed Streetcar and traffic operations

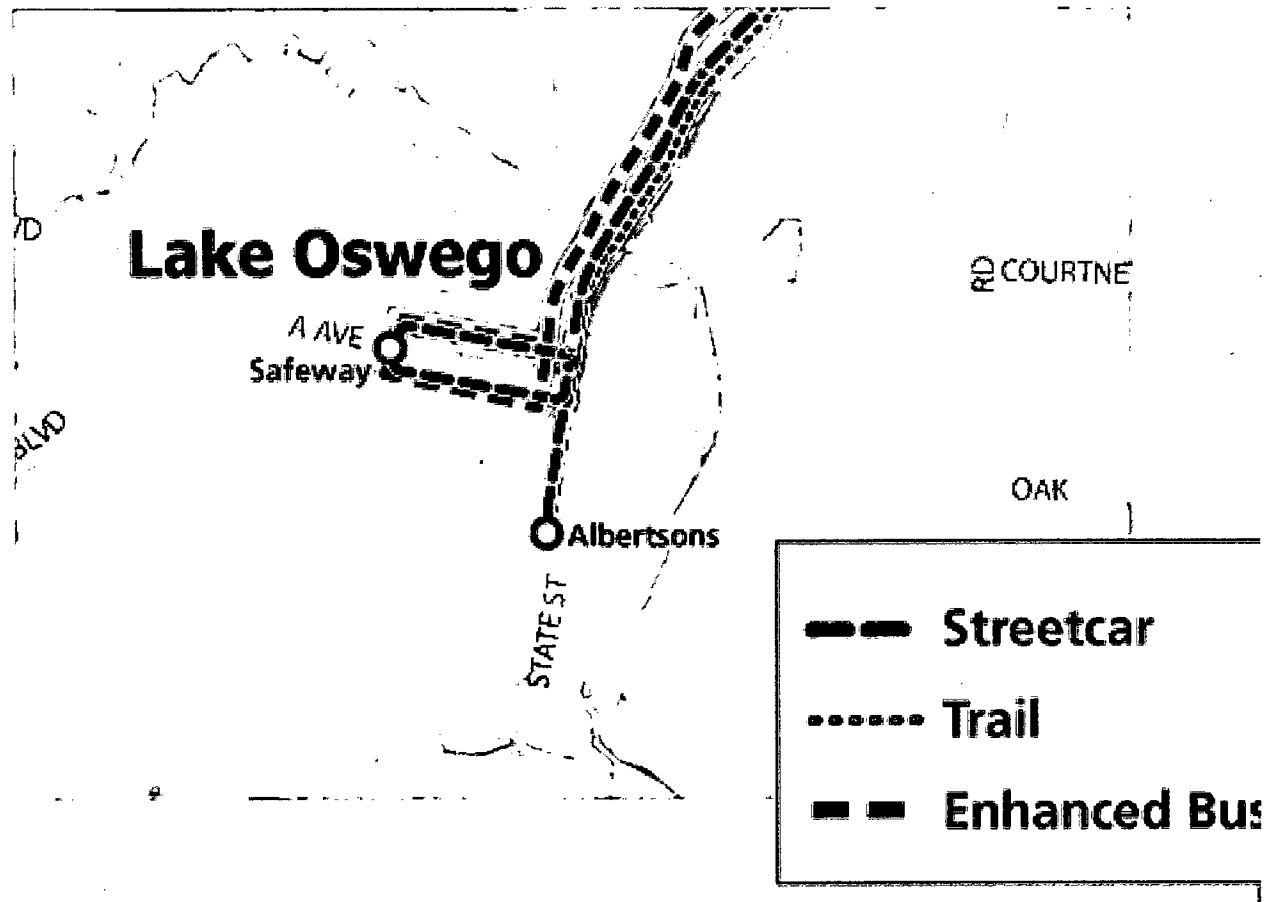
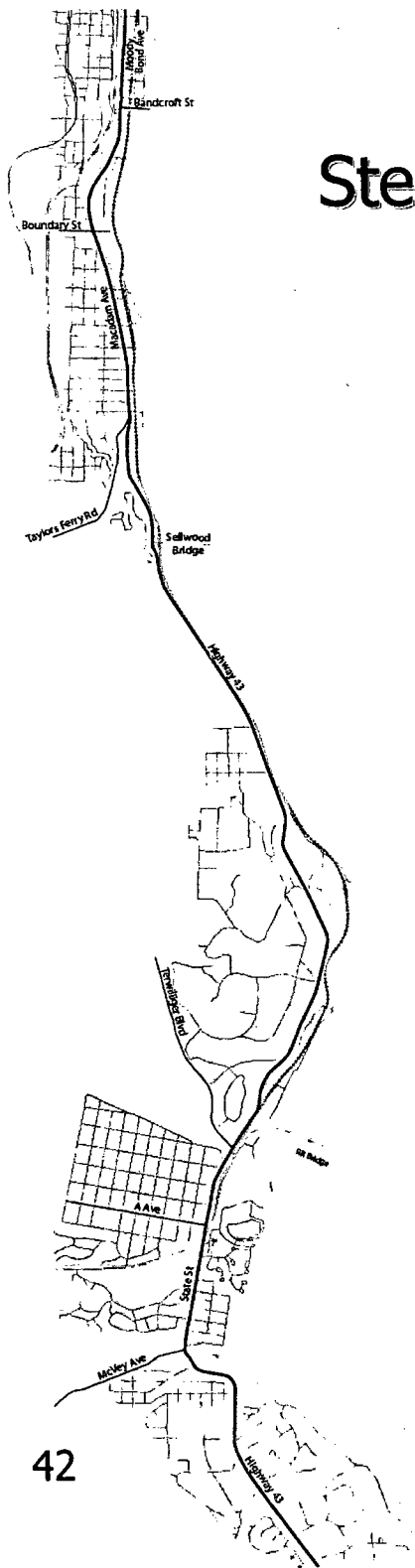


Alignment Recommendations

- **Advance Combinations of Willamette Shore Line and Macadam Alignments** into the DEIS
 - Look for way to maximize benefits and minimize impacts
 - Could require all or parts of Johns Landing Masterplan or other alignemnts
 - Look for creative design solutions



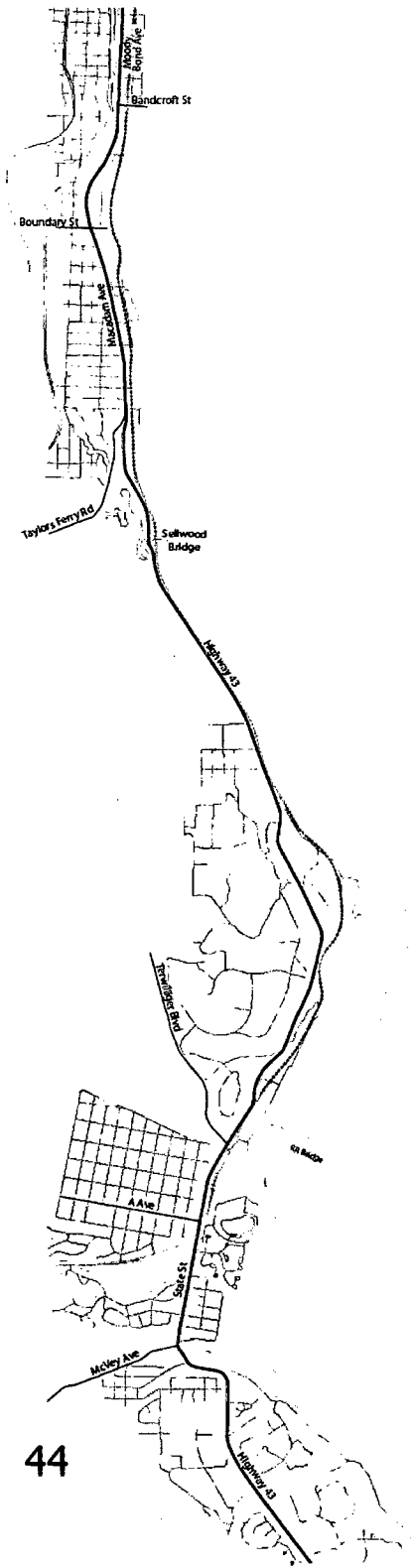
Steering Committee Terminus Recommendation



- 43

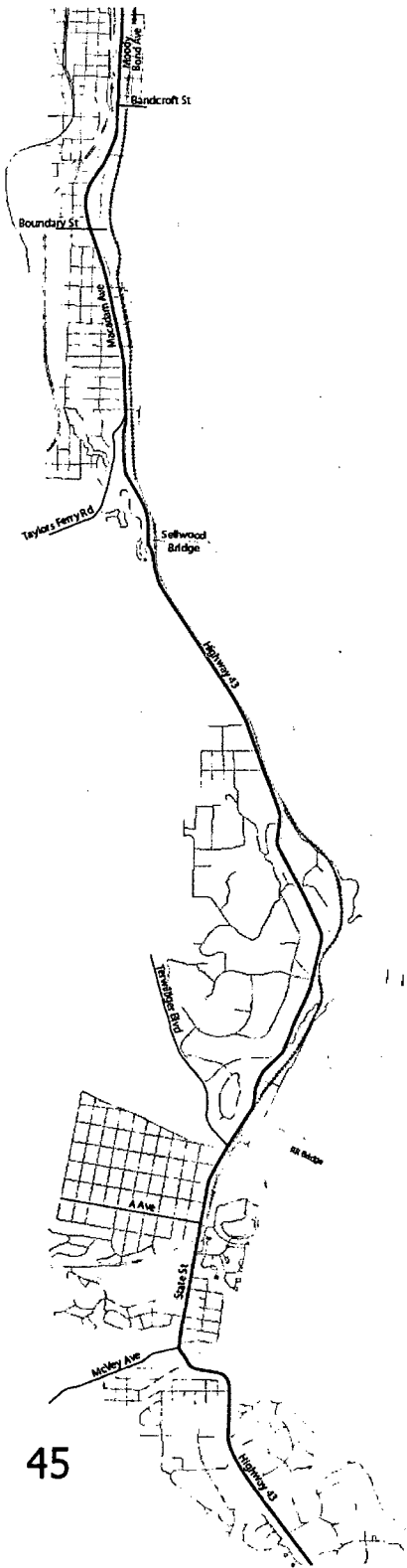
Terminus Recommendations

- Advance Safeway Terminus into the DEIS
 - Allows for future extension to the west
 - Intercepts east-west traffic at park and ride
 - Provides circulator function between Foothills and downtown
 - Transit supportive development potential

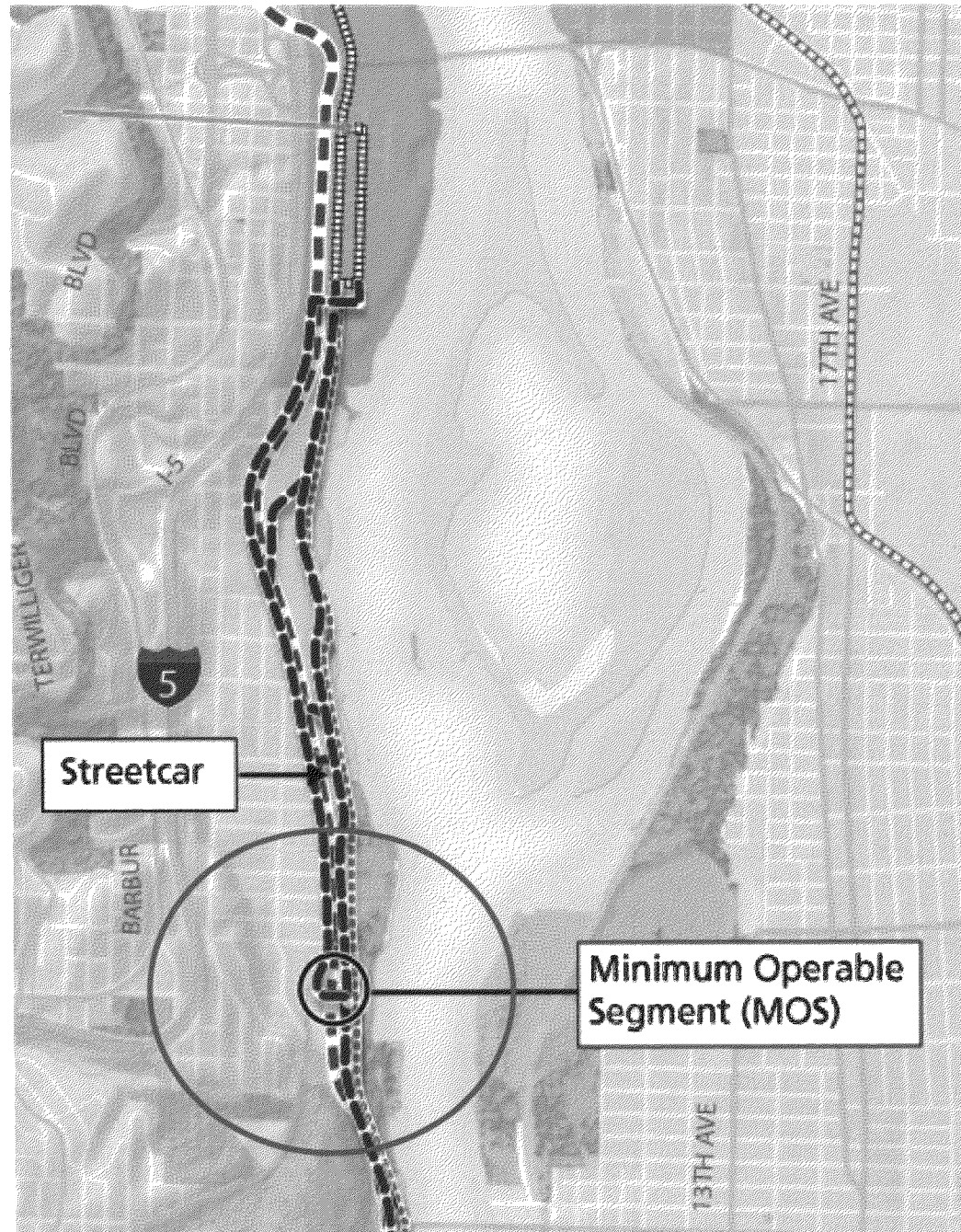
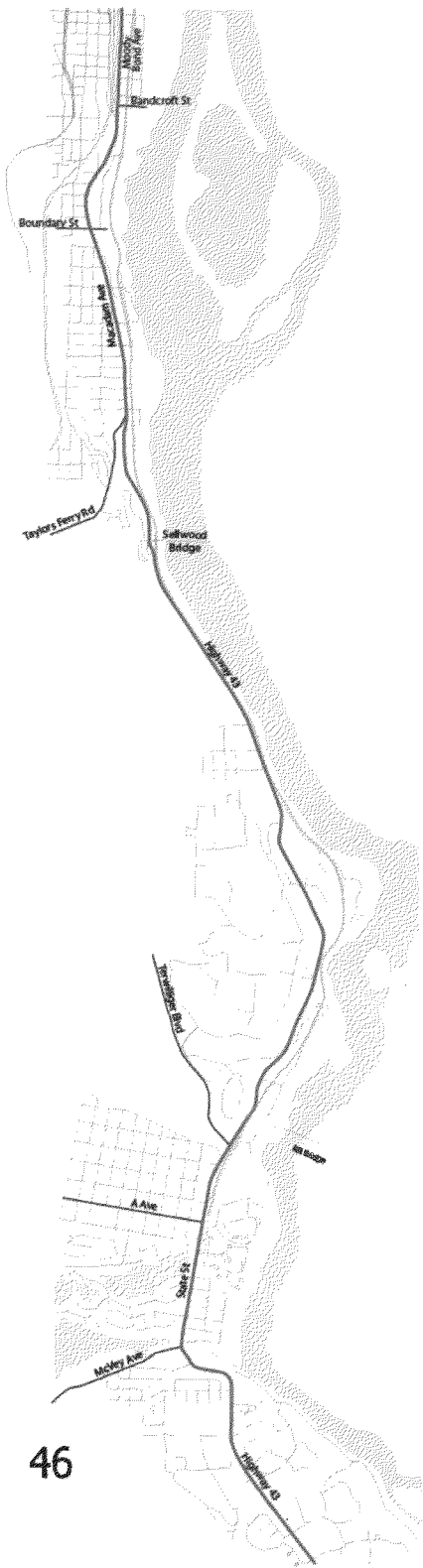


Minimum Operable Segment

- **Include terminus north of Sellwood Bridge near Nevada Street** in DEIS along with full-length alternative
 - Terminus would be temporary, if funding is not available for full-length project
 - Significant public support from Johns Landing and Dunthorpe residents for Johns Landing terminus – many support permanent short terminus option

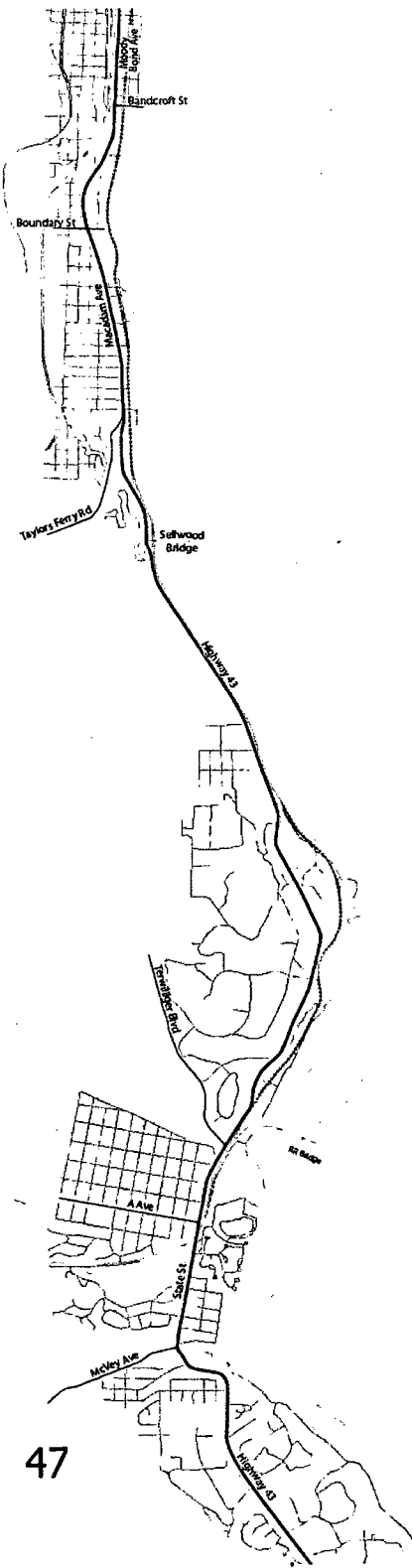


Steering Committee Recommendation



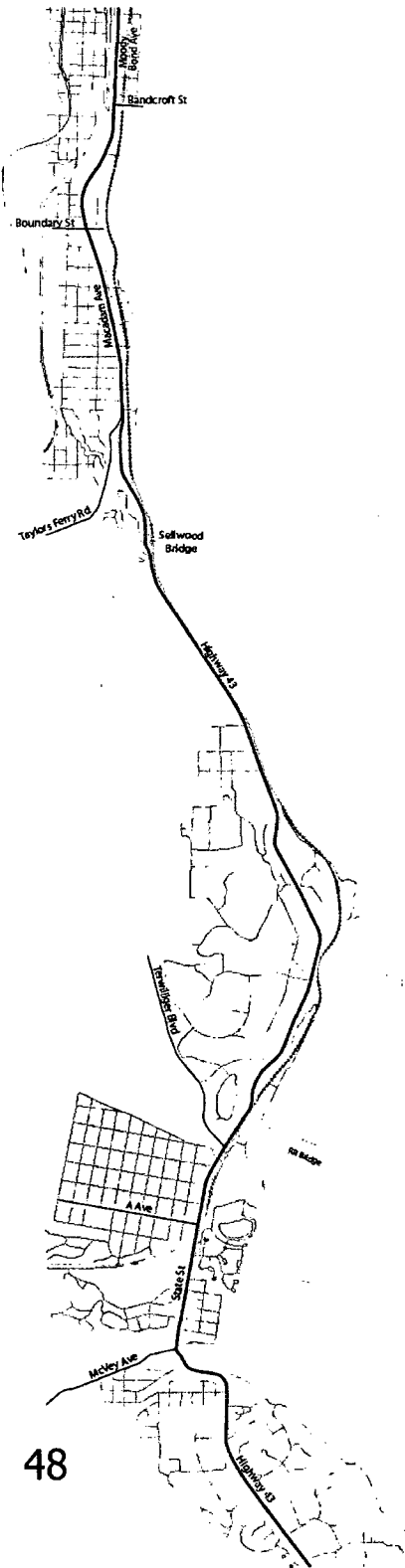
Trail Recommendations

- **Trail should advance for further study**
 - Additional design work required
 - Lower costs and impacts
 - Accommodate transit project
 - Need to identify trail sponsors
 - Need to explore funding sources



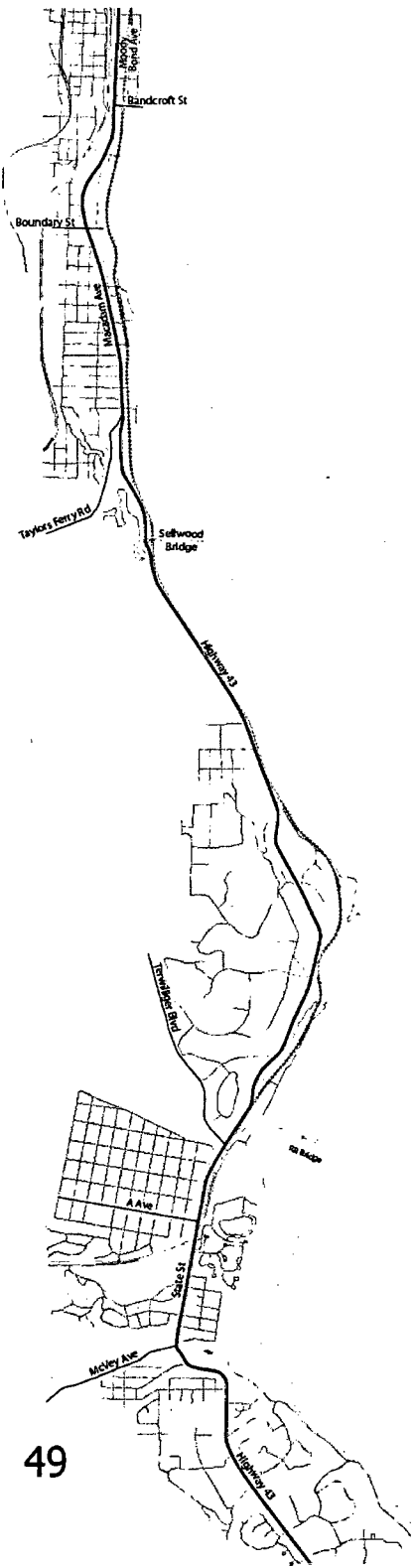
Trail Recommendations

- Consider phasing of segments
- Evaluate Portland and Western railroad bridge connection to east side of Willamette to Milwaukie and Sellwood Bridge
- Further study required to resolve legal uncertainties regarding trail in Willamette Shore Line right of way



Work Program Considerations

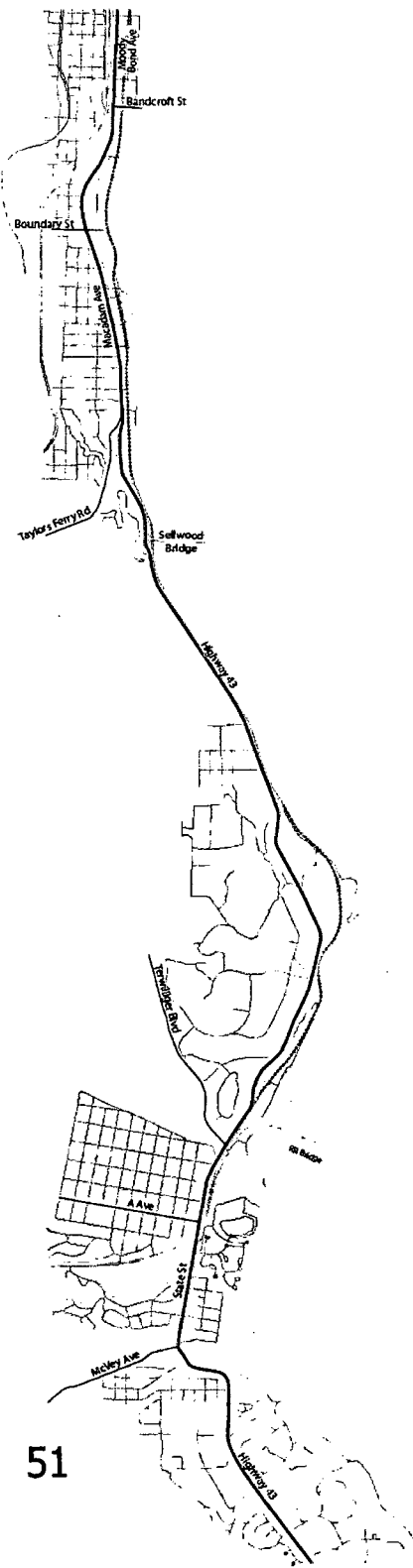
- Develop Scope, Schedule and Budget for DEIS (Early 2009)
- Secure DEIS funding
- Develop conditions in order to meet development, funding and cost-effectiveness goals
- Undertake Trail Refinement Next Steps



- 50

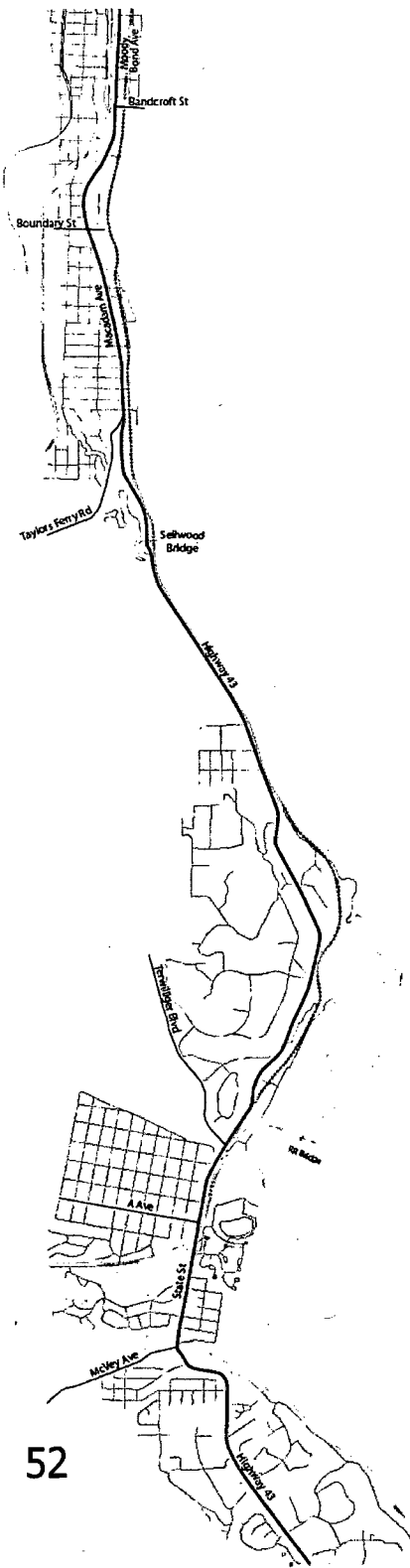
Recent Project Activities

- Dunthorpe community meeting held in October with 30 attendees
- Two follow-up meetings held with residents of Dunthorpe along SW Riverwood Rd.
 - Mailing will offer more meetings
- PDOT developing information on Johns Landing alignments



Next Steps

- Metro Council action December 13th
- Convene discussions regarding advancement of trail
- Develop DEIS scope, schedule, budget and funding plan





MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: R-2
Est. Start Time: 9:50 AM
Date Submitted: 10/25/07

Agenda Title: 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 Adoption and Implementation of the Regulatory Improvement Package 3 in Compliance with Metro's Functional Plan and Declaring an Emergency

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

Date Requested: November 8, 2007 Time Requested: 2 minutes
Department: Community Services Program: Land Use & Transportation
Contact(s): Karen Schilling
Phone: 503-988-3043 Ext. 29635 I/O Address: 455/116
Presenter(s): Karen Schilling

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 (10/29/07) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (11/9/07) 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: 10/25/07

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 Adoption and Implementation of the Regulatory Improvement Package 3 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 January 4, 2007, 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 1088.
- f. Since the adoption of Ordinance 1088, 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 and 2. 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 and 2, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 1 and 33 to Improve Land Use Regulations (PDX Ord. #181357)	11/10/07
2	Regulatory Improvement Code Amendment Package 3	8/22/07

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: November 8, 2007

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

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 1 and 33 to Improve Land Use Regulations (**PDX Ord. #181357**)
2. Regulatory Improvement Code Amendment Package 3

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. 181357

Improve land use regulations through the Regulatory Improvement Code Amendment Package 3 (RICAP 3) (Ordinance; Amend Title 1 and Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. This project is part of the Regulatory Improvement Workplan, an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as a Regulatory Improvement Code Amendment Package (RICAP), followed by a number.
2. During the Summer of 2006, staff from the Planning Bureau and the Bureau of Development Services (BDS) worked with the Regulatory Improvement Stakeholder Advisory Team (RISAT) to develop a workplan for the third Regulatory Improvement Code Amendment Package (RICAP 3). The RISAT includes participants from city bureaus and the community and advises staff. They also communicate information about each RICAP to those they represent and invite comment.
3. On October 10, 2006, the Planning Commission held a hearing to discuss and take testimony on the RICAP 3 workplan. The workplan consisted of 38 issues proposed for further research in order to find potential solutions. The Planning Commission added three items to the staff-proposed 38 issues to address resource violations in the Pleasant Valley natural resource overlay zone, access easements on private streets in the Cascade Station plan district, and vehicle sales, display and storage along the light rail alignment in the Central City plan district.
4. During the Winter of 2006 and Spring of 2007, Planning staff worked with BDS and RISAT to address the 41 issues in the workplan. In addition, another item was added later at the request of BDS to address loading spaces in the Central City plan district, for a total of 42 issues.
5. After preliminary work on all of the issues, staff determined that several items did not warrant an amendment to the code. The amendments to Title 1, General Provisions and Title 33, Planning and Zoning in RICAP 3 addressed 35 of the 42 issues initially included. Planning Commission forwarded 33 of the items to City Council.
6. On May 30, 2007, notice of the proposed RICAP 3 code amendments was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by ORS 197.610.
7. On June 22, 2007, notice was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for RICAP 3.
8. There were many comments in response to the notice; almost all were about regulations affecting recycling operations and Waste-Related Uses. The comments from a number of businesses that would be affected by these amendments, as well as from many citizens concerned about the effect of the changes on their neighborhoods, made it clear to staff that these proposed amendments were not ready for Planning Commission review.

9. On July 24, 2007, the Planning Commission held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Proposed Draft Report*. Staff presented the proposal and public testimony was received.
10. Staff recommended, and the Planning Commission agreed, to remove the amendments related to recycling operations and Waste-Related Uses from consideration as part of RICAP 3. The Planning Commission did hear public testimony on these amendments, and agreed that staff needs more time to study the recycling and waste industries, their issues, and the terminology related to them.
11. The Commission voted to recommend that City Council adopt the staff recommendation, after removing the amendments related to recycling operations and Waste-Related Uses.
12. On September 12, 2007, City Council held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Recommended Draft Report*. Staff presented the proposal and public testimony was received.
13. On September 19, 2007, Council voted to adopt the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Recommended Draft Report* and amend the Zoning Code as shown in the report.

Findings on Statewide Planning Goals

14. 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.
15. **Goal 1, Citizen Involvement**, requires the 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:
 - During 2006 and 2007, staff from Planning and BDS met monthly with the RISAT to review the selections proposed for the Regulatory Improvement Code Amendment Package 3 (RICAP 3) workplan and the proposed amendments to the Zoning Code.
 - On August 11, 2006, notice was sent to all neighborhood associations and coalitions, and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing for the RICAP 3 workplan.
 - On August 17, 2006, the *Regulatory Improvement Code Amendment Package 3 – Proposed Workplan* was published. The report was available to City bureaus and the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau's website.
 - On October 10, 2006, the Planning Commission held a public hearing on the RICAP 3 Proposed Workplan and heard testimony from citizens on the proposed issues. The Planning Commission voted to adopt the workplan, directing staff to work on code amendments on the 38 issues listed in the workplan, plus three additional items.
 - On June 22, 2007, notice was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for RICAP 3.
 - On June 25, 2007 the *Regulatory Improvement Code Amendment Package 3 Proposed Draft Report* was published. The report explained the proposed amendments to the Zoning Code. The

report was available to City bureaus and the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau's website.

- On June 29, 2007 notice was sent to all owners of property zoned CS, CG, CX, EG1, EG2, EX, IG1, IG2 and IH and to owners of 5 properties near the light rail transit alignment in the Goose Hollow subdistrict of the Central City plan district. This notice met the statutory requirements of Measure 56 requiring that property owners be notified of changes affecting the uses allowed on a property.
 - On July 24, 2007, the Planning Commission held a public hearing to discuss and take testimony on the report. Although they agreed with the staff recommendation to remove amendments related to recycling operations and Waste-Related Uses from consideration as part of RICAP 3, they did accept testimony on the subject.
 - On September 12, 2007, the City Council held a public hearing to discuss and take testimony on the recommendations from the Planning Commission.
16. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that 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 support this goal because development of the recommendations followed established city procedures for legislative actions, while also improving the clarity and comprehensibility of the City's codes.
 17. **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. Amendments addressing stormwater outfalls in environmental overlay zones support this goal by clarifying regulations without changing policy or intent. The intent of the standards for stormwater outfalls in environmental zones was to allow each site to have a single outfall pipe no larger than 4 inches in diameter. This amendment clarifies the original intent, and will prevent situations where a number of smaller pipes might be substituted for one larger pipe. In addition, these amendments will remove a sunset clause designed to automatically delete the regulations on October 1, 2007. Removal of the sunset clause will allow monitoring of the outfall standards to continue, as directed by this ordinance. Amendments that clarify regulations for radio frequency (RF) facilities in historic districts also support this goal.
 18. **Goal 7, Areas Subject to Natural Disasters and Hazards**, requires the protection of people and property from natural hazards. The amendments support this goal because they make allowance for transferring density from sites within the 100-year floodplain of Johnson Creek to sites outside the floodplain. This will encourage development to occur outside of areas subject to higher risk of natural disaster.
 19. **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 they clarify under what circumstances open spaces that provide passive and recreational opportunities are required in the Gateway Plan District.
 20. **Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments are consistent with this goal, because they do not change the policy or intent of any of the existing regulations pertaining to transportation.

The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility.

This proposal will not have a significant effect on existing or planned transportation facilities because the amendments do not result in increases in jobs, housing units, or density. For the most part, they clarify existing regulations.

Findings on Metro Urban Growth Management Functional Plan

21. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the RICAP 3 amendments.
22. **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. The amendments are consistent with this title because they do not significantly alter the development capacity of the city.
23. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. Title 3 specifically implements the Statewide Land Use Goals 6 and 7. The findings for Statewide Goal 7 are incorporated here to show that the amendments are consistent with this Title.

Findings on Portland's Comprehensive Plan Goals

24. 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, 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 statewide planning goals.
25. The following goals, policies, and objectives of the Portland Comprehensive Plan are relevant and applicable to RICAP 3.
26. **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. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination and regional goals.
27. **Policy 1.4, Intergovernmental Coordination**, requires 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 a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, Multnomah County Planning, and the Oregon Department of Land Conservation and Development.

28. **Goal 2, Urban Development**, calls for maintaining 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 support this goal because they are aimed at updating and improving the City's land use regulations and procedures that hinder desirable development. By improving regulations, the City will better facilitate the development of housing and employment uses.

29. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they do not change the policy or intent of existing regulations relating to the stability and diversity of neighborhoods. A specific amendment that supports Goal 3 is Item 3, which clarifies how building heights are measured when garages have gambrel or other more unusual roof shapes. This amendment also establishes an overall height limit for detached garages that are located within setbacks. This allows for more flexibility in the placement of structures on lots while also emphasizing compatibility with neighboring properties.
30. **Goal 5, Economic Development**, calls for the 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. All of the amendments are consistent with Goal 5 because they update and improve City land use regulations and procedures that hinder desirable development. Improving land use regulations to make them clear and easily implemented has positive effects on economic development.
31. **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 because they do not change the policy or intent of existing regulations relating to transportation.

The following amendments are directly supportive of Goal 6. See also findings for Statewide Planning Goal 12, Transportation.

- **Bike Parking Fund.** This amendment supports Goal 6 by clarifying when payment can be made into the City's bike parking fund in lieu of providing parking on-site. The fund provides an alternative at locations where it is difficult or impossible to provide bike parking on-site. Rather than waiving the requirement, this alternative allows payment into a fund that is used to construct bike parking facilities near the site.
 - **Parking lot landscaping and circulation from alleys.** By allowing parking space access directly onto an alley, this amendment encourages the use of alleys as an alternative to parking located next to a sidewalk. This is conducive to developing a streetscape that is oriented more towards pedestrians and transit users rather than cars.
32. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. Amendments addressing stormwater outfalls in environmental overlay zones support this goal by clarifying regulations without changing policy or intent. The intent of the standards for stormwater outfalls in environmental zones was to allow each site to have a single outfall pipe no larger than 4 inches in diameter. This amendment clarifies the original intent, and will prevent situations where a number of smaller pipes might be substituted for one larger pipe. In addition, these amendments will remove a sunset clause designed to automatically delete the regulations on

October 1, 2007. Removal of the sunset clause will allow monitoring of the outfall standards to continue, as directed by this ordinance.

33. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement. The amendments also support this goal by clarifying when the Neighborhood Contact requirement applies, and what steps are necessary.
34. **Goal 10, Plan Review and Administration**, includes several policies and objectives. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, directs that amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city.

All of the amendments are supportive of Policy 10.10 because they clarify and streamline many of the regulations in the Zoning Code. They also respond to identified current and anticipated problems, including barriers to desirable development, and will help ensure that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business.

35. **Goal 12, Urban Design**, calls for enhancing 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. Policy 12.3 calls for enhancing the City's identity through protection of Portland's significant historic resources. The amendment addressing exemptions for radio frequency (RF) facilities in design and historic districts supports this policy by clarifying the regulations that apply to these facilities in these districts.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft*, dated August 23, 2007;
- b. Amend Title 33, Planning and Zoning as shown in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft*, dated August 23, 2007;
- c. Amend Title 1, General Provisions, as shown in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft*, dated August 23, 2007;
- d. Adopt the commentary and discussion in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft*, dated August 23, 2007, as legislative intent and further findings;
- e. Direct staff to continue monitoring the effect of Section 33.430.180, Standards for Stormwater Outfalls, for two years. The monitoring will determine whether adoption of the standards results in a significant increase in the number of stormwater outfalls directed into streams; and
- f. Direct staff to monitor the effect of the other amendments as part of their overall monitoring program.

Passed by the Council: October 10, 2007

GARY BLACKMER

Auditor of the City of Portland

By /S/ Susan Parsons

MAYOR TOM POTTER

Prepared by:
Rodney Jennings Bureau of Planning
August 10, 2007

Deputy

BACKING SHEET INFORMATION

AGENDA NO. ~~1108~~, 1244-2007

ACTION TAKEN: SEPTEMBER 12, 2007 CONTINUED TO OCTOBER 10, 2007
2:00 PM

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 181357

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
POTTER	X	

Regulatory Improvement Workplan



Regulatory Improvement Code Amendment Package 3

(RICAP 3)

Complete
Report in
electronic
file

Recommended Draft Report

August 22, 2007



Regulatory Improvement Workplan



Regulatory Improvement Code Amendment Package 3

(RICAP 3)

Recommended Draft Report

August 22, 2007



CITY OF PORTLAND, OREGON
BUREAU OF
Planning

City Council will hold a public hearing on this report on:

Wednesday, September 12, 2007

2:00 PM

Council Chambers

City Hall

1221 SW 4th Ave

Portland, OR 97204

The Bureau of Planning is committed to providing equal access to information and hearings. If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

For more information about the **Regulatory Improvement Code Amendment Package 3** please contact:

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Portland, Oregon 97201-5380
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A digital copy of this report is at:
www.portlandonline.com/planning/index.cfm?c=36743.



CITY OF PORTLAND, OREGON PLANNING COMMISSION

c/o Bureau of Planning
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August 16, 2007

Mayor Tom Potter and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Re: Regulatory Improvement Code Amendment Package 3 (RICAP 3)

Dear Mayor Potter and City Commissioners:

On behalf of the Portland Planning Commission, I am forwarding our recommendations on the Regulatory Improvement Code Amendment Package 3 (RICAP 3). This package is the latest project of the Regulatory Improvement Workplan (RIW) and contains amendments to the Zoning Code to address 33 issues. These amendments include technical and minor policy changes. The items were taken from a workplan we approved last October.

We recommend that you adopt the *Regulatory Improvement Code Amendment Package 3 Recommended Draft*... The package satisfies the original goal of the Regulatory Improvement Workplan to clarify provisions of City Code and eliminate regulations that are hindering desirable development. The amendments in RICAP 3 will improve regulations that have a wide-ranging effect, including neighborhood contact requirements, transfers of floor area to the South Park Blocks, stormwater outfalls in environmental zones, modifications to athletic fields, and Design Review exemptions for RF transmission facilities.

There was no testimony at the Planning Commission hearing on July 24, 2007 on the amendments included in the *Recommended Draft*. We did receive a letter at the hearing about amendments related to open space requirements in the Gateway Plan District. It was noted that these issues have been discussed in great detail in other forums, and the Planning Commission does not recommend any changes to what was proposed by staff.

There was testimony on one issue that is not included with our recommendation. In the *Proposed Draft Report*, Planning staff proposed amendments to regulations for recycling operations and Waste-Related uses. After hearing from a variety of waste and recycling operations, as well as concerned neighbors, staff realized that this issue will require more analysis and public outreach than can be provided through the RICAP process. Staff recommended, and we agreed, that this issue be removed from RICAP 3. We did hear testimony from a number of people on this issue, and their comments will inform future work in this area.

We have asked staff to provide strategies for how this issue can be addressed in a more comprehensive way that will include the analysis and public outreach that is needed. The additional research and public involvement will allow us to make a more informed decision on the issue.

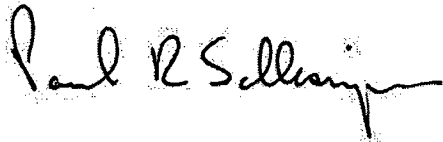
Recommendations

The Portland Planning Commission recommends that City Council take the following actions:

1. Adopt the *Regulatory Improvement Code Amendment Package 3 Recommended Draft*;
2. Amend the Zoning Code as shown in the *Recommended Draft*; and
3. Direct the Bureau of Planning to monitor the effect of these amendments as part of their overall monitoring program.

Thank you for considering the recommendations of the Portland Planning Commission.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul R. Schlesinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Schlesinger, President
Portland Planning Commission

cc: Portland Planning Commission

Acknowledgements

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Tom Potter, *Mayor*
Sam Adams, *Commissioner*
Randy Leonard, *Commissioner*
Dan Saltzman, *Commissioner*
Erik Sten, *Commissioner*

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Kathi Futornik	<i>Development Review Advisory Committee</i>
Tony Ellis	<i>Small Business Advisory Committee</i>
Simon Tomkinson	<i>Small Business Advisory Committee</i>
Paul Loney	<i>Neighborhoods</i>
Linda Bauer	<i>Neighborhoods</i>
Bonny McKnight	<i>Neighborhoods</i>
Dana Krawczuk	<i>Downtown Interests</i>
Kevin Kraus	<i>Affordable Housing</i>
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Janet Bebb	<i>Bureau of Parks and Recreation</i>
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I. Introduction

Project Summary

This report is part of the Regulatory Improvement Workplan, an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as a Regulatory Improvement Code Amendment Package (RICAP), followed by a number. More information on the Regulatory Improvement Workplan is in Appendix A.

The workplan for RICAP 3 was adopted by the Planning Commission at a public hearing in October 2006. The workplan consisted of 42 items, which are listed in Appendix D. Staff researched these items and initially proposed code amendments for 35 of the 42 items. In the *Proposed Draft Report*, Planning staff proposed amendments to regulations for recycling operations and Waste-Related uses. After hearing from a variety of waste and recycling operations, as well as concerned neighbors, staff realized that this issue will require more analysis and public outreach than can be provided through the RICAP process. Staff recommended, and the Planning Commission agreed, that this issue be removed from RICAP 3. As a result, this package includes amendments to address 33 items from the workplan. The recommend amendments to Title 33, Planning and Zoning, are in Section III of this report, and a recommended amendment to Title 1, General Provisions, is in Section IV.

Section II, the Impact Assessment, includes information on the approaches and outreach done on all of the workplan items.

Planning Commission Recommendation

The Planning Commission recommends that City Council take the following actions:

- Adopt this report and ordinance;
- Amend the Zoning Code as shown in this report; and
- Direct staff to monitor the effect of these amendments as part of their overall monitoring program.

II. Impact Assessment

During each RICAP review process, an impact assessment is conducted to identify and evaluate positive and negative impacts of regulations that may be proposed. The process also identifies situations where a nonregulatory approach is a better solution. The impact assessment followed the procedures outlined in the model impact assessment process. For more information on this process, see Appendix B.

Consideration of each item is described in detail in Sections III and IV of this report. Additional information is also available in the *RICAP 3 – Proposed Workplan* report, dated August 17, 2006.

Issues and Desired Outcomes

The goal of the Regulatory Improvement Workplan is to update and improve City building and land use regulations that hinder desirable development. In keeping with this goal, RICAPs explore nonregulatory solutions to identified problems and, where a regulatory approach is determined to be best, keep the regulations simple, clear, and easy to implement and enforce. The desired outcome for each issue addressed through a RICAP is to improve the regulation or process as much as possible, and to simplify, streamline, or increase the effectiveness of the regulation or process, while reducing burdens for applicants, neighbors, and staff.

The issues suggested as candidates for regulatory improvement range from the correction of small technical items to the reconsideration and updating of major policy approaches. RICAPs are intended to accommodate the consideration of items that are at the technical and minor policy end of that continuum. Within that intent, items are selected for consideration, and then discussed by staff, citizens, and the Planning Commission, as detailed below.

Stakeholder Outreach and Feedback

Regulatory Improvement Stakeholders Advisory Team (RISAT)

During the analysis phase of this process, several of the more complex issues were presented to the Regulatory Improvement Stakeholders Advisory Team (RISAT). They discussed neighborhood contact requirements (Items 7, 31, and 32), documentation of nonconforming situations (Item 13), parking lot circulation from alleys (Item 15), and open area requirements in the Gateway plan district (Item 36) in September 2006. They discussed modifications to high school football fields (Item 18), tree preservation in utility easements (Item 29), and design review exemptions for radio frequency facilities (Item 20) in October. In November, they considered a number of items related to environmental resource zones (Items 21, 22, 23, 27, 34, and 39). The December meeting covered transfers of floor area to the South Park Blocks (Item 8), partial payments into the bike parking fund (Item 17), Waste-Related Uses and recycling operations (Item 37), yard debris use classification (Item 38), and the Accessory Structures group (Items 3, 4, and 5). In

February and March of 2007, they revisited a number of items that had been discussed at earlier meetings to consider staff analysis of the items and alternatives for addressing the issues. During each of these sessions the impact assessment questions were discussed: What is the underlying problem? What are the alternative approaches? How will regulations be enforced? What are the implementation costs? Is it worth it?

A common conclusion from these discussions was that many of the items are pieces of bigger and more complex issues. This generated an additional impact assessment question: "Is it worth the time, effort, and results of a small (and temporary) fix now, or is it better to wait and include the item in a broader project later?" This question echoes one of the outcomes of RICAP 1 and RICAP 2: an interest in exploring ways for the City to address some of these larger issues. One suggestion still under consideration is selecting fewer but more complex issues for some future RICAPs.

Public Involvement

In addition to the RISAT, members of the public have been invited to participate in the development of the RICAP 3 workplan and the resulting recommendations and code amendments in several ways. Notice was mailed to more than 2,500 individuals and organizations for the October 10, 2006 Planning Commission hearing on the proposed RICAP 3 workplan. This notice was combined with the notice for the Zoning Code amendments proposed for RICAP 2. During the Planning Commission hearing, citizens were given the opportunity to comment on items proposed for the workplan.

During discussions with the RISAT, members were encouraged to relay information and concerns to and from their respective constituents. Once recommendations were formulated and code amendments were proposed, notices were mailed to more than 14,000 individuals and organizations notifying them of the Planning Commission hearing. This included all owners of property in the CS, CG, CX, EG, IG, and IH zones as well as owners of sites larger than 80,000 square feet in the Gateway Plan District.

At the Planning Commission hearing, there was testimony on one issue that is not included with the Planning Commission's recommendation. In the *Proposed Draft Report*, Planning staff had proposed amendments to regulations for recycling operations and Waste-Related uses. Prior to the hearing, staff heard from a variety of waste and recycling operations, as well as concerned neighbors. Staff realized that this issue would require more analysis and public outreach than can be provided through the RICAP process. Staff recommended, and the Planning Commission agreed, that this issue be removed from RICAP 3.

Approaches Considered

The decisions to recommend amendments to the Zoning Code or to recommend no amendment are the result of the impact assessment that has been applied to the items. The conclusions can be attributed to the art—more than the science—of a type of cost/benefit analysis implicit in the impact assessment process. Where the

expected benefits outweigh the various costs, an amendment to the Code is recommended.

The reasons for recommending no amendment fall into three general categories:

1. The assessment indicates that the solution is not worth the costs;
2. The assessment shows that the issue is important, but the solution should be decided as part of a larger review; or
3. More research is needed before a solid recommendation can be made.

Monitoring Effectiveness

Ongoing monitoring and evaluation is an essential component of the City's impact assessment process. The success of the proposed amendments will be monitored through the Planning Bureau's continuing monitoring and evaluation program. Overall success of any amendments will also be monitored through future public feedback on the regulations.

III. Amendments to Title 33 Planning and Zoning

Amendments to Title 33, Planning and Zoning are included in this section, organized by Zoning Code chapter. Even-numbered pages contain commentary about the amendments; code language is on the facing, odd-numbered page.

The commentary includes a description of the problem being addressed, the legislative intent of the proposed amendment, and an assessment of the impact of the proposed change.

RICAP 3 Workplan Items where amendments are recommended		
Item Name	Zoning Code Section	Pages
Barbed Wire Fences (Item 6)	33.110.255, 33.120.285, 33.130.270, 33.140.275	14, 24, 28, 32
Bike Parking Fund (Item 17)	33.266.220	56
Cascade Station Public Access Easement (Item 40)	33.508.280	94
Central City prohibition on vehicle sale/display near light rail transit (Item 41)	33.510.105, 223 Map 510-18 (New)	96, 104, 106
Comprehensive Plan Map Error procedure (Item 33)	1.01.037 33.810.080	146, 190
Dormers in detached accessory structures (Item 5)	33.110.253, 33.120.283	12, 22
DZ exemptions for RF facilities (Item 20)	33.218.110, 140, 150 33.420.045 33.445.140, 230, 320, 420	38, 42, 44, 68, 74
Env. Stormwater outfall exemption (Item 21)	33.430.180	72
Environmental Definitions and waterbodies (Item 34)	33.910.030	154
Floor Area Ratio (FAR) transfer to Park Blocks (Item 8)	33.120.205, 33.510.200	18, 98
Garages with Gambrel vs. Gable roofs (Item 3)	33.110.250, 33.110.253, 33.120.280, 33.120.283 33.930.050, Fig. 930-5	10, 12, 20, 22, 58
Gateway Open Area Req. (Item 36)	33.526.240	110
Johnson Creek Basin Development Transfers (Item 28)	33.537.110	118
Landscape Buffers Community DZ stds (Item 11)	33.218.110, 140	36, 40
Loading Spaces in Central City (Item 42)	33.266.310	60
Modifications to High School Football Fields (Item 18)	33.281.050, 33.920.480	62, 156
Neighborhood Contact Clarification for multi-dwelling and Division St (Item 7)	33.120.050, 33.460.310	16, 78
Neighborhood Contact requirement placement (Item 32)	33.120.050 33.218.015, 33.460.310, 33.660.110, 33.662.110, 33.664.110, 33.665.200, 33.700.025, 33.730.013, 035, 045, 33.825.025, 33.846.060	16, 34, 78, 124, 126, 128, 130, 132, 140, 142, 148, 150

RICAP 3 Workplan Items where amendments are recommended

Item Name	Zoning Code Section	Pages
Neighborhood Notice Requirements (Item 31)	See references for item 31 below	124, 126, 128, 132, 150
Nonconforming situation documentation (Item 13)	33.258.038	48
Parking lot landscaping and stormwater facilities (Item 16)	33.266.130; Fig. 266-3; Fig. 266-5	50, 54
Parking lot landscaping and circulation from alleys (Item 15)	33.266.130	50
Plant materials technical correction (Item 12)	33.248.030	46
Pleasant Valley resource zone violation (Item 39)	33.465.220, 230	82
Pleasant Valley Stormwater outfalls (Item 23)	33.465.155 33.465.165	80
Quick Vehicle Servicing in CN2, CX and EX zones (Item 9)	33.130.100 Table 130-1 Table 140-1	26, 30
Scenic Overlay upgrade triggers (Item 24)	33.480.040	92
Setback regulation placement in code (Item 2)	33.110 33.120 33.130 33.140	162
Setbacks in e-zones (Item 1)	33.430.140	70
SOWA Public Open Space \$ Trigger (Item 25)	33.510.205, 210, 33.560.020, 33.700.075	100, 120, 136
Tri-Met Carpool Program in CCPD (Item 26)	33.510.263	108
Triplex bonus in "a" overlay (Item 19)	33.405.070	66
Utility Easements and Tree Preservation (Item 29)	33.630.300	122

Commentary and recommended changes begin on the following page.

Item 3: Measuring Wall Height for Gambrel Roofs vs. Gable Roofs

CHAPTER 33.110 SINGLE-DWELLING ZONES

33.110.250 Accessory Structures

See Commentary for 33.110.253. This amendment keeps these standards consistent with the standards under 33.110.253.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

CHAPTER 33.110 SINGLE-DWELLING ZONES

33.110.250 Accessory Structures

- A. Purpose.** This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.
- B. General standards. [No change.]**
- C. Setbacks.**
- 1-3. [No change.]
4. Covered accessory structures.
- a-b. [No change.]
- c. Side and rear setbacks. In the R7, R5 and R2.5 zones, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure if all of the following are met:
- (1) The garage was legally constructed before January 1, 2005;
 - (2) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 25 feet from a side street lot line;
 - (3) The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - (4) The structure is no more than 15 feet high, and t~~t~~The structure walls are no more than 10 feet high, excluding the portion of the wall within a gable; and
 - (5) Dormers are set back at least 5 feet from the side and rear lot lines.
- D. Building coverage for detached covered accessory structures. [No change.]**

Item 3: Measuring Wall Height for Gambrel Roofs vs. Gable Roofs

Item 5: Allowing Dormers for new garages in setback in R7, R5 and R2.5 zones

33.110.253 Garages

Item 3

Garages (and converted garages) are allowed to be in the setback if their wall height does not exceed 10' excluding the portion of wall within the gable. There have been some problems applying this standard to gambrel and other more unusual roof shapes. This amendment adds a regulation to limit overall building height to 15' to help limit the overall mass of garages. This height limit will be used with revised measurement guidelines and illustrations in 33.930 to clarify how to measure a gambrel roof.

Item 5

During Code Maintenance 2004, provisions were added to allow the conversion of a garage in the setback into other types of accessory buildings. As part of that conversion, a dormer could be installed into the structure, as long as it was set back at least 5 feet (the standard setback in the R7, R5, and R2.5 zones). This amendment extends this policy to new garages built in the setback, provided the dormer is setback at least 5 feet. Since garages in the setback are not allowed to contain any living space, the effect of the dormers on adjoining properties would be minor and would provide residents opportunities for allowing extra light or storage space in their garages.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

33.110.253 Garages

A-C. [No change.]

D. Side and rear setbacks. In the R7, R5 and R2.5 zones, detached garages are allowed in the side and rear building setbacks if all of the following are met.

1. The garage is set back at least 40 feet from a front lot line, and if on a corner lot, it is set back at least 25 feet from a side street lot line;
2. The garage has dimensions that do not exceed 24 feet by 24 feet;
3. The garage is no more than 15 feet high, and ~~t~~The garage walls are no more than 10 feet high, excluding the portion of the wall within a gable; and
4. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation.
5. Dormers are set back at least 5 feet from the side and rear lot lines.

E-F. [No change.]

Item 6: Barbed Wire Fences

33.110.255 Fences

- D. **Reference to Other Regulations.** These amendments correct and update references to the City Titles that regulate barbed wire and electric fences.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.110.255 Fences

A-C. [No change.]

D. Reference To Other Regulations.

1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.
2. Fence materials regulated by other bureaus. Electrified fences are regulated ~~by Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated ~~by the Police Bureau,~~ under Title 24, Building Regulations.

**Item 7: Neighborhood Contact Requirement in multi-dwelling zones and
Division Main Street**

Item 32: Neighborhood Contact Requirement Location

**CHAPTER 33.120
MULTI-DWELLING ZONES**

33.120.050 Neighborhood Contact

- B. Neighborhood Contact Requirement.** These amendments change the cross-reference for the neighborhood contact requirement. See Commentary for Section 33.700.025. The rewording of B.1 is to clarify existing policy that the Neighborhood Contact is not required if a land use review for the development is also required for the project.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

CHAPTER 33.120
MULTI-DWELLING ZONES

33.120.050 Neighborhood Contact

- A. Purpose.** Neighborhood contact is required for larger residential projects in the multi-dwelling zones because of the impacts that multi-dwelling projects can have on the surrounding community. The neighborhood contact requirement provides an opportunity for community input on the design of these projects by providing a setting for the applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts. ~~This neighborhood contact requirement is limited to proposals that do not involve a land use review because there are separate procedures for public notification and input for such proposals.~~
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in Section 33.~~700.025730.045~~, Neighborhood Contact Requirement. All of the steps in 33.~~700.025730.045~~ must be completed before a building permit is requested.
1. The proposed development has not been subject to a ~~does not involve a land use review; and~~
 2. The proposed developmental would create five or more new dwelling units. Dwelling units are created:
 - a. through c. [No change.]

Item 8: FAR Transfer to Park Blocks

33.120.205 Density

E. Transfer of density or FAR.

5. Zoning

a.

- (2) This language states that transfers of FAR to sites shown on Map 510-13 are prohibited. The map is in Chapter 33.510, Central City plan district. Moving this provision to Chapter 33.510 will increase code clarity, as it does not apply except in the Central City plan district. See also commentary for 33.510.200.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

33.120.205 Density

A-D [No Change].

E. Transfer of density or FAR. Density or FAR may be transferred from one site to another subject to the following:

1-4. [No Change].

5. Zoning.

a. RX Zone. In the RX Zone:

(1) Transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f;

~~(2) Transfer of density or FAR to sites on the Park Block frontages, shown on Map 510-13, are prohibited;~~

(2) ~~3~~ Density or FAR may be transferred from a site zoned RX to a site zoned RX, RH, CX, or EX. Density may be transferred from the site of a Landmark zoned RX to a site zoned RX, RH, C, or EX.

b-c. [No Change].

6. [No Change].

Item 3: Measuring Wall Height for Gambrel Roofs vs Gable Roofs

33.120.280 Accessory Structures

C.4.c. See Commentary for 33.110.253. This amendment keeps these standards consistent with the standards under 33.110.253.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strike through~~

33.120.280 Accessory Structures

A-B. [No change.]

C. Setbacks

1-3. [No change.]

4. Covered accessory structures.

a-b. [No change.]

c. Side and rear setbacks. In the R3 through RX zones, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure if all of the following are met:

- (1) The garage was legally constructed before January 1, 2005;
- (2) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 25 feet from a side street lot line;
- (3) The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
- (4) The structure is no more than 15 feet high, and tThe structure walls are no more than 10 feet high, excluding the portion of the wall within a gable; and
- (5) Dormers are set back at least 5 feet from the side and rear lot lines.

D. Building coverage for detached covered accessory structures.

Item 3: Measuring Wall Height for Gambrel Roofs vs Gable Roofs

Item 5: Allowing Dormers for new garages in setback in R3 through RX zones

33.120.283 Garages

See the Commentary for 33.110.253. These amendments continue the current consistency for garages, between the sections of the two chapters.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

33.120.283 Garages

A-C [No change.]

D. Side and rear setbacks. In the R3 through RX zones, detached garages are allowed in the side and rear building setbacks if all of the following are met:

1. The garage is set back at least 40 feet from a front lot line, and if on a corner lot, it is set back at least 25 feet from a side street lot line;
2. The garage has dimensions that do not exceed 24 feet by 24 feet;
3. The garage is no more than 15 feet high, and ~~t~~The garage walls are no more than 10 feet high, excluding the portion of the wall within a gable; and
4. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation.
5. Dormers are set back at least 5 feet from the side and rear lot lines.

E-F. [No change.]

Item 6: Barbed Wire Fences

33.120.285 Fences

- D. Reference to Other Regulations.** These amendments correct and update references to the City Titles that regulate barbed wire and electric fences.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strike~~through

33.120.285 Fences

A-C. {No change.}

D. Reference to other regulations.

1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.
2. Fence materials regulated by other bureaus. Electrified fences are regulated by ~~Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated ~~by the Police Bureau,~~ under Title 24, Building Regulations.

Item 9: Quick Vehicle Servicing in the CX zone.

**CHAPTER 33.130
COMMERCIAL ZONES**

33.130.100 Primary Uses

B.

12. This amendment is a clarification. Table 130-1 says that Quick Vehicle Servicing is an allowed use in the CN2 and CX zones. The table shows a "Y" in the appropriate cells. The description of the Quick Vehicle Servicing use in 33.920.220 and the definition of Drive-Through Facility in 33.910 make it clear that Quick Vehicle Servicing uses will always include drive-through facilities. Subsections 33.130.260.B and D say:

B. CN2 zone. In the CN2 zone, drive-through facilities are allowed on sites that are adjacent to a Major City Traffic Street or District Collector as designated by the Transportation Element of the Comprehensive Plan. On corner sites, they are allowed if at least one of the streets is a Major City Traffic Street or District Collector. On all other streets they are prohibited.

D. CX zone.

1. Outside of the Central City plan district. Outside of the Central City plan district, drive-through facilities are prohibited in the CX zone;
2. In the Central City plan district. In the Central City plan district, drive-through facilities are allowed in the CX zone but are prohibited in certain subdistricts.

Because of the restrictions on the location of drive-through facilities, Quick Vehicle Servicing is actually a limited use in the CN2 and CG zones. Table 130-1 is amended to show an "L" for limited in the appropriate cells and footnote 12 is added to refer to the list of limited uses in 33.130.100.B

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.130 COMMERCIAL ZONES

33.130.100 Primary Uses

A. Allowed uses. [No change]

B. Limited uses. [No change]

1-11. [No Change]

12. Quick Vehicle Servicing. This regulation applies to all parts of Table 130-1 that have note [12]. Quick Vehicle Servicing uses always include drive-through facilities. The standards in 33.130.260 specify where drive-through facilities may be located.

Table 130-1 Commercial Zone Primary Uses								
Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Commercial Categories								
Quick Vehicle Servicing	N	Y <u>L</u> [12]	N	N	N	N	Y	Y <u>L</u> [12]

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

L = Allowed, But Special Limitations

N = No, Prohibited

C-D. [No change]

Item 6: Barbed Wire Fences

33.130.270 Fences

- D. Reference to Other Regulations.** These amendments correct and update references to the City Titles that regulate barbed wire and electric fences.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.130.270 Fences

A-C. [No change.]

D. Reference to other regulations

1. Building permits. Building permits are required by BDS for fences over six feet in height.
2. Fence materials regulated by other bureaus. Electrified fences are regulated ~~by Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated ~~by the Police Bureau~~ under Title 24, Building Regulations.

Item 9: Quick Vehicle Servicing in the EX zone.

**CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES**

Table 140-1 - This amendment is a clarification. Table 140-1 says that Quick Vehicle Servicing is an allowed use in the EX zone. The table shows a "Y" in the appropriate cells. The description of the Quick Vehicle Servicing use in 33.920.220 and the definition of Drive-Through Facility in 33.910 make it clear that Quick Vehicle Servicing uses will always include drive-through facilities. Subsection 33.140.255.B says:

B. EX zone. Drive-through facilities are prohibited in the EX zone.

Because of the restrictions on the location of drive-through facilities, Quick Vehicle Servicing is actually a prohibited use in the EX zone. Table 140-1 is amended to show an "N" in the appropriate cell.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES

<p style="text-align: center;">Table 140-1 Employment and Industrial Zone Primary Uses</p>						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Quick Vehicle Servicing	Y	Y	Y -N	Y	Y	Y

Y = Yes, Allowed

CU = Conditional Use Review Required

L = Allowed, But Special Limitations

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Item 6: Barbed Wire Fences

33.140.275 Fences

- D. **Reference to Other Regulations.** These amendments correct and update references to the City Titles that regulate barbed wire and electric fences.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strike through~~

33.140.275 Fences

A-C. [No change.]

D. Reference to other regulations.

1. Building permits. Building permits are required by BDS for fences over six feet in height.
2. Fence materials regulated by other bureaus. Electrified fences are regulated by ~~Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated ~~by the Police Bureau~~ under Title 24, Building Regulations.

Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.218 COMMUNITY DESIGN STANDARDS

33.218.015 Procedure

- C. Neighborhood contact requirement.
- D. Permit application requirements.

These amendments change the cross-reference for the neighborhood contact requirement. See Commentary for Section 33.700.025.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.218
COMMUNITY DESIGN STANDARDS

33.218.010 Purpose [No change]

33.218.015 Procedure

A-B. [No changes.]

- C. Neighborhood contact ~~requirement~~.** The following proposals are subject to the neighborhood contact requirement as specified in section 33.700.025730.045, Neighborhood Contact ~~Requirement~~. All of the steps in 33.700.025730.045 must be completed before a building permit is requested.

1-3. [No change]

- D. Permit application requirements.** The following information must be submitted as part of an application for a building or development permit:

1-2. [No change.]

3. Neighborhood contact letters. For proposals subject to the neighborhood contact, as required by Subsection C Paragraph C-2, above, a copy of both letters required by Subsection 33.700.02533.730.045.B must be submitted.

Item 11: Landscape Buffers

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

- C. **Residential buffer.** This regulation applies when a site zoned RH, RX, or R1 abuts or is across a street from an RF through R2 zone. It requires 10-foot wide area of landscaping, which must include a 6-foot tall screen. When applied along side and rear lot lines, the buffer helps protect the privacy of abutting properties. However, when it is required along a street lot line—because it is across the street from a lower density zone—it conflicts with our goals to orient buildings to the street. It also is at odds with other standards that require upgrades in the materials and facades for street facing walls, as this standard then requires that these upgrades be screened from the street.

These amendments modify the landscape buffer standards so the current standard still applies along side and rear lot lines, but a lesser standard applies along street lot lines. The amended language requires a 5-foot wide landscaped area with a 3-foot tall screen when the site is across a local service street from an RF through R2 zone, and does not require any landscaping and screening if the site is across a non-local service street from an RF through R2 zone.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~striketrough~~

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

The standards of this section apply to development of new primary and attached accessory structures in the R3, R2, and R1 zones. The addition of an attached accessory structure to a primary structure, where all the uses on the site are residential, is subject to Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones.

A-B. [No change.]

C. Residential buffer. Where a site zoned RX, RH, or R1 abuts or is across a street from an RF through R2 zone, the following is required. Proposals in the Kenton plan district are exempt from this standard:

1. On sites that abut an RF through R2 zone the following must be met:
 - a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and
 - b. A 10 foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.
2. On sites across the street from an RF through R2 zone the following must be met:
 - a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and
 - b. If the site is across a local service street from an RF through R2 zone, a ~~A~~ 10 ~~5~~ foot deep area landscaped to at least the ~~L3~~ L2 standard must be provided along the property line across the local service street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

D-L. [No change.]

Item 20: Design Review and Rooftop Equipment

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

- M. Roof Mounted Equipment.** These amendments clarify two issues for roof mounted equipment including roof mounted radio frequency (RF) equipment. The first increases the setback requirement for equipment to be consistent with existing exemptions. However, RF equipment can also use this standard. The second amendment provides a clarification for RF and communication equipment that is similar to the exemption language. The intent is to allow communication antennas to mount onto an equipment penthouse, and allow the associated accessory equipment to meet any of the standards.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

M. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; ~~or~~
3. The equipment is set back from the street-facing perimeters of the building ~~43~~ feet for each foot of height of the equipment; or
4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.

Item 11: Landscape Buffers

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

- D. **Residential buffer.** This regulation applies when a site zoned RH, RX, C, or E abuts or is across a street from an RF through R2 zone. It requires 10-foot wide area of landscaping, which must include a 6-foot tall screen. When applied along side and rear lot lines, the buffer helps protect the privacy of abutting properties. However, when it is required along a street lot line—because it is across the street from a lower density zone—it conflicts with our goals to orient buildings to the street. It also is at odds with other standards that require upgrades in the materials and facades for street facing walls, as this standard then requires that these upgrades be screened from the street.

These amendments modify the landscape buffer standards so the current standard still applies along side and rear lot lines, but a lesser standard applies along street lot lines. The amended language requires a 5-foot wide landscaped area with a 3-foot tall screen when the site is across a local service street from an RF through R2 zone, and does not require any landscaping and screening if the site is across a non-local service street from an RF through R2 zone.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.

For proposals where all uses on the site are residential, the standards for the R3, R2, and R1 zones may be met instead of the standards of this section. Where new structures are proposed, the standards of Section 33.218.110, Standards for R3, R2, and R1 Zones, may be met instead of the standards of this section. Where exterior alterations are proposed, the standards of Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones, may be met instead of the standards of this section.

A-C. [No change.]

D. Residential Buffer. Where a site zoned E, C, RX, or RH abuts or is across a street from an RF through R2 zone, the following is required. Proposals in the Hollywood and Kenton plan districts, the Main Street Corridor Overlay Zone, and the Main Street Node Overlay Zone are exempt from this standard:

1. On sites that abut an RF through R2 zone the following must be met:
 - a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and
 - b. A 10 foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.
2. On sites across the street from an RF through R2 zone the following must be met:
 - a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and
 - b. If the site is across a local service street from an RF through R2 zone, a ~~10~~ 5 foot deep area landscaped to at least the ~~L3~~ L2 standard must be provided along the property line across the local service street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

Item 20: Design Review and Rooftop Equipment

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

J. Roof-mounted equipment. See commentary for Section 33.218.110.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

[No changes to introduction.]

A-I. [No change.]

J. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; ~~or~~
3. The equipment is set back from the street-facing perimeters of the building ~~43~~ feet for each foot of height of the equipment; or
4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.

Item 20: DZ Exemptions for RF Facilities

33.218.150 Standards for I Zones

H. Roof-mounted equipment. See commentary for 33.218.110

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

33.218.150 Standards for I Zones

The standards of this section apply to development of all structures in the I zones. These standards also apply to exterior alterations in these zones.

A-G.[No change.]

H. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment; ~~or~~
3. The equipment is set back from the street-facing perimeters of the building ~~43~~ feet for each foot of height of the equipment; or
4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.

Item 12: Plant Materials (Existing Trees)

CHAPTER 33.248 LANDSCAPING AND SCREENING

33.248.030 Plant Materials

C. Trees

D. Plant Material Choices

When trees are required by the code, existing trees may be used to meet the requirement. There are two different ways that existing trees may be counted. One way is a remnant from previous code requirements and should have been eliminated as part of a project in 2005. This amendment removes that language and clarifies the remaining language.

C.3. This change simply moves the language shown in strikethrough to Subsection D, with no substantive change.

D.1. The language shown in strikethrough is the remnant from the 2005 project. The underlined language is moved from Paragraph C.3, with no substantive change.

In addition, the language in D.1 referring to using existing landscaping that is listed as prohibited on the *Portland Plant List* is removed. This language is repetitive of the more comprehensive prohibition provided in D.4. D.4, although not changing, is included here for reference.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.248 LANDSCAPING AND SCREENING

33.248.030 Plant Materials

A. Ground cover. [No change.]

B. Shrubs. [No change.]

C. Trees.

1. Planting size. [No change.]
2. Size category. [No change.]
3. Existing trees may be used to meet the standards of this chapter, as described in Paragraph D.1.. ~~If existing trees are used, each tree 6 inches or less in diameter counts as one medium tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two medium trees. Each additional 3-inch diameter increment above 9 inches counts as an additional medium tree.~~

D. Plant material choices.

1. Existing vegetation. Existing landscaping or natural vegetation may be used to meet the standards, if protected and maintained during the construction phase of the development as specified in Section 33.248.065, ~~and if the plants are not listed as prohibited on the *Portland Plant List*.~~ If existing trees are used, each tree 6 inches or less in diameter counts as one medium tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two medium trees. Each additional 3-inch diameter increment above 9 inches counts as an additional medium tree. When an existing tree is 3 to 12 inches in diameter, each 1 inch diameter counts as 1 inch toward meeting the tree requirements of a landscaping or tree standard. When an existing tree is more than 12 inches in diameter each 1 inch counts as 3 inches toward meeting the tree requirement of a landscaping or tree standard.
- 2-3. [No changes.]
4. Prohibited materials. Plants listed as nuisance or prohibited in the *Portland Plant List* are prohibited in required landscaped areas. Prohibited plants include plants identified by the Director of BDS or the City Forester as invasive and alien or as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, etc.

E-F. [No change.]

Item 13: Nonconforming Situation Documentation

Chapter 33.258 NONCONFORMING SITUATIONS

33.258.038 Documenting A Nonconforming Situation

- B. **Situation maintained over time.** Applicants must show that a nonconforming situation has been maintained over time. The applicant may either provide evidence listed in this subsection—called "standard evidence"—which will allow the Director of BDS to make an administrative decision, or may provide other evidence as part of a land use review (Determination of Legal Nonconforming Status Review).

This amendment expands the list of standard evidence. The additional items, like those already on the list, are readily available and can provide the basis for a nondiscretionary decision by the Director of BDS.

- 7-8 Insurance policies and leases can demonstrate that a use was at a particular location over time as income tax records and utility bills do.
- 9. Aerial photos can be particularly helpful in providing information on exterior development and activities such as parking or storage areas.
- 10. Detailed historic maps, such as those created by the Sanborn Company to assist fire insurance companies in assessing the risk of insuring a particular property, often include information about land uses and development on a site at a particular time.
- 11. As part of studies or projects, government agencies may develop land use inventories and information on development. This information is reliable and available, and can provide a historic record of uses and development on a site.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

33.258.038 Documenting A Nonconforming Situation. The applicant must provide evidence to show that the situation was allowed when established and was maintained over time. If the applicant provides standard evidence from the list below, the Director of BDS will determine if the evidence is satisfactory. The Director of BDS will also determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920. If the applicant provides evidence other than the standard evidence listed below, a Determination of Legal Nonconforming Status is required. (See 33.258.075.)

A. Situation allowed when established. Standard evidence that the situation was allowed when established is:

1. Building, land use, or development permits; or
2. Zoning codes or maps;

B. Situation maintained over time. Standard evidence that the use has been maintained over time is:

1. Utility bills;
2. Income tax records;
3. Business licenses;
4. Listings in telephone, business, or Polk directories;
5. Advertisements in dated publications;~~or~~
6. Building, land use, or development permits;
7. Insurance policies;
8. Leases;
9. Dated aerial photos;
10. Insurance maps that identify use or development, such as the Sanborn Maps;
or
11. Land use and development inventories prepared by a government agency.

Item 15: Parking Lot Landscaping and Circulation from Alleys

Item 16: Parking Interior Landscaping and Stormwater Facilities

**CHAPTER 33.266
PARKING AND LOADING**

33.266.130 Development Standards for All Other Uses

F. Parking area layouts.

1. These amendments allow vehicles in parking stalls along an alley to back out of those stalls. Currently, vehicles are required to enter and exit all roadways—including alleys—in a forward motion. Allowing "back out" parking along an alley encourages parking areas at the rear of a site, which is preferable to locating parking in front of and next to buildings.

Most alleys in Portland are not paved. Limiting the access from alleys to four spaces limits significant increases in traffic, which would increase the need for maintenance. Also, many alleys that provide access to sites with multi-dwelling, commercial and employment zoning also provide access to single dwelling zoned sites. Increased traffic on alleys from higher intensity uses could detract from the livability of single dwelling neighborhoods.

Twenty feet is the minimum aisle width in parking lots with stalls that are at a 90 degree angle to the aisle. A minimum of 20 feet from the end of each stall to the opposite side of the alley is necessary to assure there is adequate space for cars to maneuver out of the spaces.

Item #16

4. The parking standards allow part of a parking space beyond the wheel stop to be landscaped instead of paved. This area is usually overhung by the vehicle. To provide structural support for the wheel stop, sometimes parts of this area need to be paved. These amendments clarify that this area can be paved, landscaped, or a combination of the two.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.266 PARKING AND LOADING

33.266.130 Development Standards for All Other Uses

A-E. [No Change.]

F. Parking area layouts.

1. Access to parking spaces.
 - a. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.
 - b. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion ~~However, this does not apply to parking areas with one or two spaces and whose only access is on a local service street.~~ except:
 - (1) Parking areas with one or two spaces whose only access is on a local service street;
 - (2) Parking areas with up to four spaces may be designed so that vehicles back out into an alley. However, there must be a maneuvering area of at least 20 feet between the end of each parking space and the opposite side of the alley. If the alley is less than 20 feet wide, some of this maneuvering area will be on-site.

2-3. [No Change.]

4. A portion of a standard parking space may be landscaped instead of paved, as follows:
 - a. ~~The landscaped area may be~~ As shown in Figure 266-3, up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown in Figure 266-3 may be landscaped area;
 - b. Landscaping must be ground cover plants; and
 - c. ~~The landscaped area within the parking space~~ The portion of the 2-foot wide area described in 4.a that is landscaped counts towards parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

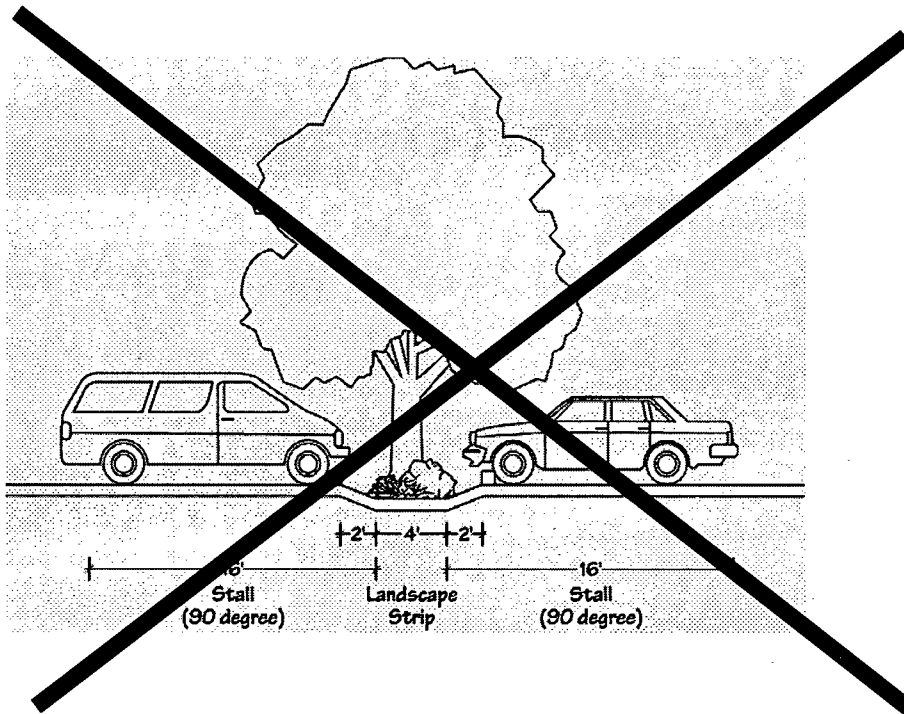
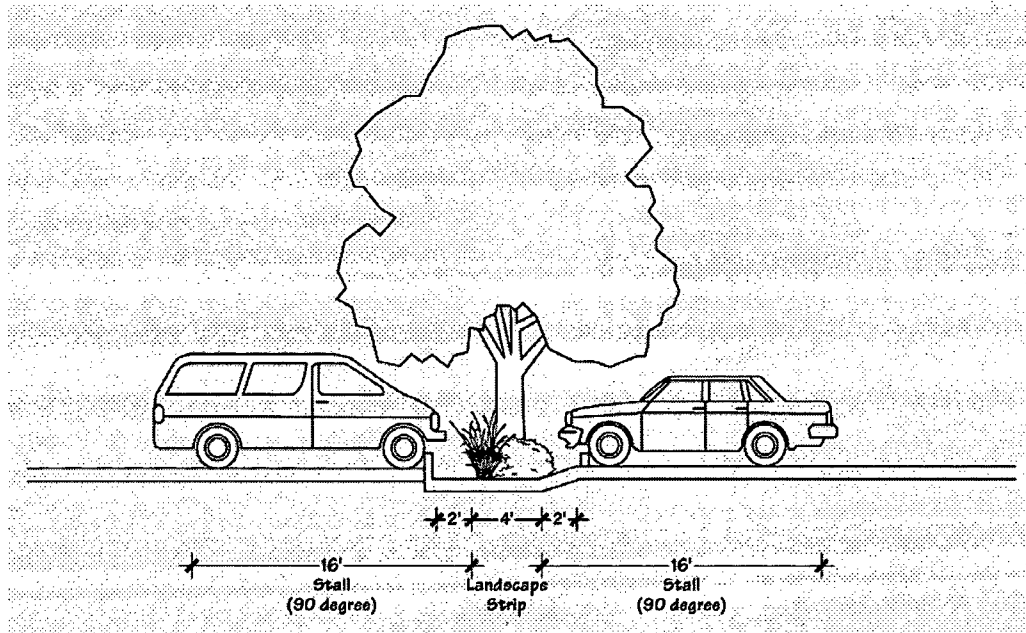
5. [No Change]

Commentary

Figure 266-3 Landscaped area at front of parking space.
See commentary for 33.266.130.F.4.

Language to be **added** is underlined>
 Language to be **deleted** is shown in ~~strikethrough~~

Figure 266-3
Landscaped area at front of parking space.



Item 16: Parking Lot Landscaping and Stormwater

33.266.130.G.3.f.(1) Parking area setbacks and landscaping.

Figure 266-3 Landscaped area at front of parking space.

See commentary for 33.266.130.F.4.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

G. Parking area setbacks and landscaping.

1-2. [No Change.]

3. Interior landscaping. The regulations of this paragraph apply to all surface parking areas except stacked parking areas. For stacked parking areas, see Section 33.266.140 below.

a-e. [No Change.]

f. Layout of interior landscaped areas. The layout of the interior landscaped areas must meet either one or a combination of the standards of this subparagraph:

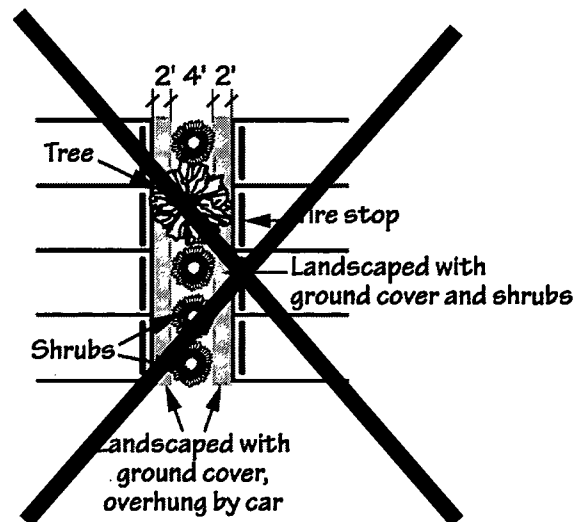
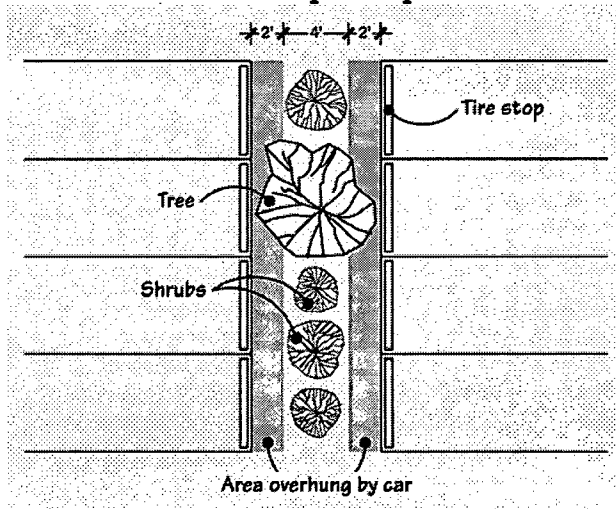
(1) Option 1: Landscape strips.

- Interior landscaping must be arranged in landscape strips at least four feet wide between rows of parking stalls, as shown in Figure 266-5.
- Where the front portions of parking stalls are landscaped as allowed by Paragraph F.4, the landscaped portion of the parking stall must be added adjacent to the four-foot landscape strip, ~~widening the strip to at least six feet for one row of parking stalls and at least eight feet for two rows of stalls,~~ as shown in Figure 266-5.

(2) [No change.]

g. [No change.]

**Figure 266-5
Landscape Strips**



Item 17: Bike Parking and Partial Payment to Fund

33.266.220 Bicycle Parking Standards

A.

2.

- d. A bike parking fund is maintained by the Office of Transportation. Applicants may—under certain circumstances—contribute to the fund in lieu of providing short term bike parking on-site. These amendments clarify the original intent that the fund can be used where physical constraints make it impossible to provide all the required short term bike parking on a site in a way that complies with all the standards.

In these situations, payment into the fund is allowed, but it is an "all-or-nothing" payment—the applicant must pay for the full amount of parking, even if they provide some parking. This full payment is required because the cost per space to pay into the fund increases with the number of spaces.

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33.266.220 Bicycle Parking Standards

A. Short-term bicycle parking.

1. Purpose. Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.
2. Standards. Required short-term bicycle parking must meet the following standards:
 - a. Short-term bicycle parking must be provided in lockers or racks that meet the standards of Subsection 33.266.220.C.
 - b. Location. Short-term bicycle parking must be:
 - (1) Outside a building;
 - (2) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - (3) Within the following distances of the main entrance:
 - Building with one main entrance. For a building with one main entrance, the bicycle parking must be within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. See Figure 266-8;
 - Building with more than one main entrance. For a building with more than one main entrance, the bicycle parking must be along all façades with a main entrance, and within 50 feet of at least one main entrance on each façade that has a main entrance, as measured along the most direct pedestrian access route. See Figure 266-9;
 - Sites with more than one primary building. For sites that have more than one primary building, but are not an institutional campus, the bicycle parking must be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and must be distributed to serve all primary buildings. See Figure 266-10;
 - Institutional Campus. On an institutional campus with more than one building or main entrance, the bicycle parking must be either:
 - Within 50 feet of a main entrance as measured along the most direct pedestrian access route; or

Commentary

[see previous commentary page]

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

- If the short-term bicycle parking is more than 50 feet from a main entrance, it must be in a common bicycle parking location along a pedestrian access route.
- c. Standards for short-term bicycle parking. Each required short-term bicycle parking space must be at least 2 feet by 6 feet. See figure 266-11.
- d. Bicycle Parking Fund.
 - (1) This option may be used ~~where the following are met~~ only if it is not possible to provide all of the required short term bicycle parking on site in a way that complies with all of the standards in A.2.b. This option may not be used if:
 - ~~All on-site surface parking areas are more than 50 feet from the main entrance as measured along the most direct pedestrian route; and~~
 - ~~All on-site plazas, exterior courtyards, and open areas, other than landscaping, are more than 50 feet from the main entrance as measured along the most direct pedestrian route or are not large enough to accommodate all required short-term bicycle parking.~~
 - There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;
 - Those open areas are large enough, separately or in combination, to accommodate all required short-term bicycle parking; and
 - The open areas meet the locational requirements of A.2.b.
 - (2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Office of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.
 - (3) This option may not be used if any required short-term bicycle parking is provided on site.

Item 42: Loading Spaces in Central City

33.266.310 Loading Standards

F. Forward Motion

2. Exception.

Loading facilities must be designed so that vehicles enter and exit the site in a forward motion, with each loading space having minimum dimensions of 35 feet in depth by 10 feet in width. The forward ingress/egress standard creates significant problems in the Central City, where plan district regulations encourage—or often require--buildings to cover the entire site without setbacks, and to provide active and interesting spaces and activities on the ground floor. This development pattern limits opportunities for on-site truck maneuvering.

Between 2001 and 2006 there were 23 requests to waive the forward ingress/egress standard, nearly 75 percent of which were for projects in the Central City. All of the adjustments and modifications requested in the Central City plan district were approved.

This amendment would apply the requirement in the Central City only to loading facilities that abut a light rail or streetcar alignment. Because trucks reversing in or out of loading spaces on streetcar or light rail lines can delay transit service for several minutes, loading needs in these situations should continue to be considered on a case-by-case basis through the land use review process.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.266.310 Loading Standards

F. Forward motion.

1. ~~Generally~~Outside the Central City plan district. Outside the Central City plan district, Loading facilities must be designed so that vehicles enter and exit the site in a forward motion.
2. ~~Exception~~In the Central City plan district. In the Central City plan district, loading facilities that abut a ~~traffic street, transit street, walkway and bikeway having a local designation are exempt from this standard~~ light rail or streetcar alignment must be designed so that vehicles enter and exit the site in a forward motion.

Item 18: Modifications to High School Football Fields

CHAPTER 33.281 SCHOOLS AND SCHOOL SITES

33.281.050 Review Thresholds for Development

Under current regulations, all changes to high school football fields must go through a conditional use review, regardless of the scale of the change. Minor changes to other parts of school sites, such as adding a fence, are allowed without review.

These amendments make two changes:

First, because schools may host a variety of athletic events with the potential to draw large crowds and cause noise, glare, and other impacts, "high school football fields" is replaced with "athletic fields."

Second, the amendments link the type of review that is required more closely to the potential impacts from the change. As with other changes at school sites, minor changes to athletic fields that have little or no impact are allowed without a review. More significant changes that may increase traffic, noise, glare and other impacts will still be subject to a Conditional Use Review.

In addition, the sentence "This is the same general standard for Type II processing as for all conditional uses in all zones" in Subsection B is deleted as unnecessary. Likewise, a similar sentence in Subsection C for Type III procedures is also deleted as unnecessary.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

33.281.050 Review Thresholds for Development

The following thresholds state the type of procedure used in the conditional use review for changes to development at schools and on school sites in the OS and R zones. Changes that are allowed by right are also stated.

A. Allowed by right. Alterations to the site that meet all of the following are allowed without a conditional use review.

1. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas.
2. The addition of up to 1,500 square feet of floor area to the site;
3. Fences, handicap access ramps, and on-site pedestrian circulation systems;
4. Changes that do not result in a net gain or loss of site area;
5. Alterations to parking areas other than Special Event Parking that meet the following:
 - a. Will not result in a net gain in the number of parking spaces;
 - b. Sites with up to 15 spaces, not including those used for Special Event Parking: will not result in a net loss in the number of parking spaces;
 - c. Sites with 16 or more spaces, not including those used for Special Event Parking: will not decrease the number of spaces except as follows:
 - (1) No reduction in shared parking spaces is allowed;
 - (2) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; and
 - (3) An individual or cumulative removal of parking spaces in excess of 5 spaces is prohibited. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.
6. The alteration meets one of the following:
 - a. Complies with the development standards of this Title; or
 - b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
7. The alteration complies with all previous conditions of approval;
8. Modifications to existing athletic fields that do not increase the potential for noise, glare, or additional numbers of spectators, or times that spectators come to the site.

[see previous commentary page]

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

B. Type II. The following alterations to development are reviewed through a Type II procedure:

1. ~~Alterations to development when the individual or cumulative alterations will not increase the floor area or exterior improvement area by more than 10 percent, up to a maximum of 25,000 square feet, are reviewed through a Type II procedure.~~ The increase is measured from the time the use became a conditional use, the effective date of this Title, or the last Type III conditional use review on the site, whichever is most recent. ~~This is the same general standard for Type II processing as for all conditional uses in all zones.~~ Exceptions are outdoor recreation areas and athletic fields, which are regulated by Subsection A. above, and Subsection C, below. ~~, and high school football fields which are regulated by Paragraph 2. below.~~
2. ~~Modifications to existing high school football fields that do not increase the potential for noise, glare, or additional numbers of spectators, or times that spectators come to the site. See also Paragraph C.2. below.~~

C. Type III. The following alterations to development are processed through a Type III procedure:

1. All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above. ~~This is the same general standard for Type III processing as for all conditional uses in all zones.~~ Exceptions are outdoor recreation areas which are regulated by Subsection A. above, and high school football athletic fields which are regulated by ~~Paragraph B.2.~~ Subsection A. above, and Paragraph C.2. below.
2. Modifications to existing ~~high school football~~ athletic fields that **do** increase the potential for noise, glare, or additional numbers of spectators, or times spectators come to the site. These types of modifications include modifications such as adding or increasing any of the following: seating capacity, lighting, voice amplification equipment, announcer's booths, ticket booths, and concessions.

Item 19: Triplex Bonus in 'a' Overlay

CHAPTER 33.405 ALTERNATIVE DESIGN DENSITY OVERLAY ZONE

33.405.070 Alternative Development Options in the R2 and R2.5 Zones

- B. **Triplex.** In a previous Regulatory Improvement Package, "triplex" was added to the Definitions Chapter. That language differs from the definition of triplex in this section of the code, which has resulted in some confusion. This amendment resolves the conflict.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strike through~~

**CHAPTER 33.405
ALTERNATIVE DESIGN DENSITY OVERLAY ZONE**

33.405.070 Alternative Development Options in the R2 and R2.5 Zones

- A. Purpose.** The provisions of this section offer opportunities for enhancing the variety of housing types and building forms that are found in areas zoned for attached or low-density multi-dwelling residential development. Such areas generally include a mixture of single-dwelling detached and small multi-dwelling development. A variety of types of housing in areas receiving infill development will improve continuity with the character of the existing buildings.
- B. Triplex.** Triplexes are~~Development of three dwelling units, including accessory dwelling units, is~~ allowed, if they meet all the following requirements:
1. The proposed development conforms with the maximum height, minimum setbacks, maximum building coverage, and required outdoor area requirements for attached housing projects in the R2.5 zone. The proposed development must meet all other development standards of the base zone, overlay zone, and plan district; and
 2. The maximum density allowed under this provision is one dwelling unit for each 1,600 square feet of site area. However, no more than three dwelling units may be placed on a single lot.
- C. Flag lots averaging 2,500 square feet.** [No change.]
- D. Design review required.** [No change.]

Item 20: Design Review and Rooftop Equipment

CHAPTER 33.420 DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review

M. Rooftop Mechanical Equipment

N. RF Facilities

These amendments clarify our intent in exempting certain types of rooftop equipment from design review. 33.420.045.M was written to exempt mechanical equipment that is necessary to the functioning and maintenance of the building. Examples are heating and air conditioning equipment and vents. BDS does not currently apply this provision to radio frequency (RF) facilities, so this amendment codifies current practice.

33.420.045.N was written to exempt radio frequency (RF) transmission facilities added onto a building after it has been built. These amendments clarify how the accessory equipment to a RF facility may be located in order to be covered by the exemption.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.420 DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review

The following items are exempt from design review:

A-L [No Change.]

- M.** Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall at the point of installation, and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the equipment, measured from the edges of the roof or top of parapet;
- N.** Radio frequency transmission facilities operating at 1,000 watts ERP or less that meet the following:
1. The antennas are added to the facade of an existing penthouse that contains mechanical equipment, provided the antennas and any accessory equipment are no higher than the top of the penthouse, are flush mounted, and are painted to match the facade of the penthouse; and
 2. Accessory equipment is within 2 feet of the existing penthouse, is no higher than the top of penthouse, and is painted to match the facade of the penthouse.

O-U [No change.]

Item 1: Setbacks in E-Zones

CHAPTER 33.430 ENVIRONMENTAL ZONES

33.430.140 General Development Standards

- M. In environmental zones, garages and carports may be brought up to the street by reducing the required setbacks. This helps reduce disturbance to environmental resources at the rear of lots. This exception does not apply to unenclosed parking pads. Chapter 33.266 restricts parking spaces within the first 10 feet from a front lot line. This amendment allows unenclosed parking pads to be brought up to the street, as are garages and carports.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

**CHAPTER 33.430
ENVIRONMENTAL ZONES**

33.430.140 General Development Standards

A.-L. [No Change]

- M.** The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

N.-R. [No Change]

Item 21: Environmental Stormwater Outfall Exemption

33.430.180 Standards for Stormwater Outfalls

- F. Standards for stormwater outfalls were created during the Environmental Code Improvement Project in 2005. The original intent was that each site could have a single outfall pipe no larger than 4 inches in diameter. This amendment clarifies the original intent, and will prevent situations where a number of smaller pipes might be substituted for one larger pipe.
- H. When City Council adopted Section 33.430.180 in 2005, this sunset clause was included. Staff were directed to monitor the new standards to see if the proportion of new outfalls that are directed into waterbodies increased. The results of this monitoring are included as an appendix to this report. Based on the results of the monitoring, the sunset clause is deleted from the code. However, staff will continue monitoring the situation for an additional two years, as directed by the ordinance.

Language to be **added** is underlined
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33.430.180 Standards for Stormwater Outfalls

The following standards apply to the installation of stormwater outfalls. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280. .

- A. The temporary disturbance area for the stormwater outfall is no greater than 10 feet wide;
- B. Native trees more than 10 inches in diameter may not be removed;
- C. Each 6 to 10-inch diameter native tree cut must be replaced on the site at a ratio of 3 native trees for each one removed. The replacement trees must be at least one-half inch in diameter and selected from the *Portland Plant List*.
- D. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
 - 1. Three different native shrub species are required at a minimum 1-gallon size or bar root, planted at a density of 3 plants per 10 square feet; and
 - 2. The remaining area must be planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;
- E. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the waterbody does not exceed 15 percent at any point;
- F. Only one outfall pipe may be used on a site. ~~If an outfall pipe is used, t~~The outfall pipe size may not exceed 4 inches in diameter;
- G. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of 2 to 3 stakes per square yard. Detailed specifications for installing live stakes are found in the *Erosion Control Manual*.
- ~~H. This subsection will expire on October 1, 2007.~~

Item 20: Design Review and Rooftop Equipment

CHAPTER 33.445 HISTORIC RESOURCE PROTECTION OVERLAY ZONE

Historic Landmarks

33.445.140 Alterations to a Historic Landmark

B. Exempt from historic design review.

6. Rooftop mechanical equipment . . . : This amendment clarifies the current implementation practice to not allow radio frequency (RF) facilities to fall under this exemption for historic or conservation resources.

Conservation Landmarks

33.445.230 Alterations to a Conservation Landmark

B. Exempt from historic design review.

5. Rooftop mechanical equipment . . . : See commentary for 33.445.140.

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CHAPTER 33.445 HISTORIC RESOURCE PROTECTION OVERLAY ZONE

Historic Landmarks

33.445.140 Alterations to a Historic Landmark

Alterations to a Historic Landmark require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

- A. When historic design review for a Historic Landmark is required.** [No change.]
- B. Exempt from historic design review.**

1-5. [No change.]

- 6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet; and

7. Public Art as defined in Chapter 5.74.

Conservation Landmarks

33.445.230 Alterations to a Conservation Landmark

Alterations to Conservation Landmarks require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

- A. When historic design review for a Conservation Landmark is required.** [No change.]
- B. Exempt from historic design review.**

1-4. [No change.]

- 5. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet; and

6. Public Art as defined in Chapter 5.74.

(Item 20 cont.)

Historic Districts

33.445.320 Development and Alterations in a Historic District

B. Exempt from historic design review.

6. Rooftop mechanical equipment . . . : commentary for 33.445.140.

Conservation Districts

33.445.420 Development and Alterations in a Conservation District

B. Exempt from historic design review.

6. Rooftop mechanical equipment . . . : See commentary for 33.445.140.

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Historic Districts

33.445.320 Development and Alterations in a Historic District

Building a new structure or altering an existing structure in a Historic District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Historic District. [No change.]

B. Exempt from historic design review.

1-5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet; and

7. Public Art as defined in Chapter 5.74.

Conservation Districts

33.445.420 Development and Alterations in a Conservation District

Building a new structure or altering an existing structure in a Conservation District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Conservation District. [No change.]

B. Exempt from historic design review.

1-5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet; and

7. Public Art as defined in Chapter 5.74.

Item 7: Neighborhood Contact Requirement in multi-dwelling zones and
Division Main Street

Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.460
MAIN STREET CORRIDOR OVERLAY ZONE

Division Street Regulations

33.460.310 Additional Standards.

- E. **Neighborhood contact.** These amendments change the cross-reference for the neighborhood contact requirement. See Commentary for Section 33.700.025. The rewording of E.1 is to clarify existing policy that the Neighborhood Contact is not required if a land use review for the development is also required for the project.

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CHAPTER 33.460
MAIN STREET CORRIDOR OVERLAY ZONE

Division Street Regulations

33.460.300 Purpose [No change.]

33.460.310 Additional Standards.

A.-D. [No change.]

E. Neighborhood contact. Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in section 33.700.025730.045, Neighborhood Contact Requirement. All of the steps in 33.700.025730.045 must be completed before a building permit is applied for:

1. The proposed development has not been subject to ~~a~~ ~~does not involve~~ a land use review; and,
2. The proposed developmental will add more than 5,000 square feet of gross building area to the site.

Item 23: Pleasant Valley Stormwater Outfalls

CHAPTER 33.465

PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE

33.465.155 Standards for Utility Lines

33.465.165 Standards for Land Divisions and Planned Developments

The added language clarifies that new disturbance areas within the resource area are allowed if the disturbance is within a right-of-way. The issue arose during review of a land division application. The "prohibited" language in 33.465.165.B implies that stormwater outfalls are not allowed through a review process (all outfalls are from City-owned regional stormwater facilities as identified in the public facilities plan). The intent of the regulations is to ensure that the disturbance areas for the outfalls are only at the three right-of-way crossings identified in the Transportation System Plan. Utility crossings and stormwater outfalls in the resource area outside the right-of-way are still prohibited. This limits the overall amount of disturbance in the resources area and allows for easier access and maintenance of the stormwater outfalls. The definition of utilities used in these sections is the same as the definition used in the environmental zones.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.465 PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE

33.465.155 Standards for Utility Lines

The following standards apply within the Pleasant Valley Natural Resources overlay zone to new utility lines, including stormwater conveyance facilities and outfalls, private connections to existing or new utility lines, and upgrades of existing utility lines. All of the standards must be met. Modification of any of these standards requires approval through Pleasant Valley resource review.

A-B. [No Change.]

C. New utility lines, including stormwater conveyance facilities and outfalls, must be within a right-of-way;

D-H. [No Change.]

33.465.165 Standards for Land Divisions and Planned Developments

The following standards apply to land divisions and planned developments in the Pleasant Valley Natural Resources overlay zone. All of the standards must be met. Modification or adjustment of Subsections A. through C. is prohibited. Modification of Subsections D. through F. requires approval through Pleasant Valley resource review.

A. [No Change.]

B. New disturbance area is prohibited in the Pleasant Valley Natural Resources overlay zone, except rights-of-way and utility lines, including stormwater conveyance facilities and outfalls.

C. [No Change.]

D. The following rights-of-way are allowed in the Pleasant Valley Natural Resources overlay zone. All other rights-of-way are prohibited:

1. Streets that are shown on the Pleasant Valley Street Network Plan;
2. Common greens; and
3. Pedestrian connections.

E. Rights-of-way are subject to 33.465.160.

F. New utility lines, including stormwater conveyance facilities and outfalls, private connections to utility lines, and upgrades of existing utility lines are subject to 33.465.155.

G. [No Change.]

Item 39: Pleasant Valley Resource Zone Violation

33.465.220 When Pleasant Valley Resource Review is Required

33.465.230 Procedure

Corrections to Violations of This Chapter

In 2005, the City adopted new procedures for correcting violations that occur in environmental overlay zones. The project that developed these procedures included a high level of detailed analysis and public involvement.

These amendments will make the procedures for enforcing violations in the Pleasant Valley Natural Resources Overlay Zone the same as those used in other environmental overlay zones. They will make the code more consistent, enhancing understanding, and streamlining enforcement.

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CHAPTER 33.465
PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE

Pleasant Valley Resource Review

33.465.220 When Pleasant Valley Resource Review is Required

Pleasant Valley resource review is required for all development in the Pleasant Valley Natural Resources overlay zone that does not meet the development standards of Sections 33.465.150 through .180 and for violations of this chapter. Pleasant Valley Resource review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed study. The City Council, Planning Commission, or Director of BDS may initiate a Pleasant Valley resource review for Pleasant Valley Natural Resources overlay zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.465.400.

33.465.230 Procedure

Pleasant Valley Resource reviews are processed through the following procedures:

A-B. [No change.]

C. ~~Corrections of violations of this chapter are processed through the Type III procedure.~~

[see previous commentary page]

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Corrections to Violations of This Chapter

33.465.400 Purpose

The purpose of Sections 33.465.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.465.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.465.405 Correction Options

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

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
 - a. Tree removal:
 - (1) No more than 12 diameter inches of trees have been removed; or
 - (2) No more than one of the following has been removed:
 - A Madrone 4 inches or less;
 - A Garry Oak 4 inches or less; or
 - A Pacific Yew 2 inches or less;
 - b. The proposal will remove all illegal development; and
 - c. The proposal will replant illegal clearing.
2. If any of the following apply, the applicant may not use Option One, but may chose either Option Two or Option Three:
 - a. Tree removal. More than 12 diameter inches of trees have been removed;
 - b. More than one of the following has been removed:
 - (1) A Madrone 4 inches or less;
 - (2) A Garry Oak 4 inches or less;
 - (3) A Pacific Yew 2 inches or less;

[see commentary on page 82]

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

c. Any of the following has been removed:

- (1) A Madrone larger than 4 inches;
- (2) A Garry Oak larger than 4 inches; or
- (3) A Pacific Yew larger than 2 inches.

- 3. If the applicant cannot meet Options One or Two, Option Three must be used.
- 4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.
- 5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these requirements are prohibited.

- 1. All items and materials placed in the area of violation are removed using hand-held equipment and no new disturbance area is created;
- 2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and
- 3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
 - a. The area disturbed by the violation activity must be replanted;
 - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;
 - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b. must be planted on the site for every 50 square feet disturbed;
 - d. Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

[see commentary on page 82]

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strike through~~

e. Trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 2-gallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.465.150 through .170 must be met; and

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

b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.

c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;

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

e. Trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 2-gallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

[see commentary on page 82]

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strike through~~

3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

D. Option Three, Pleasant Valley Resource Review. This option requires Pleasant Valley resource review, using the approval criteria and procedures below:

1. Approval criteria. The approval criteria of Subsection 33.465.250.D must be met.
2. Review procedures. Reviews are processed as follows:
 - a. Type III. The following situations require a Type III review:
 - (1) The removal of trees that exceeds the quantity of environmental standard 33.465.150.E.
 - (2) Any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or waterbody.
 - b. Type II. All other Pleasant Valley resource reviews to correct environmental code violations are processed through a Type II procedure.
 - c. All Pleasant Valley resource reviews must provide the information required in Section 33.465.240, Supplemental Application Requirements.

33.465.407 Recurring Violations of This Chapter

- A. Recurring violations on a site.** Sites where there have been more than one environmental violation while in the same ownership may be subject to fines under Title 3.
- B. Recurring violations by an individual or business.** Individuals or businesses who have committed more than one environmental violation may be subject to fines under Title 3.

Item 24: Scenic Overlay and Nonconforming Triggers

CHAPTER 33.480 SCENIC RESOURCE ZONE

33.480.040 Development Standards

B. Scenic Corridors.

2. Standards

- b. Street Setbacks. This section of code was recently amended. The dollar amount that triggers upgrades to landscaping was changed to the standard dollar figure for nonconforming development throughout the code. However, that amendment inadvertently exempted changes to existing development from the street setback requirements of the section. This amendment clarifies the language so that only the landscaping requirements are subject to the threshold. In addition, a correction to a typo is made in B.2.b(1).

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.480 SCENIC RESOURCE ZONE

33.480.040 Development Standards [No change.]

A. View Corridors. [No change.]

B. Scenic Corridors. All development and vegetation with a scenic corridor designation in the *Scenic Resources Protection Plan* are subject to the regulations of this Subsection.

1. Purpose. [No change.]

2. Standards.

a. Limiting blank facades. [No change.]

b. Street setbacks. ~~Except as allowed in B.2.b(1) below,~~ The entire required street setback must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this Title apply. Up to 25 percent of the entire area of the street setback may be used for vehicle and pedestrian areas except that each lot is allowed at least a 9-foot wide driveway or parking area and a 6-foot wide pedestrian area. For shared driveways serving more than one unit, the base zone standards apply, and landscaping at the L1 standard must be provided adjacent to the identified resource. Where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone on street lot lines that abut the Scenic Corridor identified in the *Scenic Resources Protection Plan*. The required landscaping in the setback must be provided at the time of development, except as allowed in B.2.b(1) below.

- (1) Exception for sites with an existing nonconforming use, allowed, use, limited use, or conditional use. The following regulations apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the landscaping standards of B.2.b, above, and the alterations are over the threshold of B.2.b(2) below, the site must be brought into conformance with the development standards of ~~this~~ B.2.b, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

(2-4)[No change.]

c-h. [No change.]

Item 40: Cascade Station Public Access Easement

CHAPTER 33.508

CASCADE STATION/PORTLAND INTERNATIONAL CENTER (CS/PIC) PLAN DISTRICT

33.508.280 Street Requirements in Subdistrict A

D. Additional Requirements.

3. When first adopted, the Cascade Station plan district contained a requirement that private streets be within a public easement. The requirement has proven cumbersome and unnecessary for providing adequate pedestrian access. There are also questions about the legality of mandating public access at all times. This amendment removes the requirement.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

CHAPTER 33.508**CASCADE STATION/PORTLAND INTERNATIONAL CENTER (CS/PIC) PLAN DISTRICT****33.508.280 Street Requirements in Subdistrict A**

These requirements help create a clear and efficient street system connecting to the Park Blocks, providing the feel of an urban environment and encouraging pedestrian activity by breaking up the long distances along the Park Blocks between the light rail stations. Figure 508-8 shows the Street Requirements in Subdistrict A and the five subareas within it.

The requirements of this section apply to all streets in Subdistrict A.

A-C. [No Change.]**D. Additional requirements.**

1. Street lighting. Light standards on public streets must meet City specifications. Light standards on private streets and in the Park Blocks must be no taller than 20 feet. All lights must direct light downward so as to not directly illuminate the sky.
2. Street entries to NE Cascades Parkway. Street entries to NE Cascades Parkway must be an at-grade entry, with no driveway apron or grade change. The entry must have the same appearance and materials as the public street, including curb returns, except that the entry itself must be of a different material. The material, which must be concrete or another durable material that contrasts with asphaltic concrete paving, must be placed in the approximate location of the pedestrian crosswalk. On street entries within 200 feet of a light rail station, the paving material used at the entry must continue the same paving material and texture found within the NE Cascades Parkway or Mt. Hood Avenue Station area.
3. ~~Public access easement on private streets. Type A, B, C and D streets must be within a public access easement that assures reasonable public access at all times.~~
34. Driveways. Driveways are not allowed to intersect NE Cascades Parkway except for one truck access in Subarea 1. See Figure 508-1.

Item 41: Central City prohibition on vehicle sales/display near LRT

This amendment is part of a package that also includes an amendment to 33.510.223 Exterior Display and Storage and a new map, Map 510-18.

CHAPTER 33.510 CENTRAL CITY PLAN DISTRICT

33.510.105 Vehicle Sales or Leasing

Vehicle sales and leasing are prohibited within 500 feet of the light rail alignment in the Downtown and Goose Hollow subdistricts of the Central City plan district. Exterior display and storage are not allowed in this area. These uses can conflict with the pedestrian orientation near light rail. This amendment changes two things. First, it deletes the measurement from the code language, and substitutes a map showing the affected area. This will make it easier to implement the regulations. Second, the mapped area does not include an area next to the MAX tunnel in Goose Hollow, although it is within 500 feet of the alignment. The grade of the light rail alignment begins to sink below the street in this area as it approaches the tunnel and there is less need to promote the pedestrian orientation of surrounding uses.

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**CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT**

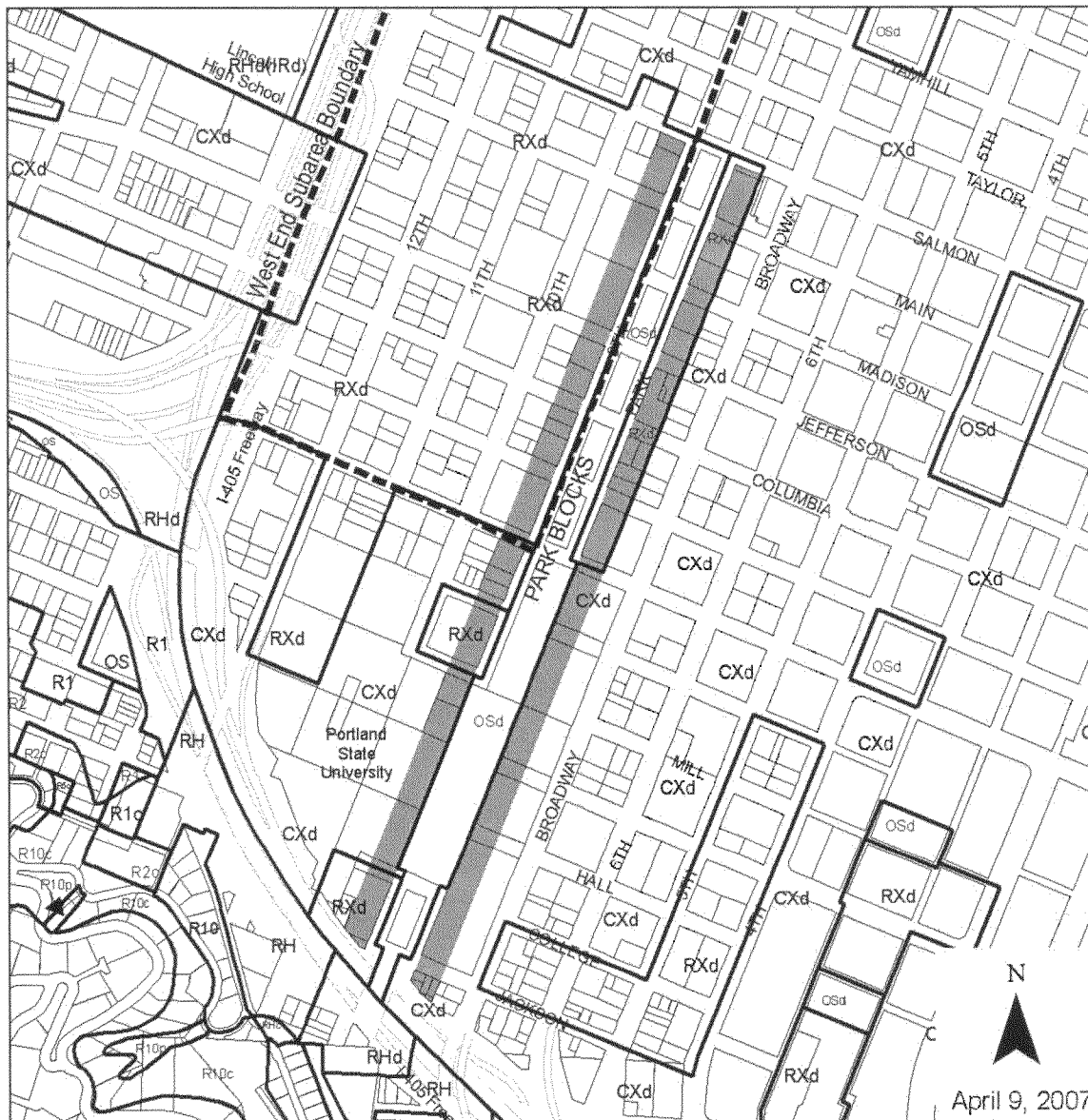
33.510.105 Vehicle Sales or Leasing

Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles, is prohibited ~~on~~ in the portions of a site within 500 feet of a light rail alignment in the Downtown and Goose Hollow subdistricts shown on Map 510-18. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

Item 8: FAR Transfer to Park Blocks

33.510.200 Floor Area Ratios

C. Limit on increased floor area. Transfers of floor area to sites zoned RX and that front on the South Park Block are prohibited by the current code; the provision is in Chapter 33.120, Multi-Dwelling Zones. However, all of the sites affected by this provision are Central City plan district, so moving the provision to Chapter 33.510, Central City plan district, will increase code clarity.



Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.200 Floor Area Ratios

A. Purpose. [No change]

B. Floor area ratio standard.

1. Generally. The maximum floor area ratios for all sites in the Central City plan district are shown on Map 510-2 at the end of this chapter. Floor area ratios greater than shown on Map 510-2 are prohibited unless allowed by Subsections C. through G., below, or by 33.510.210.

2-4. [No Change.]

C. Limit on increased floor area.

1. Generally. Except as provided under C.2., 3. and ~~34.~~, below, increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited;
2. West End subarea. In the portion of the West End subarea that is not shown on Map 510-14, the following applies. There is no maximum to the amount of bonus floor area that may be earned. However, the total floor area on a site, including bonus floor area and transferred floor area, may not be more than 12 to 1. Adjustments are prohibited.
3. South Park Blocks frontages. Transfers of floor area to RX-zoned sites on the Park Block frontages shown on Map 510-13 are prohibited. This prohibition applies to all RX-zoned sites on the Park Block frontages, including those within the West End subarea.
- 4 ~~3.~~ South Waterfront subdistrict. In the South Waterfront Subdistrict the following applies: [No Change.]

D-G. [No Change.]

Item 25: Automatic Increases to Dollar Amounts (South Waterfront Public Open Space Fund)

33.510.205 Height

G. South Waterfront height opportunity area.

See commentary for 33.700.075.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

33.510.205 Height

A-F. [No change.]

G. South Waterfront height opportunity area.

1. Purpose. [No change.]
2. Additional building height may be requested as a modification through design review as follows:
 - a-e. [No change.]
 - f. The applicant must contribute \$8.50 ~~five dollars in 1990 dollars~~ to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.210.C.18, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited.
 - g. [No change.]

(Item 25 cont.)

33.510.210 Floor Area and Height Bonus Options

C. Bonus Floor Area Options.

See commentary for 33.700.075.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~striketrough~~

33.510.210 Floor Area and Height Bonus Options

A-B. [No change.]

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.

1-14. [No change.]

15. Affordable Housing Replacement Fund bonus option. Contributors to the Affordable Housing Replacement Fund (AHRF) receive floor area bonuses. For each ~~\$17.00~~~~10 dollars in 1990 dollars~~ contributed to the AHRF, one square foot of bonus floor area is earned, up to a maximum of two square feet per square foot of site area. To qualify for this bonus, the following requirements must be met:

- a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) documenting the amount, ~~in current year and 1990 dollars~~, that has been contributed to the AHRF;
- b. The bonus floor area may be used only in the Central City plan district.
- c. The Affordable Housing Replacement Fund is to be collected and administered by the Portland Development Commission (PDC). The funds collected may be used only within the Central City plan district, either for acquisition, rehabilitation, remodeling or construction of housing affordable to those households earning no more than 60 percent of area median income.

16-17. [No change.]

18. Open space fund bonus option. Contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive floor area bonuses. For each ~~\$17.00~~~~10 dollars in 1990 dollars~~ contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:

- a. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount, ~~in current year and 1990 dollars~~, that has been contributed to the SWPOSF;
- b. The bonus floor area may be used only in the South Waterfront Subdistrict; and
- c. The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront Subdistrict of the Central City plan district, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

Item 41: Central City prohibition on vehicle sales/display near LRT

33.510.223 Exterior Display and Storage

See commentary for 33.510.105

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.223 Exterior Display and Storage

Exterior display of goods and exterior storage are not allowed ~~on~~ in the portions of ~~a site~~ within 500 feet of a light rail alignment in the Downtown and Goose Hollow subdistricts shown on Map 510-18. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.

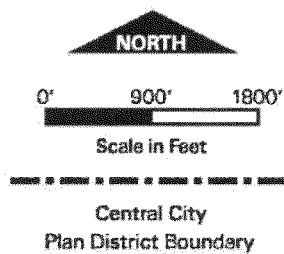
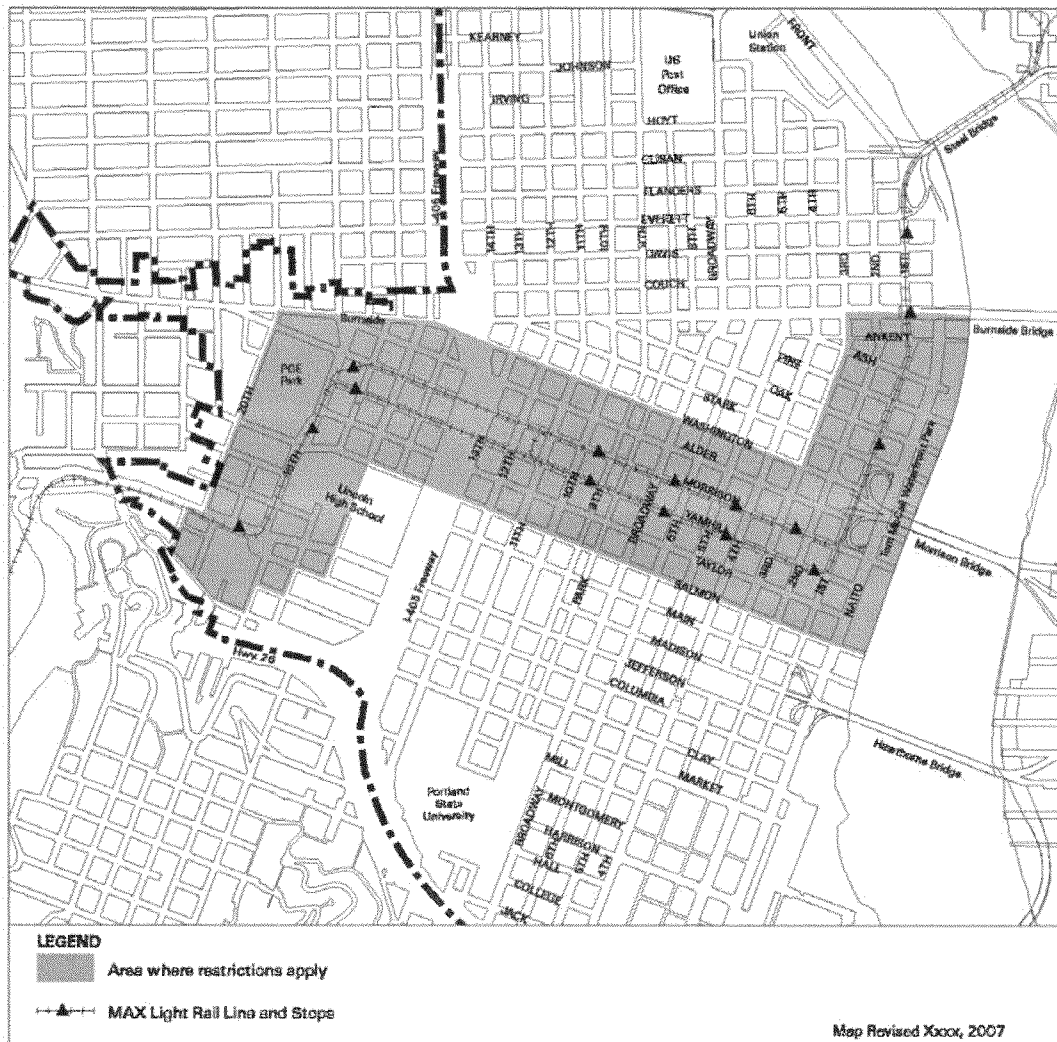
Item 41: Central City prohibition on vehicle sale/display near LRT

Map 510-18

See commentary for 33.510.105.

RECOMMENDED ZONING CODE LANGUAGE

Language to be **added** is underlined>
 Language to be **deleted** is shown in ~~strikethrough~~



Map 510-18

Area where Vehicle Sales and Leasing, and Exterior Display and Storage are Restricted

Bureau of Planning • City of Portland, Oregon

Item 26: TriMet Carpool Program

33.510.263 Parking in the Core Area

G. All Parking.

4. This language refers to Tri-Met's carpool program. The City now manages the carpool program, and this amendment corrects the reference.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~striketrough~~

33.510.263 Parking in the Core Area

A-J. [No Change.]

K. {No Change.}

1-3. [No Change.]

4. [No Change.]

a. [No Change.]

b. Carpool parking.

(1) [No Change.]

(2) The carpool parking must be marketed by:

- A sign at each entrance of the lot advertising the availability of carpool parking; and
- Participation in ~~Tri-Met's~~ the City's carpool program. Participation includes two elements. The owner of the parking lot must:
 - Pay a fee to ~~Tri-Met~~ the City for each carpool permit sold each month. The fee is 5.5 percent of the rate charged for the carpool permits.
 - Permit ~~Tri-Met~~ the City employees or representatives to enter the parking lot to promote carpooling to those who park there. The owner may limit this access to every six months.

(3) and (4) [No Change.]

c. [No Change.]

5-8. [No Change.]

Item 36: Gateway Open Area Requirement

33.526.240 Open Area

In the Gateway plan district, Section 33.526.240 requires that open area be provided on sites 80,000 square feet or more in area. However, the actual wording of the code makes it unclear whether applicants can do a land division as a way of avoiding the requirement. It is also unclear what triggers the requirement. These amendments clarify that a land division triggers the requirement, as do additions of floor area to the site, whether through new development or expansion.

These amendments are a clarification of existing policy; they do not modify policy or intent.

The current code gives applicants several options for providing the open area. The area can be provided on-site, it can be provided off-site under certain conditions, or the applicant may pay into a fund that will be used to provide open area in the plan district.

If the applicant opts to provide the open area on-site, there are no specific requirements in the current code about what improvements should be required, and the timing of those improvements. We considered adding such requirements, but after discussions with those who will implement the code, we are confident that the design review process, using the Gateway Design Guidelines, will ensure that appropriate and adequate improvements are made in a timely manner. This will also give maximum design flexibility through the design review process.

In addition to clarifying that the open area requirement applies to sites that are more than 80,000 sq ft before a land division, there was concern that Land Divisions do not go through Design Review. Design Review only occurs when development is proposed. To address both of these issues, the amendments create two subsections. One, 33.526.240.C, contains the standards that must be met when development is occurring. The other, 33.526.240.D, contains standards that apply at the time of a land division. The approval criteria in D.2.c require the applicant to show how the requirements of C will be met at the time of development, while still providing maximum flexibility.

- C. The changes to this subsection clarify what triggers the open area requirement. Each of the paragraphs sets out one of the options for how the applicant can provide the open area.
- C.1.b This language clarifies the intent of the regulations and the kinds of improvements that are appropriate.
- C.1.c This language clarifies that, where there is more than one requirement for similar areas, the applicant can "double-count" or count certain areas towards meeting more than one standard.
- C.1.e This standard ensures that open area will be usable, but provides design flexibility. The 20-foot square standard is used elsewhere in the code.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.526 GATEWAY PLAN DISTRICT

33.526.240 Open Area

- A. Purpose.** The open area requirement ensures provision of adequate amounts of open area, including light and air, for those who live, work and visit the Gateway plan district. Open area can provide passive or active recreational opportunities, and help to soften the built environment. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.
- B. Where these regulations apply.** The regulations of this section apply ~~to~~ sites 80,000 square feet or more in area.
- C. Additions of floor area to the site.** The requirements of this subsection apply to sites where the proposal will result in an increase of at least 2,000 square feet of floor area on the site. The applicant may choose from the three options below:
1. On-site option. If the open area will be on-site, the following standards must be met:
 - a. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.
 - b. Open areas are parks; plazas; or other similar areas approved through design review. These areas may include improvements such as children's play equipment, picnic areas, landscaping, benches, paved walkways or trails, gardens, organized sport fields or courts, or other outdoor amenities. Open areas do not include areas used for parking or loading, or landscaping within parking areas.
 - c. Existing open areas on the site may be used to meet this requirement. Open areas used for stormwater management or required recreation area may also be used to meet the requirements of this section. Open areas used to earn bonus floor area may not be used to meet the requirements of this section.
 - d. The open area must be located outdoors on the site and abut either the public sidewalk or the site's pedestrian circulation system.
 - e. Open area may be provided in a variety of sizes, but each open area must be large enough that a 20 foot x 20 foot square can fit entirely within it.
 - f. The application must identify the location, proposed improvements, and timing of the improvements.

(Item 36 cont.)

D. Land Divisions

- D.1** This provision allows new lots that are larger than 80,000 sq ft to meet the requirement in the future, when the new lot is divided, or when development occurs.
- D.2.c** These approval criteria provide a great deal of flexibility for the applicant, but ensure that the provision of open area is considered at the land division stage, and that the site will be configured so that when the open area is improved, it will be able to meet the standards of Subsection C.

Language to be **added** is underlined
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2. Off-site option. If the open area will be off-site, the following standards must be met:

a. The proposed open area site must be:

(1) Identified as proposed open space on the Gateway urban design concept;

(2) Under the applicant's control; and

(3) Vacant or used for surface parking.

b. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.

c. The application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation.

3. Gateway Regional Center Public Open Area Fund option. As an alternative to developing open area, the applicant may pay \$30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas. If using this option, the following must be met:

a. The required square footage of open area is calculated as 0.5 square foot of open area for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area;

b. When applying for building permits or land use reviews on the site, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed to the Open Area Fund.

D. Land Divisions. The standards and approval criteria of this subsection apply to sites where a land division is proposed:

1. The regulations of this subsection do not apply to proposed lots 80,000 square feet or more in area. The regulations will apply if such lots are divided further.

2. The regulations of this paragraph apply to proposed lots less than 80,000 square feet in area.

a. For each lot, an area equal to at least 15 percent of the area of the lot must be in open area.

[see previous commentary page]

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

b. For each lot, the applicant may choose to locate the required amount of open area on the lot, elsewhere on the land division site, or off-site. The applicant may also choose to make a contribution to the Open Area Fund. The application must specify which of these options, or combination of options, will be used to meet the requirements of this subsection.

(1) If the open area requirement will be met on the lot, the applicant must specify the location.

(2) If the open area requirement will be met elsewhere on the land division site, the required area must be in a tract.

(3) If the open area requirement will be met off-site or through a contribution to the Open Area Fund, the requirements of Paragraphs C.2 or C.3 must be met;

c. If the requirements of this subsection will be met on the land division site or on the lot, the applicant must indicate when improvements will be made to the open area, what the extent of the improvements will be, and who will be responsible for the improvements and maintenance of the improvements. The following additional approval criteria must also be met:

(1) Location. Each open area must be located on a part of the site that can be reasonably developed to meet the standards of this Section;

(2) Improvements. The proposed improvements must be consistent with the purpose of this Section; and

(3) Timing. The timing of the improvements must be reasonably related to the timing of other development on the site.

C. Standards.

1. ~~At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.~~

2. ~~Open areas are parks; plazas; or other similar areas approved through design review. Open areas do not include areas used for parking or loading, or landscaping within parking areas. Existing open areas on the site may be used to meet this requirement.~~

3. ~~The open area must be located outdoors on the site and abut either the public sidewalk or the site's pedestrian circulation system.~~

4. ~~The applicant may choose to locate the open area on site or off site, or pay into a fund. The application must specify which of the options, or combination of options, will be used to meet this requirement, as follows:~~

a. ~~If the open area will be on site, the application must identify the location, proposed improvements, and timing of the improvements.~~

[see commentary on pages 110 and 112]

RECOMMENDED ZONING CODE LANGUAGE

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

- b. ~~If the open area will be off site, the application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation. In addition, the proposed open area site must be:~~
- ~~• Identified as proposed open space on the Gateway urban design concept;~~
 - ~~• Under the applicant's control; and~~
 - ~~• Vacant or used for surface parking.~~
- e. ~~Gateway Regional Center Public Open Area Fund. As an alternative to developing open area, the applicant may pay \$30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). If using this option, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed and when the contribution will be paid to the Open Area Fund.~~
- ~~The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas.~~

Item 28: Johnson Creek Basin Development Transfers

CHAPTER 33.537 JOHNSON CREEK BASIN PLAN DISTRICT

33.537.110 Transfer of Development Rights

B. Regulations.

1.

- b. The purpose statement for these regulations says that transfer of development rights is allowed from sites with Environmental Protection Overlay Zones or sites that are in the 100-year floodplain. The purpose statement is consistent with the Outer Southeast Community Plan.

However, the regulations only allow transfers of development rights from sites with the Environmental Protection Overlay Zone. This amendment allows transfers from sites in the 100-year floodplain as originally intended.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketrough~~

CHAPTER 33.537
JOHNSON CREEK BASIN PLAN DISTRICT

33.537.110 Transfer of Development Rights

- A. Purpose.** These transfer of development rights regulations preserve development opportunities for new housing and reduce development pressure on environmentally sensitive sites. The regulations allow development rights to be transferred from sites with the Environmental Protection Overlay Zones or sites where any portion of the site is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA) to areas that can accommodate the additional density without environmental conflict.
- B. Regulations.** Transfer of development rights between sites in the plan district is allowed as follows. "Development rights" are the number of potential dwelling units that would be allowed on the site. Bonus density is not transferable.
1. Sending sites.
 - a. Sites in single-dwelling zones where at least 50 percent of the site is within the Environmental Protection overlay zone may transfer development rights.
 - b. Sites in single-dwelling zones where any portion of the site is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA) may transfer development rights.
 2. Receiving sites. All sites within the Johnson Creek plan district may receive development rights from sending sites except:
 - a. Portions of a receiving site that are in either a "c" or "p" Environmental overlay zone;
 - b. Sites where any portion of the site is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA); and
 - c. Portions of a receiving site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Section 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.
 3. Maximum density. The density of the receiving site may not exceed 200 percent of the allowable density.
 - 4-6. [No Change.]

Item 25: Automatic Increases to Dollar Amounts (South Waterfront Public Open Space Fund)

**CHAPTER 33.560
NORTH CULLY PLAN DISTRICT**

33.560.020 Where the Regulations Apply
See commentary for 33.700.075.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

**CHAPTER 33.560
NORTH CULLY PLAN DISTRICT**

33.560.020 Where the Regulations Apply

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a ~~1991~~-value less than \$165,50000,000 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

Item 29: Utility Easements and Tree Preservation

CHAPTER 33.630 TREE PRESERVATION

33.630.300 Mitigation Option

- C.7. When easements for utilities or services are located on land division sites before a land division is requested, it can create problems for tree preservation. These easements often give utility and service providers the authority to remove trees within the easement in order to extend and maintain services.

Land division regulations require a tree preservation plan. In some circumstances, this requires that trees within utility easements be preserved. Because the utility or service provider has the right to remove trees within the easement, the land division applicant cannot assure the preservation of these trees. The regulations may force the applicant into land use review if the utility demands removal of the trees.

This amendment gives the applicant the option of removing the trees in the utility easement if a plan that mitigates their loss is submitted and approved. This has the advantage of allowing the applicant to remove trees if the utility requires their removal while at the same time assuring that new trees are planted elsewhere on the site to mitigate the loss.

The current definitions of "utilities" and "services" from the code are included here to help understanding:

Utilities. *For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities. See also the definition of Utilities under the Environment-Related Definitions.*

Services. *For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.*

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.630 TREE PRESERVATION

33.630.300 Mitigation Option

As an alternative to meeting Section 33.630.100, approval of a mitigation plan may be requested. The review body will approve the mitigation plan where the applicant has shown that the applicant has met criteria A. and B. and one of the criteria in C., below:

- A.** As many trees as possible are preserved; and
- B.** The applicant has submitted a mitigation plan that adequately mitigates for the loss of trees, and shows how the mitigation plan equally or better meets the purpose of this chapter. Mitigation can include tree planting, preservation of groups of smaller trees, eco-roof, porous paving, or pervious surface permanently preserved in a tract.
- C.** It is not possible under any reasonable scenario to meet Section 33.630.100 and one of the following:
 - 1. Meet minimum density;
 - 2. Meet all service requirements of Chapters 33.651 through 33.654, including connectivity;
 - 3. Implement an adopted street plan;
 - 4. On sites 15,000 square feet or less in area, provide a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot;
 - 5. In E and I zones, provide a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot, considering the uses and development allowed in the zone, or
 - 6. Preserve the trees within the environmental zones on site while providing a practicable arrangement of building sites and disturbance area.
 - 7. Preserve trees within an easement that:
 - a. Is held by a utility or service agency; and
 - b. That was held by the utility or service agency before the application for preliminary plan review of the land division was filed.

Item 31: When Neighborhood Contact Required

Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.660

REVIEW OF LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.110 Review Procedures

The Neighborhood Contact requirement for land divisions was previously imbedded within the Land Use procedures under Chapter 33.730, and was difficult to find. This amendment moves the requirement into the individual land division chapters, to clarify the procedure, and to be consistent with existing language in the Planned Development Review chapter. It doesn't affect policy regarding the neighborhood contact procedures.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.660
REVIEW OF LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

Review of Preliminary Plan

33.660.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

- A. Type III.** Land divisions that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

1. through 5. [No change]

- B. Type IIx.** Except as provided in Subsection A, above, land division proposals that include any of the following elements are processed through a Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

1. through 4. [No change]

- C. Type I.** [No change]

Item 31: When Neighborhood Contact Required

Item 32: Neighborhood Contact Requirement Location

**CHAPTER 33.662
REVIEW OF LAND DIVISIONS IN COMMERCIAL, EMPLOYMENT,
AND INDUSTRIAL ZONES**

33.662.110 Review Procedures

The Neighborhood Contact requirement for land divisions was previously imbedded within the Land Use procedures under Chapter 33.730, and was difficult to find. This amendment moves the requirement into the individual land division chapters, to clarify the procedure, and to be consistent with existing language in the Planned Development Review chapter. It doesn't affect policy regarding the neighborhood contact procedures.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.662
REVIEW OF LAND DIVISIONS IN COMMERCIAL, EMPLOYMENT,
AND INDUSTRIAL ZONES

Review of Preliminary Plan

33.662.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

- A. Type III.** Land divisions that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

 - 1. through 3. [No change]
- B. Type IIx.** Except as provided in Subsection A above, land divisions that include any of the following elements are processed through a Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

 - 1. through 4. [No change]
- C. Type I.** [No change]

Item 31: When Neighborhood Contact Required

Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.664

REVIEW OF LAND DIVISIONS ON LARGE SITES IN INDUSTRIAL ZONES

33.664.110 Review Procedures

The Neighborhood Contact requirement for land divisions was previously imbedded within the Land Use procedures under Chapter 33.730, and was difficult to find. This amendment moves the requirement into the individual land division chapters, to clarify the procedure, and to be consistent with existing language in the Planned Development Review chapter. It doesn't affect policy regarding the neighborhood contact procedures.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.664
REVIEW OF LAND DIVISIONS ON LARGE SITES IN INDUSTRIAL ZONES

Review of Preliminary Plan

33.664.110 Review Procedures

Review of Preliminary Plans are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.

Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.665 PLANNED DEVELOPMENT REVIEW

Review of Planned Development

33.665.200 Review Procedures

These amendments change the cross reference for the neighborhood contact requirement.
See Commentary for Section 33.700.025.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.665 PLANNED DEVELOPMENT REVIEW

Review of Planned Development

33.665.200 Review Procedures

- A. Concurrent reviews required.** [No change.]
- B. Review in conjunction with a land division.** When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:
1. Type III review. Proposals in the RF through R2.5 zones that include attached duplexes, multi-dwelling structures, or multi-dwelling development are processed through a Type III procedure, but with the additional steps required under ~~Subsection 33.730.035~~Section 33.700.025, Neighborhood Contact ~~Required for Land Divisions and Planned Developments.~~
 2. Type IIx review. All other proposals are processed through the Type IIx procedure, but with the additional steps required under ~~Subsection 33.730.035~~Section 33.700.025, Neighborhood Contact ~~Required for Land Divisions and Planned Developments.~~
- C. Review not in conjunction with a land division.** When a Planned Development is not in conjunction with a land division, the review will be processed as follows:
1. Type III. Planned Developments that include any of the following elements are processed through a Type III procedure, but with the additional steps required under ~~Subsection 33.730.035~~Section 33.700.025, Neighborhood Contact ~~Required for Land Divisions and Planned Developments:~~
 - a. through e. [No change]
 2. Type IIx. All other proposals not assigned to a Type III in Paragraph C.1, above, are processed through a Type IIx procedure, but with the additional steps required under ~~Subsection 33.730.035~~Section 33.700.025, Neighborhood Contact ~~Required for Land Divisions and Planned Developments.~~

Item 31: When Neighborhood Contact Required

Item 32: Neighborhood Contact Requirement Location

**CHAPTER 33.700
ADMINISTRATION AND ENFORCEMENT**

33.700.025 Neighborhood Contact

The principal purpose of this amendment is to move the procedures for neighborhood contact from Chapter 33.730, Quasi Judicial Reviews. Neighborhood Contact is required prior to some applications for building permits, and prior to some applications for land use reviews. Because Chapter 33.730 applies only to land use review procedures, it is not a good location for the Neighborhood Contact procedures. This amendment moves the provisions to Chapter 33.700, which deals more with more general aspects of administration of the zoning code.

In addition to moving the language, several minor amendments are made to clarify steps and responsibilities.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~striketrough~~

CHAPTER 33.700 ADMINISTRATION AND ENFORCEMENT

Sections:

Implementing the Code

- 33.700.005 Building Permit Required
- 33.700.010 Uses and Development Which Are Allowed By Right
- 33.700.015 Review of Land Divisions
- 33.700.020 Uses and Development Which Are Not Allowed By Right.
- 33.700.025 Neighborhood Contact
- 33.700.030 Violations and Enforcement
- 33.700.040 Reconsideration of Land Use Approvals
- 33.700.050 Performance Guarantees
- 33.700.060 Covenants with the City
- 33.700.070 General Rules for Application of the Code Language
- 33.700.075 Automatic Changes to Specified Dollar Thresholds

Timeliness of Regulations

- 33.700.080 Regulations that Apply at the Time of an Application
- 33.700.090 Regulations that Apply After Approval
- 33.700.100 Transfer of Approval Rights
- 33.700.110 Prior Conditions of Land Use Approvals
- 33.700.120 Status of Prior Revocable Permits
- 33.700.130 Legal Status of Lots

33.700.025 Neighborhood Contact

- A. Purpose.** The Neighborhood Contact process provides a setting for an applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial or permit process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial or permit process.

Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic design review, the focus of the meeting should be the design of the proposal and not whether the proposal will be built. Where the proposal is for a use or development that is allowed by the zoning, the focus of the meeting should be on the proposal and not on whether it will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

- B. When Neighborhood Contact is required.** Neighborhood Contact is required before applying for certain building permits or land use reviews, as specified in this Title. Applicants may also choose to follow the process voluntarily when it is not required.

Commentary

[see previous commentary page]

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

C. Requirements. The requirements for Neighborhood Contact are:

1. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition.

The neighborhood association should reply to the applicant within 14 days and hold a meeting within 45 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may request a land use review or building permit without further delay. If the neighborhood requests the meeting within the time frame, the applicant must attend the meeting. The applicant may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

2. After the meeting and before applying for the land use review or building permit, the applicant must send a letter to the neighborhood association and district neighborhood coalition. The letter will explain changes, if any, the applicant is making to the proposal.
3. Copies of letters required by this subsection, and registered or certified mail receipts, must be submitted with the application for land use review or building permit.

Item 25: Automatic Increases to Dollar Amounts (South Waterfront Public Open Space Fund)

33.700.075 Automatic Changes to Specified Dollar Thresholds

Several sections of the code contain dollar thresholds that are updated each year based on the estimated construction cost index (CCI) for the previous year. The updates happen automatically each February. Because these thresholds are in the thousands of dollars, the new numbers are rounded to the nearest \$50.

There are four code provisions that still use thresholds based on 1990 or 1991 dollars, which requires calculating the appropriate rate of inflation since those dates. Amendments to those provisions convert the thresholds to current dollars (See amendments to 33.510.205 and .210 and 33.560.020). The amendments to 33.700.075 provide for updating those thresholds annually.

Because the thresholds within the Central City plan district are fairly small amounts, this amendment rounds the new numbers to the nearest \$0.10.

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

33.700.075 Automatic Changes to Specified Dollar Thresholds

The sections listed below include dollar thresholds. These thresholds will be increased or decreased each year on February 1. The change will occur automatically, and the new dollar amount will be placed in the Zoning Code without being subject to the procedures for amending the Zoning Code. The change will be based on the annual national average of the Construction Cost Index (CCI), as published in the second January issue of the Engineering News-Record. ~~Any increase or decrease that is not a multiple of \$50 will be rounded to the nearest multiple of \$50.~~

- A. The following sections are subject to this regulation. Any increase or decrease that is not a multiple of \$50 will be rounded to the nearest multiple of \$50~~The sections subject to this regulation are:~~

- 1A. 33.258.070.D.2.a;
- 2B. 33.258.070.D.2.d(2);
- 3C. 33.440.230.D.1;
- 4D. 33.480.040.B.2.b(2);
- 5E. 33.508.330.B.17.a(1);
- 6F. 33.515.278.B.17.a(1);
- 7. 33.560.020
- 8G. 33.825.025.A.1.a;
- 9H. 33.825.025.A.1.b;
- 10I. 33.825.025.A.1.e;
- 11J. 33.825.025.A.1.f;
- 12K. 33.825.025.A.2.a;
- 13L. 33.825.025.A.2.b;
- 14M. 33.825.025.A.2.c;
- 15N. 33.846.060.B.2.a;
- 16O. 33.846.060.B.2.b;
- 17P. 33.846.060.B.2.f;
- 18Q. 33.846.060.B.2.g;

[see previous commentary page]

RECOMMENDED ZONING CODE LANGUAGE

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~19R.~~ 33.846.060.B.4.a;

~~20S.~~ 33.846.060.B.4.b;

~~21T.~~ 33.846.060.B.4.c; and

~~22U.~~ 33.846.060.B.4.d.;

B. The following sections are subject to this regulation. Any increase or decrease that is not a multiple of \$0.10 will be rounded to the nearest multiple of \$0.10:

1. 33.510.205.G.2.f;

2. 33.510.210.C.15; and

3. 33.510.210.C.18.

Item 32: Neighborhood Contact Requirement Placement

CHAPTER 33.730 QUASI-JUDICIAL PROCEDURES

List of Sections

and

33.730.013 Expedited Land Division Procedure

A. Neighborhood Contact Requirement.

These changes reflect the new location of the Neighborhood Contact requirements. See commentary for 33.700.025

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.730 QUASI-JUDICIAL PROCEDURES

Sections:

General

33.730.010 Purpose

Basic Procedures

33.730.013 Expedited Land Division Procedure

33.730.015 Type I Procedure

33.730.020 Type II Procedure

33.730.025 Type IIx Procedure

33.730.030 Type III Procedure

33.730.031 Type IV Procedure

~~33.730.035 Neighborhood Contact Required for Land Divisions and Planned Developments~~

33.730.040 Final Council Action Required

General Information on Procedures

33.730.042 Concurrent Reviews

~~33.730.045 Neighborhood Contact Requirement~~

33.730.050 Pre-Application Conference

33.730.060 Application Requirements

33.730.070 Written Notice Requirements

33.730.080 Posting Requirements

33.730.090 Reports and Record Keeping

33.730.100 Public Hearing Requirements

33.730.110 Ex Parte Contact

After a Final Decision

33.730.120 Recording an Approval

33.730.130 Expiration of an Approval

33.730.140 Requests for Changes to Conditions of Approval

Basic Procedures

33.730.013 Expedited Land Division Procedure

[No change]

A. Neighborhood Contact Requirement. The applicant must complete the steps in Section 33.~~700.025~~33.045, Neighborhood Contact ~~Requirement~~, before applying for an ELD review.

B. Pre-application conference. [No change.]

Item 32: Neighborhood Contact Requirement Placement

33.730.035 Neighborhood Contact Required for Land Divisions and Planned Developments

This code provision is eliminated in conjunction with the inclusion of Neighborhood Contact references within the various Land Division and Planned Development procedural sections.

33.730.045 Neighborhood Contact Requirement

These code provisions are moved to Chapter, 33.700, Administration and Enforcement See commentary for 33.700.025

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.730.035 ~~Neighborhood Contact Required for Land Divisions and Planned Developments~~

~~Before applying for a land division or Planned Development processed through a Type IIx or Type III procedure, the applicant must complete the steps in Section 33.730.045, Neighborhood Contact Requirement.~~

33.730.045 ~~Neighborhood Contact Requirement~~

- A. ~~Purpose.~~** ~~The neighborhood contact requirement provides a setting for an applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial process.~~

~~Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic design review, the focus of the meeting should be the design of the proposal and not whether the proposal will be built. The discussion at the meeting is advisory only and is not binding on the applicant.~~

- B. ~~Requirements.~~** ~~The requirements for the Neighborhood Contact Requirement are:~~

- ~~1. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition. The neighborhood association should reply to the contact within 14 days and hold a meeting within 45 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may submit an application without further delay. The neighborhood may schedule the meeting with its board, the general membership, or a committee.~~
- ~~2. After the meeting and before applying for the land use review, the applicant must send a letter to the neighborhood association and district neighborhood coalition. The letter will explain changes, if any, the applicant is making to the proposal.~~
- ~~3. Copies of letters required by this subsection must be submitted with the application for land use review.~~

(Item #32 cont.)

33.730.060 Application Requirements

D. Required information for land divisions.

1. Preliminary Plan

- i. Neighborhood Contact letters. This change reflects the new location of the Neighborhood Contact requirements

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.730.060 Application Requirements

A-C. [No change.]

D. Required information for land divisions. [No change]

1. [No change]

a-h. [No change.]

i. Neighborhood Contact letters. Two copies of letters required by Section
33.700.02530.045, Neighborhood Contact ~~Requirement~~;

j-l. [No change.]

Item 33: Comprehensive Plan Map Error Procedure

CHAPTER 33.810 COMPREHENSIVE PLAN AMENDMENTS

33.810.080 Corrections to the Comprehensive Plan Map

A. **Mapping errors.** This amendment to 33.810.080, along with a companion amendment to Chapter 1.01 (Code Adoption), clarifies when the Planning Director may make technical, objective corrections to the Comprehensive Plan designations on the Official Zoning Maps. In 2003, Council adopted a similar amendment that clarified when the Planning Director could make technical, objective corrections to the zoning designations on the Official Zoning Maps. These corrections were limited to non-discretionary map corrections, such as:

- The line on the map differs from the legal description;
- The map does not reflect a map or description that was part of the adopting ordinance or land use decisions;
- Where there is a discrepancy and clear legislative intent as to where the line should be; or
- When the Open Space designation has been applied to property in private ownership that is not in open space use.

This amendment applies the same limitations to corrections of Comprehensive Plan designations.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.810 COMPREHENSIVE PLAN AMENDMENTS

33.810.080 Corrections to the Comprehensive Plan Map

The Director of BDS may initiate a review through the Type II procedure for the types of corrections to the Comprehensive Plan Map listed below. Nondiscretionary corrections to the Comprehensive Plan Map may be initiated by the Director of Planning as described in Section 1.01.037 of the Portland City Code.

A. Mapping errors. The correction may be made for mapping errors such as:

1. ~~The application of an Open Space designation to lands in private ownership which are not in an open space use or not receiving special tax considerations because of their status as open space;~~
21. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;
3. ~~The line on the map does not match the legal description or map shown or referenced in the ordinance which applied the designation; or~~
42. ~~When there is a discrepancy between maps and~~ on balance there is ~~clear~~ sufficient evidence of legislative intent for where the line should be located.

B. Movement of the reference item for the map line. The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements, and similar items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

Item 32: Neighborhood Contact Requirement Location

**CHAPTER 33.825
DESIGN REVIEW**

33.825.025 Review Procedures

B. Neighborhood Contact Requirement. This amendment changes the cross-reference for the neighborhood contact requirement. See Commentary for Section 33.700.025

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

**CHAPTER 33.825
DESIGN REVIEW**

33.825.025 Review Procedures

[No change]

A. Procedures for design review [No change.]

- B. Neighborhood Contact ~~Requirement~~.** The following proposals are subject to the Neighborhood Contact ~~R~~requirement, as specified in Section 33.700.02530.045, Neighborhood Contact ~~Requirement~~, if they are in the a, Alternative Design Density Overlay Zone, in the Albina Community Plan Area shown on Map 825-2, or in the Outer Southeast Community Plan Area shown on Map 825-3:

1-3. [No change.]

Item 31: When Neighborhood Contact Required

Item 32: Neighborhood Contact Requirement Location

**CHAPTER 33.846
HISTORIC REVIEWS**

33.846.060 Historic Design Review

B. Review procedure.

1. **Neighborhood Contact.** These amendments remove the steps for neighborhood contacts from this chapter, as they are now located in Chapter 33.700. A cross-reference to that chapter is added. See Commentary for Section 33.700.025.

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Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.846 HISTORIC REVIEWS

33.846.060 Historic Design Review

A. Purpose. Historic design review ensures the conservation and enhancement of the special characteristics of historic resources.

B. Review procedure. Procedures for historic design review are as follows:

1. **Neighborhood Contact Requirement.** The following proposals are subject to the Neighborhood Contact requirement, as specified in Section 33.700.025, Neighborhood Contact. ~~Proposals listed in Subparagraph B.1.a, below, must complete the steps in Subparagraph B.1.b before applying for historic design review.~~
 - ~~a. Proposals subject to the Neighborhood Contact Requirement. The following proposals are subject to the Neighborhood Contact Requirement, as specified in Subparagraph B.1.b, below, if they are in the a, Alternative Design Density Overlay Zone; in the Albina Community Plan area shown on Map 825-2; or in the Outer Southeast Community Plan area shown on Map 825-3:~~
 - ~~a.(1).~~ Proposals that create more than three new dwelling units. Dwelling units are created:
 - (1) As part of new development;
 - (2) By adding net building area to existing development that increases the number of dwelling units;
 - (3) By conversion of existing net building area from nonresidential to residential uses; and
 - (4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex;
 - ~~b.(2)~~ Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or
 - ~~c.(3)~~ Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.
 - ~~b. Steps. The steps are:~~

[see previous commentary page]

RECOMMENDED ZONING CODE LANGUAGE

Language to be **added** is underlined
Language to be **deleted** is shown in ~~striketthrough~~

- (1) ~~The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. The neighborhood association should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 30 days, the applicant may apply for historic design review without further delay. The neighborhood may schedule the meeting with its board, the general membership, or a committee.~~
- ~~— The purpose of the meeting is to allow neighborhood residents and the developer to discuss concerns about the design of the proposal. The focus of the meeting should be the design of the proposal and not whether the proposal will be built. The discussion at the meeting is advisory only and is not binding on the applicant.~~
- (2) ~~After the meeting and before applying for historic design review, the applicant must send a letter to the neighborhood association. The letter will explain changes, if any, the applicant is making to the proposal's design.~~
- e. ~~Copies of both letters required by this paragraph must be submitted with the application for historic design review.~~

Item 34: Environmental Definitions and Waterbodies

CHAPTER 33.910 DEFINITIONS

33.910.030 Definitions

Environment-Related Definitions

- **Identified Wetlands, Identified Streams.**

This change adds "identified waterbodies" to the definition of identified wetlands and identified streams. It is a clarification that resolves discrepancies in code terminology, and better links the environmental zone setback standards to the relevant definitions section. It also facilitates consistent application of the setback standards to those streams, wetlands, and waterbodies addressed in the inventory or maps.

Another change to the definition was considered. This was to change the phrase referring to features identified in the "resource inventory and maps" to those identified in "resource inventory or maps."

Resource inventories, which were developed 13-20 years ago, include both descriptions of resources and maps. Sometimes resources are described in writing, but are not shown on a map. This is because the maps were originally hand-drawn and meant to be a generalized depiction of the area, not something that shows all resources described in the text.

A literal reading of the definition is that a wetland, stream, or waterbody must be both in the inventory and on the map to be considered "identified". This is important, because setback standards apply only to identified wetlands, streams, and waterbodies. If the water features are identified in the inventory, but are not included in the adopted maps, the standards are not applied to the unmapped resources even if they are similar to other resource features within the same site. This results in inconsistent application of existing City policy to protect important resources and creates inequities between how properties are regulated.

Although more detailed and accurate resource maps are currently available, the change from "and" to "or" is not occurring at this time because it would change how regulations are applied to some water features. This is a significant change. RICAP packages include code amendments that do not require a high level of public notification and involvement. Because of the potentially significant impact of this change on properties with unmapped water features, this amendment should be considered as part of a project with a high level of public involvement.

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**CHAPTER 33.910
DEFINITIONS**

33.910.030 Definitions

Environment-Related Definitions

- **Identified Wetlands, Identified Streams, Identified Waterbodies.** Those streams, ~~and wetlands, and waterbodies~~ that are identified in the resource inventory and maps as being significant and needing protection.

Item 18: Modifications to High School Football Fields

33.920.480 Schools

- B. This is a clarification associated with other amendments to Chapter 33.281 Schools and School Sites. This amendment acknowledges that athletic fields are a use that is accessory to schools. See also the commentary for Section 33.281.050

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33.920.480 Schools

- A. Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, and before- or after-school daycare.
- C. Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. Exceptions.**
 - 1. Preschools are classified as Daycare uses.
 - 2. Business and trade schools are classified as Retail Sales and Service.

Item 3: Measuring Wall Height for Gambrel Roofs vs. Gable Roofs

CHAPTER 33.930 MEASUREMENTS

33.930.050 Measuring Height

- A. **Measuring building height.** These amendments accomplish two things. First, by rewriting the code in a "bullet" format, they clarify the various measurement options for different roof types. Second, through additional language and a new illustration, the method of measurement is clarified for a gambrel roof. These amendments are done in conjunction with the amendments for allowing garages within the setback. Refer to 33.110.253 for commentary on that amendment.

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CHAPTER 33.930 MEASUREMENTS

33.930.050 Measuring Height

A. Measuring building height. Height of buildings is generally measured as provided in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.) The height of buildings is the vertical distance above the base point described in Paragraphs 1. or 2. below. The base point used is the method that yields the greater height of building. ~~For a flat roof, the measurement is made to the top of the parapet, or if there is no parapet, to the highest point of the roof. The measurement is made to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof that has a roof pitch of 12 in 12 or less. For pitched or hipped roofs with a pitch steeper than 12 in 12, the measurement is to the highest point. For other roof shapes such as domed, vaulted, or pyramidal shapes, the measurement is to the highest point. See Figure 930-5. The height of a stepped or terraced building is the maximum height of any segment of the building. Methods to measure specific roof types are shown below and in Figure 930-5:~~

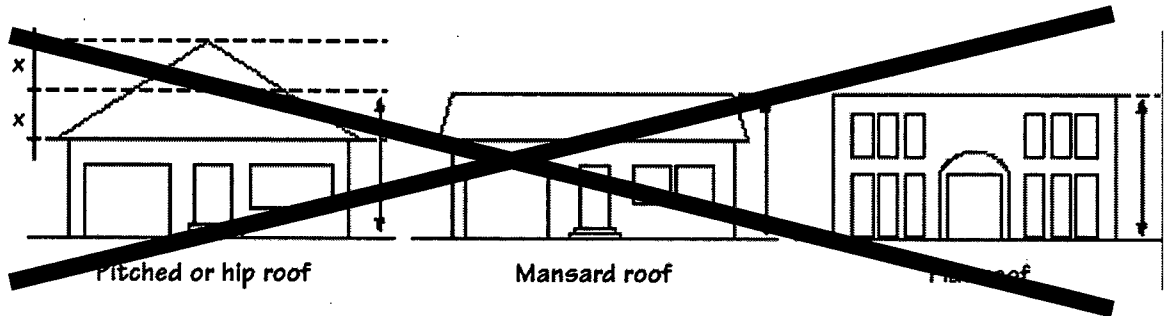
- Flat roof: Measure to the top of the parapet, or if there is no parapet, to the highest point of the roof.
- Mansard roof: Measure to the deck line
- Pitched, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
- Pitched or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
- Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
- Other roof shapes such as domed, vaulted, or pyramidal shapes: Measure to the highest point.
- Stepped or terraced buildings: Measure to the highest point of any segment of the building.

1-2. [No change.]

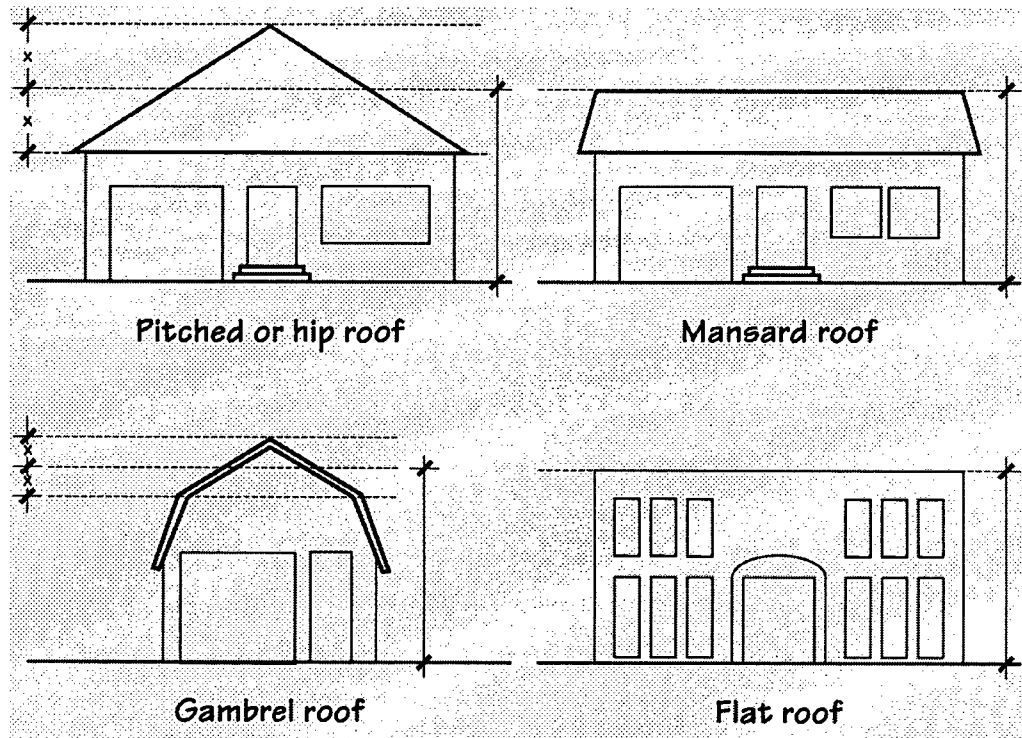
Figure 930-5. This figure is amended to provide a fourth example illustrating the height measurement for a gambrel roof.

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Figure 930-5
Measuring Height – Roof Types



(Replaced with New Figure below)



Item 2: Setback Regulations

33.110 Single-Dwelling Zones

33.120 Multi-Dwelling Zones

33.130 Commercial Zones

33.140 Employment and Industrial Zones

These amendments reorganize and clarify information in the base zone chapters. There are no substantive changes.

These amendments remove the footnotes from the development standards table for all the base zones. The proliferation of footnotes has lead to an over-reliance on the tables and inconsistency between the language in the footnote and the language in the code section. By renaming the tables "Summary of Development Standard in ____ Zones," the amendment clarifies that the table is merely a summary and that the specifics of the regulation are contained in the referenced code section.

By eliminating the footnotes in the development standards table, these amendments:

- simplify the tables;
- ensure that the regulations are contained in the standards;
- eliminate some conflicting language and the potential for conflicting language in the future;
- encourage users to read the specifics in the regulation by directing them to the standards and not relying on the summary in the table.

These amendments also restructure the setback standards in each base zone chapter to ensure consistency and add clarity.

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 Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.110 SINGLE-DWELLING ZONES

EXISTING TABLE

This is the existing table. See the bracketed notes after each footnote for information on how the footnote was addressed.

Table 110-3 Development Standards In Single-Dwelling Zones [1]							
Standard	RF	R20	R10	R7	R5	R2.5	
						detached	attached
Maximum Height (See 33.110.215)	30 ft. [2]	30 ft. [2]	30 ft. [2]	30 ft. [2]	30 ft. [2]	35 ft. [2]	35 ft. [2]
Minimum Setbacks							
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.	10 ft.
- Side building setback [3] [4] [8]	10 ft.	10 ft.	10 ft.	5 ft. [9]	5 ft. [9]	5 ft. [9]	5 ft.[5] [9]
- Rear building setback [3] [8]	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback [3] [6] (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Required Outdoor Area							
- Minimum area	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.
- Minimum dimension [7] (See 33.110.235)	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

Notes:

- [1] These standards may be superseded by the regulations of an overlay zone or plan district. **[Already in 33.700.070 General Rules for Application of the Code Language]**
- [2] Some lots may be subject to a different height standard. See 33.110.215.B. **[Already in this section]**
- [3] No setback is required from a lot line abutting an alley. **[Added to 33.110.220.D.8, Exceptions to the required setbacks]**
- [4] The side setback for lots in front of flag lots may be reduced to 3 feet. See 33.110.220.D.2. **[Already in this section]**
- [5] Applies only to the perimeter of the attached unit development. See 33.110.240 C. for more information. **[Already in this section]**
- [6] The walls of the garage structure are subject to 33.110.253 and the applicable front, side, or rear building setbacks. **[Added to 33.110.220.B Setbacks]**
- [7] The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area. **[Added to 33.110.235.B Required outdoor area sizes]**
- [8] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.110.220.D.6. **[Added to 33.110.220.D.6 Exceptions to the required setbacks]**
- [9] The minimum setback between an existing building and a side lot line along a proposed right-of-way or tract may be reduced to 3 feet when proposed as part of a land division. **[Already in 33.110.220.D.7 Exceptions to the required setbacks]**

RECOMMENDED ZONING CODE LANGUAGE – Item 2

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NEW TABLE

Table 110-3 Summary of Development Standards In Single-Dwelling Zones							
Standard	RF	R20	R10	R7	R5	R2.5 detached attached <u>See</u> <u>33.110.240.C</u>	
Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	35 ft.	35 ft.
Minimum Setbacks							
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.	10 ft.
- Side building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	<u>0/5</u> ft
- Rear building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Required Outdoor Area							
- Minimum area	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.
- Minimum dimension (See 33.110.235)	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

Development Standards

33.110.200 Housing Types Allowed [No change.]

33.110.212 When Primary Structures are Allowed [No change.]

33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979 [No change.]

33.110.215 Height [No change.]

33.110.220 Setbacks

A. Purpose. [No change.]

B. Required setbacks. The required setbacks for buildings and garage entrances are stated in Table 110-3. The walls of the garage structure are subject to the front, side, and rear building setbacks stated in Table 110-3. The minimum setbacks for institutional uses are stated in 33.110.245. Other setbacks may apply to specific types of development or situations. For example setbacks for parking areas are stated in Chapter 33.266, Parking and Loading, special setbacks in the Laurelhurst and

Language to be **added** is underlined
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Eastmoreland subdivisions are stated in Chapter 33.540, and special street setbacks are stated in Chapter 33.288.

C. Extensions into required building setbacks. [No change.]

D. Exceptions to the required setbacks.

1. Setback averaging. [No change.]
2. Flag lots. [No change.]
3. Environmental zone. [No change.]
4. Steeply sloping lots. [No change.]
5. Established building lines. [No change.]
6. Split zoning. ~~Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setback is required from that lot line.~~ No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
7. Land divisions with existing development. In the R7, R5, and R2.5 zones, the minimum setback between an existing building and a side lot line along a proposed right-of-way or tract may be reduced to three feet. Eaves on an existing building may extend one foot into the reduced setback. This setback reduction is allowed when proposed as part of a land division.
8. Alley. No side, rear, or garage entrance setback is required from a lot line abutting an alley.

33.110.235 Required Outdoor Areas

A. Purpose. [No change]

B. Required outdoor area sizes. The minimum sizes of required outdoor areas per dwelling unit are stated in Table 110-3. The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.

C. Requirements.

1. The required outdoor area must be a contiguous area and may be on the ground or above ground.
2. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.
3. General landscaped areas which are included as part of the required outdoor area may extend into the required side and rear building setback, but the required outdoor area may not be located in the front building setback.

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33.110.240 Alternative Development Options

- A. Purpose.** [No change]
- B. General requirements for all alternative development options.**
[No change]
- C. Attached housing.** Attached housing allows for more efficient use of land and for energy-conserving housing.
1. R20 through R5 zones. [No change]
 2. R2.5 zone.
 - a. Density and lot size. The density and minimum lot dimension standards are stated in Chapter 33.611, Lots in the R2.5 Zone, apply.
 - b. Number of units. Up to eight attached houses may have common walls. Structures made up of nine or more attached houses are prohibited.
 - c. Building setbacks.
 - (1) Perimeter building setbacks. The front, side, and rear building setbacks around the perimeter of an attached housing project are those of the base zone.
 - (2) Interior building setbacks. The side building setback on the side containing the common wall is reduced to zero.
 - (3) Corner lots. On corner lots either the rear setback or nonstreet side setback may be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback. See Figure 110-8.
 - d. Landscape standards. [No change]
- D. Duplex in R2.5 zone.** [No change]

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CHAPTER 33.120 MULTI-DWELLING ZONES

EXISTING TABLE

This is the existing table. See the bracketed notes after each footnote for information on how the footnote was addressed.

Table 120-3 Development Standards in Multi-Dwelling Zones [1]						
Standard	R3	R2	R1	RH	RX	IR
Maximum Density (See 33.120.205)	1 unit per 3,000 sq. ft. of site area [2,3]	1 unit per 2,000 sq. ft. of site area [2,3]	1 unit per 1,000 sq. ft. of site area [2,3]	FAR of 2 to 1 [3,4]	FAR of 4 to 1	FAR of 2 to 1 [3,4,12]
Minimum Density (See 33.120.205)	1 unit per 3,750 sq. ft. of site area [5]	1 unit per 2,500 sq. ft. of site area [5]	1 unit per 1,450 sq. ft. of site area [6]	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	none
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft. [7]	25/65 ft. [4,13]	100 ft.	75 ft. [4]
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. [15], [16] - Garage entrance setback [9], [16] (See 33.120.220)	10 ft. -- [14] 5-14 ft. [8] 18 ft.	10 ft. -- [14] 5-14 ft. [8] 18 ft.	3 ft. 3 ft. [14] 5-14 ft. [8] 5/18 ft.[10]	0 ft. 0 ft.[14] 5-14 ft. [8] 5/18 ft.[10]	0 ft. 0 ft.[14] 0 ft. 5/18 ft.[10]	1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.
Max. Building Coverage (See 33.120.225)	45% of site area	50% of site area	60% of site area	85% of site area	100% of site area	70% of site area
Max. Building Length (See 33.120.230)	none	100 ft.[11]	100 ft [11]	none	none	none
Min. Landscaped Area (See 33.120.235)	35% of site area	30% of site area	20% of site area	15% of site area	none	20% of site area
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	No	No	No

Notes:

- [1] These standards may be superseded by the regulations of an overlay zone, plan district, or the alternative development options in 33.120.270. **[Already in 33.700.070]**
- [2] The density may be increased if allowed by the amenity bonus regulations in 33.120.265. **[Already in this section]**
- [3] The density may be increased if allowed by the regulations in Chapter 33.229, Elderly and Disabled High Density Housing. **[Already in this chapter]**
- [4] The maximum FAR is 4 to 1 in the areas shown on Maps 120-3 through 120-26. **[Added to 33.120.205.B, Maximum density]** In the areas where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 ft. of a transit station, where the maximum height is 100 ft. **[Added to 33.120.215.B, Maximum height]**
- [5] If maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit. **[Added to 33.120.205.C, Minimum density]**
- [6] If the site is less than 10,000 sq. ft. in area, the minimum density is 1 unit per 2,000 sq. ft. **[Added to 120.205.C, Minimum density]**
- [7] The 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line. **[Added to 33.120.215.B, Maximum height]**

RECOMMENDED ZONING CODE LANGUAGE - Item 2

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~

- [8] See Table 120-4. **[Added to table]**
- [9] The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks. **[Added to 33.120.220.E.2, Garage entrance and structure parking setbacks]** This setback also applies to structured parking that does not allow exiting in a forward motion. **[Already in 33.120.220.E.3, Garage entrance and structured parking setbacks]**
- [10] The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may not be closer to the property line than the front façade of the residential portion of the building. **[Added to 33.120.220.E.2, Garage entrance and structure parking setbacks]**
- [11] The 100 ft. limit applies only to the portions of a building located within 30 feet of a street property line. **[Added to 33.120.230.B, Minimum building setbacks]**
- [12] In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone. **[Added to 33.120.205.B, Maximum density]**
- [13] The 25 foot height limit applies only to sites where the FAR is 2:1. On those sites, the 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line. **[Added to 33.120.215.B, Maximum height]**
- [14] Where no street building setback is indicated, the front, side, and rear setbacks apply. Where a street setback is indicated, it supersedes front, side, and rear setbacks if the front, side, or rear lot line is also a street lot line. **[Added to 33.120.220.B, Minimum building setbacks]**
- [15] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.120.220.B.1.c. **[Replace text in old 33.120.220.B.1.c with this standard in new 33.120.220.B.2.c]**
- [16] No setback is required from a lot line abutting an alley. **[Added side and rear setback standard to 33.120.220.B.2.d and garage entrance standard to 33.120.220.E.2.b(2)]**

NEW TABLE

Table 120-3 Summary of Development Standards in Multi-Dwelling Zones						
Standard	R3	R2	R1	RH	RX	IR
Maximum Density (See 33.120.205)	1 unit per 3,000 sq. ft. of site area	1 unit per 2,000 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	FAR of 2 to 1 <u>or</u> 4 to 1	FAR of 4 to 1	<u>See</u> 120.205
Minimum Density (See 33.120.205)	1 unit per 3,750 sq. ft. of site area	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	none
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft.	25/65/75/ 100 ft.	100 ft.	75/100 ft.
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. - Garage entrance setback (See 33.120.220)	10 ft. -- <u>See Table</u> 120-4 18 ft.	10 ft. -- <u>See Table</u> 120-4 18 ft.	3 ft. 3 ft. <u>See Table</u> 120-4 5/18 ft.	0 ft. 0 ft. <u>See Table</u> 120-4 5/18 ft.	0 ft. 0 ft. 0 ft. 5/18 ft.	1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.
Max. Building Coverage (See 33.120.225)	45% of site area	50% of site area	60% of site area	85% of site area	100% of site area	70% of site area

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Max. Building Length (See 33.120.230)	No	Yes	Yes	No	No	No
Min. Landscaped Area (See 33.120.235)	35% of site area	30% of site area	20% of site area	15% of site area	none	20% of site area
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	No	No	No

No changes are made to this table.

Table 120-4 Minimum Side and Rear Setbacks for R3, R2, R1, and RH Zones	
If the area of the plane of the building wall is: [1]	The required side and rear setback is:
1,000 sq. ft. or less	5 ft.
1,001 to 1,300 sq. ft.	6 ft.
1,301 to 1,600 sq. ft.	7 ft.
1,601 to 1,900 sq. ft.	8 ft.
1,901 to 2,200 sq. ft.	9 ft.
2,201 to 2,500 sq. ft.	10 ft.
2,501 to 2,800 sq. ft.	11 ft.
2,801 to 3,100 sq. ft.	12 ft.
3,101 to 3,400 sq. ft.	13 ft.
3,401 sq. ft. or greater	14 ft.

Notes:

- [1] Measurement of the area of the plane of the building wall is described in Chapter 33.930, Measurements.

Development Standards

33.120.200 Housing Types Allowed

[No change.]

33.120.205 Density

A. Purpose. [No change.]

B. Maximum density. The maximum densities for the multi-dwelling zones are stated in Table 120-3. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.

1. In RH and IR zones, the maximum FAR is 4 to 1 in the areas shown on Maps 120-3 through 120-26. In all other areas the maximum FAR is 2 to 1.
2. In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone.

C. Minimum density. The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Land within an Environmental zone may be

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subtracted from the calculation of minimum density. A site that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the site which bring the site closer to conformance without coming all the way into conformance.

1. In R3 and R2 zones, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
2. In the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.

D. Floor area ratio. [No change.]

E. Transfer of density or FAR. [No change.]

33.120.210 Development on Lots and Lots of Record

[No change]

33.120.215 Height

A. Purpose. [No change.]

B. Maximum height. The maximum heights allowed in the multi-dwelling zones are stated in Table 120-3. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions, below.

1. In the R1 zone, the 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line.
2. In the RH zone, where the FAR is 2:1 the maximum height is 25 feet. On those sites, the 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line. Where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station, where the maximum height is 100 feet.
3. In the IR zone, where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station, where the maximum height is 100 feet.

C. Exceptions to the maximum height. [No change.]

33.120.220 Setbacks

A. Purpose. [No change.]

B. Minimum Bbuilding setbacks standard. The required minimum ~~or maximum~~ building setbacks, if any, ~~are stated in Tables 120-3 and 120-4, and apply to all buildings and structures on the site except as specified in this section. Transit street setbacks apply only to buildings.~~ Where no street setback is indicated in Table 120-3, the front, side, and rear setbacks apply. Where a street setback is indicated in Table 120-3 it supersedes front, side, and rear setbacks if the front,

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side, or rear lot line is also a street lot line. Setbacks for parking areas are in Chapter 33.266.

1. Generally. The required minimum building setbacks, if any, are stated in Tables 120-3 and 120-4.

~~2.1.~~ Exceptions to the required building setbacks.

- a. Setback averaging. The minimum front building setback and the setback of decks, balconies, and porches may be reduced, but not increased, to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.
- b. Environmental zone. The required minimum front and street building setback and garage entrance setback may be reduced to zero where any portion of the site is in an environmental overlay zone. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to zero.
- c. Split zoning. ~~Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.~~
- d. Alley. No side or rear building setback is required from a lot line abutting an alley.
- ~~d. Detached accessory structures. The maximum building setbacks do not apply to detached accessory structures. The street facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 120-3.~~

C. Maximum building setbacks.

- 1. Building setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Tables 120-3 and 120-4, and apply only ~~The maximum setback standards of this paragraph apply to~~ buildings that are enclosed on all sides. The building setbacks on a transit street or in a Pedestrian District are as follows:
 - a. Measurement. [No change.]
 - b. Standards. [No change.]
 - c. Outside a Pedestrian District. [No change.]
 - d. In a Pedestrian District. [No change.]
 - e. ~~Exemption. Flag lots are exempt from the maximum setback standards of this paragraph.~~

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2. Exemptions.

- a. Flag lots. Flag lots are exempt from the maximum setback standards of this section.
- b. Detached accessory structures. Detached accessory structures are exempt from the maximum setback standards of this section. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 120-3.

D.C. Extensions into required building setbacks. [No change.]

E.D. Garage entrance and structured parking setback.

1. Purpose. [No change.]
2. The required Garage entrance setback. The garage entrance setback is stated in Table 120-3. See Chapter 33.910, Definitions, for a description. The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks.
 - a. In R1, RH, and RX zones, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line. If the garage entrance is located within 5 feet of the front lot line, it may not be closer to the lot line than the front façade of the residential portion of the building.
 - b. Exceptions.
 - (1) The garage entrance setback may be reduced to the average of the garage entrance setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
 - (2) No setback is required from a lot line abutting an alley.
3. Setbacks for structured parking. The setback also applies to structured parking that does not allow exiting in a forward motion. Structured parking that does allow exiting in a forward motion is subject to the setback requirements for buildings. Structured parking that does not allow exiting in a forward motion is subject to the garage entrance setback standard stated in Table 120-3.
3. ~~Exception. The garage entrance setback may be reduced to the average of the garage entrance setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~

33.120.225 Building Coverage

[No change]

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33.120.230 Building Length

A. Purpose. [No change.]

B. Maximum building length. In R2 and R1, the maximum building length for the portion of buildings located within 30 feet of a street lot line is stated in Table 120-3 100 feet.

CHAPTER 33.130 COMMERCIAL ZONES

EXISTING TABLE

This is the existing table. See the bracketed notes after each footnote for information on how the footnote was addressed.

Table 130-3 Development Standards [1]								
Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Maximum FAR [2] (see 33.130.205)	.75 to 1	.75 to 1	.75 to 1	2 to 1	1 to 1 [3]	3 to 1	3 to 1	4 to 1
Maximum Height (see 33.130.210)	30 ft.	30 ft.	30 ft.	45 ft.	45 ft.	45 ft.	45 ft.	75 ft.
Min. Building Stbks (see 33.130.215)								
Street Lot Line	0	0	0	0	0	0	0	0
Garage Entrance Setback (12) (see 33.130.250)	5/18 ft.	5/18 ft.	5/18 ft.	5/18 ft.	5/18 ft.	5/18 ft.	5/18 ft.	5/18 ft.
Lot Line Abutting an OS, RX, C, E, or I Zone Lot	0	0	0	0	0	0	0	0
Lot Line Abutting other R Zoned Lot [9]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]
Max. Building Stbks (see 33.130.215)								
Street Lot Line	None	None	None	None	10 ft. [5] [6]	10 ft. [5] [6]	None	None
Transit Street or Pedestrian District	10 ft.	10 ft.	10 ft.	10 ft.			10 ft.	10 ft.
Building Coverage [10] (see 33.130.220)	Max. of 85% of site area	Max. of 65% of site area	Max. of 50% of site area	Max. of 65% of site area	Min. of 50% of site area [11]	Min. of 50% of site area [11]	Max. of 85% of site area	No Limit
Min. Landscaped Area (see 33.130.225)	15% of site area	15% of site area	15% of site area	15% of site area	None	None	15 % of site area	None
Landscaping Abutting an R Zoned Lot [7] (see 33.130.215.B.)	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3
Ground Floor Window Stds. Apply (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pedestrian Requirements (see 33.130.240)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

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Required parking [8]	None Required	Yes	None Required	Yes	None Required	None Required	Yes	None Required
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Notes:

- [1] Plan district or overlay zone regulations may supersede these standards. **[Already in 33.700.070 General Rules for Application of the Code Language]**
- [2] The FAR limits apply to nonresidential development. Additional floor area is allowed for residential development. See 33.130.205 and 33.130.253. **[Already in these sections]**
- [3] For special restrictions on certain nonresidential development, see 33.130.253. **[Added to table]**
- [4] See Table 130-4. **[Added to table]**
- [5] At least 50 percent of the length of the ground level street-facing facade of buildings must be within 10 feet of the street lot line. If the site has three or more block frontages, this standard only applies to two frontages. **[Added to new 33.130.215.C.1.b, Maximum building setbacks]**
- [6] For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the standards of 33.130.215.B.1.a(3) is included as part of the ground level, street-facing facade of the building. **[Added to new 33.130.215.C.1.c, Maximum building setbacks]**
- [7] Does not apply to lot lines that abut a lot in the RX zone. **[Moved to new 33.130.215.B.1, Minimum building setbacks, and added "or none" to table]** Landscaping is not required where buildings abut a lot line. **[Added to new 33.130.215.B.1, Minimum building setbacks]**
- [8] This part of the table is for general information purposes only; see Chapter 33.266, Parking and Loading, for the specific standards. **[Delete footnote]**
- [9] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.130.215.B.2.b. **[Replace text in old 33.130.215.B.2.b with this standard in new 33.130.215.B.2.d, Minimum building setbacks]**
- [10] For attached houses, the building coverage of the base zone applies to the entire site. The maximum building coverage for an individual lot is 5 percent more than the base zone allowance. **[Added to new 33.130.220.B.1, Building coverage]**
- [11] This standard does not apply where any portion of the site is in an environmental overlay zone. **[Added to new 33.130.220.B.2, Building coverage]**
- [12] This standard applies to houses, attached houses, manufactured homes and duplexes. See 33.130.250.E. **[Already in this section]**

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NEW TABLE

Table 130-3 Summary of Development Standards in Commercial Zones								
Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Maximum FAR (see 33.130.205)	.75 to 1	.75 to 1	.75 to 1	2 to 1	1 to 1 <u>See</u> <u>33.130.253</u>	3 to 1	3 to 1	4 to 1
Maximum Height (see 33.130.210)	30 ft.	30 ft.	30 ft.	45 ft.	45 ft.	45 ft.	45 ft.	75 ft.
Min. Building Stbks (see 33.130.215) Street Lot Line or Lot Line Abut- ting an OS, RX, C, E, or I Zone Lot	0	0	0	0	0	0	0	0
Lot Line Abut- ting other R Zoned Lot	<u>See Table</u> <u>130-4</u>	<u>See Table</u> <u>130-4</u>	<u>See Table</u> <u>130-4</u>	<u>See Table</u> <u>130-4</u>	<u>See Table</u> <u>130-4</u>	<u>See Table</u> <u>130-4</u>	<u>See Table</u> <u>130-4</u>	<u>See Table</u> <u>130-4</u>
Garage Entrance Setback (see 33.130.250.E)	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft
Max. Building Stbks (see 33.130.215) Street Lot Line Transit Street or Pedestrian District	None 10 ft.	None 10 ft.	None 10 ft.	None 10 ft.	10 ft. <u>None</u>	10 ft. <u>None</u>	None 10 ft.	None 10 ft.
Building Coverage (see 33.130.220)	Max. of 85% of site area	Max. of 65% of site area	Max. of 50% of site area	Max. of 65% of site area	Min. of 50% of site area	Min. of 50% of site area	Max. of 85% of site area	No Limit
Min. Landscaped Area (see 33.130.225)	15% of site area	15% of site area	15% of site area	15% of site area	None	None	15 % of site area	None
Landscaping Abutting an R Zoned Lot (see 33.130.215.B.)	5 ft. @ L3 <u>or none</u>	5 ft. @ L3 <u>or none</u>	5 ft. @ L3 <u>or none</u>	5 ft. @ L3 <u>or none</u>	5 ft. @ L3 <u>or none</u>	5 ft. @ L3 <u>or none</u>	5 ft. @ L3 <u>or none</u>	5 ft. @ L3 <u>or none</u>
Ground Floor Window Stds. Apply (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pedestrian Requirements (see 33.130.240)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Required parking <u>[see 33.266]</u>	None Req'd	Yes	None Req'd	Yes	None Req'd	None Req'd	Yes	None Req'd

No changes are made to this table.

Table 130-4 Minimum Building Setbacks From Residential Zone Lot Lines [1]		
Height of the building wall	Lots abutting a side lot line of an R zone lot	Lots abutting a rear lot line of an R zone lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes:

[1] Does not apply to lot lines that abut lots in the RX zone.

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Development Standards

33.130.200 Lot Size [No change.]

33.130.205 Floor Area Ratio

- A. **Purpose.** [No change.]
- B. **FAR standard.** The floor area ratios are stated in Table 130-3 and apply to all nonresidential development. Floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits.
- C. **Transfer of FAR from Landmarks.** [No change.]

33.130.210 Height [No change.]

33.130.215 Setbacks

- A. **Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.
- B. **Minimum building setbacks.** The minimum building setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.
 - 1. Generally. There is no required minimum building setback.
 - 2. Exceptions.
 - a. Lot line abutting R-zoned lot, except RX. The required minimum building setbacks along a lot line abutting an R-zoned lot, except RX, are stated in Table 130-4. Minimum required building setbacks much include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.
 - b. Garage entrance setback. See 33.130.250.E for the required garage entrance setback for garages accessory to houses, manufactured homes, duplexes, and attached houses.
 - c. Setback averaging. The required minimum setback from a street lot line for buildings, decks, balconies, and porches may be reduced, but not

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increased, to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

- d. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

3. Minor projections of features attached to buildings.

- a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:

- (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;
- (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
- (3) Bays and bay windows must cantilever beyond the foundation of the building; and
- (4) The bay may not include any doors.

- b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:

- (1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;
- (2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;
- (3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
- (4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.

- c. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.

4. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in

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33.130.270 below. Sign regulations are in Title 32, Signs and Related Regulations.

C.B. Maximum Bbuilding setbacks standard. Except as provided in Subsection D. below, the ~~The required minimum and maximum allowed building setbacks, if any, are stated in Table 130-3. The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.~~

1. Sites in the CS and CM zones.

- a. Where these standards apply. The regulations of this paragraph apply to sites in the CS and CM zones.
- b. Standard. The maximum building setback is 10 feet. At least 50 percent of the length of the ground level street-facing façade of buildings must be within 10 feet of the street lot line. If the site has three or more block frontages, this standard only applies to two frontages.
- c. Exception. For buildings where all the floor area is in residential use, the street-facing façade of an open porch that meets the standards of 33.130.215.C.2.b(3) is included as part of the ground level, street-facing façade of the building.

2.1. Building setbacks on a transit street or in a Pedestrian District for sites in the CN, CO, CG, and CX zones. ~~The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides. These setback standards apply to all zones outside the Central City plan district. Inside the Central City plan district, these standards apply to all zones except the CX zone. The maximum building setbacks on a transit street or in a Pedestrian District are as follows:~~

- a. Where these standards apply. The regulations of this paragraph apply to sites in the CN, CO, and CG zones, and to the CX zone outside the Central City plan district..

b.a. Measurement.

(1) – (2) [No change.]

- (3) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:

- For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
- The porch must have at least one entrance facing the street; and
- The porch must have a roof that is:

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- No more than 12 feet above the floor of the porch; and
- At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

~~c.b.~~ Standards. [No change.]

~~d.e.~~ Outside a Pedestrian District. [No change.]

~~e.d.~~ In a Pedestrian District. [No change.]

~~2. Exceptions to the required building setbacks.~~

- ~~a. Setback averaging. The required minimum setback from a street lot line for buildings, decks, balconies, and porches may be reduced, but not increased, to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~
- ~~b. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.~~

~~3.e. Exception. Detached accessory structures. The maximum building setbacks do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-3.~~

~~3. Lot lines abutting a residential zone. Minimum required building setbacks along lot lines that abut lots in residential zones, except the RX zone, must include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening.~~

D.C. Alternative maximum setback option for large retailers.

[No change.]

D. Extensions into required building setbacks.

~~1. Minor projections of features attached to buildings.~~

- ~~a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:~~

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- ~~(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;~~
- ~~(2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;~~
- ~~(3) Bays and bay windows must cantilever beyond the foundation of the building; and~~
- ~~(4) The bay may not include any doors.~~
- b. ~~Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:~~
 - ~~(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;~~
 - ~~(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street facing façade of a building may fully extend into a street setback;~~
 - ~~(3) Uncovered decks and stairways that are no more than 2 1/2 feet above the ground may fully extend into a required building setback; and~~
 - ~~(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2 1/2 feet above the average sidewalk elevation may fully extend into a required building setback.~~
- c. ~~Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.~~
2. ~~Detached accessory structures. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below. Sign regulations are in Title 32, Signs and Related Regulations.~~

33.130.220 Building Coverage

- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. In the CM and CS zones, the required minimum building coverage standards promote development which will support the built-up, urban character of these zones. In the CN2 and CO1 zones, the standards promote buildings at a scale compatible with surrounding residential development.

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B. Building coverage standards. The maximum or minimum building coverage standards are stated in Table 130-3 and apply to all buildings and covered structures.

1. Attached houses. For attached houses, the building coverage of the base zone applies to the entire site. The maximum building coverage for individual lots is 5 percent more than the base zone allowance.
2. CS and CM zones. In CS and CM zones, where any portion of the site is in an environmental overlay zone, the minimum building coverage standard does not apply..

33.130.250 General Requirements for Residential and Mixed-Use Developments

A. – D. [No change.]

E. Garages.

1. Purpose. [No change.]
2. Where these standards apply. The requirements of Paragraphs E.3, E.4 and E.5, below, apply to houses, manufactured homes, and duplexes. The requirements of Paragraphs E.4 and E.5, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Length of street-facing garage wall. [No change.]
4. Street lot line setbacks. [No change.]
5. Garage entrance setback. The required garage entrance setback is stated in Table 130-3. The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

RECOMMENDED ZONING CODE LANGUAGE – Item 2

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**CHAPTER 33.140
 EMPLOYMENT AND INDUSTRIAL ZONES**

EXISTING TABLE

This is the existing table. See the bracketed notes after each footnote for information on how the footnote was addressed.

Table 140-3 Development Standards [1]						
Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot [4]	0 to 14 ft. [2]	15 ft.	0 to 14 ft. [2]	0 to 14 ft. [2]	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No
Min. Landscaping Abutting an R zoned lot (see 33.140.215.B.)	5 ft. @ L3 [3]	10 ft. @ L3	5 ft. @ L3 [3]	5 ft. @ L3 [3]	10 ft. @ L3	10 ft. @ L3

Notes:

- [1] Plan district regulations may supersede these standards. **[Already in 33.700.070 General Rules for Application of the Code Language]**
- [2] See Table 140-4. **[Added to table]**
- [3] For building setbacks of 5 feet or less, landscaping is required for the entire depth of the setback. However, no landscaping is required when buildings abut a lot line. **[Added to 33.140.215.B.2]**
- [4] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.140.215.B.3.b. **[Replace text in old 33.140.215.B.3.b with this standard in new 33.140.215.B.3.b]**

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NEW TABLE

Table 140-3 Development Standards						
Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	<u>See Table 140-4</u>	15 ft.	<u>See Table 140-4</u>	<u>See Table 140-4</u>	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No
Min. Landscaping Abutting an R zoned lot (see 33.140.215.B.)	5 ft. @ L3 [3]	10 ft. @ L3	5 ft. @ L3 [3]	5 ft. @ L3 [3]	10 ft. @ L3	10 ft. @ L3

No changes are made to this table.

Table 140-4 Minimum Building Setbacks From Residential Zone Lot Lines [1]		
Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes:

[1] Does not apply to lot lines that abut lots in the RX zone.

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Development Standards

33.140.200 Lot Size [No change.]

33.140.205 Floor Area Ratio [No change.]

33.140.210 Height [No change.]

33.140.215 Setbacks

A. Purpose. The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

B. Minimum building setbacks ~~The setback standards.~~ ~~The required building setbacks are stated in Table 140-3.~~ The setback standards apply to all buildings and structures on the site except as specified in this section. ~~The building setback standards of plan districts supersede the setback standards of this chapter.~~ Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.

~~1. Setbacks from the lot line. Setbacks are measured from the lot line.~~

1. Generally. The required building setbacks are stated in Table 140-3.

2. Required landscaping in setbacks. Building setbacks on lot lines that abut lots in residential zones must include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248. Landscaping and Screening. Landscaping is not required where buildings abut a lot line.

3. Exceptions to the building setbacks.

a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

4. Minor projections of features attached to buildings.

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- a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than 3 feet from a lot line. Bays and bay windows extending into the setback also must meet the following requirements:
 - (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;
 - (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - (3) Bays and bay windows must cantilever beyond the foundation of the building; and
 - (4) The bay may not include any doors.
 - b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:
 - (1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;
 - (2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;
 - (3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
 - (4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.
 - c. Projections not allowed. Attached mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps, are allowed in a street setback but not a required setback from an abutting residential zone.
5. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below. Sign regulations are in Title 32, Signs and Related Regulations.

C. Maximum building setbacks.

- 1.2. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are

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enclosed on all sides. ~~These setback standards apply to the EG1 and EX zones. Except as provided in Subsection C. below, the building setbacks on a transit street or in a Pedestrian District are as follows:~~

- a. Where these standards apply. Except as provided in Subsection D. below, these setback standards apply to sites in the EG1 and EX zones.
 - b. ~~a.~~ Measurement. [No change.]
 - c. ~~b.~~ Standards. [No change.]
 - d. ~~c.~~ Outside a Pedestrian district. [No change.]
 - e. ~~d.~~ In a Pedestrian District. [No change.]
 - e. ~~Exemption. Flag lots are exempt from the maximum setback standards of this paragraph.~~
2. Exemption. The maximum building setbacks do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.
3. ~~Exceptions to the building setbacks.~~
- a. ~~Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~
 - b. ~~Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.~~
 - c. ~~Detached accessory structures. The maximum building setbacks do not apply to detached accessory structures. The street facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.~~
4. ~~Lot lines abutting a residential zone. Building setbacks on lot lines that abut lots in residential zones must include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening.~~

D.C. Alternative maximum setback option for large retailers. [No change.]

D. Extensions into required building setbacks.

- 1. ~~Minor projections of features attached to buildings.~~
 - a. ~~Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required~~

Language to be **added** is underlined
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~~building setback up to 20 percent of the depth of the setback. However, in no case may they be less than 3 feet from a lot line. Bays and bay windows extending into the setback also must meet the following requirements:~~

- ~~(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;~~
- ~~(2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;~~
- ~~(3) Bays and bay windows must cantilever beyond the foundation of the building; and~~
- ~~(4) The bay may not include any doors.~~

~~b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:~~

- ~~(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;~~
- ~~(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;~~
- ~~(3) Uncovered decks and stairways that are no more than 2 1/2 feet above the ground may fully extend into a required building setback; and~~
- ~~(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2 1/2 feet above the average sidewalk elevation may fully extend into a required building setback.~~

~~c. Projections not allowed. Attached mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps, are allowed in a street setback but not a required setback from an abutting residential zone.~~

~~2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below. Sign regulations are in Title 32, Signs and Related Regulations.~~

IV. Amendments to Title 1, General Provisions

The amendments to Title 1, General Provisions, are in this section. The next page contains commentary about the amendments; code language is on the facing, odd-numbered page.

Item 33: Comprehensive Plan Map Error Procedure

1.01.037 Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.

(Note the commentary from Section of 33.810.080 of the Zoning Code is included here to provide you with some background.)

33.810.080 Corrections to the Comprehensive Plan Map

A. **Mapping errors.** This amendment to 33.810.080, along with a companion amendment to Chapter 1.01 (Code Adoption), clarifies when the Planning Director may make technical, objective corrections to the Comprehensive Plan designations on the Official Zoning Maps. In 2003, Council adopted a similar amendment that clarified when the Planning Director could make technical, objective corrections to the zoning designations on the Official Zoning Maps. These corrections were limited to non-discretionary map corrections, such as:

- The line on the map differs from the legal description;
- The map does not reflect a map or description that was part of the adopting ordinance or land use decisions;
- Where there is a discrepancy and clear legislative intent as to where the line should be; or
- When the Open Space designation has been applied to property in private ownership that is not in open space use.

This amendment applies the same limitations to corrections of Comprehensive Plan designations.

1.01.037 Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.

(Added by Ordinance No. 177422, effective June 7, 2003.) Subject to the approval of the City Attorney, the Director of the Bureau of Planning shall have the authority to correct the Comprehensive Plan Map and Portland Zoning maps, including the City's Official Zoning Map:

- A.** When a map line does not match the legal description or map referenced in the ordinance or approved land use decision that applied the designation; or
- B.** When there is a discrepancy between maps and there is clear legislative intent for where the line should be located; or
- C.** When the Open Space zone has been applied to property in private ownership that is not in an open space use, or is not receiving special tax considerations because of its status as open space.

Comprehensive Plan and Zoning map corrections initiated under this Section must be clear and objective. Discretionary map corrections must be processed under the procedures set forth in Sections 33.810.080 and 33.855.070.

Appendix A

Summary of Regulatory Improvement Workplan

On June 26, 2002, the Portland City Council approved Resolution 36080, which sought to “update and improve City building and land use regulations that hinder desirable development.” This was the beginning of the Council’s charge to build an effective process of continuously improving the City’s code regulations, procedures, costs and customer service. The resolution also directed that a procedure be formulated to identify both positive and negative impacts of proposed regulations. This Impact Assessment is now conducted as part of all projects where changes to City regulations are considered.

In August 2003, Council assigned ongoing responsibility for coordination of the implementation of the Regulatory Improvement Workplan (RIW) to the Bureau of Planning and the Bureau of Development Services. To develop the future workplans, the two bureaus established a process for selecting items. The process includes the following:

- An online database of potential amendments and improvements to the Zoning Code. These are items suggested by City staff, citizens, and others;
- The Regulatory Improvement Stakeholder Advisory Team (RISAT); and
- Presenting the Planning Commission with future workplan lists at the same time as proposed code language for the current workplan.

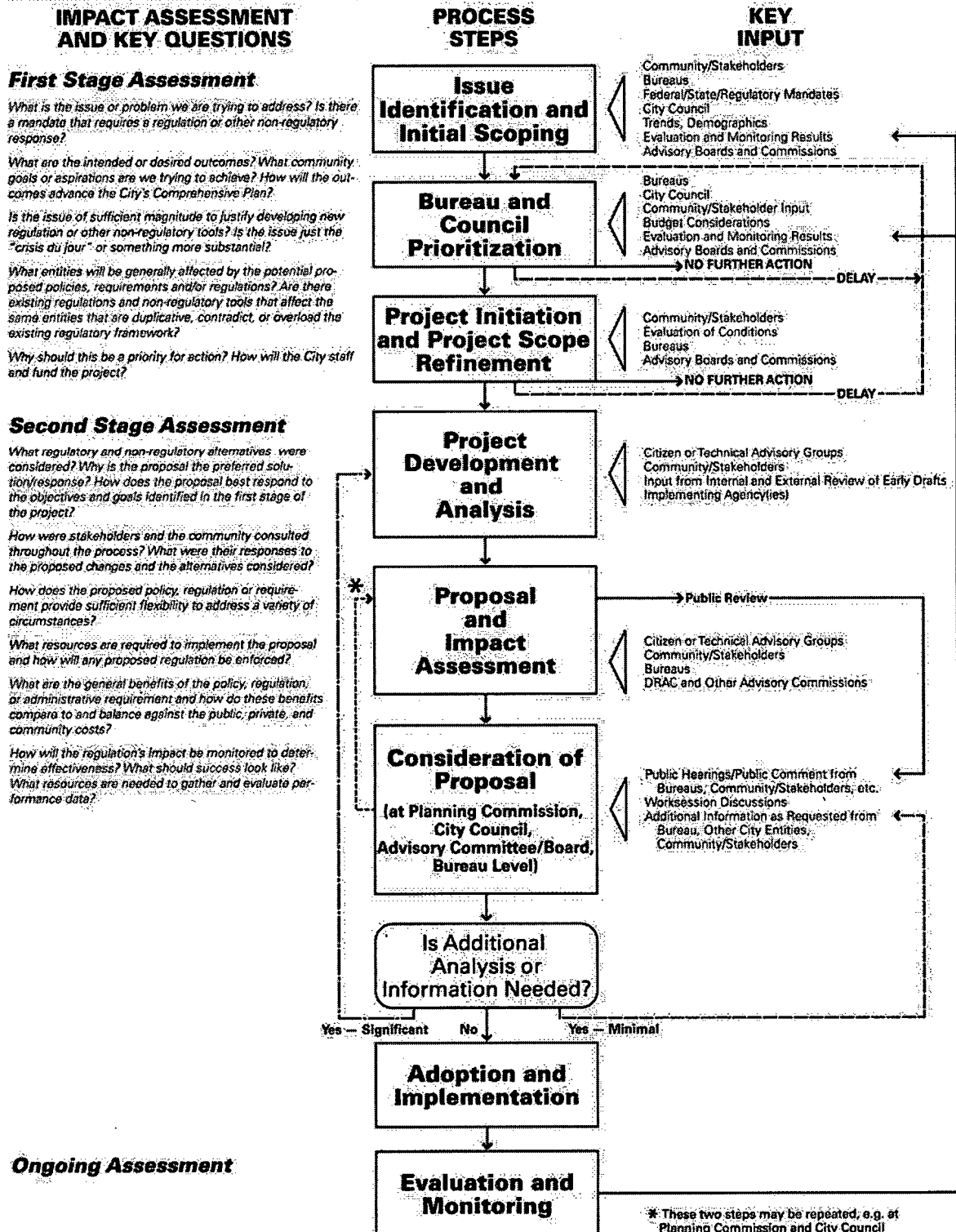
Both bureaus periodically review potential amendments and improvements to the Zoning Code and, with the assistance of the RISAT, rank the amendments and propose a workplan for the next package. The packages are called Regulatory Improvement Code Improvement Package (RICAP) 1, RICAP 2, and so on. This list of potential amendments is reviewed and adopted by the Planning Commission at a public hearing. The list selected for each package is not a list of amendments, but of issues and areas that will be researched and analyzed; each issue may or may not result in amendments to the code.

After Planning Commission adopts the workplan for the next RICAP package, the Planning Bureau, with assistance from the Bureau of Development Services, develops information and a recommendation on each issue. If an amendment to the Zoning Code is recommended, they also develop code language.

As with all projects that amend the Zoning Code, notice is sent to interested parties and all neighborhood and business associations. Open houses and public meetings are held when warranted. The Planning Commission holds a public hearing on the proposed amendments to the Code, as does City Council.

Appendix B

Model Process for Consideration and Assessment of Land Use and Development Actions



Appendix C

Stormwater Outfall Environmental Development Standards Monitoring Report and Recommendation

Summary: When the *Environmental Code Improvement Project* was adopted by Council in September 2005, staff were directed to monitor the new stormwater outfall development standards because of a concern about increased outfalls in streams. The standards will sunset in October 2007 without additional Council Action. The results of the monitoring effort indicate that there may be a slight increase in the number of outfalls being directed to streams. Staff recommends that the monitoring continue for another 2 years. Staff also recommends that the sunset clause be deleted from the Code and a directive to continue the monitoring be placed in the ordinance. A minor change to the zoning code language is also recommended; see Item 21, Environmental Stormwater Outfall Exemption

Introduction

This monitoring report fulfills a City Council directive to monitor new environmental development standards and report to Council with findings. The standards became effective in September 2005 as part of the *Environmental Code Improvement Project*. The intent of the new development standards is to provide a “streamline” review process for a small subset of stormwater outfall projects that can meet limited size and disturbance area standards, such as those typically found in new single-family development projects.

At the City Council hearing for the *Environmental Code Improvement Project* in 2005, citizens expressed concern about adoption of the new stormwater standards. The biggest concern was that the standards would lead to an increase in the number of stormwater outfalls directed into streams. To address this concern, the City Council directed staff to monitor the use of the standards for 2 years and report back to Council with a recommendation. At the end of the 2-year timeframe, the standards are scheduled to sunset unless the sunset clause is repealed by Council.

Background

Stormwater systems are designed to improve the quality and manage the quantity of stormwater runoff. Stormwater management facilities include vegetated and sand filters, wet or dry ponds, created wetlands, marshes, infiltration facilities, underground storm sewer devices, conveyance pipelines, and outfalls. An outfall is the open end of a drain, pipe, or drainage channel where discharge is concentrated and energy dissipation can occur. Outfalls can include discharge points from stormwater management facilities, constructed open channels, and vegetated swales. An outfall typically discharges to a natural drainage, such as a stream or river, to a water quality feature such as a constructed wetland, or to a City maintained drainage ditch.

The construction and placement of a new outfall creates new disturbance on a site, and it is the new disturbance that triggers environmental review. Outfall pipes are generally buried beneath the surface of the ground with the end of the pipe

exposed in the bank of the water body that receives the discharge. In some situations, most of the vegetation and excavated soil is removed and replaced with new, shallow-rooted plants. In other cases, the outfall site may consist of a rocky bed above the pipe and rock armoring at the outfall end of the pipe to dissipate energy.

Prior to adoption of the *Environmental Code Improvement Project*, the environmental zoning regulations did not include development standards for new stormwater outfalls. Without standards, these kinds of proposed projects were reviewed through the environmental review process. Environmental review requires an “alternatives analysis” describing other options studied and findings that the chosen alternative has the least adverse impacts on sensitive natural resources.. Other approval criteria must also be addressed.

The Bureau of Environmental Services (BES) developed the Stormwater Management Manual (SWMM) in 1998 to provide a systematic process for review and approval of stormwater facilities for new development that creates more than 500 square feet of impervious surface. The SWMM establishes a hierarchy that guides the selection of stormwater facilities for specific sites. Application of the SWMM hierarchy also serves as an alternatives analysis, and requires the installation of on-site infiltration facilities instead of pipe outfalls where technically feasible. The hierarchy is applied during every stormwater facility permitting process. For sites where steep slopes or high ground water table presents problems, the option to direct an outfall to a stream or other natural water body may be the only safe choice. When stormwater pipes are directed into streams and other water bodies, the SWMM requires appropriate measures to address bank stabilization and erosion issues.

With adoption of the SWMM, the Bureau of Development Services (BDS) staff noticed an increase in the number of single-dwelling developments applying for environmental review in order to comply with the SWMM. BDS staff are responsible for reviewing development proposals in environmental zones, including those that propose to install a stormwater overflow into the environmental zone, typically into a stream. Because each outfall is subject to the SWMM evaluation hierarchy, requiring an additional alternatives analysis through environmental review provides little additional value to a project, but adds time and cost to project permitting.

As part of the *Environmental Code Improvement Project*, the City Council adopted environmental development standards that would apply to a narrow subset of stormwater outfall projects. The standards are intended to apply only to small development proposals like residential projects or small parking lots. BES and BDS staff verified that a 4-inch diameter pipe or smaller would be the size required for overflow from stormwater planter boxes as used in typical residential development projects or small parking lots.

The adopted development standards include:

- a maximum linear (temporary) disturbance width of 10 feet that must be revegetated,
- a tree replanting schedule,
- a slope limit if open channels or swales are proposed,

- a maximum outfall pipe size of 4-inches diameter, and
- planting requirements if a riprap pad is used.

Monitoring Process

The purpose of this monitoring process is to determine if establishing development standards for stormwater outfalls in environmental zones has resulted in more outfalls being directed to streams since the standards have been adopted.

To answer this question, staff used the City's TRACS permit database to identify development permits and environmental reviews for projects that included 4-inch stormwater outfalls. Since the idea is to compare "apples to apples", the research was focused on projects that could meet development standards if the standards had been available (e.g., 4-inch or smaller outfall pipes), and compare that number with the number of stormwater outfalls approved through the plan check process post-adoption.

Staff assessed the environmental reviews that were under consideration during the 20-month period prior to adoption of the standards to determine how many reviews included a 4-inch stormwater outfall. Then staff reviewed development permits and environmental reviews that were under consideration during the 19-month period since the regulations have been adopted. The results are compiled in the table below.

Findings

Table 1 (next page) show the results of the TRACS search for land use reviews and zoning permits for each time period described above. For example, in 2004 there were 21 environmental reviews (non-concurrent reviews*), and 5 of the reviews included a 4-inch stormwater outfall as part of an overall development proposal. One of the environmental reviews was for a 4-inch stormwater outfall only (the proposed dwelling is not within the environmental zone). All 5 cases were for single-family development proposals. Also in 2004 were 30 plan check permits with no stormwater outfall requests – because there were no development standards available at that time.

Based on the data, it appears there was a slight increase in the number of stormwater outfalls directed into streams. For the 20-month period prior to adoption of the standards there were 35 Type II environmental reviews, 38 plan checks, and 9 stormwater outfalls subject to review. For the 19-month period after adoption of the standards, the number of Type II environmental reviews slightly increased (to 37), the number of plan checks decreased (to 33) but the number of stormwater outfalls increased to 15.

It is interesting to note that some projects still need the 4-inch stormwater outfall reviewed through environmental review as indicated by the 6 environmental review cases submitted since the standards have been adopted. (Although staff did not thoroughly analyze the 6 cases, a few of them entailed additional development that did not meet other standards. When this happens, applicants can choose to apply

Table 1. Comparison of Stormwater Outfall (SWO) Reviews

Year/month Type of Review	2004/ all	2005/ jan-aug	(new regs) 2005/ sept-dec	2006/ all	2007/ jan-mar
Env review includes SWO*	5	4	3	1	2
Total Env reviews	21	14	6	23	8
Plan Check includes SWO	0	0	3	3	3
Total PC/year	30	8	9	20	4
Total SWO	5	4	6	4	5

* It should be noted that a handful of Type II EN reviews may be listed under another review type (such as CU or DZ), if a concurrent land use review is part of the application. Most land use reviews that involve more than one type of review are for larger, more complex projects that would not likely include something as small as a 4-inch outfall pipe. Staff did a random search of concurrent land use reviews for 2005 and 2006 and did not find any that involved stormwater outfall pipes of any size. Therefore, the assumption is that these cases represent a small or non-existent subset of cases with little impact on the applicability of the research, and staff did not spend addition time searching for concurrent cases.

for plan check for those parts of the project that can meet standards, and apply for environmental review for project elements that do not meet standards. However, it is less confusing to submit the entire project under one review or the other, so if the development standards can't be met for some parts of the project, the applicant frequently chooses to apply for environmental review for the whole project.)

Recommendation

Bureau of Planning staff recommend that the monitoring continue for another 2 years. Staff also recommends that the sunset clause be deleted from the Code and a directive to continue the monitoring be placed in the ordinance. Staff proposes collection of additional data such as total number of residential development permits per year, number of development permits within environmental zones, etc. so that a more complete picture of development trends can be assessed.

Staff also request one change to the adopted development standards to help clarify the intent of the regulation. The change will clarify that only one 4-inch outfall pipe is allowed per site. There have been several situations where applicants requested approval to use more than one 4-inch pipe as a way to meet the standard, when a larger pipe would have been required. Because the standards were developed for a very narrow subset of projects, using multiple 4-inch pipes as a way around the regulation would not be in the spirit of the original purpose.

Appendix D

RICAP 3 Workplan: List of Items

This list contains all the issues that were analyzed during the RICAP 3 process. For several of the items, the recommendation was to make no amendment. For additional information on these items, see *RICAP 3: Proposed Draft Report*, dated June 22, 2007.

RICAP 3 Workplan: List of Items (sorted by item number)

Item #	Item Name	Proposed Amendment	Zoning Code Section
1	Setbacks in e-zones	Allow parking pads within the first 10 feet from a street in e-zones	33.430.140
2	Setback regulation placement in code	Eliminate footnotes in the Development Standards tables in all the base zones	33.110 33.120 33.130 33.140
3	Garages with Gambrel vs. Gable roofs	Add overall height limit for accessory structures	33.110.250 33.110.253 33.120.280 33.120.283 33.930.050 Figure 930-5
4	Larger detached garages converted in setbacks	No amendment proposed	
5	Dormers in detached accessory structures	Add provision to allow dormer in detached garage	33.110.253 33.120.283
6	Barbed Wire Fences	Correct reference to barbed wire and electric fences.	33.110.255 33.120.285 33.130.270 33.140.275
7	Neighborhood Contact Clarification for multi-dwelling and Division St	Clarify what proposals require neighborhood contact	33.120.050 33.460.310
8	Floor Area Ratio (FAR) transfer to Park Blocks	Move restriction on Park Block FAR transfers from multi-dwelling zones to Central City Plan District	33.120.205 33.510.200
9	Quick Vehicle Servicing in CN2, CX and EX zones	Clarify limitations on Quick Vehicle Servicing uses in CN2, CX and EX	33.130.100 Table 130-1 Table 140-1
10	Exterior display/storage areas in C-zones	No amendment proposed	

Appendix D- RICAP 3 Workplan: List of Items

Item #	Item Name	Proposed Amendment	Zoning Code Section
11	Landscape Buffers Community DZ stds	Reduce the buffer requirement when across a local street	33.218.110, 140
12	Plant materials technical correction	Clarify/remove old language for existing tree calculations	33.248.030
13	Nonconforming situation documentation	Expand list of standard evidence for establishing a nonconforming situation	33.258.038
14	Nonconforming upgrade clarification	No amendment proposed	
15	Parking lot landscaping and circulation from alleys	Allow direct parking stall access to alleys	33.266.130
16	Parking interior landscaping and stormwater facilities	Clarify that the area beneath the car overhang in a parking stall can be landscaped or paved	33.266.130 Figure 266-3 Figure 266-5
17	Bike Parking Fund	Clarify when payment may be made to the bike parking fund	33.266.220
18	Modifications to High School Football Fields	Make review procedures for changes to athletic fields similar to other school related uses	33.281.050 33.920.480
19	Triplex bonus in "a" overlay	Clarify language for 3-unit bonus under 'a' overlay	33.405.070
20	DZ exemptions for RF facilities	Change code to prohibit RF facilities from using rooftop mechanical equipment design exemption	33.218.110,140,150 33.420.045 33.445.140, 230, 320, 420
21	Env. Stormwater outfall exemption	Clarify the limitation of one outfall per site.	33.430.180
22	Minor modification of e-zone boundaries	No amendment proposed	
23	Pleasant Valley Stormwater outfalls	Clarify that stormwater facilities are allowed in rights-of-way within the natural resource overlay	33.465.155 33.465.165
24	Scenic Overlay upgrade triggers	Separate scenic setback requirement from nonconforming upgrades	33.480.040
25	SOWA Public Open Space \$ Trigger	Update dollar triggers to current values	33.510.205, 210, 33.560.020 33.700.075
26	Tri-Met Carpool Program in CCPD	Change reference from Tri-met to City to reflect current practice	33.510.263

Appendix D – RICAP 3 Workplan: List of Items

Item #	Item Name	Proposed Amendment	Zoning Code Section
27	Columbia South Shore e-zone land divisions	No amendment proposed	
28	Johnson Creek Basin Development Transfers	Clarify that transfers of development from sites in the floodplain are allowed	33.537.110
29	Utility Easements and Tree Preservation	Create mitigation option for trees in utility easements that can be removed by right	33.630.300
30	Appeals in Urban Pockets	No amendment proposed	
31	Neighborhood Notice Requirements	Clarify when a Neighborhood Contact is Required	See references for item 31 below
32	Neighborhood Contact requirement placement	Move the Neighborhood Contact section to Admin Chapter, correct references	33.120.050 33.218.015 33.460.310 33.660.110 33.662.110 33.664.110 33.665.200 33.700.025, 33.730.013, 035, 045, 33.825.025 33.846.060
33	Comp Plan Map Error procedure	Streamline Comp Plan and Zone Map error correction process	1.01.037 33.810.080
34	Environmental Definitions and waterbodies	Clarify that definition includes "Identified Waterbodies"	33.910.030
35	Legal lot of Record	No amendment proposed	
36	Gateway Open Area Req.	Clarify open area requirements for land divisions	33.526.240
37	Waste Related or Recycling Operations	No amendment proposed (Decision made at Planning Commission Hearing)	
38	Yard Debris Use Classification	No amendment proposed (Decision made at Planning Commission Hearing)	
39	Pleasant Valley resource zone violation	Match Pleasant Valley resource violation procedures with other e-zones	33.465.220, 230
40	Cascade Station Public Access Easement	Remove private street easement requirement	33.508.280
41	Central City prohibition on vehicle sale/display near light rail transit	Use map to define the prohibited area instead of distance measure from light rail alignment	33.510.105, 223 Map 510-18 (New)
42	Loading Spaces in Central City	Allow back-in loading spaces outright in the Central City	33.266.310



CITY OF PORTLAND, OREGON

BUREAU OF

Planning

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1102

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to Adoption and Implementation of the Regulatory Improvement Package 3 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 January 4, 2007, 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 1088.
- f. Since the adoption of Ordinance 1088, 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 and 2. 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 and 2, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 1 and 33 to Improve Land Use Regulations (PDX Ord. #181357)	11/10/07
2	Regulatory Improvement Code Amendment Package 3	8/22/07

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: November 8, 2007



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

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 1 and 33 to Improve Land Use Regulations (**PDX Ord. #181357**)
2. Regulatory Improvement Code Amendment Package 3

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. 181357

Improve land use regulations through the Regulatory Improvement Code Amendment Package 3 (RICAP 3) (Ordinance; Amend Title 1 and Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. This project is part of the Regulatory Improvement Workplan, an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as a Regulatory Improvement Code Amendment Package (RICAP), followed by a number.
2. During the Summer of 2006, staff from the Planning Bureau and the Bureau of Development Services (BDS) worked with the Regulatory Improvement Stakeholder Advisory Team (RISAT) to develop a workplan for the third Regulatory Improvement Code Amendment Package (RICAP 3). The RISAT includes participants from city bureaus and the community and advises staff. They also communicate information about each RICAP to those they represent and invite comment.
3. On October 10, 2006, the Planning Commission held a hearing to discuss and take testimony on the RICAP 3 workplan. The workplan consisted of 38 issues proposed for further research in order to find potential solutions. The Planning Commission added three items to the staff-proposed 38 issues to address resource violations in the Pleasant Valley natural resource overlay zone, access easements on private streets in the Cascade Station plan district, and vehicle sales, display and storage along the light rail alignment in the Central City plan district.
4. During the Winter of 2006 and Spring of 2007, Planning staff worked with BDS and RISAT to address the 41 issues in the workplan. In addition, another item was added later at the request of BDS to address loading spaces in the Central City plan district, for a total of 42 issues.
5. After preliminary work on all of the issues, staff determined that several items did not warrant an amendment to the code. The amendments to Title 1, General Provisions and Title 33, Planning and Zoning in RICAP 3 addressed 35 of the 42 issues initially included. Planning Commission forwarded 33 of the items to City Council.
6. On May 30, 2007, notice of the proposed RICAP 3 code amendments was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by ORS 197.610.
7. On June 22, 2007, notice was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for RICAP 3.
8. There were many comments in response to the notice; almost all were about regulations affecting recycling operations and Waste-Related Uses. The comments from a number of businesses that would be affected by these amendments, as well as from many citizens concerned about the effect of the changes on their neighborhoods, made it clear to staff that these proposed amendments were not ready for Planning Commission review.

9. On July 24, 2007, the Planning Commission held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Proposed Draft Report*. Staff presented the proposal and public testimony was received.
10. Staff recommended, and the Planning Commission agreed, to remove the amendments related to recycling operations and Waste-Related Uses from consideration as part of RICAP 3. The Planning Commission did hear public testimony on these amendments, and agreed that staff needs more time to study the recycling and waste industries, their issues, and the terminology related to them.
11. The Commission voted to recommend that City Council adopt the staff recommendation, after removing the amendments related to recycling operations and Waste-Related Uses.
12. On September 12, 2007, City Council held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Recommended Draft Report*. Staff presented the proposal and public testimony was received.
13. On September 19, 2007, Council voted to adopt the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Recommended Draft Report* and amend the Zoning Code as shown in the report.

Findings on Statewide Planning Goals

14. 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.
15. **Goal 1, Citizen Involvement**, requires the 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:
 - During 2006 and 2007, staff from Planning and BDS met monthly with the RISAT to review the selections proposed for the Regulatory Improvement Code Amendment Package 3 (RICAP 3) workplan and the proposed amendments to the Zoning Code.
 - On August 11, 2006, notice was sent to all neighborhood associations and coalitions, and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing for the RICAP 3 workplan.
 - On August 17, 2006, the *Regulatory Improvement Code Amendment Package 3 – Proposed Workplan* was published. The report was available to City bureaus and the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau's website.
 - On October 10, 2006, the Planning Commission held a public hearing on the RICAP 3 Proposed Workplan and heard testimony from citizens on the proposed issues. The Planning Commission voted to adopt the workplan, directing staff to work on code amendments on the 38 issues listed in the workplan, plus three additional items.
 - On June 22, 2007, notice was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for RICAP 3.
 - On June 25, 2007 the *Regulatory Improvement Code Amendment Package 3 Proposed Draft Report* was published. The report explained the proposed amendments to the Zoning Code. The

report was available to City bureaus and the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau's website.

- On June 29, 2007 notice was sent to all owners of property zoned CS, CG, CX, EG1, EG2, EX, IG1, IG2 and IH and to owners of 5 properties near the light rail transit alignment in the Goose Hollow subdistrict of the Central City plan district. This notice met the statutory requirements of Measure 56 requiring that property owners be notified of changes affecting the uses allowed on a property.
 - On July 24, 2007, the Planning Commission held a public hearing to discuss and take testimony on the report. Although they agreed with the staff recommendation to remove amendments related to recycling operations and Waste-Related Uses from consideration as part of RICAP 3, they did accept testimony on the subject.
 - On September 12, 2007, the City Council held a public hearing to discuss and take testimony on the recommendations from the Planning Commission.
16. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that 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 support this goal because development of the recommendations followed established city procedures for legislative actions, while also improving the clarity and comprehensibility of the City's codes.
 17. **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. Amendments addressing stormwater outfalls in environmental overlay zones support this goal by clarifying regulations without changing policy or intent. The intent of the standards for stormwater outfalls in environmental zones was to allow each site to have a single outfall pipe no larger than 4 inches in diameter. This amendment clarifies the original intent, and will prevent situations where a number of smaller pipes might be substituted for one larger pipe. In addition, these amendments will remove a sunset clause designed to automatically delete the regulations on October 1, 2007. Removal of the sunset clause will allow monitoring of the outfall standards to continue, as directed by this ordinance. Amendments that clarify regulations for radio frequency (RF) facilities in historic districts also support this goal.
 18. **Goal 7, Areas Subject to Natural Disasters and Hazards**, requires the protection of people and property from natural hazards. The amendments support this goal because they make allowance for transferring density from sites within the 100-year floodplain of Johnson Creek to sites outside the floodplain. This will encourage development to occur outside of areas subject to higher risk of natural disaster.
 19. **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 they clarify under what circumstances open spaces that provide passive and recreational opportunities are required in the Gateway Plan District.
 20. **Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments are consistent with this goal, because they do not change the policy or intent of any of the existing regulations pertaining to transportation.

The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility.

This proposal will not have a significant effect on existing or planned transportation facilities because the amendments do not result in increases in jobs, housing units, or density. For the most part, they clarify existing regulations.

Findings on Metro Urban Growth Management Functional Plan

21. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the RICAP 3 amendments.
22. **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. The amendments are consistent with this title because they do not significantly alter the development capacity of the city.
23. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. Title 3 specifically implements the Statewide Land Use Goals 6 and 7. The findings for Statewide Goal 7 are incorporated here to show that the amendments are consistent with this Title.

Findings on Portland's Comprehensive Plan Goals

24. 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, 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 statewide planning goals.
25. The following goals, policies, and objectives of the Portland Comprehensive Plan are relevant and applicable to RICAP 3.
26. **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. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination and regional goals.
27. **Policy 1.4, Intergovernmental Coordination**, requires 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 a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, Multnomah County Planning, and the Oregon Department of Land Conservation and Development.

28. **Goal 2, Urban Development**, calls for maintaining 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 support this goal because they are aimed at updating and improving the City's land use regulations and procedures that hinder desirable development. By improving regulations, the City will better facilitate the development of housing and employment uses.

29. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they do not change the policy or intent of existing regulations relating to the stability and diversity of neighborhoods. A specific amendment that supports Goal 3 is Item 3, which clarifies how building heights are measured when garages have gambrel or other more unusual roof shapes. This amendment also establishes an overall height limit for detached garages that are located within setbacks. This allows for more flexibility in the placement of structures on lots while also emphasizing compatibility with neighboring properties.
30. **Goal 5, Economic Development**, calls for the 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. All of the amendments are consistent with Goal 5 because they update and improve City land use regulations and procedures that hinder desirable development. Improving land use regulations to make them clear and easily implemented has positive effects on economic development.
31. **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 because they do not change the policy or intent of existing regulations relating to transportation.

The following amendments are directly supportive of Goal 6. See also findings for Statewide Planning Goal 12, Transportation.

- **Bike Parking Fund.** This amendment supports Goal 6 by clarifying when payment can be made into the City's bike parking fund in lieu of providing parking on-site. The fund provides an alternative at locations where it is difficult or impossible to provide bike parking on-site. Rather than waiving the requirement, this alternative allows payment into a fund that is used to construct bike parking facilities near the site.
 - **Parking lot landscaping and circulation from alleys.** By allowing parking space access directly onto an alley, this amendment encourages the use of alleys as an alternative to parking located next to a sidewalk. This is conducive to developing a streetscape that is oriented more towards pedestrians and transit users rather than cars.
32. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. Amendments addressing stormwater outfalls in environmental overlay zones support this goal by clarifying regulations without changing policy or intent. The intent of the standards for stormwater outfalls in environmental zones was to allow each site to have a single outfall pipe no larger than 4 inches in diameter. This amendment clarifies the original intent, and will prevent situations where a number of smaller pipes might be substituted for one larger pipe. In addition, these amendments will remove a sunset clause designed to automatically delete the regulations on

October 1, 2007. Removal of the sunset clause will allow monitoring of the outfall standards to continue, as directed by this ordinance.

33. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement. The amendments also support this goal by clarifying when the Neighborhood Contact requirement applies, and what steps are necessary.
34. **Goal 10, Plan Review and Administration**, includes several policies and objectives. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, directs that amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city.

All of the amendments are supportive of Policy 10.10 because they clarify and streamline many of the regulations in the Zoning Code. They also respond to identified current and anticipated problems, including barriers to desirable development, and will help ensure that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business.

35. **Goal 12, Urban Design**, calls for enhancing 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. Policy 12.3 calls for enhancing the City's identity through protection of Portland's significant historic resources. The amendment addressing exemptions for radio frequency (RF) facilities in design and historic districts supports this policy by clarifying the regulations that apply to these facilities in these districts.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft*, dated August 23, 2007;
- b. Amend Title 33, Planning and Zoning as shown in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft*, dated August 23, 2007;
- c. Amend Title 1, General Provisions, as shown in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft*, dated August 23, 2007;
- d. Adopt the commentary and discussion in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft*, dated August 23, 2007, as legislative intent and further findings;
- e. Direct staff to continue monitoring the effect of Section 33.430.180, Standards for Stormwater Outfalls, for two years. The monitoring will determine whether adoption of the standards results in a significant increase in the number of stormwater outfalls directed into streams; and
- f. Direct staff to monitor the effect of the other amendments as part of their overall monitoring program.

Passed by the Council: October 10, 2007

GARY BLACKMER

Auditor of the City of Portland

By /S/ Susan Parsons

MAYOR TOM POTTER

Prepared by:

Rodney Jennings Bureau of Planning
August 10, 2007

Deputy

BACKING SHEET INFORMATION

AGENDA NO. ~~1108~~, 1244-2007

ACTION TAKEN: SEPTEMBER 12, 2007 CONTINUED TO OCTOBER 10, 2007
2:00 PM

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 181357

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
POTTER	X	

Regulatory Improvement Workplan



Regulatory Improvement Code Amendment Package 3

(RICAP 3)

Recommended Draft Report

August 22, 2007



CITY OF PORTLAND, OREGON
BUREAU OF
Planning

City Council will hold a public hearing on this report on:

Wednesday, September 12, 2007

2:00 PM

Council Chambers

City Hall

1221 SW 4th Ave

Portland, OR 97204

The Bureau of Planning is committed to providing equal access to information and hearings. If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

For more information about the **Regulatory Improvement Code Amendment Package 3** please contact:

Rodney Jennings, City Planner
Portland Bureau of Planning
1900 SW 4th Avenue, Suite 4100
Portland, Oregon 97201-5380
Phone: 503-823-6042
Email: rjennings@ci.portland.or.us

A digital copy of this report is at:
www.portlandonline.com/planning/index.cfm?c=36743.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: R-3
Est. Start Time: 9:52 AM
Date Submitted: 10/24/07

First Reading and Possible Adoption of a Proposed ORDINANCE Amending MCC Chapter 37, Administration and Procedures, and Chapter 38, Columbia River Gorge National Scenic Area to Incorporate and Amend the Street Naming and Property Numbering Provisions of MCC Chapter 11.05, Enabling Application of the City of Gresham Street Naming and Property Numbering Scheme to Certain Areas of Unincorporated Multnomah County, and Repealing
Agenda Title: MCC §§11.05.500 through 11.05.575 and Declaring an Emergency

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

Date Requested:	<u>November 8, 2007</u>	Time Requested:	<u>15 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use Transportation</u>
Contact(s):	<u>Kevin Cook/Chuck Beasley</u>		
Phone:	<u>503-988-5050</u>	Ext.	<u>26782</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Kevin Cook</u>		

General Information

1. What action are you requesting from the Board?

Request to adopt new street naming and property addressing ordinance to use the City of Gresham property numbering and street naming scheme within future annexation areas such as Pleasant Valley.

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

The City of Gresham has asked the County to assist them in coordinating street naming and property addressing in urban expansion areas. Gresham employs a distinct system of street naming and addressing, which differs from the City of Portland's system that the County uses. The County's street naming and property numbering system only applies in the unincorporated areas of the County. Because annexations are incremental and do not pick up all of the properties along a given roadway, it can be confusing to landowners and emergency service providers to have two different addressing systems apply to properties in close proximity to each other. This issue has come up

with recent annexations in the Pleasant Valley area. The City of Gresham would like the County to apply the Gresham road naming and address numbering system within their Urban Service Boundary. The proposed ordinance allows use of the City of Gresham system in these areas. Further, the addressing and street naming provisions of MCC 11.05.500 through 11.05.575 contain procedural requirements that no longer correspond to the procedures in MCC Chapters 37 and 38. Rather than update Chapter 11.05, the street naming and addressing provisions are incorporated into Chapter 37 and 38. The proposed changes do not affect the public process that is already in place for road renaming. Proposed name changes will continue to require mailed notice and a public hearing.

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

There is no significant fiscal impact anticipated either now or in the future. Land Use Planning staff currently assists constituents with property numbering in the unincorporated areas of the County. Staff will continue to process addressing and road naming and renaming in these areas, but will now possess the ability to apply Gresham's standards within Gresham's future annexation areas.

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

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..." And Policy 4D states, "Establish and participate in a cooperative process to address the future of urban service provision issues."

The ability to apply Gresham's standards within their future annexation areas directly supports Policy 4 of the Comprehensive Framework Plan because it will enable a smoother more coordinated transition of these areas into the City of Gresham.

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

City of Gresham staff initiated the request for application of their standards within future annexations areas. On September 10, 2007 the Planning Commission held a workshop with County staff on the subject of Gresham's request. The Planning Commission directed staff to draft proposed changes to the MCC and schedule a public hearing. On October 1, 2007 the Planning Commission held a public hearing on the subject; there was no public testimony either orally or in writing. Service providers were also notified of the hearing. At the conclusion of the hearing the Planning Commission voted to recommend approval of the proposed code amendments. See attached Planning Commission Resolution.

Required Signatures

Department/
Agency Director:



Date: 10/24/07

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. PC 07-005

Recommend to the Board of County Commissioners the adoption of an ordinance amending MCC Chapters 37 and 38, making code changes to street naming and property addressing provisions. The changes update outdated references found in the existing provisions and will allow for the application of the City of Gresham street naming and property addressing system within Gresham's Urban Service boundary.

The Planning Commission Finds:

(a). The Planning Commission is authorized by Multnomah County Code Chapter subsections 37.0710, 38.0710 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.

(b). The existing street naming and property addressing provisions found in MCC 11.05 contain outdated references; therefore the need exists to update the street naming and property numbering provisions to correspond to existing policies and procedures prescribed in MCC Chapters 37 and 38.

(c). Coordination with the City of Gresham regarding the future of the Pleasant Valley Area is essential in order to provide a smooth transition from rural to urban uses in the area. An essential component of this transition is the application of a uniform street naming and property numbering system in Pleasant Valley. New sections of MCC Chapter 37 are required in order to allow for the application of the City of Gresham street naming and property numbering system within Gresham's future annexation areas.

(d). Placing the updated road naming and property numbering provisions in Chapter 37 will render Sections 11.05.500 through 11.05.575 obsolete; therefore, Sections 11.05.500 through 11.05.575 should be repealed when the new road naming and property numbering provisions of Chapter 37 go into effect.

(e). A minor amendment to Chapter 38, Columbia River Gorge National Scenic Area, is needed in order to allow for the application of the proposed road naming and property numbering provisions of Chapter 37 to have applicability in the Gorge. Currently, Chapter 11.05 is universally applicable throughout the unincorporated areas of Multnomah County, whereas Chapter 37 does not currently apply to those areas covered by Chapter 38.

(f). Given that the City of Gresham is actively pursuing annexations in Pleasant Valley, it is important that these amendments become effective upon their adoption.

(g). No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice). Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Programs web site.

(h). A public hearing was held on October 1, 2007 before the Planning Commission for the proposed amendment where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 37 and 38 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 1st day of October, 2007.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair

CITY OF GRESHAM STREET NAMING AND PROPERTY ADDRESSING GUIDELINES



As revised by
Janet Armstrong and Jan Roark—

City of Gresham
Street Naming and Property Addressing Guidelines

Prepared for the City of Gresham
At the request of the Address Task Force Technical Advisory Committee
October 1990

by
Janet Armstrong

Reviewed and accepted by the Task Force
February 1991

Reviewed by City Attorney
March 1992 and May 2003

Updated and Edited
May 2003

by
Jan Roark and Janet Armstrong

City of Gresham, Oregon
2003

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I. PURPOSE

Establish a consistent and accurate methodology to enhance site identification for improved emergency dispatch response, mail delivery, commerce, and compatibility with geographic information systems (GIS).

II. DEFINITIONS AND DESCRIPTIONS FOR PURPOSES OF ADDRESSING AS USED IN THESE GUIDELINES ONLY

Address: A means by which a property, structure, or unit within a structure is identified. This identification reflects a reference point based on a grid system.

Address Change Official Notice: The notice sent by the City to a property's Owner of Record assigning a new or corrected address. This notice contains an effective date.¹

Address Grid (Grid) (Grid Lines) (Grid System): An address matrix consisting of imaginary lines perpendicular and parallel to baselines to indicate block number changes.

Apartment: For purposes of addressing, dwelling units occupied as residence by more than three (3) families living independently of each other.

Authorized Delegate: City staff assigned by the Manager to carry out the duties referred to.

Baseline: The origination point of a grid system:

City Grid baseline: Main and Powell

Metro Grid baseline: Burnside and Willamette River, covers approximately 30% of Gresham

Condominium: For purposes of addressing, structure containing one or more housing units in which there is a private ownership of individual units and common or limited ownership of common areas.

Dwelling Unit: For purposes of addressing, one or more rooms designed for occupancy by one family for living purposes.

Quadrant: An addressing system that divides a municipality by baselines into directional sections (e.g., northeast, southeast, southwest, northwest).

¹ See Appendix A for example of Address Change Notice

Request to Post Address Official Notice: The notice sent by the City to a property's Owner of Record requesting that an address or addresses be posted according to the City of Gresham Community Code.²

Rowhouse (Rowhome): For purposes of addressing, attached single-family dwellings with private ownership of unit and land.

Street: A public way that affords the principal means of access to abutting property. For street addressing and naming purposes only, a street (not to include an alley) may be considered as either a public or private way that is identified by street name, to include both a street suffix and street prefix.

Street Name: A specific name or number by which a street is identified, e.g., Wallula, Division, 162nd. A complete street name includes both a street prefix and street suffix in addition to the basic street name.

Street Prefix: A word or words (usually abbreviated) preceding a basic street name indicating a quadrant direction or baseline direction, e.g., *NW* Wallula Avenue, *SE* Douglas Place, *E*. Burnside Street.

Street Renaming: A change by Council Ordinance of a previously recorded street name. This includes, but is not limited to: assigning a name to a street platted and recorded without a name (e.g., public street), correction to an incorrectly spelled name, corrections to the complete street name, or a part thereof.

Street Suffix: A word (typically abbreviated) following a basic street name and indicating the type of street, e.g., Wallula *Avenue*, Eastman *Parkway*, Civic *Drive*, or Douglas *Place* (also called "Address Suffix" or "Thoroughfare Designation"). Street suffixes are often abbreviated (e.g. Ave, Pkwy, Dr, or Pl).

² See appendix B for example of Request to Post Address Notice

III. GRID

A. Grid General

1. Grid Map: See Appendix G for Map.
2. City of Gresham and Metropolitan Grid -- Dual Grid: Due to expansion, prior annexations, and the use of both a Gresham and Portland Postal Delivery Service, the City of Gresham uses two street grid and addressing systems; the Portland Metropolitan (Metro) Grid and the City of Gresham Grid. Both the City and Metro Grid systems are based on twenty street names or numbers per mile centered on the grid lines.
3. City/Metro Grid Boundaries: The grid boundary line is currently irregular and is in need of revision for vehicular safety, convenient travel and prompt delivery of emergency and postal services.³
4. City of Gresham Grid System:
 - a. City Grid: The City of Gresham Grid is based upon numbered east-west streets (all one or two-digit numbers) and named north-south avenues.
 - b. East/West City Grid Division: Main Ave. (along with its north and south linear projections) divides the City Grid east/west from where it meets the Metro Grid to the north to where it meets the intersection of SE Regner Rd. and SW Gabbert Rd. to the south. From that intersection, SE Regner Rd. becomes the east/west grid dividing line south to the City limits.

The current use of North Main Ave. as the dividing line north of Burnside creates confusion because the NE and NW Gresham Grid quadrants change along curvilinear streets within an enclosed neighborhood. Also Gresham Grid street names and addresses about Metro Grid street names and addresses in an inconsistent manner. This area should be considered a priority for future street name corrections.

- c. North/South City Grid Division: Powell Blvd. (along with its east and west linear projections) divides the City Grid north/south between NW Bryn Mawr Way and SE Hogan Rd. East of Hogan, at the intersection of E Powell and SE 1st, E Powell Blvd. veers to the southeast and the eastern north/south zero line disappears. From this point eastward, the grid dividing line continues irregularly in an easterly direction to the City limits. West of Bryn Mawr Way, W Powell Blvd. veers to the southwest and the western north/south zero line disappears. From this

³ See Appendix G for Map

point westward, the grid dividing line continues irregularly in a westerly direction until it meets the Metro Grid (182nd).

5. Portland/Metropolitan Grid System

- a. Metro Grid: The Portland Metropolitan Grid is based upon numbered north/south avenues (all three-digit street numbers within the City of Gresham) and named east/west streets.
- b. Metro East/West Metro Grid Division: The Metro east/west grid is divided by the Willamette River; thus only the northeast and southeast grid quadrants are located within the Gresham City limits.
- c. Metro North/South Grid Division: Burnside St. divides the Metro Grid north/south. Within the City of Gresham, E. Burnside St. divides north/south from the westerly Gresham city limit boundary to the 182nd block. At this point, Burnside St. veers to the southeast, but the Metro north/south grid dividing line continues in an irregular eastward projection between the linear projections of N.E. Couch and S.E. Ankeny until it meets the City Grid at 242nd or NE Hogan Dr.
- d. Grid Quadrant Overlays: The northeast and southeast Metro Grid quadrant designations overlay the northwest and northeast City Grid quadrant designations. The southeast Metro Grid quadrant designation overlays the southwest City Grid quadrant. These grid overlays cause considerable confusion. One example of a confusing community identity resulting from the dual grid overlays occurs in the Centennial Neighborhood, where local addresses have street prefixes of S.E. SW and NW, have four different ZIP codes, and carry either Gresham or Portland postal designations.

B. Grid Prefixes

1. Gresham Grid Boundary Directional Prefixes: The City Grid boundary lines use single directional prefixes (*N* and *S* Main – *E* and *W* Powell). Directional designation shall precede the street name. No punctuation required in City Grid prefix.
2. Gresham Grid Non-Boundary Quadrant Directional Prefixes: City Grid quadrant directional prefixes are *NW*, *SW*, *NE*, and *SE*. Directional designation shall precede the street name. No punctuation required in City Grid prefix.
3. Metro Grid Boundary Directional Prefix: E. Burnside is the division boundary between the Portland/Metro northeast and southeast grid quadrants. Although E. Burnside is the Metro north/south grid division line from Gresham's western City limit boundary to S.E. 182nd Ave., Burnside St. continues to use the single *E*. directional prefix until it

reaches the City address grid system (currently S.E. 199th Ave. on the south side of the street and S.E. 202nd Ave. on the north side of the street). Then Burnside uses the City Grid prefixes and Suffixes, *NW* Burnside Rd. to Main, *NE* Burnside Rd. to SE 1st St., and then *SE* Burnside Rd. to the streets end.)

4. Metro Grid Non-Boundary Quadrant Directional Prefixes: Only northeast and southeast (N.E. & S.E.) Portland/Metro Grid quadrants are located within the City of Gresham. Metro prefixes use punctuation.

C. Grid Suffixes

1. City of Gresham Grid Suffixes: Street type shall come after the street name and offer a description on the length and direction. Street suffix designations for streets located within the boundary of the Gresham City Grid system shall be as follows.

- a. East/West Designations:

Court (CT) — cul-de-sacs with a street depth of at least 100 feet from the main street.

Street (ST) — continuous thoroughfares or extensions thereof.

Terrace (TER) — short discontinuous streets, usually under 1,000 feet in length.

- b. North/South Designations:

Avenue (AVE) — continuous thoroughfares or extensions thereof.

Lane (LN) — short discontinuous streets, usually under 1,000 feet in length.

Place (PL) — cul-de-sacs with a street depth of at least 100 feet from the main street.

- c. Other General Designations:

Boulevard (BLVD) — a major thoroughfare running east/west or obliquely across the community. It must connect at least two sections and act as a collector or arterial. No numbered street shall be assigned the suffix BOULEVARD.

Circle (CIR) — a short street that returns to itself at a single entry or point of origin.

Drive (DR) — curvilinear thoroughfares (less than 180 degrees) at least 1,000 feet in length or more. "Drives" by definition may cut across grid lines and may intersect numbered streets. To avoid potentially confusing intersections and difficult numbering patterns, the designation of a numbered street as "DR" should be discouraged.

Highway (HWY) — designated state or federal highways that run in any direction.

Loop (LOOP) — a short drive that begins at one point on a street and ends at a second point along the original street.

Parkway (PKWY) — a broad, scenic thoroughfare acting as a collector or arterial in any direction, having a landscaped center median and controlled access.

Road (RD) — a thoroughfare, often historical, that acts as a collector or arterial in any direction. A "Road" usually provides through traffic movement across a city and may run at oblique angles to the grid pattern. Because a "Road" may, by definition, cut across grid lines, no numbered street should be assigned the suffix "ROAD."

Way (WAY) — diagonal short or dead end streets under 1,000 feet in length or minor local streets that change direction or begin and end on the same thoroughfare.

2. Metro Grid Suffixes: Multnomah County Ordinance #460 (March 5, 1985) and subsequent revisions should serve as a general guide to Metro Grid suffixes. A copy is attached as Appendix D and shall be the basic guide for address and street name assignments for property located within the boundary of the Metro Grid. Metro Grid suffixes also come after the street name.

D. Grid Selection Criteria

In no case shall two grid systems be mixed on the same street segment within the City limits.

The City Grid should generally be preferred for all new development within the City Grid designation and for newly annexed areas adjacent to the City Grid-designated quadrants of Gresham. New development in the northeast City Grid quadrant south of, but not including, Stark Street should also conform to City Grid.

The Metro Grid should generally be preferred for all new development within the Metro Grid designation and for newly annexed areas surrounded by Metro Grid designated quadrants, not subject to change. As parcels are developed adjacent to City Grid, the City Grid should be extended.

E. Modification of Existing Grid

At the direction of the Manager, or authorized delegate, the City/Metro Grid boundary line should be corrected under the following circumstances:

Street naming and numbering that cause a potential delay in the delivery of emergency services.

Request from emergency service providers or the US Postal Service to correct confusing address areas.

Formal request from the neighborhood association or petition from property owners representing the problem address area.

Isolated minor pockets of Metro Grid surrounded by City Grid.

Confusing intersections and directional designations that create potential traffic hazards.

Confusing changes of the grid systems in the middle of a neighborhood.

Anticipation or result of new development in order to continue a grid system in a consistent manner.

Any other reason(s) that is in the public interest.

F. Grid Boundary Posting and Clarification

To minimize confusion where there are grid changes within the City limits, signs for clarification (e.g., block numbers, alternative names, and/or Metro or City quadrant designations) shall be posted along streets at grid boundaries.

Supplementary signage to clarify City/Metro Grid quadrants, grid number sequences, and street name changes should also be provided in circumstances such as the following:

When a street changes name or there is a change in address numbering sequence at the City limits.

When a street changes name or there is a change in address numbering sequence due to the dual grid system within the City limits.

When the City and Metro Grid quadrants overlay one another.

IV. STREET NAMING

A. General Street Name Standards

All street names are assigned or subject to review by the Manager, or authorized delegate, and are subject to change prior to recording at the County Assessor's office.

Arterials, collectors, and other continuous streets should conform to the dominant grid pattern for the area and should maintain a continuous name or number for the entire alignment.

Long winding east/west "drives," "boulevards," "roads," and/or "parkways" that cross grid lines or that have the potential to intersect with numbered streets should be named rather than numbered.

Street name changes should occur only at intersections.

All numbered street names shall be written as figures. Named streets, which contain a number that can be spelled as one word, should be spelled out (e.g., Eleven Mile Avenue).

Except for historical, diagonal, or curvilinear streets, continuous streets lying directly upon an east/west grid line within the City Grid should be numbered rather than named streets.

No vanity names and/or streets named in honor of living persons shall be used.

Hyphenated or long names (over 10 characters) should be avoided.

No separate name is to be used for a cul-de-sac that is less than 100 feet in length or provides street frontage for 5 or less units. The name shall be the same as that of the intersecting street.

No street name should be used which would duplicate or could be confused with the name of an existing street within the City of Gresham, or within the neighboring Metro area. Similar sounding names are considered to be duplication regardless of spelling.

Whenever practicable, historical street names should be preserved. Whenever a historic name is eliminated from a parcel under development, that name (or a modification of that name) should receive priority consideration for a proposed new off-grid street name in the same general vicinity.

Discontinuous streets that lie entirely within a subdivision may be assigned a "theme" name uniquely identified with the subdivision in circumstances such as the following:

To assist in locating subdivision lots in areas where, due to intervening land uses and physical constraints, there is no possibility that the street in question could ever be extended.

To assist in identifying "difficult to access" sites in a maze of dead-end streets, especially when there is a possibility of duplicate numbering along overlapping dead-end streets lying along the same general grid line.

To assure continuity or to avoid confusion along streets cutting between or across established grid lines.

To avoid excessive number sequence and name changes along what appears to be the same curvilinear road.

To preserve the identity of a specific scenic area or an acknowledged local or historic feature associated with the subdivision location.

To minimize confusion where there are difficult existing street name patterns.

B. Existing City Grid Name Pattern

Except in some undeveloped areas, a pattern of City Grid street names has been platted. Continuous streets or fragments of, subject to the City Grid, must follow the customary City Grid name pattern.

C. New City Grid Names

Generally all names proposed for streets lying in a north/south direction east of Williams (east 4500 grid) and west of Highland (west 4300 grid line) shall follow an alphabetical (A-Z) sequence. Not every letter of the alphabet need be used. However, once a grid letter for a particular grid line has been established, all additional street names lying along that line should begin with the designated grid letter.

Examples:

Alphabetical street names should progress easterly from Williams (east 4500) east 4600 grid line—street names begin with an "A"

[e.g., Adams, Aspen, Arcadia, etc.].

east 4700 grid line—street names begin with a "B"

[e.g., Baker, Brookfield, Bluebird]

east 4800 grid line—street names begin with a "C"

[e.g., Condor, Cranberry, Cottonwood]

Alphabetical streets names should progress westerly from Highland (west 4300)

west 4400 grid line—street names begin with a "B"

[e.g., Border, Beagle, Bradford, etc.]

west 4500 grid line—street names begin with a "C"

[e.g., Caribou, Chesapeake, Christabel, etc.]

D. Metro Grid Street Names

Multnomah County Ordinance #460 (March 5, 1985) and subsequent revisions should serve as a general guide to Metro Grid street names.⁴

⁴ See Appendix E for Multnomah County Ordinance #460

V. STREET RENAMING

A. Street Name Change Ordinance

City Ordinance shall rename streets after public notice as designated in the City of Gresham Code Type IV Procedure and Oregon Revised Statute 227.120 or subsequent revisions.

A certified copy of each such Ordinance shall be filed with the County Recorder, the County Assessor, and County Surveyor.

B. City-Initiated Name Changes

The City may initiate the renaming of a street without the consent of the affected property owners when any of the following occurs:

The name is a duplicate of an existing street name within the City or near vicinity.

Emergency service providers have stated in a written request that the current identification of the street is inadequate to such an extent that emergency response time may be compromised.

The US Postal Service has stated in writing that the current identification of the street is inadequate to provide timely mail service.

New development or redevelopment of an area requires street names be corrected.

A name correction is required to clarify known confusion.

The commonly known and used street name is different from the recorded name.

Any other reason(s) that is in the public interest

C. Criteria For Name Selection When Two Street Names Meet

When two street names meet and one must be changed, the Manager, or authorized delegate, shall review the following criteria in determining which street name shall be retained and which street name shall be sent to the City Council for change:

Does either street segment have an historical name?

Which street segment name change would require the least number of address corrections?

Which street segment has been there the longest time period?

Which street segment name is most appropriate according to the other street names in the neighborhood?

Which street segment name is used for the longest distance?

Which street segment name is the most traveled?

VI. PROPERTY ADDRESSING

A. Sequence of Numbering:

Property numbering shall be within a range of one hundred units between each two grid lines.

Numbering shall start with the number one at the center grid point and shall increase by consecutive hundreds at each grid line.

Sites located on the south or east side of a street shall be assigned even-numbered addresses and remain consistent the entire length of the road, regardless of meandering.

Sites located on the north or west side of a street shall be assigned odd-numbered addresses and remain consistent the entire length of the road, regardless of meandering.

If a street with a single name changes directions and/or crosses grid lines (e.g., drives, circles and loops), addresses should continue logically and consecutively, occasionally disregarding the compass in favor of common sense and consistency along the route.

New address assignment information shall be sent to the US Postal Service, emergency service agencies, City, County, and other agencies as needed.

B. Single Family and Accessory Dwelling Property Numbering

All dwelling units shall be assigned individual addresses, by individual numbering when possible, or by a single building address and unit identification when necessary.

Residential property address assignment should be based on location of the dwelling's primary entrance. For flag lots and large parcels with long driveways, address assignment should be based on driveway frontage location. On corner lots or double frontage lots in subdivisions, an address assignment should be based upon the frontage of the dwelling's primary entrance.

Each parcel in a residential land division building lot shall receive an address. Addresses will not be released to any person or agency prior to the recording of the final plat. Addresses may be released after the City has received the final plat, but address assignments will not become official until formal application for a building permit is issued. The issuance of the building permit serves as confirmation of the address.

Streets with the same or similar names shall not have the same address numbers (e.g., 1234 NE 12th St. and 1234 SE 12th Ct.)

Vacant un-addressed tax lot parcels may receive an address assignment for reference only and may be changed as the parcel develops.

C. Multi-tenant and/or Multiple Structure Numbering

(See Fire Prevention Policy and Community Development Code for additional information)

Commercial land divisions usually will not receive address assignments until after design review approval. At the Manager or authorized delegate's discretion, an address may be assigned earlier, if possible.

An address should be assigned to each primary structure, except when public safety or consistent numbering is better achieved by a single address for multiple structures.

Condominiums and rowhomes — a separate address should be assigned to each unit. Addresses should conform to the public street frontage of the unit.

Duplexes and triplexes — a separate address should be assigned to each unit. Addresses should conform to the public street frontage of the unit.

Accessory Dwellings — usually the accessory unit should be assigned the same address as the main dwelling, but Unit B may be added to the address. If the accessory dwelling faces a different street, has a different access, or other circumstances appear to warrant a separate address, one may be assigned, as long as it is clear that the accessory dwelling remains accessory to the main unit, consistent with the intent of the Development Code.

Apartments — usually each apartment complex should be assigned a single street address. If a public street splits the complex, two addresses one for each side of the public street would normally be assigned. (e.g. 1107 and 1108 NW 12th St.)

Each building shall also be assigned a letter for emergency services reference only. The letter shall not be part of the official mailing address. The lettering should usually start with building "A" closest to the entrance and increase in a logical manner similar to the addressing sequence in the area. If property addresses along the street get larger from east to west, so would the lettering.

Each apartment unit should be numbered individually throughout the entire complex. No unit number shall repeat itself no matter how many addresses are used. In multilevel structures, ground level unit numbers shall be preceded by a "1", second level unit numbers shall be preceded by a "2", etc. On smaller single-story complexes, or complexes that have buildings entering off different streets, or complexes that have buildings entering from the same street but opposite sides of the street, additional addresses may be assigned at

the Manager or authorized delegate's discretion. (See Fire Prevention Policy, Attachment C.)

The apartment unit number indicates its position within a given building relative to the first level. The first unit number would be 101. If the number of units in a complex varies from one level and building to the next, the unit numbering of subsequent buildings continues from the highest preceding number as if all intervening numbers had been assigned to every floor.

EXAMPLE:

BLDG	LEVEL 1	LEVEL 2	LEVEL 3	BLDG TYPE
A	101-102	201-202		4-units
B	103-106	203-206		8-units
C	107-108	207-208		4-units
D	109-110	209-212	309-312	10-unit
E	113-116	213-216		8-units
F	117-118	217-218		4-units

For larger complexes that have more than 99 units on any one floor, "1" should still precede numbering but the unit numbering shall start with 001.

EXAMPLE:

BLDG	LEVEL 1	LEVEL 2	LEVEL 3	BLDG TYPE
A	1001-1012	2001-2012		24-units
B	1013-1024	2013-2012	3013-3024	36-units
Etc.				
H	1097-1108	2097-2108	3097-3108	36-units

A recreation building should be lettered but should not be assigned a unit number unless there are two or more recreation buildings, in which case a unit number may be assigned.

A separate office shall be assigned a unit number.

D. Manufactured Home Parks and Moorages

A primary street address shall be assigned to the manufactured home park or moorage. Space numbers beginning with "#1" shall be assigned to individual units within the complex. On smaller complexes, individual addresses could be assigned either off of the main public street access or off privately named streets at the Manager or authorized delegate's discretion. (All names will be reviewed and approved by the City of Gresham.)

E. One Organization with Multiple Structures on a Site

Multiple structures that house a single business, school, or other agency should be assigned a single street address based on the main driveway location. Each building shall be assigned a letter or name for emergency services location purposes only. The letter or name shall not appear as part of the official address. Directory signs are required at all public street entries and are subject to the City of Gresham Sign Code.

F. Multi-tenant Commercial-Industrial Structures

Each building shall be assigned an address. At the Manager or authorized delegate's discretion, an address may be assigned to each major outside entrance.

Multi-tenant addresses will usually be assigned off the main driveway entrance. In the case of a linear development parallel to and easily visible from a street, the address assignment may be based upon the tenant's front door location.

G. Commercial Tenant Spaces

Tenant Address Assignments: Individual tenant addresses will be confirmed at the time of Building Permit applications. The developer or property management agency **should not** assign addresses without prior approval of Manager or authorized delegate.

Tenant Spaces With Outside Entrances: When access to tenants is from individual outside entrances, a range of street addresses should be assigned to accommodate potential spaces. A master plan for addressing a complex should be created, and subsequent individual addresses will be assigned within the range, as future development occurs, by Manager or authorized delegate.

Tenants Spaces Without Outside Entrances/Internal Suite Numbering: Suite designations should be in numerical order, but not necessarily consecutive. Although alphabetical suite designations have been allowed in small buildings, numerical assignments are preferred for all suites. Numerical spaces should be skipped to allow for future development and modification within the structure. Spacing of three to ten digits is recommended. In multilevel buildings, a "1" shall precede ground level suite numbers; a "2" shall proceed second level suite numbers, etc. Suite numbers shall not repeat themselves.

H. Number Display on Structures

The owner, occupant, or owner's agent in charge of any structure to which an address number has been assigned will be responsible to affix the number according to the Uniform Fire Code, and/or the Uniform Building Code, and/or the Fire Prevention Policy, and/or the Community Development Code.⁵

Addresses placed on residential structures should be a minimum of four (4) inches high and in a contrasting color to the structures background.

Addresses shall be placed and located in a manner that is readily visible and legible from the street, usually posted on the wall adjacent to or above the front entrance.¹

Structures not having street frontage shall have additional addresses posted, separate from the mailbox, at the driveway entrance to the road serving the site.¹

Commercial or multi-family display of numbers and letters shall be as specified in the Uniform Building Code, and/or the Fire Code, and/or the Fire Prevention Policy, but shall be at least six (6) inches high, in a contrasting color to the structures background, and illuminated during the hours of darkness.

When the property is assigned an address from a point other than from the buildings front façade, the full address should be posted. Example: the building faces NE Burnside Rd., but the only vehicle access is from NW Fairview Dr. The full address and/or address range should be posted on the building or signage, not just the numbers, e.g., 1234 *NW Fairview Dr.*

For new construction, the property and/or individual building address shall be posted on a temporary sign of a size as determined by the Manager prior to or at the time of Building Permit issuance. The permanent address shall be posted prior to occupancy, in approved manner.

In no case will posting of the mailbox, or painting a curb, serve as a complete posting of the address.

⁵ If at any time, the numbering display codes should conflict, the Code with the stricter regulations shall govern. See Appendix D for standards from Uniform Fire Code, Uniform Building Code, and the Fire Prevention Policy.

I. Directory/Address Identification Signs

Directory signs, subject to the City of Gresham Sign Code, are required to be clearly visible from all public street entries to multi-tenant complexes. Directory signs should list important emergency response information such as building addresses, tenant space addresses, secondary suite numbers, and business names.

Directory number(s) shall be displayed so as to be visible from the street or access way when:

- A structure or complex, because of multiple tenants, is assigned unit numbers or more than one street address
- And/or each street address does not directly face the street or access way.

VII. PROPERTY READDRESSING

A. Non-conforming Addresses

All non-conforming address assignments shall be placed on a BOEC (911) error list and corrected as soon as possible after the following:

- The time the address is determined to be incorrect, or
- A request has been received, in writing, from the owner, Postal Service, or emergency service agency.

B. Address Change Requests

The City will change, without charge, any address that will improve a public safety or postal delivery issue when requested by the property owner in writing (e.g., out of sequence, duplication of another number).

A change of address for personal preference is discouraged to limit confusion and costs to the City and other agencies. However, upon written request and payment of any required fees the City may change the address to a number of equal public safety and postal delivery clarity.

C. Address Change Official Notice

When an existing address is changed, an "Address Change Official Notice" of the change, including the effective date, shall be sent to the owner of record and current occupant at least 30 days prior to that effective date. (See Appendix D) This 30-day period may be shortened at the owner's request or if the Manager, or authorized delegate, determines there is a public safety issue. A copy of the notice will also be sent to the US Postal Service, emergency service agencies, City, County, and other agencies, as needed.⁶

The owner or owner's agent in charge of any structure to which an address number has been changed will be responsible to affix the new numbers, as required in the City of Gresham Community Development Code, within 15 days before or after the effective date of the change or be in violation for failure to post. The City will notify the owner of his/her responsibility to affix the new numbers and the "Failure to Post" Code violation.

⁶ See Appendix A for example of Address Change Notice

VIII. VIOLATIONS and PENALTIES

A. Request to Post Address Official Notice

The City shall send out by certified and regular mail a "Request to Post Address Official Notice" (see Attachment B) to the Owner of Record on any property that has not posted the property address in the authorized manner. This notice shall be effective immediately. This applies to new and existing addresses.⁷

B. Failure to Post

Failure to properly post an address shall be in violation of the Gresham Community Development Code and the Uniform Fire Code and subject to Civil Penalties.

⁷ See Appendix B for example of Request to Post Address Notice

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Ordinance Amending MCC Chapter 37, Administration and Procedures and Chapter 38, Columbia River Gorge National Scenic Area to Incorporate and Amend the Street Naming and Property Numbering Provisions of MCC Chapter 11.05 Enabling Application of the City of Gresham Street Naming and Property Numbering Scheme to Certain Areas of Unincorporated Multnomah County; Repealing MCC §§11.05.500 through 11.05.575 and Declaring an Emergency

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

The Multnomah County Board of Commissioners Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsections 37.0710, 38.0710 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of ordinances to implement the Multnomah County Comprehensive Plan. The Planning Commission exercised this authority in recommending the proposed ordinance with Resolution PC 07-005
- b. Coordination with the City of Gresham regarding the future of the Pleasant Valley area is essential in order to provide a smooth transition from rural to urban uses in the area. An essential component of this transition is the application of a uniform street naming and property numbering system in Pleasant Valley. New sections of MCC Chapter 37 are required in order to allow for the application of the City of Gresham Street Naming and Property Addressing guidelines within Gresham's future annexation areas.
- c. The existing street naming and property addressing provisions found in MCC 11.05 contain outdated references; therefore the need exists to update the street naming and property numbering provisions to correspond to existing procedures prescribed in MCC Chapters 37 and 38.
- d. Placing the updated road naming and property numbering provisions in Chapter 37 will render Sections 11.05.500 through 11.05.575 obsolete; therefore, Sections 11.05.500 through 11.05.575 should be repealed when the new road naming and property numbering provisions of Chapter 37 go into effect.
- e. A minor amendment to Chapter 38, Columbia River Gorge National Scenic Area, is needed in order to allow for the application of the proposed road naming and property numbering provisions of Chapter 37 to have applicability in the Gorge. Currently, Chapter 11.05 is universally applicable throughout the unincorporated areas of Multnomah County, whereas Chapter 37 does not currently apply to those areas covered by Chapter 38.
- f. Given that the City of Gresham is actively pursuing annexations in Pleasant Valley, it is important that these amendments become effective upon their adoption.
- g. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice). Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Programs web site.

- h. Noticed public hearings were held before the Planning Commission on October 1, 2007 and the Board of Commissioners on November 8, 2007, where all interested persons were given an opportunity to appear and be heard.

Multnomah County Ordains as follows:

Section 1. MCC Chapter 37 is amended as follows:

§ 37.0530 Summary Of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
Allowed Uses	X				
Review Uses		X			
Conditional Uses			X		
Community Service			X		
Design Review		X			
Plan/Zone Change (single tract) quasi-judicial				X	
Demolition of historic building or structure before 120 day permit delay				X	
Plan/Zone Changes-legislative					X
Zone Code Text Changes (Initiated by county only)					X
Creation of a parcel/lot not abutting a street			X		
Adjustment		X			
Variance			X		
Non-conforming Uses/Determination of Non- conforming Use		X			
Extensions of Decisions in EFU & CFU Zones (MCC 37.0690)	X				
All other Extensions of Decisions		X			
Revocation of Decision		X			
Property Line Adjustments		X			
Planned Developments			X		
Land Divisions:					
Category 1 & 2			X		
Category 3 & 4		X			

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
Significant Environmental Concern		X			
Hillside Development Permit		X			
Willamette River Greenway		X			
Zoning Code Interpretations		X			
Temporary Permits		X			
Temporary Health Hardship		X	X If CU		
Bus Shelter		X			
Lot of Record Verification		X			
Lot of Exception		X			
Exceptions		X			
Post Emergency response to emergency/disaster event		X			
Lot Consolidation	X				
Replat		X			
All other discretionary decisions		X			
First response to emergency/disaster event	X				
Grading and Erosion Control	X				
Floodplain Development	X				
Street & Property Addressing	X				
Street Naming & Renaming			X		
Type A Home Occupation	X				

§37.1500 STREET NAMING AND PROPERTY NUMBERING

(A) Definitions:

(1) Words and their derivations used in this Chapter shall have the meanings given in the Multnomah County Code.

(2) Director means the Director of the Department of Community Services or the Director's authorized delegate.

§37.1505 Policy and Purpose

In order to provide a uniform street naming and property numbering system of benefit to all the citizens of the County, it is the policy of Multnomah County to extend the property numbering system and street naming pattern established by the City of Portland to all unincorporated areas of the County, except for those areas identified as being within the Gresham Urban Service Boundary; retain, restore and extend the

historical road-naming system for all rural County areas; and to apply the City of Gresham Street Naming and Property Addressing Guidelines, where appropriate, within the Gresham Urban Service Boundary.

§37.1510 Scope

The provisions of the Chapter shall apply to the naming of streets and the numbering of property in the unincorporated areas of Multnomah County.

§37.1512 Application of City of Portland System

The street naming and property numbering system set forth in MCC 37.1512 through 37.1575 shall be utilized within all unincorporated areas of the county except that areas within the City of Gresham's Urban Service Area may utilize the City of Gresham Street Naming and Property Addressing Guidelines where appropriate pursuant to MCC 37.1610.

§37.1515 Directional Designations, Urban Area

For the purpose of this Chapter, the urban area of Multnomah County, except areas inside the Urban Service Boundary of the City of Gresham utilizing the City of Gresham Street Naming and Property Addressing Guidelines, is hereby divided into five sections having the directional designations, abbreviations and dividing lines as listed herein.

The name or number of a public or private street within a section shall be preceded by the abbreviated directional designation of that section. The five sections are:

(A) "North," abbreviated "N.," consisting of the areas between N. Williams Avenue and its northerly extension and the Willamette River channel from the Burnside Bridge to the river mouth;

(B) "Northeast," abbreviated "N.E.," consisting of the area east of N. Williams Avenue and its northerly extension and north of E. Burnside Street and its easterly extension;

(C) "Northwest," abbreviated "N.W.," consisting of the area between the Willamette River channel downstream from the Burnside Bridge and W. Burnside Road;

(D) "Southeast," abbreviated "S.E.," consisting of the area south of E. Burnside Street and its easterly extension and east of the Willamette River channel; and

(E) "Southwest," abbreviated "S.W.," consisting of the area west of the Willamette River channel and south of W. Burnside Road.

§37.1520 Street Naming and Property Numbering Grid

A street naming and property numbering grid is hereby established.

(A) The grid shall consist of parallel lines spaced 264 feet apart and centered as follows:

(1) The north-south center gridline shall be N. Williams Avenue and its northerly and southerly extension; and

(2) The east-west center gridline shall be W. Burnside Road and E. Burnside Street and its easterly extension.

(B) For urban area streets there shall be 20 names or numbers provided per mile, centered on the gridlines.

(C) For urban and rural area property numbering there shall be 100 numbers provided between each two gridlines. Except as provided in MCC 37.1560(B), the numbers shall start with the number "1" at the center gridlines described in subsection (A) of this section, and continue in consecutive hundreds at each gridline.

§37.1525 North-South Street Numbering System, Urban Area

A north-south street number system is hereby established for the urban area.

(A) An urban area street having an alignment generally north and south shall be identified by a number according to the system established in the City of Portland and in practice in unincorporated Multnomah County on the effective date of this Chapter. There shall be 20 numbers per mile which shall increase in magnitude to the east and to the west of the N. Williams Avenue centerline.

(B) A numbered street on or close to a gridline established under MCC 37.1520 shall be designated "Avenue."

(C) A numbered street located midway between two gridlines established under MCC 37.1520 shall be designated "Place" and shall have the lesser number of the two adjacent gridlines.

§37.1530 East-West Street Naming System, Urban Area

An east-west street naming system is hereby established for the urban area.

(A) An urban area street having an alignment generally east and west shall be identified by a name according to the pattern of names established in the City of Portland and in practice in unincorporated Multnomah County on the effective date of this Chapter.

(B) A named street on or close to a gridline established by MCC 37.1520 shall be designated "Street."

(C) A named street located midway between two gridlines established under MCC 37.1520 shall be designated "Court" and shall have the same name as that of the preceding street on the gridline nearest to the Burnside center gridline.

§37.1535 Street Naming System, Rural Area

A rural area street naming system is hereby established.

(A) The existing pattern of street names shown on County Assessor's maps or as designated by a County decision, is hereby established as the street naming system for the rural area of Multnomah County. Said map is herein incorporated by reference to the same force and effect as if set forth fully herein.

(B) Except as established pursuant to subsection (A) of this section on the County Assessor's maps, or as may be established under MCC 37.1540(D), a rural area street shall be designated as "Road."

(C) An extension of a rural area street shall continue the name of that street.

(D) The name for a new rural area street shall be designated under the provisions of MCC 37.1550.

(E) To the extent feasible, the directional designation grid established in MCC 37.1515 shall be extended throughout the rural areas of unincorporated Multnomah County.

§37.1540 Other Designations for Streets

The following additional street naming and numbering provisions are hereby established.

(A) A named or numbered urban area street which crosses two or more gridlines of the same direction as the street shall be designated "Drive."

(B) A named or numbered urban area street which forms a loop having two intersections with one other street shall be designated "Circle."

(C) The designation of a street as "Boulevard," "Highway," "Lane," "Parkway," "Road," "Terrace," "Way" or similar term, established prior to the effective date of Chapter, is hereby adopted and shall be continued for any extension of that street.

(D) A designation listed in subsection (C) of this section, or a similar term, may be included in the naming of a new street or the renaming of an existing street upon a finding that another designation otherwise authorized by this Chapter is inappropriate to the circumstances or inconsistent with the policy and purpose stated in MCC 37.1505.

§37.1545 Naming and Numbering of Private Streets

A naming and numbering system for private streets is hereby established.

(A) The name or number of a private street having a length greater than 250 feet shall conform with the naming or numbering system established under MCC 37.1525 through 37.1540 as appropriate.

(B) The name or number of a private street having a length of 250 feet or less shall be the same as the name or number of the connecting public street.

§37.1550 Naming of a New Rural Area Street; Renaming of an Existing Urban or Rural Area Street: Procedure

Action to name a new rural area street or to rename an existing urban or rural area street shall be subject to the following:

(A) A proposed naming or renaming shall be initiated by:

(1) Resolution of the Board of County Commissioners;

(2) Resolution of the Planning Commission;

(3) A petition filed with the Director, signed by 20 percent or more of the owners of property abutting an existing street to be renamed,

(4) A petition filed with the Director, signed by the owners of 51 percent or more of the property abutting a new street to be named as part of a proposed land division, or

(5) Administrative order of the Director, Department of Community Services or his or her designee.

(B) A copy of the resolution, petition or order shall be filed with the Clerk of the Board.

(C) The Hearings Officer shall conduct a public hearing and make a decision on the proposed naming or renaming.

(D) In addition to the provisions of this section, the provisions of 37.0510 through 37.0850 for Hearings Officer decision shall apply in the consideration and action on a naming or renaming proposal.

(E) First class mailed notice of the proposal shall be given at least ten days prior to the hearing to:

(1) The owners of all property abutting on the street,

(2) The rural fire protection district,

(3) The Postmaster having jurisdiction,

(4) The Office of City-County Emergency Communication Service.

(5) Parties of the hearing.

(F) Factors for the selection of a rural area street name are:

(1) Factors of historical significance related to persons, circumstances or events.

(2) Factors of geographical significance.

(3) Factors of street location, function or direction.

(4) Common usage of a name for the street or in the area.

(5) Prior use of the name for the street.

(6) Name consistency for a continuous route, and

(7) Nonduplication of another rural area street name.

§37.1555 Street Name Signs

Standards and requirements for street name signs are hereby established.

(A) A street name sign shall have the name of the street as designated under the provisions of this Chapter.

(B) A name sign for a public street shall be designed, installed and maintained in accord with requirements established by the Oregon Department of Transportation.

(C) A private street name sign to be located in the connecting public street right-of-way shall be installed by the County at the expense of the property owner or land division applicant and thereafter shall be maintained by the County.

(D) Exception: Approval of a planned development or other land development program may include alternate provisions for the installation and maintenance of a private street sign.

(E) A private street sign shall be designed and located according to standards approved by the Director of the Department of Community Services.

§37.1560 Numbering of Property, Rural and Urban Areas

The Director shall assign address numbers for buildings or property and shall maintain records thereof according to the following:

(A) One hundred numbers shall be provided between each two gridlines established under MCC 37.1520. The numbers shall start with the number "1" at the centerlines described in subsections (A) and (B) of that section. The numbers shall continue in consecutive hundreds at each gridline.

(B) Address numbers on east-west streets between the extended alignment of S.W. Viewpoint Terrace and the Willamette River shall be preceded by "0".

(C) Odd numbers shall apply to properties or buildings on the northerly or westerly sides of a public street or a private street greater than 250 feet in length.

(D) Even numbers shall apply to properties or buildings on the southerly or easterly sides of a public street or a private street greater than 250 feet in length.

(E) Numbering of properties or buildings served by a private street having a length of 250 feet or less shall be by consecutive odd or even numbers consistent with those on the same side of the connecting public street.

(F) An address number shall be assigned for each property or building in separate ownership, possession or occupancy.

(G) In the event the building address number sequence exceeds the available numbers, a suffix "A," "B," "C," etc. may be assigned by the Director.

(H) An address number or numbers shall be assigned by the Director in conjunction with the application for a building or land use permit, a land division or upon the written request of the property owner.

§37.1565 Renumbering of Property; Notice

When the Director reassigns a property or building address number, under the provisions of MCC 37.1560, to a property or building, the following notification is required.

(A) First class mailed notice of an address number reassignment shall be given to the property owner by the Director.

(B) Notice of an address number reassignment shall also be given to:

(1) The rural fire protection district,

(2) The Postmaster having jurisdiction,

(3) The Office of City-County Emergency Communication Service.

§37.1570 Placement of Address Numbers

(A) The property owner or owner's agent shall place the address number assigned by the Director on the building or property at the earliest practical time in one or more of the following locations:

(1) On the building,

(2) On a sign on the property,

(3) On a mailbox adjacent to the street, or

(4) In such other location as to be legible from the street or access drive.

(B) Address numbers shall be permanently affixed, of a size, design and placement as to be legible from the street or access drive serving the property, and shall comply with zoning or other ordinance standards for signs.

(C) Failure to place an assigned address number or the placement of an address number other than one consistent with the provisions of this Chapter shall be deemed a violation.

§37.1575 Administration; Powers of the Director

(A) The Director shall be responsible for the administration and enforcement of this Chapter.

(B) The Director shall have the authority to do the following:

(1) Determine standards of design and location for private street signs.

(2) Place and maintain street name signs in public street rights-of-way, as described in this Chapter.

(3) Assign property and building address numbers, give notice thereof and keep a record of the number assignment.

(4) Initiate a new street name or the renaming of an existing street under the provisions of MCC 37.1550, and

(5) Exercise such other powers as are necessary to carry out the provisions of this Chapter.

§37.1610 Application of City of Gresham Street Naming and Property Addressing Guidelines.

The street naming and property numbering system set forth in the City of Gresham Street Naming and Property Addressing Guidelines, Sections I through VII, as amended, may be utilized, within the unincorporated areas of Multnomah County within the City of Gresham's Urban Service Area insofar as the applications of the Guidelines do not conflict with the administration and procedures set forth in this Chapter.

Section 2: MCC Chapter 38 is amended as follows:

§ 38.0530 SUMMARY OF DECISION MAKING PROCESSES.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	I	II	II Expedited	III	PC
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(Planning Director)	(Hearings Officer)	(Legislative)
Allowed Uses ¹	X				
Expedited Uses			X		
Review Uses		X			
Conditional Uses				X	
Zone Code Text Changes (Initiated by County only)					X
Variance		X		X	
Extension of Decision		X			
Property Line Adjustments		X			
Planned Unit Developments				X	
Land Divisions					
Subdivision				X	
Major Partition		X			
Minor Partition		X			
Lot Consolidation	X				
Replat		X			
Revocation of Decisions				X	
Zoning Code Interpretations		X			
Hillside Development Permit		X			
Floodplain Development	X				
Grading and Erosion Control	X				
Street and Property Addressing	X				
<u>Street Naming & Renaming</u>				X	
Final Plat Approval	X				
¹ Although an Allowed Use by itself does not require a Type I permit, zoning approval of a building permit application for such a use is a Type 1 review.					

§38.600. Street Naming and Property Numbering Procedures.

The Street Naming and Property Numbering Procedures set forth in MCC 37.1500 *et. seq.* shall apply in the Columbia River Gorge National Scenic Area.

Section 3. MCC Sections 11.05.500 through 11.05.575 are hereby repealed as follows:

STREET NAMING AND PROPERTY NUMBERING

11.05.500. Definitions

~~(A) Words and their derivations used in this Chapter shall have the meanings given in the Multnomah County Code.~~

~~(B) Director means the Director of the Department of Environmental Services or the Director's authorized delegate.~~

11.05.505. Policy and Purpose

~~In order to provide a uniform street naming and property numbering system of benefit to all the citizens of the County, it is the policy of Multnomah County to extend the property numbering system and street naming pattern established by the City of Portland to all unincorporated retain, restore and extend the historical road naming system for all rural County areas;~~

11.05.510. Scope

~~The provisions of the Chapter shall apply to the naming of streets and the numbering of property in the unincorporated areas of Multnomah County.~~

11.05.515. Directional Designations, Urban Area

~~For the purpose of this Chapter, the urban area of Multnomah County is hereby divided into five sections having the directional designations, abbreviations and dividing lines as listed herein,~~

~~The name or number of a public or private street within a section shall be preceded by the abbreviated directional designation of that section. The five sections are:~~

~~(A) "North," abbreviated "N.," consisting of the areas between N. Williams Avenue and its northerly extension and the Willamette River channel from the Burnside Bridge to the river mouth;~~

~~(B) "Northeast," abbreviated "N.E.," consisting of the area east of N. Williams Avenue and its northerly extension and north of E. Burnside Street and its easterly extension;~~

~~(C) "Northwest," abbreviated "N.W.," consisting of the area between the Willamette River channel downstream from the Burnside Bridge and W. Burnside Road;~~

~~(D) "Southeast," abbreviated "S.E.," consisting of the area south of E. Burnside Street and its easterly extension and east of the Willamette River channel; and~~

~~(E) "Southwest," abbreviated "S.W.," consisting of the area west of the Willamette River channel and south of W. Burnside Road.~~

~~11.05.520. Street Naming and Property Numbering Grid~~

~~A street naming and property numbering grid is hereby established.~~

~~(A) The grid shall consist of parallel lines spaced 264 feet apart and centered as follows:~~

~~(1) The north-south center gridline shall be N. Williams Avenue and its northerly and southerly extension; and~~

~~(2) The east-west center gridline shall be W. Burnside Road and E. Burnside Street and its easterly extension.~~

~~(B) For urban area streets there shall be 20 names or numbers provided per mile, centered on the gridlines.~~

~~(C) For urban and rural area property numbering there shall be 100 numbers provided between each two gridlines. Except as provided in MCC 11.05.560(B), the numbers shall start with the number "1" at the center gridlines described in subsection (A) of this section, and continue in consecutive hundreds at each gridline.~~

~~11.05.525. North-South Street Numbering System, Urban Area~~

~~A north-south street number system is hereby established for the urban area.~~

~~(A) An urban area street having an alignment generally north and south shall be identified by a number according to the system established in the City of Portland and in practice in unincorporated Multnomah County on the effective date of this Chapter. There shall be 20 numbers per mile which shall increase in magnitude to the east and to the west of the N. Williams Avenue centerline.~~

~~(B) A numbered street on or close to a gridline established under MCC 11.05.520 shall be designated "Avenue."~~

~~(C) A numbered street located midway between two gridlines established under MCC 11.05.520 shall be designated "Place" and shall have the lesser number of the two adjacent gridlines.~~

~~11.05.530. East-West Street Naming System, Urban Area~~

~~An east-west street naming system is hereby established for the urban area.~~

~~(A) An urban area street having an alignment generally east and west shall be identified by a name according to the pattern of names established in the City of Portland and in practice in unincorporated Multnomah County on the effective date of this Chapter.~~

~~(B) A named street on or close to a gridline established by MCC 11.05.520 shall be designated "Street."~~

~~(C) A named street located midway between two gridlines established under MCC 11.05.520 shall be designated "Court" and shall have the same name as that of the preceding street on the gridline nearest to the Burnside center gridline.~~

11.05.535. Street Naming System, Rural Area

~~A rural area street naming system is hereby established.~~

~~(A) The pattern of street names shown on the January 1, 1984, Assessor's maps is hereby established as the street naming system for the rural area of Multnomah County. Said map is herein incorporated by reference to the same force and effect as if set forth fully herein.~~

~~(B) Except as established on the Assessor's maps, or as may be established under MCC 11.05.540(D), a rural area street shall be designated as "Road."~~

~~(C) An extension of a rural area street shall continue the name of that street.~~

~~(D) The name for a new rural area street shall be designated under the provisions of MCC 11.05.550.~~

~~(E) The roads described in Appendix 1 [Appendix A], attached hereto and incorporated herein by reference, have been renamed during the time between the adoption of Ordinance No. 274, and the codification of that ordinance. The renaming of those roads, as described in Appendix 1 [Appendix A], is hereby adopted and ratified.~~

~~(F) To the extent feasible, the directional designation grid established in MCC 11.05.515 shall be extended throughout the rural areas of unincorporated Multnomah County.~~

11.05.540. Other Designations for Streets

~~The following additional street naming and numbering provisions are hereby established.~~

~~(A) A named or numbered urban area street which crosses two or more gridlines of the same direction as the street shall be designated "Drive."~~

~~(B) A named or numbered urban area street which forms a loop having two intersections with one other street shall be designated "Circle."~~

~~(C) The designation of a street as "Boulevard," "Highway," "Lane," "Parkway," "Road," "Terrace," "Way" or similar term, established prior to the effective date of Chapter, is hereby adopted and shall be continued for any extension of that street.~~

~~(D) A designation listed in subsection (C) of this section, or a similar term, may be included in the naming of a new street or the renaming of an existing street under MCC 11.05.350 upon a finding that another designation otherwise authorized by this Chapter is inappropriate to the circumstances or inconsistent with the policy and purpose stated in MCC 11.05.505.~~

11.05.545. Naming and Numbering of Private Streets

~~A naming and numbering system for private streets is hereby established.~~

~~(A) The name or number of a private street having a length greater than 250 feet shall conform with the naming or numbering system established under MCC 11.05.525 through 11.05.540 as appropriate.~~

~~(B) The name or number of a private street having a length of 250 feet or less shall be the same as the name or number of the connecting public street.~~

11.05.550. Naming of a New Rural Area Street; Renaming of an Existing Urban or Rural Area Street; Procedure

~~Action to name a new rural area street or to rename an existing urban or rural area street shall be subject to the following:—~~

~~(A) A proposed naming or renaming shall be initiated by:~~

~~(1) Resolution of the Board of County Commissioners;~~

~~(2) Resolution of the Planning Commission;~~

~~(3) A petition filed with the Director, signed by 20 percent or more of the owners of property abutting an existing street to be renamed;~~

~~(4) A petition filed with the Director, signed by the owners of 51 percent or more of the property abutting a new street to be named, and including a name proposed in a land division under MCC Chapter 11.45, or~~

~~(5) Administrative order of the Director, Department of Environmental Services or his or her designee.~~

~~(B) A copy of the resolution, petition or order shall be filed with the Clerk of the Board.~~

~~(C) The Hearings Officer shall conduct a public hearing and make a decision on the proposed naming or renaming.~~

~~(D) In addition to the provisions of this section, the provisions of MCC 11.15.8220 through 11.15.8285, excepting MCC 11.15.8220(C), 11.15.8220(D), and 11.15.8240(F) shall apply in the consideration and action on a naming or renaming proposal.~~

~~(E) First class mailed notice of the proposal shall be given at least ten days prior to the hearing to:~~

~~(1) The owners of all property abutting on the street;~~

~~(2) The rural fire protection district;~~

(3) The Postmaster having jurisdiction,

(4) The Office of City-County Emergency Communication Service.

~~(F) Action by the Board of County Commissioners to name or rename a street shall be in the form of an order.~~

~~First class mailed notice of the action shall be given to the parties of the hearing and those listed in subsection (E) of this section.~~

~~(G) Criteria for the selection of a rural area street name are:~~

~~(1) Factors of historical significance related to persons, circumstances or events,~~

~~(2) Factors of geographical significance,~~

~~(3) Factors of street location, function or direction,~~

~~(4) Common usage of a name for the street or in the area,~~

~~(5) Prior use of the name for the street,~~

~~(6) Name consistency for a continuous route, and~~

~~(7) Nonduplication of another rural area street name.~~

11.05.555. Street Name Signs

~~Standards and requirements for street name signs are hereby established.~~

~~(A) A street name sign shall have the name of the street as designated under the provisions of this Chapter.~~

~~(B) A name sign for a public street shall be designed, installed and maintained in accord with requirements established by the Oregon Department of Transportation.~~

~~(C) A private street name sign to be located in the connecting public street right-of-way shall be installed by the County at the expense of the property owner or land division applicant and thereafter shall be maintained by the County.~~

~~(D) Exception: Approval of a planned development or other land development program may include alternate provisions for the installation and maintenance of a private street sign.~~

~~(E) A private street sign shall be designed and located according to standards approved by the Director of the Department of Community Services.~~

11.05.560. Numbering of Property, Rural and Urban Areas

The Director shall assign address numbers for buildings or property and shall maintain records thereof according to the following:

(A) One hundred numbers shall be provided between each two gridlines established under MCC 11.05.520. The numbers shall start with the number "1" at the centerlines described in subsections (A) and (B) of that section. The numbers shall continue in consecutive hundreds at each gridline.

(B) Address numbers on east-west streets between the extended alignment of S.W. Viewpoint Terrace and the Willamette River shall be preceded by "0".

(C) Odd numbers shall apply to properties or buildings on the northerly or westerly sides of a public street or a private street greater than 250 feet in length.

(D) Even numbers shall apply to properties or buildings on the southerly or easterly sides of a public street or a private street greater than 250 feet in length.

(E) Numbering of properties or buildings served by a private street having a length of 250 feet or less shall be by consecutive odd or even numbers consistent with those on the same side of the connecting public street.

(F) An address number shall be assigned for each property or building in separate ownership, possession or occupancy.

(G) In the event the building address number sequence exceeds the available numbers, a suffix "A," "B," "C," etc. may be assigned by the Director.

(H) An address number or numbers shall be assigned by the Director in conjunction with the application for a building or land use permit, a land division or upon the written request of the property owner.

11.05.565. Renumbering of Property; Notice

When the Director reassigns a property or building address number, under the provisions of MCC 11.05.560, to a property or building, the following notification is required.

(A) First class mailed notice of an address number reassignment shall be given to the property owner by the Director.

(B) Notice of an address number reassignment shall also be given to:

- (1) The rural fire protection district;
- (2) The Postmaster having jurisdiction;
- (3) The Director, Department of General Services;
- (4) The Office of City County Emergency Communication Service.

~~11.05.570. Placement of Address Numbers~~

~~(A) The property owner or owner's agent shall place the address number assigned by the Director on the building or property at the earliest practical time in one or more of the following locations:~~

- ~~(1) On the building,~~
- ~~(2) On a sign on the property,~~
- ~~(3) On a mailbox adjacent to the street, or~~
- ~~(4) In such other location as to be legible from the street or access drive.~~

~~(B) Address numbers shall be permanently affixed, of a size, design and placement as to be legible from the street or access drive serving the property, and shall comply with zoning or other ordinance standards for signs.~~

~~(C) Failure to place an assigned address number or the placement of an address number other than one consistent with the provisions of this Chapter shall be deemed a violation.~~

~~11.05.575. Administration; Powers of the Director~~

~~(A) The Director shall be responsible for the administration and enforcement of this Chapter.~~

~~(B) The Director shall have the authority to do the following:~~

- ~~(1) Assign urban area street names according to the provisions of this Chapter,~~
- ~~(2) Determine standards of design and location for private street signs,~~
- ~~(3) Place and maintain street name signs in public street rights of way, as described in this Chapter,~~
- ~~(4) Assign property and building address numbers, give notice thereof and keep a record of the number assignment,~~
- ~~(5) Initiate a new street name or the renaming of an existing street under the provisions of MCC 11.05.550, and~~
- ~~(6) Exercise such other powers as are necessary to carry out the provisions of this Chapter.~~

APPENDIX A

ROAD NAME CHANGES

East County Road Name Changes

1. Remove the name Dressel or Dressler Road, east of the south end of S.E. Henkle Road, the new name is S.E. Stevens Road. (Section 4 and 9, T1S, R4E, WM)
2. N.E. Ogden Road, south of N.E. Marok Road, to E. Woodard Road, is to remain N.E. Ogden Road, but that portion east of N.E. Seidl Road is to be renamed N.E. Lampert Road. (Section 29, 31 and 32, T1N, R4E, WM)
3. A loop north of E. Crown Point Highway, between N.E. 366th Avenue and N.E. Littlepage Road (signed but not shown on 600 maps), is to be named N.E. Benfield Road. (Section 35, T1N, R4E, WM)
4. A 20 foot wide dedicated road, 1,800± feet north of N.E. Benfield Road is to be named N.E. Meyers Lane. (Section 26 and 35, T1N, R4E, WM)
5. S.E. Oxbow Parkway, from S.E. Division Drive to S.E. Wesner Road, is to be renamed S.E. Oxbow Drive. (Section 8, 16 and 17, T1S, R4E, WM)
6. N.E. Littlepage Road, from E. Crown Point Highway east to N.E. Littlepage Road No. 111, a distance of 1,000± feet is to be renamed N.E. Grange Hall Road. (Section 35, T1N, R4E, WM)
7. A 30 foot wide easement, extending 1,800± feet south of E. Crown Point Highway, between N.E. 366th Avenue and N.E. Littlepage Road, is to be named N.E. Rohrbach Road. (Section 35, T1N, R4E, WM)
8. A dedicated road extending 2,150± feet east of N.E. Littlepage Road, and between E. Crown Point Highway and E. Knieriem Road, is to be named N.E. Houston Road. (Section 35, T1N, R4E, WM)
9. A loop south of S.E. Hurlburt Road, between S.E. Henkle Road and S.E. Evans Road, is to be named S.E. Kimbley Road. (Section 3, T1S, R4E, WM)

10. A loop north of S.E. Hurlburt Road, between S.E. Henkle Road and S.E. Evans Road, is to be named S.E. Ellis Road. (Section 3, T1S, R4E, WM)

11. An easement extending 2,600± feet east of N.E. Salzman Road, and situated south of E. Larch Mountain Road, is to be named N.E. Aldermeadows Drive. (Section 36, T1N, R4E, WM; Section 31, T1N, R5E, WM)

12. The western portion of S.E. Red Elder Drive, from the fork of S.E. Red Elder Drive, approximately 200 feet south of E. Larch Mountain Road, a distance of 1,500± feet southerly to Hemlock Road, is to be named S.E. Hemlock Road. (All contained in the plat of Foothills Ranch, Section 35, T1N, R5E, WM)

13. That portion of road extending east of the west line of block 3, in the plat of Latourelle Falls, to E. Crown Point Highway, is to be named N.E. Latourelle Road. (Section 29, T1N, R5E, WM)

14. That portion of County Road extending east of E. Crown Point Highway 6,800± feet to N.E. Alex Barr Road, No. 648, is to be named N.E. Alex Barr Road. (Section 28 and 29, T1N, R5E, WM)

15. That portion of N.E. Toll Road extending southeasterly from N.E. George Smith Road to N.E. Brower Road is to be renamed N.E. Brower Road. (Section 26 and 27, T1N, R5E, WM)

16. That portion of N.E. Brower Road east of N.E. Toll Road No. 566 will no longer be named N.E. Brower Road, but is to remain unnamed. (Section 25, 26, 35 and 36, T1N, R5E, WM)

17. N.E. George Smith Road No. 647, between N.E. Toll Road and N.E. Palmer Mill Road, is to be renamed N.E. Brower Road. (Section 26 and 27, T1N, R5E, WM)

18. S.E. Strebin Road from S.E. Division Drive 3,800± feet north to S.E. Strebin Road, running east and west, is to be renamed S.E. 287th Avenue. (Section 7, T1S, R4E, WM)

19. ~~S.E. Strebin Road from S.E. Sweetbriar Road south 2,300± feet to S.E. Strebin Road east, is to be renamed S.E. 282nd Drive. (Section 1, T1S, R3E, WM, and Section 6, T1S, R4E, WM)~~

20. ~~S.E. Powell Valley Road, from S.E. Reork Road south to S.E. Orient Drive; is to be renamed S.E. Short Road. (Section 19, T1S, R4E, WM)~~

21. ~~S.E. Grace Street from Grace Road south 1,000± feet to Proctor Street is to be renamed S.E. 322nd Avenue. (Section 20, T1S, R4E, WM)~~

22. ~~S.E. Mally Court, from S.E. Mally Road to Proctor Street, is to be renamed S.E. 319th Place. (Section 20, T1S, R4E, WM)~~

23. ~~S.E. Victory Road, from S.E. Division Drive 1,300± feet south, is to be renamed S.E. 317th Avenue. (Section 8, T1S, R4E, WM)~~

24. ~~S.E. Victory Road, from S.E. Oxbow Drive 2,200± feet north, is to be renamed S.E. 322nd Avenue. (Section 8, 9, 16 and 17, T1S, R4E, WM)~~

25. ~~S.E. Carpenter Road, from S.E. Bluff Road north 5502 feet to S.E. Miller Road, is to be renamed S.E. 322nd Place. (Section 21, T1S, R4E, WM)~~

26. ~~S.E. Anderson Road should not appear on 600 sheet No. 48, or Section 24, T1S, R3E, WM, except as a former road. The correct designation is S.E. 267th Avenue.~~

27. ~~Show N.E. Clara Smith Road (east of N.E. Corbett Hill Road to dead end) on 600 maps. (Section 26, T1N, R4E, WM)~~

28. ~~Show S.E. Wilson Road, south of S.E. Kerslake Road, on 600 maps and section maps. (Section 6, T1S, R4E, WM)~~

29. ~~Blue Lake Road from N.E. Sandy Boulevard northerly to N.E. 223rd Avenue County Road NO. 3404 to be named N.E. 223rd Avenue. (Section 22 and 27, T1N, R3E, WM)~~

30. ~~Correct spelling of Hague Mill Road to S.E. Hogg Mill Road. Recorded spelling letter to Board, January 6, 1950. (Section 20, T1S, R5E, WM)~~

31. Correct spelling of Johannssen Road to S.E. Johannesen Road. (Section 19, T1S, R5E, WM)

32. The roads listed below should be identified as follows:

- a. E. Bell Road.
- b. E. Crown Point Highway.
- c. E. Knieriem Road.
- d. E. Larch Mountain Road.
- e. E. Woodard Road.
- f. E. Haines Road.

33. A road as shown in the original plat of Corbett, running south approximately 1,680± feet from the junction with N.E. Corbett Hill Road, is to be named N.E. Rasmussen Road. (Section 27, T1N, R4E, WM)

34. A road from E. Crown Point Highway beginning in Section 22, T1N, R5E, WM and running southwesterly approximately 8,000 feet to N.E. Alex Barr Road in Section 28, T1N, R5E, WM is to be named N.E. Henderson Road. (Includes Section 21, T1N, R5E, WM)

35. All other roads situated north of the easterly projection of E. Burnside and east of N. Williams Avenue shall have the road name or number designation preceded by "N.E."

36. All other roads situated south of the easterly projection of E. Burnside and east of the Willamette River shall have the road name or number designation preceded by "S.E."

37. All other roads north of E. Burnside and between the Willamette River and N. Williams Avenue shall have the road name or number designation preceded by "N."

38. All other roads west of the Willamette River and south of W. Burnside Street shall have the road name or number designation preceded by "S.W."

39. All other roads west of the Willamette River and north of W. Burnside Street shall have the road name or number designation preceded by "N.W."

West County Road Name Changes

1. A dedicated road, west from N.W. St. Helens Road, located some 1,700 feet south of N.W. Logie Trail Road, is to be named N.W. Chestnut Lane. (Section 18, T2N, R1W, WM)
2. A dedicated road, proceeding south from N.W. Chestnut Lane, approximately 400 feet, is to be named N.W. Vista Lane. (Section 18, T2N, R1W, WM)
3. A dedicated road, proceeding south 1,800± feet from N.W. Cornelius Pass Road, at a point 400± feet south of N.W. Skyline Boulevard, is to be named N.W. Plainview Road. (Section 31, T2S, R1W, WM)
4. A dedicated road joining N.W. Morgan Road and N.W. King Road is to be named N.W. Clark Road. (Section 12, T2N, R2W, WM)
5. A dedicated road extending east from N.W. St. Helens Road, situated approximately 2,000 feet north of the Sauvie Island Bridge, is to be named N.W. Mill Road. (Section 28, T2N, R1W, WM)
6. A dedicated road, extending east from N.W. St. Helens Road, situated approximately 500 feet south of the Sauvie Island Bridge, is to be named N.W. Larson Road. (Section 28, T2N, R1W, WM)
7. The designation of Lower Columbia River Highway should be discontinued on all County maps and the legal designation N.W. St. Helens Road should be used.
8. A dedicated loop road south of N.W. Laidlaw Road extending from lots 6 and 46 Bonny Slope plat to lots 18 and 49 Bonny Slope plat is to be named N.W. Old Laidlaw Road. (Section 22, T1N, R1W, WM)
9. A dedicated road, situated in Section 22, IN, 1W, WM, and proceeding north from N.W. Thompson Road, to the east end of N.W. Hiller Lane, is to be named N.W. 120th Avenue. (Section 22, T1N, R1W, WM)

~~10. A separate road, located within the right of way of N.W. St. Helens Road, along and parallel to the southwesterly side of N.W. St. Helens Road, from N.W. Harborton Drive northwesterly, approximately 550 feet, is to be named N.W. Alderview Drive. (Section 33 and 34, T2N, R1W, WM)~~

Section 4. 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 immediately in order for the City of Gresham Street Naming and Property Renumbering Procedures to be applied to an identified project area adjacent to the boundary of the city. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect immediately upon being signed by the Chair of the Board of Commissioners.

FIRST READING AND ADOPTION:

November 8, 2007

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 11-08-07
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: R-4
Est. Start Time: 10:00 AM
Date Submitted: 10/15/07

BUDGET MODIFICATION: HD - 16

Budget Modification HD-16 Appropriating \$54,315 from the Department of
Agenda Health and Human Services National Cancer Institute for the Impact of School
Title: Policy on Risk Factors for Youth Obesity Project

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

Requested Meeting Date:	<u>November 8, 2007</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Health</u>	Division:	<u>Community Health Promotion, Partnerships and Planning</u>
Contact(s):	<u>Lester A. Walker, Finance and Budget Manager</u>		
Phone:	<u>503-988-3674</u>	Ext.	<u>26457</u>
Presenter(s):	<u>I/O Address: 167/2/210</u> <u>Myde Boles, Research/Evaluation Supervisor and Sandy Johnson, Research/Evaluation Supervisor</u>		

General Information

1. What action are you requesting from the Board?

Approval of appropriation of \$54,315 in funding from the Department of Health and Human Services National Institutes of Health - National Cancer Institute for the Health Department's Community Health Promotion, Partnerships and Planning - Program Design and Evaluation Services unit in support of the "Impact of School Policy on Risk Factors for Youth Obesity" 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.

There is a growing need to better understand how school nutrition policies have affected youth nutrition and how they could potentially reduce the prevalence of youth obesity. The Program Design and Evaluation Services unit will use existing Oregon youth survey data and school policy survey data to describe progress in preventing youth obesity by improvements in school nutrition policies (if any), and resultant changes in youth nutrition behaviors. Program Design and Evaluation Services intends to compare Oregon data to Washington data, because the two states are

demographically similar and the Washington State legislature enacted a state-level mandate in 2005 requiring schools to have such policies, where Oregon did not. Program Design and Evaluation Services unit will also assess the impact of the 2006 federal wellness policy on both states. They will then be able to determine the extent to which policy mandates have led to greater progress in school policy implementation and youth outcomes in Washington, compared to Oregon.

This project supports the objectives of Program Offer 40035, Health Planning and Evaluation by providing evaluation assistance to community partners.

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

Approval of this budget modification will increase the Health Department's federal/state FY08 budget by \$54,315. This is a two-year project. An additional \$54,315 is planned for FY09.

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

None.

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

Representatives of state or county government programs that support schools in Oregon and Washington will be asked to collaborate as part of an advisory group for the project and will be asked to support dissemination of any findings that are useful for implementing effective school nutrition policies.

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 FY08 federal/state revenue will increase by \$54,315 as a result of the work performed under this grant.

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

The Health Department's Community Health Promotion, Partnerships and Planning – Planning, Development & Evaluation Services FY08 federal/state budget will increase by \$54,315. Temporary personnel expenses will increase by \$45,497, Professional Services (consultant for nutrition and physical activities) by \$4,000, Local Travel/Mileage by \$503, and Indirect by \$4,315.

- **What do the changes accomplish?**

The purpose of this project is to identify, analyze, and evaluate environmental and policy strategies that can promote healthy eating among children and prevent childhood obesity. Target populations are children in grades K-12 from elementary, middle or high schools.

The findings from the grant should provide decision-makers and policy-makers with empirical evidence to guide development or implementation of school nutrition policies. The research will inform school food policies and environmental strategies, not individual behavior change (such as education or curricular interventions.)

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

No additional FTE will result from this budget modification. Existing FTE (Principal Investigator, Research/Evaluation Analyst/Supervisors) will perform services and will be covered by other contracts and grants when this project ends.

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

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?**

This is a two-year project funded at \$54,315 per year.

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

The Budget Period is 9/7/07 – 8/31/08. The Project Period is 9/7/07 – 8/31/09.

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

The project will be completed when the grant expires. Additional funding will not be needed.

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 16

Required Signatures

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

Lillian Shirley

/kj/

Date: 10-14-07

Budget Analyst:

Angela Burdine

Date: 10/16/07

Department HR:

Terrence Heller

Date: 10/10/07

Countywide HR:

Date:

Budget Modification ID: **HD-08-16****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-16	32264	30			4FA49-01-1	50170	0	(54,315)	(54,315)		DHHS NIDA Grant
2	40-16	32264	30			4FA49-01-1	60100	0	31,542	31,542		Research/Evaluation Supervisor, P.I., R.A.
3	40-16	32264	30			4FA49-01-1	60135	0	8,455	8,455		Non-base Fringe
4	40-16	32264	30			4FA49-01-1	60145	0	5,500	5,500		Non-base Insurance
5	40-16	32264	30			4FA49-01-1	60170	0	4,000	4,000		Consultant on nutrition and physical activities
6	40-16	32264	30			4FA49-01-1	60270	0	503	503		Local Travel/Mileage
7	40-16	32264	30			4FA49-01-1	60350	0	1,145	1,145		Central Indirect
8	40-16	32264	30			4FA49-01-1	60355	0	3,170	3,170		Department Indirect
9												
10	72-10	3500	0020		705210		50316		(5,500)	(5,500)		Insurance Revenue
11	72-10	3500	0020		705210		60330		5,500	5,500		Offsetting expenditure
12									0			
13	19	1000	0020		9500001000		50310		(1,145)	(1,145)		Indirect reimbursement revenue in GF
14	19	1000	0020		9500001000		60470		1,145	1,145		CGF Contingency expenditure
15									0			
16	40-90	1000	30		409050		50370		(3,170)	(3,170)		Indirect Dept reimbursement revenue in GF
17	40-90	1000	30		409001		60000		3,170	3,170		Off setting Dept expenditure in GF
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 (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 11-08-07
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: R-5
Est. Start Time: 10:02 AM
Date Submitted: 10/24/07

BUDGET MODIFICATION: HD - 17

Budget Modification HD-17 Appropriating \$128,214 from the Department of Health and Human Services National Institute On Drug Abuse for the Reducing HIV Risk Among Methamphetamine IDUs through Peer Education Project

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

Requested Meeting Date:	<u>November 8, 2007</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Health</u>	Division:	<u>Community Health Promotion, Partnerships and Planning/ Community Health Services</u>
Contact(s):	<u>Lester A. Walker, Finance and Budget Manager</u>		
Phone:	<u>503-988-3674</u>	Ext.	<u>X26457</u>
		I/O Address:	<u>167/2/210</u>
Presenter(s):	<u>Maureen Rumptz, Research/Evaluation Supervisor and Sandy Johnson, Research/Evaluation Supervisor</u>		

General Information

1. What action are you requesting from the Board?

Approval of appropriation of \$128,214 in funding from the Department of Health and Human Services - National Institutes of Health - National Institute On Drug Abuse for the Health Department in support of the "Reducing HIV Risk Among Methamphetamine Injection Drug Users Through Peer Education" 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.

This funding supports the National Institute On Drug Abuse "Using Peer Educators to Reduce HIV Risk Among a Hidden Population of Injection Drug Users (IDUs)" model. The purpose of this funding is to stimulate a range of investigator-initiated studies to advance the scientific knowledge base on drug abuse aspects of HIV/AIDS and other serious infections. This research addresses the initiation, sustainability, and renewal of HIV/AIDS risk reduction and prevention among drug users and their sex partners, including studies of the effectiveness, cost-effectiveness, and durability of

intervention outcomes among demographically and culturally diverse populations and communities. Studies are encouraged to design and test new community-based outreach interventions that are linked to a variety of ancillary services (e.g., rapid diagnostic assays, HIV counseling and testing, medical care for viral hepatitis/STIs, and drug treatment) or that are adapted to traditionally underrepresented or hard-to-reach populations.

There are over 3,700 persons living with HIV (PLWH) in the greater Portland Eligible Metropolitan Area (EMA) which covers Multnomah, Washington, Clackamas, Clark, Columbia and Yamhill counties. Although HIV increasingly affects women in the EMA, 90% of PLWH in the EMA are men. Sixty nine percent (69%) of PLWH are men who have sex with men. African Americans in the EMA are disproportionately impacted by HIV, accounting for 3% of the general population, but comprising almost 9% of PLWH. Hispanics are 9% of the general population, and make up 8% of PLWH. PLWH in the EMA have high rates of substance abuse with 19% of PLWH identified as injection drug users (IDUs). Heroin and methamphetamine are the most common injected drugs in the Portland EMA. Substance abuse contributes to high-risk sexual behavior.

The Health Department's Program Design and Evaluation Services and Community Health Services will test the "Using Peer Educators to Reduce HIV Risk Among a Hidden Population of IDUs" model with methamphetamine drug injectors who frequent the County's Needle Exchange Program (NEX).

This action supports Program Offer 40035 – Health Planning and Evaluation and Program Offer 40011 – STD/HIV/Hep C Community Prevention.

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

Approval of this budget modification will increase the Health Department's federal/state FY08 budget by \$128,214. This is a two year project. The second year funding is \$153,857. Total funding is \$282,071.

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

There are no legal and/or policy issues.

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

This project will be a collaborative effort of the Multnomah County Health Department and Oregon Health Services.

ATTACHMENT A

Budget Modification

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

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

The Health Department's federal/state revenue budget will increase by \$128,214 in FY08 as a result of the work performed under this grant.

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

The Health Department's Community Health Promotion, Partnerships and Planning – Planning, Development & Evaluation Services FY08 federal/state budget will increase by \$83,080.

Temporary Personnel Costs (in support of existing Research/Evaluation Supervisor, Program Development Technician, Principal Investigator, and temporary Interviewers) will increase by \$47,461, Pass-Thru and Program Support (Oregon Department of Human Services – personnel, supplies) by \$20,000, Professional Services (Advisory Board) by \$200, Communications (cell phones for interviewers) by \$1,920, Supplies (interviewing supplies, general supplies, incentives) by \$5,312, Food (for interviews) by \$876, Local Travel/Mileage (for interviewers/clients) by \$711, and Indirect Costs by \$6,600.

The Health Department's Community Health Services FY08 federal/state budget will increase by \$45,134. Temporary Personnel Costs (in support of existing Community Health Specialist 2, Health Educator) will increase by \$39,695, Supplies (office supplies) by \$1,853, and Indirect Costs by \$3,586.

- **What do the changes accomplish?**

The goal is to reduce HIV risk among methamphetamine injection drug users through peer education. Methamphetamine-injecting needle exchangers will be trained to provide HIV preventive health services to their network of needle recipients using brief, client-centered peer counseling. Participating exchangers will assist recipients in reducing their risk of HIV infection by providing referrals to HIV counseling and testing, hepatitis C screening, hepatitis A and B vaccinations, STD testing, primary medical care, drug treatment, and other health and social services. Feasibility testing will include 1) formative evaluation activities with secondary exchangers and recipients (e.g., focus groups and key informant interviews); 2) training of secondary exchangers to deliver the intervention; 3) implementation of the intervention with secondary exchange recipients; and 4) process and outcome evaluation, using a pre/post, quasi-experimental single group design. Findings from the feasibility study will impact HIV prevention efforts at the Health Department's Needle Exchange Program (NEX), and has implications for the NEX programs across the country, which access extremely high-risk, vulnerable populations.

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

This budget modification does not result in an increase in FTE. Temporary personnel funds will support existing FTE (Research/Evaluation Supervisor, Program Development Technician, Principal Investigator, Community Health Specialist 2, Health Educator) and temporary Interviewers.

- **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?**

This is a two-year project. The first year is funded at \$128,214. The second year funding is \$153,857. We plan to pursue additional grant funds.

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

The Budget Period is 9/15/07 – 8/31/08. The Project Period is 9/15/07 – 8/31/09.

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

When the grant expires, additional grant funds will be sought to support the continuation of program components that are found to be effective. The department will not backfill expired grant funds with general fund.

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

ATTACHMENT B

BUDGET MODIFICATION: HD - 17

Required Signatures

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

Lillian Shirley

/kj/

Date: 10-23-07

Budget Analyst:

Angela Burdine

Date: 10/25/07

Department HR:

Patricia Miller

Date: 10/10/07

Countywide HR:

Date:

Budget Modification ID: **HD-08-17****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2008

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-16	32265	30			4FA48-01-1	50170	-	(83,080)	(83,080)		DHHS NIH NIDA Grant - CHP3 PDES
2	40-16	32265	30			4FA48-01-1	60100	0	31,666	31,666		R/E Sup, PDT, CHS2, Hlth Educ,P.I., Interview
3	40-16	32265	30			4FA48-01-1	60135	0	9,642	9,642		Non-base fringe
4	40-16	32265	30			4FA48-01-1	60145	0	6,153	6,153		Non-base insurance
5	40-16	32265	30			4FA48-01-1	60160	0	20,000	20,000		DHS personnel/M&S
6	40-16	32265	30			4FA48-01-1	60170	0	200	200		Advisory Board
7	40-16	32265	30			4FA48-01-1	60200	0	1,920	1,920		Cell phones for interviewers
8	40-16	32265	30			4FA48-01-1	60240	0	5,312	5,312		Interviewing supplies, incentives, general
9	40-16	32265	30			4FA48-01-1	60250	0	876	876		Food for interviews
10	40-16	32265	30			4FA48-01-1	60270	0	711	711		Local Travel/Mileage for interviews
11	40-16	32265	30			4FA48-01-1	60350	0	1,751	1,751		Central Indirect
12	40-16	32265	30			4FA48-01-1	60355	0	4,849	4,849		Departmental Indirect
13									0			
14	40-30	32265	30			4FA48-01-2	50170	0	(45,134)	(45,134)		DHHS NIH NIDA Grant - CHS HIV
15	40-30	32265	30			4FA48-01-2	60100	0	25,033	25,033		Hlth Educator, Community Hlth Spec 2
16	40-30	32265	30			4FA48-01-2	60135	0	8,033	8,033		Non-base fringe
17	40-30	32265	30			4FA48-01-2	60145	0	6,629	6,629		Non-base insurance
18	40-30	32265	30			4FA48-01-2	60240	0	1,853	1,853		General Office Supplies
19	40-30	32265	30			4FA48-01-2	60350	0	951	951		Central Indirect
20	40-30	32265	30			4FA48-01-2	60355	0	2,634	2,634		Departmental Indirect
21									0			
22	72-10	3500	0020		705210		50316		(12,782)	(12,782)		Insurance Revenue
23	72-10	3500	0020		705210		60330		12,782	12,782		Offsetting expenditure
24									0			
25	19	1000	0020		9500001000		50310		(2,703)	(2,703)		Indirect reimbursemant revenue in GF
26	19	1000	0020		9500001000		60470		2,703	2,703		CGF Contingency expenditure
27									0			
28	40-90	1000			409050		50370		(7,483)	(7,483)		Indirect Dept reimbursement revenue in GF
29	40-90	1000			409001		60000		7,483	7,483		Off setting Dept expenditure in GF
										0	0	Total - Page 1
										0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

REVISED

11/06/07

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: R-6
Est. Start Time: 10:05 AM
Date Submitted: 11/06/07

RESOLUTION Approving Amendment to Real Property Lease and Authorizing County Chair to Execute Further Lease Amendments with Tower Acquisitions LLC at the Rocky Butte Communication Facility, 2600 NE Rocky Butte Road, Portland, Oregon, in Settlement of a Bankruptcy Court Matter

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

Requested Meeting Date: November 8, 2007 Amount of Time Needed: 10 minutes
Department: Non-Departmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503-988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Matthew O. Ryan, Assistant County Attorney

General Information

1. What action are you requesting from the Board?

Approve amendment to real property lease and authorize County Chair to execute further lease amendments with Tower Acquisitions LLC at the Rocky Butte Communication Facility, 2600 NE Rocky Butte Road, Portland, Oregon, in settlement of a bankruptcy court matter.

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 County's FREDS and Facilities Management Divisions manage the Rocky Butte Communication Facility (Facility) for emergency communications operations of the County and City of Portland (City). The Facility tower was constructed in 1985 with private funds pursuant to a long term lease that allowed for the "shared use" of the Facility by the County (as Lessor) and the Lessee (Western Tele-Communications, Inc. or WTCI). In 2006, Tower Acquisitions LLC (TAL) claimed to have bought the rights of the former Lessee (WTCI) in a bankruptcy court ordered sale of a different party, namely Corban Communications. The County challenged the status of the lease as an asset of the Corban Bankruptcy Estate. The negotiated lease amendment allows for TAL to be

the new Lessee and provides for clarification of the rights of the parties to the lease. The County will withdraw its objection to the order of the Bankruptcy Court authorizing the sale of the lease to TAL.

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

The lease amendment will require the County to pay \$500 per month to TAL to allow for the City's use of the tower for its equipment for up to two years, with option to renew. (A 1993 IGA between the County and City provides that two governments will have equal access to either's communications facilities). This \$500 charge is subject to a 3% raise every year. The City has indicated it is willing to pay one-half the cost of this fee during the period its equipment is on the tower.

It is understood that the City is planning for the relocation of its equipment to another location. After two years, by which time the City is expected to remove its equipment from the tower, the obligation to pay this fee ends. The County needs the City's microwave equipment to be able to use its own communications equipment on the tower. When the City does relocate from the tower, arrangements will be made for the County to acquire a microwave antenna from the City or obtain a new piece of equipment. The County will not be responsible for any fee for use of the tower for this microwave antenna. The 1993 IGA will need to be amended to address these issues.

The lease amendment also provides for a potential one time financial contribution by the County not to exceed \$20,000, to cover the cost of any structural upgrade during the period the City's equipment is on the tower, if such upgrade work is necessary to meet building code requirements that would allow for the installation of new sub-lessees of TAL.

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

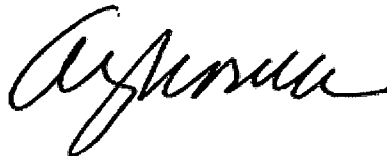
Pursuant to Resolution 07-037, the County Attorney must obtain Board approval for all settlements of or over \$25,000.

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

See above. In addition, Rockwood Water, a local utility that has been apparently allowed free use of the tower, will need to execute a lease with TAL or relocate.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 10/31/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving Amendment to Real Property Lease and Authorizing County Chair to Execute Further Lease Amendments with Tower Acquisitions LLC for the Rocky Butte Communication Facility, 2600 NE Rocky Butte Road, Portland, Oregon, 97220

The Multnomah County Board of Commissioners Finds:

- a. In 1985 the Board approved a lease of property known as the Rocky Butte Communication Facility located at 2600 NE Rocky Butte Road, Portland, Oregon, 97220 (Property Lease).
- b. The Rocky Butte Communications Facility is a tower designed for the installation and operation of communication antennas and small building that houses equipment necessary for the operation of the antennas constructed on a small parcel of County owned land located at the above noted address.
- c. Tower Acquisitions LLC, of Lee, Massachusetts (TAL) is the proposed new Lessee to replace the previous Lessee: Western Tele-Communications, Inc.
- d. The County and TAL have negotiated the attached lease amendment in settlement of their dispute regarding issues raised in a bankruptcy proceeding involving the tower facility and the Property Lease.
- e. It is in the best interests of the County to amend the Property Lease on the terms and conditions set forth in the attached lease amendment.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the attached lease amendment in settlement of the issues raised in the bankruptcy proceeding. The County Chair is authorized to execute an amendment to the Property Lease substantially in the form attached to this Resolution.
2. The County Chair is authorized to execute future amendments to the Property Lease without further Board action.

ADOPTED this 8th day of November, 2007

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:

Agnes Sowle, Multnomah County Attorney

FIRST AMENDMENT TO LEASE AGREEMENT

This First Amendment to Ground Lease Agreement ("First Amendment") by and between Multnomah County, a political subdivision of the State of Oregon, with a mailing address of: 501 SE Hawthorne Blvd, Suite 500, Portland, Oregon 97214; hereinafter designated LESSOR and Tower Acquisition LLC, a Delaware series limited liability company with its principal office located at 190 Housatonic Street, Lee, MA hereinafter designated LESSEE is made and entered into effective as of the date the last party hereto executes this First Amendment as indicated below. Lessor and Lessee are sometimes referred to herein as the "Parties".

RECITAL

WHEREAS, Lessor and Lessee entered into and executed that certain Lease Agreement dated April 24, 1985 (the "**Lease Agreement**" or "**Lease**" or "**Agreement**"), whereby Lessor leased to Lessee a portion of that certain property commonly known as "The Rocky Butte Tower Communication Facility", more particularly described in the Lease Agreement and as shown on the Tax Map of Multnomah County as Tax Lot 204, Map 2480, Section 28, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County, State of Oregon (the "**Premises**"); and

WHEREAS, Lessor and Lessee desire to amend and modify certain terms and conditions of the Agreement;

WHEREAS, for purposes of this Lease pursuant to that certain Intergovernmental Agreement ("IGA") executed in 1993 between the City of Portland ("City") and Lessor, to provide for the shared use of the both Jurisdictions' communication facilities the City has the right to use the Premises for the uses allowed under the 1993 IGA, the rights and uses of the Lessor under this First Amendment shall apply to the City to the same extent as to the Lessor.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein and for other good and valuable consideration, the receipt and sufficiency which are hereby acknowledged, Lessor and Lessee, intending to be legally bound, do hereby covenant and agree as follows:

Paragraph 4 of the Agreement and the Exhibit B referenced therein and attached to the Agreement shall be and is hereby deleted in its entirety and replaced with the following:

4. A. Lessor leases the Premises to Lessee for the purpose of enabling Lessee to construct, repair, maintain, and operate in, on and upon the Premises a communications facility including a tower not to exceed one-hundred fifty (150) feet in height and the equipment building/shelter and related equipment currently existing at the Premises. The area is presently enclosed by a chain link security fence.

B. Lessor's primary use is the operation of "essential communications" as that term is commonly used to identify emergency, police and fire

communications as well as other local government communications. At the present time Lessor's use of these functions occupies a radio frequency band below 1,000 MHZ.

C. Lessee shall have the right to sub-lease or sub-license any portion of the Premises not used, occupied, or allowed to be used or occupied, by Lessor as provided for herein and shall have the right to grant access and use to any and all easements and rights of access and utilities to third parties, in Lessee's sole and absolute discretion, and without the consent of Lessor subject to the following conditions:

1. Notwithstanding any provision in this agreement to the contrary, Lessee shall not install and shall not allow any third party to install any equipment at the Premises of a type and frequency which will cause harmful interference to the equipment of Lessor installed at the Premises, provided Lessor is operating such equipment within Lessor's assigned frequencies and within the technical parameters specified by its manufacturer and/or as defined by the Federal Communications Commission.

2. Lessee acknowledges that there will not be an adequate remedy at law for noncompliance with the provisions of this paragraph and therefore, Lessor shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

3. Notwithstanding Sub-Sections 4.C.1 and 4.C.2.; and upon notice from Lessor either orally or in writing, Lessee shall be responsible at no expense to Lessor for promptly taking such steps as may reasonably be necessary to prevent any harmful interference with Lessor's communication uses caused by Lessee's, or any sublessee's or sublicensee's of Lessee, activities. In the event such harmful interference occurs:

- a. To the extent such interference is with non-essential communications of Lessor; Lessee shall cease or require any sublessee/sublicensee of Lessee operating at the Premises to cease causing such harmful interference as soon as practicable but no later than 24 hours of written notice of same to Lessee or sublessee/sublicensee of Lessee. Lessee or any sublessee/sublicensee of Lessee shall be allowed to conduct intermittent testing and/or power down its equipment to allow such third party to eliminate such harmful interference.

- b. To the extent such interference is with essential communications as described in Sub-section 4. B., Lessee shall cease immediately or cause any sublessee/sublicensee of Lessee to cease immediately such harmful interference. Provided there is no interference with essential communications, the Lessee or any sublessee/sublicensee of Lessee shall be allowed to conduct intermittent testing

and/or power down its equipment to allow such third party to eliminate such harmful interference.

D. Lessee, and any sublessee/sublicensee of Lessee, shall have the right of access to the Premises at all times (i.e., twenty-four hours a day, seven days a week) during the term of this Lease.

2. Paragraph 9 of the Agreement shall be and is hereby amended to include the following revisions:

a. The first sentence shall be amended with the insertion of the following: "indemnify,"

immediately before the phrase: "save and hold harmless" in that sentence.

b. The addition of the following provision:

"Subject to the Conditions of the Oregon Tort Claims Act (ORS 30.260-30.300) and specifically within the financial limits of ORS 30.270; Lessor agrees to indemnify, save and hold harmless Lessee from any and all liability and claims whatsoever arising out of Lessor's gross negligence in the use of the Premises, except in cases arising from the negligent or other tortuous misconduct of Lessee or any sublessees of Lessee or their employees, agents, or business visitors."

3. That portion of Paragraph 9 stating "(1) \$500,000.00 combined single occurrence to each person and property" shall be and is hereby deleted and replaced with the following:

"(1) \$1,000,000.00 combined single occurrence to each person and property, which amount shall be adjusted over time consistent with best commercial practices for insuring comparable improvements."

4. Paragraph 13 is amended as follows:

The First sentence is deleted, and the following sentences are added:

Lessee shall not sell, assign, or otherwise transfer the whole of this Lease, unless or until it receives the written consent of Lessor, which consent shall not be unreasonably withheld, conditioned or delayed. Upon Lessor's receipt of Lessee's written request to sell, assign, or otherwise transfer the whole of this Lease, Lessor shall have thirty (30) days with which to reasonably object to such sale, assignment or other transfer of the whole of this Lease by Lessee. In the event Lessor fails to provide such written objection within said thirty (30) days; the proposed sale, assignment or other transfer shall be deemed to be automatically approved and consented to by Lessor and Lessor shall be deemed to have waived any and all rights to further object. Upon such sale, assignment or other transfer, Lessee shall be relieved of any and all obligations and liabilities to Lessor under this Agreement.

5. Exhibit A to the Agreement shall be and is hereby deleted in its entirety and replaced with the attached "Exhibit A, Revised" and all references in

the Agreement to "Exhibit A" shall be deemed to be a reference to the attached "Exhibit A, Revised."

6. Lessee's and Lessor's addresses identified in Paragraph 21 of the Agreement is hereby deleted and replaced with the following:

"To Lessee: Tower Acquisition LLC
190 Housatonic Street
Lee, Massachusetts 01238"

"To Lessor: Multnomah County, Oregon
Attn: Asset Management, Facilities & Property Management
401 N. Dixon Street, Portland, Oregon 97227"

7. Paragraph 22 of the Agreement is further amended by adding the word "telephone" between the words "gas" and "electricity" in the first line of Paragraph 22.

Paragraph 22 of the Agreement is hereby further amended to include the following sentence:

"Lessor shall promptly pay for all gas, telephone, electricity, and water used by it on the Premises during the term hereof, all of which shall be measured through proper and sufficient meters, to be installed and maintained by Lessor."

8. To the extent that there is any conflict between the terms of this First Amendment and the terms of the Agreement, the terms of this First Amendment shall control. Capitalized terms set forth in this First Amendment shall have the same meanings as the capitalized terms set forth in the Agreement, except as modified by this First Amendment.
9. Except as herein expressly modified and amended, the Agreement shall remain in full force and effect pursuant to each and every of its terms and conditions.
10. The Parties hereby affirm, restate and ratify the Agreement being amended by this Amendment. Lessor hereby recognizes Lessee as the successor in interest to the Agreement and waives any and all rights it may have to dispute and/or challenge any prior assignment of the Agreement to the Lessee and Lessee's predecessor's in interest.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Lessor and Lessee have executed this First Amendment as of the date the last party hereto executes this First Amendment as indicated below.

LESSOR: Multnomah County, a
political subdivision of the State of
Oregon

By: _____

Name:

Title:

Date: _____

LESSEE: TOWER ACQUISITION LLC
a Delaware series limited liability
company

By: _____

Name:

Title:

Date: _____

Exhibit A, Revised

1. Lessor, during the term of the Agreement, shall be entitled to occupy that existing 12' x 28' section of Lessee's shelter currently located at the Premises and which is currently being occupied by Lessor.
2. a. Subject to the conditions set forth in this Exhibit A, Revised Lessor, during the term of the Agreement, shall be entitled to install and operate, without charge and/or lease fee to Lessee only the following five (5) antennas (the "Approved Equipment") on Lessee's tower located at the Premises. Such right shall exist whether or not such equipment is physically located on the tower on the effective date of this First Amendment at the below identified antenna center line ("ACL") of the tower, as follows:

Type	Model	Dimensions	ACL	Frequency
a. Omni	TBD	x 20'		
b. Omni	TBD	x 20'		
c. Omni	TBD	x 20'		
d. Omni	TBD	x 20'		
e. microwave		x 6' (reserved as provided for in and subject to Section 2c. below)		

b. Subject to the provisions of Subsection 6 of this Exhibit A Revised, Lessor shall have the right, at its own expense, to make such alteration, modification or replacement of Lessor's Approved Equipment in or on the Premises as its operations may require as determined in its reasonable discretion, including the renovation or replacement of its antennas or other equipment.

c. Notwithstanding anything in this Agreement to the contrary, in the event the Additional Equipment as defined below is removed, Lessor shall have the right to add a microwave dish up to a diameter of six (6) feet or utilize one (1) existing microwave antenna identified in Section 3a. below not to exceed six (6) feet in diameter without charge and or fee to Lessee. The Parties agree that the addition of said microwave dish or the utilization of an existing microwave antenna as allowed under this Sub-section 2.c. shall not be deemed an "Antenna Modification" under Section 6 herein.

3. a. Subject to the conditions set forth in this Exhibit A, Revised, Lessor, during the term of the Agreement, shall be entitled to install and operate the following additional five (5) antenna (the "Additional Equipment") on Lessee's tower located at the Premises at the below identified antenna center line of the tower for an annual fee of Six Thousand and xx/100 dollars (\$6,000.00) (the "Additional Equipment Fee") to be paid to Lessee in equal monthly installments:

Type	Model	Dimensions	ACL	Frequency
1.				
2.				
3.				
4.				

5.

- b. The first monthly payment obligation under this Section 3, shall be due and payable on the first day of the month following the full execution of this Lease (the "Commencement Date") and the monthly obligation shall thereafter be due and payable on the first day of each month thereafter until the end of the term.
4. Lessor shall have the right to install and operate the Additional Equipment for an initial term of two (2) years and for four (4) five (5) year renewal terms thereafter. On the first anniversary of the Commencement Date and for each year thereafter, the Additional Equipment Fee shall increase by three percent (3%) over the immediately prior year's fee. The renewal terms shall automatically be renewed unless Lessor provides Lessee written notice of its intent not to renew within ninety (90) days of the then applicable renewal term. The Additional Equipment Fee and the aforementioned initial term shall commence on the first day of the month following the date the Amendment is fully executed by the Parties. After the initial term, Lessor shall have the right to remove the Additional Equipment upon providing Lessee with sixty (60) days written notice of its intent to do so. Upon removal of the Additional Equipment, Lessor's obligation to pay the Additional Equipment Fee shall cease.
5. Lessor shall have the right to assign its right to install and operate the Additional Equipment to the City of Portland provided the City of Portland agrees to assume all of Lessor's obligations under the Agreement as amended by this First Amendment including but not limited to the payment of the Additional Equipment Fee.
6. a. All installation, use, operation and maintenance of Approved Equipment and Additional Equipment shall be performed by Lessor at Lessor's sole cost and expense and shall be done in accordance with sound engineering principals, practices and standards, including, but not necessarily limited, to those prescribed by; the Federal Communications Commission (hereinafter "FCC"), the American National Standards Institute (hereinafter "ANSI"), the Electronics Industry Alliance and Telecommunications Industry Association (hereinafter "EIA/TIA") and the Institute of Electrical and Electronic Engineers (hereinafter "IEEE") to the extent all such cited codes and provisions have been adopted or have application in the State of Oregon. Without limiting the provisions of this Section 6, Lessor shall not commence installation of any Approved Equipment until final Site Drawings have been attached hereto as Exhibit B and Lessee has approved the same and has issued a written notice to proceed and has attached it to Exhibit B; Lessee shall not unreasonably withhold said approval. Unless Lessee has notified Lessor to the contrary within fifteen (15) days of Lessee's receipt of the final Site Drawings, Lessee shall be deemed to have approved the same and Lessor may commence installation of the Approved Equipment and/or the Additional Equipment as the case may be. The procedure set forth in this Section 6 shall not apply to any subsequent replacement of Approved Equipment and/or Additional Antennas (of the same or like kind, provided no additional or increased loading upon the communications tower results) due to routine and/or corrective maintenance activities. Any installation of additional equipment or any equipment which increases the physical space occupied and/or the structural loading upon the tower

at the Premises (an "Antenna Modification") shall have the prior written consent of Lessee, which such consent may not be unreasonably withheld but which may be reasonably conditioned by Lessee, including those conditions specifically identified in Section 6b. below.

b. Subject to Section 6c. below, in the event Lessor desires to make an Antenna Modification which adds equipment to the tower or increases the length of any of the Omni type antennas identified in Section 2a or 3a. above or increases the diameter of any microwave dish identified in 2a. or 3a. above, the Parties specifically agree that it shall be reasonable for Lessee to charge Lessee a lease fee for such additional equipment and/or increase in length or diameter, in an amount comparable for such additional equipment and/or increase in length or diameter for commercial customers of Lessee in the applicable geographic market of the area in which the tower is located. In the event Lessor desires to make an Antenna Modification which involves an increase in the structural loading upon the tower at the Premises then the Parties specifically agree that it shall be reasonable for Lessee to condition such Lessee's written consent of any such Antenna Modification upon Lessor making corresponding structural improvements to the tower contemporaneously with such Antenna Modification (which such corresponding structural improvements shall be at no cost to Lessee) such that any increase in structural loading resulting from such Antenna Modification is completely offset by the corresponding structural improvements.

c. In the event Lessor desires to make an Antenna Modification requiring the replacement of an omni type antenna permitted in Section 2a. above with an omni type antenna of greater length and provided such Antenna Modification would not cause interference with an existing sublessee/sublicensee of Lessee, then Lessor shall be able to make such Antenna Modification without charge or fee to Lessee, if the following conditions are met: (1) the length of the replacement antenna does not exceed twenty-five feet (25') in length; and, (2) the Lessor makes corresponding structural improvements to the tower as provided for in Section 6b. above completely offsetting any increase in loading caused by such Antenna Modification.

d. Any contractors or agents of Lessor performing work on the Tower shall have valid and current worker's compensation and general liability insurance certificates on file with Lessee, naming Lessee as an additional insured. Lessor is self-insured and will provide Lessee a letter certifying self -insurance for said insurance requirements.

7. Lessor, Lessee, and any sublessee/sublicensees of Lessee shall at all times comply with all applicable laws and ordinances and all rules and regulations of municipal, state and federal governmental authorities (including, but not limited to, those of the Federal Communications Commission) relating to the installation, maintenance, location, use, operation, and removal of the Approved Equipment and/or the Additional Equipment and other alterations or improvements authorized pursuant to the provisions of this Agreement.
8. Lessor shall have the right as needed for emergency local police communications to temporarily install one omni-directional Whip or directional Yagi antenna not to exceed fifteen feet (15') in length below the 30 foot level of the tower. Lessor shall

provide notice of such temporary installation prior to such installation or, if not practical, as soon as practical after such installation.

9. Lessor, upon termination of the Agreement and/or termination of the right to install and operate the Additional Equipment, shall, within ninety (90) days, remove its ground equipment, antenna structure(s) fixtures and all personal property and otherwise restore the Premises to its original condition, reasonable wear and tear excepted.
10. Should Oregon building code standards be revised during the period when any of the "Additional Equipment" (as identified in this First Amendment) are on the tower facility; Lessor agrees to a one time only monetary contribution to the cost of a required structural upgrade of the tower facility to accommodate the installation of new equipment by Lessee or Lessee's sub-lessees/sub-licensees; provided the Lessor's contribution under this Sub-section shall not exceed 50% of the total cost or twenty thousand dollars (US\$20,000.00), whichever is the lesser amount.
11. Subject to Section 6 of this Exhibit A, Revised, it is mutually understood that advancements in communication technology may provide for a more cost effective or efficient provision of communication services and needs; all parties authorized to occupy space on the tower reserve the right to replace outdated equipment with any such new technologies.
12. Should Lessee petition for an exemption from the payment of taxes assessed under ORS 308.505 to ORS 308.665 against Lessee by the State of Oregon arising out of or relating to the Agreement as amended herein; and to the extent such exemption is available to Lessee based on Lessor's use of the Premises under this Agreement, Lessor agrees to use its best efforts to assist and support Lessee in petitioning for said exemption.
13. Each party shall maintain separate service entrances and utility meters. Subject to the provisions of this Agreement as amended herein, Lessee shall provide external basic tower and equipment building maintenance to include painting and tower lighting as required. The Lessor shall maintain the grounds.

BOGSTAD Deborah L

From: RYAN Matthew O
Sent: Monday, November 05, 2007 9:57 AM
To: KARNES Ana; BOGSTAD Deborah L
Cc: KINOSHITA Carol
Subject: FW: Rocky Butte Lease Settlement and Lease Amendment Resolution

Ana,

As we discussed this morning here are the slightly revised versions of the Lease which is the Attachment to the Resolution and as well the slightly revised APR. Please substitute these for the versions submitted last week. The Resolution itself is fine and is does not need to be changed. 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

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From: RYAN Matthew O
Sent: Friday, November 02, 2007 8:05 AM
To: BOGSTAD Deborah L; KARNES Ana
Subject: RE: Rocky Butte Lease Settlement and Lease Amendment Resolution

Deb & Ana,

This is the lease which is the attachment to the Rocky Butte Lease Resolution for 11/8. The reason its late, I am still waiting on confirmation from the other party on some issues. So I may need to do amendment by inter-lineation. Thanks for your patience.

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

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From: BOGSTAD Deborah L

11/6/2007

Sent: Thursday, November 01, 2007 2:34 PM
To: RYAN Matthew O; KARNES Ana
Subject: RE: Rocky Butte Lease Settlement and Lease Amendment Resolution

Thank you.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: RYAN Matthew O
Sent: Thursday, November 01, 2007 1:16 PM
To: BOGSTAD Deborah L; KARNES Ana
Subject: FW: Rocky Butte Lease Settlement and Lease Amendment Resolution

Deb & Ana,

Here's the Rocky Butte item for November 8th, but I don't have the lease fully ready yet. It will be an attachment to the resolution. I understand I have until tomorrow am to get that in. 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

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MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: R-6
Est. Start Time: 10:05 AM
Date Submitted: 11/01/07

RESOLUTION Approving Amendment to Real Property Lease and Authorizing County Chair to Execute Further Lease Amendments with Tower Acquisitions LLC for the Rocky Butte Communication Facility, 2600 NE Rocky Butte Road, Portland, Oregon, 97220

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

Requested Meeting Date: November 8, 2007 Amount of Time Needed: 10 minutes
Department: Non-Departmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503-988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Matthew O. Ryan, Assistant County Attorney

General Information

1. What action are you requesting from the Board?

Approve amendment to real property lease and authorize County Chair to execute further lease amendments with Tower Acquisitions LLC at the Rocky Butte Communication Facility, 2600 NE Rocky Butte Road, Portland, Oregon, in settlement of a bankruptcy court matter.

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 County's FREDS and Facilities Management Divisions manage the Rocky Butte Communication Facility (Facility) for emergency communications operations of the County and City of Portland (City). The Facility tower was constructed in 1985 with private funds pursuant to a long term lease that allowed for the "shared use" of the Facility by the County (as Lessor) and the Lessee (Western Tele-Communications, Inc. or WTCI). In 2006, Tower Acquisitions LLC (TAL) claimed to have bought the rights of the former Lessee (WTCI) in a bankruptcy court ordered sale of a different party, namely Corban Communications. The County challenged the status of the lease as an asset of the Corban Bankruptcy Estate. The negotiated lease amendment allows for TAL to be

the new Lessee and provides for clarification of the rights of the parties to the lease. The County will withdraw its objection to the order of the Bankruptcy Court authorizing the sale of the lease to TAL.

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

The lease amendment will require the County to pay \$500 per month to TAL to allow for the City's use of the tower for its equipment for up to three years, with option to renew. This charge is subject to a 3% raise every year. The City has indicated it is willing to pay one-half the cost of this fee during the period its equipment is on the tower. It is understood that the City is planning for the relocation of its equipment to another location. After three years, by which time the City is expected to remove its equipment from the tower, the obligation to pay this fee ends.

The County needs the City's microwave equipment to be able to use its own communications equipment on the tower. When the City does relocate from the tower, arrangements will be made for the County to acquire a microwave antenna from the City or obtain a new piece of equipment. The County will not be responsible for any fee for use of the tower for this microwave antenna. A 1993 IGA between the County and City provides that two governments will have equal access to either's communications facilities. The 1993 IGA will need to be amended to address these issues.

The lease amendment also provides for a potential one time financial contribution by the County not to exceed \$20,000, to cover the cost of any structural upgrade during the period the City's equipment is on the tower, if such upgrade work is necessary to meet building code requirements that would allow for the installation of new sub-lessees of TAL.

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

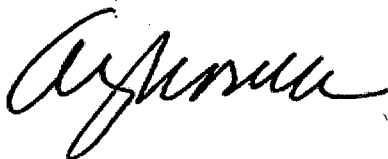
Pursuant to Resolution 07-037, the County Attorney must obtain Board approval for all settlements of or over \$25,000.

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

See above. In addition, Rockwood Water, a local utility that has been apparently allowed free use of the tower, will need to execute a lease with TAL or relocate.

Required Signature

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



Date: 10/31/07

FIRST AMENDMENT TO LEASE AGREEMENT

This First Amendment to Ground Lease Agreement ("First Amendment") by and between Multnomah County, a political subdivision of the State of Oregon, with a mailing address of: 501 SE Hawthorne Blvd, Suite 500, Portland, Oregon 97214; hereinafter designated LESSOR and Tower Acquisition LLC, a Delaware series limited liability company with its principal office located at 190 Housatonic Street, Lee, MA hereinafter designated LESSEE is made and entered into effective as of the date the last party hereto executes this First Amendment as indicated below. Lessor and Lessee are sometimes referred to herein as the "Parties".

RECITAL

WHEREAS, Lessor and Lessee entered into and executed that certain Lease Agreement dated April 24, 1985 (the "**Lease Agreement**" or "**Lease**" or "**Agreement**"), whereby Lessor leased to Lessee a portion of that certain property commonly known as "The Rocky Butte Tower Communication Facility", more particularly described in the Lease Agreement and as shown on the Tax Map of Multnomah County as Tax Lot 204, Map 2480, Section 28, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County, State of Oregon (the "**Premises**"); and

WHEREAS, Lessor and Lessee desire to amend and modify certain terms and conditions of the Agreement;

WHEREAS, for purposes of this Lease pursuant to that certain Intergovernmental Agreement ("IGA") executed in 1993 between the City of Portland ("City") and Lessor, to provide for the shared use of the both Jurisdictions' communication facilities the City has the right to use the Premises for the uses allowed under the 1993 IGA, the rights and uses of the Lessor under this First Amendment shall apply to the City to the same extent as to the Lessor.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein and for other good and valuable consideration, the receipt and sufficiency which are hereby acknowledged, Lessor and Lessee, intending to be legally bound, do hereby covenant and agree as follows:

Paragraph 4 of the Agreement and the Exhibit B referenced therein and attached to the Agreement shall be and is hereby deleted in its entirety and replaced with the following:

4. A. Lessor leases the Premises to Lessee for the purpose of enabling Lessee to construct, repair, maintain, and operate in, on and upon the Premises a communications facility including a tower not to exceed one-hundred fifty (150) feet in height and the equipment building/shelter and related equipment currently existing at the Premises. The area is presently enclosed by a chain link security fence.

B. Lessor's primary use is the operation of "essential communications" as that term is commonly used to identify emergency, police and fire communications as well as other local government communications. At the present time Lessor's use of these functions occupies a radio frequency band below 1,000 MHZ.

C. Lessee shall have the right to sub-lease or sub-license any portion of the Premises not used, occupied, or allowed to be used or occupied, by Lessor as provided for herein and shall have the right to grant access and use to any and all easements and rights of access and utilities to third parties, in Lessee's sole and absolute discretion, and without the consent of Lessor subject to the following conditions:

1. Notwithstanding any provision in this agreement to the contrary, Lessee shall not install and shall not allow any third party to install any equipment at the Premises of a type and frequency which will cause harmful interference to the equipment of Lessor installed at the Premises, provided Lessor is operating such equipment within Lessor's assigned frequencies and within the technical parameters specified by its manufacturer and/or as defined by the Federal Communications Commission.

2. Lessee acknowledges that there will not be an adequate remedy at law for noncompliance with the provisions of this paragraph and therefore, Lessor shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

3. Notwithstanding Sub-Sections 4.C.1 and 4.C.2.; and upon notice from Lessor either orally or in writing, Lessee shall be responsible at no expense to Lessor for promptly taking such steps as may reasonably be necessary to prevent any harmful interference with Lessor's communication uses caused by Lessee's, or any sublessee's or sublicensee's of Lessee, activities. In the event such harmful interference occurs:

- a. To the extent such interference is with non-essential communications of Lessor; Lessee shall cease or require any sublessee of Lessee operating at the Premises to cease causing such harmful interference as soon as practicable but no later than 24 hours of written notice of same to Lessee or sublessee/sublicensee of Lessee. Lessee or any sublessee/sublicensee of Lessee shall be allowed to conduct intermittent testing and/or power down its equipment to allow such third party to eliminate such harmful interference.

- b. To the extent such interference is with essential communications as described in Sub-section 4. B., Lessee shall cease immediately or cause any sublessee/sublicensee of Lessee to cease immediately

such harmful interference. Provided there is no interference with essential communications, the Lessee or any sublessee/sublicensee of Lessee shall be allowed to conduct intermittent testing and/or power down its equipment to allow such third party to eliminate such harmful interference.

D. Lessee, and any sublessee/sublicensee of Lessee, shall have the right of access to the Premises at all times (i.e., twenty-four hours a day, seven days a week) during the term of this Lease.

2. Paragraph 9 of the Agreement shall be and is hereby amended to include the following revisions:
 - a. The first sentence shall be amended with the insertion of the following: "indemnify," immediately before the phrase: "save and hold harmless" in that sentence.
 - b. The addition of the following provision:

"Subject to the Conditions of the Oregon Tort Claims Act (ORS 30.260-30.300) and specifically within the financial limits of ORS 30.270; Lessor agrees to indemnify, save and hold harmless Lessee from any and all liability and claims whatsoever arising out of Lessor's gross negligence in the use of the Premises, except in cases arising from the negligent or other tortuous misconduct of Lessee or any sublessees of Lessee or their employees, agents, or business visitors."

3. That portion of Paragraph 9 stating "(1) \$500,000.00 combined single occurrence to each person and property" shall be and is hereby deleted and replaced with the following:

"(1) \$1,000,000.00 combined single occurrence to each person and property, which amount shall be adjusted over time consistent with best commercial practices for insuring comparable improvements."

4. Paragraph 13 is amended as follows:

The First sentence is deleted, and the following sentences are added:

Lessee shall not sell, assign, or otherwise transfer the whole of this Lease, unless or until it receives the written consent of Lessor, which consent shall not be unreasonably withheld, conditioned or delayed. Upon Lessor's receipt of Lessee's written request to sell, assign, or otherwise transfer the whole of this Lease, Lessor shall have thirty (30) days with which to reasonably object to such sale, assignment or other transfer of the whole of this Lease by Lessee. In the event Lessor fails to provide such written objection within said thirty (30) days; the proposed sale, assignment or other transfer shall be deemed to be automatically approved and consented to by Lessor and Lessor shall be deemed to have waived any and all rights

to further object. Upon such sale, assignment or other transfer, Lessee shall be relieved of any and all obligations and liabilities to Lessor under this Agreement.

5. Exhibit A to the Agreement shall be and is hereby deleted in its entirety and replaced with the attached "Exhibit A, Revised" and all references in the Agreement to "Exhibit A" shall be deemed to be a reference to the attached "Exhibit A, Revised."
6. Lessee's and Lessor's addresses identified in Paragraph 21 of the Agreement is hereby deleted and replaced with the following:

"To Lessee: Tower Acquisition LLC
190 Housatonic Street
Lee, Massachusetts 01238"

"To Lessor: Multnomah County, Oregon
Attn: Asset Management, Facilities & Property Management
401 N. Dixon Street, Portland, Oregon 97227"
7. Paragraph 22 of the Agreement is further amended by adding the word "telephone" between the words "gas" and "electricity" in the first line of Paragraph 22.

Paragraph 22 of the Agreement is hereby further amended to include the following sentence:

"Lessor shall promptly pay for all gas, telephone, electricity, and water used by it on the Premises during the term hereof, all of which shall be measured through proper and sufficient meters, to be installed and maintained by Lessor."
8. To the extent that there is any conflict between the terms of this First Amendment and the terms of the Agreement, the terms of this First Amendment shall control. Capitalized terms set forth in this First Amendment shall have the same meanings as the capitalized terms set forth in the Agreement, except as modified by this First Amendment.
9. Except as herein expressly modified and amended, the Agreement shall remain in full force and effect pursuant to each and every of its terms and conditions.
10. The Parties hereby affirm, restate and ratify the Agreement being amended by this Amendment. Lessor hereby recognizes Lessee as the successor in interest to the Agreement and waives any and all rights it may have to dispute and/or challenge any prior assignment of the Agreement to the Lessee and Lessee's predecessor's in interest.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Lessor and Lessee have executed this First Amendment as of the date the last party hereto executes this First Amendment as indicated below.

LESSOR: Multnomah County, a political
subdivision of the State of Oregon

By: _____

Name:

Title:

Date: _____

LESSEE: TOWER ACQUISITION LLC
a Delaware series limited liability
company

By: _____

Name:

Title:

Date: _____

Exhibit A, Revised

1. Lessor, during the term of the Agreement, shall be entitled to occupy that existing 12' x 28' section of Lessee's shelter currently located at the Premises and which is currently being occupied by Lessor.
2. a. Subject to the conditions set forth in this Exhibit A, Revised Lessor, during the term of the Agreement, shall be entitled to install and operate, without charge and/or lease fee to Lessee only the following five (5) antennas (the "Approved Equipment") on Lessee's tower located at the Premises. Such right shall exist whether or not such equipment is physically located on the tower on the effective date of this First Amendment at the below identified antenna center line ("ACL") of the tower, as follows:

Type	Model	Dimensions	ACL	Frequency
a. Omni	TBD	x 20'		
b. Omni	TBD	x 20'		
c. Omni	TBD	x 20'		
d. Omni	TBD	x 20'		
e. microwave		x 6' (reserved as provided for in and subject to Section 2c. below)		

b. Subject to the provisions of Subsection 6 of this Exhibit A Revised, Lessor shall have the right, at its own expense, to make such alteration, modification or replacement of Lessor's Approved Equipment in or on the Premises as its operations may require as determined in its reasonable discretion, including the renovation or replacement of its antennas or other equipment.

c. Notwithstanding anything in this Agreement to the contrary, in the event the Additional Equipment as defined below is removed, Lessor shall have the right to add a microwave dish up to a diameter of six (6) feet or utilize one (1) existing microwave antenna identified in Section 3a. below not to exceed six (6) feet in diameter without charge and or fee to Lessee. The Parties agree that the addition of said microwave dish or the utilization of an existing microwave antenna as allowed under this Sub-section 2.c. shall not be deemed an "Antenna Modification" under Section 6 herein.

3. a. Subject to the conditions set forth in this Exhibit A, Revised, Lessor, during the term of the Agreement, shall be entitled to install and operate the following additional five (5) antenna (the "Additional Equipment") on Lessee's tower located at the Premises at the below identified antenna center line of the tower for an annual fee of Six Thousand and xx/100 dollars (\$6,000.00) (the "Additional Equipment Fee") to be paid to Lessee in equal monthly installments:

Type	Model	Dimensions	ACL	Frequency
------	-------	------------	-----	-----------

- 1.
- 2.
- 3.
- 4.
- 5.

b. The first monthly payment obligation under this Section 3, shall be due and payable on the first day of the month following the full execution of this Lease (the "Commencement Date") and the monthly obligation shall thereafter be due and payable on the first day of each month thereafter until the end of the term.

4. Lessor shall have the right to install and operate the Additional Equipment for an initial term of three (3) years and for four (4) five (5) year renewal terms thereafter. On the first anniversary of the Commencement Date and for each year thereafter, the Additional Equipment Fee shall increase by three percent (3%) over the immediately prior year's fee. The renewal terms shall automatically be renewed unless Lessor provides Lessee written notice of its intent not to renew within ninety (90) days of the then applicable renewal term. The Additional Equipment Fee and the aforementioned initial term shall commence on the first day of the month following the date the Amendment is fully executed by the Parties. During the initial term Lessor shall have the right to remove the additional equipment upon providing Lessee with one hundred and twenty (120) days written notice of its intent to do so. After the initial term, Lessor shall have the right to remove the Additional Equipment upon providing Lessee with sixty (60) days written notice of its intent to do so. Upon removal of the Additional Equipment, Lessor's obligation to pay the Additional Equipment Fee shall cease.
5. Lessor shall have the right to assign its right to install and operate the Additional Equipment to the City of Portland provided the City of Portland agrees to assume all of Lessor's obligations under the Agreement as amended by this First Amendment including but not limited to the payment of the Additional Equipment Fee.
6. a. All installation, use, operation and maintenance of Approved Equipment and Additional Equipment shall be performed by Lessor at Lessor's sole cost and expense and shall be done in accordance with sound engineering principals, practices and standards, including, but not necessarily limited, to those prescribed by; the Federal Communications Commission (hereinafter "FCC"), the American National Standards Institute (hereinafter "ANSI"), the Electronics Industry Alliance and Telecommunications Industry Association (hereinafter "EIA/TIA") and the Institute of Electrical and Electronic Engineers (hereinafter "IEEE") to the extent all such cited codes and provisions have been adopted or have application in the State of Oregon. Without limiting the provisions of this Section 6, Lessor shall not commence installation of any Approved Equipment until final Site Drawings have been attached hereto as Exhibit B and Lessee has approved the same and has issued a written notice to proceed and has attached it to Exhibit B; Lessee shall not unreasonably withhold said approval. Unless Lessee has notified Lessor to the contrary within fifteen (15) days of Lessee's receipt of the final Site Drawings, Lessee shall be

deemed to have approved the same and Lessor may commence installation of the Approved Equipment and/or the Additional Equipment as the case may be. The procedure set forth in this Section 6 shall not apply to any subsequent replacement of Approved Equipment and/or Additional Antennas (of the same or like kind, provided no additional or increased loading upon the communications tower results) due to routine and/or corrective maintenance activities. Any installation of additional equipment or any equipment which increases the physical space occupied and/or the structural loading upon the tower at the Premises (an "Antenna Modification") shall have the prior written consent of Lessee, which such consent may not be unreasonably withheld but which may be reasonably conditioned by Lessee, including those conditions specifically identified in Section 6b. below.

b. Subject to Section 6c. below, in the event Lessor desires to make an Antenna Modification which adds equipment to the tower or increases the length of any of the Omni type antennas identified in Section 2a. or 3a. above or increases the diameter of any microwave dish identified in 2a. or 3a. above, the Parties specifically agree that it shall be reasonable for Lessee to charge Lessee a lease fee for such additional equipment and/or increase in length or diameter, in an amount comparable for such additional equipment and/or increase in length or diameter for commercial customers of Lessee in the applicable geographic market of the area in which the tower is located. In the event Lessor desires to make an Antenna Modification which involves an increase in the structural loading upon the tower at the Premises then the Parties specifically agree that it shall be reasonable for Lessee to condition such Lessee's written consent of any such Antenna Modification upon Lessor making corresponding structural improvements to the tower contemporaneously with such Antenna Modification (which such corresponding structural improvements shall be at no cost to Lessee) such that any increase in structural loading resulting from such Antenna Modification is completely offset by the corresponding structural improvements.

c. In the event Lessor desires to make an Antenna Modification requiring the replacement of an omni type antenna permitted in Section 2a. above with an omni type antenna of greater length and provided such Antenna Modification would not cause interference with an existing sublessee/sublicensee of Lessee, then Lessor shall be able to make such Antenna Modification without charge or fee to Lessee, if the following conditions are met: (1) the length of the replacement antenna does not exceed twenty-five feet (25') in length; and, (2) the Lessor makes corresponding structural improvements to the tower as provided for in Section 6b. above completely offsetting any increase in loading caused by such Antenna Modification.

d. Any contractors or agents of Lessor performing work on the Tower shall have valid and current worker's compensation and general liability insurance certificates on file with Lessee, naming Lessee as an additional insured. Lessor is self-insured and will provide Lessee a letter certifying self-insurance for said insurance requirements.

7. Lessor, Lessee, and any sublessee/sublicensees of Lessee shall at all times comply with all applicable laws and ordinances and all rules and regulations of municipal, state and federal governmental authorities (including, but not limited to, those of the Federal

Communications Commission) relating to the installation, maintenance, location, use, operation, and removal of the Approved Equipment and/or the Additional Equipment and other alterations or improvements authorized pursuant to the provisions of this Agreement.

8. Lessor shall have the right as needed for emergency local police communications to temporarily install one omni-directional Whip or directional Yagi antenna not to exceed fifteen feet (15') in length below the 30 foot level of the tower. Lessor shall provide notice of such temporary installation prior to such installation or, if not practical, as soon as practical after such installation.
9. Lessor, upon termination of the Agreement and/or termination of the right to install and operate the Additional Equipment, shall, within ninety (90) days, remove its ground equipment, antenna structure(s) fixtures and all personal property and otherwise restore the Premises to its original condition, reasonable wear and tear excepted.
10. Should Oregon building code standards be revised during the period when any of the "Additional Equipment" (as identified in this First Amendment) are on the tower facility; Lessor agrees to a one time only monetary contribution to the cost of a required structural upgrade of the tower facility to accommodate the installation of new equipment by Lessee or Lessee's sub-lessees/sub-licensees; provided the Lessor's contribution under this Sub-section shall not exceed 50% of the total cost or twenty thousand dollars (US\$20,000.00), whichever is the lesser amount.
11. Subject to Section 6 of this Exhibit A, Revised, it is mutually understood that advancements in communication technology may provide for a more cost effective or efficient provision of communication services and needs; all parties authorized to occupy space on the tower reserve the right to replace outdated equipment with any such new technologies.
12. Should Lessee petition for an exemption from the payment of taxes assessed under ORS 308.505 to ORS 308.665 against Lessee by the State of Oregon arising out of or relating to the Agreement as amended herein; and to the extent such exemption is available to Lessee based on Lessor's use of the Premises under this Agreement, Lessor agrees to use its best efforts to assist and support Lessee in petitioning for said exemption.
13. Each party shall maintain separate service entrances and utility meters. Subject to the provisions of this Agreement as amended herein, Lessee shall provide external basic tower and equipment building maintenance to include painting and tower lighting as required. The Lessor shall maintain the grounds.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-177

Approving Amendment to Real Property Lease and Authorizing County Chair to Execute Further Lease Amendments with Tower Acquisitions LLC for the Rocky Butte Communication Facility, 2600 NE Rocky Butte Road, Portland, Oregon, 97220

The Multnomah County Board of Commissioners Finds:

- a. In 1985 the Board approved a lease of property known as the Rocky Butte Communication Facility located at 2600 NE Rocky Butte Road, Portland, Oregon, 97220 (Property Lease).
- b. The Rocky Butte Communications Facility is a tower designed for the installation and operation of communication antennas and small building that houses equipment necessary for the operation of the antennas constructed on a small parcel of County owned land located at the above noted address.
- c. Tower Acquisitions LLC, of Lee, Massachusetts (TAL) is the proposed new Lessee to replace the previous Lessee: Western Tele-Communications, Inc.
- d. The County and TAL have negotiated the attached lease amendment in settlement of their dispute regarding issues raised in a bankruptcy proceeding involving the tower facility and the Property Lease.
- e. It is in the best interests of the County to amend the Property Lease on the terms and conditions set forth in the attached lease amendment.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the attached lease amendment in settlement of the issues raised in the bankruptcy proceeding. The County Chair is authorized to execute an amendment to the Property Lease substantially in the form attached to this Resolution.
2. The County Chair is authorized to execute future amendments to the Property Lease without further Board action.

ADOPTED this 8th day of November, 2007



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:

Agnes Sowle, Multnomah County Attorney

FIRST AMENDMENT TO LEASE AGREEMENT

This First Amendment to Ground Lease Agreement ("First Amendment") by and between Multnomah County, a political subdivision of the State of Oregon, with a mailing address of: 501 SE Hawthorne Blvd, Suite 500, Portland, Oregon 97214; hereinafter designated LESSOR and Tower Acquisition LLC, a Delaware series limited liability company with its principal office located at 190 Housatonic Street, Lee, MA hereinafter designated LESSEE is made and entered into effective as of the date the last party hereto executes this First Amendment as indicated below. Lessor and Lessee are sometimes referred to herein as the "Parties".

RECITAL

WHEREAS, Lessor and Lessee entered into and executed that certain Lease Agreement dated April 24, 1985 (the "**Lease Agreement**" or "**Lease**" or "**Agreement**"), whereby Lessor leased to Lessee a portion of that certain property commonly known as "The Rocky Butte Tower Communication Facility", more particularly described in the Lease Agreement and as shown on the Tax Map of Multnomah County as Tax Lot 204, Map 2480, Section 28, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County, State of Oregon (the "**Premises**"); and

WHEREAS, Lessor and Lessee desire to amend and modify certain terms and conditions of the Agreement;

WHEREAS, for purposes of this Lease pursuant to that certain Intergovernmental Agreement ("IGA") executed in 1993 between the City of Portland ("City") and Lessor, to provide for the shared use of the both Jurisdictions' communication facilities the City has the right to use the Premises for the uses allowed under the 1993 IGA, the rights and uses of the Lessor under this First Amendment shall apply to the City to the same extent as to the Lessor.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein and for other good and valuable consideration, the receipt and sufficiency which are hereby acknowledged, Lessor and Lessee, intending to be legally bound, do hereby covenant and agree as follows:

Paragraph 4 of the Agreement and the Exhibit B referenced therein and attached to the Agreement shall be and is hereby deleted in its entirety and replaced with the following:

4. A. Lessor leases the Premises to Lessee for the purpose of enabling Lessee to construct, repair, maintain, and operate in, on and upon the Premises a communications facility including a tower not to exceed one-hundred fifty (150) feet in height and the equipment building/shelter and related equipment currently existing at the Premises. The area is presently enclosed by a chain link security fence.

B. Lessor's primary use is the operation of "essential communications" as that term is commonly used to identify emergency, police and fire

communications as well as other local government communications. At the present time Lessor's use of these functions occupies a radio frequency band below 1,000 MHZ.

C. Lessee shall have the right to sub-lease or sub-license any portion of the Premises not used, occupied, or allowed to be used or occupied, by Lessor as provided for herein and shall have the right to grant access and use to any and all easements and rights of access and utilities to third parties, in Lessee's sole and absolute discretion, and without the consent of Lessor subject to the following conditions:

1. Notwithstanding any provision in this agreement to the contrary, Lessee shall not install and shall not allow any third party to install any equipment at the Premises of a type and frequency which will cause harmful interference to the equipment of Lessor installed at the Premises, provided Lessor is operating such equipment within Lessor's assigned frequencies and within the technical parameters specified by its manufacturer and/or as defined by the Federal Communications Commission.

2. Lessee acknowledges that there will not be an adequate remedy at law for noncompliance with the provisions of this paragraph and therefore, Lessor shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

3. Notwithstanding Sub-Sections 4.C.1 and 4.C.2.; and upon notice from Lessor either orally or in writing, Lessee shall be responsible at no expense to Lessor for promptly taking such steps as may reasonably be necessary to prevent any harmful interference with Lessor's communication uses caused by Lessee's, or any sublessee's or sublicensee's of Lessee, activities. In the event such harmful interference occurs:

- a. To the extent such interference is with non-essential communications of Lessor; Lessee shall cease or require any sublessee/sublicensee of Lessee operating at the Premises to cease causing such harmful interference as soon as practicable but no later than 24 hours of written notice of same to Lessee or sublessee/sublicensee of Lessee. Lessee or any sublessee/sublicensee of Lessee shall be allowed to conduct intermittent testing and/or power down its equipment to allow such third party to eliminate such harmful interference.

- b. To the extent such interference is with essential communications as described in Sub-section 4. B., Lessee shall cease immediately or cause any sublessee/sublicensee of Lessee to cease immediately such harmful interference. Provided there is no interference with essential communications, the Lessee or any sublessee/sublicensee of Lessee shall be allowed to conduct intermittent testing

and/or power down its equipment to allow such third party to eliminate such harmful interference.

D. Lessee, and any sublessee/sublicensee of Lessee, shall have the right of access to the Premises at all times (i.e., twenty-four hours a day, seven days a week) during the term of this Lease.

2. Paragraph 9 of the Agreement shall be and is hereby amended to include the following revisions:

a. The first sentence shall be amended with the insertion of the following: "indemnify,"

immediately before the phrase: "save and hold harmless" in that sentence.

b. The addition of the following provision:

"Subject to the Conditions of the Oregon Tort Claims Act (ORS 30.260-30.300) and specifically within the financial limits of ORS 30.270; Lessor agrees to indemnify, save and hold harmless Lessee from any and all liability and claims whatsoever arising out of Lessor's gross negligence in the use of the Premises, except in cases arising from the negligent or other tortuous misconduct of Lessee or any sublessees of Lessee or their employees, agents, or business visitors."

3. That portion of Paragraph 9 stating "(1) \$500,000.00 combined single occurrence to each person and property" shall be and is hereby deleted and replaced with the following:

"(1) \$1,000,000.00 combined single occurrence to each person and property, which amount shall be adjusted over time consistent with best commercial practices for insuring comparable improvements."

4. Paragraph 13 is amended as follows:

The First sentence is deleted, and the following sentences are added:

Lessee shall not sell, assign, or otherwise transfer the whole of this Lease, unless or until it receives the written consent of Lessor, which consent shall not be unreasonably withheld, conditioned or delayed. Upon Lessor's receipt of Lessee's written request to sell, assign, or otherwise transfer the whole of this Lease, Lessor shall have thirty (30) days with which to reasonably object to such sale, assignment or other transfer of the whole of this Lease by Lessee. In the event Lessor fails to provide such written objection within said thirty (30) days; the proposed sale, assignment or other transfer shall be deemed to be automatically approved and consented to by Lessor and Lessor shall be deemed to have waived any and all rights to further object. Upon such sale, assignment or other transfer, Lessee shall be relieved of any and all obligations and liabilities to Lessor under this Agreement.

5. Exhibit A to the Agreement shall be and is hereby deleted in its entirety and replaced with the attached "Exhibit A, Revised" and all references in

the Agreement to "Exhibit A" shall be deemed to be a reference to the attached "Exhibit A, Revised."

6. Lessee's and Lessor's addresses identified in Paragraph 21 of the Agreement is hereby deleted and replaced with the following:

"To Lessee: Tower Acquisition LLC
190 Housatonic Street
Lee, Massachusetts 01238"

"To Lessor: Multnomah County, Oregon
Attn: Asset Management, Facilities & Property Management
401 N. Dixon Street, Portland, Oregon 97227"

7. Paragraph 22 of the Agreement is further amended by adding the word "telephone" between the words "gas" and "electricity" in the first line of Paragraph 22.

Paragraph 22 of the Agreement is hereby further amended to include the following sentence:

"Lessor shall promptly pay for all gas, telephone, electricity, and water used by it on the Premises during the term hereof, all of which shall be measured through proper and sufficient meters, to be installed and maintained by Lessor."

8. To the extent that there is any conflict between the terms of this First Amendment and the terms of the Agreement, the terms of this First Amendment shall control. Capitalized terms set forth in this First Amendment shall have the same meanings as the capitalized terms set forth in the Agreement, except as modified by this First Amendment.
9. Except as herein expressly modified and amended, the Agreement shall remain in full force and effect pursuant to each and every of its terms and conditions.
10. The Parties hereby affirm, restate and ratify the Agreement being amended by this Amendment. Lessor hereby recognizes Lessee as the successor in interest to the Agreement and waives any and all rights it may have to dispute and/or challenge any prior assignment of the Agreement to the Lessee and Lessee's predecessor's in interest.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Lessor and Lessee have executed this First Amendment as of the date the last party hereto executes this First Amendment as indicated below.

LESSOR: Multnomah County, a
political subdivision of the State of
Oregon

By: _____
Name:

Title:

Date: _____

LESSEE: TOWER ACQUISITION LLC
a Delaware series limited liability
company

By: _____
Name:

Title:

Date: _____

Exhibit A, Revised

1. Lessor, during the term of the Agreement, shall be entitled to occupy that existing 12' x 28' section of Lessee's shelter currently located at the Premises and which is currently being occupied by Lessor.
2. a. Subject to the conditions set forth in this Exhibit A, Revised Lessor, during the term of the Agreement, shall be entitled to install and operate, without charge and/or lease fee to Lessee only the following five (5) antennas (the "Approved Equipment") on Lessee's tower located at the Premises. Such right shall exist whether or not such equipment is physically located on the tower on the effective date of this First Amendment at the below identified antenna center line ("ACL") of the tower, as follows:

Type	Model	Dimensions	ACL	Frequency
a. Omni	TBD	x 20'		
b. Omni	TBD	x 20'		
c. Omni	TBD	x 20'		
d. Omni	TBD	x 20'		
e. microwave		x 6' (reserved as provided for in and subject to Section 2c. below)		

b. Subject to the provisions of Subsection 6 of this Exhibit A Revised, Lessor shall have the right, at its own expense, to make such alteration, modification or replacement of Lessor's Approved Equipment in or on the Premises as its operations may require as determined in its reasonable discretion, including the renovation or replacement of its antennas or other equipment.

c. Notwithstanding anything in this Agreement to the contrary, in the event the Additional Equipment as defined below is removed, Lessor shall have the right to add a microwave dish up to a diameter of six (6) feet or utilize one (1) existing microwave antenna identified in Section 3a. below not to exceed six (6) feet in diameter without charge and or fee to Lessee. The Parties agree that the addition of said microwave dish or the utilization of an existing microwave antenna as allowed under this Sub-section 2.c. shall not be deemed an "Antenna Modification" under Section 6 herein.

3. a. Subject to the conditions set forth in this Exhibit A, Revised, Lessor, during the term of the Agreement, shall be entitled to install and operate the following additional five (5) antenna (the "Additional Equipment") on Lessee's tower located at the Premises at the below identified antenna center line of the tower for an annual fee of Six Thousand and xx/100 dollars (\$6,000.00) (the "Additional Equipment Fee") to be paid to Lessee in equal monthly installments:

Type	Model	Dimensions	ACL	Frequency
1.				
2.				
3.				
4.				

5.

b. The first monthly payment obligation under this Section 3, shall be due and payable on the first day of the month following the full execution of this Lease (the "Commencement Date") and the monthly obligation shall thereafter be due and payable on the first day of each month thereafter until the end of the term.

4. Lessor shall have the right to install and operate the Additional Equipment for an initial term of two (2) years and for four (4) five (5) year renewal terms thereafter. On the first anniversary of the Commencement Date and for each year thereafter, the Additional Equipment Fee shall increase by three percent (3%) over the immediately prior year's fee. The renewal terms shall automatically be renewed unless Lessor provides Lessee written notice of its intent not to renew within ninety (90) days of the then applicable renewal term. The Additional Equipment Fee and the aforementioned initial term shall commence on the first day of the month following the date the Amendment is fully executed by the Parties. After the initial term, Lessor shall have the right to remove the Additional Equipment upon providing Lessee with sixty (60) days written notice of its intent to do so. Upon removal of the Additional Equipment, Lessor's obligation to pay the Additional Equipment Fee shall cease.
5. Lessor shall have the right to assign its right to install and operate the Additional Equipment to the City of Portland provided the City of Portland agrees to assume all of Lessor's obligations under the Agreement as amended by this First Amendment including but not limited to the payment of the Additional Equipment Fee.
6. a. All installation, use, operation and maintenance of Approved Equipment and Additional Equipment shall be performed by Lessor at Lessor's sole cost and expense and shall be done in accordance with sound engineering principals, practices and standards, including, but not necessarily limited, to those prescribed by; the Federal Communications Commission (hereinafter "FCC"), the American National Standards Institute (hereinafter "ANSI"), the Electronics Industry Alliance and Telecommunications Industry Association (hereinafter "EIA/TIA") and the Institute of Electrical and Electronic Engineers (hereinafter "IEEE") to the extent all such cited codes and provisions have been adopted or have application in the State of Oregon. Without limiting the provisions of this Section 6, Lessor shall not commence installation of any Approved Equipment until final Site Drawings have been attached hereto as Exhibit B and Lessee has approved the same and has issued a written notice to proceed and has attached it to Exhibit B; Lessee shall not unreasonably withhold said approval. Unless Lessee has notified Lessor to the contrary within fifteen (15) days of Lessee's receipt of the final Site Drawings, Lessee shall be deemed to have approved the same and Lessor may commence installation of the Approved Equipment and/or the Additional Equipment as the case may be. The procedure set forth in this Section 6 shall not apply to any subsequent replacement of Approved Equipment and/or Additional Antennas (of the same or like kind, provided no additional or increased loading upon the communications tower results) due to routine and/or corrective maintenance activities. Any installation of additional equipment or any equipment which increases the physical space occupied and/or the structural loading upon the tower

at the Premises (an "Antenna Modification") shall have the prior written consent of Lessee, which such consent may not be unreasonably withheld but which may be reasonably conditioned by Lessee, including those conditions specifically identified in Section 6b. below.

b. Subject to Section 6c. below, in the event Lessor desires to make an Antenna Modification which adds equipment to the tower or increases the length of any of the Omni type antennas identified in Section 2a or 3a. above or increases the diameter of any microwave dish identified in 2a. or 3a. above, the Parties specifically agree that it shall be reasonable for Lessee to charge Lessee a lease fee for such additional equipment and/or increase in length or diameter, in an amount comparable for such additional equipment and/or increase in length or diameter for commercial customers of Lessee in the applicable geographic market of the area in which the tower is located. In the event Lessor desires to make an Antenna Modification which involves an increase in the structural loading upon the tower at the Premises then the Parties specifically agree that it shall be reasonable for Lessee to condition such Lessee's written consent of any such Antenna Modification upon Lessor making corresponding structural improvements to the tower contemporaneously with such Antenna Modification (which such corresponding structural improvements shall be at no cost to Lessee) such that any increase in structural loading resulting from such Antenna Modification is completely offset by the corresponding structural improvements.

c. In the event Lessor desires to make an Antenna Modification requiring the replacement of an omni type antenna permitted in Section 2a. above with an omni type antenna of greater length and provided such Antenna Modification would not cause interference with an existing sublessee/sublicensee of Lessee, then Lessor shall be able to make such Antenna Modification without charge or fee to Lessee, if the following conditions are met: (1) the length of the replacement antenna does not exceed twenty-five feet (25') in length; and, (2) the Lessor makes corresponding structural improvements to the tower as provided for in Section 6b. above completely offsetting any increase in loading caused by such Antenna Modification.

d. Any contractors or agents of Lessor performing work on the Tower shall have valid and current worker's compensation and general liability insurance certificates on file with Lessee, naming Lessee as an additional insured. Lessor is self-insured and will provide Lessee a letter certifying self -insurance for said insurance requirements.

7. Lessor, Lessee, and any sublessee/sublicensees of Lessee shall at all times comply with all applicable laws and ordinances and all rules and regulations of municipal, state and federal governmental authorities (including, but not limited to, those of the Federal Communications Commission) relating to the installation, maintenance, location, use, operation, and removal of the Approved Equipment and/or the Additional Equipment and other alterations or improvements authorized pursuant to the provisions of this Agreement.
8. Lessor shall have the right as needed for emergency local police communications to temporarily install one omni-directional Whip or directional Yagi antenna not to exceed fifteen feet (15') in length below the 30 foot level of the tower. Lessor shall

provide notice of such temporary installation prior to such installation or, if not practical, as soon as practical after such installation.

9. Lessor, upon termination of the Agreement and/or termination of the right to install and operate the Additional Equipment, shall, within ninety (90) days, remove its ground equipment, antenna structure(s) fixtures and all personal property and otherwise restore the Premises to its original condition, reasonable wear and tear excepted.
10. Should Oregon building code standards be revised during the period when any of the "Additional Equipment" (as identified in this First Amendment) are on the tower facility; Lessor agrees to a one time only monetary contribution to the cost of a required structural upgrade of the tower facility to accommodate the installation of new equipment by Lessee or Lessee's sub-lessees/sub-licensees; provided the Lessor's contribution under this Sub-section shall not exceed 50% of the total cost or twenty thousand dollars (US\$20,000.00), whichever is the lesser amount.
11. Subject to Section 6 of this Exhibit A, Revised, it is mutually understood that advancements in communication technology may provide for a more cost effective or efficient provision of communication services and needs; all parties authorized to occupy space on the tower reserve the right to replace outdated equipment with any such new technologies.
12. Should Lessee petition for an exemption from the payment of taxes assessed under ORS 308.505 to ORS 308.665 against Lessee by the State of Oregon arising out of or relating to the Agreement as amended herein; and to the extent such exemption is available to Lessee based on Lessor's use of the Premises under this Agreement, Lessor agrees to use its best efforts to assist and support Lessee in petitioning for said exemption.
13. Each party shall maintain separate service entrances and utility meters. Subject to the provisions of this Agreement as amended herein, Lessee shall provide external basic tower and equipment building maintenance to include painting and tower lighting as required. The Lessor shall maintain the grounds.

11-8-07

R-7

10:15 am

BOGSTAD Deborah L

From: SUBLETT Michael A

Sent: Wednesday, October 31, 2007 1:50 PM

To: BOGSTAD Deborah L

Cc: FARVER Bill; WILLER Barbara; FORD Carol M; Johnson Thomas J; BUTLER Douglas E - FPM

Subject: November 8, 2007, Meeting Agenda Resolution Title approved by County Attorney

Resolution Approving the Purchase of Real Property from BRCP/Unico Lincoln, LLC, Located at 421 SW Oak Street, Portland, Oregon, Authorizing County Chair to Execute Appropriate Documents to Complete the Purchase, and Approving the Lincoln Building Project Proposal Creating a Capital Improvement Project in Conformance with Administrative Procedure FAC-1

THANKS Deb--the APR and Final Resolution will not be available until Monday.

Mike Sublett

Multnomah County Facilities

503.988.4149

11/1/2007

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Resolution Approving the Purchase of Real Property from BRCP/Unico Lincoln, LLC, Located at 421 SW Oak Street, Portland, Oregon, Authorizing County Chair to Execute Appropriate Documents to Complete the Purchase, and Approving the Lincoln Building Project Proposal Creating a Capital Improvement Project in Conformance with Administrative Procedure FAC-1

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 05-018, Multnomah County leases approximately 100,000 square feet of office space located at 421 SW Sixth Avenue, Portland, Oregon, ("Lincoln Building") under a lease commencing June 30, 2005, and expiring on April 30, 2016. Programs of the Department of County Human Services ("DCHS") and Health Department ("Health") Administration are the primary tenants.
- b. The Lincoln Building is 255,000 square feet, occupying a full block in downtown Portland. Multnomah County owns two additional properties one block south of the Lincoln Building. The Gladys McCoy Building ("McCoy Building") is approximately 98,000 square feet, located at 426 SW Stark Street, housing Health Department programs, including the Westside Clinic. The Mead Building is approximately 76,000 square feet, located at 421 SW 5th Avenue, predominantly housing the Department of Community Justice ("DCJ").
- c. In November 2004, Multnomah County adopted a Consolidation and Disposition Strategy for Multnomah County Facilities (Resolution 04-168). In August 2005, Multnomah County adopted a Strategic Facilities Plan for Multnomah County Facilities (Resolution 05-148). Both the McCoy and Mead Buildings were identified in these documents as functionally deficient and possible candidates for replacement.
- d. Over the past twenty months, Facilities and Property Management Division ("Facilities") has conducted an intensive and in-depth analysis of program space needs for the McCoy and Mead Buildings. The unique nature of programs in these buildings, along with proximity and space availability in the Lincoln Building, indicate a consolidation of programs into the Lincoln Building could have advantages in long-term operating costs, program flexibility, and client and patient access. In addition, the Aging and Disabilities Services West Office, operates in 8,357 square feet of leased space at 1111 SW 10th Avenue, which expires March 31, 2008. This program is also targeted for consolidation into the Lincoln Building. Finally, Resolution 04-167 and Resolution 07-174, have established Board direction for disposition of the Morrison Bridgehead Property,

Resolution Approving the Purchase of Real Property from BRCP/Unico Lincoln, LLC, Located at 421 SW Oak Street, Portland, Oregon, Authorizing County Chair to Execute Appropriate Documents to Complete the Purchase, and Approving the Lincoln Building Project Proposal Creating a Capital Improvement Project in Conformance with Administrative Procedure FAC-1

site of the downtown motor pool. The Lincoln Building includes approximately 50 underground parking spaces that could be made available for relocation of this vital support service.

- e. Facilities and County broker representation negotiated with the Lincoln Building owners, BRCP/Unico Lincoln, LLC, ("Owners") on a possible lease/purchase transaction during the period February through April 2007. By Resolution 07-056, the Board approved a purchase option for the Lincoln Building. At that time, an intensive public and staff outreach process was conducted by the Chair's Office, District 1 Commissioner's Office, Public Affairs Office, and Facilities and Property Management Division (Facilities), which indicated a high degree of community and stakeholder support for a potential consolidation into the Lincoln Building and a resulting disposition of the McCoy and Mead Buildings. On April 18, 2007, the Owners rejected the County's offer to enter into an option transaction for the Lincoln Building.
- f. In August 2007, the Owners offered the Lincoln Building for sale through a broad marketing effort. Facilities, along with DCHS, DCJ, and Health, reviewed and updated the due diligence, detailed space planning, financial sensitivity analysis, and operational and programmatic development completed in the Spring 2007. Multnomah County offered through County representation a purchase price of \$44.1 million, which ownership accepted, pending completion of a binding agreement. It is in the best interests of the County to purchase the Lincoln building on the terms and conditions set forth in the attached Purchase and Sale Agreement.
- g. The purchase of the Lincoln Building will necessitate capital investment in the form of seismic upgrades, tenant improvements, furniture, fixtures and equipment. This capital program, along with contingency, move costs, arts programs, and related activities, will total approximately \$28 million. The Board established a policy for major facilities capital projects by adoption of Resolution No. 02-136, on October 17, 2002. This policy is implemented through Multnomah County Administrative Procedure FAC-1.
- h. The Multnomah County Administrative Procedure FAC-1 requires Board approval for each of four phases of the capital project. The materials submitted with the Board Agenda Placement Request for this Resolution are in conformance with the requirements for the Preliminary Planning Proposal and the Project Proposal and are approved and the capital improvement project is established. The next phase, the Project Plan, should be completed in a judicious manner for future Board consideration.
- i. The purchase of the Lincoln Building will allow for the disposition of both the McCoy and Mead Buildings to assist in the funding of the capital improvement project.

Resolution Approving the Purchase of Real Property from BRCP/Unico Lincoln, LLC, Located at 421 SW Oak Street, Portland, Oregon, Authorizing County Chair to Execute Appropriate Documents to Complete the Purchase, and Approving the Lincoln Building Project Proposal Creating a Capital Improvement Project in Conformance with Administrative Procedure FAC-1

- j. The combined Lincoln Building purchase and capital improvement project will require net borrowing of approximately \$66.3 million. The Chief Financial Officer, along with the County bond counsel and investment bank, will develop a plan for the issuance of Full Faith and Credit Obligations to close the purchase and to finance the capital improvement project and related expenses.

The Multnomah County Board of Commissioners Resolves:

1. It is in the best interests of the County to purchase the Lincoln Building, located at 421 SW Oak Street, Portland, Oregon, from BRCP/Unico Lincoln, LLC, for the purpose of consolidating downtown programs from multiple sites, on the terms and conditions set forth in the attached Purchase and Sale Agreement.
2. The Chair is authorized to execute documents necessary to complete the purchase of the Lincoln Building substantially consistent with the terms and conditions set forth in the attached Purchase and Sale Agreement.
3. Facilities is directed to prepare and to submit to the Board within 45 days, a Project Plan that addresses the Project Proposal and Project Plan requirements approved in this Resolution under Multnomah County Administrative Procedure FAC-1.
4. Facilities is directed to prepare and to submit to the Board within 45 days, a surplus property declaration in conformance with policies established in Resolution 04-185, for the McCoy and Mead Buildings.
5. The Chief Financial Officer is directed to prepare and to submit to the Board within 45 days, a financing and underwriting plan for the issuance of Full Faith and Credit Obligations to close the purchase and to finance the capital improvement projects associated with the Lincoln Building.

ADOPTED this 8th day of November 2007.

BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

Resolution Approving the Purchase of Real Property from BRCP/Unico Lincoln, LLC, Located at 421 SW Oak Street, Portland, Oregon, Authorizing County Chair to Execute Appropriate Documents to Complete the Purchase, and Approving the Lincoln Building Project Proposal Creating a Capital Improvement Project in Conformance with Administrative Procedure FAC-1

REVIEWED:

**AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Carol M. Ford, Director, Dept. of County Management

Resolution Approving the Purchase of Real Property from BRCP/Unico Lincoln, LLC, Located at 421 SW Oak Street, Portland, Oregon, Authorizing County Chair to Execute Appropriate Documents to Complete the Purchase, and Approving the Lincoln Building Project Proposal Creating a Capital Improvement Project in Conformance with Administrative Procedure FAC-1



SUMMARY OF OPTIONS FOR DOWNTOWN HUB

	Base Case	Option 1	Option 2	Option 3	Option 4
	McCoy, Mead & Lincoln	McCoy, Mead & Lincoln	New Clinic, Mead & Lincoln	Lincoln	Lincoln
FINANCIAL SUMMARY	Unsustainable Option - Do Nothing Except Ongoing Emergency Work at Mead and McCoy	Make Mead and McCoy Tier I, No Service Expansion, Retain Lincoln Lease	Build a New Clinic to Replace McCoy, Improve Mead, Retain Lincoln Lease	Purchase Lincoln, Consolidate Health, DCJ, DCHS, ADS, DUII & IT	Option 3 with \$14.65 Million Upfront Contribution, 25 Year Amortization, 2.5% Annual Increases
Square Footage Required	287,574	287,574	264,929	256,464	256,464
15 Year Cost	\$89,279,389	\$131,579,536	\$127,251,359	\$114,670,850	\$88,620,567
Average Annual Cost	\$5,951,959	\$8,771,969	\$8,483,424	\$7,644,723	\$5,908,038
PROS and CONS:					
Facilities Strategic Plan	Does not comply	Partially Complies	Partially Complies	Fully Complies	Fully Complies
Health and Safety	This option is not sustainable, the buildings will be unusable at some point without improvement	Buildings are brought to Tier I status and will be safer and healthier	Buildings are brought to Tier I status and will be safer and healthier	Lincoln will be a Tier I building and will provide improved health and safety	Lincoln will be a Tier I building and will provide improved health and safety
Space Efficiency	Inefficient use of space and retains three buildings rather than one	Inefficient use of space and retains three buildings rather than one	More efficient for Health, but inefficient for DCJ and still retains three buildings rather than one	Most efficient use of space and consolidates into one building providing program efficiencies as well	Most efficient use of space and consolidates into one building providing program efficiencies as well
Work Environment	No improvement to work environment	Modest improvement to work environment	Significant improvement for Health and modest improvement for DCJ	Significant improvement in the work environment	Significant improvement in the work environment
Construction Disruption	No construction disruption	Significant disruption over 3 - 4 years	Limited disruption for Health and significant disruption for DCJ over 3 - 4 years	Modest disruption due to construction in Lincoln	Modest disruption due to construction in Lincoln
HIPAA and ADA Compliance	Not fully compliant with either HIPAA or ADA	Complies with both HIPAA and ADA	Complies with both HIPAA and ADA	Complies with both HIPAA and ADA	Complies with both HIPAA and ADA
Service Level Improvement	No service improvement to clients	No service improvement to clients	50% increase in service delivery for Health. Provider/exam ratio is improved to 1:3.1 from 1:2. Improved environment for DCJ clients.	50% increase in service delivery for Health. Provider/exam ratio is improved to 1:3.1 from 1:2. Improved environment for DCJ clients.	50% increase in service delivery for Health. Provider/exam ratio is improved to 1:3.1 from 1:2. Improved environment for DCJ clients.


**MULTNOMAH COUNTY
OREGON**
OPTIONS FOR DOWNTOWN HUB - FINANCIAL DETAIL

		Base Case	Option 1	Option 2	Option 3	Option 4
		McCoy, Mead & Lincoln	McCoy, Mead & Lincoln	New Clinic, Mead & Lincoln	Lincoln	Lincoln
Buildings						
Description		Unsustainable Option - Do Nothing Except Ongoing Emergency Work at Mead and McCoy	Make Mead and McCoy Tier I, No Service Expansion, Retain Lincoln Lease	Build a New Clinic to Replace McCoy, Improve Mead, Retain Lincoln Lease	Purchase Lincoln, Consolidate Health, DCJ, DCHS, ADS, DUII & IT	Option 3 with \$14.65 Million Upfront Contribution, 25 Year Amortization, 2.5% Annual Increases
Consistent with 2005 Facilities Strategic Plan		No	Partially	Partially	Fully	Fully
County Occupancy in Square Feet		287,574	287,574	264,929	256,464	256,464
UPFRONT CAPITAL						
Available Capital from Building Sales	1	\$0	\$0	(\$3,480,925)	(\$5,566,879)	(\$5,566,879)
Qwest Termination Payment	2	\$0	\$0	\$0	(\$175,000)	(\$175,000)
Purchase Price or Shell/Core Const. + Land	3	\$0	\$0	\$20,000,000	\$44,100,000	\$44,100,000
Seismic Code Requirements	4	\$0	\$12,700,000	\$5,400,000	\$6,100,000	\$6,100,000
Deferred Maintenance and Emergency Work	5	\$0	\$4,120,000	\$800,000	\$0	\$0
Tenant Improvements (Interior/finishes)	6	\$0	\$14,367,000	\$16,180,000	\$16,455,000	\$16,455,000
Health Department	7	\$0	\$11,687,000	\$13,500,000	\$11,687,000	\$11,687,000
DCJ	8	\$0	\$2,430,000	\$2,430,000	\$2,430,000	\$2,430,000
DCHS	9	\$0	\$0	\$0	\$2,088,000	\$2,088,000
X-Ray Machine	10	\$0	\$250,000	\$250,000	\$250,000	\$250,000
1.33 % for the Arts	11	\$0	\$414,787	\$563,654	\$866,515	\$866,515
Furniture, Fixtures, Equipment (FFE) + Move	12	\$0	\$4,500,000	\$4,500,000	\$4,500,000	\$4,500,000
Total Upfront Capital Outlay	13	\$0	\$36,101,787	\$43,962,729	\$66,279,636	\$66,279,636
15 YEAR COSTS						
Rent (includes Op Ex)	14	\$39,826,338	\$39,826,338	\$39,826,338	\$3,738,275	\$0
Debt Payments	15	\$5,733,111	\$47,161,070	\$55,147,753	\$76,058,009	\$53,746,001
Income from 3rd Party Tenants	16	\$0	\$0	\$0	(\$5,668,444)	(\$5,668,444)
Outside Lease for Construction	17	\$0	\$3,346,902	\$1,673,451		
Operating Expenses for Owned	18	\$43,719,940	\$41,245,226	\$30,603,817	\$40,543,010	\$40,543,010
Total Costs Over 15 Year Term	19	\$89,279,389	\$131,579,536	\$127,251,359	\$114,670,850	\$88,620,567
Average Annual Cost	20	\$5,951,959.23	\$8,771,969	\$8,483,424	\$7,644,723	\$5,908,037.81

Revised 11/5/2007

BASE CASE VS. LINCOLN PURCHASE (OPTION 3)

20 Year Amortization

Fiscal Year	Base Case No Improvement	Lincoln Purchase	Difference	
2009	\$4,921,395	\$9,104,719	\$4,183,324	
2010	\$5,108,334	\$7,887,680	\$2,779,346	
2011	\$5,308,104	\$7,142,625	\$1,834,520	
2012	\$5,516,207	\$7,147,306	\$1,631,099	
2013	\$5,452,543	\$7,212,453	\$1,759,910	
2014	\$5,677,588	\$7,279,588	\$1,602,000	
2015	\$5,281,844	\$7,348,770	\$2,066,926	
2016	\$5,465,107	\$7,420,061	\$1,954,955	
2017	\$5,733,188	\$7,493,526	\$1,760,338	
2018	\$6,014,395	\$7,569,229	\$1,554,833	
2019	\$6,309,428	\$7,647,238	\$1,337,811	
2020	\$6,619,023	\$7,727,623	\$1,108,600	
2021	\$6,943,961	\$7,810,456	\$866,495	
2022	\$7,285,065	\$7,895,811	\$610,746	
2023	\$7,643,206	\$7,983,764	\$340,558	
Totals	\$89,279,389	\$114,670,850	\$25,391,461	



**MULTNOMAH COUNTY
OREGON**

Revised 11/5/2007

BASE CASE VS. LINCOLN PURCHASE (OPTION 4)

25 Year Amortization with \$14.65 Million in Upfront Capital*

Fiscal Year	Base Case Annual Cost	Lincoln Purchase Annual Cost	Difference
2009	\$4,921,395	\$4,114,190	(\$807,205)
2010	\$5,108,334	\$5,066,387	(\$41,947)
2011	\$5,308,104	\$5,222,102	(\$86,003)
2012	\$5,516,207	\$5,303,360	(\$212,847)
2013	\$5,452,543	\$5,450,907	(\$1,636)
2014	\$5,677,588	\$5,600,722	(\$76,866)
2015	\$5,281,844	\$5,752,572	\$470,728
2016	\$5,465,107	\$5,911,014	\$445,908
2017	\$5,733,188	\$6,075,665	\$342,477
2018	\$6,014,395	\$6,240,906	\$226,511
2019	\$6,309,428	\$6,416,275	\$106,848
2020	\$6,619,023	\$6,590,981	(\$28,042)
2021	\$6,943,961	\$6,769,827	(\$174,135)
2022	\$7,285,065	\$6,957,431	(\$327,634)
2023	\$7,643,206	\$7,148,228	(\$494,978)
Totals	\$89,279,389	\$88,620,567	(\$658,821)

*Financing option 1C(3) provided by Seattle NW Securities on October 20, 2007.



MULTNOMAH COUNTY
OREGON

Revised 11/5/2007

Base Case

Year	McCoy Debt	McCoy Operating	Mead Debt	Mead Operating	Total Annual Cost
2009	\$458,000	\$1,125,247	\$576,564	\$753,082	\$4,921,395
2010	\$458,000	\$1,192,762	\$570,547	\$798,267	\$5,108,334
2011	\$458,000	\$1,264,328	\$570,000	\$846,163	\$5,308,104
2012	\$458,000	\$1,340,188	\$570,000	\$896,933	\$5,516,207
2013	\$458,000	\$1,420,599	\$290,000	\$950,749	\$5,452,543
2014	\$458,000	\$1,505,835	\$290,000	\$1,007,794	\$5,677,588
2015	\$118,000	\$1,596,185	\$0	\$1,068,261	\$5,281,844
2016	\$0	\$1,691,956	\$0	\$1,132,357	\$5,465,107
2017	\$0	\$1,793,473	\$0	\$1,200,299	\$5,733,188
2018	\$0	\$1,901,082	\$0	\$1,272,316	\$6,014,395
2019	\$0	\$2,015,147	\$0	\$1,348,655	\$6,309,428
2020	\$0	\$2,136,055	\$0	\$1,429,575	\$6,619,023
2021	\$0	\$2,264,219	\$0	\$1,515,349	\$6,943,961
2022	\$0	\$2,400,072	\$0	\$1,606,270	\$7,285,065
2023	\$0	\$2,544,076	\$0	\$1,702,646	\$7,643,206
Totals	\$2,866,000	\$26,191,222	\$2,867,111	\$17,528,717	\$89,279,389

Year	Lincoln Rate	Lincoln Rent	Lincoln OE	IT Space
2009	\$17.49	\$1,836,065	\$17,906	\$154,530
2010	\$18.02	\$1,891,704	\$36,349	\$160,705
2011	\$18.55	\$1,947,342	\$55,346	\$166,926
2012	\$19.08	\$2,002,980	\$74,912	\$173,194
2013	\$19.61	\$2,058,619	\$95,066	\$179,511
2014	\$20.14	\$2,114,257	\$115,824	\$185,879
2015	\$20.67	\$2,169,895	\$137,204	\$192,299
2016	\$21.70	\$2,278,390	\$159,227	\$203,177
2017	\$22.35	\$2,346,742	\$181,909	\$210,765
2018	\$23.03	\$2,417,144	\$205,273	\$218,581
2019	\$23.72	\$2,489,658	\$229,337	\$226,630
2020	\$24.43	\$2,564,348	\$254,123	\$234,922
2021	\$25.16	\$2,641,278	\$279,653	\$243,462
2022	\$25.92	\$2,720,517	\$305,948	\$252,258
2023	\$26.69	\$2,802,132	\$333,033	\$261,319
Totals		\$34,281,071	\$2,481,109	\$3,064,157

Assumptions

FY08	
Operating Ex McCoy	\$10.87
Operating Ex Mead	\$9.32
Annual OE Increase	6%
McCoy SF	97,645
Mead SF	76,201
Lincoln 2006 OE	\$6
Annual OE Increases	3%
Lincoln 2006 Rent	\$16.25
Lincoln SF	104,978
IT Space	8750



**MULTNOMAH COUNTY
OREGON**

Option 1

Assumptions

Year	McCoy Debt	McCoy Operating	Mead Debt	Mead Operating	Total Annual Cost	
2009	\$458,000	\$1,061,554	\$576,564	\$710,455	\$8,376,938	
2010	\$458,000	\$1,125,247	\$570,547	\$753,082	\$8,581,498	
2011	\$458,000	\$1,192,762	\$570,000	\$798,267	\$8,799,226	
2012	\$458,000	\$1,264,328	\$570,000	\$846,163	\$9,025,623	
2013	\$458,000	\$1,340,188	\$290,000	\$896,933	\$8,080,180	
2014	\$458,000	\$1,420,599	\$290,000	\$950,749	\$8,297,171	
2015	\$118,000	\$1,505,835	\$0	\$1,007,794	\$7,892,891	
2016	\$0	\$1,596,185	\$0	\$1,068,261	\$8,067,104	
2017	\$0	\$1,691,956	\$0	\$1,132,357	\$8,325,593	
2018	\$0	\$1,793,473	\$0	\$1,200,299	\$8,596,633	
2019	\$0	\$1,901,082	\$0	\$1,272,316	\$8,880,888	
2020	\$0	\$2,015,147	\$0	\$1,348,655	\$9,179,059	
2021	\$0	\$2,136,055	\$0	\$1,429,575	\$9,491,887	
2022	\$0	\$2,264,219	\$0	\$1,515,349	\$9,820,155	
2023	\$0	\$2,400,072	\$0	\$1,606,270	\$10,164,690	
Totals	\$2,866,000	\$24,708,700	\$2,867,111	\$16,536,526	\$131,579,536	
Year	Lincoln Rate	Lincoln Rent	Lincoln OE	IT Space	Upfront Capital	Outside Lease
2009	\$17.49	\$1,836,065	\$17,906	\$154,530	\$2,761,864	\$800,000
2010	\$18.02	\$1,891,704	\$36,349	\$160,705	\$2,761,864	\$824,000
2011	\$18.55	\$1,947,342	\$55,346	\$166,926	\$2,761,864	\$848,720
2012	\$19.08	\$2,002,980	\$74,912	\$173,194	\$2,761,864	\$874,182
2013	\$19.61	\$2,058,619	\$95,066	\$179,511	\$2,761,864	
2014	\$20.14	\$2,114,257	\$115,824	\$185,879	\$2,761,864	
2015	\$20.67	\$2,169,895	\$137,204	\$192,299	\$2,761,864	
2016	\$21.70	\$2,278,390	\$159,227	\$203,177	\$2,761,864	
2017	\$22.35	\$2,346,742	\$181,909	\$210,765	\$2,761,864	
2018	\$23.03	\$2,417,144	\$205,273	\$218,581	\$2,761,864	
2019	\$23.72	\$2,489,658	\$229,337	\$226,630	\$2,761,864	
2020	\$24.43	\$2,564,348	\$254,123	\$234,922	\$2,761,864	
2021	\$25.16	\$2,641,278	\$279,653	\$243,462	\$2,761,864	
2022	\$25.92	\$2,720,517	\$305,948	\$252,258	\$2,761,864	
2023	\$26.69	\$2,802,132	\$333,033	\$261,319	\$2,761,864	
Totals		\$34,281,071	\$2,481,109	\$3,064,157	\$41,427,959	\$3,346,902

Operating Ex McCoy \$10.87
 Operating Ex Mead \$9.32
 Annual OE Increase 6%

McCoy SF 97,645
 Mead SF 76,201

DM McCoy \$3,320,000
 DM Mead \$800,000
 Seismic McCoy \$7,300,000
 Seismic Mead \$5,400,000

Lincoln 2006 OE \$6
 Annual OE Increases 3%
 Lincoln Year 1 Rent \$16.25
 Lincoln SF 104,978
 IT Space 8750

Upfront Capital Requirements \$36,101,787

Outside Lease Rate \$20
 Outside Lease Increases 3%
 Outside Lease Size 40000
 Debt Interest Rate* 4.59%
 Amortization Term 20

*Rate per Seattle NW 10/20/07



**MULTNOMAH COUNTY
OREGON**

Option 2

Year	Lincoln Cost	New Debt	Mead Debt	Mead OE
2009	\$2,008,501	\$3,363,243	\$576,564	\$710,455
2010	\$2,088,758	\$3,363,243	\$570,547	\$753,082
2011	\$2,169,613	\$3,363,243	\$570,000	\$798,267
2012	\$2,251,086	\$3,363,243	\$570,000	\$846,163
2013	\$2,333,195	\$3,363,243	\$290,000	\$896,933
2014	\$2,415,960	\$3,363,243	\$290,000	\$950,749
2015	\$2,499,398	\$3,363,243	\$0	\$1,007,794
2016	\$2,640,794	\$3,363,243	\$0	\$1,068,261
2017	\$2,739,416	\$3,363,243	\$0	\$1,132,357
2018	\$2,840,997	\$3,363,243	\$0	\$1,200,299
2019	\$2,945,626	\$3,363,243	\$0	\$1,272,316
2020	\$3,053,393	\$3,363,243	\$0	\$1,348,655
2021	\$3,164,393	\$3,363,243	\$0	\$1,429,575
2022	\$3,278,724	\$3,363,243	\$0	\$1,515,349
2023	\$3,396,484	\$3,363,243	\$0	\$1,606,270
Totals	\$39,826,338	\$50,448,642	\$2,867,111	\$16,536,526

Year	McCoy/New OE	McCoy Debt	Mead Lease	Total
2009	\$1,125,247	\$458,000	\$400,000	\$8,642,010
2010	\$1,192,762	\$458,000	\$412,000	\$8,838,392
2011	\$1,264,328	\$458,000	\$424,360	\$9,047,811
2012	\$1,340,188	\$458,000	\$437,091	\$9,265,771
2013	\$714,000			\$7,597,371
2014	\$735,420			\$7,755,371
2015	\$757,483			\$7,627,917
2016	\$780,207			\$7,852,505
2017	\$803,613			\$8,038,629
2018	\$827,722			\$8,232,260
2019	\$852,553			\$8,433,738
2020	\$878,130			\$8,643,421
2021	\$904,474			\$8,861,685
2022	\$931,608			\$9,088,924
2023	\$959,556			\$9,325,553
Totals	\$14,067,290.94	\$1,832,000	\$1,673,451	\$127,251,359

Assumptions

New Clinic Size	75,000
1/2 Block of Land Cost	\$5,000,000
Sell and Core Cost/SF	\$200
TI Costs/SF	\$180
Mead Seismic	\$5,400,000
Mead DM	\$800,000
Mead TI's	\$2,667,035
Total Upfront Capital from Summary	\$43,962,729
Amortization Period	20
Interest Rate*	4.59%
*Rates per Seattle NW 10/20/07	
New Clinic Operating Expense	\$8.50
Annual Increases	3%
Size of Outside Lease for Mead	20,000
Rate for Outside Lease	\$20
Annual Increases	3%



**MULTNOMAH COUNTY
OREGON**

Option 3

Assumptions

Year	Debt Service	Operating Exp	Post Lease	Parking
			2416	
2009	\$5,070,534	\$2,179,859	(\$35,104)	(\$108,000)
2010	\$5,070,534	\$2,245,255	(\$17,552)	(\$111,240)
2011	\$5,070,534	\$2,312,612	\$0	(\$114,577)
2012	\$5,070,534	\$2,381,991	(\$60,000)	(\$118,015)
2013	\$5,070,534	\$2,453,451	(\$61,500)	(\$121,555)
2014	\$5,070,534	\$2,527,054	(\$63,038)	(\$125,202)
2015	\$5,070,534	\$2,602,866	(\$64,613)	(\$128,958)
2016	\$5,070,534	\$2,680,952	(\$66,229)	(\$132,826)
2017	\$5,070,534	\$2,761,380	(\$67,884)	(\$136,811)
2018	\$5,070,534	\$2,844,222	(\$69,582)	(\$140,916)
2019	\$5,070,534	\$2,929,548	(\$71,321)	(\$145,143)
2020	\$5,070,534	\$3,017,435	(\$73,104)	(\$149,497)
2021	\$5,070,534	\$3,107,958	(\$74,932)	(\$153,982)
2022	\$5,070,534	\$3,201,196	(\$76,805)	(\$158,602)
2023	\$5,070,534	\$3,297,232	(\$78,725)	(\$163,360)
Totals	\$76,058,009	\$40,543,010	(\$880,390)	(\$2,008,683)

Year	Mead/McCoy	Vacate L-1	Qwest Buyout	Total
2009	\$2,912,893	(\$123,463)	(\$792,000)	\$9,104,719
2010	\$825,381	(\$124,698)		\$7,887,680
2011		(\$125,945)		\$7,142,625
2012		(\$127,204)		\$7,147,306
2013		(\$128,476)		\$7,212,453
2014		(\$129,761)		\$7,279,588
2015		(\$131,058)		\$7,348,770
2016		(\$132,369)		\$7,420,061
2017		(\$133,693)		\$7,493,526
2018		(\$135,030)		\$7,569,229
2019		(\$136,380)		\$7,647,238
2020		(\$137,744)		\$7,727,623
2021		(\$139,121)		\$7,810,456
2022		(\$140,512)		\$7,895,811
2023		(\$141,918)		\$7,983,764
Totals	\$3,738,275	(\$1,987,371)	(\$792,000)	\$114,670,850

New Debt Requirement	\$66,279,636
Amortization	20
Rate*	4.59%
*Rates per Seattle NW 10/20/07	
Lincoln Square Footage	256,464
Qwest Rate	\$18
Qwest SF	44,000
Qwest Buyout	\$792,000
Parking Revenue per Month	\$150
Spaces Available	60
Rate of Parking Growth	3%
L-1 Rent	\$123,463
Annual L-1 Increases	1%



**MULTNOMAH COUNTY
OREGON**

Option 4

Assumptions

Year	Debt Service*	Operating Exp	Post Lease	Parking
			2416	
2009	\$2,992,898	\$2,179,859	(\$35,104)	(108,000.00)
2010	\$3,074,622	\$2,245,255	(\$17,552)	(111,240.00)
2011	\$3,150,011	\$2,312,612	\$0	(114,577.20)
2012	\$3,226,588	\$2,381,991	(\$60,000)	(118,014.52)
2013	\$3,308,988	\$2,453,451	(\$61,500)	(121,554.95)
2014	\$3,391,668	\$2,527,054	(\$63,038)	(125,201.60)
2015	\$3,474,336	\$2,602,866	(\$64,613)	(128,957.65)
2016	\$3,561,487	\$2,680,952	(\$66,229)	(132,826.38)
2017	\$3,652,673	\$2,761,380	(\$67,884)	(136,811.17)
2018	\$3,742,211	\$2,844,222	(\$69,582)	(140,915.50)
2019	\$3,839,571	\$2,929,548	(\$71,321)	(145,142.97)
2020	\$3,933,892	\$3,017,435	(\$73,104)	(149,497.26)
2021	\$4,029,904	\$3,107,958	(\$74,932)	(153,982.18)
2022	\$4,132,154	\$3,201,196	(\$76,805)	(158,601.64)
2023	\$4,234,998	\$3,297,232	(\$78,725)	(163,359.69)
Totals	\$53,746,001	\$40,543,010	(\$880,390)	(2,008,682.70)

Year	Mead/McCoy	Upfront Paymen	Vacate L-1	Qwest Buyout	Total
2009	\$2,912,893	(\$2,912,893)	(\$123,463)	(\$792,000)	\$4,114,190
2010	\$825,381	(\$825,381)	(\$124,698)		\$5,066,387
2011			(\$125,945)		\$5,222,102
2012			(\$127,204)		\$5,303,360
2013			(\$128,476)		\$5,450,907
2014			(\$129,761)		\$5,600,722
2015			(\$131,058)		\$5,752,572
2016			(\$132,369)		\$5,911,014
2017			(\$133,693)		\$6,075,665
2018			(\$135,030)		\$6,240,906
2019			(\$136,380)		\$6,416,275
2020			(\$137,744)		\$6,590,981
2021			(\$139,121)		\$6,769,827
2022			(\$140,512)		\$6,957,431
2023			(\$141,918)		\$7,148,228
Totals	\$3,738,275	(\$3,738,275)	(\$1,987,371)	(\$792,000)	\$88,620,567

Lincoln Square Footage 256,464

Qwest Rate \$18

Qwest SF 44,000

Qwest Buyout \$792,000

Parking Revenue per Month \$150

Spaces Available 60

Rate of Parking Growth 3%

Upfront Debt Buydown \$10,900,795

Upfront Mead/McCoy \$3,738,275

Total Upfront Contribution \$14,639,070

L-1 Rent \$123,463

Annual L-1 Increases 1%

*Debt Service is per Seattle NW 10/20/07
Option 1C(3)



**MULTNOMAH COUNTY
OREGON**

OPERATING EXPENSE SCHEDULES AND LINCOLN RENT

Existing Lincoln Building				3%	Lincoln Owned Entire Building			Annual Increase	3.00%	Owned New Building		3.00%
Base Year	Estimated	Passthrough			Size							
2009	\$596,868	\$614,774	\$17,906		2009	\$8.50	256454	\$2,179,859		2009	\$8.50	130000 \$1,105,000
2010	\$596,868	\$633,217	\$36,349		2010	\$8.76	256454	\$2,245,255		2010	\$8.76	130000 \$1,138,150
2011	\$596,868	\$652,214	\$55,346		2011	\$9.02	256454	\$2,312,612		2011	\$9.02	130000 \$1,172,295
2012	\$596,868	\$671,780	\$74,912		2012	\$9.29	256454	\$2,381,991		2012	\$9.29	130000 \$1,207,463
2013	\$596,868	\$691,934	\$95,066		2013	\$9.57	256454	\$2,453,451		2013	\$9.57	130000 \$1,243,687
2014	\$596,868	\$712,692	\$115,824		2014	\$9.85	256454	\$2,527,054		2014	\$9.85	130000 \$1,280,998
2015	\$596,868	\$734,072	\$137,204		2015	\$10.15	256454	\$2,602,866		2015	\$10.15	130000 \$1,319,428
2016	\$596,868	\$756,095	\$159,227		2016	\$10.45	256454	\$2,680,952		2016	\$10.45	130000 \$1,359,011
2017	\$596,868	\$778,777	\$181,909		2017	\$10.77	256454	\$2,761,380		2017	\$10.77	130000 \$1,399,781
2018	\$596,868	\$802,141	\$205,273		2018	\$11.09	256454	\$2,844,222		2018	\$11.09	130000 \$1,441,774
2019	\$596,868	\$826,205	\$229,337		2019	\$11.42	256454	\$2,929,548		2019	\$11.42	130000 \$1,485,028
2020	\$596,868	\$850,991	\$254,123		2020	\$11.77	256454	\$3,017,435		2020	\$11.77	130000 \$1,529,578
2021	\$596,868	\$876,521	\$279,653		2021	\$12.12	256454	\$3,107,958		2021	\$12.12	130000 \$1,575,466
2022	\$596,868	\$902,816	\$305,948		2022	\$12.48	256454	\$3,201,196		2022	\$12.48	130000 \$1,622,730
2023	\$596,868	\$929,901	\$333,033		2023	\$12.86	256454	\$3,297,232		2023	\$12.86	130000 \$1,671,412
					Total			\$40,543,010		Totals		\$20,551,800

Lincoln Existing Rent Schedule

	Rate	Including Overhead
2009	\$16.50	\$17.49
2010	\$17.00	\$18.02
2011	\$17.50	\$18.55
2012	\$18.00	\$19.08
2013	\$18.50	\$19.61
2014	\$19.00	\$20.14
2015	\$19.50	\$20.67
2016	\$20.48	\$21.70
2017	\$21.09	\$22.35
2018	\$21.72	\$23.03
2019	\$22.37	\$23.72
2020	\$23.04	\$24.43
2021	\$23.74	\$25.16
2022	\$24.45	\$25.92
2023	\$25.18	\$26.69

RESIDUAL VALUE CALCS

McCoy Improved SF				Mead Improved SF			
1	\$100.00	97,645		1	\$100.00	76,201	
2	\$103.00			2	\$103.00		
3	\$106.09			3	\$106.09		
4	\$109.27			4	\$109.27		
5	\$112.55			5	\$112.55		
6	\$115.93			6	\$115.93		
7	\$119.41			7	\$119.41		
8	\$122.99			8	\$122.99		
9	\$126.68			9	\$126.68		
10	\$130.48			10	\$130.48		
11	\$134.39			11	\$134.39		
12	\$138.42			12	\$138.42		
13	\$142.58			13	\$142.58		
14	\$146.85			14	\$146.85		
15	\$151.26	97,645	\$14,769,682	15	\$151.26	76,201	\$11,526,084.96
Value Full							
Remaining Debt		53.60%	\$5,692,320	Remaining Debt		53.60%	\$3,323,200.00
Residual Value			\$9,077,362	Residual Value			\$8,202,884.96

Mead and McCoy Unimproved \$/SF SF				Lincoln Building Value			
1	\$60.00	173,846		1	\$175	256454	\$53,000,000
2	\$61.20			2	\$180		
3	\$62.42			3	\$186		
4	\$63.67			4	\$191		
5	\$64.95			5	\$197		
6	\$66.24			6	\$203		
7	\$67.57			7	\$209		
8	\$68.92			8	\$215		
9	\$70.30			9	\$222		
10	\$71.71			10	\$228		
11	\$73.14			11	\$235		
12	\$74.60			12	\$242		
13	\$76.09			13	\$250		
14	\$77.62			14	\$257		
15	\$79.17	173,846	\$13,763,166	15	\$265	256454	\$67,884,195
Remaining Debt			\$2,680,000	Remaining Debt		53.60%	\$28,408,000
Residual Value			\$11,083,166	Residual Value			\$39,476,195

New Building \$/SF			
1	\$250	126000	
2	\$257.50		
3	\$265.23		
4	\$273.18		
5	\$281.38		
6	\$289.82		
7	\$298.51		
8	\$307.47		
9	\$316.69		
10	\$326.19		
11	\$335.98		
12	\$346.06		
13	\$356.44		
14	\$367.13		
15	\$378.15	126000	\$47,646,576.33
Remaining Debt		53.60%	\$35,525,884.90
Residual Value			\$12,120,691.44

**DEBT OUTSTANDING ON MEAD AND MCCOY
FY 2007 and Beyond**

Health Facilities

	McCoy	Mead	Year	McCoy	Mead
2007			2007		
2008			2008		
2009	340,000	290,000	2009	\$458,000	\$576,564
2010	340,000	290,000	2010	\$458,000	\$570,547
2011	340,000	290,000	2011	\$458,000	\$570,000
2012	340,000	290,000	2012	\$458,000	\$570,000
2013	340,000	290,000	2013	\$458,000	\$290,000
2014	340,000	290,000	2014	\$458,000	\$290,000
	<u>2,040,000</u>	<u>1,740,000</u>	2015	\$118,000	\$0

Series 2000

	McCoy First Floor	Mead			
2007			2016	\$0	\$0
2008	66,000	280,000	2017	\$0	\$0
2009	66,000	280,000	2018	\$0	\$0
2010	66,000	280,000	2019	\$0	\$0
	<u>198,000</u>	<u>840,000</u>	2020	\$0	\$0
			2021	\$0	\$0
			Total	\$2,866,000	\$2,867,111

Series 2004

	McCoy	Mead
2007		
2008		
2009	52,000	
2010	52,000	
2011	118,000	280,000
2012	118,000	280,000
2013	118,000	
2014	118,000	
2015	118,000	
	<u>694,000</u>	<u>560,000</u>

Sale Proceeds

Mead SF	76,201
McCoy SF	97,645
Sale Price	\$65 per SF
Total Sale Price	\$11,299,990
Debt	\$5,733,111
Proceeds	\$5,566,879

Energy Loans

	McCoy	Mead
2007		
2008		
2009		6,564
2010		547
	<u>-</u>	<u>7,111</u>

Debt Outstanding	2,932,000	3,147,111
	McCoy	Mead

BOGSTAD Deborah L

From: KARNES Ana
Sent: Monday, November 05, 2007 12:12 PM
To: WILLER Barbara; MARTINEZ David; LASHUA Matthew; MADRIGAL Marissa D; NAITO Terri W; MACK Thomas M; WEST Kristen
Cc: BOGSTAD Deborah L
Subject: Agenda item R-8

Per Bill Farver, Agenda Item R-8 will be presented in a later date.

Thank you,

Ana Karnes, Assistant Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214
Phone: 503 988 5274 / 22865
Fax: 503 988 3013
Bldg: 503 / 600 /
ana.karnes@co.multnomah.or.us



11.8.07
R-8

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Amending the Financial and Budget Policies Adopted in Resolution 07-115 to Increase the Debt Limit from an Annual Payment of Not More than 5% to an Annual Payment of Not More than 7% of the County's General Fund Budgeted Revenues

The Multnomah County Board of Commissioners Finds:

- a. As is does each year, on June 7, 2007 by Resolution 07-115, the Board adopted Financial and Budget Policies for Fiscal Year 2007-2008.
- b. The acquisition of the Lincoln Building in downtown Portland, together with the acquisition of a new Assessment and Taxation system and the potential need to acquire the Columbia Pacific Plaza building require that the County increase its debt limit in order to finance these projects.
- c. The County's current debt limit of 5% is lower than that of many other local government entities in Oregon.
- d. It is in the best interest of the County to increase the debt limit from an annual payment of not more than 5% to an annual payment of not more than 7% of the County's general fund budgeted revenues.

The Multnomah County Board of Commissioners Resolves:

The Financial and Budget Policies adopted on June 7, 2007 are amended to substitute the following paragraph for paragraph 5.

5. **Debt.** When issuing debt, the County will follow the Government Finance Officers Association recommended practice of selecting and managing the method of sale of State and Local Government Bonds. In addition to statutory debt limit, the County further limits non-voter approved debt instruments to an annual debt payment amount that will

not exceed 7% of the County's General Fund budgeted revenues and with the exception of proprietary funds, all annual debt service payments will be limited to 7%.

ADOPTED this 8th day of November, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Ted Wheeler, Multnomah County Chair



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/08/07
Agenda Item #: R-9
Est. Start Time: 11:00 AM
Date Submitted: 10/31/07

Agenda Title: **PROCLAMATION in Observance of Veterans' Day November 11, 2007,
Honoring County Employees who are Veterans or are Currently Serving in the
Military, Reserves or National Guard**

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

Requested Meeting Date: November 8, 2007 Amount of Time Needed: 15 minutes
Department: Non-Departmental Division: Commissioner Jeff Cogen
Contact(s): Warren Fish
Phone: 503 988-5219 Ext. 85219 I/O Address: 503/600
Presenter(s): Commissioner Jeff Cogen and Chair Ted Wheeler

General Information

1. What action are you requesting from the Board?

Approval of the proclamation. Recognition of Multnomah County Veterans.

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.

In observance of Veterans Day November 11, 2007, that on this day all County employees who are veterans or current members of the military, Reserves, or National Guard be remembered and honored.

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

none

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

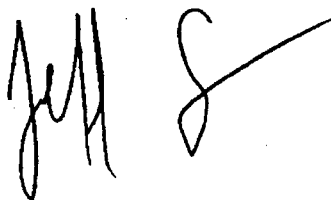
none

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

Proclamation recognizes and honors County employees who are veterans or current members of the military.

Required Signature

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

A handwritten signature in black ink, appearing to be 'JH S', written over a horizontal line.

Date: 10/31/07

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

PROCLAMATION NO. _____

In Observance of Veterans' Day November 11, 2007, Honoring County Employees who are Veterans or are Currently Serving in the Military, Reserves or National Guard

The Multnomah County Board of Commissioners Finds:

- a. 197 Multnomah County employees are veterans or are current members of the military;
- b. Approximately 25 Multnomah County employees have been called into active military service since hostilities began in Afghanistan and Iraq; With a spirit of pride and gratitude, we honor our employees who are veterans or who currently serve in the military;
- c. The willingness of our employees to give freely and unselfishly of themselves, in service of our nation, is a sacrifice on behalf of our entire Country;
- d. Through war and peace, valiant Americans have answered the call to duty with honor and dignity;
- e. In conjunction with the Veterans Day on November 11, 2007, Multnomah County is proud to recognize the men and women who have served to protect our freedom;
- f. At the state level, 18,204 Oregonians have served in Iraq or Afghanistan since those operations began. Of those, 1,750 are from the greater Portland Metropolitan Area;
- g. Our hearts and thoughts go out to those who were killed or disabled while serving their country;
- h. Multnomah County is proud to partner with Clackamas and Washington Counties and participate in a Tri-County Veterans Career and Benefits Fair at Clackamas Community College Saturday, November 3, 2007.
- i. Multnomah County proudly organized and participated in "Our Veterans, Our Neighbors: A Community Leaders Summit in Support of Veterans Reintegration" on October 29, 2007 at the World Trade Center in downtown Portland. The summit helped mobilize community leaders and explored how businesses, higher education leaders, healthcare providers, civic leaders and citizens can work together to help returning Veterans overcome obstacles they face.

The Multnomah County Board of Commissioners Proclaims:

In observance of Veterans Day November 11, 2007, that on this day all County employees who are veterans or current members of the military, Reserves, or National Guard be remembered and honored.

ADOPTED this 8th day of November, 2007.

**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:
Jeff Cogen, Commissioner District 2



MULTNOMAH COUNTY OREGON

**BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SIXTH FLOOR
PORTLAND, OREGON 97214**

**TED WHEELER • CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY • DIST. 1 COMMISSIONER
JEFF COGEN • DIST. 2 COMMISSIONER
LISA NAITO • DIST. 3 COMMISSIONER
LONNIE ROBERTS • DIST. 4 COMMISSIONER**

In Observance of Veterans Day on Sunday, November 11, 2007, the Board of Commissioners would like to honor County Employees who are Veterans or are currently serving in the Military, Reserves or National Guard.

We would like to take this time to honor those employees and their willingness to give freely and unselfishly in service of our nation.

All Veterans are invited to attend the Board meeting on **Thursday, November 8, 2007**. There will be light refreshments immediately following the meeting.

If you plan on attending this event, please RSVP to x28198.

Light refreshments will be served following the Board meeting.

We look forward to seeing you on November 8.

Sincerely,

Ted Wheeler
Multnomah County Chair

Maria Rojo de Steffey
Commissioner – District 1

Jeff Cogen
Commissioner – District 2

Lisa Naito
Commissioner – District 3

Lonnie Roberts
Commissioner – District 4

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 07-178

In Observance of Veterans' Day November 11, 2007, Honoring County Employees who are Veterans or are Currently Serving in the Military, Reserves or National Guard

The Multnomah County Board of Commissioners Finds:

- a. 197 Multnomah County employees are veterans or are current members of the military;
- b. Approximately 25 Multnomah County employees have been called into active military service since hostilities began in Afghanistan and Iraq; With a spirit of pride and gratitude, we honor our employees who are veterans or who currently serve in the military;
- c. The willingness of our employees to give freely and unselfishly of themselves, in service of our nation, is a sacrifice on behalf of our entire Country;
- d. Through war and peace, valiant Americans have answered the call to duty with honor and dignity;
- e. In conjunction with the Veterans Day on November 11, 2007, Multnomah County is proud to recognize the men and women who have served to protect our freedom;
- f. At the state level, 18,204 Oregonians have served in Iraq or Afghanistan since those operations began. Of those, 1,750 are from the greater Portland Metropolitan Area;
- g. Our hearts and thoughts go out to those who were killed or disabled while serving their country;
- h. Multnomah County is proud to partner with Clackamas and Washington Counties and participate in a Tri-County Veterans Career and Benefits Fair at Clackamas Community College Saturday, November 3, 2007.
- i. Multnomah County proudly organized and participated in "Our Veterans, Our Neighbors: A Community Leaders Summit in Support of Veterans Reintegration" on October 29, 2007 at the World Trade Center in downtown Portland. The summit helped mobilize community leaders and explored how businesses, higher education leaders, healthcare providers, civic leaders and citizens can work together to help returning Veterans overcome obstacles they face.

The Multnomah County Board of Commissioners Proclaims:


In observance of Veterans Day November 11, 2007, that on this day all County employees who are veterans or current members of the military, Reserves, or National Guard be remembered and honored.

ADOPTED this 8th day of November, 2007.

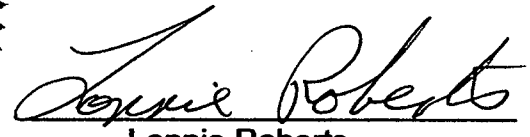
**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

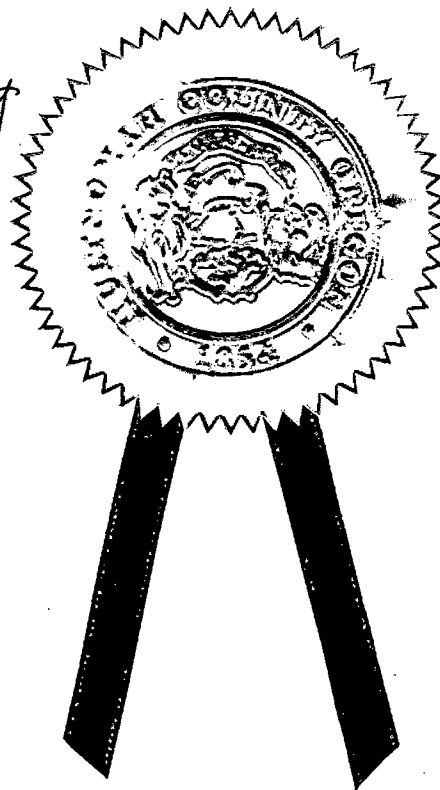

Ted Wheeler, County Chair


Maria Rojo de Steffey,
Commissioner District 1


Jeff Cogen,
Commissioner District 2


Lisa Naito,
Commissioner District 3


Lonnie Roberts,
Commissioner District 4



SUBMITTED BY:
Jeff Cogen, Commissioner District 2



829 NE Eighth St.
Gresham, OR 97030
503.667.8848
Fax: 503.667.7710
www.metroeast.org

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Oregon Public Affairs
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30

MetroEast Municipal

MetroEast Community Media invites the Multnomah County Commission to join non-profits, government agencies and schools to record a short segment of holiday greeting.

These greetings will be edited together among performances by musical groups from East County Public Schools to create half hour programs that air regularly on our channels during the holiday season.

Greeting guidelines:

Sing a song, read a poem, or tell the viewers about the city.

Be creative and have fun.

Messages should run 30 seconds to 3 minutes.

Select 2 or 3 spokespersons for larger groups.

To participate, please arrange a date with me when the commission can record the greeting. Ideally we could record the greeting just after a meeting in November.

If you have questions about how to present your group's greeting, don't hesitate to ask me.

Thank you,
Emily Vidal

503-667-8848 ext(329)

2007 AOC Annual Conference

Portland Marriott Downtown Waterfront

Monday, November 12 (pre-conference programs)

- 2:00 p.m.-4:00 p.m. *Sophomore Seminar for county commissioners & judges*
2:00 p.m.-4:00 p.m. *Roundtable discussion – Rural Opportunities with Wind Energy*
2:00 p.m.-4:00 p.m. *Roundtable discussion – Homelessness, Housing & Oregonians*
6:00 p.m. *Dinner for sophomore commissioners (no host, all AOC members invited)*
6:00 p.m. *Legislative Committee & Board of Directors reception (invitation only)*

Tuesday, November 13

- 7:00 a.m.-9:00 a.m. CFTLC breakfast meeting
9:00 a.m.-10:30 a.m. Opening General Session
 - *Welcome from Multnomah County*
 - *Guest speaker General Mike Caldwell*
 - *County College Commencement*10:30 a.m. Break
10:45 a.m.-12:30 p.m. AOC steering committee meetings:
 - *Human Services*
 - *Transportation*
 - *Water Policy*12:30 p.m.-2:00 p.m. Lunch with Governor Ted Kulongoski
2:00 p.m.-3:30 p.m. Concurrent Sessions
 - *Court Facilities*
 - *Public & Mental Health programs*3:30 p.m. Break
4:00 p.m. District Meetings
5:00 p.m. Resolutions Committee
5:30 p.m.-7:00 p.m. President's Reception

Wednesday, November 14

- 7:00 a.m.-8:00 a.m. Continental breakfast
7:00 a.m.-5:00 p.m. Exhibit Hall opens
8:00 a.m.-9:45 a.m. AOC steering committee meetings:
 - *Communications*
 - *Governance*
 - *Public Lands & Natural Resources*9:45 a.m. Break
10:15 a.m.-12:00 p.m. AOC steering committee meetings:
 - *Community Development*
 - *Public Safety*
 - *Tax Policy*12:00 p.m.-1:30 p.m. Lunch with speaker

1:30 p.m.-3:00 p.m. General Session with Oregon legislators
3:00 p.m. Break
3:30 p.m.-5:00 p.m. State agencies roundtable discussions
5:00 p.m. Resolutions Committee
6:00 p.m.-8:00 p.m. Product Tasting

Thursday, November 15

7:00 a.m. Fellowship Breakfast
7:00 a.m.-9:00 a.m. Continental breakfast
7:00 a.m.-2:00 p.m. Exhibit Hall open
7:30 a.m.-9:00 a.m. PERS Alliance update
9:00 a.m.-10:15 a.m. Concurrent Sessions

- *Managing Growth in Rural Areas & Measure 37 Claims – Part 1*
- *The Implications of an Aging Population*

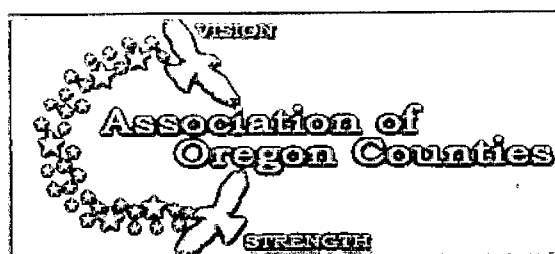
10:15 a.m. Break
10:45 a.m.-12:00 p.m. Concurrent Sessions

- *Managing Growth in Rural Areas & Measure 37 Claims – Part 2*
- *Oregon's New Ethics Laws*

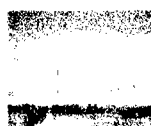
12:00 p.m.-2:00 p.m. Lunch with exhibitors
2:00 p.m.-5:00 p.m. AOC Annual Business Meeting (*group photo at close of meeting*)
6:00 p.m.-7:00 p.m. AOC Business Partner reception
7:00 p.m. Annual banquet & Mardi Gras entertainment

Friday, November 16

8:30 a.m.-10:00 a.m. Breakfast and raffle of county gifts



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AOC
Strengthening county
government's ability
to serve people.

Welcome/AOC News

NEW

AOC 2007 ANNUAL CONFERENCE ON-LINE REGISTRATION!

This year's conference is in Portland at the Portland Marriott November 13th through 16th. Register now and avoid the last minute rush! HERE'S the Schedule of Events for this year's can't miss Conference. See you there! (you can also get the latest conference information by clicking on AOC Conferences on the left side of this page)

Federal Forest Payments Back in the Spotlight. Now that PL 106-393, Federal Forest Payments, has once again expired, the effort to find solutions to the funding problems faced by counties is heating up. You can read the updated Status Report [here](#).

Measure 49 - What does it mean to existing Measure 37 claims? The law firm of Davis Wright Termaine LLP has studied the legal implications and published a white paper on the subject. You can read that document [HERE](#).

2007 Oregon Legislature - What lawmakers did and didn't do for Oregon Counties. Go [HERE](#) and get the just off the press **AOC Legislative Summary**. It is a must read!

County N**Catch the Next I Wave.**

Is wave energy the wave of the future? In Lincoln it is a hot topic as rep the *Newport News-Tir*. [read more...](#)

Legally Speaking:

The US Senate is now record supporting an i in funding for Legal S Corporation. *Salem-N* has the story. [read r](#)

Hard Hit.

The Observer in La Gr looks at the impact of closures on Eastern O economy in a recent e [read more...](#)

COUNTY PAYME BILL MOVING IN HOUSE!

Rep. DeFazio's office s 3058 will be marked t House Natural Resour Committee on Septem 26th. Read the e-ma his Natural Resources here. For more inform don't hesitate to cont Eric at AOC. [read more...](#)

Fly-In Number 1

More than 20 Oregoni joined 160 citizens frc than 30 other states ii Washington, DC this p week for the 2nd Nati Forest Counties and S Coalition Fly-In. Wea green shirts, the Fly-I participants stormed c

BLM Western Oregon Plan Revision Open House Schedule.

The Bureau of Land Management has begun a series of open houses in various locations to discuss the Western Oregon Plan Revision Draft Environmental Impact Statement. If you have questions, or just want to learn more about the different alternatives, this is your chance. You can find a schedule of the meetings here.

From the Oregon Progress Board... You can now generate an up-to-date benchmark report on your county, including trend data on 31 Oregon Benchmarks. To get your county's benchmark report, plus raw data and comparator maps for any given benchmark, check out the Progress Board's web sit at www.oregon.gov/DAS/OPB.

Econmic Study Released. County, business and civic leaders have attempted to adjust to the decline in the natural resources-based economy of Oregon's federal lands with varying degrees of success. However, the shift away from natural resources and toward other industrial activities has fallen short of replacing the income and government funding capacity of the previous economic base, leaving communities and families vulnerable. That dynamic is captured in a new study, "Secure rural Schools Payments Termination: Impacts on Oregon's O&C County Economies" by Drs. Daniel Green and Charles McKetta of Idaho.

Green and McKetta studied the impact of the loss of federal timber payments on communities throughout the Willamette Valley and Southern Oregon. Their findings demonstrate the economic and social consequences that will accrue to Western Oregon's 18 O&C counties, which stand to lose more than \$222.6 million (net) in federal funding by 2008. For a copy of the study, click [HERE](#).

Ethics Reform Made Easy...or is it? During the AOC Successful Solutions Summit, Ron Bersin, Executive Director of the Oregon Government Ethics Commission, made a presentation to us on the new ethics laws. There were more questions than answers, but here is Mr. Bersin's PowerPoint presentation. It's a good place to start.

BLM's Proposed Management Plan. Should provide plenty of fodder for discussion in the next 90 days. Plan on being part of that discussion by going to the BLM website [HERE](#). And when you go [HERE](#) you will see the Association of O&C Counties release on the subject.

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