

ANNOTATED MINUTES

Thursday, December 14, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen, Tanya Collier and Dan Saltzman present.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER HANSEN, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-7)
WAS UNANIMOUSLY APPROVED.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-1 GEC 22-95 Hearings Officer Decision APPROVING, Subject to Amended Conditions Mitigated by Applicant and Appellant, a Grading and Erosion Control Permit for Construction of a Single Family Dwelling in the R-20 Zone on Property Located at 6200 SW SHERIDAN STREET, PORTLAND
- C-2 LD 5-95 Hearings Officer Decision APPROVING, Subject to Conditions, Proposed Three Parcel Land Division and Future Street Plan and Denying Applicant's Appeal for an Improvement Waiver to Certain Road Improvements, for Property Located at 161 NW MILLER ROAD, PORTLAND
- C-3 ORDER Authorizing Execution of Deed D951206 Upon Complete Performance of a Contract to Jeffrey William Lim
- ORDER 95-253.**
- C-4 ORDER Authorizing Execution of Deed D961275 for Repurchase of Tax Acquired Property to Former Owner Lewis C. Carroll

ORDER 95-254.

- C-5 ORDER Authorizing Execution of Deed D961276 for Repurchase of Tax Acquired Property to Former Owner Alice M. Proctor

ORDER 95-255.

- C-6 ORDER Authorizing Execution of Deed PM9501 to Darrel H. Hanson Upon Completion of a Contract

ORDER 95-256.

SHERIFF'S OFFICE

- C-7 Budget Modification MCSO 1 Requesting Authorization to Reclassify 5 Corrections Counselor Supervisor Positions to MCSO Program Administrator Positions

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

DEPARTMENT OF COMMUNITY CORRECTIONS

- R-5 Budget Modification DCC 3 Requesting Authorization to Add 1 FTE Data Systems Manager, 5 FTE Operations Supervisors, and Delete 5 FTE Clerical Unit Supervisor Positions

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. CARY HARKAWAY AND PATRICK BRUN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- R-2 Budget Modification MCSO 2 Requesting Authorization to Add \$14,000 to the River Patrol Budget Revenue and Expenditures to Budget for a Contract with the Port of Portland to Patrol Government Island

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-2. LARRY AAB EXPLANATION.
BUDGET MODIFICATION UNANIMOUSLY
APPROVED.**

- R-3 Budget Modification MCSO 3 Requesting Authorization to Move \$5,000 from the Equipment Line Item to the Supplies Line Item in the Marine Board's River Patrol Budget

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-3. MR. AAB EXPLANATION.
BUDGET MODIFICATION UNANIMOUSLY
APPROVED.**

- R-4 RESOLUTION Authorizing Designation of Housing Allowance for Chaplains Serving the County Jails

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER HANSEN SECONDED, APPROVAL
OF R-4. MR. AAB EXPLANATION AND RESPONSE
TO BOARD QUESTIONS. RESOLUTION 95-257
UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

- R-6 Intergovernmental Agreement 500466 with Washington County and the Portland Development Commission for the Administration of the Regional Strategies Program for 1995-1997 Biennium

**COMMISSIONER SALTZMAN MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL
OF R-6 COUNSEL MATT RYAN EXPLANATION OF
AMENDED LANGUAGE. UPON MOTION OF
COMMISSIONER KELLEY, SECONDED BY
COMMISSIONER SALTZMAN, AMENDMENTS TO
PAGE 8, SECTION 11 WERE UNANIMOUSLY
APPROVED. MR. RYAN RESPONSE TO BOARD
QUESTIONS. PATRICIA SCRUGGS COMMENTS IN
SUPPORT. JOHN HALL EXPLANATION IN
RESPONSE TO BOARD QUESTIONS AND
DISCUSSION. MS. SCRUGGS COMMENTS IN**

**RESPONSE TO BOARD DISCUSSION. AGREEMENT
UNANIMOUSLY APPROVED, AS AMENDED.**

- R-7 RESOLUTION and ORDER Providing a Bridge Loan to the Brentwood-Darlington Community Family Resource Center Project to Allow Construction to Begin in January, 1996

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-7. COMMISSIONER COLLIER,
DARLENE CARLSON AND SAM GALBREATH
EXPLANATION, COMMENTS IN SUPPORT AND
RESPONSE TO BOARD QUESTIONS. RESOLUTION
AND ORDER 95-258 UNANIMOUSLY APPROVED.**

- R-8 Intergovernmental Agreement 500426 with the City of Portland for Office of Emergency Management Access to the 800 MHz Simulcast and Trunking Radio Services

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL
OF R-8. MIKE GILSDORF EXPLANATION.
AGREEMENT UNANIMOUSLY APPROVED.
COMMISSIONER COLLIER PRESENTED UPDATE
ON EMERGENCY PREPAREDNESS RESOLUTION.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-9 RESOLUTION in the Matter of Authorizing an Application for a Loan from the Small Scale Energy Loan Program

**COMMISSIONER SALTZMAN MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL
OF R-9. AMY JOSLIN EXPLANATION.
RESOLUTION 95-259 UNANIMOUSLY APPROVED.**

- R-10 First Reading of an ORDINANCE Amending Surveyor's Fees, Moving County Surveyor Fees from MCC 11.45 to MCC 5.10, and Changing Method to a Deposit with Actual Cost Being Determined at Completion of the Services

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER COLLIER MOVED
AND COMMISSIONER KELLEY SECONDED,**

**APPROVAL OF FIRST READING. BOB HOVDEN
EXPLANATION. NO ONE WISHED TO TESTIFY.
FIRST READING UNANIMOUSLY APPROVED.
SECOND READING THURSDAY, DECEMBER 21,
1995.**

PUBLIC CONTRACT REVIEW BOARD

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

R-11 ORDER Exempting from Public Bidding the Purchase of INTERFACE Software and Ongoing Maintenance Service from Pacific Applied Technology, Inc.

**COMMISSIONER HANSEN MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL
OF R-11. JIM MUNZ EXPLANATION AND
RESPONSE TO BOARD QUESTIONS. ORDER 95-260
UNANIMOUSLY APPROVED.**

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

The regular meeting was adjourned at 10:12 a.m. and the briefings convened at 10:19 a.m.

Thursday, December 14, 1995 - 10:15 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

B-1 Performance Report by Edgefield Station Regarding Status of Charges Directed by the Board of Commissioners. Presented by Terry Cook, Sue O'Halloren, Martha Stiven, Paul Thalhoffer, Deane Funk, Don Lloyd and Diane Martin Langley.

**TERRY COOK, DIANE MARTIN LANGLEY, MARTHA
STIVEN, PAUL THALHOFER, DON LLOYD,
CLIFFORD RONE AND SUE O'HALLOREN**

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

- B-2 Review and Discussion of Proposals for Enhancing Services Now Funded
by the Library Levy and the Jail Levy. Presented by Budget and Quality,
Sheriff's Office, Community Corrections and Library Staff.

**DAVE WARREN, GINNIE COOPER, DAN NOELLE
AND CARY HARKAWAY PRESENTATION AND
RESPONSE TO BOARD QUESTIONS AND
DISCUSSION.**

*There being no further business, the briefings were adjourned at 11:53
a.m.*

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 SW FIFTH AVENUE
PORTLAND, OREGON 97204
CLERK'S OFFICE • 248-3277 • 248-5222
FAX • (503) 248-5262

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

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

DECEMBER 11, 1995 - DECEMBER 15, 1995

Thursday, December 14, 1995 - 9:30 AM - Regular Meeting ---Page 2

Thursday, December 14, 1995 - 10:15 AM - Board Briefings --Page 4

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

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

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

AN EQUAL OPPORTUNITY EMPLOYER

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- C-2 *LD 5-95 Hearings Officer Decision APPROVING, Subject to Conditions, Proposed Three Parcel Land Division and Future Street Plan and Denying Applicant's Appeal for an Improvement Waiver to Certain Road Improvements, for Property Located at 161 NW MILLER ROAD, PORTLAND*
- C-3 *ORDER Authorizing Execution of Deed D951206 Upon Complete Performance of a Contract to Jeffrey William Lim*
- C-4 *ORDER Authorizing Execution of Deed D961275 for Repurchase of Tax Acquired Property to Former Owner Lewis C. Carroll*
- C-5 *ORDER Authorizing Execution of Deed D961276 for Repurchase of Tax Acquired Property to Former Owner Alice M. Proctor*
- C-6 *ORDER Authorizing Execution of Deed PM9501 to Darrel H. Hanson Upon Completion of a Contract*

SHERIFF'S OFFICE

- C-7 *Budget Modification MCSO 1 Requesting Authorization to Reclassify 5 Corrections Counselor Supervisor Positions to MCSO Program Administrator Positions*

REGULAR AGENDA

PUBLIC COMMENT

- R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

SHERIFF'S OFFICE

- R-2 *Budget Modification MCSO 2 Requesting Authorization to Add \$14,000 to the River Patrol Budget Revenue and Expenditures to Budget for a Contract with the Port of Portland to Patrol Government Island*
- R-3 *Budget Modification MCSO 3 Requesting Authorization to Move \$5,000 from the Equipment Line Item to the Supplies Line Item in the Marine Board's River Patrol Budget*
- R-4 *RESOLUTION Authorizing Designation of Housing Allowance for Chaplains Serving the County Jails*

DEPARTMENT OF COMMUNITY CORRECTIONS

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NON-DEPARTMENTAL

- R-6 *Intergovernmental Agreement 500466 with Washington County and the Portland Development Commission for the Administration of the Regional Strategies Program for 1995-1997 Biennium*
- R-7 *RESOLUTION and ORDER Providing a Bridge Loan to the Brentwood-Darlington Community Family Resource Center Project to Allow Construction to Begin in January, 1996*
- R-8 *Intergovernmental Agreement 500426 with the City of Portland for Office of Emergency Management Access to the 800 MHz Simulcast and Trunking Radio Services*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-9 *RESOLUTION in the Matter of Authorizing an Application for a Loan from the Small Scale Energy Loan Program*
- R-10 *First Reading of an ORDINANCE Amending Surveyor's Fees, Moving County Surveyor Fees from MCC 11.45 to MCC 5.10, and Changing*

Method to a Deposit with Actual Cost Being Determined at Completion of the Services

PUBLIC CONTRACT REVIEW BOARD

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

R-11 *ORDER Exempting from Public Bidding the Purchase of INTERFACE Software and Ongoing Maintenance Service from Pacific Applied Technology, Inc.*

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

Thursday, December 14, 1995 - 10:15 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

B-1 *Performance Report by Edgefield Station Regarding Status of Charges Directed by the Board of Commissioners. Presented by Terry Cook, Sue O'Halloren, Martha Stiven, Paul Thalhofer, Deane Funk, Don Lloyd and Diane Martin Langley. 30-40 MINUTES REQUESTED.*

B-2 *Review and Discussion of Proposals for Enhancing Services Now Funded by the Library Levy and the Jail Levy. Presented by Budget and Quality, Sheriff's Office, Community Corrections and Library Staff. 30 MINUTES REQUESTED.*

Meeting Date: DEC 14 1995

Agenda No: C-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Reporting of a Hearings Officers decision in the matter of GEC 22-95.

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING Date Requested: December ¹⁴12, 1995

Amount of Time Needed: 5 minutes

DEPARTMENT: DES

DIVISION: Planning

CONTACT: Susan Muir

TELEPHONE: 248-3043

BLDG /ROOM: 412/Plan

PERSON(S) MAKING PRESENTATION: Susan Muir

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

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

Reporting of Multnomah County Hearings Officer decision in the matter of an appeal of an Administrative Decision on GEC 22-95. The appellant challenged the October 3, 1995 Planning Director's decision that included a condition which the appellant claimed conflicted with a prior decision (TP 1-95a and GEC 12-95).

SIGNATURES REQUIRED:

Elected Official: KB

OR

Department Manager: Betsy Williams

CLERK OF
COUNTY COMMISSIONERS
1995 NOV 28 AM 8:11
MULTNOMAH COUNTY
OREGON



BOARD HEARING OF DECEMBER 12, 1995

TIME 1:30pm

CASE NAME Appeal of Administrative Decision NUMBER: Grading and Erosion Control GEC 22-95

1. Applicant Name/Address

Randall Myers, Inc., Homes
6655 S.W. Hampton Street, #100
Portland, OR 97225

2. Action Requested by Applicant

Grading and Erosion Control Permit for the construction of a single family dwelling in the R-20 zone.

3. Planning Director Decision

GEC 22-95: Approval, subject to conditions

4. Appellant

Southwest Hills Residential League (SWHRL)
Richard and Annie Seemel (representatives)
P.O. Box 1033
Portland, OR 97207

5. Action requested by appellant

At the hearing, the appellant's attorney, Mr. Kleinman, stated that he and the applicant's attorney had a stipulated resolution of the appeal. Mr. Kleinman read the stipulated agreement, which included modifying one of the original conditions, into the record.

6. Hearings Officer Decision:

GEC 22-95: Approval, subject to AMENDED conditions mitigated by applicant and appellant.

7. The following issues were raised:

Appellants maintain that a condition for a permanent arborvitae hedge, required under TP 1-95a and GEC 12-95 for the Street of Dreams Event, should not be changed to a Cedar Fence as allowed under GEC 22-95. Applicant had agreed to decision with permanent arborvitae hedge at the time of the Hearings Officer Decision.

ACTION REQUESTED OF BOARD

- ☒ Affirm Plan.Com./Hear.Of
- ☐ Hearing/Rehearing
 - ☐ Scope of Review
 - ☐ On the record
 - ☐ De Novo
 - ☐ New Information allowed



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043

HEARINGS OFFICER DECISION

This Decision incorporates a stipulated resolution between the parties

November 22, 1995

GEC 22-95

Appeal from Planning Director approval of Grading and Erosion Control Permit

Applicant appeals from a Planning Director Administrative Decision that approves a Grading and Erosion Control Permit for construction of a single-family dwelling

Location: 6200 S.W. Sheridan Street, Portland

Description: Lot 12, Canyon Creek No. 2 Planned Development

Applicant: Randall Myers, Inc., Homes
6655 S.W. Hampton Street, #100
Portland, Oregon 97225

Property Owner: Double "D" Development Company
6655 S.W. Hampton Street, #100
Portland, Oregon 97225

Related Cases: GEC 12-95; DR 33-94; HDP 34-93; SEC 8-93

Hearings Officer Decision
November 22, 1995

GEC 22-95
Page 1

RECEIVED
NOV 27 21 43
MULTNOMAH COUNTY
CLERK

HEARINGS OFFICER DECISION:

The following additional condition of approval shall be incorporated in GEC 22-95:

"10. Applicant shall plant a privacy hedge as follows:

- "(a). The planting of arborvitae hedge, as otherwise required by the prior administrative approval in TP 1-95a/ GEC 12-95, shall be completed as follows prior to pouring the foundation for the dwelling to be constructed on the property:
 - "i. Arborvitae between 10 and 15 feet in height (above the ground) shall be planted along the northeasterly 60 feet of the rear (Seemel) property line, three feet inside Lot 12. If Richard Seemel is able to locate arborvitae averaging 12 feet in height at a reasonable price prior to the time set for planting, the applicant shall plant those instead.
 - "ii. Said arborvitae shall be planted not more than 30 inches apart, measured from center to center.
- "(b). The dwelling to be constructed shall be sited as per the approved site plan herein, and all trees designated for saving on said site plan shall in fact be saved. However, the reference in the upper left hand corner of the site plan to a 6-foot wood fence above a 3-foot retaining wall is hereby deleted. The indicated rock wall and raised bed shall be optional."

BACKGROUND

Appellants Southwest Hills Residential League (SWHRL) and Richard Seemel ("appellants") have appealed a Planning Director Administrative Decision that approves a Grading and Erosion Control Permit for construction of a single-family dwelling on lot 12 within the Canyon Creek II Subdivision.

Appellants challenge that portion of the Planning Director's October 3, 1995, decision that incorporates a condition of approval which, according to appellants' contentions, requires or allows the applicant to construct a fence in a manner that conflicts with a prior condition in case numbers TP 1-95a and GEC 12-95.

Specifically, condition number 1 in GEC 22-95 provides, in pertinent part:

"Except as modified by conditions below, grading activity shall be confined to that described in the application narrative and limited to work areas illustrated on the approved Site Plan dated October 3, 1995. . . ."

Appellants maintain, and I have no reason to question, that the quoted condition incorporates site plans that describe a six-foot cedar fence. As such, the fence appears to have been substituted in lieu of an evergreen hedge otherwise required by both condition "6" and finding/conclusion "f" on page 3 of the Planning Director's related May 22, 1995, administrative approval in TP 1-95a and GEC 12-95. That May, 1995, approval provides, in pertinent part:

"Grading and landscaping authorized herein includes *planting of a permanent evergreen hedge, approximately 10 to 15 feet tall and 60 feet in length, near the east edge of lot 12* . . . Sizes and spacing shall be consistent with agreement(s) between the applicant's representative (Randall Myers, Inc.) and the adjacent owners (Annie and Richard Seemel; Tax Lot '7' of Lots 4 & A, Falcon Trace)." (May 22, 1995, decision in TP 1-95a/ GEC 12-95, at 3, condition "6" [emphasis added].)

" . . . *An evergreen hedge, 16 feet tall and 60 feet long, will be planted* near the east edge of lot 12 to provide privacy for the Seemel's house @ 2763 S.W. Scholls Ferry Road." (May 22, 1995, decision in TP 1-95a/ GEC 12-95, at 3, finding and conclusion "f" [emphasis added].)

Although the administrative approval in TP 1-95a and GEC 12-95 occurred in the context of a temporary activity, *viz*, the 1995 "Street of Dreams," the requirement

that applicant plant a "permanent evergreen hedge" in the dimensions described in the above excerpt seems unambiguous.

For reasons that the record does not make plain, applicant never complied with the condition that it plant the described hedge.

STATUS OF APPEAL

At the scheduled hearing on November 15, 1995, Jeffrey Kleinman (the attorney for SWHRL) and Richard Seemel appeared. Mr. Kleinman spoke on behalf of both appellants. No one else appeared.

Mr. Kleinman represented that he had conferred with the applicant's attorney (Stuart Cohen) about a stipulated resolution of the appeal. Mr. Kleinman further represented that he had resolved and otherwise settled the appeal on behalf of all parties (including the applicant), and asked that I adopt and incorporate certain conditions that I quote below.

Although Mr. Kleinman initially declared that he wished to "withdraw" the appeal, I concluded that the dismissal of the appeal would very likely terminate my appellate jurisdiction. I thus informed Mr. Kleinman that, in order for me to render an effective decision that incorporated the desired conditions, I would need to retain appellate jurisdiction, rather than dismissing the appeal. I could not otherwise effect any change in the Planning Director's October 3, 1995, decision.

Mr. Kleinman determined that he wished to retain the appeal and otherwise resolve the matter by having me treat the matter as an appeal in which all parties have agreed that the appealing party shall prevail on stipulated facts, and with respect to which the parties have acquiesced in certain conditions being incorporated in my decision. Mr. Seemel acquiesced in Mr. Kleinman's decision.

I gave the parties until 4:30 p.m. on November 22, 1995, to provide me with any additional information about their desires with respect to the status of the pending appeal. Mr. Kleinman's November 15, 1995, letter, closes with the following statement:

"Upon your rendering a decision with the above condition added and no other material changes, SWHRL and Seemel shall be deemed to have waived any right to appeal your decision."

I do not presume that language to represent an intention to waive or otherwise withdraw the *pending* appeal to me from the Planning Director's October 3, 1995, administrative decision.

STIPULATED RESOLUTION OF APPEAL

As I mentioned above, only Mr. Kleinman and Mr. Seemel appeared, and only Mr. Kleinman gave any presentation.

Mr. Kleinman read into the record certain language to which the parties had apparently agreed. Rather than transcribe the language from the tape of the hearing, I gave the parties until 4:30 p.m. on November 15, 1995, to provide me with a copy of the phrasing of the stipulated condition of approval. Mr. Kleinman provided such language within the prescribed time, and I have incorporated that language in this decision. Mr. Kleinman's November 15 letter reflects that a copy had been sent to Stuart Cohen, the attorney for the applicant.

In the afternoon of November 21, I received a fax from Mr. Cohen that recited, in full (sans salutation and closing):

"Due to Mr. Myers' absence from the country, Randall Myers just reviewed Jeff Kleinman's November 15, 1995[,] letter and is in agreement with all of its terms *with the exception of the requirement that the required Arborvitae hedge be planted three feet inside Lot 12*. Mr. Myers would like your decision to reflect that the arborvitae be planted on or just insided the property line.

"Please incorporate this modification into your decision." (Emphasis added.)

Later that same day, I received another fax from Mr. Cohen, the contents of which read, in full (sans salutation and closing):

"After further discussion with Mr. Kleinman, the Applicant, Randall C. Myers, Inc.[,] has requested that you *disregard our earlier letter of November 21, 1995[,]* requesting a modification of the language set forth in Mr. Kleinman's letter of November 15, 1995. *Please incorporate the conditions set forth in Mr. Kleinman's November 15, 1995[,]* letter and finalize your decision at the earliest opportunity." (Emphasis added.)

I have, therefore, done as Mr. Cohen requested in this latter letter.

FINDINGS AND CONCLUSIONS

I find that, based upon the representations at the November 15, 1995, hearing, the parties have resolved the pending appeal by stipulation. In effect, the parties have agreed that appellants shall prevail.

I further find that, notwithstanding the "temporary" nature of the prior approval in TP 1-95a and GEC 12-95, both condition "6" and paragraph "f" on page 3 of the Planning Director's May 22, 1995, administrative approval nevertheless require — and have for some time required — that applicant plant "an permanent evergreen hedge," approximately 10 to 16 feet tall and 60 feet long, near the east edge of lot 12 to provide privacy for the Seemel home.

I thus conclude that, to the extent it alters condition "6" and paragraph "f" on page 3 of the Planning Director's administrative approval in TP 1-95a/ GEC 12-95, condition "1" in the October 3, 1995, decision in GEC 22-95 impermissibly preempts a pre-existing, permanent, and binding condition of approval.

I therefore sustain the appeal, and adopt the following condition of approval to be incorporated in GEC 22-95:^[1]

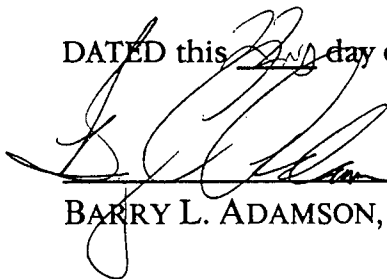
"10. (a). The planting of arborvitae hedge, as otherwise required by the prior administrative approval in TP 1-95a/GEC 12-95, shall be completed as follows prior to pouring the foundation for the dwelling to be constructed on the property:

"i. Arborvitae between 10 and 15 feet in height (above the ground) shall be planted along the north-easterly 60 feet of the rear (Seemel) property line, three feet inside Lot 12. If Richard Seemel is able to locate arborvitae averaging 12 feet in height at a reasonable price prior to the time set for planting, the applicant shall plant those instead.

"ii. Said arborvitae shall be planted not more than 30 inches apart, measured from center to center.

"(b). The dwelling to be constructed shall be sited as per the approved site plan herein, and all trees designated for saving on said site plan shall in fact be saved. However, the reference in the upper left hand corner of the site plan to a 6-foot wood fence above a 3-foot retaining wall is hereby deleted. The indicated rock wall and raised bed shall be optional."

DATED this 22nd day of November, 1995.


BARRY L. ADAMSON, Hearings Officer

¹ Mr. Kleinman's November 15, 1995, letter identifies the proposed "additional" condition of approval as "9." However, the Planning Director's October 3, 1995, decision already contains a condition "9," and Mr. Kleinman's proposed condition does not appear to have any relation to existing condition "9." I have therefore numbered the additional condition as "10."

Signed by the Hearings Officer:	November 22, 1995
Decision Mailed to Parties:	November 27, 1995
Decision Submitted to Board Clerk:	November 27, 1995
Last day to Appeal Decision:	December 7, 1995
Reported to Board of County Commissioners:	December 12, 1995

Appeal to the Board of County Commissioners

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An appeal requires a completed *Notice of Review* form and a fee of \$500.00 plus a \$3.50-per-minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)]. Instructions and forms are available at the County Planning and Development Office at 2115 SE Morrison Street (in Portland).

Failure to raise an issue by the close of the record at or following the final hearing, (in person or by letter), precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond, precludes appeal to LUBA on that issue.

To appeal the Hearings Officer decision, a *Notice of Review* form and fee must be submitted to the County Planning Director. For further information call the Multnomah County Planning and Development Division at 248-3043.



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

October 3, 1995

PUBLIC NOTICE AND

ADMINISTRATIVE DECISION

on an application for a:

GRADING AND EROSION CONTROL PERMIT

FILE NO. GEC 22-95

Related Prior Cases: GEC 12-95; DR 33-94; HDP 34-93; SEC 8-93

LOCATION: 6200 SW Sheridan Street

PROPERTY DESCRIPTION: Lot 12, Canyon Creek No.2 Planned Development;

ZONING: R-20/PD, Single Family Residential/Planned Development

OWNER: DOUBLE "D" DEVELOPMENT COMPANY
6655 SW Hampton Street, Suite 100
Portland, OR 97225

APPLICANT: RANDALL MYERS, INC. HOMES
6655 SW Hampton Street #100
Portland, OR 97223

SUMMARY: This administrative decision approves a Grading and Erosion Control Permit (GEC) for the construction of a new single family house on property located at 6200 SW Sheridan Street in the "Canyon Creek No.2" subdivision. The GEC 9-95 permit approval is based on analysis of applicable criteria in the Multnomah County Code (MCC) sections 11.15.6700-.6735; and evaluation of previous related land use cases; submitted documents, reports, and plans for compliance with the zoning code subsections cited. Conditions of approval are also attached to this GEC permit, and are imposed to: address specific zoning standards; implement County water quality requirements; and, coordinate related reviews, inspections, and permits required by other agencies.

CONDITIONS OF APPROVAL

1. Except as modified by conditions below, grading activity shall be confined to that described in the application narrative and limited to the work areas illustrated on the approved Site Plan dated October 3, 1995. Erosion control devices or measures shall be maintained in an operable condition until permanent groundcover has been re-established.

2. Any future exposed soils, disturbed areas, and all cut or fill slopes shall be stabilized with temporary erosion control measures to prevent or minimize any sedimentation off-site. Specifically:
 - Install a "sediment fence or barrier" at the toe of all disturbed and filled areas;
 - Store and cover any stockpiled soil or other debris sufficient to prevent sedimentation or other discharges to surface waters on or off-site; and,
 - Reseed exposed soils as soon as practicable during construction. Stabilize exposed cut or fill slopes of 10% or greater with a winter cover crop, straw-mulch or other effective cover material during rainy months. Install permanent landscape plants and re-seed grass or sod by July 1, 1995.
3. Save existing trees and native vegetation not indicated for clearing or otherwise effected by grading work areas. Protect the root-zones of trees to be saved during construction; and, maintain retained trees in a healthy state. If any trees which are designated to remain must be removed for any reason they shall be replaced on the following basis:
 - a. One deciduous tree of an approved species with a minimum caliper of at least 2 inches for each deciduous tree removed.
 - b. One coniferous tree of an approved species with a minimum height of at least 8- feet for each coniferous tree removed.
4. Fill materials shall be clean and non-toxic. This permit does not authorize dumping or disposal of hazardous or toxic materials, synthetics (*i.e.*, tires), petroleum based materials, or other solid wastes which may cause adverse leachates or other off-site water quality effects. Any pollution associated with the project shall be contained on the site.
5. Erosion control techniques required herein shall be supplemented if turbidity or other down-slope erosion impacts result from grading work on the site.
6. Brick or stone planters and retaining walls at a maximum height of 4 feet shall be designed and constructed to be consistent with geotechnical recommendations and conclusions submitted with the application for retaining walls. (Reference: Double D Development, Inc., Argent No. 3 Subdivision, October 15, 1993, 21-07195-00.)
7. Any roof drains and channelized or piped storm water drainage from hard surfaced areas not directly connecting to the approved storm drainage system within the subdivision must be constructed with an appropriate outfall to disapeate energy and prevent erosion.
8. All structures (except fences) within a required yard setback shall be no more than 30-inches above the finished grade unless structures over 30-inches are specifically authorized under applicable variance provisions in the county code.

9. The approved plan dated October 3, 1995 shall be submitted to the Unified Sewerage Agency (USA) for their conformance review prior to the issuance of the building permit.

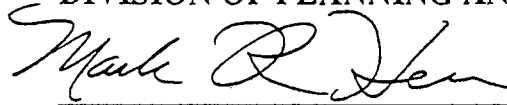
FINDINGS AND CONCLUSIONS

1. The subject property, Lot 12 is located within an approved subdivision (DR 33-94). There are no hazard areas as shown on the County "Slope Hazard Map"; no significant drainageways; or identified wetlands exist on the subject property.
2. The proposed single family residence, driveway, and planned site improvements are permitted uses within the R-20/PD zoning district and overlay zone and consistent with the requirements of MCC 11.15 and previous land use approvals subject to securing the necessary building permits.
3. A site plan has been submitted showing the location of proposed dwelling, driveway, walkways, deck areas, and other constructed improvements. The setbacks are consistent with the requirements of the MCC and conditions of the Planned Development overlay. In addition, the site plans indicate the general location of silt fencing below the areas of disturbance primarily along the west and north sides of the subject lot.
4. The site plan locates those significant trees (trees with a caliper of 8-inches or greater) to be removed and those to be saved.
5. Grading and Erosion Control Standards of MCC 11.15.6730 apply to the GEC Permit to minimize potential erosion and related environmental damage.
6. As a part of the conditional granting of approval certain conditions are placed on the activities to be performed. The reasons for the conditions of approval are:
 - a) To insure that site work and grading activity is conducted as represented in the application, and to minimize erosion and other adverse effects associated with soil disturbance proposed on the lot.
 - b) To protect adjoining properties, right-of-ways, and streams near the site from turbidity and other erosion caused discharges associated with proposed grading and brush clearing on the site.
 - c) To limit excessive removal of native vegetation, trees, and retain some wooded areas on the property, and thereby minimize potential slope instability and potential erosion effects from the proposed development.
7. The subject property is located within the Fanno Creek tributary to the Tualatin River Basin and is therefore subject to the erosion and stormwater control measures prescribed by the "Erosion Control Plans Technical Guidance Handbook" and the "Surface Water Quality Facilities Technical Guidance Handbook" for any land disturbing activities.
8. The application contains a statement in the Rza Agra, Inc. geotechnical report (Reference: Double D Development, Inc., Argent No. 3 Subdivision, October 15, 1993, 21-07195-00, page 15.) that, "Water

from downspouts and surface water should be independently collected and routed to a storm sewer or other positive outlet. Surface water must not be allowed to enter subsurface drainage systems. We do not recommend the use of dry wells or infiltration systems for water disposal." Roof drains for Lot 12 are to be directed to the Sheridan street common drainage facilities or to an approved storm drainage outfall/difusser on the lot.

9. A letter from AGRA Earth & Environmental, Inc., dated December 19, 1994, indicates that there are no seasonal seeps or springs on the subject property. The letter also addresses surface run-off and recommends that surface run-off be further evaluated during a period of heavy precipitation after completion of the street and storm drainage system.
10. Notice of this decision was mailed October 3, 1995 in the manner required by ORS 197.763. Opportunity to appeal the decision for a public hearing will be provided until the close of business on October 13, 1995 (4:30 P.M.). ORS 215.416(11); MCC 11.15.8290

MULTNOMAH COUNTY,
DIVISION OF PLANNING AND DEVELOPMENT



By Mark R. Hess, Planner
For: Director, Planning & Development Division

Filed with the Director,
Department of Environmental Services
On October 3, 1995.

NOTICE: State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association of a Planning Director decision which applies "discretionary" or subjective standards or criteria to land use or development permit applications. The notice must describe the method to challenge the staff decision; and, if appealed, the County must hold a public hearing to consider the merits of the application. ORS 197.763, ORS 215.416(11)

The Administrative Decision(s) detailed above will become final unless an appeal is filed within the 10-day appeal period which starts the day after the notice is mailed. If the 10th day falls on Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision form, and submit to the County Planning Division Office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instruction, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 2115 SE Morrison Street, Portland, Oregon 97214 [hours: 8:30 a.m. - 4:30 p.m.; M—F].

FAXSIMILE/ ORDER:



RANDALL C. MYERS INC.

6655 S.W. HAMPTON #100
PORTLAND, OREGON 97223OFFICE: 598-7563
VOICE PAGER: 940-0195
FAX: 598-9081

PLEASE DELIVER THIS TRANSMISSION TO:

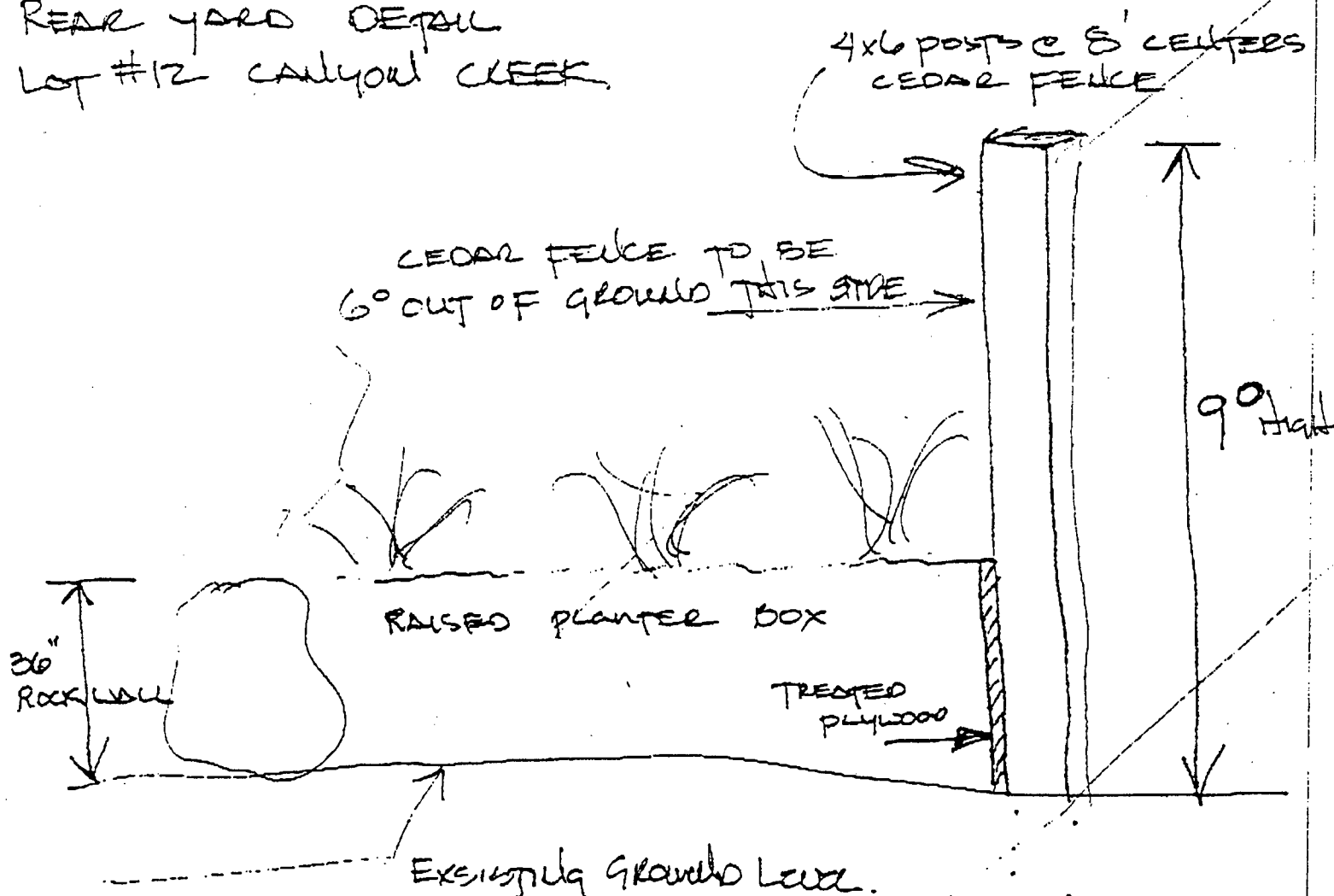
NAME: MARK JESS -

COMPANY: _____

TELECOPIER NUMBER: 248-3389 -

NUMBER OF PAGES INCLUDING THIS COVER SHEET: _____

REAR YARD DETAIL
LOT #12 CANYON CREEK



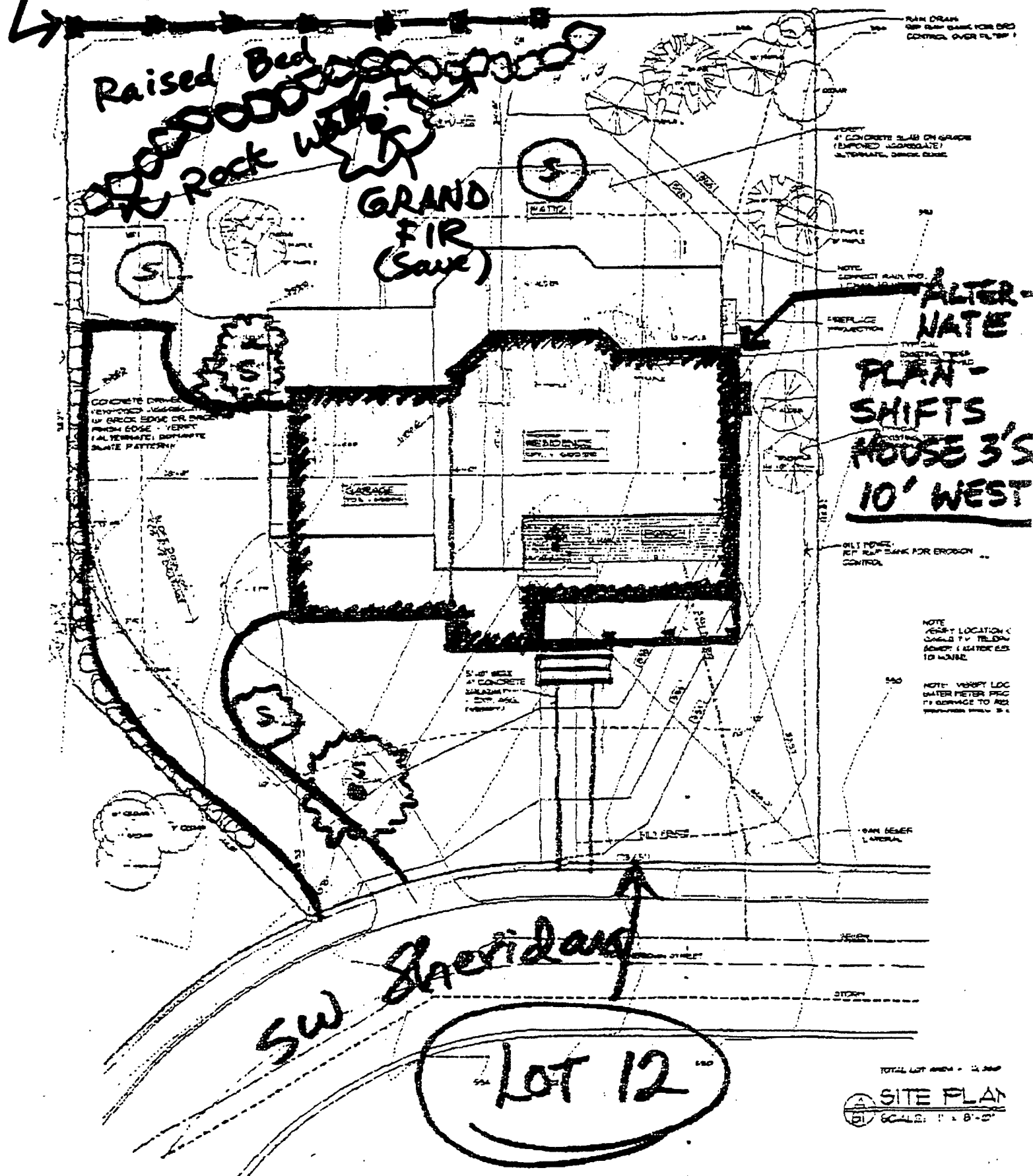
BY: _____ DATE: _____

RANDALL C. MYERS, INC.

3' Retaining Wall

STAFF COMMENTS

GEC 22-95



FAXSIMILE/ ORDER:



RANDALL C. MYERS INC.

6655 S.W. HAMPTON #100
PORTLAND, OREGON 97223

OFFICE: 598-7563
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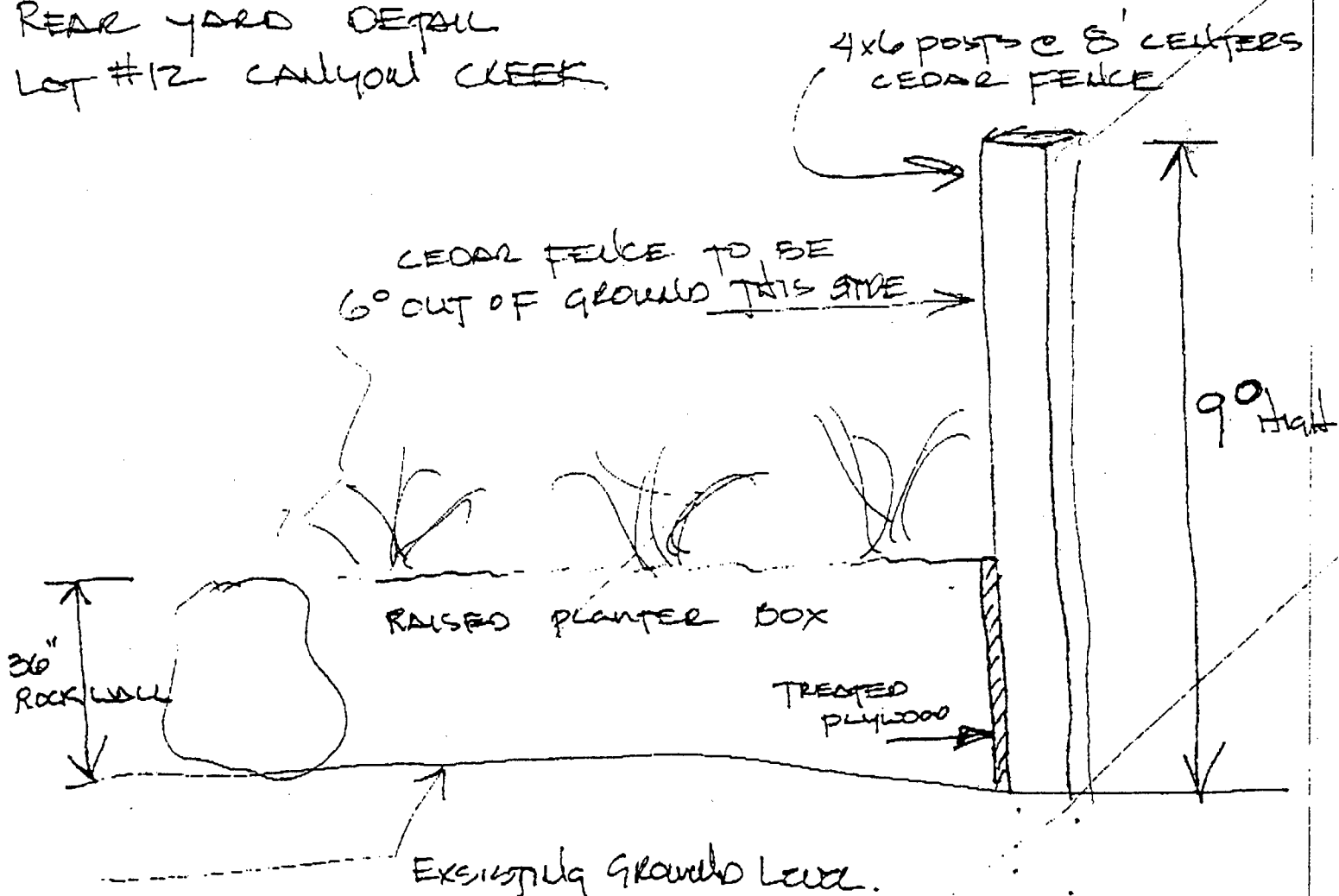
NAME: MARK RESS -

COMPANY: _____

TELECOPIER NUMBER: 248-3389 -

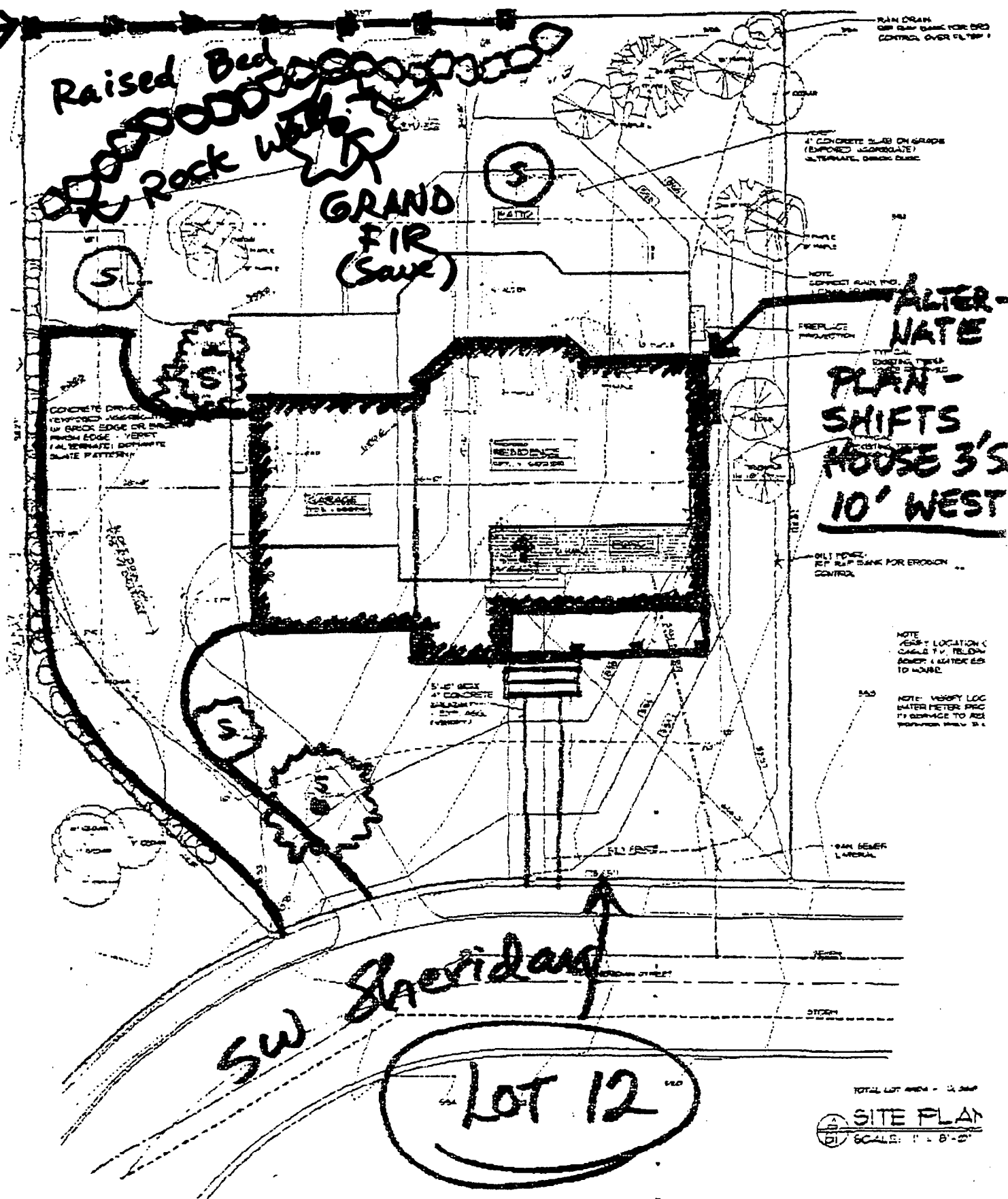
NUMBER OF PAGES INCLUDING THIS COVER SHEET: _____

REAR YARD DETAIL
LOT #12 CANYON CREEK



BY: _____ DATE: _____

RANDALL C. MYERS, INC.





MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

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

May 31, 1995

RE: TEMPORARY PERMIT FOR THE "1995 STREET OF DREAMS" HOME SHOW;
and a GRADING AND EROSION CONTROL PERMIT IN "CANYON CREEK" SUBDIVISION
File Nos.: TP 1-95a, GEC 12-95

Materials enclosed pertain to land use and development permits associated with the '1995 Street-of-Dreams' home show, which starts August 1, 1995 and concludes September 4, 1995. Eight (8) houses will be displayed in the '1995 Street-of-Dreams' in the Canyon Creek No.2 subdivision. The administrative decisions on the applications are described as follows:

- Decision #1: Approves (subject to conditions) a TEMPORARY PERMIT (TP 1-95a); and,
Decision #2: Approves (subject to conditions) a Grading and Erosion Control Permit (GEC 12-95).

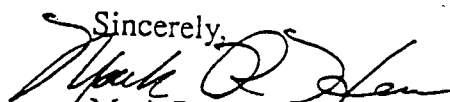
Fourty Two (42) Public Notices of the above decisions were mailed on May 22, 1995; the addresses and parties provided notice are listed in file: TP 1-95a. You were identified by the Southwest Hills Residential League (SWHRL), the *recognized neighborhood organization* whose boundaries include the site, as a potentially interested party but were not mailed notice until the date of this cover letter. The parties mailed notices on May 31, 1995 will have an extended period with an opportunity to appeal the decision(s) for consideration at public hearing(s) consistent with ORS 215.416(11)(a) and 197.763(2)(b).

The opportunity to appeal the May 22, 1995 administrative decisions for TP 1-95a and GEC 12-95 will therefore conclude on:

June 1, 1995 (@4:30 P.M.) — for the 42 parties mailed notice on 5/22/95, and on:
June 12, 1995 (@4:30 P.M.) — for the parties mailed notice on 5/31/95

If you have questions or require additional information on this matter, please call (503) 248-3043.

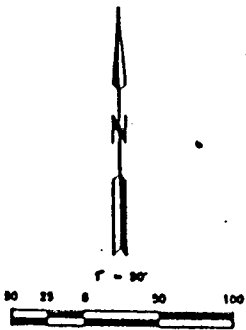
Sincerely,


(Mark R. Hess, Planner)

cc: Commissioner Dan Saltzman
Dennis Derby
Richard Seemel
Von Summers

40	Notices
	Decision Notices
mailed on	6-1-95
by	DP

ADDRESSES MAY VARY ACCORDING TO DRIVEWAY LOCATIONS





DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

MAY 22, 1995

(Corrected Decisions; mailed May 31, 1995)

PUBLIC NOTICE AND
ADMINISTRATIVE DECISIONS

on applications for a:

TEMPORARY PERMIT FOR THE "1995 STREET OF DREAMS" HOME SHOW; and a
GRADING AND EROSION CONTROL PERMIT

Application File Nos.: TP 1-95a; GEC 12-95

Related Cases: TP 3-94 (Canyon Creek 2; Off-site parking to build Sheridan St.)
TP 1-95b (Street-of-Dreams; Off-site parking to build houses)

Location(s): Canyon Creek Planned Development (SW Sheridan Street, off Canyon Dr.) and
6100 SW Raab Rd. (Parking Lots @ First Church of the Nazarene)
1730 Westgate Drive (Overflow Parking Lots: In City of Portland)

Property Desc.: Tax Lot '37', Section 6, 1S-1E (Nazarene Church site)
Canyon Creek 2 Planned Development (Lots 23 and 24, Argent Subdivision)

Property Owner(s): Double 'D' Development, Inc.;
Portland First Church of the Nazarene; and
American Property Management, Inc.

Applicant: Von Summers;
c/o Home Builders Association of Metropolitan Portland
15555 SW Bangy Road
Lake Oswego, OR 97035-3297

Zoning: R-20, Single Family Residential District
PD, Planned Development Overlay (on Canyon Creek 2 site)
CS, Community Service Use designation (Nazarene Church property)

SUMMARY: These administrative decisions approve, subject to conditions: (1) a TEMPORARY PERMIT (TP 1-95a); and (2) a Grading and Erosion Control Permit (GEC 12-95). Both permits are associated with the '1995 Street-of-Dreams' home show, which starts August 1, 1995 and concludes September 4, 1995. Eight (8) houses will be displayed in the '1995 Street-of-Dreams' in the Canyon Creek No.2 subdivision. Visitors will use two nearby parking facilities, primary parking is located at the Portland First Church of the Nazarene with access through SW Raab Road. Access to the home show from SW Canyon Drive or SW Sheridan Street will be limited to emergency services, construction vehicles, deliveries for the home show, and pedestrians. The Nazarene Church parking will be connected by a paved walkway to SW Sheridan Street. [NOTE: temporary paved access was previously allowed for the *Street-of-Dreams* building activities (TP 1-95b); the paved access will be removed after the home show.].

The proposal includes a Grading and Erosion Control (GEC, permit for site work associated with temporary concession, outdoor stage, sport-court, rest room trailers, security fencing, landscaping on lot 12, and an office trailer. The permit approvals are based on analysis of Multnomah County Code (MCC) sections 11.15.6700-.6735 and 11.15.8705; and, evaluation of submitted documents and plans against the approval criteria cited. Conditions require coordination of related approvals and inspections required by other agencies associated with the project.

CONDITIONS OF APPROVAL

1. Except as modified explicitly herein, Temporary Permit (TP 1-95a) authorizes uses and facilities associated with the *1995 STREET OF DREAMS* home show as detailed on the map, site plans, and described in application materials dated April 5, 1995 and April 15, 1995 (attached). The temporary permit authorizes home show related activities from August 1, 1995 through September 4, 1995.
2. The temporary structures and facilities authorized herein, including the paved access between Sheridan Street and the church property, shall be removed by October 4, 1995 at the Applicant's expense. Areas disturbed by the temporary uses shall be regraded, reseeded and/or landscaped consistent with the Canyon Creek Planned Development (PD) and the Nazarene Church plans approved in prior Design Review decisions applicable to each property. Failure to remove temporary improvements within the prescribed period shall be deemed to authorize County staff to enter the site(s) to remove said improvements or facilities, the cost of which shall be born by the property owner(s), and may include placement of lien(s) on the properties to recoup removal/restoration and associated costs incurred.
3. Amplification of music or other sound from the stage or from other locations on the home show site shall comply with Multnomah County Code (MCC) Chapter 7.30. *Sound Control* and shall be limited to the specific dates and times indicated in the application TP 1-95: *i.e.*: August 3, 11, 18, 25 & September 1, 1995, from 7:00—9:00 PM.
4. The proposed home show may require permits, approvals, and/or authorizations from transportation and law enforcement agencies with jurisdiction of affected roads, to include: ODOT; Washington County Sherrif's Office; Washington County Transportation Department; Multnomah County Sherrif's Office; Multnomah County Transportation Division; Portland Police Bureau; and Portland Office of Transportation. Temporary Permit: TP 1-95a does not relieve the applicant of responsibility to secure any associated permits, approvals, and/or authorizations from the agencies noted above.
5. Implement temporary erosion control measures on-site during construction of temporary facilities and restoration of effected areas. Provide erosion control measures as specified in the *Erosion Control Technical Guidance Handbook* (January 1991). The temporary stage, concession, restrooms, sport court and office facilities shall be approved by the Portland Building Bureau prior to construction.

6. Grading and landscaping authorized herein includes planting of a permanent evergreen hedge, approximately 10 to 15 feet tall and 60 feet in length, near the east edge of lot 12 (see site plan detail). Sizes and spacing shall be consistent with agreement(s) between the applicant's representative (Randall Myers, Inc.) and the adjacent owners (Annie and Richard Seemel; Tax Lot '7' of Lots 4 & A, Falcon Trace).

FINDINGS AND CONCLUSIONS

- a. The Temporary Permit application is detailed in application submittals dated April 5 and 15, 1995 (attached). A related decision, TP 1-95b authorized the paved access constructed near the southeast corner of the Church south parking lot which temporarily connects to SW Sheridan Street in Canyon Creek No.2.
- b. MCC 11.15.8705(A)(5) provides that the Planning Director may issue temporary permits, valid for not more than one year.
- c. Subsection (B) states that the Planning Director may attach reasonable conditions relevant to the proposed use to meet the Zoning Code intent.
- d. On April 20, 1995, the Home Builders Association of Metropolitan Portland (HBAMP) completed an application with the Multnomah County Planning Division requesting a Temporary Permit for the "Street of Dreams" event planned for August and September, 1995. The home show is proposed at the Canyon Creek No.2 subdivision located in unincorporated Multnomah County. Access to Canyon Creek No. 2 is from SW Canyon Drive, in Washington County. Public access to — and primary parking facilities for — the home show would occur on the Nazarene Church property located at 6100 SW Raab Road, north of the Canyon Creek subdivision. Home-show-associated traffic would access primarily through SW Raab Road, which connects to SW Scholls Ferry Road via the east-bound off-ramp at the Sylvan interchange on Hwy. 26.
- e. Conditions of approval restrict access to the home show site from SW Canyon Drive. Access limitations described in materials filed by the Home builders Association on and after March 28, 1995 responds to traffic safety impacts of the proposal on SW Raab Road, State Highway 26, and SW Scholls Ferry Road.
- f. The plans for home show include grading work generally on the north and east portions of lots 23, & 24, and generally on the west portion of lot 12, together with associated landscaping, and temporary utilities and fencing. An evergreen hedge, 16 feet tall and 60 feet long, will be planted near the east edge of lot 12 to provide privacy for the Seemel's house @ 2763 SW Scholls Ferry Road.
- g. Fourty Two (42) Public Notices of the decisions herein were mailed on May 22, 1995. The addresses and parties provided notice are listed in file: TP 1-95a. The Southwest Hills Residential League (SWHRL), the *recognized neighborhood organization* whose boundaries include the site, identified other potentially interested parties requesting mailed notice. The parties mailed

notices on May 31, 1995 will have an extended period with opportunity to appeal the decision(s) for consideration at public hearing(s) consistent with ORS 215.416(11)(a) and 197.763(2)(b). The opportunity to appeal the May 22, 1995 administrative decisions for TP 1-95a and GEC 12-95 will therefore conclude on:

June 1, 1995 (@4:30 P.M.) — for the 42 parties mailed notice on 5/22/95, and on:
June 12, 1995 (@4:30 P.M.) — for the parties mailed notice on 5/31/95

In the matter of TP 1-95a and GEC 12-95:

MULTNOMAH COUNTY,
DIVISION OF PLANNING AND DEVELOPMENT



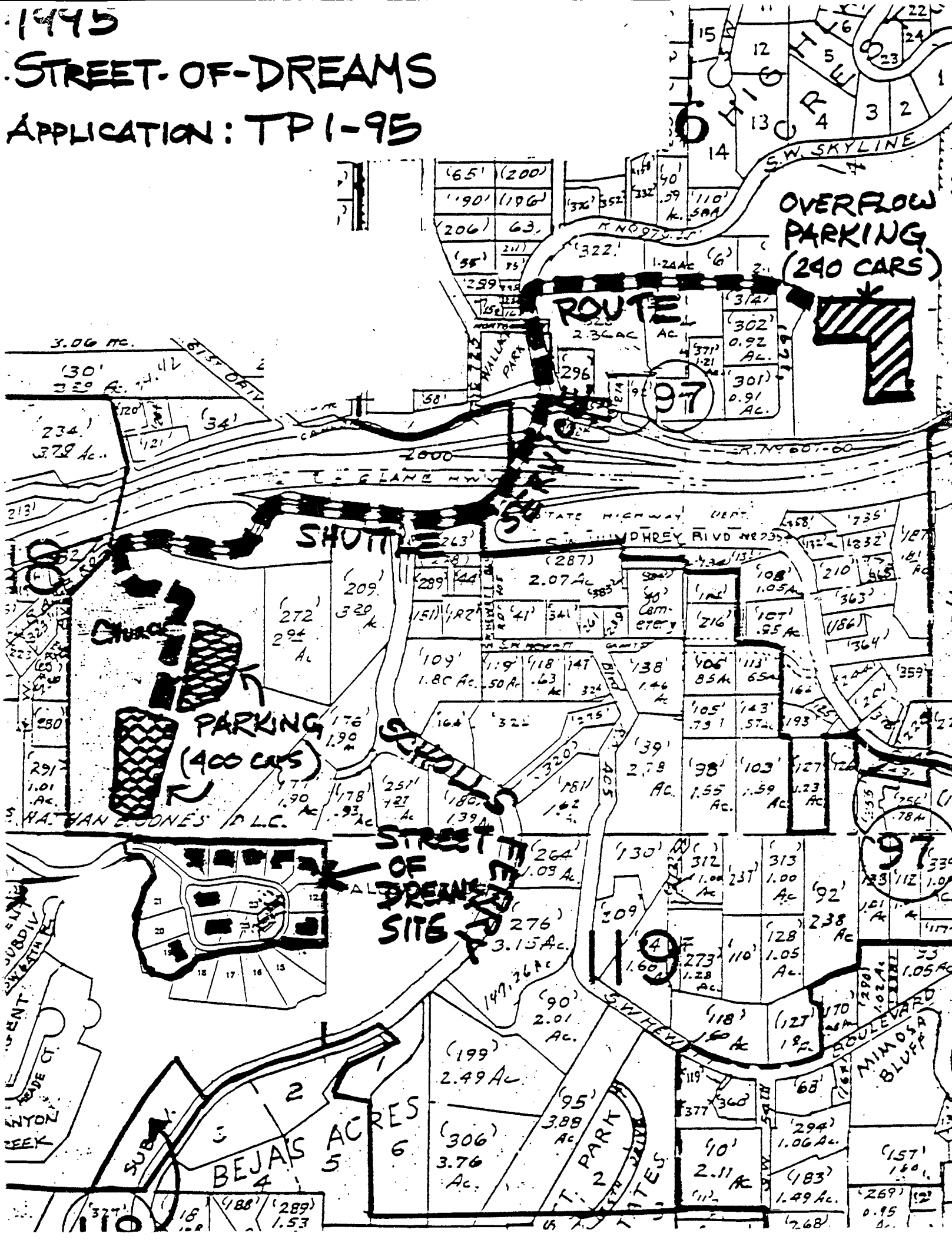
By Mark R. Hess, Planner
For: Director, Planning & Development Division

Corrected Decisions Filed with the Director,
Department of Environmental Services
On: May 31, 1995

NOTICE: State law requires a public notice (by mail) to nearby property owners and to any recognized Neighborhood Association of a Planning Director decision which applies "discretionary" or subjective standards or criteria to land use or development permit applications. The notice must describe the method to challenge the staff decision; and, if appealed, the County must hold a public hearing to consider the merits of the application. ORS 197.763

To file, complete an Appeal of Administrative Decision form, and submit to the County Planning Division Office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instruction, call the Multnomah County Planning Division at (503) 248-3043, or visit our offices at 2115 SE Morrison Street, Portland, Oregon 97214 [hours: 8:30 a.m. - 4:30 p.m.; M—F].

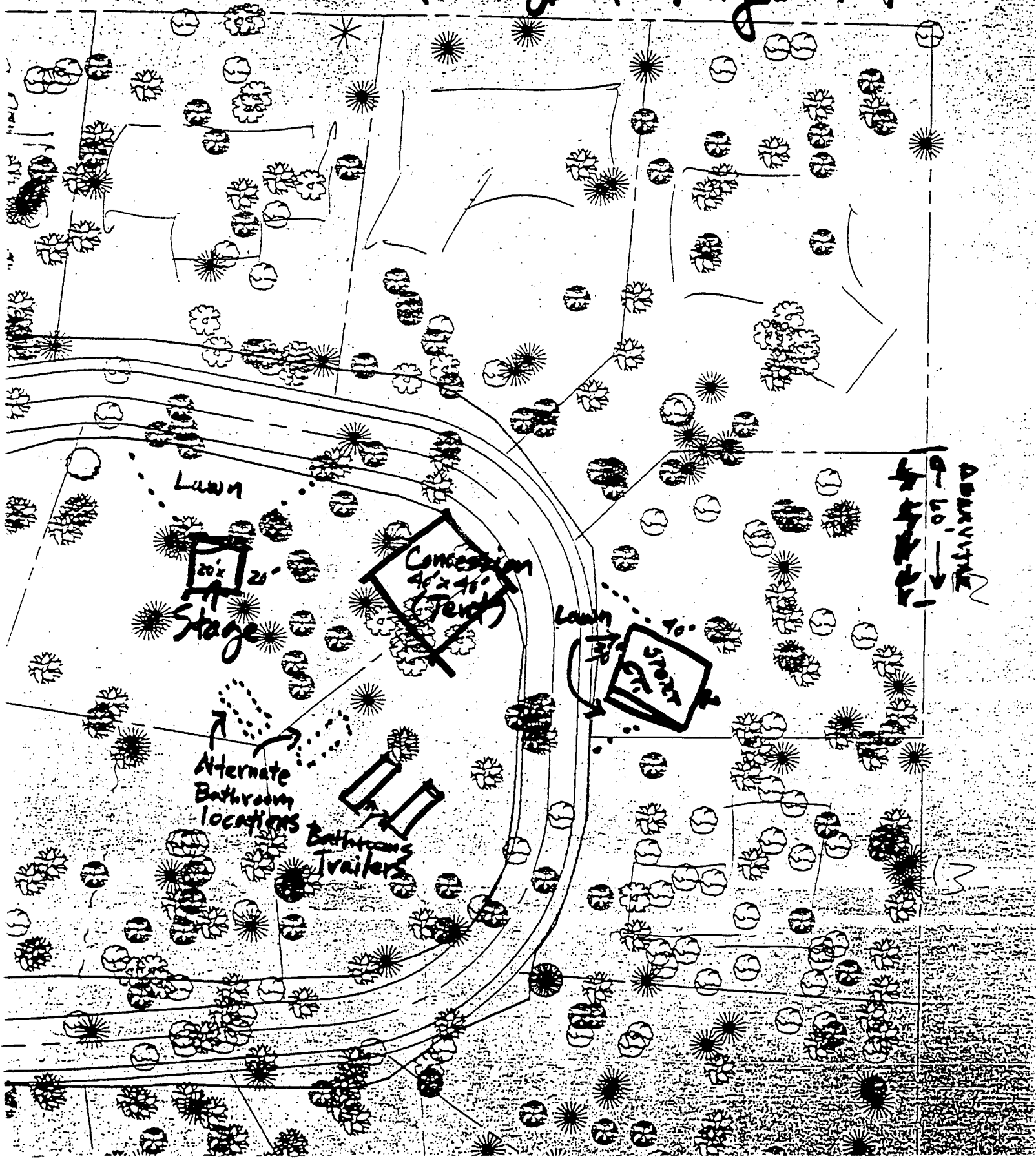
APPLICATION: TP1-95



4/20/95

GEC/TP1-95

Grading/Planting Detail





Home Builders Association of Metropolitan Portland

503/684-1880

Fax # 503/684-0588

15555 S.W. Bangy Rd., Suite 301 • Lake Oswego, OR 97035

April 15, 1995

Mark Hess
Planning and
Development Division
Multnomah County
2115 S.E. Morrison Street
Portland, Oregon 97214

RECEIVED
APR 20 1995

Multnomah County
Zoning Division

Dear Mark,

On behalf of the Home Builders Association of Metro Portland, I respectfully submit the following information in order to complete the application for temporary use of the Canyon Creek subdivision for the site of the 1995 Street of Dreams. All information contained in this letter is accurate and current as of the date noted above.

The Home Builders Association wishes to conduct a single site home show, the Street of Dreams, in the Canyon Creek subdivision between the dates of August 1, 1995 and September 4, 1995. It is proposed that the show will be open to the public and will attract, based on five year attendance records, approximately 80,000 people.

This letter is also a request to add to the permit a provision that would allow the temporary use of the southern most portion of the parking lot owned by the Portland First Church of the Nazarene for construction parking between the dates of March 17, 1995 and August 1, 1995.

[A barricade has been constructed on the temporary drive that now exists between the Portland First Church of the Nazarene and the Canyon Creek subdivision. Until the time of County approval, no vehicular traffic will be allowed between the church and the subdivision. We presently have on site a construction manager who will monitor the situation.]

This letter will address three issues that were determined incomplete on the first submittal of the temporary permit application.

1. ON-SITE AT CANYON CREEK - Permission has been granted by Double D Development to use Phase II of the Canyon Creek subdivision for show related activities (see attached letter).

A) The Street of Dreams will locate a concession stand on lots 23 & 24 in the Canyon Creek subdivision (see attached site map for location). It will be serviced with temporary sewer, water, and electrical hook-ups. Temporary Multnomah County food service and OLCC permits will be applied for thirty days prior to the event, as is mandated by county law. The temporary concession stand will consist of a 40 x 40 wood platform covered by a 40 x 40 canopy. A fire permit will be pulled for use of the canopy.

B) Two 8 x 25 restroom trailers will be located on lot 24 (see attached site map for location). The trailers will be serviced with temporary sewer, water, and electrical hook-ups. The trailers are licensed through the State of Oregon and are approved for use by the Unified Sewerage Agency. The trailers will be moved onto the lot no later than August 1, 1995 and will be removed no later than September 7, 1995.

C) A temporary 20 x 20 wooden stage will be located on lot 23 (see attached site map for location). The stage will be serviced with temporary electrical hook-up, and will be covered with a canopy.

D) A temporary sport court will be located on lot 12. The sport court will consist of a 30 x 40 blacktop sub-surface, covered with a plastic sport court grid. The sport court, and the sub-surface will be removed immediately following the show.

E) A temporary office trailer will be positioned on the turn-out drive located on Sheridan Street, just east of the storm water cleanout covers. It will be serviced with temporary electrical hook-up.

F) A temporary chain link fence will surround the entire perimeter of the Canyon Creek subdivision. The fence will be constructed in phases beginning immediately, and will be removed by September 12, 1995.

2. PARKING AND TRAFFIC CONTROL FOR THE STREET OF DREAMS -

A) As was stated in an earlier correspondence, the primary parking for the Street of Dreams will be located in the parking lot owned by the Portland First Church of the Nazarene. Permission has been granted by the church to use the lot from March 17, 1995 through September 8, 1995 (see attached letter). The agreement will allow the Home Builders Association to use the church parking lot for public parking August 1, 1995 through September 4, 1995 between the hours of 10:00am to 10:00pm Monday through Saturday, and between the hours of 1:30pm to 10:00pm Sundays. Pedestrian traffic will be routed from the church parking lot across a temporary walkway at the southern portion of the lot leading to Sheridan Street in the Canyon Creek subdivision. The agreement with the church allows the HBAMP to use over 400 parking spaces for the duration of the show.

B) Permission has been granted by Joe Weston, American Property Management, to use a parking lot located at 1730 Westgate Drive in Portland for secondary parking (letter of agreement to follow). When needed, temporary overflow parking will be located in the lot of the office complex owned by Joe Weston on the north side of Hwy. 26 as indicated on map. It is anticipated that this space will be used only if needed, and would occur most likely on weekend days, and for the special charity benefit to be held on August 3, 1995.

RECEIVED

APR 20 1995

C) The advertised directions for the Street of Dreams event will route the public from Hwy. 26 (Sunset Highway) to the Sylvan exit, instruct them to turn south to Raab Road, turn west, and follow signs into the church parking lot. We will have Oregon Department of Transportation approved, manufactured, and placed signs on Hwy. 26 from both directions, and signs at the intersection at the Sylvan exchange. We will also be employing off-duty Portland reserve police officers to assist with traffic control on Raab Road. The parking lot (or if need be, lots) is/are always fully staffed with experienced parking attendants. Nothing will be left to chance, the attending public is not given an option of where or how to park. A shuttle system will be run by RAZ Bus Company transporting attendees to and from the Weston property.

D) As was mentioned in one of our previous conversations, the peak traffic generated by the Street of Dreams is primarily on weekend days from 1:00pm to 5:00pm, and secondarily on weekday evenings between the hours of 6:30pm to 9:00pm. At its peak on weekend days, the Street could generate up to 600 customers an hour. Our average attendee travels to the Street in a car containing 2.5 passengers. Therefore, based on historical records of Street of Dreams attendance, during any peak period, the maximum number of cars arriving on site during a given hour would be 240 cars.

3. TEMPORARY PARKING FOR CONSTRUCTION -

A) Permission has been granted by the Portland First Church of the Nazarene to use the lower four bays of the parking lot for construction generated traffic during the construction phase of the project. This period would commence March 17, 1995 and end on August 1, 1995. We are seeking permission from Multnomah County to exercise this option. Our argument for justification is quite simple. The more we can control the flow of construction-related traffic to and from the site, the less of an impact that traffic will have on the surrounding neighborhoods. Our request to the county includes the permission to route traffic into the church parking lot through the temporary walkway located between the southern portion of the church parking lot and Sheridan Street in the Canyon Creek subdivision. We are not requesting that the temporary drive be used to allow church patrons access the church parking lot.

We respectfully submit this information as an addendum to the original Temporary Permit application filed in February of 1995. We have presented our traffic plan to representatives of the Oregon Department of Transportation, the Washington County Department of Land Use and Transportation, and the Portland Bureau of Transportation. This letter has been copied to our contacts at each jurisdiction. The Oregon Department of Transportation has generously assisted us in the development of our plan.

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APR 20 1995

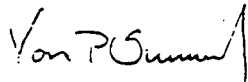
Multnomah County
Zoning Division

page four

Mark, on behalf of the Home Builders Association I want to personally thank you for helping us through this long and arduous permit process. While the original application fell short of your needs, I feel certain that everything you have requested since that submittal has been covered in this letter. I respectfully suggest that the application form for a Multnomah County Temporary Permit be rewritten to clarify specifically what is expected of the applicant.

If you have any further questions, please do not hesitate to call.

Sincerely,



Von P. Summers

- Attached
- 1) Original Temporary Permit Application, 2/95
 - 2) HBAMP Memo with additional information, 4/5/95
 - 3) Multnomah County Memo seeking additional information, 4/5/95
 - 4) Multnomah County Notice of Violation, 4/19/95
 - 5) Letter from Portland First Church of the Nazarene, 4/11/95
 - 6) Letter from Double D Development, 4/20/95
 - 7) Plat maps for lots 23 & 24 in Canyon Creek
 - 8) Map indicating Weston property for secondary parking

cc: Dennis Derby, Double D Development
Jane Hoffman, SWHRL Neighborhood Association
Dan Saltzman, Multnomah County Commissioner
John Rosenberger, Washington County Land Use & Transportation
Department
Vic Rhodes, Portland Bureau of Transportation
David Diehl, Portland First Church of the Nazarene
Marty Jensvold, Oregon Department of Transportation
Lee Gunderson, Oregon Department of Transportation
Gordon Root, 1995 Street of Dreams Chairman

RECEIVED

APR 20 1995

Multnomah County
Zoning Division



Home Builders Association of Metropolitan Portland

503/684-1880

Fax # 503/684-0588

15555 S.W. Bangy Rd., Suite 301 • Lake Oswego, OR 97035

MEMO TO: Mark Hess, Multnomah County Planning
FROM: Von Summers, Home Builders Association
DATE: April 5, 1995
REG.: Street of Dreams Information for Show Permit

I hope that the information contained in this memo will be helpful to you as you begin your efforts in processing the permit for the Street of Dreams.

Attached you will find two maps; one outlining the on-site facilities (labeled Map A), and the other showing the proposed traffic routes that will be used to access the Street of Dreams site (labeled Map B).

Our agreement with the Portland First Church of the Nazarene calls for use of the lot from March 17th through September 8th. We will use the church parking lot for public parking August 1st through September 4th, between the hours of 10:00am to 10:00pm Monday through Saturday and 1:30pm to 10:00pm Sundays. Pedestrian traffic will be routed from the church parking lot across a temporary walkway at the bottom of the lot onto Sheridan Street. The agreement with the church allows the HBAMP to use 425 parking spaces for the duration of the show.

If needed, temporary overflow parking will be located in the lot of the office complex owned by Joe Weston on the north side of Hwy. 26 as indicated on map. It is anticipated that this space will be used only if needed, and would occur most likely on weekend days.

The main directions used for the event in all advertising will route the public from Hwy. 26 (Sunset Highway) to the Sylvan exit, instruct them to turn south to Raab Road, turn west, and follow signs into the church parking lot. We will have ODOT approved and placed signs on Hwy. 26 from both directions, and signs at the intersection at the Sylvan exchange. We will also be employing off-duty Portland police officers in assisting with traffic control on Raab Road. The parking lot (or if need be, lots) is/are always fully staffed with experienced parking attendants. We leave nothing to chance, the attending public is not given an option of where or how to park.

As I mentioned in one of our previous conversations, the peak traffic generated by the Street of Dreams is primarily on weekend days from 1:00pm to 5:00pm, and secondarily on weekday evenings between the hours of 6:30pm to 9:00pm. At its peak, the Street could generate up to 600 customers an hour. Our average attendee travels to the Street in a car containing 2.5 passengers. Therefore, based on historical records of Street of Dreams attendance, during any peak period, the maximum number of cars arriving on site during a given hour would be 240 cars.

TP 1-45

RECEIVED
APR 20 1995
Multnomah County
Planning Division

Our present plan is to locate the concession stand on lot 24 in Canyon Creek. It will be serviced with temporary sewer, water, and electrical hook-ups. The restroom trailers will be located on either lot 12 or 13. They too will be serviced with temporary sewer, water, and electrical hook-ups. The on-site office trailer will be located on the turnout drive on Sheridan, just east of the storm water cleanout covers. It will be serviced with electrical hook-up. The entire site will be secured with temporary fencing.

I will be meeting with the person we hire to manage the concession stand next week, and will be able provide you, at that time, with more complete information regarding our concession plans.

Please do not hesitate to call or fax if you have any questions or seek additional information. I look forward to hearing from you soon.

RECEIVED
APR 20 1995
Multnomah County
Zoning Division

TP 1-95



WASHINGTON
COUNTY,
OREGON

April 27, 1995

Mark Hess
Multnomah County
Planning and Development Division
2115 SE Morrison Street
Portland, OR 97214

Dear Mr. Hess:

On behalf of Washington County, I have reviewed the Home Builders Association of Metropolitan Portland's application to Multnomah County, and the traffic plan for the Canyon Creek Street of Dreams. I have no objections to the proposal.

If you have any further questions, please call me at 681-7037.

Sincerely,

Mike Maloney, Division Manager
Operations and Maintenance

MM:pal

c: Von Summers
c/file
rd/file

RECEIVED

MAY 02 1995

Multnomah County
Zoning Division



CITY OF
PORTLAND, OREGON
OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Traffic Management
1120 S.W. 5th Ave., Rm. 730
Portland, Oregon 97204-1969
(503) 823-5185
FAX (503) 823-7576 TDD 823-6868

May 8, 1995

Mark Hess
Planning and Development Division
Multnomah County
2115 SE Morrison St
Portland OR 97214

Mr. Hess:

Information from the Home Builders Association of Metropolitan Portland regarding the Canyon Creek subdivision's 1995 Street of Dreams was passed on to me. Given the fact that the event attracts vehicular traffic primarily during nonpeak hours, I have no objections to the site location. The two intersections of main concern are that of Raab Road and Scholls Ferry Road and Humphrey Blvd/Hewett Blvd and Scholls Ferry Road. I am assuming that the off-duty police officers will be helping traffic from Raab Road enter northbound Scholls Ferry Road, because this maneuver can be difficult to make due to the close proximity of the signal at Humphrey/Hewett.

Regardless, these intersections are not under the jurisdiction of the City of Portland; thus, concerns about their operation would need to be addressed by the appropriate governing jurisdiction (ODOT), rather than the Bureau of Traffic Management.

As for the secondary parking lot at 1730 Westgate Drive, I have no objections to this site being used for overflow parking purposes. I expect that ODOT would make any signal timing modifications, if needed, for the Sunset Highway ramps and the Canyon Court/Skyline Boulevard signal.

Sincerely,

Stacy L. Bluhm
Senior Engineering Associate

SB/jp

c: Von Summers

PAD:AGENCIES\MULTCO\HBA-95.LTR

T:AGENCIES\MULTCO\HBA-95.LTR

RECEIVED
MAY 10 1995

Multnomah County
Zoning Division

File in:
TP 1-95a

Meeting Date: DEC 14 1995

Agenda No: C-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Reporting of a Hearings Officers decision in the matter of LD 5-95.

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING Date Requested: December 14, 1995

Amount of Time Needed: 5 minutes

DEPARTMENT: DES

DIVISION: Planning

CONTACT: Gary Clifford

TELEPHONE: 248-3043
BLDG /ROOM: 412/Plan

PERSON(S) MAKING PRESENTATION: Gary Clifford

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

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

Reporting of Multnomah County Hearings Officer decision in the matter of LD 5-95. Request for approval of a three parcel land division and future street plan, and appeal of certain required public right-of-way improvements.

SIGNATURES REQUIRED:

Elected Official: _____

OR

Department Manager: LB Mike Oswald

BOARD OF
COUNTY COMMISSIONERS
1995 DEC -4 PM 12:48
MULTNOMAH COUNTY
OREGON



BOARD HEARING OF December 14, 1995

TIME: 9:30 pm

CASE NAME: Request for approval of a three parcel land division NUMBER: LD 5-95
and future street plan, and appeal of certain required public right-of-way improvements.

1. Applicant Name/Address:

Charles S. and Stuart Rosenfeld
800 NW 6th Avenue, #330
Portland, OR 97209

2. Action Requested by applicant:

- (a) Request for approval of a three parcel land division to create lots of 1.9, 1.9, and .4 acres in area in an R-10 zoning district.
- (b) Request for approval of a future street plan that includes the dedication of a new half width street and maps a future street pattern to serve future adjoining and nearby subdivisions for the area bounded by NW Miller Road on the east, NW 85th Ave. (Washington County Line) on the west, NW Tuality Way/Stark St (Washington County Line) on the south, and the centerline of an east-west flowing unnamed drainage on the north. (The required future plan is implemented only as each individual property owner chooses to develop.)
- (c) Appeal of the requirement to install a curb, sidewalk, twenty foot wide paving, and storm drainage in the right-of-way of NW Tuality Way along the southeasterly 479 feet of property frontage. Applicant's request is to delay construction of those improvements until further division of the subject site occurs.

ACTION REQUESTED OF BOARD

- ☒ Affirm Hearings Officer Decision
- ☐ Hearing/Rehearing
 - ☐ Scope of Review
 - ☐ On the record
 - ☐ De Novo
 - ☐ New Information allowed

3. Planning Staff Recommendation:

Uphold the Hearings Officer Decisions.

4. Hearings Officer Decisions:

- 1) Approve, subject to the conditions, the proposed three parcel land division.
- 2) Approve, subject to conditions, the proposed future street plan.
- 3) Deny the appeal of the applicant for an "improvement waiver" (to certain road improvements).

5. If recommendation and decision are different, why?

They are not different.

ISSUES

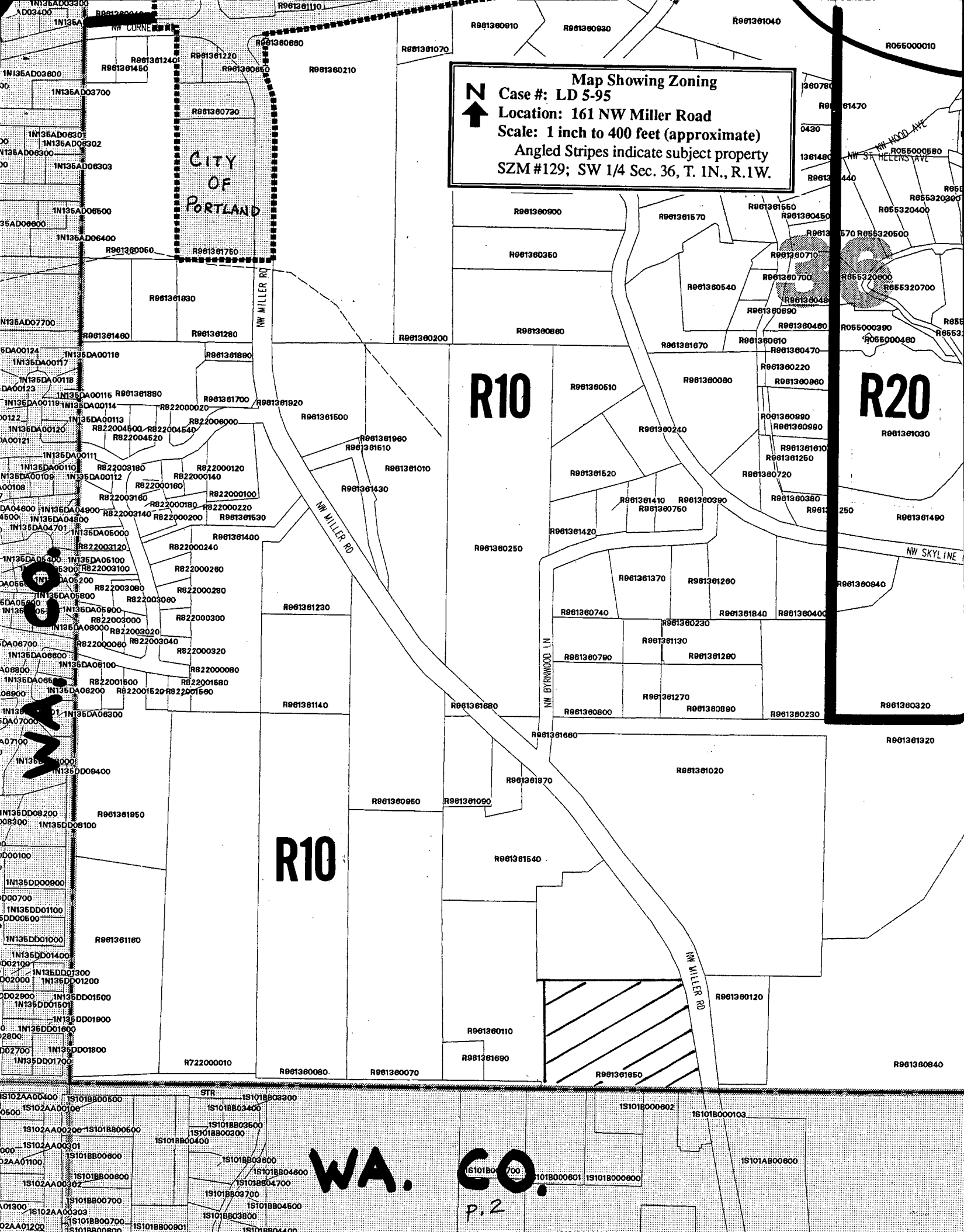
(who raised them?)

A number of individual property owners testified at the hearings in opposition to any future improvement of NW Tuality Way/Stark St. (from NW Miller Road to NW 85th Avenue). That length of roadway is an existing public right-of-way of varying width that straddles the Multnomah and Washington County line. Presently, the right-of-way is, for the most part, improved only as a narrow single lane of gravel that ends at a constructed temporary barrier short of NW 85th Avenue. Objections focused on the future widening and improvement, potential problems with the terrain, street alignment issues, and increased traffic in the area.

The Hearings Officer made findings that although it may be difficult to construct Tuality Way/Stark as a through street, there was no evidence in the record to indicate that it is impractical to do so and the applicant cannot be required to remedy this off-site situation in he has no control and can do nothing about.

Do any of these issues have policy implications? Explain.

No.



Map Showing Zoning
Case #: LD 5-95
Location: 161 NW Miller Road
Scale: 1 inch to 400 feet (approximate)
Angled Stripes indicate subject property
SZM #129; SW 1/4 Sec. 36, T. 1N., R. 1W.

CITY
OF
PORTLAND

R10

R20

R10

WA. CO.

MULTNOMAH COUNTY

WASHINGTON COUNTY

LEGEND	
	EXISTING TREES
	PROPOSED CONTOUR
	EXISTING CONTOUR
	PROPERTY LINE
	PROPOSED PARTITION
	CENTER LINE
	PROPOSED ROAD and LOTS
	CREEK

EXHIBIT
35
LD 5-95

RECEIVED
OCT 10 1995

Multnomah County
Zoning Division

NW 85th AVE

NW OAK ST.

NW 85th AVE

NW STARK ST.

Existing bollards/railing
and grade break

NW MOONBREEGE PL

HOLLYHILLS

WASHINGTON COUNTY

TUALITY WAY

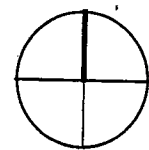
W STARK

NW MILLER ROAD

LOT NO. 1

LOT NO. 2

LOT NO. 3

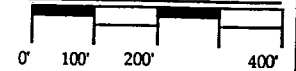


NORTH

FUTURE STREET PLAN

SCALE: 1" = 200'

DATE: 9/26/95



**BEFORE THE HEARINGS OFFICER
FOR MULTNOMAH COUNTY, OREGON**

Regarding a request by Charles and Stuart Rosenfeld)
for a three parcel land division and future street plan)
and an appeal of an "improvement waiver" for)
certain required public improvements associated with)
N.W. Tuality Way, for property located at the N.W.)
intersection N.W. Tuality Way (Stark Street) and)
N.W. Miller Road, in unincorporated Multnomah)
County, Oregon.)
)

FINAL ORDER
LD 5-95
(Rosenfeld)

I. BACKGROUND

Location of Partition:	161 NW Miller Road
Area of Future Street:	Area bounded by NW Miller Road on the east; NW Stark Street on the south; NW 85th Multnomah/Washington County line) on the west; and approximate centerline of east-west flowing unnamed drainage on the north.
Legal:	Parcel 2 of Partition Plat 1992-158
Site Size:	4.2 acres
Property Owners and Applicants:	Charles S. and Stuart Rosenfeld 800 NW 6th Avenue, #330 Portland, Oregon 97209
Comprehensive Plan:	Single Family Residential;
Zoning Designation:	R-10

II. HEARING AND RECORD

A public hearing concerning this matter was conducted on September 20, 1995. The hearing was continued until October 9, 1995 in order to review the new information submitted at the hearing. The public hearing was closed on October 9, but the written record was left open until November 3, in order to receive additional information.

The following exhibits were received into the record by the Hearings Officer:

1. Police Services Review form, dated 3-14-94;
2. School District Review form dated March 14, 1994;
3. Certification of Private On-Site Sewage Disposal form, with attachments dated October 29, 1992;
4. Certification of Water Service form, dated 3/14/94;
5. Fire District Review form, dated 3/17/94;
6. Petition Letters to Gary-Clifford, RE: Opposition to half-street improvements in Stark Street: one with 8 different households signing dated July 20, 1995; others dated 7/20/95, 7/20/95, 7/21/95, 7/31/95, and 8/11/95;
7. Application Narrative in response to approval criteria, dated August 4, 1995;
8. Copy of property deed and Assessment & Taxation property information printout;
9. General Application form;
10. Agenda, Hearings Officer Hearing of September 20, 1995, LD 5-95 is item number 1;
11. Future Street Plan, enlarged by staff with very slight modification;
12. Eastern portion of Future Street Plan with contour lines, some lines made more bold and "potential future flag lots" modified by staff;
13. Tentative Plan Map for 3 parcels, enlarged and outlined in bold with "potential future flag lots" modified by staff;
14. Notice of Public Hearing on LD 5-95, Hearings Officer Hearing of September 20;

15. Bikeways Plan Map with street classification notes on Miller Road by planning staff-;
16. Slope Hazards Map of area;
17. National Wetlands Inventory Map of subject area and copy of legend;
18. Adopted Future Street Plan for area north of subject proposed Future Street Plan;
19. Property and street right-of-way map of adjoining Washington County areas to the west and south;
20. Multnomah County Assessment & Taxation Map of subject property, received on May 6, 1993;
21. Letter, Lynn D. Bailey to Dave Prescott, dated June 17, 1994, RE: Comments for Pre-App Notes PA 23-94 Rosenfeld May 26, 1994, received June 20, 1994 by Zoning Division;
22. Staff Report LD 5-95, dated September 20, 1995, available to public on September 13, 1995, mailed September 14, 1995;
23. Memorandum John Dorst and Diana Santry Morris to Gary Clifford, dated September 12, 1995, SUBJECT: NW Miller Road - NW Stark Street (Tuality Way) required street improvements, received September 14, 1995 by Planning Division;
24. Affidavit of Posting for LD 5-95;
25. Letter, Diane Madigan to Philip Grillo, dated September 14, 1995, for presentation at the 9/20/95 public hearing, received September 18, 1995;
26. Letter, Linda Teufel Delaney to Gary Clifford, dated September 15, 1995, RE: Pardon LD 5-95, received by fax September 15, 1995;
27. Letter, Larry Teufel to Gary Clifford, dated September 15, 1995, RE: Partition I-D 5-95, received by fax September 15, 1995;
28. Mailing List;
29. Slides shown at Sept. 20, 1995 hearing, 17 in two sheets of slide pockets;
30. Letter, Billy and Thelma Carder to Div, of Planning, received Sept. 19, 1995, opposed to improvement of Stark Street;

31. Letter, Steve Thomas and Karen Wilson to Philip Grillo, Hearings Officer, dated Sept. 16, 1995, comments of approval on proposal and opposed to improving Stark Street;
32. Revised Future Street Plan Map, dated 9/26/95, received 9/28/95 at planning offices;
33. Letter, Charles and Stuart Rosenfeld to Larry Nicholas, dated September 29, 1995, Re: Request for improvement waiver for required half-street improvements for applicants 3 lot partition request at West Stark Street and NW Miller Road;
34. Comments of Tualatin Valley Fire Marshal Office on stamp placed on a copy of the revised Future Street Plan dated 9/26/95;
35. Revised Future Street Plan, received October 10, 1995, at planning offices;
36. Street Improvement Variance Decision, from Larry Nicholas, Director of Transportation, to Charles Rosenfeld, dated October 19, 1995, with attached "Dolan findings";
37. Washington County Decision approving Holly Hills Subdivision, Case files: 93-797-S/NT and 95-39-MOD;
38. Map to replace Exhibit 19 (which omitted Holly FEUs Subdivision property), the map is entered into the record at two different scales: 1"=100' and 1"=200';
39. Memo from Gary Clifford to Philip Grillo, Hearings Officer, regarding items requested at the October 9 hearing;
40. Slope map of area in Washington County south of NW Stark Street (supplied by @. Phil Healy from the Holly Hills Subdivision application);
41. Letter, Craig Iverson to Philip Grillo, dated October 27, 1995, comments on submittals to the file that were added from October 10 through October 20, 1995;
42. Letter, Charles Rosenfeld to Philip Grillo, dated November 2, 1995, responses to street improvement and future street plan issues, received November 3, 1995;

III. CRITERIA AND FINDINGS

This case involves a request to divide a 4.2 acre parcel into three lots of approximately 1.9 acres, 1.9 acres and .4 acres. Associated with the partition request is a Future Street Plan (FSP) as required by the Multnomah County Land Division Ordinance. Finally, the applicant has appealed the October 19, 1995 denial of an "improvement waiver" pursuant to Section 4.00, to allow the deferral of certain roadway improvements for N.W. Tuality Way (Stark Street) within the site. The Land Division and Future Street Plan will be discussed separately from the Improvement Waiver in the following sections.

A. Land Division and Future Street Plan

The Hearings Officer has reviewed the findings of fact recommended by the planning staff as contained in their report prepared in conjunction with the September 20, 1995 public hearing and adopts and incorporates those findings as his own here, except to the extent expressly modified or supplemented below.

MCC 11.45.490 (Street Layout).

With regard to this standard, the Hearings Officer finds that the staff findings did not address the numerous individual criteria contained within this relevant section of the code. Therefore, the Hearings Officer hereby supplements the staff findings for each of the relevant subsections of MCC 11.45.480 as set out below:

(A)(1) "To conform to the arrangement established or approved in adjoin land divisions."

Findings. The applicant's future street plan shows W. Stark Street (Tuality Way) extending from the point where the site fronts on N.W. Miller Road to N.W. 85th Avenue.

A number of individuals testified opposing the extension of Stark Street from Miller Road to 85th Avenue. For the most part, these objections focused on the future widening and improvement of portions of unpaved Stark, potential problems with the terrain, problems associated with vegetation clearing, alignment issues, and increased traffic in the area.

Criteria (A)(1) requires the County to determine whether the arrangement of streets in a land division are appropriately designed to "conform to the arrangement established or approved in adjoining land divisions."

The evidence in the record indicates that although there have been no recent land divisions on adjoining properties within Multnomah County, Exhibits 19 and 38 indicate that portions of Stark Street between Miller Road and 85th Street have already been established in public ownership for future right-of-way purposes. Furthermore, the evidence indicates that

two recent land divisions adjacent to the site south of Stark Street in Washington County (Holly Hills and Moonridge Subdivisions) both include an extension of Stark Street in this area.

The opponents have pointed out that there is a significant drop between the developed portions of Stark Street in Washington County (associated with the Moonridge Subdivision) and the existing right-of-way for Stark Street on the Multnomah County side of the right-of-way. Also, they point out that a set of bollards currently separate the lower unimproved portions of Stark Street from the upper developed portions of that street in Washington County. The Hearings Officer accepts this portion of the opponents testimony as accurate.

However, the Hearings Officer also finds that the future street plan as shown by the applicant conforms to the arrangement established or approved in adjoining land divisions. Also, the historical alignment for Stark Street has been reinforced by two recent adjoining subdivisions in Washington County. Therefore, this criteria has been met.

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

Findings. The applicant has satisfied this criteria because the proposed Future Street Plan not only continues Stark Street to the boundary of adjoining undivided land, but also shows the extension of Stark Street along the established right-of-way west of the site.

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

Findings. The evidence indicates that at this time, no preliminary engineering has taken place to determine the ultimate grade or engineering needed to establish the proper alignment of Stark Street off-site, as shown in the future Street Plan. The evidence also shows that significant grade differences exist west of the site along the Stark Street right-of-way that may make engineering this roadway somewhat of a challenge.

The Hearings Officer finds that in this case the applicant's Future Street Plan connects the proposed land division with the existing alignment of Stark Street and shows other local streets to accommodate future development in the area. To that extent, the applicant does not have the burden to show that the already established right-of-way for Stark Street must meet the above mentioned criteria. The applicant is only required to demonstrate that the land area within his control meets this standard. In that regard, the evidence shows that the area to be dedicated and improved for Stark Street, within the site, does not present any unusual slope, vegetation or drainage problems. Furthermore, in order to maintain the established alignment of the street, the applicant has little if any alternative as to the width and location of the Stark Street in this area. Therefore, this criteria is met.

(A)(4) "To limit unnecessary through traffic in residential areas."

Findings. The evidence indicates that Stark Street has served as a quiet local street for many years and it is currently classified by the County as a local street. At this time, since the street will not make a direct physical connection between Miller Road and 85th Avenue, no through traffic is possible. Therefore, this criteria will be met.

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

Findings. Each of the proposed lots will allow homes to be located in such a fashion so as to permit surveillance of the street areas by residents. Therefore, this criteria will be met.

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

Findings. The Hearings Officer finds that the majority of the site frontage for the Future Street Plan is oriented in an east-west direction which will allow for appropriate solar orientation for the lots. Therefore, this criteria will be met.

(A)(7) "To assure storm water drainage to an approved means of disposal."

Findings. As a condition of approval, the applicant will be required to comply with MCC 11.45.600 and MCC 11.45.660. Therefore, this criteria will be met.

(A)(8) "To provide safe and convenient access."

Findings. Because the applicant is extending Stark Street along the established right-of-way and is being required to construct portions of Stark Street adjacent to the site according to the County's Street Standards Ordinance and the State Transportation Planning Rule, the Hearings Officer finds that such access will be safe and convenient.

(B) "Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority."

Findings. The Hearings Officer acknowledges that due to the existing topography in portions of the Stark Street right-of-way, particularly the topography adjacent to Moonridge Subdivision, significant engineering may be required in order for the Multnomah County

portion of Stark Street to align with the Washington County portion of the street. However, as noted above, this particular applicant cannot be required to remedy an off-site situation he has no control over and can do nothing about. Furthermore, the Hearings Officer is not in a position to realign (i.e. reengineer) a street that currently borders numerous properties in two counties.

This applicant has done all and perhaps more than he can be reasonably expected to do concerning the Future Street Plan. In this situation, it is incumbent upon both Multnomah County and Washington County to jointly study this road issue and assist in a future solution that makes the best out of a difficult engineering situation. It is not possible or appropriate for the Hearings Officer in this quasi-judicial case to resolve this off-site alignment issue and thereby attempt to relocate and reengineer Stark Street. Therefore, based upon the evidence in the record, the Hearings Officer finds that although it may be difficult to construct Stark Street as a through street, there is no evidence in the record that indicates that it is impractical to do so. Even if it is ultimately not practical to extend and build Stark Street west of the site, the Hearings Officer is not presently in a position to determine whether some other alternative alignment might be more appropriate.

(C) "For a street layout effecting the proposed land division that has been established by the Comprehensive Plan, a Future Street Plan under MCC 11.45.160, or as an element of a Special Plan Area under MCC 11.15.6604, the arrangement of streets in the land division shall conform to the established layout."

Findings. The street layout for Stark Street has not been established by the Comprehensive Plan, a Future Street Plan or a Special Plan Area. Therefore, this criteria does not apply.

(D) "A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one half of a street may be required to provide adequate width to accommodate two way vehicle traffic."

Findings. The County Engineer has approved a half street dedication and improvement in this area. Therefore, this criteria is met.

(E) "When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line."

Findings. This criteria does not apply.

B. Applicant's appeal of the October 19 denial of a "improvement waiver".

As condition of approval in this land division, the applicant has been required, under Condition 3(A) in the staff report, to "Construct to county standards a concrete curb 22 feet from the south edge of dedicated right-of-way. Construct 5-foot wide concrete sidewalk at the outside face of the curb. Grade, rock and pave from the inside face of curb to a width of 20 feet. If construction plans indicate difficulty in providing these improvements, additional right-of-way dedication may be required."

The applicant has indicated that this condition of approval will require that they improve 479 lineal feet of property frontage along W. Stark Street. In the applicant's November 2, 1995 letter, the applicant has requested the Hearings Officer to consider reducing the above mentioned requirement to 426 lineal feet as opposed to 479 lineal feet along the Stark Street frontage.

At the outset, the Hearings Officer must clarify the procedural posture of the applicant's appeal. On September 29, 1995, the applicant submitted a written request to Mr. Larry Nicholas, Director, Multnomah County Department of Engineering regarding "request improvement waiver for required half street improvements for applicant's three lot partition (partition plat 1992-158 - total 4.29 acres) at W. Stark and N.W. Miller Road (unincorporated Multnomah County)."

On October 19, 1995, Mr. Nichols issued a written decision pursuant to MCC 11.60 denying the applicant's request in part and granting a "partial exemption" allowing sidewalks adjacent to the new curbs to be postponed until the time of building construction." Mr. Nichols indicated in his October 19 decision that "it is not practical allow postponement of any other improvements, as is documented in the attached staff report." In the staff report attached to Mr. Nichol's letter, he has submitted "Dolan findings" concerning the required improvements for Stark Street.

On November 2, the applicant requested that the Hearings Officer consider reducing the required improvements from 479 lineal feet to 426 lineal feet.

The legal question presented by the applicant's appeal of Mr. Nichol's October 19, 1995 decision is whether the County's decision to require this three lot residential land division to construct approximately 479 lineal feet of half-street improvements as a condition of final plat approval violates the constitutional test set forth in Dolan v. City of Tigard, 512 US ___, 114 SCt 2309, 129 LEd 2d 304 (1994).

In Dolan the United States Supreme Court articulated a two part test for determining whether exactions required as a condition of approval for the issuance of land use permits are constitutional:

- 1) Essential Nexus "We must first determine whether the 'essential nexus' exists between the 'legitimate state interest' and the permit condition exacted by the City. If we find that a nexus exists, we must then decide the required degree of connection between the exactions and the projected impact of the proposed development." Dolan 114 SCt at 2317.
- 2) Rough Proportionality "No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact at the proposed development." Dolan 114 SCt at 2319.

With regard to the "essential nexus" test, the Hearings Officer finds that the County has a legitimate interest in the planning and development of streets to serve both individual developments, and the future needs of a growing areawide population. This interest is reflected in the provisions of MCC 11.45.490 et seq, and the County's Street Standards Code. Therefore, the need to develop streets within a development to serve the needs of that development and make reasonable accommodations for extending such streets to serve future development meets the "essential nexus" test.

The pivotal issue under Dolan is whether the exactions demanded by the County are roughly proportional to the impacts caused by the Rosenfeld proposal, both in terms of nature and extent.

In this case, the Director of Transportation has identified the specific improvements required as including the:

"rocking and paving a twenty foot section (of R-O-W for Tuality Way/Stark Street), and constructing storm drainage and concrete curbs for a distance of 479 feet to the driveway of proposed lot 1." (Exhibit 36) (Parenthetical Added)

While the applicant has pointed out that it may be more practical and economical to construct only 426 lineal feet of improvements at this time, and defer the remainder, the applicant has not contested the individualized analysis performed by the Director of Transportation. The report prepared by the Transportation Division has identified the deficiencies in the surfacing of adjoining streets and has calculated the expected increase in

traffic and specific need for improvements based upon the individual need generated by this plat.

The County's "Dolan Findings" adequately reflect the required rough proportionality between the exactions imposed and the impact of the Rosenfeld's proposed development. It is undisputed that the development proposed would generate additional traffic on adjacent roads which at this time are not adequate under county standards. Therefore, the Hearing Officer finds that the County has satisfied the "nature" portion of the "rough proportionality test" because the required half street improvements are the type of street improvements that are necessary to serve the proposed development.

Furthermore, the County's street exactions satisfy the "extent" prong of the rough proportionality test, because the amount of frontage improvements required is not disproportional to the street frontage needed for this residential development. The applicant cannot reasonably expect to build a new single family dwelling on a new lot within the Urban Growth Boundary and to have that dwelling served by an unpaved street. The applicant is only being required to construct a 20 foot wide section of a local street. The applicant is not being asked to develop a collector or arterial street, nor is he being asked to construct multiple street frontages to serve these 3 lots. He is simply being required to develop a local street that fronts the length of his development.

The only remaining issues with regard to these street exactions concerns the timing of the required street and stormwater improvements and whether they should be extended for a distance of only 426 lineal feet rather than the full distance of 479 lineal feet as described in Mr. Nichol's letter.

With regard to the timing issue, the Hearings Officer finds that no standards or criteria exist for making such a determination, at least not within the identified portion of the Multnomah County Code. The existing state of the law, under Dolan and its progeny, do not directly address the timing issue. However, it can be implied from the caselaw flowing from Dolan that the relevant "impacts" to be considered when applying the rough "proportionality test" are the impacts that are in fact caused by the new development, not the impacts that "might" be caused in the future by other developments. See Shultz v. City of Grants Pass, 131 Or App 220 (1994).

Here, the applicant is proposing to create two more lots that could presently accommodate three single family houses. Even though lots 1 and 2 are oversized and would likely be subdivided in the future, under Dolan and Shultz, future redivisions and future development on those redivisions is not relevant to the question of "rough proportionality". Therefore, the County's focus on the impact caused by the development proposed now is the appropriate inquiry. Consequently, it is not appropriate to consider whether it "might" be more economical to defer improvements until some possible redivision of these lots occurs in the future. (It should be noted that had this development been proposed as a subdivision in

phases, a different result might be possible, because in such a case, the "future" redivision is more certain and would be properly before the decision maker.)

In summary, neither the timing nor length of frontage improvements violates Dolan's rough proportionality test. The County's findings support denial of the applicant's "improvement waiver" request and pass muster under Dolan, for the reasons set out in the County's "Dolan findings" as supplemented by the additional findings provided here. Therefore, the applicant's appeal of the "improvement waiver" is denied.

IV. CONCLUSIONS

For the reasons set forth above, and based upon the staff reports attached and incorporated by reference herein, the Hearings Officer concludes that the three parcel land division and future street plan are approved, subject to the conditions set forth below. The applicant's appeal of the County's improvement waiver is denied.

V. DECISION AND CONDITIONS

Decision 1) **Approve** subject to the conditions set forth below, the proposed three parcel land division.

Decision 2) **Approve** subject to the conditions set forth below, the proposed future street plan dated 9/26/95.

Decision 3) **Deny** the appeal of the applicant's "improvement waiver".

VI. CONDITIONS OF APPROVAL

1. Approval of this Tentative Plan shall expire one year of the effective date of this decision unless either the final partition plat and other required attachments are delivered to the Planning and Development Division of the Department of Environmental Services or an extension is obtained from the Planning Director pursuant to MCC 11.45.420.
2. Before the Planning Director signs the partition plat, provide copies of approved Land Feasibility Studies approving the use of on-site sanitation systems on each of the three parcels.
3. Before the County Surveyor signs the final plat, comply with the Transportation Division requirements. At last contact with the Division, a partial list of the required improvements includes the following:

A. Along the Stark Street frontage of the site:

Construct to County standards a concrete curb 22 feet from the south edge of dedicated right-of-way. Construct a 5-foot wide concrete sidewalk at the outside face of the curb (The Director of Transportation granted a "partial exemption" to this requirement on October 19, 1995, that allows the sidewalk adjacent to the new curbs to be postponed until the time of building construction.) Grade, rock and pave from the inside face of curb to a width of 20 feet. (If construction plans indicate difficulty in providing these improvements, additional right-of-way dedication may be required.)

B. Along the new unnamed street at west side of subject site:

Dedicate a half-street (25 feet in width) in accordance with tentative plan. Contact Transportation Division to obtain the appropriate street number (or name) to indicate on the partition plat. Commit to participate in future improvements in that new right-of-way through deed restrictions, processed also by the Transportation Division.

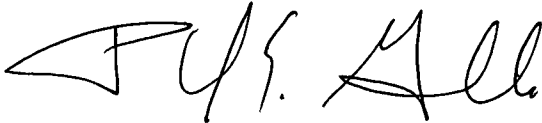
C. Along the Miller Street frontage of the site:

Commit to participate in future improvements through deed restrictions.

4. In conjunction with issuance of building permits on the new parcels, construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600. Plans for the retention and/or control facilities shall be subject to approval by the County Engineer with respect to potential surface runoff on the adjoining public right-of-way.

5. Prior to the issuance of building permits, if the quantity of disturbed earth requires such, apply for and obtain approval of grading and erosion control permits.

It is so ordered this 29th day of November, 1995.

A handwritten signature in black ink, appearing to read "P. E. Grillo". The signature is stylized with a large initial "P" and a long, sweeping underline.

Phillip E. Grillo
Hearings Officer
Multnomah County

Signed by the Hearings Officer:	December 1, 1995
Decision Mailed to Parties:	December 4, 1995
Decision Submitted to Board Clerk:	December 1, 1995
Last day to Appeal Decision:	December 13, 1995
Reported to Board of County Commissioners:	December 14, 1995

Appeal to the Board of County Commissioners

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An appeal requires a completed *Notice of Review* form and a fee of \$500.00 plus a \$3.50-per-minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)]. Instructions and forms are available at the County Planning and Development Office at 2115 SE Morrison Street (in Portland).

Failure to raise an issue by the close of the record at or following the final hearing, (in person or by letter), precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond, precludes appeal to LUBA on that issue.

To appeal the Hearings Officer decision, a *Notice of Review* form and fee must be submitted to the County Planning Director. For further information call the Multnomah County Planning and Development Division at 248-3043.



DEPARTMENT OF ENVIRONMENTAL SERVICES
Division of Planning and Development
2115 S.E. Morrison Street
Portland, Oregon 97214 (503) 248-3043

Staff Report

This Staff Report consists of Conditions, Findings of Fact and Conclusions.
Prepared for a Public Hearing to be held on September 20, 1995

LD 5-95 Three Parcel Land Division Request and Future Street Plan Proposal

Applicant requests approval of the division of a 4.2 acre parcel into three parcels of approximately 1.9 acres, 1.9 acres, and .4 acre. Associated with the partition request is a proposed Future Street Plan as required by the Multnomah County Land Division Ordinance. The proposal requires a future street plan to plan for access to future development on adjacent land to the west that have land division potential under the R-10 zoning provisions. An adopted Future Street Plan would be the official plan for access to future development the area, but would not require dedication nor improvement of the streets at this time, except for the subject site.

Location of Partition: 161 NW Miller Road – 3 parcel partition

Area of Future Street: Area bounded by NW Miller Road on the east; NW Stark Street on the south; NW 85th (Multnomah / Washington County line) on the west; and approximate centerline of east-west flowing unnamed drainage on the north.

Legal: Parcel 2 of Partition Plat 1992-158

Site Size: 4.2 acres

**Property Owners
and Applicants:** Charles S. and Stuart Rosenfeld
800 NW 6th Avenue, #330
Portland, OR 97209

Comprehensive Plan: Single Family Residential;

Zoning Designation: R-10

Recommended Hearings Officer

Decision No.1: APPROVE, subject to conditions, the proposed three parcel land division, based on the following Findings and Conclusions.

Decision No.2: APPROVE the proposed Future Street Plan, based on the following Findings and Conclusions.

Decision No.3: DENY, requested relief from the requirement of the Div. of Transportation to construct a half-street improvement along the Stark Street frontage of the subject property, (Parcel 2 of Partition Plat 1992-158), because this type of application and this approval authority are not the correct process for such an appeal.

LD 5-95

CONDITIONS OF APPROVAL:

1. Approval of this Tentative Plan shall expire one year of the effective date of this decision unless either the final partition plat and other required attachments are delivered to the Planning and Development Division of the Department of Environmental Services or an extension is obtained from the Planning Director pursuant to MCC 11.45.420.
2. Before the Planning Director signs the partition plat, provide copies of approved Land Feasibility Studies approving the use of on-site sanitation systems on each of the three parcels.
3. Before the County Surveyor signs the final plat, comply with the Transportation Division requirements. At last contact with the Division, a partial list of the required improvements includes the following:
 - A. Along the Stark Street frontage of the site:

Construct to County standards a concrete curb 22 feet from the south edge of dedicated right-of-way. Construct 5-foot wide concrete sidewalk at the outside face of the curb. Grade, rock and pave from the inside face of curb to a width of 20 feet. (If construction plans indicate difficulty in providing these improvements, additional right-of-way dedication may be required.)
 - B. Along the new unnamed street at west side of subject site:

Dedicate a half-street (25 feet in width) in accordance with tentative plan. Contact Transportation Division to obtain the appropriate street number (or name) to indicate on the partition plat. Commit to participate in future improvements in that new right-of-way through deed restrictions, processed also by the Transportation Division.
 - C. Along the Miller Street frontage of the site:

Commit to participate in future improvements through deed restrictions.
4. In conjunction with issuance of building permits on the new parcels, construct on-site water retention and/or control facilities adequate to insure that surface runoff volume after development is no greater than that before development per MCC 11.45.600. Plans for the retention and/or control facilities shall be subject to approval by the County Engineer with respect to potential surface runoff on the adjoining public right-of-way.
5. Prior to the issuance of building permits, if the quantity of disturbed earth requires such, apply for and obtain approval of grading and erosion control permits.

Staff Report Format

The "Findings of Fact" for this land division request are formatted in the following manner: Ordinance, Plan, or Rule language will be in **bold type**; followed by the applicant's response to the criteria in plain type (preceded by the introduction *Applicant Response*); planning *Staff Comments*, if needed, may follow. Application materials submitted for this request are also made part of this record and accepted as findings, except as may be noted in this report.

FINDINGS OF FACT FOR RECOMMENDED DECISIONS NUMBER 1 AND 2:

I. Applicant's Proposal:

- A. Applicant requests approval of the division of a 4.2 acre parcel into three parcels of approximately 1.9 acres, 1.9 acres, and .4 acre.
- B. Associated with the partition request is a proposed Future Street Plan as required by the Multnomah County Land Division Ordinance. The purpose of the Future Street Plan is to demonstrate how this partition of land and the remainder of the undeveloped "block" could be developed to most efficiently use the land and public services. An adopted Future Street Plan would be the the official potential development plan for the area, but would not require dedication nor development of the streets at this time, except for the subject site.

2. LAND DIVISION CODE CONSIDERATIONS AND FINDINGS. Multnomah County Code (MCC) 11.45.230 Criteria for Approval, Type 1 and Type 2 Tentative Plan and Future Street Plan: In granting approval of a Type 1 or Type 2 tentative plan or future street plan, the approval authority shall find that:

- A. MCC 11.45.230 (A) The tentative plan or future street plan is in accordance with the applicable elements of the Comprehensive Plan;

(1) POLICY NO. 13, AIR, WATER AND NOISE QUALITY.

MULTNOMAH COUNTY, ... SUPPORTS EFFORTS TO IMPROVE AIR AND WATER QUALITY AND TO REDUCE NOISE LEVELS. ... FURTHER-MORE, IT IS THE COUNTY'S POLICY TO REQUIRE, PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION, A STATEMENT FROM THE APPROPRIATE AGENCY THAT ALL STANDARDS CAN BE MET WITH RESPECT TO AIR QUALITY, WATER QUALITY, AND NOISE LEVELS.

Applicant's Response: The application for land division supports this policy: First, the applicant proposes to limit the density of the site in order to preserve existing trees and minimize overall disturbance of the land. These efforts should contribute to reduction of runoff from the site which might otherwise reduce water quality.

Second, the proposed land division is close to employment centers in downtown Portland and the west side industrial campuses. Though N.W. Miller Road is not served by Tri-Met, buses do run on West Burnside/Barnes Road, which is within one third of a mile from the applicants site. The development will also be served by the west side light rail line at the intersection of Highways 217 and 26, when it is completed. These factors should contribute to reduced dependence on the automobile as the primary mode of transportation and therefore, reduce air pollution.

Third, residential development is normally considered a noise sensitive rather than a noise generation use. The proposed new lots would not be expected to affect adjacent properties to any greater degree than existing residences. In fact, noise generated from this development should have minimal impact owing to the limited density compared with what might be permitted and the fact that a permitted sound attenuation berm and existing vegetation will be retained.

In summary, the proposed land division is consistent with this policy.

(2) POLICY NO. 14, DEVELOPMENT LIMITATIONS

Applicant's Response: The site does not have slopes exceeding 20%, and poses no development limitations, as defined by this Element of the Comprehensive Plan. The Applicant proposes to respect limitations imposed by the County as well as by the site.

Staff Comment: This Plan Policy does not apply.

(3) POLICY NO. 16, NATURAL RESOURCES

Applicant's Response: There are no resource issues identified for this site. The property is not designated "Significant Environmental Concern." The site does not have mineral or aggregate resources and is not a significant habitat, wilderness, natural area, or wetland. The site is not designated as a historic or cultural resource.

The Applicant concludes that Policy 16 of the Multnomah County Comprehensive Plan does not apply to this site.

Staff Comment: Staff concurs.

(4) POLICY NO. 22, ENERGY CONSERVATION.

THE COUNTY'S POLICY IS TO PROMOTE THE CONSERVATION OF ENERGY AND TO USE ENERGY RESOURCES IN A MORE EFFICIENT MANNER. ... THE COUNTY SHALL REQUIRE A FINDING PRIOR TO THE APPROVAL OF LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT THE FOLLOWING FACTORS HAVE BEEN CONSIDERED:

- A. THE DEVELOPMENT OF ENERGY-EFFICIENT LAND USES AND PRACTICES;**
- B. INCREASED DENSITY AND INTENSITY OF DEVELOPMENT IN URBAN AREAS, ESPECIALLY IN PROXIMITY TO TRANSIT CORRIDORS AND EMPLOYMENT, COMMERCIAL AND RECREATIONAL CENTERS;**
- C. AN ENERGY-EFFICIENT TRANSPORTATION SYSTEM LINKED WITH INCREASED MASS TRANSIT, PEDESTRIAN AND BICYCLE FACILITIES;**
- D. STREET LAYOUTS, LOTTING PATTERNS AND DESIGNS THAT UTILIZE NATURAL ENVIRONMENTAL AND CLIMATIC CONDITIONS TO ADVANTAGE.**
- E. FINALLY, THE COUNTY WILL ALLOW GREATER FLEXIBILITY IN THE DEVELOPMENT AND USE OF RENEWABLE ENERGY RESOURCES.**

Applicant's Response: The proposed land division supports this policy as follows: First, the homes eventually built on these lots will meet Oregon State Energy Code requirements. The adoption of these regulations aims to ensure that all new construction will promote efficient use of energy.

Second, the site is located within the urban area, on lands designated for residential development. The increased density and intensity of use in proximity to employment, commercial, and recreation centers will help to promote the use of public transit and alternative transportation modes.

Third, the proposal for a future interior accessway as narrow as permitted by County standards with lots on both sides is an efficient design which maximizes the number of residences using a single street while minimizing construction cost, materials, and disturbance to the site.

Based on these considerations, the Applicant believes that the proposed land division complies with this policy.

(5) **POLICY NO. 24, HOUSING LOCATION**

THE COUNTY'S POLICY IS TO ACCOMMODATE THE LOCATION OF A BROAD RANGE OF HOUSING TYPES IN ACCORDANCE WITH:

- A. THE APPLICABLE POLICIES IN THIS PLAN;**
- B. THE LOCATIONAL CRITERIA APPLICABLE TO PROJECT SCALE AND STANDARDS.**

* * *

MINOR RESIDENTIAL PROJECT

1. Scale.

<u>Scale</u>	<u>Description</u>	<u>Approximate Population Increase</u>
Minor Residential Project	A project which will have a minimum impact on the surrounding area and on the support system.	Minor: Less than 50 people.

Applicant's Response: The proposed land division will create three parcels, a minor residential project of under 50 people.

2. Minor Residential Project Locational Criteria.

A. Access.

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

Applicant's Response: Access: The three parcels are easily accessed off of West Stark Street and will not create dangerous intersections, traffic congestion or difficulty with turning movements.

B. Site Characteristics.

- (1) The site is of a size and shape which can reasonably accommodate the proposed and future allowable uses in a manner which emphasizes user convenience and energy conservation.
- (2) The unique natural features, if any, can be incorporated into the design of the facilities or arrangement of land uses.
- (3) The land intended for development has an average site topography of less than 20% grade, or it can be demonstrated that through engineering techniques, all limitations to development and the provision of services can be mitigated.

Applicant's Response: Site characteristics: The proposed parcels range from approximately .5 acres to 1.75 acres. The future Tentative Plan calls for the creation of a total of 12 lots ranging between approximately 10,000 sf and 18,000 sf which is consistent with densities called for in this area. All lots in the proposed 3-lot partition and Tentative Plan lots are easily accessed from West Stark and from the proposed private accessway roads. Existing trees will be preserved through implementation of the access road design.

C. Impact of the Proposed Change on Adjacent Lands.

(1) The scale is compatible with surrounding uses.

Applicant's Response: The initial 3-lot partition will maintain lot sizes that are compatible with the surrounding residential properties. As the adjacent lands become developed, the smaller lots proposed in the Tentative Plan will be consistent with the R-10 zoning planned for this area.

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

Applicant's Response: This land parcel is likely to develop later than the neighboring tract to the west because sanitary sewer service for the area will most likely move from the west to the east. The Torreyview sewer trunk line is approximately 2,000 feet to the west. R-10 lot sizes would not be approved until sanitary sewer is made available to the applicant's site.

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

Applicant's Response: The privacy of adjacent residential developments will be protected. The housing density proposed is similar to the existing density. Existing vegetation will further mitigate any visual impact.

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

Applicant's Response: The proposed partition creates three buildable lots for housing. This is compatible in both density and use with the existing neighborhood.

(6) POLICY NO. 35, PUBLIC TRANSPORTATION

Applicant's Response: The proposed partition is within one third of a mile of a bus line located at W. Burnside/Barnes Road. Eventually, connections will be possible to the west side light rail line at the intersection of state highways 217 and 26.

The project supports the goal of providing residences within the urban area with convenient access to employment and commercial centers.

(7) POLICY NO. 37, UTILITIES.

THE COUNTY'S POLICY IS TO REQUIRE A FINDING PRIOR TO APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:
WATER AND DISPOSAL SYSTEM

- A. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC SEWER AND WATER SYSTEM, BOTH OF WHICH HAVE ADEQUATE CAPACITY; OR**
- B. THE PROPOSED USE CAN BE CONNECTED TO A PUBLIC WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM ON THE SITE; OR**
- C. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) WILL APPROVE A SUBSURFACE SEWAGE DISPOSAL SYSTEM; OR**
- D. THERE IS AN ADEQUATE PRIVATE WATER SYSTEM, AND A PUBLIC SEWER WITH ADEQUATE CAPACITY.**

Applicant's Response: Water: The Tualatin Valley Water District has verified that water service is available to the property from an 8-inch main in West Stark Street with a static pressure of 80 p.s.i.. The Portland Water Bureau will provide service in cooperation with the Tualatin Valley Water District, which owns the line.

Sanitation: The three proposed lots will be served by onsite septic systems as approved by Multnomah County. The site was approved for one septic system in 1992 and is presently undergoing a feasibility study for two additional septic approvals. Final status will be known by the hearing date of September 1995.

DRAINAGE

- E. THERE IS ADEQUATE CAPACITY IN THE STORM WATER SYSTEM TO HANDLE THE RUN-OFF; OR**
- F. THE WATER RUN-OFF CAN BE HANDLED ON THE SITE OR ADEQUATE PROVISIONS CAN BE MADE; AND**
- G. THE RUN-OFF FROM THE SITE WILL NOT ADVERSELY**

**AFFECT THE WATER QUALITY IN ADJACENT
STREAMS, PONDS, LAKES OR ALTER THE DRAINAGE
ON ADJOINING LANDS.**

Applicant's Response: Drainage: Storm run off will be dispersed onto the individual lots. The size of these lots is more than adequate to handle runoff. Water quality will be protected through conformance with the Tualatin Basin Erosion Control Standards.

ENERGY AND COMMUNICATIONS

- H. THERE IS AN ADEQUATE ENERGY SUPPLY TO HANDLE THE NEEDS OF THE PROPOSAL AND THE DEVELOPMENT LEVEL PROJECTED BY THE PLAN; AND**
- I. COMMUNICATIONS FACILITIES ARE AVAILABLE.**

Applicant's Response: Energy and Communication: Portland General Electric will provide power, and US West will provide telephone service to the proposed lots.

(8) POLICY NO. 38, FACILITIES.

**THE COUNTY'S POLICY IS TO REQUIRE A FINDING PRIOR TO
APPROVAL OF A LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:
SCHOOL**

- A. THE APPROPRIATE SCHOOL DISTRICT HAS HAD AN OPPORTUNITY TO REVIEW AND COMMENT ON THE PROPOSAL.**

Applicant's Response: The property is located in the Beaverton School District, which has indicated that it is able to accommodate student enrollment from houses located on the subject property.

FIRE PROTECTION

- B. THERE IS ADEQUATE WATER PRESSURE AND FLOW FOR FIRE FIGHTING PURPOSES; AND**
- C. THE APPROPRIATE FIRE DISTRICT HAS HAD AN OPPORTUNITY TO REVIEW AND COMMENT ON THE PROPOSAL.**

Applicant's Response: Tualatin Valley Fire and Rescue provides fire protection. The Tualatin Valley Water district owns the 8-inch line which provides adequate fire flow and pressure of 80 p.s.i..

POLICE PROTECTION

D. THE PROPOSAL CAN RECEIVE ADEQUATE LOCAL POLICE PROTECTION IN ACCORDANCE WITH THE STANDARDS OF THE JURISDICTION PROVIDING POLICE PROTECTION.

Applicant's Response: The Multnomah County Sheriff's Office provides police protection and has stated that there is an adequate level of police service available for the area.

(9) POLICY NO. 40, DEVELOPMENT REQUIREMENTS.

THE COUNTY'S POLICY IS TO ENCOURAGE A CONNECTED PARK AND RECREATION SYSTEM AND TO PROVIDE FOR SMALL PRIVATE RECREATION AREAS BY REQUIRING A FINDING PRIOR TO APPROVAL OF LEGISLATIVE OR QUASI-JUDICIAL ACTION THAT:

- A. PEDESTRIAN AND BICYCLE PATH CONNECTIONS TO PARKS, RECREATION AREAS AND COMMUNITY FACILITIES WILL BE DEDICATED WHERE APPROPRIATE AND WHERE DESIGNATED IN THE BICYCLE CORRIDOR CAPITAL IMPROVEMENTS PROGRAM AND MAP.**
- B. LANDSCAPED AREAS WITH BENCHES WILL BE PROVIDED IN COMMERCIAL, INDUSTRIAL AND MULTIPLE FAMILY DEVELOPMENTS, WHERE APPROPRIATE.**
- C. AREAS FOR BICYCLE PARKING FACILITIES WILL BE REQUIRED IN DEVELOPMENT PROPOSALS, WHERE APPROPRIATE.**

Applicant's Response: No bicycle corridor is planned for N.W. Miller Road at this time. Pedestrian circulation from the future lots depicted on the Tentative Partition Map will be enhanced by the private accessway road shown. Pedestrians making their way to or from residences in the Tentative Plan to shopping and mass transit at Barnes and N.W. Miller Road will have a safe, convenient, and direct route to travel.

- B. MCC 11.45.230 (B) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;**

Applicant's Response: There is no adjacent property under the same ownership.

The property to the north was divided from the applicants parcel in 1992 and contains one residence which is unlikely to be further developed. If further division of this parcel were attempted, access would be through the Taylor Crest Development as per the Future Street Plan submitted and approved in 1987. No street connection has ever been contemplated with this parcel and the applicants property.

Staff Comment: The dedication of a half street on the west side of the subject site as a public right-of-way will facilitate the provision of street access to all properties to the west. The adoption of the recommended future street plan will add certainty to future development issues and speed the approval process by allowing administrative approval of future subdivisions of 10 lots or less.

C. MCC 11.45.230 (C) The tentative plan or future street plan complies with the applicable provisions, including the purposes and intent of this Chapter;

Applicant's Response: This plan complies with the purpose of applicable provisions of the Land Development Ordinance in that the division of land and installation of improvements are consistent with other property in the area and protect those property values. As documented by the responses to the more specific standards set forth below, this proposal meets the intent of the Land Development Ordinance. In addition, the plan complies with the intent of the Land Division Chapter in that:

- a) By limiting the number of units proposed, the plan minimizes street congestion and air pollution;
- b) Public police and fire protection is available for the property;
- c) The proposal meets or exceeds all R-10 standards.

Staff Comment: Applicable provisions are as follows:

(1) MCC 11.45.460 Land Suitability

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

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

Staff Comment: None of the above characteristics occur on this property.

(2) MCC 11.45.470 Lots and Parcels

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

- (A) The size, shape, width, orientation and access shall be appropriate:
 - (1) To the types of development and uses contemplated;
 - (2) To the nature of existing or potential development on adjacent tracts;
 - (3) For the maximum preservation of existing slopes, vegetation and natural drainage;
 - (4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

- (5) To the climactic conditions including solar orientation and winter wind and rain.
- (B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.
- (C) Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography

Staff Comment: The subject partition and potential lotting patterns indicated on the future street plan all allow sufficient building area on each lot under the R-10 zoning restrictions.

The area of existing vegetation that would be most important for erosion control is along the drainage at the north portion of the future street plan. The proposed street layout would allow extra deep lots abutting that drainage, leaving the likelihood that that vegetation would not be removed for building areas.

(3) MCC 11.45.490 Street Layout

- (A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of streets in a land division shall be designed:
 - (1) To conform to the arrangement established or approved in adjoining land divisions;
 - (2) To continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land;
 - (3) To assure the maximum possible preservation of existing slopes, vegetation and natural drainage;
 - (4) To limit unnecessary through traffic in residential areas;
 - (5) To permit surveillance of street areas by residents and users for maximum safety;
 - (6) To assure building sites with appropriate solar orientation and protection from winter wind and rain;
 - (7) To assure storm water drainage to an approved means of disposal; and
 - (8) To provide safe and convenient access.
- (B) Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.
- (C) Where a street layout affecting the proposed land division has been established by the Comprehensive Plan, a future street plan under MCC 11.45.160, or as an element of a Special Plan Area under MCC 11.15.6604, the arrangement of streets in the land division shall conform to the established layout.
- (D) A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.
- (E) When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or

proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

Staff Comment: The proposed new street intersections are all either "T" connections or line up with other dedicated streets in Washington County. The majority of the street frontages in the future street plan are east-west in orientation, allowing for the best future solar access to future homes. A half-street dedication at this time is appropriate due to the limited immediate development potential of the subject property and the ability of the adjoining lot to participate in the future when more urban services are available to the area.

- D. MCC 11.45.230 (D) The tentative plan or future street plan complies with the Zoning Ordinance or a proposed change thereto associated with the tentative plan proposal;

The applicable provisions of the Zoning Code are:

(1) Single Family Residential R-10

MCC 11.15.2864 Restrictions

(A) Lot Size

The minimum lot size shall be 10,000 square feet. The minimum average lot width shall be 70 feet, and the minimum lot width at the building line shall be 70 feet. The minimum average lot depth shall be 100 feet.

(B) Yard Requirements

(1) Front Yard. There shall be a front yard having a minimum depth of 30 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots shall be the average of the setbacks of the main structure on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot, plus one-half the remaining distance to the required 30 foot setback. If neither of the abutting side lots or tracts is occupied by a structure, the setback shall be 30 feet.

(2) Side Yards. Side yards shall be a minimum of ten feet.

(3) Rear Yards. There shall be a rear yard with a minimum depth of 25 feet to the main building.

(4) Corner lots may have a rear yard of not less than 10 feet if the front yard is not less than 30 feet and if the side yards are not less than 20 feet.

* * *

(G) All lots in this district shall abut a street or shall have such other access held suitable by the Hearings Officer.

(H) Half Streets

The minimum front or side yards or other setbacks as stated herein, shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The Planning Director shall determine the necessary right-of-way widths and the additional yard or setback requirements in such cases.

- (I) No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this district.

Applicant's Response: The proposed 3 lot partition plan complies with the standards of the R-10 district. The smallest proposed lot (lot 3) is 17,886 square feet. Front, side and rear yard setbacks (30 feet, 10 feet and 25 feet respectively) are exceeded in all three lots. The minimum lot width of 122 feet and minimum lot depth of 130 feet exceeds all such requirements for the R-10 district. The dashed lines within the three lot partition represent future lots and access to each.

These lots all exceed the setback requirements for the R-10 district. At least two off-street parking spaces will be provided for each lot.

(2) Solar Access Provisions for New Development

MCC 11.15.6815 Design Standard

At least 80 percent of the lots in a development subject to this Ordinance shall comply with one or more of the options in this Section.

- (A) Basic Requirement (*see Figure 9*). A lot complies with Section .6815 if it:

- (1) Has a north-south dimension of 90 feet or more; and
- (2) Has a front lot line that is oriented within 30 degrees of a true east-west axis.

- (B) Protected Solar Building Line Option (*see Figure 10*). In the alternative, a lot complies with Section .6815 if a solar building line is used to protect solar access as follows:

- (1) A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat;
- (2) The protected solar building line for the lot to the north is oriented within 30 degrees of the true east-west axis;
- (3) There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line;
- (4) There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

- (C) Performance Option. In the alternative, a lot complies with Section .6815 if:

- (1) Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from shade by structures and non-exempt trees; or
- (2) Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.

Applicant's Response: Solar Access 11.15.6815

Over 80% of the lots depicted on the Future Street Plan have north-south dimensions of more than 90 feet and have front lot lines that are oriented within 30 degrees of a true east-west axis.

The Tentative Partition Map indicates three lots out of 12 potential lots (75% of total lots on the Tentative Plan) which do not have front lot lines within 30 degrees of a true east-west axis. However, the fact that these lots are larger and deeper than the R-10 designation allows for the "Protected Building Line Option" to work as an alternative. Minimum clearances called for under this provision are all exceeded.

- E. MCC 11.45.230 (E) If a subdivision, the proposed name has been approved by the County Surveyor and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words *town, city, place, court, addition* or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed:

Applicant's Response: Not applicable.

- F. MCC 11.45.230 (F) The streets are laid out and designed so as to conform, within the limits of MCC 11.45.490 and 11.45.500 and the Street Standards Ordinance, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and

Applicant's Response: Street Layout: No street patterns for this site have been established by plats of adjoining properties. The proposed private accessway conforms with the County's guidelines for accessways.

- G. MCC 11.45.230 (G) Streets held for private use are laid out and designed so as to conform with MCC 11.45.490 and 11.45.500 and the Street Standards Ordinance, and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon.

Applicant's Response: The private accessway is clearly indicated on the Tentative Partition Map as a private road.

- H. MCC 11.45.230 (H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:
- (1) The infiltration of flood waters into the system; and
 - (2) The discharge of matter from the system into flood waters.

Applicant's Response: Flooding and Flood Hazards: The site is not subject to flood hazards. The site is not within any flood plain.

4. TRANSPORTATION PLANNING RULE REQUIREMENTS

Beginning May 8, 1994, Multnomah County must apply applicable provisions of the Oregon Administrative Rules (OAR's) Chapter 660, Division 12 directly in evaluating subdivisions to make new development more bicycle, pedestrian, and transit friendly. The subject land division does not at this time actually create a subdivision (4 new lots) but approval of the partition and future street plan will affect future subdivision of the area. Therefore, the applicable subsections of the OAR are noted below in evaluating the future street plan.

A. **OAR 660-12-020** Elements of Transportation System Plans (TSP)

(1) **OAR 660-12-045(2)** The TSP shall include the following elements:

- (b) A road plan for a system of arterials and collectors and standards for the layout of local streets and other important noncollector street connections. Functional classifications of roads in regional and local TSPs shall be consistent with functional classifications of roads in state and regional TSPs and shall provide for continuity between adjacent jurisdictions. The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-12-045(3)(b). New connections to arterials and state highways shall be consistent with designated access management categories. The intent of this requirement is to provide guidance on the spacing of future extensions and connections along existing and future streets which are needed to provide reasonably direct routes for bicycle and pedestrian travel. The standards for the layout of local streets shall address:

Applicant's Response: The layout of streets in both the Future Street Plan and Tentative Partition Map provide for safe and convenient pedestrian and bike circulation.

(A) Extensions of existing streets;

(B) Connections to existing or planned streets, including arterials and collectors; and

Applicant's Response: West Stark is the existing street and will act as a minor collector street for both the Tentative Plan and Future Street Plan. As future development occurs, there will be access points to West Stark Street in five locations, two associated with the Tentative Plan and three associated with the Future Street Plan.

(C) Connections to neighborhood destinations.

Applicant's Response: The proposed street connections to West Stark will allow convenient access to Stark which will allow direct access to N.W. Miller Road to the east and eventually, when the future street plan is devel-

oped, N.W. 85th Avenue to the west. These routes are convenient to future grocery and Tri-Met bus stops at the intersection of S.W. Barnes and Miller Roads, and employment centers to the west of the site respectfully.

B. OAR 660-12-045 Implementation of the Transportation System Plan

* * *

- (1) OAR 660-12-045(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

* * *

- (b) On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.

(A) "Neighborhood activity centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers.

(B) Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways.

(C) Cul-de-sacs and other deadend streets may be used as part of a development plan, consistent with the purposes set forth in this section.

(D) Local governments shall establish their own standards or criteria for providing streets and accessways consistent with the purposes of this section. Such measures may include but are not limited to: standards for spacing of streets or accessways; and standards for excessive out-of-direction travel.

(E) Streets and accessways need not be required where one or more of the following conditions exist:

- (i) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.

- (ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
- (iii) Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995 which preclude a required street or accessway connection.
- (c) Where off site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors.
- (d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian routes, facilities and improvements which:
 - (A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips.
 - (B) Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and,
 - (C) Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

* * *

Applicant's Response: The Tentative Plan calls for the creation of two private accessways serving four and two lots respectively. The accessways serving the lots access West Stark Street to the south and provide a safe and convenient route for both pedestrian and bike circulation in the direction of shopping and Tri-Met bus routes at the intersection of S.W. Barnes and Miller Roads approximately one third of a mile to the south.

As improvements are made to N.W. Miller Road to the south, the connection to these neighborhood destinations will be enhanced further.

- (2) OAR 660-12-045(7) Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Notwithstanding subsection (1) or (3) of this section, local street standards adopted to meet this requirement need not be adopted as land use regulations.

Applicant's Response: The accessway development proposed in the Future Tentative Plan supports the TPR goal to reduce street pavement widths and total right-of-way, while meeting the operational needs of emergency vehicles.

CONCLUSIONS FOR RECOMMENDED DECISIONS NUMBER 1 AND 2:

1. The proposed land division satisfies the approval criteria for a Type I land division and the future street plan is appropriate to the future development of the area when services are available and individual property owners wish to subdivide their land.
2. The proposed land division satisfies the applicable elements of the Comprehensive Plan.
3. The proposed land division complies with the zoning ordinance.
4. The proposed land division is in accordance with the applicable portions of the Transportation Planning Rule.

FINDINGS AND CONCLUSION FOR RECOMMENDED DECISION NO. 3:

1. Applicants Request: From pages 5 and 6 of application:

“Stark Street Improvements: The applicant seeks relief from the request from Multnomah County Transportation to construct a half-street improvement along West Stark at this time, proposing instead that a waiver of remonstrance be submitted acknowledging that the property owner will participate in a future local improvement district for this section of West Stark, and pay this property's fair share of the improvements at that time.

The half-street improvement is not a feature that is warranted by the small additional 3 lots proposed by the applicant. (Note: please refer to the neighborhood petition in support of the applicants proposal submitted with this application).

Additionally, the county will have the opportunity to review this issue again if the property owner seeks to create additional lots with a future land division, and can require actual street improvements at that time, if warranted.

2. Applicable Land Division Code (MCC 11.45) and Street Standards Ordinance language:

A. MCC 11.45.620 Required Improvements

Improvements in a land division shall be made in accordance with the provisions of MCC 11.45.630 through 11.45.680.

- B. MCC 11.45.630 Streets, Sidewalks, Pedestrian Paths and Bikeways
Any street, pedestrian path or bikeway shall be improved as follows:
(A) In a public street — in accordance with this Chapter and the Street Standards Ordinance;
* * *

- C. MCC 11.45.680 Improvement Agreement
Prior to approval of a subdivision plat or partition plat by the County Engineer, the applicant shall execute and file with the County Engineer an agreement with the County, which shall include:
(A) A schedule for the completion of required improvements;
(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and workmanship in the improvements required by this Chapter against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and
(C) A surety bond, executed by a surety company authorized to transact business in the State of Oregon, or a certified check or other assurance approved by the County Counsel, guaranteeing complete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the improvements as estimated by the County Engineer.

- D. MCC 11.60 Street Standards
MCC 11.60.080 Variances from requirements of this code or adopted rules.
(A) The requirements of this chapter or rules adopted under it may be varied by the director when written information substantiates that such requested variance is in keeping with the intent and purpose of this chapter and adopted rules, and the requested variance will not adversely affect the intended function of the street or related facility.
* * *

- E. Rules for Street Standards, Adopted in Accordance with Multnomah County Code Chapter 11.60

Section 04 VARIANCES FROM THE STANDARDS AND REQUIREMENTS OF MCC 11.60 AND THESE ADOPTED RULES -
MCC 11.60.080 provides for a variance by the Director from the requirements when written documentation substantiates that such action is in keeping with the intent and purpose of this code and adopted rules, and the variance will not adversely affect the fire access and/or the function of the street or related facility.

Section 01 "Director." Director means the Director of the Multnomah County Department of Environmental Services or his designated representative.

3. Based upon the above code and rule sections, an appeal of a decision on a Transportation Division determined improvement requirement must first be acted upon by the Director of Environmental Services. Then the next stage of the appeal process is to the Hearings Officer. Therefore, the staff concludes that the applicant has not completed the first step and action by the Hearings Officer on this request is not appropriate at this time.

The Staff Report and recommendation on Land Division application LD 5-95 will be presented at a public hearing on September 20, 1995 before the Hearings Officer.

The Hearings Officer MAY announce a decision on the item:
at the close of the hearing; or,
upon continuance to a time certain; or,
after the close of the record following the hearing.

A written decision is usually mailed to all parties within ten days following the Decision of the Hearings Officer.

Decisions of the Hearings Officer may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony to the record. A "*Notice of Appeal*" form and fee must be submitted to the County Planning Director, within ten days after the Hearings Officer decision is submitted to the Clerk of the Board [REF. MCC 11.15.8260(A)(1)]. The appeal fee is **\$500.00 plus a \$3.50-per-minute** charge for a transcript of the initial hearing(s) [REF. MCC 11.15.9020(B)]. "*Notice of Appeal*" forms and instructions are available at the Planning and Development Office at 2115 SE Morrison Street (in Portland)..

Failure to raise an issue by the close of the record at or following the final hearing, (in person or by letter), precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond, precludes appeal to LUBA on that issue

Hearings Officer decisions are typically reported to the Board for review on the first Tuesday following the ten day appeal period. The Board meets at 1:30 p.m. in Room 602 of the Multnomah County Courthouse. For further information call the Multnomah County Planning and Development Division at 248-3043.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

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

October 19, 1995

Charles Rosenfeld
Rosenfeld Associates
800 NW Sixth Avenue/Suite 330
Portland OR 97209

RE: Request of Variance to MCC 11.60

Dear Charles:

Your request for a variance to MCC 11.60 has been denied. A partial exemption has been granted that allows the sidewalks adjacent to the new curbs to be postponed until the time of building construction. It is not practical to allow postponement of any other improvements, as is documented in the attached staff report.

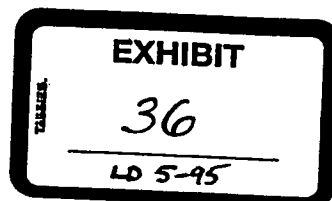
If you have any questions or need further information about this matter, please contact me at 248-5050.

Sincerely,

LARRY F. NICHOLAS, P. E.
Director of Transportation

Encl.

LNJS0512.LTR



DOLAN FINDINGS
Rough Proportionality Test

500 Miller Road/Tuality Way
3 Lot subdivision

The required improvements for Tuality Way have been identified in Section 02.100 of the Multnomah County Street Standards Code & Rules in accordance with MCC 11.60. Those improvements include grading, rock and paving a twenty foot section, and constructing storm drainage and concrete curbs for a distance of 479 feet to the driveway of proposed Lot 1. In addition to storm drainage facilities, these improvements will give the additional vehicles passage over paved road to NW Miller Road which is paved presently but not built to Multnomah County Standard. Multnomah County standard improvements such as curbs and sidewalks will not be required for the 388 feet of frontage to NW Miller Road at this time.

This public road serves 8 single family homes, which generate, based on the ITE Handbook, pg. 257, 76 average daily trip ends. The proposed development will generate 28 additional trip ends per day to create traffic that contributes to this cumulative impact of 105 trip ends per day. The number of trip ends generated by this development is 27% of the total trips generated.

The NW Tuality Way right-of way to be improved is 479 feet, while the entire right-of-way in use for the existing homes is 2639 feet within Multnomah County. The improvements are required for 18% of the entire right of way of NW Tuality Way. The traffic generated by this development is 27% of the total traffic per day. Using the same percentage of trips generated and total facilities to be placed in the ROW as the percentage of feet improvements that the applicant should be responsible for is 712 feet of street. This required 479 linear feet of a 20 foot paved section with storm drainage and curbs is roughly proportional, both in nature and extent to the impact of the development.

Due to the nature of this subdivision, the Transportation Division must insure proportional improvements at this time, or deny the request because future development cannot occur in a proportional manner.

500 Miller Road/Tuality Way
Narrative

The proposed 3 lot subdivision at 500 Miller Road will change the use of land, and increase the occupancy capacity of the property. The entire parcel has 388 feet of frontage on Miller Road, and 531 feet of frontage on Tuality Way in Multnomah County's jurisdiction. Miller Road is paved, but storm drainage, curbs and sidewalks do not exist. Tuality Way is a dirt and gravel road with 8 existing single family homes taking access at this time. This subdivision creates 3 lots with frontage on Tuality Way, with Lots 1 and 2 planning to further subdivide, creating the capacity for 11 additional single family lots. Lot No. 3 with the dimensions shown in the plan, can not be further subdivided under the present zoning considerations. Lot 3 has frontage on both Miller Road and Tuality Way.

Expansion will impact public facilities on Tuality Way. An all weather surface will be required, for provision of service from emergency vehicles, in accordance with Oregon State Fire Code. With the number of vehicles accessing the street right-of-way, the Transportation Department requires a 20 foot section to be graded, rocked and paved to Multnomah County standard. Curbs and storm drainage will be required from NW Miller Road to the driveway of Lot No. 1, along the frontage of Tuality Way. Multnomah County will maintain this section. adequate road improvements for the public. These improvements are identified as necessary to provide safe and efficient travel by motorists and pedestrians in accordance with Multnomah County Street Standards Code and Rules 02.100 and 05.100, also illustrated in Table 5.1 in accordance with Multnomah County Code Chapter 11.60. Extension of a paved street to the boundary of this site is necessary to provide access to adjoining properties so that they can be developed in accordance with the Code.

There is cause for concern, if improvements are not required at this time, and the subdivision is approved. At the time of building a single family home on the small Lot No. 3, the Transportation Department could not require both frontage improvements, because the entire cost would be out of proportion with the impact of a single lot developing. At the time of future subdividing and building on the larger lots, No. 2 and 3, lots with frontage will be responsible for the entire frontage improvements, while the lots that will be built on and also impact the system without direct frontage will not be required to participate in frontage improvements. This scenario leaves the small lot undesirable, possibly causing no development and no public facilities to occur. The adjacent lots are likely to develop substantially possibly with no recourse for adequate improvements to the intersection..

The proposed subdivision of Parcel 2 of Partition Plat 1992-158 will create a disproportionate burden of public facility requirements for the buyer of one of the three created lots if the present property owner is not held responsible for public improvements at this time.

MEETING DATE: DEC 14 1995

AGENDA NO: C-3

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

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

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

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

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

Request approval of deed to contract purchaser for completion of Contract #15732 (Property originally purchased at auction).

Deed D951206 and Board Order attached.

12/18/95 copy of order & original Deed to Tax title

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *James M. Dan* *Betsy Willia*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of)
Deed D951206 Upon Complete Performance of) ORDER
a Contract to) 95-253
JEFFREY WILLIAM LIM)

It appearing that heretofore, on May 20, 1993, Multnomah County entered into a contract with JEFFREY WILLIAM LIM for the sale of the real property hereinafter described; and

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

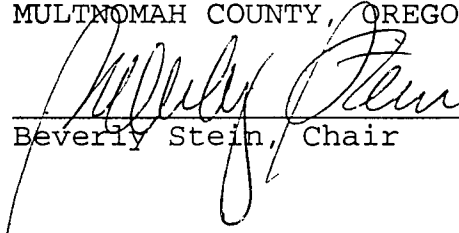
NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

E 1/2 OF N 75' OF LOT 18, BLOCK 4 ALBINA, a recorded subdivision in Multnomah County, State of Oregon.

Dated at Portland, Oregon this 14th day of December, 1995.



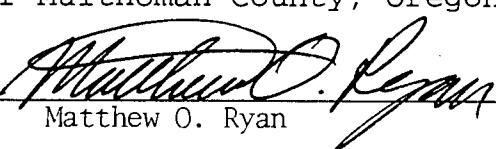
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By


Matthew O. Ryan

DEED D951206

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JEFFREY WILLIAM LIM, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

E 1/2 OF N 75' OF LOT 18, BLOCK 4 ALBINA, a record subdivision in Multnomah County, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$630.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

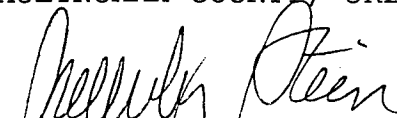
Until a change is requested, all tax statements shall be sent to the following address:

JEFFREY WILLIAM LIM, 4904 E PORTLAND ROAD, NEWBERG OR 97132

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 14th day of December, 1995, by authority of an Order of the Board of County Commissioners heretofore entered of record.

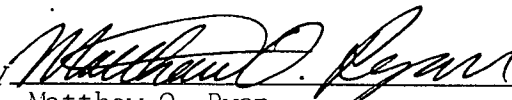


BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

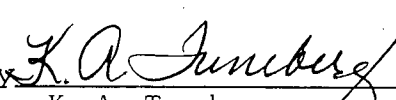
REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By 
Matthew O. Ryan

DEED APPROVED:

Janice Druian, Director
Assessment & Taxation

By 
K. A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON

)

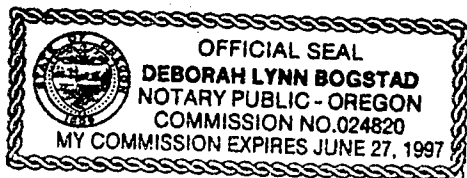
) ss

COUNTY OF MULTNOMAH

)

On this 14th day of December, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

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



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/97

MEETING DATE: DEC 14 1995

AGENDA NO: C-4

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

Request approval of Repurchase Deed to former owner, LEWIS C. CARROLL.

Deed D961275 and Board Order attached.

12/10/95 copy of Order & original Deed to tax title

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

OR
Acting
DEPARTMENT
MANAGER: Maren H. Wieding Louise L. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BOARD OF
COUNTY COMMISSIONERS
1995 DEC -4 PM 3:31
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Execution of)
Deed D961275 for Repurchase of) ORDER
Tax Acquired Property to Former) 95-254
Owner)
LEWIS C. CARROLL)

It appearing that heretofore Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that LEWIS C. CARROLL is the former record owner thereof, and has applied to the county to repurchase said property for the amount of \$98.64 which amount is not less than that required by Section 275.180 ORS; and that it is for the best interests of the County that said application be accepted and that said property be sold to said former owner for said amount;

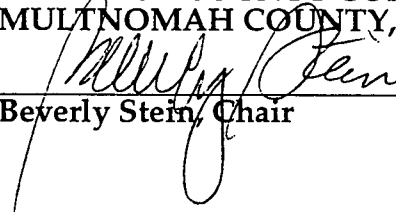
NOW, THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the former owner the following described property situated in the County of Multnomah, State of Oregon:

AS DESCRIBED IN ATTACHED EXHIBIT "A"

Dated at Portland, Oregon this 14th day of December, 1995.

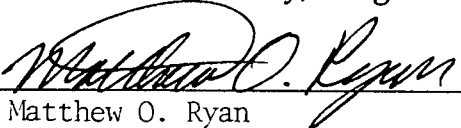


BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

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

By


Matthew O. Ryan

R 99324-0680

TL 4500 of Section 24 1S 3E

1S3E24BA 4500

map 1S3E24BA

Described as follows:

A tract of land in the North One-Half of Section 24, Township 1 South, Range 3 East, of the Willamette Meridian, Multnomah County, Oregon, described as follows:

Beginning at the point of intersection of the North and South centerline of said Section 24, with the southwesterly right of way line of Mt. Hood Loop Highway, said point bears South $0^{\circ}44'00''$ East, a distance of 808.78' from the Quarter section corner on the North side of said Section 24 and being the TRUE POINT OF BEGINNING of the tract herein described; thence North $39^{\circ}33'00''$ West, along the Southwesterly right of way line of Mt. Hood Loop Highway, a distance of 151.6 feet, more or less, to the Southeast corner of that certain tract of land conveyed to Fred W. Hering and Dorothy Hering and recorded in Deed Book 1365, page 305, deed records of Multnomah County, Oregon; thence South $89^{\circ}45'$ West, along the south line of said Hering Tract, a distance of 503 feet; thence South $0^{\circ}28'30''$ East, a distance of 165 feet; thence North $89^{\circ}45'$ East to the Southwesterly right of way line of said highway; thence Northwesterly, along the said right of way line, to the true point of beginning.

EXCEPTING THEREFROM that tract of land conveyed to Ronald E. Satter and Elizabeth G. Satter, husband and wife, by deed recorded July 21, 1971 in Book 801 page 1058.

ALSO EXCEPTING THEREFROM that tract of land conveyed to Lewis C. and Florence Carroll, husband and wife, by deed recorded in Book 942 page 94.

DEED D961275

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

AS DESCRIBED IN ATTACHED EXHIBIT "A"

The true and actual consideration paid for this transfer, stated in terms of dollars is \$98.64.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

LEWIS C. CARROLL 27142 SE ORIENT DR GRESHAM OR 97080-9048

IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 14th day of December, 1995, by authority of an Order of said Board of County Commissioners heretofore entered of record.



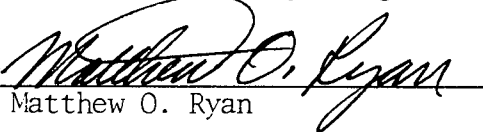
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon


By


Matthew O. Ryan

DEED APPROVED:

Janice Druian, Director
Assessment & Taxation

By


Pat Frahler

After recording return to 166/300/Tax Title

R 99324-0680

TL 4500 of Section 24 1S 3E

1S3E24BA 4500

map 1S3E24BA

Described as follows:

A tract of land in the North One-Half of Section 24, Township 1 South, Range 3 East, of the Willamette Meridian, Multnomah County, Oregon, described as follows:

Beginning at the point of intersection of the North and South centerline of said Section 24, with the southwesterly right of way line of Mt. Hood Loop Highway, said point bears South $0^{\circ}44'00''$ East, a distance of 808.78' from the Quarter section corner on the North side of said Section 24 and being the TRUE POINT OF BEGINNING of the tract herein described; thence North $39^{\circ}33'00''$ West, along the Southwesterly right of way line of Mt. Hood Loop Highway, a distance of 151.6 feet, more or less, to the Southeast corner of that certain tract of land conveyed to Fred W. Hering and Dorothy Hering and recorded in Deed Book 1365, page 305, deed records of Multnomah County, Oregon; thence South $89^{\circ}45'$ West, along the south line of said Hering Tract, a distance of 503 feet; thence South $0^{\circ}28'30''$ East, a distance of 165 feet; thence North $89^{\circ}45'$ East to the Southwesterly right of way line of said highway; thence Northwesterly, along the said right of way line, to the true point of beginning.

EXCEPTING THEREFROM that tract of land conveyed to Ronald E. Satter and Elizabeth G. Satter, husband and wife, by deed recorded July 21, 1971 in Book 801 page 1058.

ALSO EXCEPTING THEREFROM that tract of land conveyed to Lewis C. and Florence Carroll, husband and wife, by deed recorded in Book 942 page 94.

STATE OF OREGON

)

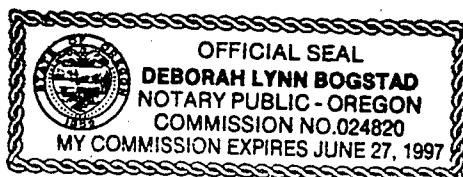
) ss

COUNTY OF MULTNOMAH

)

On this 14th day of December, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

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



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/97

MEETING DATE: DEC 14 1995

AGENDA NO: C-5

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

Request approval of Repurchase Deed to former owner, ALICE M. PROCTOR.

Deed D961276 and Board Order attached.

12/18/95 copy of order & original Deed to Tax Title

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
ACTING DEPARTMENT MANAGER: Maren H. Wilding Lee E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BOARD OF
COUNTY COMMISSIONERS
1995 DEC -4 PM 3:31
MULTIOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Execution of)
Deed D961276 for Repurchase of) ORDER
Tax Acquired Property to Former) 95-255
Owner)
ALICE M. PROCTOR)

It appearing that heretofore Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that ALICE M. PROCTOR is the former record owner thereof, and has applied to the county to repurchase said property for the amount of \$1,389.87 which amount is not less than that required by Section 275.180 ORS; and that it is for the best interests of the County that said application be accepted and that said property be sold to said former owner for said amount;

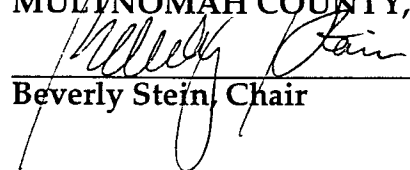
NOW, THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the former owner the following described property situated in the County of Multnomah, State of Oregon:

E 10' OF N 100' OF LOT 4, BLOCK 23 S 50' OF LOT 4, BLOCK 23 ALBINA, a recorded subdivision in the County of Multnomah, State of Oregon.

Dated at Portland, Oregon this 14th day of December, 1995.

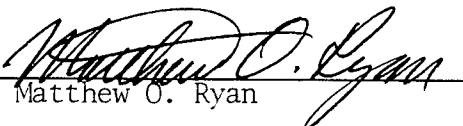


BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By 
Matthew O. Ryan

DEED D961276

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

E 10' OF N 100' OF LOT 4, BLOCK 23 S 50' OF LOT 4, BLOCK 23 ALBINA, a recorded subdivision in the County of Multnomah, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$1,389.87.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

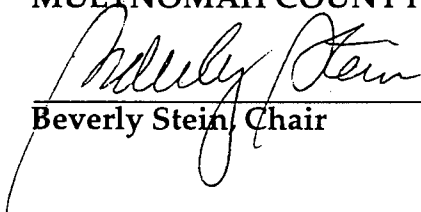
Until a change is requested, all tax statements shall be sent to the following address:

ALICE M. PROCTOR PO BOX 6622 PORTLAND OR 97228-6622

IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 14th day of December, 1995, by authority of an Order of said Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

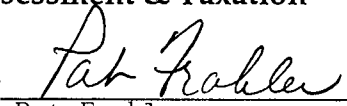
By


Matthew O. Ryan

DEED APPROVED:

Janice Druian, Director
Assessment & Taxation

By


Pat Frahler

After recording return to 166/300/Tax Title

STATE OF OREGON

)

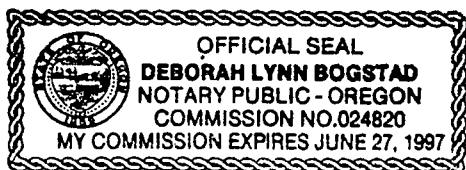
) ss

COUNTY OF MULTNOMAH

)

On this 14th day of December, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

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



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/97

MEETING DATE: DEC 14 1995

AGENDA NO: C-6

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Execution of a Deed upon Completion of a Contract to Darrel H. Hanson

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 7, 1995

Amount of Time Needed: 5 Minutes

DEPARTMENT: Environmental Services DIVISION: Facilities Management

CONTACT: Bob Oberst TELEPHONE #: 248-3851

BLDG/ROOM #: 421/3

PERSON(S) MAKING PRESENTATION: Bob Oberst

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

12/18/95 COPY of ORDER & ORIGINAL Deed to
Bob Oberst

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Robert Oberst W. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BOARD OF
COUNTY COMMISSIONERS
1995 DEC - 4 PM 3:31
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Execution of

DEED PM9501

to DARREL H. HANSON

upon Completion of a Contract

)

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ORDER

95-256

It appearing that heretofore, on August 3, 1995, Multnomah County entered into a contract with DARREL H. HANSON for the sale of the real property hereinafter described; and

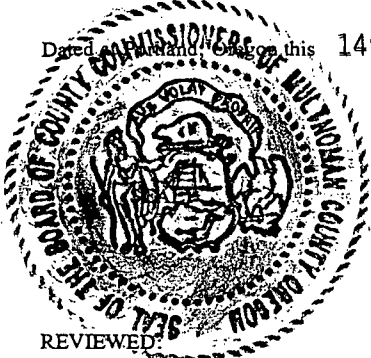
That the above contract purchasers have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said to property to said purchaser.

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

LAMARGENT PARK

THAT PART OF LOT 21 DEFINED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF SE FOSTER ROAD, WHICH POINT IS 100.11 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 21, AND THE NORTHWEST CORNER OF THE PROPERTY CONVEYED BY JOHN SCHMOR TO HAROLD E CONREY AND ALICE N CONREY BY DEED RECORDED MAY 25, 1944 IN BOOK 839, PAGE 138; THEN EASTERLY ALONG THE SOUTH LINE OF SE FOSTER ROAD 41 1/2 FEET; THEN SOUTHERLY PARALLEL TO THE EAST LINE OF LOT 21, 125 FEET; THEN WESTERLY PARALLEL TO THE SOUTH LINE OF SE FOSTER ROAD 41 1/2 FEET; THEN NORTHERLY ALONG THE WEST LINE OF THE PROPERTY CONVEYED TO HAROLD E CONREY AND ALICE M CONREY IN THE ABOVE DESCRIBED DEED, 125 FEET TO THE POINT OF BEGINNING; EXCEPT THE NORTHERLY 10 FEET AND EXCEPT AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF SLOPE AND UTILITIES DESCRIBED AS A STRIP OF LAND 5.00 FEET IN WIDTH LYING SOUTH OF AND ADJACENT TO THE ABOVE NORTHERLY 10 FEET.

Dated at Multnomah County, Oregon this 14th day of December, 1995.

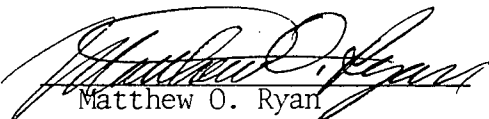


REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair


Matthew O. Ryan

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

LAMARGENT PARK

THAT PART OF LOT 21 DEFINED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF SE FOSTER ROAD, WHICH POINT IS 100.11 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 21, AND THE NORTHWEST CORNER OF THE PROPERTY CONVEYED BY JOHN SCHMOR TO HAROLD E CONREY AND ALICE N CONREY BY DEED RECORDED MAY 25, 1944 IN BOOK 839, PAGE 138; THEN EASTERLY ALONG THE SOUTH LINE OF SE FOSTER ROAD 41 1/2 FEET; THEN SOUTHERLY PARALLEL TO THE EAST LINE OF LOT 21, 125 FEET; THEN WESTERLY PARALLEL TO THE SOUTH LINE OF SE FOSTER ROAD 41 1/2 FEET; THEN NORTHERLY ALONG THE WEST LINE OF THE PROPERTY CONVEYED TO HAROLD E CONREY AND ALICE M CONREY IN THE ABOVE DESCRIBED DEED, 125 FEET TO THE POINT OF BEGINNING; EXCEPT THE NORTHERLY 10 FEET AND EXCEPT AN EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF SLOPE AND UTILITIES DESCRIBED AS A STRIP OF LAND 5.00 FEET IN WIDTH LYING SOUTH OF AND ADJACENT TO THE ABOVE NORTHERLY 10 FEET.

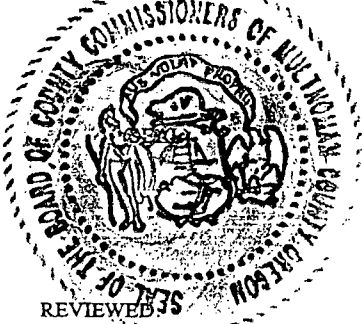
The true and actual consideration paid for this transfer, stated in terms of dollars is \$25,000.00.

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

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

3630 SE 82ND AVE
PORTLAND OR 97266

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 14th day of December, 1995. by authority of an order of the Board of County Commissioners heretofore entered of record.

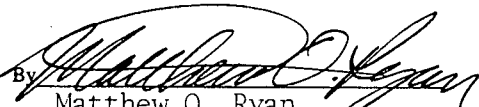


REVIEWED
Laurence Kressel, County Counsel
for Multnomah County, Oregon

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

DEED APPROVED:
F. Wayne George, Director
Facilities & Property Management

By 
Matthew O. Ryan

By 
Robert Oberst

STATE OF OREGON

)

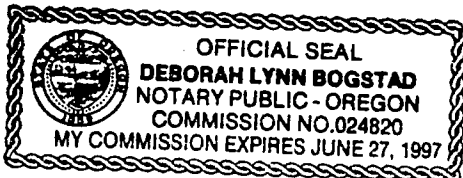
) ss

COUNTY OF MULTNOMAH

)

On this 14th day of December, 1995, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

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



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/97

BUDGET MODIFICATION NO.

MCSO 1(For Clerk's Use) Meeting Date DEC 14 1995
Agenda No. C-7

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Sheriff's Office

DIVISION _____

CONTACT Larry AabTELEPHONE 251-2489

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

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

Budget modification requesting authorization to reclassify five Corrections Counselor Supervisor positions to MCSO Program Administrator positions.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

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

☒ X

Personnel changes are shown in detail on the attached sheet

This modification will reclassify five Corrections Counselor Supervisor positions to MCSO Program Administrator positions effective 11/17/94. The new classification has a higher salary range. This modification will appropriate funds to pay step increases to people who had reached the top of the range of the old classification.

Funds will come from salary savings generated by vacant Corrections Deputy positions, and from materials and services savings (in the dedicated funds). In the 1996-97 budget, the reclassifications will be absorbed within constraint.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Increase service reimbursement to insurance fund \$42.

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____)

Date

After this modification \$ _____

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

1995 DEC -4 PM 3:41
CLERK OF SUPERIOR COURT
MULTNOMAH COUNTY
OREGON

meso I

Transaction E [] TRANSACTION DATE: _____ ACCOUNTING PERIOD: _____ BUDGET FY: _____

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
100	025	4113			5100			7,834		Permanent
					5500			1,376		Fringe
					5550			440		Insurance
		4112			5100			1,441		Permanent
					5500			254		Fringe
					5550			81		Insurance
		3931			5100			(9,275)		Permanent
					5500			(1,630)		Fringe
					5550			(521)		Insurance
169	025	4113			5100			1,055		Permanent
					5500			186		Fringe
					5550			59		Insurance
		3955			5100			(1,055)		Permanent
					5500			(186)		Fringe
					5550			(59)		Insurance
156	025	4118			5100			748		Permanent
					5500			132		Fringe
					5550			42		Insurance
					6230			(922)		Supplies
400	050	7531			6580			42		
								42	Total Expenditure Change	

Revenue

Transaction R [] TRANSACTION DATE: ACCOUNTING PERIOD: BUDGET FY:

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
400	050	7040			7601			0		General Fund
					7609			0		Jail Levy Fund
					7608			42		Federal/State Fund
								42	Total Revenue Change	

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DAN NOELLE, 
Sheriff

TODAY'S DATE: November 30, 1995

REQUESTED PLACEMENT DATE: NEXT AVAILABLE BOARD MEETING

RE: BUDGET MODIFICATION REQUESTING AUTHORIZATION TO RECLASSIFY
FIVE CORRECTIONS COUNSELOR SUPERVISOR POSITIONS TO MCSO
PROGRAM ADMINISTRATOR POSITIONS

I. Recommendation/Action Requested:

Request Board approval to reclassify five Corrections Counselor Supervisor positions to MCSO Program Administrator positions effective 11/17/94.

II. Background/Analysis:

On 11/17/94, personnel in the classification of Corrections Counselor Supervisor requested an audit of their position by the County Personnel Department. Over the course of the next year, a job audit was performed and a recommendation made to reclassify the positions to Program Administrator.

III. Financial Impact:

The reclassification will cost \$13,648. This amount is pay retroactive to 11/17/94. The financial impact per fund will be as follows:

General Fund	100	\$12,726
Fed/State Fund	156	\$ 922
Ins. Fund	050	\$ 42

Wage costs will be offset in Fiscal Year 1995-96 through vacant Corrections Deputy salary savings and permanently adjusted within constraint in the FY 1996-97 budget.

IV. Legal Issues:

1992-95 Agreement between Multnomah County Oregon and Multnomah County Employees Unit Local 88, AFSCME AFL-CIO

V. Controversial Issues:

None known

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

Multnomah County Personnel Division

(Above Space for Board Clerk's Use ONLY)

SUBJECT: BUD MOD REQUESTING AUTHORIZATION TO RECLASSIFY 5
CORRECTIONS COUNSELOR SUPERVISOR POSITIONS TO MCSO PROGRAM
ADMINISTRATOR POSITIONS

Amount of Time Needed:

Amount of Time Needed: 10-15 minutes

CONTACT: Larry Aab TELEPHONE #: 251-2489
BLDG/ROOM #: 313/231

PERSON(S) MAKING PRESENTATION: Dan Noelle, Sheriff

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

BUDGET MODIFICATION requesting authorization to reclassify 5 Corrections Counselor Supervisor positions to MCSO Program Administrator positions.

ELECTED OFFICIAL: David N. [Signature]
OR

DEPARTMENT MANAGER: _____
ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/5222
0516C/63 6/93

BUDGET MODIFICATION NO.

MCSO 2(For Clerk's Use) Meeting Date DEC 14 1995
Agenda No. R-2

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Sheriff's Office

DIVISION _____

CONTACT Larry AabTELEPHONE 251-2489

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

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

Budget modification requesting authorization to add \$14,000 to the River Patrol budget revenue and expenditures to budget for a contract with the Port of Portland to patrol Government Island.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

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

☐ Personnel changes are shown in detail on the attached sheet

This modification will add \$14,000 in revenue from the Port of Portland, and add \$14,000 in overtime expenditures to the River Patrol budget. The funds will be used to patrol Government Island.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

CLERK OF
COUNTY COMMISSIONERS
1995 DEC -7 PM 12:29
MULTNOMAH COUNTY
OREGON

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____)

Date

After this modification \$ _____

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

mcs02.

Appropriate Government Island Contract

Expenditure

Transaction EB [] TRANSACTION DATE: _____ ACCOUNTING PERIOD: _____ BUDGET FY: _____

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
100	025	3316			5300			10,794		Overtime
					5500			2,641		Fringe
					5550			565		Insurance
									14,000	
400	050	7531			6580			565		Insurance
								14,565	Total Expenditure Change	

Revenue

Transaction RB [] TRANSACTION DATE: ACCOUNTING PERIOD: BUDGET FY:

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
100	025	3316			2778			14,000		Port of Portland
400	050	7040			6600 7681			565		General Fund
								14,565	Total Revenue Change	

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DAN NOELLE,
Sheriff

TODAY'S DATE: December 1, 1995

REQUESTED PLACEMENT DATE: NEXT AVAILABLE BOARD MEETING

RE: BUDGET MODIFICATION REQUESTING AUTHORIZATION TO ADD \$14,000
IN REVENUE FROM THE PORT OF PORTLAND, AND ADD \$14,000
OVERTIME EXPENDITURES TO THE RIVER PATROL BUDGET.FOR A
CONTRACT WITH THE PORT OF PORTLAND TO PATROL GOVERNMENT
ISLAND

I. Recommendation/Action Requested:

Approval of budget modification requesting authorization to add \$14,000 in revenue from the Port of Portland, and add \$14,000 overtime expenditures to the River Patrol budget.for a contract with the Port of Pportland to patrol Government Island.

II. Background/Analysis:

On June 22, 1995, the Multnomah County Sheriff's Office and the Port of Portland entered into an agreement to provide law enforcement patrol services to Government Island. This budget modification will increase \$14,000 in River Patrol revenue and increase the overtime line item by \$14,000. These funds will be used to hire staff to perform the patrol function. The Port of Portland will provide the watercraft to patrol the island.

III. Financial Impact:

Revenue and expenditures offset each other. No impact on the general fund.

STAFF REPORT SUPPLEMENT
PAGE 2

IV. Legal Issues:

Intergovernmental agreement between Multnomah County and the Port of Portland entered into on June 22, 1995.

V. Controversial Issues:

None known.

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

Port of Portland

BUDGET MODIFICATION NO.

MC50 3(For Clerk's Use) Meeting Date DEC 14 1995
Agenda No. R-3

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Sheriff's Office

DIVISION _____

CONTACT Larry AabTELEPHONE 251-2489

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

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

Budget modification requesting authorization to move \$5,000 from the equipment line item to the Supplies line item in the Marine Board's River Patrol budget.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

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

☐ Personnel changes are shown in detail on the attached sheet

This modification will move \$5,000 from the equipment line item to the supplies line item. The funds are needed to pay for boat fuel.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

None

BOARD OF
COUNTY COMMISSIONERS
1995 DEC - 7 PM 12:29
MULTNOMAH COUNTY
OREGON

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____)

Date

\$ _____

After this modification

\$ _____

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

mcso 3

Move River Patrol Funds

Expenditure

Transaction EB [] TRANSACTION DATE: _____ ACCOUNTING PERIOD: _____ BUDGET FY: _____

[illegible]

Revenue

Transaction RB [] TRANSACTION DATE: _____ ACCOUNTING PERIOD: _____ BUDGET FY: _____

Fund	Agency	Organi- zation	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
								0	Total Revenue Change	

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DAN NOELLE,
Sheriff

TODAY'S DATE: December 1, 1995

REQUESTED PLACEMENT DATE: NEXT AVAILABLE BOARD MEETING

RE: BUDGET MODIFICATION REQUESTING AUTHORIZATION TO MOVE \$5,000
FROM THE EQUIPMENT LINE ITEM TO THE SUPPLIES LINE ITEM IN THE
MARINE BOARD'S RIVER PATROL BUDGET.

I. Recommendation/Action Requested:

Request approval of budget modification to move \$5,000 from the equipment line item to the supplies line item in the Marine Board's River Patrol budget.

II. Background/Analysis:

With the addition of two new boats by the Marine Board into the River Patrol fleet, there has been an increased need for fuel to power the boats. This budget modification will move \$5,000 from the Marine Board River Patrol Budget equipment line item to the supplies line item in order to cover the cost of increased fuel needs.

III. Financial Impact:

None

IV. Legal Issues:

None known

STAFF REPORT SUPPLEMENT
PAGE 2

V. Controversial Issues:

None known

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

Oregon State Marine Board

MEETING DATE: DEC 14 1995
AGENDA NO: R-4

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Housing Allowance for Chaplains Serving the County Jails.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: DECEMBER 14, 1995 or next
available Board date

Amount of Time Needed: 5 minutes

DEPARTMENT: Sheriff's Office DIVISION: Corrections

CONTACT: Larry Aab TELEPHONE #: 251-2489
BLDG/ROOM #: 313/231

PERSON(S) MAKING PRESENTATION: Dan Noelle, Sheriff

ACTION REQUESTED:


☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

RESOLUTION in the Matter of a Housing Allowance for Chaplains serving the County Jails. (RENEWAL).

12/18/95 copies to LARRY AAB

SIGNATURE REQUIRED:

ELECTED OFFICIAL: 
OR

DEPARTMENT MANAGER: _____
ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/5222
0516C/63 6/93

BOARD OF
COUNTY COMMISSIONERS
1995 DEC -5 AM 9:29
MULTNOMAH COUNTY
OREGON

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DAN NOELLE,
Sheriff

TODAY'S DATE: December 1, 1995

REQUESTED PLACEMENT DATE: NEXT AVAILABLE BOARD AGENDA

RE: HOUSING ALLOWANCE FOR CHAPLAINS SERVING THE COUNTY JAILS

- I. Recommendation/Action Requested: Request approval of resolution in the matter of a housing allowance for chaplains serving the County Jails.

- II. Background/Analysis: IRS Code 26, USC 107 (2) allows clergy to exclude from calculation of their gross income the housing allowance paid as a part of their compensation, to the extent used by them to rent or provide a home. This is a traditional allowance in order to allow members of clergy who are not provided a parsonage home to receive the same benefit as those who do. This will be the fourth year that the Board has acted on this resolution. The matter was researched by the KPMG Peat Marwick Accounting firm in 1992 and was determined to be applicable to employed Chaplains of the Sheriff's Office. A requirement of the IRS code is that the governing board make an official designation of the compensation allowance. In the event of audit, proof of expenses to rent or provide a home is the burden of the individual chaplain.

- III. Financial Impact: None

- IV. Legal Issues: IRS Code 26, USC 107 (2). Issues of application were researched by the accounting firm of KPMG Peat Marwick.

STAFF REPORT SUPPLEMENT
PAGE 2

V. Controversial Issues: None Known

VI. Link to Current County Policies: N/A

VII. Citizen Participation: N/A

VIII. Other Government Participation: N/A

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

In the Matter Of A Housing
Allowance For Chaplains
Serving The County Jails

RESOLUTION

95-257

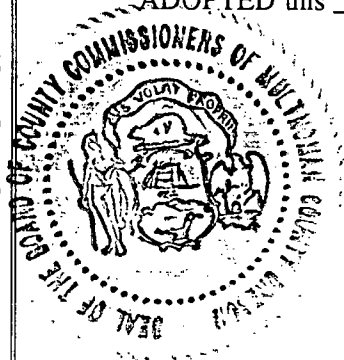
WHEREAS, the Multnomah County Sheriff's Office employs Joyce Borders and Lewis Kyle as chaplains serving inmates and employees at the County jails, and

WHEREAS, the Sheriff's Office does not provide housing to either chaplain, and

WHEREAS, 26, USC 107(2) allows clergy to exclude from the calculation of their gross income the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home, now

THEREFORE BE IT RESOLVED, that Joyce Borders be allowed to designate \$5,400.00 of her compensation as a housing allowance for calendar year 1996, and that Lewis Kyle be allowed to designate \$9,000.00 per annum of his compensation as a housing allowance for calendar year 1996, subject to requirements and limitations of internal revenue law.

ADOPTED this 14th day of December, 1995.



By

Beverly Stein
BEVERLY STEIN, COUNTY CHAIR
MULTNOMAH COUNTY, OREGON

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON

By

Jacqueline Weber
JACQUELINE WEBER
ASSISTANT COUNTY COUNSEL

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Community Corrections

DIVISION _____

CONTACT Tamara HoldenTELEPHONE 248-3701

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Cary Harkaway/Parick BrunSUGGESTEDAGENDA TITLE (to assist in preparing a description for the printed agenda)

A Budget Modification to add 1 FTE Data Systems Manager, 5 FTE Operations Supervisors, delete 5 FTE Clerical Unit Supervisors.

(ESTIMATED TIME NEEDED ON THE AGENDA)

2. DESCRIPTION OF MODIFICATION

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

☒ X

Personnel changes are shown in detail on the attached sheet

This modification adds 1 FTE Data Systems Manager to provide management of all data systems support for the Department. It also adds 5 FTE Operations Supervisors to provide administrative support to the District Managers and supervision of support staff activities in the District offices. The elimination of 5 FTE Clerical Unit Supervisor positions will result in a net increase in Personnel of \$6,642 in the District offices. Funding for these new positions will come from cost savings in Professional Services line item in the MIS budget.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

State grant revenue will be reduced in MIS budget by	156-021-2180	(6,642)
State grant revenue will be increased in District budgets	156-021-2200	1,329
	156-021-2810	1,329
	156-021-2820	1,328
	156-021-2830	1,328
	156-021-2840	1,328

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____)

\$ _____

Date

After this modification \$ _____

Originated By Tamara Holden

Date

12/4/95

Department Director

M. Tamara Holden

Date

12/4/95

Plan/Budget Analyst

David C. Sharron

Date

12/5/95

Employee Services

Chumbras

Date

12/4/95

Board Approval

W. DEBORAH L. BOGUSTO

Date

12/14/95

BOARD OF
 COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON
 DEC - 5 AM 10:11

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.
DCC3
5. ANNUALIZED PERSONNEL CHANGES

(Compute on a full-year basis even though this action affects only a part of the fiscal year (FY).)

			ANNUALIZED			
FTE Increase (Decrease)	POSITION TITLE		BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
				Fringe	Ins.	
(5.00)	Clerical Unit Supervisor	6003	(160,835)	(30,823)	(27,023)	(218,681)
5.00	Operations Supervisor	9025	174,245	30,610	27,105	231,960
1.00	Data Systems Manager	9653	52,898	9,294	6,058	68,250
1.00	TOTAL CHANGE (ANNUALIZED)		66,308	9,081	6,140	81,529

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

(Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this BudMod.)

			C U R R E N T F Y			
Permanent Positions, Temporary, Overtime, or Premium		Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
				Fringe	Ins.	
Perm	156-021-2230,2801,2821,2831,2841					
	Add 5 FTE Operations Supervisor for 6 months	9025	87,125	15,305	13,553	115,983
	Delete 5 FTE Clerical Unit Supervisor for 6 mo	6003	(80,418)	(15,412)	(13,512)	(109,341)
156-021-2180						
Perm	Add 1 FTE Data Systems Manager for 6 months	9653	26,449	4,647	3,029	34,125

BUDGET MODIFICATION NO. DCC3

EXPENDITURE

TRANSACTION EB GM []

TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY 95-96

Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		156	021	2180			5100	259,505	285,954	26,449		Permanent
							5500	45,934	50,581	4,647		Fringe
							5550	43,138	46,167	3,029		Insurance
											34,125	
		156	021	2180			6110	246,106	205,339	(40,767)		Professional Services
											(40,767)	
		156	021	2230			5100	514,220	515,561	1,341		Permanent
							5500	119,309	119,288	(21)		Fringe
							5550	60,458	60,467	9	1,329	Insurance
		156	021	2801			5100	1,350,700	1,352,041	1,341		Permanent
							5500	303,834	303,813	(21)		Fringe
							5550	207,693	207,702	9	1,329	Insurance
		156	021	2821			5100	976,693	978,033	1,340		Permanent
							5500	232,785	232,764	(21)		Fringe
							5550	145,035	145,044	9		Insurance
											1,328	
		156	021	2831			5100	883,922	885,262	1,340		Permanent
							5500	209,492	209,471	(21)		Fringe
							5550	125,648	125,657	9		Insurance
											1,328	
		156	021	2841			5100	1,386,620	1,387,960	1,340		Permanent
							5500	324,107	324,086	(21)		Fringe
							5550	197,471	197,480	9		Insurance
											1,328	
		400	050	7531			6580			3,074		Insurance Fund
											3,074	
TOTAL EXPENDITURE CHANGE										3,074	3,074	

TRANSACTION EB GM []	TRANSACTION DATE _____	ACCOUNTING PERIOD _____	0	BUDGET FY 95-96
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[illegible]



**MULTNOMAH COUNTY DEPARTMENT OF
COMMUNITY CORRECTIONS**

TO: *Board of County Commissioners*

FROM: *Patrick Brun* 

DATE: *December 4, 1995*

SUBJECT: *Budget Modification - DCC 3*

I. Recommendation/Action Requested

Approval to add 1 FTE Data Systems Manager, add 5 FTE Operations Supervisors, and delete 5 FTE Clerical Unit Supervisors.

II. Background/Analysis

The Department of Community Corrections (DCC) is requesting approval to add the Data Systems Manager to accommodate an increased demand for information technology. DCC's information system currently provides service to 350 users in a variety of applications on our departmental wide area network (WAN). This system connects our 14 offices together, and also connects DCC to the State of Oregon. We are currently adding a local area network (LAN) to our administrative office, which will allow connection, communication, and access to other County administrative offices as well as connection to the County WAN when it is installed. We have also applied for an Infrastructure Funds grant to allow DCC to add an additional two LANs this year. DCC plans to add two more LANs per year until all of our offices are fully connected to the rest of the County.

We need a Data Systems Manager to oversee the planning and implementation of this ongoing process, as well as future developments related to data analysis, program evaluation, and connectivity. In addition, this position will play a key role in coordinating systems and information with the District Attorneys Office, the Sheriffs Office, and the State of Oregon.

The currently funded Data Systems Administrator position will be in charge of coordinating the day to day technical implementation of these plans.

The addition of five Operations Supervisors and deletion of five Clerical Unit Supervisors will change these five positions from union to exempt positions. Currently the Clerical Unit Supervisors are limited to functional supervision of the work in their unit. Coaching, training, employee evaluations, etc. are not performed by the Clerical Unit Supervisor, and must be referred to an exempt manager/supervisor. The other manager/supervisor has little to do with the day to day operation of the clerical units, so does not have a true picture of staff issues. This change would give full supervisory authority to the people who directly supervise the day to day operations of these units.

III. Financial Impact

Funding in the current fiscal year will be covered by cost savings in professional services. DCC, in cooperation with the State of Oregon, had set aside professional services funds to build the Oracle data base. The information requirements were not complete during the last budget cycle, so a guesstimate was used to budget for this project. We overestimated the amount of contractor time needed to build this data base, and thus have a cost savings from this project.

The cost to maintain the Oracle data base will be much lower than the initial set up costs, so it is anticipated that the Data Manager position (\$68,250) will be funded within our budget constraint.

The elimination of the Clerical Unit Supervisors and creation of Operations Supervisors will result in a net increase in Personnel of \$6642 spread over the District Offices and future funding will be covered within our budget constraint.

IV. Legal Issues

None

V. Controversial Issues

The change from Clerical Unit Supervisors to Operations Supervisors will shift five positions to exempt status.

VI. Link to County Polices

The hiring of the Data Manager would be consistent with the County's long term plan of improving our use of information technology.

The changing from Clerical Unit Supervisors to Operation Supervisors would be consistent with the RESULTS Program. We are giving responsibility to the people who most reasonably should oversee these sections.

VII. Citizen Participation

None

VIII. Other Government Participation

Although we did not contact the State about hiring a Data Manager, it would be consistent with our mutual cooperation in linking our systems to share data.

#1

PLEASE PRINT LEGIBLY!

MEETING DATE 12/14/95

NAME

Patricia Scruggs

ADDRESS

0426 SW Dakota

STREET

Portland

CITY

97201

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-6

SUPPORT

X

OPPOSE

SUBMIT TO BOARD CLERK

#2

PLEASE PRINT LEGIBLY!

MEETING DATE 12/14/95

NAME

John Hall, PDC

ADDRESS

1120 S.W. 5th Ave, #1100

STREET

Portland, OR 97204

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO.

SUPPORT

X

OPPOSE

SUBMIT TO BOARD CLERK

R-6

MEETING DATE: DECEMBER 14, 1995

AGENDA NO: R-6

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: INTERGOVERNMENTAL AGREEMENT WITH WASHINGTON COUNTY, MULTNOMAH COUNTY AND PORTLAND DEVELOPMENT COMMISSION FOR REGIONAL STRATEGIES.

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 14, 1995

Amount of Time Needed: 10 minutes

DEPARTMENT: CHAIR'S OFFICE DIVISION: _____

CONTACT: SHARON TIMKO/MATT RYAN TELEPHONE #: 248 3138
BLDG/ROOM #: _____

PERSON(S) MAKING PRESENTATION: MATTHEW O RYAN

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

12/15/95 ORIGINALS to Matthew Ryan

BOARD OF
COUNTY COMMISSIONERS
1995 DEC - 6 PM 2:35
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

0516C/63

TO: BOARD OF COMMISSIONERS

FROM: SHARON TIMKO, Office of the Chair
MATTHEW RYAN, Office of County Counsel

DATE: DECEMBER 5, 1995

REQUESTED
PLACEMENT DATE: DECEMBER 14, 1995

RE: APPROVAL OF 1995-1997 BIENNIUM REGIONAL
STRATEGIES INTERGOVERNMENTAL AGREEMENT

I. Recommendation/Action Requested:

Approval of intergovernmental agreement (IGA) between Multnomah County, Washington County and the Portland Development Commission (PDC) for the administration of the Regional Strategies Program for 1995-1997 Biennium.

II. Background/Analysis:

Washington and Multnomah Counties have been designated a "Region" for purposes of the State's economic development Regional Strategies program. Under this program, each Region in the state is responsible for preparing and implementing a Regional Economic Development Strategy. To accomplish this, state law requires that the county commissioners in each Regions create a Regional Strategies Board, with overall responsibility for recommending a Strategy and overseeing its implementation. The counties in the Region must also designate an agency or firm to provide administrative support to the Regional Strategies Board and program.

In April of 1994, Multnomah County approved an Intergovernmental Agreement formally establishing the Multnomah/Washington Counties Regional Strategies Board, and designating the Portland Development Commission (PDC) as the administering agency for the Region. Under the terms of that agreement, the PDC was to be paid up to \$20,000 to prepare the original Regional Strategy and Two Year Action Plan required by state law. The Agreement also provides that, by October of 1994 the parties would review the PDC's role and make a decision about whether PDC would continue to provide administrative support, and, if so, what the compensation would be.

As required by the Intergovernmental Agreement, the Washington and County Board of Commissioners each appointed five members to the

Regional Strategies Board. The Regional Strategy and two year action plan recommended by the Regional Strategies Board were adopted by the Region. In May of 1995, a Strategic Plan Assessment and Action Plan Update were adopted by the Region, also prepared by the Regional Strategies Board.

The original Intergovernmental Agreement expired on June 30, 1995. In addition, for a variety of reason, the counties and the PDC never reached a formal agreement on the PDC's continuing to administer the program between October of 1994 and June 30, 1995. Nevertheless, the PDC did continue to administer the program both during the October 1994 to June 30, 1995 period and since the agreement has expired.

During the period immediately before and subsequent to June 30, 1995, staff from the counties and the PDC have been reviewing PDC's work and costs and negotiating a new Intergovernmental Agreement, which is now before you for your approval. The new Agreement essentially extends the scope of work for the old Agreement (including PDC's role as program administrator and fiscal agent for the counties) through June 30, 1997, with the following changes:

- * The new Agreement includes a provision for the Regional Strategies Board to prepare a Rural Action Plan in addition to the Regional Strategy and Two-Year Action Plan called for in the old Agreement. This is the result of new State legislation that provides for the preparation of such plans by Regional Strategies Boards.
- * The new Agreement adds two new Board members (one each from Multnomah and Washington Counties), bringing the total number of Board members to 12. These new members must represent "rural" interests. This is a requirement of the new state law for any Regional Board's preparing a Rural Action Plan. The County still needs to appoint a rural interests member to the Board.
- * The new Agreement continues in place the two Board members from each County appointed to a term expiring on June 30, 1996. Multnomah County has already appointed three members to fill the vacancies of those terms that expired June 30, 1995. It is advised the County memorialize those appointments by a Board Resolution after the approval of this Agreement.
- * The new Agreement provides that PDC will be compensated in the amount of \$87,243 for work done during the October 1994-June 30, 1995 period. This represents PDC's actual costs incurred.
- * For the term of the new Agreement (the 1995-97 biennium), the Agreement provides that PDC will be compensated based on actual costs incurred, but not to exceed \$150,000.

As was the case with the old Agreement, all compensation to PDC will be paid by the State out of Regional Strategies funds. The counties have no obligation to provide any compensation from any other source.

Attached to this memorandum is PDC's summary of expenditures, which explains PDC's costs incurred in 1993-95 as well as projected costs for 1995-1997. A copy of which is attached and identified as Exhibit A to this memo. In addition, PDC provided a document entitled: PDC SCOPE OF WORK AS FISCAL AND ADMINISTRATIVE AGENT FOR THE MULTNOMAH-WASHINGTON COUNTIES REGIONAL STRATEGIES BOARD. This "Scope of Work" outlines the particular activities PDC engaged in as the administering agent before. A copy of which is attached and identified as Exhibit B. Finally, also attached as Exhibit C is a copy of Letter from John Hall of PDC to Sharon Timko listing the actual number of meetings and related activities of the Region's Board wherein PDC acted as the administering agency during 1994-1995.

III. Financial Impact:

No direct financial impact. As explained above PDC is paid by the Oregon Economic Development Department and not the County.

IV. Legal Issues:

None foreseen.

V. Controversial Issues:

None foreseen.

VI. Link to Current County Policies:

Continuation of previous relationships between Multnomah County, Washington County and the PDC in the administration of Regional Strategies Program for this Region.

VII. Citizen Participation:

The members of the Regional Board are all citizen appointees.

VIII. Other Government Participation:

See discussion in Section II above.

**MULTNOMAH-WASHINGTON COUNTIES REGIONAL STRATEGIES BOARD
SUMMARY OF EXPENDITURES**

1993-1995 Biennium:

<u>ACTIVITY</u>	<u>FTE</u>	<u>COST</u>
Coordinating and staffing Board meetings and subcommittee meetings	.21	23,555.61
Contracting with State, Counties, and Board subcontractors	.25	26,172.90
Preparation and updating the Region's Six Year Strategic Plan and Two-Year Action Plans	.21	21,810.75
Preparation of reports for the State, Counties and Board- documenting status of projects and finances	.1	13,086.45
Maintenance of public records and project files documenting activities of the Board, public relations services of the Board	.01	2,617.29

TOTAL COST: \$87,243
TOTAL FTE .78

** The above costs include direct and indirect staff costs and the cost for materials and services.

1995-1997 Biennium:

<u>ACTIVITY</u>	<u>FTE</u>	<u>COST</u>
Coordinating and staffing Board meetings and subcommittee meetings	.21	38,936
Contracting with State, Counties, and Board subcontractors	.25	40,490
Preparation and updating the Region's Six Year Strategic Plan and Two-Year Action Plans	.21	33,436
Preparation of reports for the State, Counties and Board- documenting status of projects and finances	.1	20,618
Maintenance of public records and project files documenting activities of the Board, public relations services of the Board	.01	2,760

TOTAL COST: \$133,480
TOTAL FTE: .78

** The above costs include direct and indirect staff costs and the cost for materials and services.

PDC SCOPE OF WORK AS FISCAL AND ADMINISTRATIVE AGENT FOR THE MULTNOMAH-WASHINGTON COUNTIES REGIONAL STRATEGIES BOARD

In accordance with the State of Oregon's Regional Economic Development Strategies Program, Multnomah and Washington Counties agreed in 1994 to form an economic development region and develop a Regional Economic Strategy. The Strategy identifies activities that address economic issues specific to the high technology, metals, and biotechnology industries. The Counties appointed a ten member Regional Strategies Board to execute the Strategy, and contracted with the Portland Development Commission (PDC) to act as the Board's fiscal and administrative agent.

PDC's roles and responsibilities as the Board's administrative agent are outlined in a March 1994 contract. This scope of work augments the duties described in the previous contract by providing a detailed list of specific activities conducted by PDC and the associated time and budget required to support the Board's activities.

PDC's responsibilities fall into five general categories as follows:

1. Coordination and staffing of Regional Strategies Board and subcommittee meetings. Acting as liaison between Board, industry, and other public/private entities.
2. Contracting with the State, Counties, and Board subcontractors to carry out the activities of the Board.
3. Preparation and updating of the Region's Six-Year Strategic Plan and Two-Year Action Plan(s).
4. Preparation of reports for the State, Counties, and Board documenting the status of Board projects and finances. Provide administrative budget support.
5. Maintenance of public records and project files documenting activities of the Board, and public relations services for the Board.

Each of the major components of the scope of work are described in greater detail below.

1. STAFFING BOARD MEETINGS AND ACTING AS BOARD LIAISON

Provision of general staff support to the Board and Board subcommittees. Insure compliance with public meeting laws. Provide Board representation between industry groups and other public entities.

- 1.1 Scheduling time and location of monthly Board meetings, and subcommittee meetings as necessary.
- 1.2 Providing Board members, interested parties, and public notice of meetings.

- 1.3 Developing and distributing meeting agendas.
- 1.4 Preparation of information packets for agenda items.
- 1.5 Staffing Board and Board subcommittee meetings, including taking minutes.
- 1.6 Development and analysis of industry proposals in advance of subcommittee and Board action.
- 1.7 Coordination with other public/private economic development partners.
- 1.8 Act as Board liaison as needed and directed.
- 1.9 Other activities as directed by Board.

2. CONTRACT AND PROJECT ADMINISTRATION

Negotiate, write, execute, and administer contracts between the Board and other parties including the State of Oregon, Multnomah and Washington Counties, other regional strategies boards, and recipients of Multnomah-Washington Counties Regional Strategies monies. Participate in project development as directed by Board.

- 2.1 Define and negotiate scope of work, project costs, reporting requirements, roles and responsibilities of contracting entities, performance criteria, and schedule for disbursement of funds.
- 2.2 Prepare draft contracts for legal review and review by contracting entities.
- 2.3 Legal review and approval of contracts and agreements.
- 2.4 Prepare final contracts for execution.
- 2.5 Facilitate execution of final contract including attachment of required exhibits, signature by appropriate parties, and distribution of executed agreements.
- 2.6 Provide on-going supervision of required performance.
- 2.7 Negotiate and execute contract amendments as required.

3. STRATEGIC PLAN PREPARATION AND UPDATE

Facilitate, prepare, and update the regional Six-Year Strategic Plan and Two-Year Action Plan pursuant to statutory requirements. The Strategic Plan contains the region's vision, goals and objectives, and Action Plan defining specific activities that will be undertaken within the next two year period.

- 3.1 Notify interested parties of intent to prepare and update Strategic Plan and Action Plan.
- 3.2 Provide recommendation regarding process for preparing and updating plan(s).
- 3.3 Facilitate planning process including public/industry outreach.
- 3.4 Prepare draft plan(s) based on input from planning process.
- 3.5 Coordinate and hold public hearings in each county for public input on draft plan.
- 3.6 Integrate public comments into draft plan.
- 3.7 Present draft plan to Counties for review, comment and approval.

- 3.7 Submit draft plan(s) to Oregon Economic Development Department for staff review and comment. Respond to OEDD staff comments.
- 3.8 Insure statutory compliance in plan preparation, review and approval.
- 3.9 Distribute approved plan to interested parties.

4. BUDGET ADMINISTRATION AND PREPARATION OF FINANCIAL AND PROJECT STATUS REPORTS

Financial accounting and reporting for all Board activities. Tracking and reporting of project progress against defined performance measures.

- 4.1 Receive and distribute funds according to contractual obligations and statutory requirements.
- 4.2 Track and provide on-going accounting for Board finances by project, and by quarter, and as requested.
- 4.3 Prepare financial project progress reports as requested by Board.
- 4.4 Monitor project progress against defined performance measures.
- 4.5 Prepare and present interim financial and project progress reports for the Oregon Legislature, the Oregon Economic Development Commission, and OEDD as required by statute and as requested.

5. FILE/RECORD MAINTENANCE AND PUBLIC RELATIONS

Administrative support in the maintenance of records related to Board activities, including project specific file maintenance, and coordination/conduct of public relations on behalf of the Board.

- 5.1 Set-up and maintenance of files for general administration and project specific Board, and Board funded, activities.
- 5.2 Respond to public records inquiries.
- 5.3 Prepare press releases for Board funded projects.
- 5.3 Provide press relation services to local media as needed.
- 5.4 Prepare/coordinate marketing activities of the Board as required, or as requested thorough contracts on specific projects.

PDC
PORTLAND
DEVELOPMENT
COMMISSION

November 27, 1995

Ms. Sharon Timko
Office of the Chair
Multnomah County Board of County Commissioners
1120 S.W. 5th Avenue
Portland, OR 97204

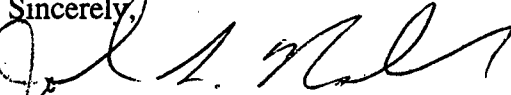
Dear Sharon:

As you requested, I have summarized below meeting, public hearing, and contract information related to the activities of the Multnomah-Washington Counties Regional Strategies Board. You may remember that Board activities began in February of 1994, so the figures below reflect actions from February 1994 through November 23, 1995.

- Number of full Board (public) meetings - 29
- Number of public hearings in addition to Board meetings - 4
- Number of subcommittee meetings:
 - Metals subcommittee - 15
 - High Technology subcommittee - 11
 - Biotechnology subcommittee - 15
 - Education & Training subcommittee - 4
 - Business Development subcommittee - 6
- Number of contracts executed, monitored, and subject to legal review - 22
- Number of Multi-Region and/or State coordination meetings - 8

I hope this answers any questions you may have, but I would be happy to provide any additional information you may need.

Sincerely,



John Hall
Project Coordinator

cc: Matt Ryan, Multnomah County

Carl B. Talton
Chairman

Gale Castillo
Commissioner

John D. Eskildsen
Commissioner

Vern B. Ryles
Commissioner

E. Kay Stepp
Commissioner

Vera Katz
Mayor

Janet S. Burreson
Executive Director

Main Office
1120 S.W. Fifth Avenue
Suite 1100
Portland, OR 97204
503/823-3200
FAX 503/823-3368

Eastside Office
1425 N.E. Irving
Suite 200
Portland, OR 97232
503/823-3400
FAX 503/823-3435

TDD 503/823-6868



EXHIBIT C
PAGE 1 OF 1

INTERGOVERNMENTAL AGREEMENT REGIONAL STRATEGIES

THIS AGREEMENT is made and entered into under the authority of ORS 190.010 by and between the Counties of Multnomah and Washington (herin referred to jointly as the "Region" or the Counties) and the Portland Development Commission (herein referred to as "PDC").

WITNESSETH

WHEREAS, ORS 285,630 to 285,650 as amended by Senate Bill 124 (1993) authorizes the Oregon Economic Development Department (OEDD) to designate two or more adjoining counties as a "Region" for the purposes of the OEDD's Regional Strategies Program; and

WHEREAS, ORS 285.650 as amended also authorizes the governing bodies of counties in a region to designate a Regional Strategy Board (Regional Board); and

WHEREAS, in accordance with the provisions of ORS 285.630 to 285.650 as amended, the OEDD has designated Multnomah and Washington Counties as a "Region"; and

WHEREAS, the counties and PDC previously entered into an agrèement dated April 5, 1994, designating a Regional Strategies Board and designating the PDC as the administering agency for Regional Strategies; and

WHEREAS, the counties appointed representatives to the Regional Strategies Board and the Board prepared a Regional Strategy and Action Plan; and

WHEREAS, the agreement of April 5, 1994 authorized the PDC to be compensated in the amount of \$20,000 for assisting in preparing the 1993-95 Regional Strategy and Action Plan, but stated that, prior to October 1, 1994 the Region and PDC would review and discuss PDC's continuing as the administering agency for the Regional Strategy after the strategy was prepared, and if the counties agreed to PDC's continuing as the administrator, the Counties would negotiate a compensation with PDC; and

WHEREAS, the Counties and PDC did not review and discuss the PDC's continuing as the administering agency for the Regional Strategy by October 1, 1994 as called for in agreement of April 5 1994, and the Counties did not negotiate a compensation for those continuing services with PDC; and

WHEREAS, notwithstanding the above, PDC continued to act as the administering agency for the Regional Strategy after the Strategy was prepared, but has not received any compensation beyond the \$20,000 agreed to for preparing the Regional Strategy; and

WHEREAS, the agreement of April 5, 1994 expired on June 30, 1995; and

WHEREAS, the Region wishes to once again designate a Regional Strategies Board as called for in ORS 285.630 to 285.650 as amended; and

WHEREAS, the Region wishes to provide for the effective and efficient development and administration of a Regional Strategy in the Region through the designation of the PDC as the administering agency; and to compensate PDC work performed in administering the Regional Strategy under the previous agreement of April 5, 1994 and;

WHEREAS, PDC is willing to be the administering agency of the Regional Board;

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, it is mutually agreed as follows:

TERMS AND CONDITIONS

1. Regional Strategies Board

- a. The Regional Board for the Region shall consist of 12 members.
- b. Each County in the Region shall appoint six (6) persons to the Regional Board. At a minimum, three (3) persons appointed by each County shall primarily represent the private economic sector, as defined in OAR 123-44-010. One (1) member appointed from each county shall be a representative of rural interests, including local government, as defined in OAR 123-45-010. Three (3) members appointed by each county shall serve until June 30, 1996. Three (3) members appointed by each County shall serve until June 30, 1997. Thereafter, each members term shall last for two (2) years. The three (3) members appointed by each county whose terms expire on June 30, 1996 shall be those persons initially appointed to serve until that date under the previous agreement of April 5, 1994. In the event of a vacancy on the Regional Board, the appointing County shall fill the vacancy within sixty (60) days.
- c. Each County shall designate a co-chair. The co-chairs shall serve for one (1) year and are eligible for reappointment. The co-chairs shall have the authority to call and preside over Regional Board meetings.
- d. Decisions of the Regional Board shall be by the vote of a quorum, which shall consist of a majority of the total members of the Regional Board, at any meeting of which all members were provided written notice. Each member shall have one (1) vote.
- e. The Regional Board may adopt bylaws for its operations. The bylaws may be amended by the vote of a quorum of the Regional Board. The

bylaws can provide for the creation of subcommittees that can act between meetings of the Regional Board. Subcommittees of the Regional Board may make recommendations regarding action to the full Board for consideration.

- f. The Regional Board shall be subject to the requirements of the Public Meetings Law, Public Records Law, and the Government Standards and Practices Laws of the State of Oregon. However, it is expressly understood that the Regional Board is not a separate legal entity, and is not authorized to enter into contracts or adopt a budget in accordance with Oregon Local Budget Law.
- g. The Regional Board shall meet regularly, but not less than four times a year. Special and emergency meetings and executive sessions may be called, upon notice as provided in the Public Meeting Law, by the co-chairs or by any three (3) members. As far as practicable, meeting shall be held alternately in Multnomah and Washington Counties.
- h. In carrying out its duties, the Regional Board shall:
 - 1) Develop the Region's Strategy and the Two-Year Action Plan (Action Plan) pursuant to ORS 285.630 to 285.655 and OAR 123-44-000 through 123-44-090, and Rural Action Plan pursuant to ORS 285.640 and OAR 123-45-000 through 123-44-090.
 - 2) In developing the Region's Strategy and the Action Plan, the Regional Board will undertake an analysis of the regional and sub-regional economies to identify regional and sub-regional need and programs to address those needs. As part of its work, the Regional Board will, at minimum, consider the following issues:
 - (a) Workforce development.
 - (b) Marketing and Business Recruitment.
 - (c) Business Retention.
 - (d) The use of performance measures to evaluate the effectiveness of the Region's strategy and programs.
 - 3) Submit the Strategy and Action Plan to the Boards of County Commissioners of the Counties for approval.
 - 4) Approve funding for all projects, activities, contracts, and amendments to contracts executed and administered by the PDC on behalf of the Region.

- 5) Modify the strategy if required by OEDD, the State Review Board or the Governor.
- 6) Refine the Strategy and recommend a two-year action plan in 1995 and 1997.
- 7) Develop criteria for awarding Regional Strategies funds to individual projects/activities pursuant to OAR 123-44-080.

2. PDC Services and Responsibilities

- a. PDC shall provide fiscal and administrative services to the Regional Board to perform its duties under this agreement consistent with ORS 285.630 to 285.651 and 285.655 and the Rules, including:
 - 1) Conduct research and other development work as necessary or requested by the Regional Board in preparation of the Regional Strategy.
 - 2) Prepare reports for the Region and the Regional Board, as requested.
 - 3) Under direction of the Regional Board, create committees and subcommittees to assist it in carrying out its duties under this Agreement.
 - 4) Draft and revise the Regional Strategy and Action Plans in accordance with the directions of the Regional Board.
 - 5) Provide reports and recommendations to the Regional Board on projects to be considered for funding from Regional Strategies funds.
 - 6) Establish and maintain public records of all Regional Strategies Program activities and proceedings. In the case of requests for disclosure of such public records, PDC shall determine which documents are to be released in its sole discretion after consultation with legal counsel and the Region.
 - 7) Contract with OEDD to receive all Regional Strategies Program funds allocated to the Region and account for all such funds in accordance with the conditions and terms imposed by OEDD in said contract and as provided in this Agreement.
 - 8) Prepare reports for the OEDD in accordance with the contract between PDC and the OEDD.
 - 9) Provide assistance to the Regional Board in advance of all public meetings including giving appropriate notice under the Public Meetings Law, taking

or providing for minutes of the meetings, providing agendas and other materials to members of the Regional Board.

- 10) Serve as the public relations contract for the Region and the Regional Board.
 - 11) Receive, distribute, and expend monies in accordance with the contract with OEDD, the applicable terms of this Agreement, and PDC's fiscal administrative system.
 - 12) Provide follow-up support to review strategy documents or to explain and defend strategy recommendations to the OEDD.
 - 13) Implement the policies and procedures of the Regional Board in the solicitation and award of funds from the Regional Strategy Fund.
 - 14) Draft application forms and develop standards for review of applications from potential recipients of Regional Strategies Funds, in accordance with directions provided by the Regional Strategies Board.
 - 15) Review applications and provide reports and recommendations pursuant to the review standards of the Regional Board on projects to be considered for funding Regional Strategies Funds.
 - 16) Draft appropriate documents to evidence awards from Regional Strategies Funds.
 - 17) Monitor recipients of Regional Strategies Funds for compliance with contract terms. Recommend actions to the Regional Board in the event of default by recipients.
 - 18) Disburse Regional Strategies Funds to recipients in accordance with contracts.
- b. PDC shall provide a quarterly financial report to the Regional Board and the two Counties, setting forth all Regional Strategy revenues received and expenditures made and such other financial information as may be relevant. At the end of the fiscal year, the PDC shall provide a report to the Board and the Region concerning the fiscal condition of the Regional Strategy Program in the Region during the preceding year.
- c. PDC agrees that, at the sole discretion of each County, a County, upon reasonable request, shall have access to PDC's records related to the PDC's financial

administration of Regional Strategy funds including all books, documents, and other information maintained in said records. PDC shall maintain all records related to this agreement for a minimum of three years after the termination of this Agreement.

- d. PDC shall have authority to enter and administer contracts for outside services necessary to its performance under this Agreement.
- e. PDC shall provide legal assistance to the Regional Board to assist the Board in the performance of their official duties pursuant to this Agreement.
- f. All PDC services provided by this Agreement to the Region shall be provided using PDC administrative rules and according to PDC policies and practices, except as specifically stated to the contrary in this Agreement. As an example, PDC will use its Public Contracting Rules to secure the services of consultants to assist in preparing the Regional Strategy.

3. Compensation to PDC

- a. All compensation to PDC for its services under this Agreement shall be as provided in a separate Agreement between PDC and the OEDD. Neither County shall be deemed to have incurred any obligation to compensate PDC for its services under this agreement.
- b. Compensation to PDC for services performed during the 1993-95 Biennium as described in the previous agreement dated April 5, 1994, but for which PDC has not yet received any compensation, shall be \$87,243. This represents the actual cost of providing those services.
- c. Compensation to PDC from the state for its services during the 1995-97 Biennium, as set forth in this Agreement, shall be an amount equal to the actual costs incurred by the PDC, but in no case more than \$150,000.

4. Duration and Termination

- a. This Agreement shall commence upon execution by all parties and end June 30, 1997, unless earlier terminated as provided in this section.
- b. Either County may terminate this Agreement upon thirty (30) days written notice to the other County and to the PDC.

- c. The PDC may terminate this Agreement upon thirty (30) days written notice to both Counties.
- d. PDC rights and responsibilities regarding compensation upon early termination are controlled by the agreement between PDC and OEDD.
- e. PDC shall account for all Regional Strategy Funds in its possession upon notice of termination as provided above, in a manner consistent with the agreement between PDC and the OEDD. Upon early termination, the Regional Board, shall provide direction to PDC regarding disposition of Regional Strategies Funds in PDC's possession not otherwise provided for by the PDC-OEDD Agreement. PDC shall comply with any such directives of the Regional Board.

5. Amendment

This Agreement may be amended by modification in writing by all parties.

6. Effective Date

This Agreement shall become effective when it has been signed by the authorized representative of each party.

7. Compliance with Laws

In connection with its activities under this Agreement, PDC shall comply with all applicable federal, state, and local laws and regulations.

8. Oregon Law and Forum

This Agreement shall be construed according to the law of the State of Oregon. Any litigation between the Counties and the PDC arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County Court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the District of Oregon.

9. Indemnification

Subject to the limitations and conditions of the Oregon Constitution and statutes, each party to this Agreement shall be solely responsible for any loss or injury caused to non-party's or its employees', officers', or agents' acts or omissions under this Agreement and further each party to this Agreement shall defend hold harmless and indemnify the other

parties to this Agreement with respect to any claim, litigation, or liability arising out of the acts or omissions of such party or its employees, officers, and agents under this Agreement.

10. Workers' Compensation Insurance

The PDC, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation insurance coverage for all their subject workers. the PDC further agrees to maintain workers' compensation insurance coverage for the duration of this Agreement.

11. Subcontracting

The PDC shall require any subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the PDC as specified in this Agreement. The PDC shall remain obligated other than its obligations to the PDC hereunder. PDC agrees that if subcontractors are employed in the performance of this Agreement, PDC and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

12. Assignment

The PDC shall not assign this Agreement, in whole or in part, or any right or obligation here under, without the prior written approval of the Counties.

13. Independent Contractors

- a. The PDC is engaged as an independent contractor and will be responsible for any federal, state, and local taxes and fees applicable to payments hereunder.
- b. The PDC, its subcontractors, and their employees, are not employees of either County and are not eligible for any not eligible for any benefits through the Counties, including without limitation federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

14. Breach of Agreement

- a. The Counties or each of them or the PDC shall breach this Agreement if it fails to perform any substantial obligation under the Agreement, except as provided in subsection b. of this section.
- b. Neither the Counties nor the PDC shall have breached this Agreement by reason of any failure to perform a substantial obligation under the Agreement if the failure arises out of causes beyond its control and without its fault or negligence. Such causes may include, without limitation, acts of God or the public enemy, acts of the federal, state, or local governments, fires, floods, epidemics, volcanic eruptions, quarantine restrictions, strikes, freight embargoes, and unusually severe weather. Should either the Counties or the PDC fail to perform because of a cause described in this subsection, the Counties and the PDC shall make a mutually-acceptable revision to this Agreement.

15. Ownership of Documents

- a. All work the PDC performs under this Agreement shall be considered work made for hire, and shall be the property of the Region. The Region shall own any and all data, documents, plans, copyrights, specifications, working papers, and any other materials the PDC produces in connection with this Agreement. On completion or termination of the Agreement, the PDC shall deliver these materials to the County governing bodies of the Region.

16. Severability

If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.

17. Integration

This Agreement contains the entire agreement between the Region and the PDC and supersedes all prior written and oral discussion or agreements.

18. Nonwaiver

The Counties and the PDC shall not be deemed to have waived any breach of this Agreement by the other party except by an express waiver in writing. An express waiver

as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach be of the same nature as that waived.

19. Payments to Vendors and Subcontractors

The PDC shall pay timely all suppliers, lessors, and contractors providing it services, materials, or equipment for carrying out its obligations under this Agreement. The PDC shall not take or fail to take any action in a manner that causes the Region or any materials that the PDC provides hereunder to be subject to any claim or lien of any person without the Region's prior written consent.

20. Nondiscrimination

No person shall be subjected to discrimination in receipt of the benefits of any services or activities made by or resulting from this AGREEMENT on the grounds of sex, race, color, creed, marital status, age or national origin. Any violation of this provision will be considered a material violation of this AGREEMENT and shall be grounds for cancellation, termination or suspension in whole or in part.

21. Multnomah County designates the Chair of the Board of County Commissioners and Washington County designates the County Administrator to be the official contracts for each County regarding notice to the Counties or any other action pursuant to this Agreement which requires the Consent of the Counties.

SUBSCRIBED TO AND ENTERED INTO by the appropriate officer(s) who are duly authorized to execute this Agreement on behalf of each party.

DATED this _____ day of _____ 1995.

MULTNOMAH COUNTY

REVIEWED BY:

Chair, Board of Commissioners


County Counsel

DATED this _____ day of _____ 1995.

WASHINGTON COUNTY

REVIEWED BY:

Chair, Board of Commissioners

County Counsel

DATED this _____ day of _____ 1995.

PORTLAND DEVELOPMENT COMMISSION

REVIEWED BY:

Executive Director

Legal Counsel

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # _____ DATE _____

BOARD CLERK



WASHINGTON
COUNTY,
OREGON

RECEIVED

DEC 13 1995

COUNTY COUNSEL FOR
MULTNOMAH COUNTY, OR

December 11, 1995

Mr. Matt Ryan
Multnomah County
County Counsel Division
1120 S.W. 5th Avenue
Portland, Oregon 97204

Dear Mr. Ryan:

Enclosed are three copies of the Regional Strategies Intergovernmental Agreement. Please obtain the necessary signatures on all three original agreements.

Following execution of the agreements, please return one original to Portland Development Commission, one original to Washington County, and keep the remaining original for your files.

Please mail the Washington County original agreement to:

Washington County Board of Commissioners
155 N. First
Suite 300
Hillsboro, OR 97124

Attention: Barbara Hejtmanek

Thank you for your help.

Sincerely,

Barbara Hejtmanek

Barbara Hejtmanek
Sr. Administrative Specialist



Washington County Contract Review Committee Worksheet

RECEIVED
DEC 7 1995
Contract # BCC 95-993
assigned by CAO
Types: CA - County Administrator Executes
COUNTY COINS=BCC - Board Chairman Executes

NOTE: Please review all instructions on the back of this worksheet before you begin processing.

1. Department/Division: County Administrative Office
2. Date: 11-30-95
3. Contract Administrator: Brett E. Ferguson
4. Phone: 8685
5. Type of Contract: ☒ (I) Intergov't Agreement ☐ (G) Purchase of Goods ☐ (C) Construction
☐ (P) Personal/Professional Services ☐ (L) Lease Agreement ☐ (O) Other _____
☐ (A) Amendment/Change Order (list original contract number: _____)
6. Minute Order Number: Scheduled for BOC Action 12/5/95 Bid/RFP Number: _____
7. Description of Contract: Regional Statistics Intergovernmental Agreement with Multnomah County + Portland Development Commission
8. Name of Contractor, Lessor, Vendor: Multnomah County / PDC
9. ☐ MBE ☐ WBE ☐ DBE ☐ ESB (as certified by State of Oregon-Office of Minority, Women & Emerging Small Business)
10. Employer ID# (required for company or corporation) or SS# (required for contracts with an individual): _____
11. Effective Date: Upon Execution by All Parties
12. Termination Date: June 30, 1997

13. Original Contract Amount:	\$ <u>82,000 + Not to exceed</u>
14. Total of Previous Amendments:	\$ <u>150,000/yr</u>
15. This Amendment:	\$ _____
16. Total Amount of contract:	\$ _____

17. <input type="checkbox"/> Retainage: \$ _____
18. <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue
19. Chargeable Program #: _____

20. Source of Funds: State Regional Statistics Lottery II's
21. Payment Terms (monthly installments, progress payments, etc.): - Payments to be made directly by State, per agreement between PDC + State

22. Remarks: After Chair has Signed, please send all 3 originals to Multnomah County Chair's Office for Approval + Sig. Matt Ryan @ Mult. Co. Eng. Council

23. Signature Route: 1. Department Head:

RECEIVED

DEC 07 1995

SUPPORT SERVICES

2. County Administrator's Office:

3. County Counsel:

4. Purchasing Manager:

5. County Administrator's Office:

Date: 11-30-95

Date: 11-30-95

Date: 12/7/95

Date: 12-7-95

Date: 12-12-95

CONTRACT MUST BE EXECUTED BY BOTH PARTIES BEFORE WORK CAN COMMENCE

parties to this Agreement with respect to any claim, litigation, or liability arising out of the acts or omissions of such party or its employees, officers, and agents under this Agreement.

10. Workers' Compensation Insurance

The PDC, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation insurance coverage for all their subject workers. the PDC further agrees to maintain workers' compensation insurance coverage for the duration of this Agreement.

11. Subcontracting

The PDC shall require any subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the PDC as specified in this Agreement. The PDC shall remain obligated for full performance hereunder, and the Region shall incur no obligations, other than its obligations to the PDC hereunder. PDC agrees that if subcontractors are employed in the performance of this Agreement, PDC and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

12. Assignment

The PDC shall not assign this Agreement, in whole or in part, or any right or obligation here under, without the prior written approval of the Counties.

13. Independent Contractors

- a. The PDC is engaged as an independent contractor and will be responsible for any federal, state, and local taxes and fees applicable to payments hereunder.
- b. The PDC, its subcontractors, and their employees, are not employees of either County and are not eligible for any not eligible for any benefits through the Counties, including without limitation federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.



MULTNOMAH COUNTY OREGON

CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

Contract # 500466

Amendment # _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-6</u> DATE <u>12/14/95</u> <u>DEB BOGSTAD</u> BOARD CLERK

Department OFFICE OF THE CHAIR Division _____ Date DECEMBER 6, 1995Contract Originator SHARON TIMKO Phone _____ Bldg/Room 106 1515Administrative Contact MATTHEW O RYAN Phone 248 3138 Bldg/Room 106 1530Description of Contract AGREEMENT BETWEEN MULTNOMAH COUNTY AND WASHINGTON COUNTY (the "Region") AND THE PORTLAND DEVELOPMENT COMMISSION FOR THE ADMINISTRATIONOF THE REGIONAL STRATEGIES PROGRAM FOR 1995-1997 BIENNIUMRFP/BID # N/A Date of RFP/BID N/A Exemption Exp. Date N/AORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name PORTLAND DEVELOPMENT COMMISSIONMailing Address 1120 SW 5TH AVENUE SUITE 1100PORTLAND, OREGON 97204Phone (503) 823 3200

Employer ID# or SS# _____

Effective Date Upon ExecutionTermination Date JUNE 30 1997Original Contract Amount \$ N/A

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Remittance Address _____
(If Different)

Payment Schedule

Terms

☐ Lump Sum \$ _____ ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☐ Other \$ _____ ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____Encumber: Yes ☐ No ☐Date December 14, 1995

Date _____

Date 12/6/95Date December 14, 1995

Date _____

REQUIRED SIGNATURES:Department Manager [Signature]

Purchasing Director

(Class II Contracts Only)

County Counsel [Signature]County Chair / Sheriff [Signature]

Contract Administration

(Class I, Class II Contracts Only)

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.											
02.											
03.											
* If additional space is needed, attach separate page. Write contract # on top of page.											

INSTRUCTIONS ON REVERSE SIDE

WHITE: CONTRACT ADMINISTRATION

CANARY: INITIATION

PINK: FINANCE

INTERGOVERNMENTAL AGREEMENT REGIONAL STRATEGIES

THIS AGREEMENT is made and entered into under the authority of ORS 190.010 by and between the Counties of Multnomah and Washington (herin referred to jointly as the "Region" or the Counties) and the Portland Development Commission (herein referred to as "PDC").

WITNESSETH

WHEREAS, ORS 285,630 to 285,650 as amended by Senate Bill 124 (1993) authorizes the Oregon Economic Development Department (OEDD) to designate two or more adjoining counties as a "Region" for the purposes of the OEDD's Regional Strategies Program; and

WHEREAS, ORS 285.650 as amended also authorizes the governing bodies of counties in a region to designate a Regional Strategy Board (Regional Board); and

WHEREAS, in accordance with the provisions of ORS 285.630 to 285.650 as amended, the OEDD has designated Multnomah and Washington Counties as a "Region"; and

WHEREAS, the counties and PDC previously entered into an agreement dated April 5, 1994, designating a Regional Strategies Board and designating the PDC as the administering agency for Regional Strategies; and

WHEREAS, the counties appointed representatives to the Regional Strategies Board and the Board prepared a Regional Strategy and Action Plan; and

WHEREAS, the agreement of April 5, 1994 authorized the PDC to be compensated in the amount of \$20,000 for assisting in preparing the 1993-95 Regional Strategy and Action Plan, but stated that, prior to October 1, 1994 the Region and PDC would review and discuss PDC's continuing as the administering agency for the Regional Strategy after the strategy was prepared, and if the counties agreed to PDC's continuing as the administrator, the Counties would negotiate a compensation with PDC; and

WHEREAS, the Counties and PDC did not review and discuss the PDC's continuing as the administering agency for the Regional Strategy by October 1, 1994 as called for in agreement of April 5 1994, and the Counties did not negotiate a compensation for those continuing services with PDC; and

WHEREAS, notwithstanding the above, PDC continued to act as the administering agency for the Regional Strategy after the Strategy was prepared, but has not received any compensation beyond the \$20,000 agreed to for preparing the Regional Strategy; and

WHEREAS, the agreement of April 5, 1994 expired on June 30, 1995; and

WHEREAS, the Region wishes to once again designate a Regional Strategies Board as called for in ORS 285.630 to 285.650 as amended; and

WHEREAS, the Region wishes to provide for the effective and efficient development and administration of a Regional Strategy in the Region through the designation of the PDC as the administering agency; and to compensate PDC work performed in administering the Regional Strategy under the previous agreement of April 5, 1994 and;

WHEREAS, PDC is willing to be the administering agency of the Regional Board;

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, it is mutually agreed as follows:

TERMS AND CONDITIONS

1. Regional Strategies Board

- a. The Regional Board for the Region shall consist of 12 members.
- b. Each County in the Region shall appoint six (6) persons to the Regional Board. At a minimum, three (3) persons appointed by each County shall primarily represent the private economic sector, as defined in OAR 123-44-010. One (1) member appointed from each county shall be a representative of rural interests, including local government, as defined in OAR 123-45-010. Three (3) members appointed by each county shall serve until June 30, 1996. Three (3) members appointed by each County shall serve until June 30, 1997. Thereafter, each members term shall last for two (2) years. The three (3) members appointed by each county whose terms expire on June 30, 1996 shall be those persons initially appointed to serve until that date under the previous agreement of April 5, 1994. In the event of a vacancy on the Regional Board, the appointing County shall fill the vacancy within sixty (60) days.
- c. Each County shall designate a co-chair. The co-chairs shall serve for one (1) year and are eligible for reappointment. The co-chairs shall have the authority to call and preside over Regional Board meetings.
- d. Decisions of the Regional Board shall be by the vote of a quorum, which shall consist of a majority of the total members of the Regional Board, at any meeting of which all members were provided written notice. Each member shall have one (1) vote.
- e. The Regional Board may adopt bylaws for its operations. The bylaws may be amended by the vote of a quorum of the Regional Board. The

bylaws can provide for the creation of subcommittees that can act between meetings of the Regional Board. Subcommittees of the Regional Board may make recommendations regarding action to the full Board for consideration.

- f. The Regional Board shall be subject to the requirements of the Public Meetings Law, Public Records Law, and the Government Standards and Practices Laws of the State of Oregon. However, it is expressly understood that the Regional Board is not a separate legal entity, and is not authorized to enter into contracts or adopt a budget in accordance with Oregon Local Budget Law.
- g. The Regional Board shall meet regularly, but not less than four times a year. Special and emergency meetings and executive sessions may be called, upon notice as provided in the Public Meeting Law, by the co-chairs or by any three (3) members. As far as practicable, meeting shall be held alternately in Multnomah and Washington Counties.
- h. In carrying out its duties, the Regional Board shall:
 - 1) Develop the Region's Strategy and the Two-Year Action Plan (Action Plan) pursuant to ORS 285.630 to 285.655 and OAR 123-44-000 through 123-44-090, and Rural Action Plan pursuant to ORS 285.640 and OAR 123-45-000 through 123-44-090.
 - 2) In developing the Region's Strategy and the Action Plan, the Regional Board will undertake an analysis of the regional and sub-regional economies to identify regional and sub-regional need and programs to address those needs. As part of its work, the Regional Board will, at minimum, consider the following issues:
 - (a) Workforce development.
 - (b) Marketing and Business Recruitment.
 - (c) Business Retention.
 - (d) The use of performance measures to evaluate the effectiveness of the Region's strategy and programs.
 - 3) Submit the Strategy and Action Plan to the Boards of County Commissioners of the Counties for approval.
 - 4) Approve funding for all projects, activities, contracts, and amendments to contracts executed and administered by the PDC on behalf of the Region.

- 5) Modify the strategy if required by OEDD, the State Review Board or the Governor.
- 6) Refine the Strategy and recommend a two-year action plan in 1995 and 1997.
- 7) Develop criteria for awarding Regional Strategies funds to individual projects/activities pursuant to OAR 123-44-080.

2. PDC Services and Responsibilities

- a. PDC shall provide fiscal and administrative services to the Regional Board to perform its duties under this agreement consistent with ORS 285.630 to 285.651 and 285.655 and the Rules, including:
 - 1) Conduct research and other development work as necessary or requested by the Regional Board in preparation of the Regional Strategy.
 - 2) Prepare reports for the Region and the Regional Board, as requested.
 - 3) Under direction of the Regional Board, create committees and subcommittees to assist it in carrying out its duties under this Agreement.
 - 4) Draft and revise the Regional Strategy and Action Plans in accordance with the directions of the Regional Board.
 - 5) Provide reports and recommendations to the Regional Board on projects to be considered for funding from Regional Strategies funds.
 - 6) Establish and maintain public records of all Regional Strategies Program activities and proceedings. In the case of requests for disclosure of such public records, PDC shall determine which documents are to be released in its sole discretion after consultation with legal counsel and the Region.
 - 7) Contract with OEDD to receive all Regional Strategies Program funds allocated to the Region and account for all such funds in accordance with the conditions and terms imposed by OEDD in said contract and as provided in this Agreement.
 - 8) Prepare reports for the OEDD in accordance with the contract between PDC and the OEDD.
 - 9) Provide assistance to the Regional Board in advance of all public meetings including giving appropriate notice under the Public Meetings Law, taking

or providing for minutes of the meetings, providing agendas and other materials to members of the Regional Board.

- 10) Serve as the public relations contract for the Region and the Regional Board.
 - 11) Receive, distribute, and expend monies in accordance with the contract with OEDD, the applicable terms of this Agreement, and PDC's fiscal administrative system.
 - 12) Provide follow-up support to review strategy documents or to explain and defend strategy recommendations to the OEDD.
 - 13) Implement the policies and procedures of the Regional Board in the solicitation and award of funds from the Regional Strategy Fund.
 - 14) Draft application forms and develop standards for review of applications from potential recipients of Regional Strategies Funds, in accordance with directions provided by the Regional Strategies Board.
 - 15) Review applications and provide reports and recommendations pursuant to the review standards of the Regional Board on projects to be considered for funding Regional Strategies Funds.
 - 16) Draft appropriate documents to evidence awards from Regional Strategies Funds.
 - 17) Monitor recipients of Regional Strategies Funds for compliance with contract terms. Recommend actions to the Regional Board in the event of default by recipients.
 - 18) Disburse Regional Strategies Funds to recipients in accordance with contracts.
- b. PDC shall provide a quarterly financial report to the Regional Board and the two Counties, setting forth all Regional Strategy revenues received and expenditures made and such other financial information as may be relevant. At the end of the fiscal year, the PDC shall provide a report to the Board and the Region concerning the fiscal condition of the Regional Strategy Program in the Region during the preceding year.
- c. PDC agrees that, at the sole discretion of each County, a County, upon reasonable request, shall have access to PDC's records related to the PDC's financial

administration of Regional Strategy funds including all books, documents, and other information maintained in said records. PDC shall maintain all records related to this agreement for a minimum of three years after the termination of this Agreement.

- d. PDC shall have authority to enter and administer contracts for outside services necessary to its performance under this Agreement.
- e. PDC shall provide legal assistance to the Regional Board to assist the Board in the performance of their official duties pursuant to this Agreement.
- f. All PDC services provided by this Agreement to the Region shall be provided using PDC administrative rules and according to PDC policies and practices, except as specifically stated to the contrary in this Agreement. As an example, PDC will use its Public Contracting Rules to secure the services of consultants to assist in preparing the Regional Strategy.

3. Compensation to PDC

- a. All compensation to PDC for its services under this Agreement shall be as provided in a separate Agreement between PDC and the OEDD. Neither County shall be deemed to have incurred any obligation to compensate PDC for its services under this agreement.
- b. Compensation to PDC for services performed during the 1993-95 Biennium as described in the previous agreement dated April 5, 1994, but for which PDC has not yet received any compensation, shall be \$87,243. This represents the actual cost of providing those services.
- c. Compensation to PDC from the state for its services during the 1995-97 Biennium, as set forth in this Agreement, shall be an amount equal to the actual costs incurred by the PDC, but in no case more than \$150,000.

4. Duration and Termination

- a. This Agreement shall commence upon execution by all parties and end June 30, 1997, unless earlier terminated as provided in this section.
- b. Either County may terminate this Agreement upon thirty (30) days written notice to the other County and to the PDC.

- c. The PDC may terminate this Agreement upon thirty (30) days written notice to both Counties.
- d. PDC rights and responsibilities regarding compensation upon early termination are controlled by the agreement between PDC and OEDD.
- e. PDC shall account for all Regional Strategy Funds in its possession upon notice of termination as provided above, in a manner consistent with the agreement between PDC and the OEDD. Upon early termination, the Regional Board, shall provide direction to PDC regarding disposition of Regional Strategies Funds in PDC's possession not otherwise provided for by the PDC-OEDD Agreement. PDC shall comply with any such directives of the Regional Board.

5. Amendment

This Agreement may be amended by modification in writing by all parties.

6. Effective Date

This Agreement shall become effective when it has been signed by the authorized representative of each party.

7. Compliance with Laws

In connection with its activities under this Agreement, PDC shall comply with all applicable federal, state, and local laws and regulations.

8. Oregon Law and Forum

This Agreement shall be construed according to the law of the State of Oregon. Any litigation between the Counties and the PDC arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County Court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the District of Oregon.

9. Indemnification

Subject to the limitations and conditions of the Oregon Constitution and statutes, each party to this Agreement shall be solely responsible for any loss or injury caused to non-party's or its employees', officers', or agents' acts or omissions under this Agreement and further each party to this Agreement shall defend hold harmless and indemnify the other

parties to this Agreement with respect to any claim, litigation, or liability arising out of the acts or omissions of such party or its employees, officers, and agents under this Agreement.

10. Workers' Compensation Insurance

The PDC, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation insurance coverage for all their subject workers. the PDC further agrees to maintain workers' compensation insurance coverage for the duration of this Agreement.

11. Subcontracting

The PDC shall require any subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the PDC as specified in this Agreement. The PDC shall remain obligated for full performance hereunder, and the Region shall incur no obligations, other than its obligations to the PDC hereunder. PDC agrees that if subcontractors are employed in the performance of this Agreement, PDC and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

12. Assignment

The PDC shall not assign this Agreement, in whole or in part, or any right or obligation here under, without the prior written approval of the Counties.

13. Independent Contractors

- a. The PDC is engaged as an independent contractor and will be responsible for any federal, state, and local taxes and fees applicable to payments hereunder.
- b. The PDC, its subcontractors, and their employees, are not employees of either County and are not eligible for any not eligible for any benefits through the Counties, including without limitation federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

14. Breach of Agreement

- a. The Counties or each of them or the PDC shall breach this Agreement if it fails to perform any substantial obligation under the Agreement, except as provided in subsection b. of this section.
- b. Neither the Counties nor the PDC shall have breached this Agreement by reason of any failure to perform a substantial obligation under the Agreement if the failure arises out of causes beyond its control and without its fault or negligence. Such causes may include, without limitation, acts of God or the public enemy, acts of the federal, state, or local governments, fires, floods, epidemics, volcanic eruptions, quarantine restrictions, strikes, freight embargoes, and unusually severe weather. Should either the Counties or the PDC fail to perform because of a cause described in this subsection, the Counties and the PDC shall make a mutually-acceptable revision to this Agreement.

15. Ownership of Documents

- a. All work the PDC performs under this Agreement shall be considered work made for hire, and shall be the property of the Region. The Region shall own any and all data, documents, plans, copyrights, specifications, working papers, and any other materials the PDC produces in connection with this Agreement. On completion or termination of the Agreement, the PDC shall deliver these materials to the County governing bodies of the Region.

16. Severability

If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.

17. Integration

This Agreement contains the entire agreement between the Region and the PDC and supersedes all prior written and oral discussion or agreements.

18. Nonwaiver

The Counties and the PDC shall not be deemed to have waived any breach of this Agreement by the other party except by an express waiver in writing. An express waiver

as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach be of the same nature as that waived.

19. Payments to Vendors and Subcontractors

The PDC shall pay timely all suppliers, lessors, and contractors providing it services, materials, or equipment for carrying out its obligations under this Agreement. The PDC shall not take or fail to take any action in a manner that causes the Region or any materials that the PDC provides hereunder to be subject to any claim or lien of any person without the Region's prior written consent.

20. Nondiscrimination

No person shall be subjected to discrimination in receipt of the benefits of any services or activities made by or resulting from this AGREEMENT on the grounds of sex, race, color, creed, marital status, age or national origin. Any violation of this provision will be considered a material violation of this AGREEMENT and shall be grounds for cancellation, termination or suspension in whole or in part.

21. Multnomah County designates the Chair of the Board of County Commissioners and Washington County designates the County Administrator to be the official contracts for each County regarding notice to the Counties or any other action pursuant to this Agreement which requires the Consent of the Counties.

SUBSCRIBED TO AND ENTERED INTO by the appropriate officer(s) who are duly authorized to execute this Agreement on behalf of each party.

DATED this 14th day of December 1995.

MULTNOMAH COUNTY

REVIEWED BY:


Chair, Board of Commissioners

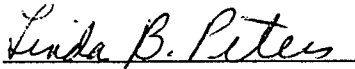

County Counsel

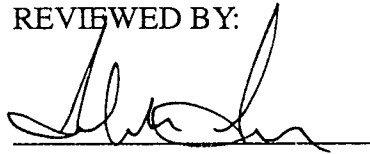
DATED this 14th day of December 1995.

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 12/14/95
DEB BOGSTAD
BOARD CLERK

WASHINGTON COUNTY

REVIEWED BY:



Chair, Board of Commissioners

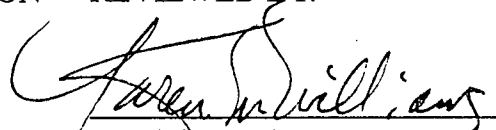

County Counsel

DATED this 12th day of December 1995.

PORTLAND DEVELOPMENT COMMISSION

REVIEWED BY:


Executive Director


Legal Counsel

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER # 95-552
DATE 12/15/95
BY Quinn Diverged
CLERK OF THE BOARD

MEETING DATE: DEC 14 1995

AGENDA NO: R-7

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: _____

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 14, 1995

Amount of Time Needed: 10 minutes

DEPARTMENT: BCC#3 DIVISION: _____

CONTACT: Darlene Carlson TELEPHONE #: 248-5126

BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Darlene Carlson

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

Request approval of a bridge loan to the Brentwood-Darlington Community Family Resource Center, Inc. to facilitate a January, 1996 construction start. Delay will mean increased costs for labor and materials further increasing the project budget. Fundraising efforts by the Board of Directors will continue, and full payment of the loan is anticipated by September 30, 1996. Amount of the loan request is \$137,500. \$112,500 is being requested from the City of Portland. County loan document will be prepared by County Counsel if approved.

12/18/95 copies to DARLENE CARLSON & DAVE BOYER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: 

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

0516C/63

6/93

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

TO: Board of County Commissioners

FROM: Commissioner Tanya Collier

TODAY'S DATE: December 7, 1995

REQUESTED PLACEMENT DATE: December 14, 1995

RE: Bridge Loan to the Brentwood-Darlington Community Family Resource Center Project

I. Recommendation/Action Requested:

Request approval of bridge loan to Brentwood-Darlington Community Family Resource Center project in the amount of \$137,500. This amount in conjunction with a similar request of the City of Portland will complete initial fundraising and allow start of construction in January, 1996. Money will be added to County funds transferred to the Portland Development Commission who is the fiduciary agent for the project and responsible for Davis/Bacon and other financial reporting.

II. Background/Analysis:

This request is being made to allow a January construction start to take advantage of the winter slowdown in construction and make use of donated assistance from the Columbia Pacific Building Trades Council. In addition, every month's delay in construction start-up costs the project more money.

The fundraising efforts have raised close to \$810,000, but the end of the year has hurt this effort. Several potential donors had asked us to come back in the first quarter of the 1996 when they will have new budgets and funds for disbursement. Every effort will be made to pay back the loan by the time the Center is open in September, 1996.

III. Financial Impact:

This request is for a bridge loan to the Brentwood-Darlington Community Family Resource Center project to allow a timely start of construction which will constrain rising construction costs due to increase in development activity in the region. The loan request is for \$137,500. The City of Portland is being asked to loan an additional \$112,500 to the project, making the City and County contributions to the project equal. Fundraising will be continued at an active pace with the goal to pay back the loans by September 30, 1996.

Should the project be unable to raise all of the additional money, the County general fund would cover the loan balance.

IV. Legal Issues:

Multnomah County Counsel has approved this loan arrangement. If approved by the Board of County Commissioners, the funds would be transferred to the Portland Development Commission, fiduciary agent for existing County funds in the project. Transfer of funds to PDC would require an amendment to the existing intergovernmental agreement between Multnomah County and PDC which covers the original transfer of County funds in June, 1995. Initial conversations with PDC indicate that the amendment is a routine activity and no difficulty is anticipated.

V. Controversial Issues:

None.

VI. Link to Current County Policies:

Multnomah County has established policy which encourages cooperation and partnerships with other governmental entities, the private sector, service providers, and citizens. The County also has policy which encourages improving access to services and the co-location of services in one location within neighborhoods. County service providers and others will be co-located in the Center. County policy also supports fiscally responsible decision-making; starting the project in January, 1996 will help reduce construction costs, both labor and materials.

VII. Citizen Participation:

The Brentwood-Darlington Community Family Resource Center, Inc. is a neighborhood based organization with representation from City, County, and School District 1. The Board of Directors has six neighborhood representatives, including three from the Brentwood-Darlington Neighborhood Association as voting members. They are the decision-making body for the project and are helping to raise capital funds for the project. The neighborhood as a whole is updated on the project every three months at their open forum neighborhood meeting at Lane Middle School.

VIII. Other Government Participation:

The City of Portland Bureau of Housing and Community Development, the Portland Development Commission, and School District 1 are all partners in the project. The City originally contributed \$225,000, and School District 1 has entered into a 40 year lease with Multnomah County for the land on which the Center will be built.

BOGSTAD Deborah L

From: CARLSON Darlene M
To: #CHAIR'S OFFICE; #DISTRICT 1; #DISTRICT 2; #DISTRICT 3; #DISTRICT 4
Subject: Brentwood-Darlington Bridge Loan
Date: Thursday, December 07, 1995 3:06PM

I have filed a resolution for the Dec. 14 board meeting. Since I talked to each of you, we have had a change in our budget. Of course, whose budget ever goes down? Well, the PDC fiduciary guy sat us all down -- contractor, architect, project coordinator, County and City reps -- and we went over it all line by line and came up with what we all feel is a realistic number that will allow us to build the Center, put in it the basics we feel it must have to function as planned, and still leave some of the pieces for neighborhood volunteer help/involvement. The new budget number is \$1,056,000; the amount needed from Multnomah County in the form of a bridge loan is \$137,500. The City of Portland has been asked to come up with \$112,500 -- that's splitting the difference after County picks up the first \$25,000 to equalize City/County contribution to project. Original conversation we had was for County/City to split the \$158,000 gap; gap is now \$250,000. Additional details in Agenda packet. I want to remind you that this is a bridge loan, and we are still fundraising and will be hitting it hard during the first quarter of next year when they all have new budgets to spend. Our commitment is to pay the loans back in full by September 30, 1996.

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

In the Matter of Providing a Bridge Loan)
to the Brentwood-Darlington Community)
Family Resource Center project to allow)
Construction to Begin in January, 1996)

**RESOLUTION and
ORDER**
95-258

WHEREAS, there is a need for social, health, educational, senior and recreational services in the Brentwood-Darlington neighborhood; and

WHEREAS, there is no central location to house these much needed services; and

WHEREAS, easy access to services is a key component in serving the most needy populations; and

WHEREAS, the Brentwood-Darlington Community Family Resource Center will provide a central, accessible location for services within the neighborhood; and

WHEREAS, the Brentwood-Darlington Community Family Resource Center project is a model of collaboration with the City of Portland, Multnomah County, School District 1, the Brentwood-Darlington neighborhood, service providers, businesses, and private foundations all involved as partners in the project; and

WHEREAS, over \$800,000 has been raised by December 1, 1995 to build the Center; and

WHEREAS, \$250,000 of the \$1,056,000 in capital funds needed to build the Center has yet to be raised, and further delay will result in increased construction costs; and

WHEREAS, the foundation grant funds will not be released to the project until all the capital dollars are in hand; and

WHEREAS, the City of Portland has been asked to loan \$112,500 to the project and Multnomah County has been asked to make up the difference with this bridge loan so that funds can be released and construction can get underway in January to take advantage of the seasonal availability of the construction industry and contain costs; and

WHEREAS, the Brentwood-Darlington Community Family Resource Center, Inc. will make every effort to raise the additional funds and pay back the bridge loan by September, 1996 through intensive fundraising efforts in the first two quarters of 1996;

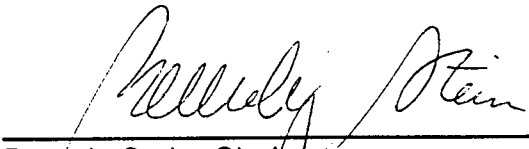
NOW, THEREFORE IT IS HEREBY RESOLVED THAT Multnomah County will loan \$137,500 to the Brentwood-Darlington Community Family Resource Center, Inc. to complete the initial fundraising efforts and allow the project construction to begin.

IT IS HEREBY FURTHER RESOLVED AND ORDERED THAT County Counsel will prepare an appropriate loan document; upon execution of the document by the authorized representative of the borrower, the funds will be transmitted to the Portland Development Commission as fiduciary agent for the project under an existing Intergovernmental Agreement between Multnomah County and the Portland Development Commission signed June 21, 1995.

IT IS FURTHER ORDERED THAT the loan document shall specify that the loan shall be repaid in full by September 30, 1996 unless otherwise provided by the Board of County Commissioners.

ADOPTED this 14th day of December, 1995.

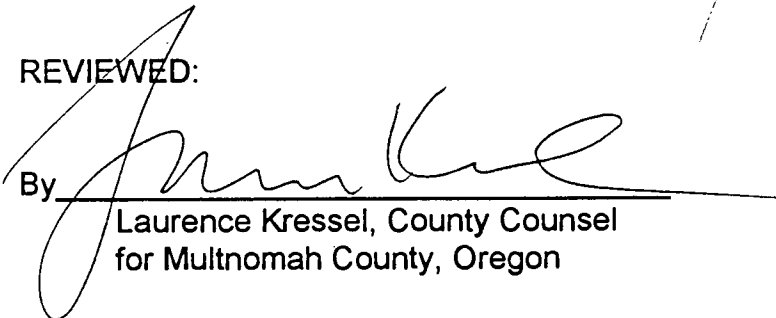




Beverly Stein, Chair
Multnomah County, Oregon

REVIEWED:

By



Laurence Kressel, County Counsel
for Multnomah County, Oregon

PORTLAND DEVELOPMENT COMMISSION
Portland, Oregon

RESOLUTION NO. 4731

AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH MULTNOMAH COUNTY TRANSFERRING \$200,000 TO THE COMMISSION TO BE USED TO DEVELOP THE BRENTWOOD-DARLINGTON COMMUNITY FAMILY RESOURCE CENTER.

WHEREAS, the Commission administers a development loan program at the direction of the Bureau of Housing and Community Development for the purposes of rehabilitating or constructing facilities operated by non profit corporations; and

WHEREAS, the Bureau of Housing and Community Development is contracting with the Commission to provide pre-development and development funds to finance the construction of a community facility in the Brentwood-Darlington neighborhood; and

WHEREAS, Multnomah County has indicated support for the development of the facility by contributing \$200,000 to be used in the development of the Brentwood-Darlington facility; and

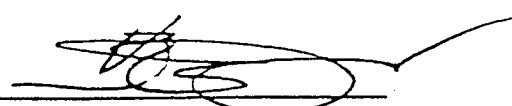
WHEREAS, the county has prepared an Intergovernmental Agreement for the purposes of transferring this \$200,000 to the Commission; and

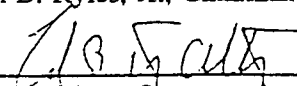
WHEREAS, the Commission has established administrative procedures for disbursing development funds in the course of constructing such projects; and now therefore, be it

RESOLVED that the Executive Director be authorized to enter into an Intergovernmental Agreement with Multnomah County transferring \$200,000 to the Commission to be used to develop the Brentwood-Darlington Community Family Resource Center; and be it

FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

ADOPTED by the Commission June 21, 1995.


Vern B. Ryles, Jr., Chairman


Carl B. Talton, Secretary

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT entered into in accordance with ORS Chapter 190, between Multnomah County, a home rule subdivision of the State of Oregon, and the City of Portland through the Portland Development Commission.

WITNESSETH:

WHEREAS, Multnomah County desires to participate in the construction of a neighborhood center for the Brentwood-Darlington neighborhood on the SE corner of the Lane Middle School property located on SE 62nd Avenue and SE Knapp Street; and

WHEREAS, this project is a public-private partnership and \$210,000 of the total has come from private trusts, Meyer Memorial, the Oregon Community Foundation, and First Interstate Bank; and

WHEREAS, the Brentwood-Darlington Community Family Resource Center will provide for co-location of needed social services and community activity space for this HCD eligible neighborhood; and

WHEREAS, Multnomah County has included a \$200,000 contribution in the 1994-95 budget as its share of the \$964,000 construction cost, including architectural fees and legitimate pre-development costs; and

WHEREAS, the Portland Development Commission is acting as the City's lending agency to disburse the City's \$200,000 of community development block grant funds approved as a non-profit facilities loan to the Brentwood-Darlington Community Family Resource Center project; and

WHEREAS, the Portland Development Commission has agreed to act as Multnomah County's coordinator for the disbursement of County funds approved by the Multnomah County Board of Commissioners for the development of the Brentwood-Darlington Community Family Resource Center project,

NOW, THEREFORE, the parties agree as follows:

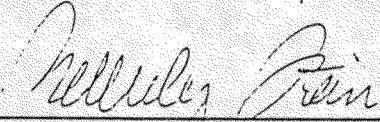
1. Multnomah County will pay \$200,000 to the Portland Development Commission in June, 1995.
2. The Portland Development Commission agrees to allocate this payment, and all interest earned on this amount prior to its expenditure, toward the pre-development costs and the construction costs of the Brentwood-Darlington Community Family Resource Center. However, no more than \$65,000 of the County's contribution shall be spent on pre-development costs without further approval by the Board of County Commissioners.

3. The Portland Development Commission agrees to report to the Board of County Commissioners of Multnomah County on the progress of construction of the Center on a quarterly basis beginning in November, 1995 and upon completion of construction. This report shall include a description of the status of the project, a timeline for completion, actual expenditures on the project to date, and estimated additional expenditures required for completion of the project.

4. In the event construction does not begin by May 15, 1996, the Portland Development Commission agrees to refund to Multnomah County the remaining balance of the \$200,000 payment, plus interest earned unless otherwise approved by the Board of County Commissioners.


In WITNESS WHEREOF, the parties have executed this Agreement in duplicate.

Board of County Commissioners
MULTNOMAH COUNTY, OREGON


Chair Beverly Stein

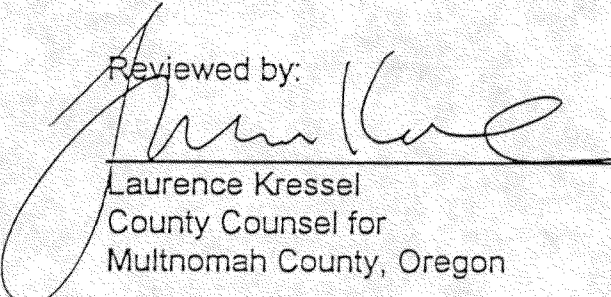
6-29-95
Date

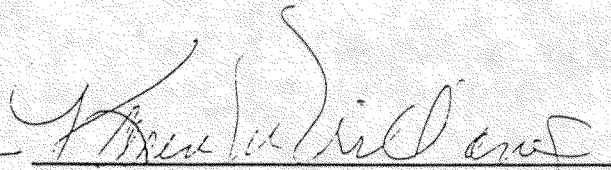
PORTLAND DEVELOPMENT COMMISSION



Janet B. Smith

6-30-95
Date

Reviewed by:


Laurence Kressel
County Counsel for
Multnomah County, Oregon


Legal Counsel
Portland Development Commission
City of Portland

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # K-3 DATE 6-29-95

BOARD CLERK

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies, as follows:

1. That s/he is the duly qualified staff Secretary of the Portland Development Commission, herein called the "Commission," and in such capacity keeps its records, including the minutes of proceedings of the Commission;

2. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the Commission held on JUN 21 1995, and duly recorded in the Commission office;

3. That the undersigned is authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has executed this certificate

JUN 21 1995

Date

Christina Cox
Secretary

MEETING DATE: DEC 14 1995
AGENDA NO.: R-8

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ratification of Intergovernmental Agreement between City of Portland and Multnomah County Office of Emergency Management for 800 MHZ Radio access.

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING Date Requested: December 14, 1995

Amount of Time Needed: 2 min.

DEPARTMENT: Non-Departmental DIVISION: Office of Emergency Management

CONTACT: Mike Gilsdorf TELEPHONE #: 251-2469

BLDG/ROOM#: 313/204

PERSON(S) MAKING PRESENTATION: Mike Gilsdorf

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

This agreement will provide the Office of Emergency Management with authorized access to the integrated radio system operated by the City of Portland for the use of portable radio units, mobile radio units and mobile data terminals. These radios will be used in the County's Emergency Operations Center (EOC) and Mobile Incident Command Post (MICP). Radio access on the integrated radio system will allow personnel working in the EOC and MICP the ability to coordinate and direct first response agencies during times of emergency. The cost to the Emergency Management budget will be for 6 portables, 4 mobile units and 1 MDT's at \$240.00 each per year. Access fees were incorporated into the FY budget for the Office of Emergency Management through the approval of an add package during the budget process. No budget modification or additional funds will be required.

12/18/95 originals to Mike Gilsdorf

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
1995 DEC -4 PM 3:31
MULTNOMAH COUNTY
OREGON

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: MIKE GILSDORF
MULTNOMAH COUNTY EMERGENCY MANAGEMENT

TODAY'S DATE: NOVEMBER 20, 1995

REQUESTED PLACEMENT DATE: DECEMBER 14, 1995

RE: RATIFICATION OF INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF PORTLAND AND MULTNOMAH COUNTY'S OFFICE OF EMERGENCY MANAGEMENT FOR 800 MHZ RADIO ACCESS.

I. Recommendation/Action Requested:

Ratification of Intergovernmental Agreement between City of Portland and Multnomah County Office of Emergency Management for 800 MHZ Radio access.

II. Background/Analysis:

This agreement will provide the Office of Emergency Management with authorized access to the integrated radio system operated by the City of Portland for the use of portable radio units, mobile radio units and mobile data terminals. These radios will be used in the County's Emergency Operations Center (EOC) and Mobile Incident Command Post (MICP). Radio access on the integrated radio system will allow personnel working in the EOC and MICP the ability to coordinate and direct first response agencies during times of emergency.

III. Financial Impact:

The cost to the Emergency Management budget will be for 6 portables, 4 mobile units and 1 MDT's at \$240.00 each per year. Access fees were incorporated into the FY budget for the Office of Emergency Management through the approval of an add package during the budget process. No budget modification or additional funds will be required.

IV. Legal Issues:

Without this agreement the personnel working in the Emergency Operations Center or Mobile Incident Command Post would be unable to coordinate and/or direct first responders in the field.

V. Controversial Issues:
N/A

VI. Link to Current County Policies:
N/A

VII. Citizen Participation:
N/A

VIII. Other Government Participation:

City of Portland and Multnomah County Radio Shop. The radio shop has been included in discussions and provided information. The County Radio Shop will continue to provide maintenance on all 800 radios listed on the Office of Emergency Management inventory records.

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 500426

Amendment # _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-8</u> DATE <u>12/14/95</u> <u>DEB BOGSTAD</u> BOARD CLERK

Department Non-Departmental Division Emergency Management Date 11/20/95Contract Originator Mike Gilsdorf Phone 251-2468 Bldg/Room 313/204Administrative Contact Mike Gilsdorf Phone 251-2468 Bldg/Room 313/204Description of Contract Contract between the City of Portland and Multnomah County Office of Emergency Management for access to the 800 MHz Simulcast and Trunking Radio Services

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ ORFContractor Name City of Portland
Mailing Address Bureau of General Services
1130 SW 17th Ave Portland OR 97205

Phone _____

Employer ID# or SS# _____

Effective Date Upon ExecutionTermination Date N/A

Original Contract Amount \$ _____

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

REQUIRED SIGNATURES:Department Manager [Signature]Purchasing Director [Signature]
(Class II Contracts Only)County Counsel [Signature]County Chair / Sheriff [Signature]Contract Administration [Signature]
(Class I, Class II Contracts Only)Remittance Address _____
(If Different)

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☒ Other \$ As Billed ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☒ Requirements Not to Exceed \$ 4,000.00Encumber: Yes ☐ No ☒Date 12/4/95

Date _____

Date 12/4/95Date December 14, 1995

Date _____

VENDOR CODE				VENDOR NAME					TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.											
02.											
03.											

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

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

INTERGOVERNMENTAL AGREEMENT
FOR
800 MHz, SIMULCAST AND TRUNKING RADIO SERVICES

This is an Agreement entered into pursuant to ORS 190.010 between the City of Portland (City) and Multnomah County Emergency Managerment (MCEM).

RECITALS:

1. On June 5, 1992, the City and Motorola Communications and Electronics, Inc., (Motorola) entered into an agreement that will enable the City to provide a complete 800 MHz, Simulcast Trunking Radio System.

2. The City is willing to provide MCEM access to the City's radio system and to provide maintenance of the portable radio units, mobile radio units, mobile data terminals and control stations (desk top radios), on the conditions set forth in this Agreement.

1 - City of Portland/Multnomah County
Emergency Management Agreement 11/95

AGREEMENT:

1. SCOPE OF CITY SERVICES:

(a) Access. The City shall provide MCEM complete access to the City's radio system for the use of MCEM's portable radio units, mobile radio units, mobile data terminals and control stations. As compensation for the radio system access to be provided by the City, MCEM shall pay the City the compensation set out below in paragraph 2(a).

All radios and control stations must be preapproved, prior to purchase, by the City's 800 MHz System Manager as to SmartZone compatibility before being granted system access.

(b) Maintenance. The City shall maintain each of MCEM's portable radio units, mobile radio units, mobile data terminals and control stations (desk top radios) and MDT'S for compensation set out in paragraph 2 below. Maintenance shall include all repairs to the units, including parts, except portable batteries and repairs resulting from customer abuse.

(1) MCEM must transport all radio units and mobile data terminal to and from the City's radio repair shop for maintenance. Control station units (desk top radios) will be serviced at their locations.

(2) Maintenance shall include initial programming and subsequent programming required to maintain identification number/unit affiliation. Maintenance does not include initial mobile installation, nor does maintenance include future talkgroup or software feature changes to MCEM's radios. If MCEM selects a service contractor other than Portland, Portland shall in no way warrant or insure the performance or operation of MCEM's portable and mobile radio units, mobile data terminals and control stations.

(3) The cost of the initial programming of each such unit shall be included in the maintenance fee for the unit or if no maintenance agreement, a fee of \$50 per radio will be charged for programming. Also, subsequent reprogramming required to maintain equipment identification number/unit affiliation by way of a customer request will be \$50 per radio.

(4) Maintenance includes after hours and holiday emergency service on non-redundant life/critical equipment such as dispatch consoles.

(5) Portland will afford MCEM the ability to obtain installation of 800 MHz equipment, at the current shop rate of \$71.00 per hour. Prior to the start of

installation the City will provide MCEM a cost estimate on all standard installations for approval. All unusual installations will be priced at time and materials at the current shop rate.

(c) Programming. Programming requires one radio template for each model of Motorola SmartZone Radios.

Upon initial and future radio template programming and reprogramming of mobile radios, MCEM must provide the necessary hardware to program and test the template. This includes single/dual control head(s), control head cables and desktop ancillary equipment.

Talkgroup usage and alias': Talkgroup name/alias changes must be reviewed with the 800 MHz System Manager as uncoordinated talkgroup changes can effect other users of the system.

The City is not responsible for "non-operational" logical patches or talkgroups on the 800 MHz system. Logical patches are funded and/or maintained by individual users on the system and are subject to the control of those users. Talkgroups assigned to "public safety or public service agencies", that are not on the 800 MHz system or involved in a logical patch, those talkgroups will be disabled by the system manager to prevent potential radio user confusion. In the event of a

patch failure, that may be caused by the funding agencies faulty base station or a U.S. WEST telephone line, the 800 MHz System Manager reserves the right to disable the logical patch until it is fully operational.

The City is not responsible for logical patches or talkgroups that are dropped from the 800 MHz system. Logical patches are funded by individual users on the system. Talkgroups are assigned to users that have contracts with the City.

Should MCEM request a cancellation in service, all radios with City template programming must be reprogrammed and erased of all talkgroups and SmartZone system parameters at MCEM's expense.

(d) Bi-Directional Amplifiers (BDA) All BDA installations must be approved by the City 800 MHz System Manager before installation. After approval and during the initial installation of the Bi-Directional Amplifier (BDA) system, by MCEM, and in the event that the radio frequency interference should result from this installation, MCEM shall be responsible for immediately ceasing operation, disconnecting and eliminating the interference to the satisfaction of the City before resuming operation.

After initial installation, in case of interference resulting from the MCEM's operation of this equipment, the City may order corrective measures to be taken immediately and interference eliminated within five (5) days from receipt of notice. In the event operation of equipment or of actions by MCEM renders the City's equipment unusable, MCEM, upon notification by the City, shall immediately cease such operations or actions. MCEM will be responsible and will assume the cost of the corrective measures needed to eliminate the interference or modify it to the satisfaction of the City.

(e) Security Talkgroup security relates to portable radio units, mobile radio units, mobile data terminals and control stations programmed with the City's 800 MHz System Talkgroups. MCEM talkgroups may not be loaned, issued or assigned any radios on a permanent or temporary basis to any outside organizations. A written authorization is required by the organization for which the talkgroup is assigned and the City's 800 MHz System Manager. Radio programming security indicates that no radio service software (RSS) modifications can be made to the portable, mobile radio units, mobile data terminals and control stations or central electronic bank (CEB) consoles without the written approval of the City's 800 MHz System Manager. These modifications include the system ID

number, radio ID number, control channels, connect tones, call alert parameters, secure parameters, emergency options, radio wide options, trunking wide options, preferred site tables, conventional channels or any present or future options in future RSS software releases. MCEM will be responsible and will assume the cost of the corrective measures needed to eliminate system problems due to any unauthorized radio software modifications. Radio software is considered confidential information. Talkgroup decimal/ hexadecimal ID's and template information provided to MCEM for the template design process is considered confidential information. If MCEM makes an unauthorized disclosure of confidential information, the City may terminate this Agreement on giving ten days written notice upon its intent to terminate.

The City is not responsible for limitations of radio features, i.e., scan, due to non-standard template design.

MCEM will use the Motorola "SCAN" feature at their own risk. The City is not responsible for loss of radio traffic to a MCEM radio when using scan and roaming throughout the network. The City's 800 MHz System Manager reserves the right to disable a MCEM radio from one or more SmartZone sites should MCEM radios cause site busies.

(f) Training. The City of Portland will provide one (1) "Train the Trainer" class for MCEM personnel. The success of the 800 MHz system and the safety of personnel depends upon user training.

2. COMPENSATION

(a) MCEM will pay the City for services provided as follows:

(1) For access to the City's radio system, the sum of \$240 per year for each portable radio unit, mobile radio units, mobile data terminals and control station for which the City provides access.

(2) For maintenance of each such unit used for public service functions, MCEM shall pay the City \$190.00 per unit per year.

(3) The cost of the initial programming of each such unit shall be included in the maintenance fee for the unit if maintenance is provided. Subsequent reprogramming required to maintain equipment identification number/unit affiliation by way of a customer request will be \$50 per radio.

(4) The foregoing access/maintenance charges shall remain in effect through June 30, 1996. Portland reserves the right to increase or decrease the

maintenance fees set forth above at the end of this period. Before changing the maintenance fees, the City shall give MCEM at least six months notice of the City's intention to change the maintenance charges.

(5) Access and maintenance charges shall be prorated on a monthly basis.

3. BILLING AND PAYMENT PROCEDURE

The City shall bill MCEM for charges for access and maintenance under this Agreement as follows:

EQUIPMENT

AMOUNT REQUESTED

Portables

(6) Portables access only, no maintenance

Mobiles

(4) Mobiles access only, no maintenance

Control Stations

Mobile Data Terminals

(1) Mobile Data Terminal, access only, no maintenance

Billing will take place on the 1st day of July each year, and MCEM will pay on or before 30 days thereafter.

Failure to pay will result in the termination of this Agreement. If payment is not received 45 days after invoice date, a late fee of 1½% per month will be added. Failure to pay can result in termination of access to the system.

Upon signed receipt of programmed portable and mobile radio units, mobile data terminals and control stations (desk top radios), access charges and maintenance fees will begin. Invoice should be sent to: (Please complete information below)

Multnomah County Office of Emergency Management

12240 NE Glisan

Portland OR 97230

4. EFFECTIVE AND TERMINATION DATES

This Agreement shall be in effect as of the date of its execution and shall continue in force until terminated as set forth in the following paragraph:

Either party may terminate this Agreement upon giving written notice of termination to the other party not less than six months prior to the date of cancellation which shall be set forth in the notice.

The access/maintenance charges set out in paragraph 2(A) shall remain in effect through June 30, 1996 at which time the City will institute a new Agreement. The City reserves the right to increase or decrease the access, maintenance, and installation fees, at the end of this period, or to adjust them after system usage data is collected. Before

changing the access charges, the City shall give MCEM at least six months notice of the City's intention to change the compensation.

5. INDEMNIFICATION

Subject to any Oregon constitutional limitations and the provisions of ORS 30.260 to 30.300, each party to the Agreement will defend, save harmless and indemnify the other from any liability to any third party arising solely out of the negligent acts of its officers, employees or agents in the performance of this Agreement.

6. AMENDMENTS

This Agreement may be amended only by written agreement of the parties.

6. INTEGRATION

This Agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions and agreements.

MULTNOMAH COUNTY, OREGON

BY

Beverly Stein
Beverly Stein, County Chair

REVIEWED:

Laurence Kressel, County Counsel
for MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan
Matthew O. Ryan

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # R-8 DATE 12/14/95

DEB BOGSTAD

BOARD CLERK

CITY OF PORTLAND

By: _____

Name: _____

Title: _____

Date: _____

By: _____

Name: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

City Attorney

Date: _____

800 Mhz.nlb/iga

12- City of Portland / Multnomah County
Emergency Management Agreement 11/95

MEETING DATE: DEC 14 1995

AGENDA NO: R-9

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Approval of Resolution # _____

BOARD BRIEFING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: DES DIVISION: Facilities & Property Management

CONTACT: Craig Calkins, Dave Boyer TELEPHONE #: 248-3322
BLDG/ROOM #: _____

PERSON(S) MAKING PRESENTATION: Craig Calkins

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

Approval of Resolution. This resolution authorizes the County to borrow up to \$680,775 from the State's Small Scale Energy Loan Program. This loan will be used to replace the chillers and cooling tower at the Courthouse.

The construction budget and loan repayment costs were included in the Supplemental Budget, approved by the Board on November 21, 1995. This resolution requires separate action by the Board of County Commissioners.

12/18/95 copies to CRAIG CALKINS & Dave Boyer
SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: _____

Thy Lane E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BOARD OF
COUNTY COMMISSIONERS
CLATSOP COUNTY
OREGON
1995 DEC - 4 PM 3:31



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

Staff Report Supplement

To: Board of County Commissioners

cc: Larry Nicholas, Interim DES Director
F. Wayne George, Facilities and Property Management Director
Amy Joslin, Energy Conservation Specialist
Dave Boyer, Finance Director
Keri Hardwick, Budget Analyst

From: Craig Calkins, Operations and Maintenance Manager
Facilities and Property Management Division

Date: November 13, 1995

Subject: RESOLUTION: STATE ENERGY LOAN PROGRAM

I. Recommendation/Action Requested

Approve Resolution authorizing the County to borrow up to \$680,775 from the State Energy Loan Program.

II. Background/Analysis

This resolution completes the package which was included in the Supplemental Budget. The Supplemental Budget accepts the SELP loan and appropriates the budget to replace the chillers and cooling tower in the Courthouse. This action requires a separate resolution to authorize the County to borrow the funds.

Since the resolution is a separate formal board action, it requires a separate agenda placement.

Staff Report Supplement
RESOLUTION: STATE ENERGY LOAN PROGRAM

III. Financial Impact

This resolution authorizes the loan which was budgeted in the Supplemental Budget.

IV. Legal Issues

This resolution requires formal board approval. The formal action requires public notice, and since it was not advertised as a part of the Supplemental Budget, a separate agenda placement notice is required.

V. Controversial Issues

None anticipated.

VI. Link to Current County Policy

Current policy supports the replacement of outdated, inefficient equipment with newer equipment, particularly when the replacement generates enough energy savings to pay for the replacement costs.

VII Citizen Participation

None anticipated.

VIII Other Government Participation.

The resolution is part of the loan package required by the State Energy Loan Program.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MULTNOMAH COUNTY, OREGON

In the matter of authorizing an application)
for a Loan from the Small)
Scale Energy Loan Program)

RESOLUTION NO. 95-259

WHEREAS, the Board of County Commissioners for Multnomah County, Oregon would like to improve energy efficiency in the heating and cooling systems at the Courthouse and Facilities Management has estimated that it would cost approximately \$680,775 to make the desired improvements; and

WHEREAS, funds are available for such purposes from the Small Scale Energy Loan Program (SELP) administered by the Oregon Department of Energy; and

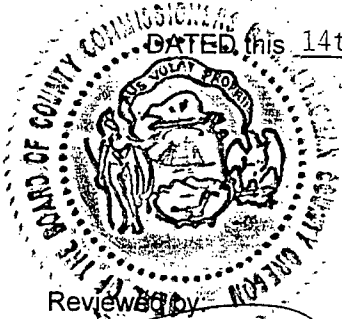
WHEREAS, the Board has determined that it would be cost-effective to borrow funds from SELP in order to make the desired improvements; and

WHEREAS, Financial and Budget Policies authorize the County to apply for a loan from SELP;

THEREFORE BE IT RESOLVED:

1. Multnomah County is authorized to borrow up to \$680,775 from, the Small Scale Energy Loan Program.
2. The Finance Director, is authorized to sign any and all loan documents relating to the heating and cooling systems for the Courthouse on behalf of Multnomah County.

DATED this 14th day of December, 1995



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By: _____

Beverly Stein

Reviewed by: _____

By: _____

County Counsel
Matthew O. Ryan

Meeting Date: DEC 14 1995

Agenda No: R-10

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Amend Ordinance MCC 5.10 transferring surveyor's fees to the Transportation Division and MCC 11.45 to eliminate conflicting language.

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING Date Requested: December 14, 1995

Amount of Time Needed: 10 minutes

DEPARTMENT: DES

DIVISION: Planning / Transportation

CONTACT: Gary Clifford / Bob Hovden

TELEPHONE: 248-3043
BLDG /ROOM: 412/Plan

PERSON(S) MAKING PRESENTATION: Gary Clifford / Bob Hovden

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

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

An Ordinance that amends MCC 5.10 to transfer surveyor's fee to the Transportation Division, and the amendment sets a deposit with actual costs being the final fee charged at completion. The ordinance further amends MCC 11.45 to eliminate conflicting language as a result of this transfer, or which are duplicated in the Oregon Revised Statutes.

SIGNATURES REQUIRED:

Elected Official: _____

OR

Department Manager: K. Byrd

BOARD OF
COUNTY COMMISSIONERS
1995 DEC -6 AM 9:37
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-5050

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

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Betsy Williams, DES Director
Larry F. Nicholas, P.E., Director of Transportation

TODAY'S DATE: DECEMBER 5, 1995

REQUESTED PLACEMENT DATE: DECEMBER 14, 1995

RE: Ordinance amendment to revise the transfer of survey fees from MCC 5.10, and delete from MCC 11.45 conflicting language.

I. Recommendation/Action Requested:

Approval of an ordinance amending MCC 5.10 to transfer survey fees, change the method to a deposit with the final fee being based on actual cost, and eliminate conflicting language from MCC 11.45.

II. Background/Analysis:

In August 1994, the Board of County Commissioners adopted a Financial and Budget Policy for Multnomah County that establishes user fees and service charges at a level to recover the costs to provide services depending on the benefit to the user of the service, ability of the user to pay for the services, benefit to county citizens and the type of service provided.

The current fee structure in MCC 11.45 is specific set fees incurred by the Transportation Division for survey services. The ordinance transfers the county surveyor fees to MCC 5.10 which are administered by the Transportation Division, changes the method from a set fee to a deposit with the final fee being based on a deposit with the final cost being determined upon completion, raising the deposits to estimated actual costs, and eliminate conflicting language from MCC 11.45. This method was recommended by David M. Griffin and Associates in October 1994.

III. Financial Impact:

The Road Fund will receive an increase in revenue which is estimated to reduce General Fund support to the county surveyor in an annualized amount of \$30,000.

IV. Legal Issues:

This ordinance is amending the Multnomah County Code, and some items which are covered in various chapters of the Oregon Revised Statutes are being eliminated from the County Code as being duplications and possibilities of conflicts in MCC 11.45.

V. Controversial Issues:

There may be some controversy brought forth by surveying providers as an increase of their costs. This amendment is following the policy set by the Board of County Commissioners to recover costs.

VI. Link to Current County Policies:

This amendment to the code is consistent with the Board's Financial and Budget Policies adopted in August 1994.

VII. Citizen Participation:

Possibly input from survey firms.

VIII. Other Government Participation:

None.

ORDINANCE FACT SHEET

Ordinance Title: Ordinance Amending Multnomah County Code 5.10 transferring surveyor's fees to the Transportation Division and Multnomah County Code 11.45 to eliminate conflicting language.

Give a brief statement of the purpose of the ordinance including the rationale for adoption, description of persons benefitted, alternatives explored:

This ordinance amends MCC 5.10 by transferring fees for county surveyor services from MCC 11.45, and changing the method for these services to a deposit with the final fee being determined at completion of the project. The deposit amounts are raised to a level of estimated costs of the various functions.

What other local jurisdictions have enacted similar legislation?

Washington, Clackamas, and Marion Counties have established survey fees at the deposit levels we are requesting.

What has been the experience in other areas with this type of legislation?

It is common practice with most local governments to fully recover costs for providing services considered to be user fees.

What is the fiscal impact, if any?

This amendment will enable the county to recover the majority of the costs for these services.

(Please use other side if you need more space)

SIGNATURES

Person Filling Out Form: _____

Planning & Budget (if fiscal impact): _____

Department Manager/Elected Official: K. J. McQuinn

**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of amending MCC 5.10 to transfer)
surveyor's fees from the Land Division Code to)
the fee section of Title 5, Revenue, of the County)
Code and amending MCC 11.45 to eliminate con-)
flicting language with State Statutes concerning the)
preparation of partition and subdivision plats.)

**RESOLUTION
C 8-95**

WHEREAS, In August, 1994, the Board of County Commissioners adopted a Financial and Budget Policy for Multnomah County that establishes user fees and service charges at a level to recover the costs to provide services depending on the benefit to the user of the service, ability of the user to pay for the services, and benefit to county citizens and the type of service provided; and

WHEREAS, There are administrative advantages to transferring Code citations for survey services fees from the land division section of the County Code to the general revenues and fees section of the Code; and

WHEREAS, Changing from a set fee method of charging survey services fees to an approach which requires an up front deposit and then calculation of the final fee using actual costs of review is a more accurate method of assessing such fees; and

WHEREAS, The potential for conflicting code language concerning the technical requirements for the preparation of partition and subdivision plats, as specified by State Statute, is avoided by direct references in the County Code to those Statute requirements; and

WHEREAS, The Planning Commission conducted a public hearing on December 4, 1995, to accept public testimony on the proposed amendments; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby recommends that the Board of County Commissioners amend the Revenue and Land Division portions of the County Code as indicated in the attached Ordinance.

Approved this 4th day of December, 1995

By _____

Leonard Yoon, Chair

Multnomah County Planning Commission

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

3
4 An Ordinance amending surveyor's fees, moving county surveyor fees from MCC 11.45 to
5 MCC 5.10, and changing method to a deposit with actual cost being determined at completion of the
6 services.

7 (Language in][brackets] is to be deleted; underlined language is new.)

8 Multnomah County ordains as follows:

9
10 **SECTION I. FINDINGS**

- 11 A. In August 1994, the Board of County Commissioners adopted a Financial and Budget Policy
12 for Multnomah County that establishes user fees and service charges at a level to recover the
13 costs to provide services depending on the benefit to the user of the service, ability of the
14 user to pay for the services, benefit to County citizens and the type of service provided.
- 15 B. The current fee structure in MCC 11.45 for survey fees are specific set fees. This method is
16 being changed to a deposit with actual cost being determined at the completion of the project.
17 The ordinance further raises deposits to estimated average costs, and transfers fees and/or
18 deposits administered by the Transportation Division to MCC 5.10. The actual costs are
19 calculated by reference to the hourly cost of employee time, overhead, and other related
20 costs. Those costs may increase over time, as salaries and other related costs increase.

1 SECTION II. CODE AMENDMENT

2 A. Multnomah County Code Section 5.10.275 is amended to read as follows:

3 (A) Fees are based on the following procedures and requirements on partition, subdivision
4 and condominium plats.

5 ~~[(A)]~~(1) Submit a boundary survey to the county surveyor a minimum of thirty
6 (30) days prior to the submission of the final subdivision or
7 condominium plat. If warranted, the county surveyor may waive this
8 requirement.

9 ~~[(B)]~~(2) In addition to the requirements of ORS 209.250, a survey, and a
10 partition plat if a separate survey has not been filed shall show all
11 obvious encroachments or hiatus created by deeds, buildings, fences,
12 cultivation, previous surveys and plats, or similar means and any other
13 conditions that may indicate that the ownership lines as surveyed may be
14 different than those shown on the survey.

15 ~~[(C)]~~(3) The county surveyor may refuse to approve a plat if the surveyor finds
16 an encroachment or hiatus. Evidence that the hiatus or encroachment
17 has been eliminated may be required, or the county surveyor may
18 require that it be shown on the plat if it cannot be eliminated.

19 ~~[(D)]~~(4) All partition, subdivision, and condominium final plats, including those
20 inside city limits, shall be checked and approved by the county surveyor
21 prior to recording. No plat shall be recorded without such approval.
22 This approval by the county surveyor shall be valid for thirty (30) days
23 from the date of approval to the date submitted for recording, after 30

1 days the approval is withdrawn and must be resubmitted.

2 ~~(D)~~(5) All partition, subdivision, and condominium final plats submitted for
3 approval shall be accompanied by a report, issued by a title insurance
4 company, or authorized agent to perform such services in Oregon,
5 setting forth ownership and all easements of record, together with a copy
6 of the current deed and easements for the platted property, and copies of
7 the deeds for all abutting properties and other documentation as required
8 by the county surveyor. The report shall have been issued no more than
9 15 days prior to plat submittal to the county surveyor. A supplemental
10 report may be required by the county surveyor.

11 (B) A deposit for the following county surveyor functions shall be made with the
12 submission of the material. The final fee will be determined at completion of the
13 project based on actual costs incurred by Multnomah County including overhead and
14 other related costs. The difference between the actual costs and the deposit will be paid
15 prior to approval of the final plat or refunded to the applicant except for post-
16 monumented plats, which will not be refunded until after completion of the interior
17 monumentation; the survey filing fee is non-refundable.

18 (1) Partition Plat Review, the deposit shall be:

19 Base Deposit \$480.00 plus

20 Survey Filing Fee \$100.00

21 (2) Pre-monumented Plat Review, the deposit shall be:

22 Base Deposit \$700.00 plus

23 Survey Filing Fee \$100.00 plus

Per Lot, Tract, or Parcel \$ 35.00 each, plus

Per gross acre of the subdivision if the average

lot size exceeds 15,000 sq. ft. \$ 31.00 per acre

(3) Post-Monumented Plat Review, the deposit shall be:

An estimate by the county surveyor based on the complexity of the plat at 120%

of the estimate; the minimum deposits shall be:

Base Deposit \$795.00 plus

Survey Filing Fee \$100.00 plus

Per Lot, Tract, or Parcel \$ 45.00 each, plus

Per gross acre of the subdivision if the average

lot size exceeds 15,000 sq. ft. \$ 31.00 per acre

(4) For Condominium Plat Review, the deposit shall be:

Base Deposit \$770.00 plus

Each Building \$105.00 each, plus

Survey Filing Fee \$100.00

(C) Posting of Street Vacations in

accordance with ORS 271.230(2) \$65.00

(D) Review, Approval, and Posting of

Affidavits of Correction \$45.00 plus

county clerk's recording fee

~~(C)~~(E) For services required by ORS 100.115 in connection with
reclassification or withdrawal of variable property from unit ownership
as provided in ORS 100.115(1) or (2), or removal of property from any

condominium plat as provided in ORS 100.600(2), the fee will be
\$150.00.

B. The following subsections of MCC 11.45 are amended or renumbered to read as follows:

~~[11.45.690 Final Subdivision Plat or Partition Plat Requirements~~

~~A final subdivision plat or partition plat shall be prepared and reviewed as provided in
MCC 11.45.700 through 11.45.740, and approval shall be effective according to MCC
11.45.750.]~~

11.45.700 Final Drawing and Prints

(A) Two prints of the subdivision or partition plat shall accompany the final
drawing, conforming to all applicable requirements as established by the
Oregon Revised Statutes (ORS), Chapters 92 and 209. ~~[which shall be prepared~~
~~as follows: (A) The final subdivision or partition plat shall be drawn in the~~
~~manner provided by ORS 92.080 and shall include an exact copy of thereof,~~
~~according to subsection (2) or ORS 92.120.]~~

(B) ~~[The final subdivision or partition plat shall be subject to the requirements of~~
~~subsection (2) of ORS 209.250.]~~ Notwithstanding optional provisions in ORS
Chapter 92, all parcels created shall be surveyed, monumented and platted,
regardless of parcel area.

11.45.710 Information Required on Subdivision Plat or Partition Plat

In addition to the information required to be shown on the tentative plan, the
following shall be shown on the subdivision plat or partition plat:

~~[(A) The information required by subsections (1) and (2) of ORS 92.070 and~~
~~subsections (3)(a), (b), (c) and (f) of ORS 92.090.~~

1 ~~(B) — Recording numbers of existing surveys which are identified, related to~~
2 ~~the plat or map by distances and bearings, and related to a field book or~~
3 ~~map by any of the following:~~

4 ~~(1) — Stakes, monuments or other evidence found on the ground and~~
5 ~~used to determine the boundaries of the land division.]~~

6 (A)~~[(2)]~~ Corners of adjoining subdivisions or partitions [~~or~~

7 ~~(3) — Other monuments found or established in making the survey or~~
8 ~~required to be set by law].~~

9 (B)~~[(C)]~~ The location, width and centerline of streets and easements
10 abutting the boundaries of the land division.

11 (C)~~[(D)]~~ Normal flood plain or high water line for any creek or other
12 minor body of water or natural drainageway and the 100-year
13 flood line of any major water body.

14 ~~[(E) — Tract, block, and lot or parcel boundary lines and street rights-of-way~~
15 ~~and centerlines, with dimensions, bearings or deflection angles, radii~~
16 ~~are, points of curvature and tangent bearings. Tract boundaries and~~
17 ~~street bearings shall be shown to the nearest second with basis of~~
18 ~~bearings. Distances shall be shown to the nearest 0.01 feet. All curve~~
19 ~~data, including length of cord and cord bearing, shall be shown in~~
20 ~~tabular form. Arc lengths shall be shown on the lines.]~~

21 (D)~~[(F)]~~ The width of the portion of any street being created and the width of any
22 existing right-of-way. For a curved street, curve data shall be based on
23 the street centerline. In addition to the centerline dimensions, the radius

1 ~~and central eagle shall be indicated. Each public street shall be named.]~~

2 The ownership of each private street shall be shown.

3 ~~[(G) Easements shall be clearly identified as to intended purpose. Book and page~~
4 ~~numbers shall be provided for any easement of record. If an easement is not of~~
5 ~~record, a description of the nature of the easement shall be given. The width of~~
6 ~~the easement, its length and bearing, and sufficient ties to locate the easement~~
7 ~~with respect to the land division shall be shown. If an easement is being~~
8 ~~dedicated by a plat, it shall be so indicated in the owner's certificate of~~
9 ~~dedication.]~~

10 ~~(H) For a subdivision — lot numbers beginning with the number "1" and numbered~~
11 ~~consecutively.~~

12 ~~(I) [Deleted 1994, Ord. 781 § II]~~

13 ~~(J) Lot and block numbers in an addition to a subdivision of the same name, shall~~
14 ~~be a continuation of the numbering in the original subdivision.~~

15 ~~(K) Identification of land to be dedicated for any purpose, public or private, in a~~
16 ~~manner sufficient to distinguish it from lots or parcels intended for sale.~~

17 ~~(L) The following certificates, which may be combined where appropriate;~~

18 ~~(1) For a subdivision — a certificate signed and acknowledged by all parties~~
19 ~~having any record title interest in the land, consenting to the recording~~
20 ~~of the plat.~~

21 ~~(2) For a subdivision — a certificate signed and acknowledged as above,~~
22 ~~dedicating to the public all land and common improvements intended for~~
23 ~~public use.~~

~~(3) For a subdivision or partition a certificate with the seal of and signed by the surveyor responsible for the survey and the final plat or map.]~~

~~(E)[(4)]~~ Other certifications required by law.

11.45.720 Supplemental Information with Subdivision Plat or Partition Plat

The following shall accompany the subdivision plat or partition plat, as appropriate:

~~[(A) A title report issued by a title insurance company if any real property is to be dedicated to the public.]~~

~~(B) Sheets and drawings showing the following:~~

~~(1) Traverse data including the coordinates of the boundary of the land division and ties to section corners and Donation Land Claim corners. The error of closure shall not exceed 1:10,000. All error is to be removed by adjustment on the plat or map.~~

~~(2) The computation of the distances, angles and courses shown on the plat or map.~~

~~(3) Ties to existing monuments, proposed monuments, adjacent subdivisions or partitions and street corners.]~~

~~(A)[(C)]~~ A copy of any deed restrictions applicable to the subdivision or partition.

~~(B)[(D)]~~ A copy of any dedication requiring separate documents.

~~(C)[(E)]~~ A copy of the future street plan, when required, as recorded according to MCC 11.45.170(A).

1 (D) As used in this section, "lot" means a unit of land that is created by a
2 subdivision of land, and a "tract" will be considered a lot, except for
3 street plugs.

4 **11.45.730 Technical Review and Approval of Subdivision Plat or Partition Plat**

5 (A) The subdivision plat or partition plat and all required material shall be
6 filed with the Planning Director for final approval. Within 10 business
7 days of filing, the Planning Director shall determine whether the
8 material conforms with the approved tentative plan and with the
9 applicable requirements of this Ordinance. If the Planning Director
10 determines that there is not such conformity, the applicant shall be so
11 advised and afforded an opportunity to make corrections. When the plat
12 is found to be in conformity, it shall be signed and dated by the Planning
13 Director.

14 (B) ~~[Following review and approval of a subdivision or partition plat, the~~
15 ~~Planning Director shall:~~

16 ~~(1) Obtain the approval signature thereon by the County Surveyor~~
17 ~~certifying that the subdivision plat complies with all applicable~~
18 ~~laws. Before so certifying, the County Surveyor may cause field~~
19 ~~investigations to be made to verify that the plat survey is~~
20 ~~sufficiently accurate. If it is determined that there has not been~~
21 ~~full compliance, the applicant shall be so notified and afforded an~~
22 ~~opportunity to make corrections. When the plat is found to be in~~
23 ~~conformity, it shall be signed and dated by the County Surveyor;~~

~~(2) As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or Board's delegate, of an irrigation district, drainage district, water control district or district improvement company, if the subdivision is within such district;~~

(3) — In the case of] On a subdivision plat, [~~obtain~~] the approval signature[~~s thereon~~] of the Chair of the Board of County Commissioners or the Chair's delegate, shall be required to certify[~~ing~~] that the plat is approved, [;

~~(4) Obtain the approval signature thereon from the Division of Assessment and Taxation, certifying that all taxes on the property have been paid or bonded for in accordance with state law;~~

~~(5) Deliver the approved subdivision plat and accompanying documents to the Recording Section of the public office responsible for public records for recording; and~~

~~(6) Notify the applicant that the approved subdivision plat and accompanying documents have been delivered to the Recording Section and may be offered for record.]~~

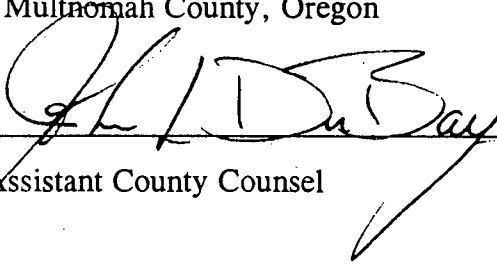
(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records.

1 Approved this ____ day of _____ 1995, being the date of its second reading before
2 the Board of County Commissioners of Multnomah County, Oregon.

3 Board of County Commissioners
4 for Multnomah County, Oregon
5
6 _____

7 REVIEWED: Beverly Stein, Chair

8 LAURENCE KRESSEL, County Counsel
9 for Multnomah County, Oregon

10
11 By  _____
12 Assistant County Counsel
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MEETING DATE: DEC 14 1995

AGENDA NO: R-11

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PCRB Exemption for the exclusive use of INTERFACE software and ongoing maintenance from Pacific Applied Technology, Inc.

BOARD BRIEFING

Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING:

Date Requested: Thursday, December 14, 1995

Amount of Time Needed: 15 MINUTES

DEPARTMENT: DES

DIVISION: Purchasing/ISD

CONTACT: Franna Hathaway/Jim Munz

TELEPHONE #: 248-5111/248-2749

BLDG/ROOM #: 421/1st / 327

PERSON(S) MAKING PRESENTATION: Franna Hathaway

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable): 12/8/95 NOTICE OF HEARING & Application to PCRB list, FRANNA HATHAWAY, DAVE BOYER & JIM MUNZ

Request of Board of County Commissioners, acting as PCRB, for an exemption from the formal competitive bid process for the current & ongoing purchase of INTERFACE software and ongoing maintenance for an initial cost of \$49,795.00.

12/18/95 NOTICE OF APPROVAL & ORDER to PCRB list, FRANNA HATHAWAY, DAVE BOYER & JIM MUNZ

SIGNATURE REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: FH/B Dave Boyer

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: *FH/8* Fraana Hathaway, Purchasing Manager

TODAY'S DATE: November 28, 1995

REQUESTED PLACEMENT DATE: December 14, 1995

RE: Exemption request from formal competitive bid process for the Department of Environmental Services (DES) to provide the exclusive use of INTERFACE software and ongoing maintenance from Pacific Applied Technology, Inc.

I. RECOMMENDATION: DES requests a PCRB Exemption from the Competitive Bid Process to contract for the acquisition of a license for the exclusive use of INTERFACE software and ongoing maintenance from Pacific Applied Technology, Inc.

II. Background/Analysis:

The Oregon State Police Law enforcement Data System Division (LEDS) operates a communications, message switching and database repository system on behalf of Law Enforcement and Criminal Justice Agencies in the State. The LEDS database system is the repository for records pertaining to Law Enforcement and Criminal Justice in the State of Oregon. The LEDS database provides the "wants and warrants" function for criminal justices throughout the State; it also serves as the primary interface to NCIC, the National Crime Information Center operated by the Department of Justice. Criminal Justice agencies in Multnomah County access the LEDS database for information on a continual basis. At the current time, this access is provided through software that was developed by ISD (Information Services Division) nearly 20 years ago. The intent of this exemption is to replace the County's "in-house" software with vendor provided and maintained software which is compatible with software used by other Criminal Justice agencies in the local area.

A survey of the other Counties in Oregon which interface with the State Law Enforcement Data System was performed by Multnomah County ISD. The only other large IBM compatible mainframe computer which routinely accesses LEDS is the Portland Police Data System. This system is currently using the Pacific Applied Technology, Inc, INTERFACE software. There are no other known vendors who are capable of providing this software package or anything equivalent that will be compatible with the City of Portland or the other local agencies.

III. Financial Impact: The initial cost to the County is \$49,795.00

IV. Legal Issues:

There are no legal issues anticipated.

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

Current County policies require a formal competitive process for these types of products and/or services that exceed \$25,000.00

VII. Other Government Participation: The resulting contract will be open to other county departments and other government agencies.



MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS

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

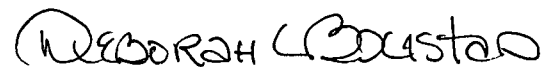
NOTICE OF HEARING

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, will consider an application on Thursday, December 14, 1995, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, in the Matter of Exempting from Public Bidding the Purchase of INTERFACE Software and Ongoing Maintenance Service from Pacific Applied Technology, Inc.

A copy of the application is attached.

For additional information, please contact Franna Hathaway, Multnomah County Purchasing Section, 248-5111.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD**



Deborah L. Bogstad

Office of the Board Clerk

enclosure

*cc: Dave Boyer
Franna Hathaway
Jim Munz*

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

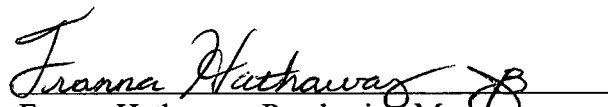
In the Matter of Exempting From Public)
Bidding the purchase of INTERFACE) APPLICATION
software and ongoing maintenance service.)
from Pacific Applied Technology, Inc.)

Application to the Public Contract Review Board on behalf of a request from the Department of Environmental Services (DES) is hereby made pursuant to the Board's Administrative Rule AR 10.140 and adopted under the provisions of ORS 279.015 for an order of exemption from the bidding process for the purchase of INTERFACE software & ongoing maintenance service.

This Exemption Request is supported by the following facts:

1. The attached memorandum from DES requests a PCRBR exemption from the competitive bidding process to purchase INTERFACE software & ongoing maintenance service from Pacific Applied Technology, Inc.
2. The initial cost to the County is \$49,795.00.
3. Pacific Applied Technology, Inc. is the only company at this time that can provide a product that will protect the integrity of current data and provide compatibility with the City of Portland and other government agency systems.
4. This is an ongoing exemption to allow for future purchases of these products and services.
5. The Purchasing Section has reviewed the information provided by DES and found that it is in compliance with the Public Contract Review Board Rules.
6. The Purchasing Section recommends approval of the requested exemption.

Dated this 28th day of November, 1995.


Franna Hathaway, Purchasing Manager
Purchasing Section

Attachment



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
INFORMATION SERVICES DIVISION
4747 EAST BURNSIDE
PORTLAND, OREGON 97215
(503) 248-3749

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

TO: Franna Hathaway
FROM: Jim Munz
DATE: November 3, 1995
SUBJECT: Request for Exemption

The acquisition of a license for the exclusive use of INTERFACE software from Pacific Applied Technology, Inc. for the purpose of transferring data to the State Law Enforcement Data System and receiving and routing messages received from the State Law Enforcement Data System for a total cost of \$49,795.00

The Oregon State Police Law enforcement Data System Division (LEDS) operates a communications, message switching and database repository system on behalf of Law Enforcement and Criminal Justice Agencies in the State. The LEDS database system is the repository for records pertaining to Law Enforcement and Criminal Justice in the State of Oregon. The LEDS database provides the "wants and warrants" function for criminal justices throughout the State; it also serves as the primary interface to NCIC, the National Crime Information Center operated by the Department of Justice. Criminal Justice agencies in Multnomah County access the LEDS database for information continually. At the current time, this access is provided through software that was developed by ISD nearly 20 years ago. The intent of this exemption is to replace our "in-house" software with vendor provided and maintained software which is compatible with software used by other Criminal Justice agencies in the local area.

ISD did a survey of the other Counties in Oregon which interface with the State Law Enforcement Data System. The only other large IBM compatible mainframe computer which routinely accesses LEDS is the Portland Police Data System. This system is currently using the Pacific Applied Technology, Inc. INTERFACE software. We were unable to locate any other vendor who is capable of providing this software package.

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95 NOV -8 AM 8:29
MULTNOMAH COUNTY

EXTRA POWER



MULTNOMAH COUNTY OREGON

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

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

NOTICE OF APPROVAL

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, considered an application on Thursday, December 14, 1995, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, and approved Order 95-260 Exempting from Public Bidding the Purchase of INTERFACE Software and Ongoing Maintenance Service from Pacific Applied Technology, Inc.

A copy of the Order is attached.

**BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD**

*Deborah L. Bogstad
Office of the Board Clerk*

enclosure

*cc: Franna Hathaway
Dave Boyer
Jim Munz*

November 27, 1995